



AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber, Town Hall, Upper Street, N1 2UD on **11 November 2014 at 7.30 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Zoe Crane
Tel : 020 7527 3044
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Despatched : 3 November 2014

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.**

Committee Membership

Councillor Khan (Chair)
Councillor Klute (Vice-Chair)
Councillor R Perry (Vice-Chair)
Councillor Chowdhury
Councillor Fletcher
Councillor Gantly
Councillor Kay
Councillor Nicholls
Councillor Picknell
Councillor Poyser

Wards


- Bunhill;
- St Peter's;
- Caledonian;
- Barnsbury;
- St George's;
- Highbury East;
- Mildmay;
- Junction;
- St Mary's;
- Hillrise;

Substitute Members

Councillor Convery
Councillor Comer-Schwartz
Councillor O'Sullivan
Councillor A Perry
Councillor Poole
Councillor Smith
Councillor Spall
Councillor Ward
Councillor Wayne
Councillor Williamson

- Caledonian;
- Junction;
- Finsbury Park;
- St Peter's;
- St Mary's;
- Holloway;
- Hillrise;
- Holloway;
- Canonbury;
- Tollington;

Quorum: 3 councillors



A. Formal Matters	Page
1. Introductions	
2. Apologies for Absence	
3. Declarations of Substitute Members	
4. Declarations of Interest	

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business	
6. Minutes of Previous Meeting	1 - 2
B. Consideration of Planning Applications	Page
1. 130-154, 154A, Pentonville Road, (including 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), N1 9JE	5 - 136

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| 2. | 16 Barnsbury Square, London, N1 1JL | 137 -
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| 3. | Hill House, 17 Highgate Hill, London, N19 | 197 -
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C. Urgent non-exempt items (if any)

Any non-exempt items which the Chair agrees should be considered urgent by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

D. Exclusion of press and public

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

E. Confidential/exempt items

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Date of Next Meeting: Planning Committee, 16 December 2014

Please note all committee agendas, reports and minutes are available on the council's website:

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

The Planning Committee consists of ten locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Zoe Crane on 020 7527 3044. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

London Borough of Islington

Planning Committee - 20 October 2014

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 20 October 2014 at 7.30 pm.

Present: **Councillors:** Khan (Chair), Klute (Vice-Chair), R Perry (Vice-Chair), Chowdhury, Fletcher, Gantly, Kay, Nicholls and Poyser

Councillor Robert Khan in the Chair

- 36** **INTRODUCTIONS (Item A1)**
Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.
- 37** **APOLOGIES FOR ABSENCE (Item A2)**
Apologies were received from Councillor Picknell.
- 38** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
There were no declarations of substitute members.
- 39** **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 40** **ORDER OF BUSINESS (Item A5)**
The order of business would be as per the agenda.
- 41** **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meeting held on 4 September 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 42** **130-154, 154A PENTONVILLE ROAD (INCLUDING 5A CYNTHIA STREET, 3-5 CYNTHIA STREET, 2 RODNEY STREET), ISLINGTON, LONDON, N1 9JE (Item B1)**
Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sqm (GIA) of a Car Hire Facility (sui generis use class) comprising offices and 150 parking spaces and 873sqm (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights:- Rodney Street: part 5 and part 7 storeys; - corner of Rodney and Pentonville Road: 10 storeys; - Pentonville Road: part 5, part 6 and part 7 storeys with set back floors at 8th and 6th floor levels; and Cynthia Street: 4 storeys with a set back 5th.

(Planning application number: P2014/1017/FUL)

Councillor Khan proposed a motion to defer the consideration of the application. The planning department had not issued meeting notification letters and interested parties were therefore not present, so the application could not be determined. This motion was seconded by Councillor Poyser and carried.

RESOLVED:

That consideration of the application be deferred for the reason set out above.

- 43 **130-154, 154A PENTONVILLE ROAD (INCLUDING 5A CYNTHIA STREET, 3-5 CYNTHIA STREET, 2 RODNEY STREET), ISLINGTON, LONDON, N1 9JE (Item E1)**

RESOLVED:

To note that the consideration of the application had been deferred.

The meeting ended at 7.32 pm

CHAIR

Schedule of Planning Applications

PLANNING COMMITTEE - Tuesday 11 November, 2014

COMMITTEE AGENDA

1 130-154, 154A, Pentonville Road, (Including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE

2 16 Barnsbury Square London N1 1JL

3 Hill House, 17 Highgate Hill, London, N19

1 130-154, 154A, Pentonville Road, (Including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE

Ward: Barnsbury

Proposed Development: Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a set back floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a set back 5th. This application may affect the character and appearance of a conservation area and the setting of a listed building. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); Section 67 and 73.

Application Number: P2014/1017/FUL

Application Type: Full Planning Application

Case Officer: John Kaimakamis

Name of Applicant: Groveworld Rodney Street Ltd

Recommendation:

2 16 Barnsbury Square London N1 1JL

Ward: Barnsbury

Proposed Development: Section 73 application (minor material amendment) to vary condition 28 (approved plans) of planning permission P061428 (appeal ref. APP/V5570/A/07/2027087/NWF) dated 17/01/2008 for the: 'Demolition of existing building and the erection of a part two, part three storey building with a "garden level" and basement level below ground to provide 587sqm of business use and 10 residential units, together with restoration works to make good the north facing flank wall and rear northwest corner of Mountfort House'.

The minor material amendments are: (A) Reconfiguration of lower basement level and garden level B1 floorspace and parking area layouts (B) Reconfiguration of residential layouts; (C) Enlargement of second floor level terrace and erection of privacy screen, (D) Installation of garden level extract louvers; (E) Revised landscape proposal; (F) Reconfiguration and addition of rooflights; (G) Installation of roof access and maintenance balustrades, (H) relocation of rooftop pv panels and flue, (I) Enclosure of second floor level east apartment terrace and other minor external alterations.

This application may affect the setting of a listed building. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); Section 67.

(Neighbours are being reconsulted following the receipt of amended plans. All previous received comments will be fully considered. Any new responses will also be fully considered in relation to the updated drawings for consideration by the council.)

Application Number: P2013/2831/S73

Application Type: Section 73 (Minor Material Amendment)

Case Officer: Geraldine Knipe

Name of Applicant: Securivin

Recommendation:

3 Hill House, 17 Highgate Hill, London, N19

Ward: Junction

Proposed Development: Recladding of existing building, creation of new residential entrance in eastern façade, erection of a ground floor front extension and reconfiguration of existing retail floorspace, installation of new shop fronts, erection of wind canopies and external landscaping.

Application Number: P2014/3385/FUL

Application Type: Full Planning Application

Case Officer: Ben Le Mare

Name of Applicant: BODE Limited

Recommendation:



PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	11 th November 2014	NON-EXEMPT

Application number	P2014/1017/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Not Applicable
Conservation area	Not Applicable
Development Plan Context	<ul style="list-style-type: none"> - Employment Growth Area - King's Cross and Pentonville Road Key Area (Core Strategy CS6) - Not located within the Central Activities Zone (CAZ) - Within 200metres of RS2 Crossrail 2 - RS2 Crossrail 2 (Hackney-SW) safeguarding - CPZ Area - Site within 100m of a TLRN Road - LV7 Local view from Dartmouth Park Hill - Within 50m of New River Conservation Area - Within 50m of Chapel Market/Baron Street Conservation Area - KC1 Pentonville Road, Rodney Street and Cynthia Street
Licensing Implications	None
Site Address	130-154, 154A, Pentonville Road, (including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE
Proposal	Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with

	associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a set back floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a set back 5th.
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Case Officer	John Kaimakamis
Applicant	Groeworld Rodney Street Ltd
Agent	Savills

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the:

1. conditions as set out in the original recommendation (Recommendation C) to the 22nd July Planning Committee report attached as Appendix 1 to this report;
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the updated heads of terms as set out in sub-section 5.0 of this report and;
3. subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London , as per recommendation A of the 22nd July Planning Committee report, attached as Appendix 1 to this report.

2. BACKGROUND

- 2.1 This application was presented to the Planning Committee on 22 July 2014 with an officers' recommendation for approval. However, the Planning Committee resolved to refuse the application on the grounds that the proposal failed to intensify employment uses of the site and that there were issues with the financial viability appraisal. Detailed wording on the reasons was delegated to officers. Officers have brought the proposal back to the Committee for further consideration as there is a concern that the proposed reasons for refusal were not matters pursued by the Council when it made its decision on an earlier application at the site for broadly the same proposal. This decision subsequently went to appeal and the appeal was dismissed.
- 2.2 The report to Committee on 22 July 2014 did not make it sufficiently clear that the employment offer (including both office floorspace and Europcar floorspace) has not changed in any material way between this application and the appeal application. Similarly there has been no change in material circumstances and no change in the policy situation which would lead members to take a contrary view on the same offer. The appeal decision should act as a material consideration in the determination of this application as, although it found that the scheme was lacking in providing good standard of amenity, it did nonetheless give clear agreement to the other matters.
- 2.3 The matters in relation to affordable housing/viability and the employment offer were fully considered within the previous appeal and were accepted by the Inspector as being reasonable. In paragraph 72-73 of the appeal decision it is stated,
- “Although the scheme is residential rather than employment led, it would provide for the transformation of an underused car rental business that would increase employment on the site from some 69 jobs to 121 jobs. The scheme was supported by a viability study. The Framework identifies that policies should avoid the long term protection of employment sites where there is no reasonable prospect of them being used for those purposes.”*
- 2.4 The Inspector refused planning permission in respect of the appeal scheme for amenity issues alone. The overall planning balance was summed up in paragraph 76 of the appeal decision:
- “There are substantial benefits of the scheme in respect of the character and appearance of the area and the positive provisions in respect of housing and employment creation. Nevertheless these do not outweigh the substantial harm that I have identified in respect of the effects on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight, for residents in Hill House. For the reasons given above, I conclude that the appeal should be dismissed.”*
- 2.5 Having considered the council's previous position in relation to the appeal and the Inspector's decision the council sought legal advice on this matter. This advice is reported in the exempt part on the Agenda

3. OTHER CHANGES SINCE 22 JULY COMMITTEE

Islington Community Infrastructure Levy (CIL)

- 3.1 Since the planning application was last presented to the Planning Committee on 22 July 2014, the Islington Community Infrastructure Levy (CIL) has come into effect as of 1st September 2014. This will now apply to this development, with the total payable to be adjusted to show the affordable housing relief that is likely to be due.
- 3.2 The CIL contributions are calculated in accordance with the Mayor's and Islington's adopted Community Infrastructure Levy Charging Schedules. CIL would be payable to the London Borough of Islington following implementation of the planning consent. The following CIL contributions have been calculated for the proposed development based on the proposed amount of additional floorspace (minus the affordable housing relief):
- Islington CIL - £1,953,820.65
 - Mayor's CIL - £590,966.88

Section 106 Obligations and Revised Recommendation B

- 3.3 Given the introduction of the Islington CIL there are a number of financial obligations contained in Recommendation B of the 22 July 2014 Officer Committee Report that need to be deleted given that these infrastructure matters are now to be funded through the Islington CIL. They are:
- A. Community Facilities Contribution.
 - B. Health Facilities Contribution.
 - C. Open Spaces Contribution.
 - D. Play Space Facilities Contribution.
 - E. Transport and Public Realm Contribution.
 - F. Sports and Recreation Contribution
- 3.4 Prior to the introduction of Islington CIL, the section 106 obligations amounted to £1,222,977. Given the above obligations are now funded through Islington CIL, the remaining s106 obligations amount to £332, 524 and this is reflected in the updated recommendation set out at the end of this report (sub-section 5).

4. SUMMARY AND CONCLUSION

Summary

- 4.1 In the previous appeal proposal, the Inspector accepted that the appeal scheme provided substantial benefits in terms of housing and employment creation. It has been clarified since the proposal was last presented to members on 22nd July 2014 that the current application proposes the same level of affordable housing and employment provision as that contained within

the appeal scheme. The appeal decision and the issues that were agreed as being acceptable must act as a material consideration in determination of this application. There has been no change in policy context nor in material circumstances that could now lead members to take a differing view. The Committee is therefore asked to consider the legal advice reported in the exempt part of the agenda.

Conclusion

- 4.2 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out below (amended when compared to the previous recommendation in the original report (attached as Appendix 1 to this report).

5. UPDATED RECOMMENDATION (B)

- 5.1 The previous recommendation of the 22nd July Planning Committee report (Appendix 1) remains the same for recommendations A and C, however recommendation B is amended / updated as follows:

RECOMMENDATION B

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service:

1. Provision of affordable housing – 23% (by habitable room) 17% (by unit numbers) split 71% social rented and 29% intermediate (habitable rooms). A maximum of 50% of private residential units shall be occupied prior to the completion and hand over to a Registered Provider of all of the Affordable Housing Units
2. Viability Mechanism Review - The owner will submit an Updated Viability Assessment (UVA) to the council prior to implementation of the development in the event that the development is not implemented within eighteen months of the date of the issue of the decision.
3. Car Free Dwellings clauses.
4. Installation of 5 cycle spaces for the use of visitors to the residential element of the development;
5. Islington: The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;

6. Transport for London: The repair and re-instatement of the footways and highways adjoining the development along Pentonville Road (managed by TfL). These works / arrangements are to be secured by requiring the developer to enter into a s278 agreement with Transport for London (TfL);

7. A Green Travel Plan to be submitted for the Council's approval prior to implementation of the planning permission.

- A final Green Travel Plan is to be submitted for Council approval 6 months after the first Occupation of the Development.
- An update on progress to be submitted on the 3rd anniversary of first Occupation of the Development.

8. A contribution of £28,000 for the provision of accessible transport bays or alternative accessible transport measures;

9. Facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee to be paid to LBI towards construction training upon implementation of first phase. If these placements are not provided, LBI will request a fee of £35,000.

10. A contribution of £10,010 towards end use employment opportunities for Islington residents. LBI Construction Works Team to recruit and monitor placement.

11. New jobs created within the re-provided Europcar facility shall be filled through prioritising existing Islington residents. A recruitment process for those jobs shall be agreed with the Local Planning Authority prior to any recruitment being undertaken and that approved recruitment process shall be followed strictly by the Europcar recruitment processes;

12. Compliance with the Code of Employment and Training.

13. Compliance with the Code of Local Procurement.

14. Compliance with the Code of Construction Practice, including a monitoring fee (£12,673) and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.

15. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington. Total amount: £244,076.

16. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site

solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

17. Submission of a Green Performance Plan.

18. Note: The financial contributions paid under planning permission reference: P092706 shall be subtracted from the financial contributions sought within this permission (subject to adjustment to reflect index linking); and

19. Council's legal fees in preparing the S106 and officer's fees for the negotiation, monitoring and implementation of the S106.

20. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

That, should the **Section 106** Deed of Planning Obligation not be completed by 12 December 2014, the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

Appendix 1: Committee report as presented on 22nd July 2014



PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	22 July 2014	NON-EXEMPT

Application number	P2014/1017/FUL
Application type	Full Planning Application
Ward	Barsnbury
Listed building	Not Applicable
Conservation area	Not Applicable
Development Plan Context	<ul style="list-style-type: none"> - Employment Growth Area - King's Cross and Pentonville Road Key Area (Core Strategy CS6) - Not located within the Central Activities Zone (CAZ) - Within 200metres of RS2 Crossrail 2 - RS2 Crossrail 2 (Hackney-SW) safeguarding - CPZ Area - Site within 100m of a TLRN Road - LV7 Local view from Dartmouth Park Hill - Within 50m of New River Conservation Area - Within 50m of Chapel Market/Baron Street Conservation Area - KC1 Pentonville Road, Rodney Street and Cynthia Street
Licensing Implications	None
Site Address	130-154, 154A, Pentonville Road, (including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE
Proposal	Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space

	and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a set back floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a set back 5th.
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Case Officer	John Kaimakamis
Applicant	Grovieworld
Agent	Savills

1. RECOMMENDATION

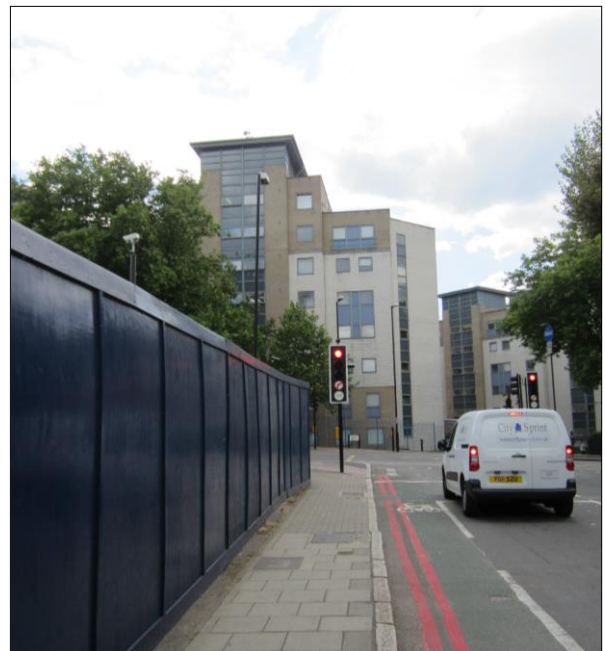
The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1; and
3. subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

2. SITE PLAN (site blocked out)



3. PHOTOS OF SITE/STREET



4. SUMMARY

- 4.1 The proposal is for the provision of an expanded car hire business and office floorspace and the provision of 118 residential units, 20 of which would be affordable (23% by habitable room or 17% by unit numbers). The land use offer is supported by a financial viability appraisal that concludes that the provision of additional office floorspace would have a further (significant) negative impact on viability, and that the prospects for new office floorspace in this particular location are currently weak. The affordable housing offer is considered by BPS (independently appointed consultants) to represent the maximum reasonable amount the site/proposal can afford to deliver (applying the strategic target of securing at least 50% of new housing as affordable) due to the specific circumstances of this case, which includes amalgamating four sites through private negotiations (purchases) and due to the requirement to re-provide the car hire business.
- 4.2 The proposal seeks permission for buildings ranging from 4 storeys to 10 storeys. Whilst the buildings are considered to be large in places, the scheme has some regard to the scale and massing of the surroundings and it is accepted that there are 9 and 10 storey buildings in the vicinity of the site. Further, considerations of scale and bulk were considered by the Planning Inspectorate under the previous scheme and found to be acceptable. In comparison to the appeal scheme, there have been reductions in massing opposite Hill House so as to address amenity concerns. The detailed design of the building is considered to be high quality, sustainable, to enhance biodiversity and to be energy efficient adhering to the energy hierarchy, subject to conditions of consent. The trees on Pentonville Road would be retained as part of these proposals.
- 4.3 The revised proposals have limited the loss of sunlight and daylight to the duplex properties at ground and first floor level of Hill House, and the impact on these properties has also been lessened when compared to the appeal proposal. The proposed building opposite Hill House Apartments is on the whole lower than Hill House Apartments and therefore the townscape approach to this design is considered to be acceptable. Balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is accepted.
- 4.4 The proposed increase in capacity of the car hire business is supported by Development Management policies which accepts car parking that is operationally required as part of a business. The application includes a statement that supports the level of capacity increase which is accepted. The servicing, delivery, prevention of misuse of the car hire parking spaces and other transportation considerations are considered to be appropriately addressed through recommended conditions and legal agreement requirements.
- 4.5 The proposals (as revised since the previous application) are on-balance considered acceptable despite the limited impacts on residential amenity that would occur, due to the public benefits that the scheme would deliver including, new homes some of which would be affordable, increased

employment levels from existing, efficient use of a very accessible brownfield site and improvement to the public realm through high quality design of buildings.

5. SITE AND SURROUNDING

Site

- 5.1 The application site is located on the northern side of Pentonville Road and is positioned approximately half way between Kings Cross (to the west) and Angel (to the east) London Underground stations which are both within walking distance of the site. The site is 0.34 hectares in size and is bounded by three street frontages: Pentonville Road (south), Cynthia Street (east) and Rodney Street (west). The northern boundary of the site abuts the Montessori School and an office block at 6-10 Cynthia Street. The site itself has a significant change in level of a storey height across it from Cynthia Street to Rodney Street. Pentonville Road is part of the strategic road network, maintained by Transport for London (TfL). It accommodates a total of four (4) trees within the pavement in front of the site.
- 5.2 Fronting Pentonville Road, the Europcar building (Nos. 136-150 Pentonville Road) stands at 2 storeys height (double height space), set back significantly into the site by 9.0 metres from the inner edge of the footway. An external substation is located between the building frontage and the footway. This car hire operation has a 12.5m wide vehicle entrance aligned with the western wall of the car hire building.
- 5.3 Set back from the front Europcar building line (by 4.5 metres) and also fronting Cynthia Street, is Nos. 130-134 Pentonville Road and Nos. 3-5 Cynthia Street. This building is a 3-storey building with a semi-sunk basement level. A shop front faces Pentonville Road looking onto a vehicle forecourt, which has space to accommodate approximately 7 vehicles and is accessed from Cynthia Street. The Cynthia Street frontage includes a light well enclosed by railings reducing the footway width to 1.5 metres.
- 5.4 Adjacent to this building (No. 5a Cynthia Street) is a single storey building with glass brick frontage that accommodates a flower distributor (B1 use class) with a setback first floor level that accommodates a 3 bedroom residential unit. The majority of this building frontage has a dropped kerb along the highway edge.
- 5.5 To the west of the Europcar site on the corner of Rodney Street and Pentonville Road is a vacant site (Nos. 152-154 Pentonville Road) where buildings were previously demolished. Planning permission (Ref: P092706) for office B1 at ground floor and 26 residential units above has been implemented but not progressed significantly on site. The site is enclosed by construction hoarding.
- 5.6 Along Rodney Street is an additional, double height entrance into the Europcar facility with a vehicle crossover measuring 9.5 metres wide. The

Europcar operation therefore wraps around the vacant site on the corner of Rodney Street and Pentonville Road.

Surroundings:

- 5.7 Pentonville Road is a principal east-west route that was developed as part of the growth of London during the Georgian period. Once characterised by terraced housing on either side, remnants of which remain, the road is now more mixed in building types, heights, age and quality as well as the uses they accommodate.
- 5.8 Some features have endured since the laying out of the road and the surrounding streets of Pentonville in the later 18th century. These include the positioning of the former churchyard of St James, the street layout and a connection between Penton Rise and Pentonville Road. Building heights on the north side of Pentonville Road also relate more to the pre-existing townscape with buildings rising 5/6 storeys on average at the highest points. There are taller, more recent exceptions. Buildings on the south side of Pentonville Road (which tend to be located within the Central Activities Zone) have larger footprints and there is generally a larger scale. In these cases, buildings tend to be set back from the pavement line.
- 5.9 The rear part of the urban block that accommodates the application site (but does not sit within the application site) contains:
- Nos. 6-9 Cynthia Street, 4-storey warehouse aesthetic building;
 - The Gower School Nursery is located along the rear (northern) boundary of the application site. This site also accommodates a ballcourt, enclosed by wire mesh fence close to the corner of Cynthia and Rodney Streets and is accessed via a vehicle arch through Nos. 6-9 Cynthia Street;
 - Nos. 4-8 Rodney Street – with a valid planning permission (P092706), for the construction of a ground floor commercial and upper floor residential scheme up to 7 storeys in height in vacant area of land to the front of the site. The existing building to the rear of the site at Nos. 4-8 Rodney Street has recently had a prior approval consent granted for the conversion of the existing office accommodation to residential units;
 - Rodney House (which fronts Donegal Street) and is an Islington Council managed housing estate that stands at 5 storeys at the Rodney Street end and 4 storeys at its Cynthia Street end (working with the slope along the street).
- 5.10 Located to the east of the application site on the opposite side of Cynthia Street is:
- 122-128 Pentonville Road (Hill House) which is a part 4, part 5 with a set back 6th storey building accommodating residential flats (and a ground floor supermarket);
 - north of Hill House are two single storey substation buildings;
 - running at right angles to Cynthia Street is the two storey Islington Council housing estate building; and

- beyond this on the eastern corner of Donegal Street and Cynthia Street is the 10 storey residential building Prospect House which is set back from the Cynthia Street frontage by generous grounds and child play space areas.

6. PROPOSAL (IN DETAIL)

- 6.1 The submitted application is largely similar to planning application reference: P121570 which was dismissed at appeal. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street elevation and the corner of the site at the junction of Pentonville Road and Cynthia Street.
- 6.2 The proposal seeks the redevelopment of the site to provide a residential-led mixed use development comprising of the expansion of the Europcar (car hire) business (sui generis use class), amounting to 3,879 square metres (GIA) of floor area and providing a total of 150 car storage spaces associated with the business (an uplift of 50 spaces from the existing operations).
- 6.3 The proposals include the provision of 873 square metres (GIA) of office floorspace (B1 use class) located at lower and upper ground floors (with the ability for those spaces to be subdivided into smaller units); and the provision of 118 residential units (C3 use class). The proposal offers a total of 20 affordable housing units (17% by unit numbers and 23% by habitable rooms) comprised of 11 social rented units (all 3 bedroom) and 9 intermediate tenure units (71/29% split by habitable rooms).
- 6.4 The development has been designed in 5 blocks labelled as A-E. Whilst designed as 5 blocks the design is based on a warehouse aesthetic, with regular grid-like design punctuated by recessed balconies with glazed balustrades (for the majority of the blocks). The buildings are to be constructed mainly of brick (two colours proposed) utilising a stretcher bond pattern and white mortar. Street facing elevations are designed with 225mm deep window reveals.
- 6.5 **Block A** (fronting Rodney Street) has been designed with its main bulk standing at 7 storeys (21m) designed 4 bays wide in the warehouse aesthetic, incorporating inset (recessed) balconies. A set back (aligned with the ground floor building line, not the first floor projection) 5 storey element, one bay wide is proposed to the north of this with projecting balconies that would extend to the front façade of the main (7 storey) elevation. Separating this block (visually) from Block B is a setback (from projecting building line) 7 storey (single bay wide) element of the block constructed of glass curtain walling that would provide the main residential entrance at ground floor. This element adopts projecting balconies.
- 6.6 At ground floor level this block accommodates the entrance and exit to the car hire business secured by sliding metal gridded security gate adjoined by the security office to oversee vehicle comings and goings. The ground floor frontage would be designed to be clad in bronze and light weight glazing to

accommodate access to cycle storage, electricity substation and residential entrance lobby (that serves block A and B).

- 6.7 **Block B** (to the corner of Rodney Street and Pentonville Road) is designed to stand at 10 storeys (30m) in height and a width of 5 bays to Rodney Street and 4 bays to Pentonville Road. This particular block is proposed to be constructed of rainscreen cladding 'Grey Limestone' to display a stone clad appearance. Inset into this double height stone grid appearance, windows inset with bronze cladding would be 225mm inset including recessed balconies. Ground floor frontages are designed to be glazed and offer the pedestrian entrance to the car hire business on the corner.
- 6.8 **Block C** (fronting Pentonville Road) is designed to stand at 7 storeys with a setback 8th incorporating a mezzanine commercial level making use of the slope of the site. This block is again visually separated from the adjacent blocks B and D by a light weight (curtain wall glazing) element (one bay wide) from the taller 10 storey block. The ground floor of this curtain wall glazed element of the building provides the main reception entrance to one of the commercial units. The design of this block is very similar to proposed block A. The set back top storey is to be bronze clad with aluminium framed windows, set behind a parapet and glass balustrades. The ground floor is provided with glazed frontages and projecting canopies, with a further commercial entrance located at the opposite end of the Block C frontage. Photovoltaic panels are proposed to the roof of Blocks A and C. The provision of a residential access is also provided to Core C from Pentonville Road
- 6.9 **Block D** (to the corner of Pentonville Road and Cynthia Street) is designed to stand at 5 storeys in height with a 6th storey set in from the lower level façade of Pentonville Road and substantially setback from Cynthia Street. Block D drops to a height of 4 storeys at the corner for the width of an extended bay (4.5 metres). This corner is also set in from the building line of Pentonville Road by 2.0 metres providing uniformity with the set back upper floors. The design, is similar to block A.
- 6.10 **Block E** (fronting Cynthia Street) has been designed to stand at 4 storeys and set back 1.9m from the building line of the adjoining building (known as 6-10 Cynthia Street – the Gower School). This block is designed with a setback 5th floor which is set 4.4m back from the front façade of the lower floors fronting Cynthia Street and setback 6.0m from the building line of the adjoining building at Nos. 6-10 Cynthia Street. This block has its own design character different to the rest of the scheme and has a more residential appearance with regular window patterns and alignment set within 225mm window reveals. A different brick type is proposed for this block to reflect its different design. Projecting metal balconies are proposed to floors 1-3 and a defensible planted space 1.6m in depth is proposed to the ground floor punctuated by a communal entrance to the development block. A gate encloses the communal entrance to the courtyard of this development and the core to Blocks C and D.
- 6.11 **Communal Courtyard** the development is designed as a perimeter block enclosing a communal courtyard in the centre that measures 23m x 32m (736sqm) incorporating small private spaces to ground floor residential units,

pathways and a landscape layout that overcomes a change in level to utilise the roof of a proposed bin and bicycle store. Within this 736sqm area a total of 286sqm of play spaces in three distinct spaces is also proposed.

- 6.12 The development has been designed to be car free for the office and residential elements of the scheme, with on-street servicing from Cynthia Street and Rodney Streets. More than 200 cycle parking spaces are proposed in three distinct locations and refuse and recycling storage is proposed with collection to be carried out from Cynthia and Rodney Streets.
- 6.13 The proposal has been designed to incorporate a Combined Heat and Power unit, sized to be capable of supplying heat to the wider block in the future. The scheme is designed to be energy efficient and therefore use less energy. Renewable energy is to be incorporated through solar photovoltaic panels. The scheme proposes a CO2 reduction of 29% as compared to Building Regulations 2010.
- 6.14 The scheme is proposed to be constructed to BREEAM 'Excellent' standard for the car hire and office uses and Code for Sustainable Homes level 4 for the residential units. The scheme proposes to incorporate green roofs, a rainwater harvesting tank to provide for irrigation purposes and other sustainability measures.

7. RELEVANT HISTORY:

- 7.1 The following planning history for the various sites that make up the wider application site are considered to be relevant to this current application:

Planning Applications:

- 7.2 130-150 Pentonville Road. LBI ref: 910392 granted (9 October 1992) the 'Construction of a building for B1 offices and B1 light industrial with associated car parking service area and landscaping'.
- 7.3 152-154 Pentonville Road. P092706 granted (7 October 2010) the 'Extend time limit on previous permission ref: P061175 for demolition of existing building and erection of new building comprising of ground and six upper floors providing 26 flats with commercial use at ground floor.'
- 7.4 LBI ref: P061175 granted (3 April 2007) the 'Demolition of existing building and erection of new building comprising of ground and five upper floors providing 26 flats with commercial use at ground floor.'
- 7.5 3-5 Cynthia Street. LBI ref: 931349 granted (21 February 1994) the 'Redevelopment to provide a three storey building to comprise a workshop and vehicle parking area on the ground floor and a three bedroom maisonette on upper floors.
- 7.6 4-8 Rodney Street: LBI ref: P100915 granted (18 January 2012) the 'Development of vacant car park site to construction of a five storey building

comprising two B1 units on the ground floor and eight flats on the upper floors (7 x 2 bed and 1 x 1 bed).

7.7 4-8 Rodney Street: LBI ref: P080662 refused (18 December 2008) the 'Erection of a part five, part six storey building comprising two B1 units on ground floor and eight flats on the upper floors (five x 2 bed and three x 1 beds).

7.8 130-154, 154A, Pentonville Road, (Including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street): LBI Ref: P121570 for the 'comprehensive redevelopment of the site to create a mixed use development comprising of approximately 3,613sqm (GIA) of commercial floor space (sui generis use class) comprised of office and 150 parking spaces associated with a car hire business and approximately 870sqm (GIA) of office (B1 use class) floor space and 123 residential units (C3 use class). Together with associated communal amenity space, children's play space, landscaping, cycle and refuse storage and related infrastructure and engineering works in creating the basement level car parking. This involves the creation of buildings of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 6 and part 7 storey's with a setback floor above; and- Cynthia Street: 4 storeys with a setback 5th'.

7.9 This application was appealed on grounds of non determination, however the Planning Committee would have refused the application for the following reasons had it determined the application:

- *“The proposed development, by reason of its height, massing and design fails to be sympathetic in scale or to be complementary to the local identity, character and finer grain of the surrounding streetscene as well as failing to acknowledge the underlying landform and topography of the site and local area. The development and particularly the 10 storey building is taller than the prevailing building heights and this would be harmful to the setting of Joseph Grimaldi Park as well as harmful to local views including the view up Penton Rise due to the significant changes in topography that would exacerbate its perceived height. For these reasons, the proposal is found to be contrary to policies 7.4, 7.6 and 7.7 of the London Plan 2011, policies CS6F and CS9 of the Islington Core Strategy 2011, saved policies D3, D4, D5 of the Unitary Development Plan 2002 and emerging policies of the Development Management Policies (submission) June 2012: DM1 and DM3 as well as the Islington Urban Design Guide SPD 2006 and the NPPF.*
- *The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in an unacceptable harm to the amenity of nearby residential buildings through loss of sunlight and daylight receipt experienced by those properties. This harm makes the proposal contrary to policy 7.5 of the London Plan (2011), policies H3 and D3 of the Islington Unitary Development Plan (2002) and emerging policy DM1 of the Development Management Policies (Submission) June 2012, as well as BRE ‘Site layout planning for daylight and sunlight: a guide to good practice’ (Second Edition 2011).”*

7.10 The Planning Inspectorate dismissed the appeal. The appeal decision is appended in full as Appendix 4, however the Inspector concluded the following:

7.11 *"There are substantial benefits of the scheme in respect of the character and appearance of the area and the positive provisions in respect of housing and employment creation. Nevertheless these do not outweigh the substantial harm that I have identified in respect of the effects on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight, for residents in Hill House. For the reasons given above, I conclude that the appeal should be dismissed."*

Enforcement:

7.12 152-154, Pentonville Road: date opened 30 August 2011. BREACH Unauthorised parking of rental vehicles. Enforcement file closed on 25 November 2011 as breach was remedied without notice or action being taken.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 403 adjoining and nearby properties on 19 March 2014. A site notice and press advert were displayed on 27 March 2014. The public consultation of the application therefore expired on 17 April 2014, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of writing of this report a total of 24 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- low provision of affordable housing within the proposals. (*Paragraphs 11.136 ~ 11.143*)
- concerns raised that the height, scale and proximity would over power the surrounding residential dwellings (Hill House specifically identified) (*Paragraphs 11.31 ~ 11.33*)
- concerns raised that a seven storey approval was previously granted on the Rodney Street/Pentonville Road corner, and therefore why a 10 storey development should be considered appropriate; (*Paragraphs 11.31 ~ 11.33*)
- the design appears as one large block with different façade materials, but is too large in scale and vast in volume (*Paragraphs 11.31 ~ 11.33, 11.40*)
- objections that the development would not contribute to the existing neighbourhood in a positive way (*Paragraphs 11.31 ~ 11.33, 11.40*)
- impacts on the skyline of King's Cross from tall buildings
- the building would be just 12m from the Hill House building face and would be between 3.25m and 10.55m taller than existing buildings fronting Cynthia Street

- objection to the loss of trees (*Paragraphs 11.54 ~ 11.56*)
- objection to the 10 storey height of the proposed development and its impact on Joseph Grimaldi Park (one of few green spaces in this part of the borough) (*Paragraphs 11.34 ~ 11.36*)
- objection to the negative impact the development would have on Grimaldi Park and the views up Penton Rise. (*Paragraphs 11.34 ~ 11.36*)
- concerns that the scheme would adversely impact the setting of a listed building. (*the Planning Inspector considered the previous scheme in terms of its impact on the setting of the listed building and concluded that there would be no harm*)
- objection to the loss of sunlight and daylight due to the height and proximity of the proposed building to Hill House Apartments (*Paragraphs 11.59 ~ 11.108*)
- objection to loss of sunlight and daylight to ground and first floor family units; (*Paragraphs 11.59 ~ 11.108*)
- objections that the proposed development provides flats with large windows that would overlook existing Hill House residents (*Paragraphs 11.110 ~11.113*)
- comments received that the existing balconies of Hill House (overlooking Cynthia Street) are well used and that the proposal due to overlooking and loss of light would prevent their use and enjoyment (*Paragraphs 11.110 ~11.113*)
- objections that the proposed 5 storey building facing Hill House would create an echo and increase noise (*Paragraphs 11.114, 11.127 ~11.129*)
- concerns that the Hill House residential units are all single aspect units (west facing) with the exception of the first floor. (*Paragraph 11.59 ~ 11.108*)
- west facing single aspect units would suffer from almost no natural light and would require heating all year around (*Paragraph 11.59 ~ 11.108*)
- objections received stating that criminal activity would increase due to the development (Paragraph)
- objections that the office floor space would not provide sufficiently active frontage/use to Pentonville Road (*Condition 14 ensures the business uses maintain a ground floor active frontage. With regard to the remaining ground floor frontages, this was considered by the Planning Inspector, who concluded that the ground floor design would be appropriate*)
- objections that during construction, workers would be able to look into Hill House Apartment windows and occupants would not be able to enjoy their balconies during that period (*this matter is only temporary during the duration of construction*)
- major construction work will be a nuisance and affect Hill House residents through dust, noise and inconvenience (*Paragraphs 11.114, 11.127 ~11.129*)
- objection to loss of views towards the west (*Paragraph 11.34*)
- inability to rent my flat (short-term) during construction phase (*non planning matter*)
- the proposals will devalue the Hill House properties (*non planning matter*)
- object to infringements of rights to light (*rights of light matters are covered under separate legislation to planning considerations. Sunlight and Daylight considerations are assessed against the BRE guidelines and this has been covered between Paragraphs 11.59 ~ 11.108*)

- concerns about what would happen to the 150 car parking spaces if Europcar were to cease trading on the site. (*the land use for the Europcar is defined as sui generis under the Use Class Order and should they vacate the premises, planning permission would be required for any change of use*)

External Consultees

8.3 **Greater London Authority (GLA) including TfL – Stage 1 Response (summary):** that the proposal does not comply with the London Plan but that the possible remedies set out in the response could address those deficiencies. The Mayor requests a copy of the draft decision notice when a resolution to determine the application has been reached, and the Mayor has the opportunity to direct refusal, request amendments, to any draft decision notice or seek to act as the LPA for the purpose of determining the application. The key areas of concern/non-compliance identified by the GLA include:

- Principle of Development: The provision of a mix use development is supported by the London Plan.
- Affordable Housing: financial viability assessment should assess whether the inclusion of affordable rent units in place of social rent units would increase the quantum of affordable housing the scheme is delivering (policies 3.11 and 3.12 of LP);
- Density: calculation requested (based on net residential area) discounting commercial floorspace) to ascertain compliance with policies 3.3, 3.4 and 4.3 of LP.
- Design: applicant has responded to concerns raised in relation to previous iteration of scheme by providing additional access points to residential cores. Issues raised by Planning Inspector in relation to overshadowing have been successfully addressed through massing reconfiguration.
- Energy: it should be confirmed that all apartments and non-domestic building uses will be connected to the site heat network.
- Transport: it is requested that items be secured by condition and s106 prior to referring back to the Mayor for Stage 2 response. Including:
 - To be secured by S106 agreement: creation of one on-street accessible parking bay designated for Blue Badge holders; secure a car parking management strategy, restriction of access to on-street parking permits, contribution to LBI towards on-street car club spaces; residential travel plan secured and monitoring to be secured, s278 agreement required with TfL to secure footway reinstatement works on the TLRN; and
 - S106 contribution towards mitigating the impact of additional pedestrian trips in accord with LP policy 6.10 to achieve the de-cluttering of Pentonville Road to improve the pedestrian experience, in accordance with the findings of the Pedestrian Environment Review System audit submitted by the applicant;
 - Conditions: tree protection for trees on Pentonville Road, construction logistics plan

- 5 cycle spaces for residential visitors

- 8.4 **English Heritage** raised no objection and stated that the scheme should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 8.5 **English Heritage (Greater London Archaeology Advisory Service)** recommended that no archaeological requirement was necessary. They concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. As such, no further assessment or conditions are necessary with regard to archaeological considerations.
- 8.6 **Metropolitan Police (Crime Prevention)** advised that because there are more than 10 flats served from each residential communal door, it is recommended that there is an additional access control on each floor. It is recommended that the Secured by Design physical security standards are applied to the development.
- 8.7 **Thames Water** responded stating that the impact on surrounding infrastructure depends on which side of the development the new connection is made. Cynthia Street is capable of supporting the new demand but Rodney Street is not. Thames Water preferred option would be for all surface water to be disposed of on site using SUDS as per policy 5.13 of the London Plan. The following conditions and informatives were requested:
- a non-return valve to avoid risk of backflow at a later date be installed;
 - Petrol / oil interceptors to be fitted to all car parking / washing/repair facilities [condition 37];
 - no impact piling to take place until a piling method statement has been submitted to and approved [condition 6];
 - water pressure informative requested to be imposed; and
 - it was stated that it is the developers responsibility to make provision for drainage to ground, water courses or a suitable sewer.
- 8.8 **London Fire and Emergency Planning** responded advising that the Brigade is satisfied with the proposals.
- 8.9 **Crossrail Safeguarding (Chelsea Hackney Line)** responded requesting that should the LPA be minded to grant planning permission that it r a condition be imposed on any permission that secures detailed design and construction method statements for all basements, ground floors and foundations and other structures to be approved in consultation with Crossrail 2, including an assessment on the effects of noise and vibration from the Crossrail tunnels on the development.

Internal Consultees

- 8.10 **Access Officer** advised similar comments to previous application whereby they were satisfied with the commercial aspects of the scheme but concerns remained regarding the detailed design of the wheelchair accessible units

including wheelchair accessible car parking spaces. These matters are addressed by condition.

8.11 **Conservation and Design Officer** advised that the current proposal is largely similar to application P121570 which was dismissed at appeal. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street end to address concerns in relation to impact on neighbouring amenity. The appeal is a material consideration. The issues of overall massing, in terms of townscape impact, were considered at the time of the appeal and found to be generally acceptable by the appeal inspector. Nevertheless, there are two issues which need to be addressed:

1. the provision of a tall building as identified by the appeal inspector in the context of the high-court and court of appeal judgements for 45 Hornsey Road which form new case law since the appeal for P121570 was determined;
2. the infringement of Local View 7 of St Paul's which was not addressed at the time of appeal.

It is advised that the question of the impact of the height of the block on the corner of Pentonville Road and Rodney Street (Block B) was debated at length at the appeal and the inspector found that despite the technicality of the flues making the building exceed the tall building threshold, the flues would not be visible from public vantage points and, therefore, the building would not appear overly dominant.

In relation to the infringement of LV7, the thresholds are absolute in order to protect and enhance the views of St Paul's, therefore, as requested by the policy team, the applicant should submit accurate evidence to demonstrate that there is no impact on the view and that the maximum threshold is not being exceeded.

Regarding the overall design changes which have been carried out to address the amenity impact of the previously refused scheme, , the tiering of volumes is not ideal but has been resolved elegantly and the breaking of the Pentonville Road frontage in particular is positive. There is one point of concern however, , which is the addition of volume at Level 6 to provide a stairwell enclosure. This small additional volume is at odds with the overall form employed elsewhere in the development, it reads as an add on rather than being integral to the design of the building and I suspect will be visible from public vantage points from Pentonville Road, but nevertheless, will be visible from surrounding buildings.

Subject to concerns raised above being addressed, particularly in connection with impact on protect view LV7, the success of the design will largely depend on the quality of implementation, therefore, should you be minded to recommend approval, the usual conditions to ensure high quality materials and detailing is recommended.

- 8.12 **Energy Conservation Officer** accepted the air tightness levels and the inclusion of CHP and solar photovoltaics welcomed. The inclusion of mechanical cooling is objected to by the Energy Officer as passive design measures are considered sufficient. The CO2 emissions savings achieved are supported. Conditions were recommended to secure the measures including approval of details of the basement car storage lighting (to be LED).
- 8.13 **Public Protection Division (Air Quality)** the submitted report appears to rule out mechanical ventilation despite the site being in an area of particularly poor air quality. The report claims that the NOx levels are due to elevated background concentrations rather than local road emissions and that mechanical ventilation would only draw in 11% lower than at the roadside. Requested a condition for approval of details of the CHP, in order to specify an ultra low NOx emissions unit is installed. As mechanical ventilation is required due to the background noise levels a condition will be imposed that addresses these two issues in parallel.
- 8.14 **Public Protection Division (Noise Team)** this site is subject to high noise levels. From previous reports conducted along this stretch of road, the Noise officer would expect the site to fall into Noise Exposure Category D from the now withdrawn PPG24. The measurements were carried out during the school time Easter holidays and the officer suspects that may have affected the readings. Any increase in noise from the intensified car hire use hasn't been taken into account either. As the report concluded Noise Category C, conditions are recommended to address: sound insulation to achieve internal noise targets due to high background noise levels; including consider increased car hire business capacity and plant noise.
- 8.15 **Public Protection Division (Land Contamination)** an initial desktop survey has been carried out into the potential for contaminated land at the site. With the historical land uses clearly there will be a need for further investigation and sampling in order to deal with this fully. Advised that the Contaminated Land condition is applied to any permission granted. [Condition 4]
- 8.16 **Spatial Planning and Transport (Transport Officer)** requested additional information regarding the current and future expected servicing and delivery trips associated with the car hire business, the office use and residential units. Information requested includes: number of trips, vehicle types, locations and swept paths. Detail of on-street location of servicing for the office and review of the residential delivery figures was requested. Appropriate management of the car hire business parking was requested to prevent misuse. Further detail about the location and convenience of location of cycle parking was requested.
- 8.17 **Sustainability Officer** raised some concerns and requested clarification of passive design measures, SUDS proposals. The overheating dynamic simulation modelling was accepted. Conditions of consent were requested including: 95 litre /p/day to accord with policy (for residential units); rainwater harvesting; green roof and biodiversity enhancements; passive design (external shutters) details SUDS. The Sustainability Officer accepted the

details of the proposals (subject to conditions) with the exception of proposed active cooling, which is objected to.

- 8.18 **Parks Manager** has advised that the development could possibly materially impact on the park in terms of shading. The park was redeveloped to allow more light into it and develop a sunnier grass area and wildlife meadow to increase positive use and enhance ecology. The scheme is closest to this grass and meadow area so may have a negative impact on the use and ecology of the park.

Design Review Panel

- 8.19 The submitted planning application was revised to take into account the reasons set out by the Planning Inspectorate in dismissing the previous application. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street elevation and the corner of the site at the junction of Pentonville Road and Cynthia Street. The proposed building maintains the same design principles as the previous scheme.
- 8.20 The issues of overall massing and design detail, in terms of townscape impact, were considered at the time of the appeal and found to be generally acceptable by the Planning Inspector, who concluded that the development would respect its context, would enhance the character and appearance of the area and would comply with the development plan in those respects.
- 8.21 Given the above direction by the Planning Inspectorate the current planning application was not presented to the Council's Design Review Panel.

9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

9.3 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Employment Growth Area
- King's Cross and Pentonville Road Key Area (Core Strategy CS6)
- Not located within the Central Activities Zone (CAZ)
- Within 200metres of RS2 Crossrail 2
- RS2 Crossrail 2 (Hackney-SW) safeguarding
- CPZ Area
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New River Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area
- KC1 Pentonville Road, Rodney Street and Cynthia Street

Supplementary Planning Guidance (SPG) / Document (SPD)

9.4 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10. ENVIRONMENTAL IMPACT ASSESSMENT

10.1 In 2012 an EIA screening request was made to the Council for the demolition of existing buildings and the erection of approximately 131 residential units (Use Class C3), replacement accommodation for the existing Europcar car hire business (sui generis use class); replacement and additional use class B1 floorspace; together with associated parking and landscaping works'.

10.2 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the London Borough of Islington determined the following:

"that whilst the proposed development could be considered Schedule 2 Development '(10b) Urban Development Project' the development falls below the 3 main threshold tests. The site is not located within a 'sensitive area' as defined by Regulation 2(1). Consideration has been given as to whether the development would result in significant effects on the environment by virtue of its 'characteristics, location and potential impacts' in the context of the selection criteria set out in Schedule 3 of the Regulations (requiring assessment by Regulation 4(6)). Whilst the site is located within a densely populated area, it is considered that the height, bulk, scale and siting of the development as well as the proposed land uses (characteristics and intensity) would not result in significant effects on the environment. This included consideration of cumulative impacts with other approved developments nearby. It is considered that the proposal would not constitute EIA development and an Environmental Statement is not required."

10.3 The current planning application does not propose any works greater than those considered under the Screening Opinion and as such would not constitute EIA Development.

11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Land Use (Principle)
- Design, Conservation and Heritage Considerations
- Density
- Accessibility
- Landscaping and Trees
- Neighbouring Amenity
- Quality of resulting residential accommodation
- Dwelling mix
- Affordable Housing and Financial Viability
- Energy Efficiency, Renewable Energy and
- Sustainability
- Transportation and Highways
- Contaminated Land and Air Quality
- Planning Obligations, Community Infrastructure Levy and local finance considerations

Land-use

11.2 The National Planning Policy Framework (2012) seeks to: *secure sustainable development that seeks economic, social and environmental gains that should be sought jointly and simultaneously through the planning system.*

11.3 The application site is not located within the Central Activities Zone (CAZ). However it is located within the Kings Cross Opportunity Area as defined in Annex 1 of the London Plan 2011 (ref 16). The King's Cross Opportunity Area is defined as 53ha (hectares) in size and seeks to secure 25,000 new jobs and 1,900 new homes. The London Plan recognises that this area has the highest level of public transport accessibility within London and must seek to regenerate neighbourhoods within the wider area. Policy 2.13 seeks to:

- optimise residential and non-residential output;
- provide necessary social and other infrastructure;
- contain a mix of uses; and
- contribute towards meeting the minimum guidelines for housing and / or indicative estimates for employment capacity set out in annex 1 (tested through local development frameworks).

11.4 The application site is also located within the 'King's Cross Area' as defined within the Islington Core Strategy, Policy CS6 'King's Cross'. The policy: CS6A refers to protecting existing business floor space in this area from changes of use. It identifies that the King's Cross area will be expected to

accommodate estimated growth in jobs of approx 3,200 from B-use floor space with York Way and Pentonville Road being the principal locations for office-led mixed use development. It goes on to state that Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and new provision particularly encouraged.

- 11.5 Core Strategy Policy CS13, for existing employment space states: safeguarding existing business spaces throughout the borough by protecting against change of use to non-business uses, particularly in the CAZ; and in exceptional circumstances loss of employment floor space might be acceptable in line with considerations which will be set out in the Development Management Policies.
- 11.6 The Development Management Policies document identifies this site as being located within an 'Employment Growth Area' (Map 5.1). Policy DM 5.2 (amended text) states that *'proposals resulting in a loss of or reduction of business floor space will be refused unless exceptional circumstances can be demonstrated by the applicant demonstrating there is no demand for the floor space'*. It goes on to state that: in the absence of marketing (2 years) site-specific circumstances supported by a market demand analysis may address this issue.
- 11.7 The site is also allocated within the Council's Site Allocations as KC1 'Pentonville Road, Rodney Street and Cynthia Street'. The allocation and justification states: "Mixed-use redevelopment, including employment and residential uses. The area along Pentonville Road has been identified in the Core Strategy as a principal location for office-led (B1) mixed-use development, intensifying use of the land to provide employment uses. As part of any redevelopment there should be a net increase in office floor space (subject to viability)."
- 11.8 This differs from Core Strategy Policy CS6 that seeks an *'office-led mixed use development along Pentonville Road'*. The application site currently accommodates the following commercial uses (by gross internal floor area, measured in square metres). In addition, the permitted (and technically implemented) planning permission at 152-154 Pentonville Road (ref: P092706) has also been included in the 'existing' office employment table below. The table below illustrates the change from existing (and consented) to proposed land uses:

Use class / type of use	Existing Floor space	Floor space to be lost by change of use or demolition	Total proposed floor space (including change of use)	Net additional floor space following development
B1(a) Office	728	855	873	+18
B1(a) office	127			

(consented*)				
Europcar (sui generis)	1,626	1,626	3,879	+ 2,253
The Flower House (B2/B8)	186	186	0	- 186
Total	2,667	2,667	4,752	+ 2,085

11.9 As shown above, there would be a small net increase of office floor space (that takes into account a loss of floor space that is consented, but not yet built or occupied) as a result of this proposal, but there would be a net uplift in general employment floor space due to the expansion of the car hire business.

Loss of Office Floorspace

11.10 Islington policies state that losses of office floorspace will only be supported in exceptional cases, where there are site-specific circumstances. Development Management Policy 5.2 seeks Market Demand Analysis where a 2-year marketing evidence is not available as well as viability testing information. The applicant submitted a 'Market Demand Analysis' prepared by Knight Frank that looks at the proposed development rather than existing (or consented) office floorspace. This included an 18-month letting void due to the 'amount of floorspace offered'. This approach is also supported by the LPAs own viability review of the impact that the inclusion of large amounts of office floorspace has on mixed use schemes, particularly in non-central locations (for the short term).

11.11 Furthermore, the submitted Financial Viability Appraisal submitted with the application has been reviewed by the Council's independent valuers BPS Chartered Surveyors, who have stated that they agree with the appraisal's conclusion that increasing the level of proposed office space to fulfil Council policies on minimising loss of employment floorspace would further compromise the viability and this is unlikely to be feasible.

11.12 There are also considered to be particular site specific circumstances that are considered to be relevant. The application site essentially comprises four (4) parcels of land (contained within the 'red-line' boundary of the site) that have been 'assembled' by the applicant through a private transaction negotiation process, with the Europcar business being the majority land owner for this site as illustrated in the image below. The financial viability implications of this are outlined later in the report (the approach is supported by the RICS Guidance); however this has had an impact on the financial viability of this particular scheme. In addition to this, a scheme can only come forward with the agreement of Europcar, and the provision of a large basement car storage area to be leased back to Europcar at a peppercorn rent has an impact on

scheme viability. However, without the agreement with Europcar, this site would not come forward for development.



Land Ownership and Site Areas Diagram (Sites F, G, H and I make up the application site – outlined by the red rectangle)

11.13 Having regard to the above, as well as giving due regard to the fact that the 'loss' of office floorspace is actually a loss of consented floorspace (within a building that has not truly commenced construction), there are considered to be sufficient viability reasons and other exceptional circumstances to accept a loss of (consented) office floorspace from this site.

Employment Growth

11.14 The applicant submitted an 'Economic Statement' that compares the existing employment levels at the site (various existing buildings and consented schemes) to the proposed developments' anticipated employment levels. The table below illustrates it in summary form, although it compares existing (actual) employment levels at the site as opposed to potential capacity for employment. The growth in employment is not significant, However the application submission documents confirm that the growth in Europcar jobs would be filled from local residents to the area. A head of term is recommended to secure a recruitment process that prioritises Islington residents into those jobs.

Use type	Use class	Existing	Proposed	Net change
Europcar	Sui Generis (with ancillary B1)	29	38	+9
Office*	B1	40	72	+32
Residential Amenities	Ancillary to C3 residential	0	10	+10
Total		69	120	+51

* including the consented office floorspace (152-154 Pentonville Road).

- 11.15 As well as after completion of construction the developer has agreed to the facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee to be paid to LBI towards construction training upon implementation of the first phase to aid young people into employment.

Principle of Land Use Summary

- 11.16 The proposal is for a residential-led mixed use scheme as opposed to an office or employment-led scheme. Whilst the proposal does not accord with Core Strategy Policy CS6, the scheme is supported by a financial viability appraisal which includes a market demand analysis. With this in mind, whilst the proposal does not accord with adopted Core Strategy policies, it does accord with the requirements of the National Planning Policy Framework, with particular reference to viability and its requirement that (para. 22) '*policies avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*'. The land use mix also complies with London Plan policies 2.13, 3.3 and 4.3 and is supported in land use terms by the Greater London Authority (GLA). The scheme also addresses Development Management Policies 5.2 which allow for loss of office floorspace in exceptional circumstances. The exceptions in turn make the scheme acceptable in relation to policy CS13 of the Islington Core Strategy, and the emerging Site Allocation (KC1). For these reasons, the proposed land use mix is considered to be acceptable and is supported in principle.

Affordable Workshop Space

- 11.17 Core Strategy Policy CS13 and Development Management Policy 5.4 also seek to secure affordable workshop space within a scheme. BPS have reviewed the impacts of providing a dedicated affordable workshop space, secured at peppercorn rent levels for a minimum 10 year period and have confirmed that this would have a further negative viability impact on the scheme which would result in a reduced affordable housing offer. The

applicant has demonstrated that the office floorspace could be divided into smaller units, which would positively impact on affordability. Given the viability constraints, the non-provision of a peppercorn rent affordable workshop space is considered to be acceptable.

- 11.18 In addition to the above, the applicant has agreed to heads of terms to secure:
- facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks; and
 - a contribution of £8,925 towards end use employment opportunities for Islington residents.

Design, Conservation and Heritage Considerations (including Archaeology)

- 11.19 London Plan policies require development proposals to achieve the maximum intensity of use compatible with local context, the design principles in chapter 7 of the London Plan and with public transport capacity. The Islington Core Strategy Policy CS6F states that *'The area's historic character will be protected and enhanced with high quality design encouraged to respect the local context of Kings Cross and its surroundings'*.
- 11.20 Islington's Site Allocations document states *"Future uses and design should respect the amenity of residential properties within the vicinity of the site. Frontages should be positioned along the site boundary and be active frontages, particularly along Pentonville Road."* It goes on to state that *"the setting of nearby conservation areas must be conserved and enhanced and views up Penton Rise and along Pentonville Road must be maintained"*.
- 11.21 Core Strategy Policy CS9E states: *"New buildings and developments need to be based on a human scale and efficiently use the site area, which could mean some high density developments. High densities can be achieved through high quality design without the need for tall buildings. Tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported"*.
- 11.22 The application site is located within an area of varied age, style, height and use of buildings and spaces. It also fronts onto the busy Pentonville Road that forms an important east-west route through the borough and across the northern edge of central London. On the south side of Pentonville Road, buildings range from double height 2-storey to 9-storeys (with the consistent height being on average 8 storeys) and uses include office, warehouse and student accommodation. To the northern side of Pentonville Road buildings are of a smaller scale and grain, being 2-3 storeys to the east of the site, with the tallest building being Hill House Apartments on Cynthia Street which is part 5 and part 6 storeys (recently constructed). To the west buildings are 3-4 storeys, with the more distant Nido building being approximately 18 storeys.

- 11.23 The site is not located within a conservation area, nor are any buildings on the site locally or statutorily listed. The site itself slopes by a storey height (3.0m) from Cynthia Street dropping to Rodney Street. The existing buildings on the site are not considered to be of high quality, however the site is within close (50m) proximity of the New River Conservation Area, located to the south and east of the site; the Chapel Market Conservation Area located to the north-east; and Priory Green Conservation Area located to the north of the site. Within the Joseph Grimaldi Park open space (OS93) located opposite the site on Rodney Street is a Grade II statutorily listed building (headstone of Joseph Grimaldi) that has been relocated to the north east corner of the park. This park is also listed as a landscape of heritage value.
- 11.24 The design of the proposed buildings is described in paragraphs 6.2- 6.14. Essentially the proposal seeks a perimeter block development with the following building heights:
- Rodney Street frontage (5 and 7 storeys);
 - Corner building to Pentonville Road and Rodney Street (10 storeys);
 - Pentonville Road frontage (part 5, part 6 and part 7 storeys with setback floors at 8th and 6th floor levels);
 - Cynthia Street frontage (4 storeys with setback 5th);
 - Courtyard garden (including concealed cycle and refuse storage area); and
 - Basement car storage, plant and residential amenities.
- 11.25 The current application is largely similar to planning application reference: P121570 which was dismissed at appeal. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street elevation to address concerns in relation to the impact on neighbouring amenity. The Planning Committee would have resolved to refuse the previous application had it not gone to appeal on design grounds. Specifically, the reason for refusal would have been:
- *“The proposed development, by reason of its height, massing and design fails to be sympathetic in scale or to be complementary to the local identity, character and finer grain of the surrounding streetscene as well as failing to acknowledge the underlying landform and topography of the site and local area. The development and particularly the 10 storey building is taller than the prevailing building heights and this would be harmful to the setting of Joseph Grimaldi Park as well as harmful to local views including the view up Penton Rise due to the significant changes in topography that would exacerbate its perceived height. For these reasons, the proposal is found to be contrary to policies 7.4, 7.6 and 7.7 of the London Plan 2011, policies CS6F and CS9 of the Islington Core Strategy 2011, saved policies D3, D4, D5 of the Unitary Development Plan 2002 and emerging policies of the Development Management Policies (submission) June 2012: DM1 and DM3 as well as the Islington Urban Design Guide SPD 2006 and the NPPF.*
- 11.26 The issues of overall massing, in terms of townscape impact, were considered at the time of the appeal and found to be generally acceptable by the Planning

Inspector, who concluded that the development would respect its context, would enhance the character and appearance of the area and would comply with the development plan in those respects.

11.27 The building fronting Rodney Street is proposed as part 5 and part 7 storeys in height (then stepping to 10 storeys – Block B). A seven storey building was previously approved (and technically implemented) on the corner of Rodney Street and Pentonville Road. In addition, an approval was granted in January 2012 for a 5 storey building at 4-8 Rodney Street. It is considered therefore that the proposed building heights of part 5 and 7 storeys is appropriate fronting Rodney Street and that it would retain an appropriate relationship to the consented 5 storey scheme (4-8 Rodney Street). The proposed building heights would provide a visual frame for the park located opposite, and introduce informal surveillance opportunities (upper levels).

11.28 The junction of Rodney Street and Pentonville Road would be marked by 'Block B', which is 10 storeys in height and would reach 30m in height to the top of its parapet. A CHP exhaust flue would reach a height of 31.1m. The main mass of the proposed corner block building therefore does not exceed 30m, but would only exceed this height due to the CHP flue (necessary to terminate above roof level for air quality purposes). There are examples of 10 storey buildings in the vicinity of the site including Prospect House which is located to the northeast of the site, and 9 storey buildings located on the opposite side of Pentonville Road. Whilst buildings of 9-10 storeys are unusual, and the main character of the area is for lower height of buildings (particularly on the north side of Pentonville Road), they are nevertheless present and visible from the application site. In addition, the application site sits on a busy thoroughfare.

11.29 Given the proposed flues extend beyond the 30 metre threshold the building is categorised as a tall building and as such would not be in compliance with Core Strategy Policy CS9E. The question of the impact of the height of the block on the corner of Pentonville Road and Rodney Street (Block B) was considered at length at the appeal and the Planning Inspector found that despite the technicality of the flues making the building exceed the tall building threshold, the flues would not be visible from public vantage point and, therefore, the building would not appear overly dominant.

11.30 Specifically, the Planning Inspector stated: "*Because the building would exceed 30m in height it would technically be a tall building. This is why the Greater London Authority was consulted on the planning application. Nevertheless, it would only exceed 30m because of flues on the roof. These flues would not be visible from any public vantage point.*"

11.31 The proposed building was considered in the context of the neighbouring buildings in the area:

"There are buildings of substantial scale and massing nearby including 10 storey buildings between Weston Rise and Penton Rise. Directly opposite the site on Pentonville Road there are buildings that are 7 to 9 storeys high on the corner with Penton Rise.

Because of the close proximity of these buildings, although they are on lower land, and because the 10 storey part of the building would be a relatively small part of the overall building, the 10 storey part of the building would not in terms of its height look out of character. Furthermore, the massing of the building overall would respect other substantial blocks locally."

11.32 Further, consideration was also given as to whether there is any justification to mark this corner with a landmark building. Although the Planning Inspector agreed with the Council that there is no particular need to mark the corner of Rodney Street and Pentonville Road because it is a small scale insignificant junction and the view up Penton Rise does not necessarily require to be terminated by such a building, the Inspector concluded that *"...the building would not be a particular landmark and whether an alternative scheme would be preferable is not a matter for me to consider. The 10 storey block would be well integrated with the remainder of the building, rather than appearing as a separate tower, and would not appear out of context in the light of my earlier observations."*

11.33 The application site slopes by a storey height (3.5m), being 32.1 at Cynthia Street and 28.6 at Rodney Street. The proposed building fronting Pentonville Road would stand at 10-storeys on the corner with Rodney Street (Block B) and then drop to a height of 7-storeys with 8th storey setback (Block C) along the main frontage. The proposed building drops in height further at the corner of Pentonville Road and Cynthia Street (Block D) to a part-4/part-5 storey block and a partial 6th storey setback, which takes into account the slope of the site as it gradually rises to the east. The overall design changes to the eastern end have been carried out to address the amenity impact of the previously refused scheme and whilst the tiering of volumes is not ideal it has been resolved elegantly, and the breaking of the Pentonville Road frontage in particular is positive. Further, the overall design maintains the continued grid system of the previous scheme, particularly with the emphasis of the ground floor and the set back top floor to distinguish bottom, middle and top.

11.34 The previous scheme (which is similar to the current proposal apart from the reduced built form opposite Hill House) was considered in the context of views along Pentonville Road in both directions and views up Penton Rise and found appropriate by the Planning Inspector:

"When viewed from Pentonville Road looking towards Kings Cross, from quite a distance away at Claremont Square when approaching towards the building itself, the backdrop to the site is the 18 storey Nido student housing development. This would be partially obscured by the building. Because that exists, the building would sit comfortably within this context.

When viewed in the other direction, on approach from Kings Cross, a large part of the building would be well screened for much of the year by trees in Joseph Grimaldi Park and by street trees and so the building would not be overly dominant in views. Additional street trees may also be planted. It is important also that the Council promoted an 8 or 9 storey building and that there is an extant planning permission for a substantial 7 storey building on the corner with Rodney Street that is a fallback.

The site allocation KC1 identifies that there is a need to maintain and enhance views up Penton Rise. Whilst the highest part of the development would be that lying opposite Penton Rise, which rises towards Pentonville Road, again there is a significant screening by street trees. This is not a protected or particularly important view, and the traffic flow is away from the junction. The vista for pedestrians is relatively narrow because of these trees and also because of the buildings on the corner of Penton Rise with Pentonville Road to the east.”

- 11.35 The previous application was also considered by the Council to have a detrimental impact on the setting of Joseph Grimaldi Park. This was also considered at appeal and the Planning Inspector concluded:

“There would also be some surveillance from the upper floors across the park. From within the park the building would provide for better enclosure that would not be overbearing on its enjoyment because the 10 storey element is not for the full length of the Rodney Street elevation. Also, there is little to suggest that it harms the significance of the park as a non-designated heritage asset or the setting of the Joseph Grimaldi grave. Because the park has separate components and many trees, it is not distinguished by openness that would be harmed.

Because the Park provides a separation from lower buildings to the west along Pentonville Road, taking into account the buildings on the south side of Pentonville Road, I consider that the wider setting of the site to the west would not be harmed.”

- 11.36 The Council's Parks Manager has also queried whether the proposed development would have a material impact on the park in terms of shading given the park was redeveloped to allow more light into it and develop a sunnier grass area and wildlife meadow to increase positive use and enhance ecology. In response to the above the applicant has submitted an indicative overshadowing study of the park using a 3D sketch up model. This indicates that there would be a very small amount of transient overshadowing to the southeast corner of the park in the early morning and will have passed by the mid morning. The BRE guidelines recommend that at least half of the amenity spaces should receive at least 2 hours of sunlight on 21 March. It is clear from the orientation of the site, the distance from neighbouring buildings and the indicative overshadowing study undertaken that nearly all the park will receive at least two hours of sunlight throughout the day in the existing condition. This would not alter with the proposed development in place.

- 11.37 Block E along Cynthia Street has been set back from the building line of the adjoining building by 1.9m to accommodate a defensible space along the ground floor residential frontage and secure a further set-away distance (14.5m in total) from the Hill House Apartments (residential) opposite, which has been increased by 0.3 metres from the dismissed scheme. This part of the building is proposed at 4 storeys in height with a set back 5th for the majority of its frontage. The 5th storey setback has also been increased from 2.2 metres as compared to the dismissed scheme. Directly opposite, Hill House Apartments is 4 storeys, stepping to 5 storeys with a set back 6th.

- 11.38 The proposed Cynthia Street building, at the top of its 5th storey would be 480mm lower than the roof of the 4 storey element of Hill House. Where Hill House steps up to 5 storeys with a set back 6th the development would stand approximately 5.8m lower. Fronting Pentonville Road, the proposed development would stand part 6, part 7 storeys in height. Its 6th storey would be 600mm higher than the 5th storey of Hill House and the proposals roof height would be 120mm taller than the roof of Hill House. In townscape terms the proposed height of these buildings is appropriate and responds to the height of buildings opposite.

Design Detail

- 11.39 The proposed design of the buildings fronting Rodney Street (Block A) and Pentonville Road (Blocks C and D) is of a strong grid-like design a single floor and bay wide, to be constructed of brick. The taller, 10 storey Block B is designed with a two floor height grid, but single bay width to emphasis the vertical of this taller element, and this would be constructed of rainscreen 'stone' cladding.
- 11.40 These designs adopt recessed balconies to avoid interrupting the regular grid-like pattern. Within these recessed spaces, bronze cladding will complement the windows (which are proposed to be aluminium framed). To visually distinguish/mark the break between blocks A and B; and B and C (and visually break down the massing) there are glazing dominated breaks proposed. These accommodate glazing and projecting glass balconies/balustrades that would not project beyond the line of the brick and stone cladding grid patterns.
- 11.41 The use of high quality materials is considered to be the key to ensuring that the resulting appearance of this scheme does in fact offer a high quality result and therefore a condition has been suggested seeking details and samples of all materials to be agreed prior to superstructure commencing on the development (Condition 10).
- 11.42 Ground floor commercial frontages are designed as large expanses of glazing, with three commercial entrances fronting Pentonville Road. Residential entrances are located on Rodney Street (a single entrance serving two cores), from Cynthia Street (two entrances serving three cores) and access from Pentonville Road to residential Core C.
- 11.43 The design detail follows on from that of the previous scheme and these matters were considered by the Planning Inspector:

"It would thus comply with that part of the KC1 allocation design considerations and constraints because with its interesting gridded well articulated fenestration patterns, deep window reveals and inset balconies and use of a brick, stone and bronze cladding materials, its design would improve the appearance of the area."

Strategic Views

11.44 The application site is located 160 metres east of the protected panorama from Kenwood House to central London. The applicant provided a view assessment which shows the development just visible, though largely screened by neighbouring development. The GLA have concluded that the view is unaffected and that policy 7.11 of the London Plan has been complied with.

Local Views

11.45 The application site is located on the edge of Local View 8 (Pentonville Road to St Pancras Chambers and Station). This states that development will not be permitted that further obstructs the view from the viewing point on the north pavement of Pentonville Road, at its junction with Penton Street to the station and hotel. Given the slightly south westerly position of the St Pancras buildings in relation to the application site, the views would not be obstructed.

11.46 The site also falls within Local View 7 (Local view from Dartmouth Park Hill). The tallest part of the building reaches 58.6 AOD (according to the submitted Cityscape Verified View Methodology) – this also corresponds with where LV7 appears to run through the site and would exceed the height threshold and block the view within the corridor by 2.06 metres. Policy DM 2.4 is clear that local views will be protected and enhanced. Islington's local views are given equal protection to those of the Mayor. Within defined local views the council will seek to protect the line of sight of the view. The submitted Townscape and Visual Impact Assessment has provided a verified view that highlights the proposed development would be almost entirely obscured by a large chimney stack in the foreground with only a very small part visible to the right of this chimney in the foreground.

Density

11.47 The application site is considered to be located within a central area, given its Public Transport Accessibility level of 6b (highest possible) and its location within 800m of an international centre (King's Cross), a District Town Centre (Angel) and given the varied scale of buildings and range of uses within the immediate context. As such the density range within the London Plan (Table 3.2) is 650-1100 habitable rooms per hectare or 215-405 units per hectare. The application site measures 0.3492 hectares. The applicant has provided a density range per hectare, adjusted on a pro-rata basis to account for the commercial floorspace that is provided within the scheme. This sees the density of these proposals being at the top end of the range:

- 1004 habitable rooms per hectare; and
- 380 units per hectare.

11.48 Whilst this sits at the higher end of the range, and the proposed building heights are also considered at the taller end of appropriateness (in particular the 10 storey element), in light of the Planning Inspector's decision the scheme is not considered to unacceptably harm the character of the surroundings or the wider townscape. The proposals offer good quality

accommodation and therefore the proposals are in this instance considered to be acceptable.

Accessibility

- 11.49 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 11.50 London Plan Policy 3.8 states there should be genuine housing choice which meets requirements for different sizes and types as well as being built to Lifetime Homes Standards and with 10% being wheelchair accessible or adaptable. Such requirements are also required by Islington Core Strategy CS12 and Accessible Housing SPD.
- 11.51 Further, Development Management Policy DM 2.2 seeks all new developments to demonstrate inclusive design, whilst Policy DM 3.4 provides housing standards for all types of residential developments. Council's Inclusive Design SPD sets out guidelines for the appropriate design and layout of dwellings, including wheelchair accessible units.
- 11.52 Accessibility considerations were considered at length during the course of the previous application, to incorporate indicative locations for WC facilities for the commercial and car hire uses, along with changes to the layouts and circulation within the residential units in order to address concerns raised by Access Officers. The previous amendments have been incorporated into the current submission so as to ensure that the development is well laid out and designed to ensure that all facilities are inclusive and accessible to all.
- 11.53 Conditions are recommended to secure confirmation of compliance with:
- wheelchair accessible housing – details for review to confirm compliance with Inclusive Design SPD; (Condition 16)
 - details to be submitted for approval, demonstrating compliance with Lifetime Homes Standards; and (Condition 15)
 - landscaping plan to include appropriate accessibility (landings to ramps etc). (Condition 29)

Landscaping and Trees

- 11.54 There are existing trees along Pentonville Road that are TfL managed and owned. TfL has raised no objection to the proposed building line on Pentonville Road, and does not consider that there would be an unacceptable impact on these trees subject to a tree protection plan during the construction phase whereby protective measures would be required to ensure the trees are protected during building works. This has been secured by condition (8).
- 11.55 The proposal is also subject to a Transport and Public Realm section 106 legal obligation, which includes a contribution for improvements to the public

realm including new street trees on Pentonville Road, Cynthia Street and Rodney Street.

- 11.56 The central courtyard space is the raised roof of the lower car storage spaces. In order to incorporate varied planting/substrate depths to support appropriate tree planting, further landscaping details are sought by condition.(Condition 29)

Neighbouring Amenity

- 11.57 The proposal site is in relatively close proximity to a number of adjoining properties. Residential amenity comprises a range of issues which include daylight, sunlight, overlooking and overshadowing impacts. These issues are addressed in detail in below. The Development Plan contains adopted policies that seek to safeguard the amenity of adjoining residential occupiers including Development Management Policy DM 2.1.
- 11.58 DM Policy 2.1 requires new developments to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Further, London Plan Policy 7.6 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Daylight and Sunlight

- 11.59 The British Research Establishment (BRE) has produced guidance assessing the impact of proposals on the daylight, sunlight and overshadowing received from adjoining properties. The Council's policies and the daylight/sunlight report submitted with the application all refer to the BRE guidance as a point of reference, and this guidance will be used to assess the impacts of the proposals.
- 11.60 The introduction to the BRE guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme and designs should factor in site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course.
- 11.61 The application site is located within an accessible central London location, where the potential of sites and density should be maximised where possible. Urban design considerations are important when applying the guidance quoted above.
- 11.62 The following properties have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development.

- a. Nos. 122- 128 Pentonville Road, Hill House Apartments (residential);
- b. Rodney House, Donegal Street (residential);
- c. The Gower School, No. 10 Cynthia Street (school);
- d. Prospect and Penton House, Cynthia Street (residential);
- e. Paul Robeson House, Penton Rise (student accommodation); and
- f. Nos. 101 to 113 Pentonville Road (live/work units).

11.63 Planning application reference P121570 went to appeal on the basis of non-determination. However the Planning Committee would have resolved to refuse the application had it not gone to appeal on the grounds that the development would have a detrimental impact on the amenity of neighbouring properties with regard to daylight and sunlight. This previous application was considered by the Planning Inspectorate and dismissed on the basis that it would be harmful to the living conditions of the occupiers of Hill House in respect of daylight and sunlight which would be contrary to London Plan Policy 7.6 and DM Policy 2.1. The Inspector's decision also considered the impact of the development on the other neighbouring properties mentioned above but did not consider that there would be an unreasonable impact on their amenity in terms of daylight/sunlight, and the resubmission proposal has not altered in terms of its relationship with these neighbouring properties.

11.64 Therefore, the current application is a resubmission proposal in response to the above Inspector's decision, whereby amendments have been made to the development in built form terms at the corner of Pentonville Road and Cynthia Street, and along the Cynthia Street elevation. Consequently, a revised Daylight and Sunlight Assessment has been submitted with the application.

Nos. 122- 128 Pentonville Road, Hill House Apartments (residential)

Vertical Sky Component

11.65 As noted in the Inspector's decision, the rooms in Hill House facing Cynthia Street are served by windows that would be opposite the application site and are both single aspect and the main windows for the properties.

11.66 Appeal Scheme: 27 windows (ground, first, second and third floor levels) had a VSC less than the BRE recommended level of 27% and as a result of the appeal scheme a loss of greater than 20% of its former value. The losses ranged between 23% and 79% with over a third greater than 50%. Of these, 7 windows serve living/kitchen/dining (L/K/D) rooms and a further 4 windows serve living rooms.

11.67 Proposed Scheme: As a result of the design changes to the scale and massing of the proposal fronting Cynthia Street, the number of windows to Hill House that would have a VSC level of less than 27% and a loss of more than 20% of its former value

has been reduced to 5 windows as compared to 27 windows previously.

11.68 Specifically:

Note: Previous, appeal scheme figures in normal font and the **proposed scheme in bold font**

- Ground Floor: All 3 windows (L/K/D rooms) on this floor had corresponding losses of 57%, 48% and 38% of its former value.
- **Ground Floor: Only 1 window (L/K/D room) on this floor would now have a loss greater than the recommended level of 20% of its former at 27% (previously 57%).**
- First Floor: 8 windows (all bedrooms) had corresponding losses of 45%, 67%, 59%, 50%, 41%, 23%, 72% and 79% losses of its former value.
- **First Floor: 4 windows (all bedrooms) on this floor would now have a loss greater than the recommended level of 20% of its former value at 26% (was 67%), 21% (was 59%), 33% (was 78%) and 42% (was 79%).**
- Second Floor: 8 windows (4 bedrooms + 2 L/K/D + 2 Living Rooms) had corresponding losses of 43%, 50%, 55%, 52%, 48%, 44%, 38% and 37% losses of its former value.
- **Second Floor: All windows on this floor would retain complying levels of VSC in relation to BRE Guidelines.**
- Third Floor: 8 windows (4 bedrooms + 2 L/K/D + 2 living rooms) had corresponding losses of 30%, 35%, 38%, 36%, 34%, 32%, 27% and 25% losses of its former value.
- **Third Floor: All windows on this floor would retain complying levels of VSC in relation to BRE Guidelines.**

11.69 It is also noted that the VSC figures for the impact of the proposed development on Hill House (were one to make allowances and remove the balconies from the VSC assessment), would see all windows to Hill House not transgress the recommended levels of VSC outlined by the BRE Guidelines. The previous application resulted in 17 windows to Hill House having a loss greater than the recommended level of 20% of its former value were one to make allowances for the balconies.

11.70 Whilst this exercise demonstrates that the existing balconies to Hill House have an impact on the VSC values, it can only be considered as

supplementary information and not as part of the main assessment. This is due to the fact that the design of the balconies and open areas to Hill House properties are a key design aspect of that building and integral to its function and design, and as such any proposal on neighbouring land should factor in this existing condition. Nevertheless, this exercise does demonstrate that the amendments made to those elements of the scheme opposite Hill House have reduced the impact on these properties in terms of the Vertical Sky Component.

Summary of VSC

- 11.71 Looking at the VSC figures in isolation, considerable improvements have been made from the appeal scheme whereby 27 affected windows have been reduced to 5 affected windows, while the level of transgression of their former value for those 5 windows has also been reduced.
- 11.72 However, it is also noted that 3 of these 5 affected windows serve one residential unit to Hill House, which are its only windows given it is a single aspect unit. The other 2 affected windows serve the bedrooms of another single facing unit in Hill House, which are two of the three windows to that unit (albeit these windows have a lesser need for good daylighting than kitchen/living rooms).

Daylight Distribution

- 11.73 As noted in the Inspector's decision, the rooms in Hill House facing Cynthia Street are served by windows that would be opposite the application site and are both single aspect and the main windows for the properties.
- 11.74 Appeal Scheme: 12 rooms (ground, first, second and third floor levels) had a reduction in the amount of direct daylight they receive in excess of 20% of their former value. They ranged between 24% and 62% with 7 of them greater than 50%. Of these, 3 served living/kitchen/dining (L/K/D) rooms and a further 4 that serve bedrooms.
- 11.75 Proposed Scheme: As a result of the design changes to the scale and massing of the proposal fronting Cynthia Street, the number of rooms within Hill House that would have a daylight distribution loss of more than 20% of its former value has been reduced to 7 windows, as compared to 12 previously.
- 11.76 Specifically:

Note: Appeal scheme figures in normal font and the **proposed scheme in bold font**

- Ground Floor: All 3 rooms (L/K/D rooms) on this floor had corresponding losses of 58%, 59% and 59% of its former value.
- **Ground Floor: All 3 rooms (L/K/D rooms) on this floor would now have corresponding losses of 53% (58%), 52 (59%) and 44% (59%) of their former value.**
- First Floor: 5 rooms (all bedrooms) had corresponding losses of 56%, 51%, 51%, 48% and 62% losses of its former value.
- **First Floor: 4 rooms (all bedrooms) would now have corresponding losses of 32% (56%), 26% (51%), 30% (51%) and 30% (62%) of their former value.**
- Second Floor: 2 rooms (2 bedrooms) had corresponding losses of 24% and 27% losses of its former value.
- **Second Floor: All rooms on this floor would now maintain existing levels of daylight distribution apart from one which suffers a 3% loss, which is well within the BRE 20% loss 'allowance'**
- Third Floor: 2 rooms (2 bedrooms) had corresponding losses of 24% and 24% losses of its former value.
- **Third Floor: All rooms on this floor would now maintain existing levels of daylight distribution apart from one which suffers a 1% loss, which is well within the BRE 20% loss 'allowance'**

- 11.77 It is also noted that the DD (Daylight Distribution) figures for the impact of the proposed development on Hill House (were one to make allowances and remove the balconies from the DD assessment) then all windows to Hill House apart from the three L/K/D rooms at ground floor level, would not transgress the recommended levels of DD outlined by the BRE Guidelines.
- 11.78 The previous application resulted in 10 windows to Hill House having a loss greater than the recommended level of 20% of its former value were one to make allowances for the balconies. As per reasons outlined above, this can only be considered as supplementary information and not the key assessment.
- 11.79 The submitted Sunlight and Daylight Assessment also includes the DD figures for notional 5 metre deep ground floor LKD rooms to the ground Floor of Hill House. These are noted for additional information purposes but not considered to alter the assessment. The BRE Guidelines make mention that it may be unavoidable for single aspect units with rooms greater than 5 metres deep to have a greater movement of the no sky line. However, it does not

state that figures should be produced in the form presented by Anstey Horne in their notional table. The fact that these L/K/D rooms are longer than 5 metres and single aspect are factors to be taken into account when considering the conventional DD figures. The notional figures do not form part of this consideration.

Summary of DD

- 11.80 Looking at the DD figures in isolation, improvements have been made from the appeal scheme whereby 12 affected rooms have been reduced to 7 affected rooms, while the level of transgression of their former value for those 7 rooms has also been reduced (with the greater reductions to the 4 bedrooms at first floor level but minor reductions to the 3 L/K/D rooms at ground floor level.
- 11.81 However, it is also noted that 3 of these 7 affected rooms are located within one residential unit to Hill House, and the unit is single aspect. Of the remaining 4 affected rooms, two serve the ground floor L/K/D room and one first floor bedroom of another single facing unit in Hill House, which are two of the three windows to that unit. The remaining 2 affected rooms also serve the ground floor L/K/D room and one first floor bedroom of another single facing unit in Hill House, which are two of the three rooms to that unit.

Annual Probable Sunlight Hours (APSH)

- 11.82 Appeal Scheme: 26 windows would have had a reduction in sunlight over the whole year to figures below the recommended 25% and in excess of the 20% threshold in the BRE guidelines of its former value. Twenty-five (25) of them had losses ranging between 27% and 77%. Additionally, in all cases the reduction in sunlight over the year in Hill House would exceed the 4% threshold loss over the whole year.

Further, 16 windows would have a reduction in winter sunlight to figures below the recommended 5% and in excess of 20% of its former value. All 16 windows had losses ranging between 50% and 100%, with 4 of them retaining a winter APSH of zero or 1%.

- 11.83 Proposed Scheme: As a result of the design changes to the scale and massing of the proposal fronting Cynthia Street, the number of windows to Hill House that would have a year round APSH at less than the overall 25% threshold and a loss of more than 20% of its former value has been reduced from 26 to 6 windows.

Further, the number of windows to Hill House that would have winter sunlight at less than the overall 5% threshold and a loss of more than 20% of its former value has been reduced from 16 to 2 windows.

11.84 Specifically:

Note: Appeal scheme figures in normal font and the **proposed scheme in bold font**

- Ground Floor: All 3 windows (L/K/D rooms) on this floor had corresponding losses of 52%, 77% and 69% of its former value. Additionally, the total reductions over the whole year amounted to 11%, 17% and 20% respectively.
- In terms of winter APSH, 2 of the windows fell below the overall 5% recommended level with losses of 50% and 62% of its former value.
- **Ground Floor: Only 1 window (L/K/D room) on this floor would have a total reduction over the whole year greater than the 4% threshold at 8%, and this represents a loss of 28% on its former value.**
- **In terms of winter APSH, all 3 windows would now have a value above the recommended overall threshold of 5% winter APSH.**
- First Floor: 8 windows (all bedrooms) had corresponding losses of 27%, 74%, 60%, 65%, 58%, 50%, 64% and 73% losses of its former value. Additionally, the total reductions over the whole year amounted to 9%, 17%, 12%, 13%, 11%, 11%, 9% and 11% respectively.
- In terms of winter APSH, 6 of the windows fell below the overall 5% recommended level with losses of 57%, 80%, 75%, 100%, 86% and 75% of its former value.
- **First Floor: 4 windows (all bedrooms) would now have a total reduction over the whole year greater than the 4% threshold, and these are 5%, 5%, 5% and 4% respectively. In terms of their former value, these represent losses of 25%, 21% 23% and 31% respectively.**
- **In terms of winter APSH, only 2 windows would have a loss more than 20% of its former value and less than 5% overall winter APSH. These losses amount to 43% and 43% for the 2 windows.**
- Second Floor: 8 windows (4 bedrooms, 2 living room, 2 LKD) had corresponding losses of 45%, 48%, 57%, 52%, 59%, 44%, 42% and 50% losses of its former value. Additionally, the total reductions over the whole year amounted to 14%, 15%, 16%, 15%, 17%, 12%, 10% and 13% respectively.
- In terms of winter APSH, 4 of the windows fell below the overall 5% recommended level with losses of 64%, 60%, 57% and 75% of its former value.

- **Second Floor: All windows on this floor would now meet the recommended BRE thresholds for APSH and winter sunlight apart from one bedroom window, which would see an overall reduction from 24% to 19% (more than 4%), however marginally fails to meet the recommended guidelines as this represents a loss of 21% of its former value.**
- **Third Floor: 7 windows (3 bedrooms + 2 living room + 2 LKD) had corresponding losses of 30%, 35%, 32%, 29%, 33%, 31% and 21% losses of its former value. Additionally, the total reductions over the whole year amounted to 10%, 11%, 9%, 9%, 10%, 9% and 6% respectively.**
- In terms of winter APSH, 4 of the windows fell below the overall 5% recommended level with losses of 64%, 64%, 50% and 56% of its former value.
- **Third Floor: All windows on this floor would now meet the recommended BRE thresholds for APSH and winter sunlight.**

11.86 It is also noted that the APSH figures for the impact of the proposed development on Hill House (were one to make allowances and remove the balconies from the APSH assessment), all windows to Hill House would not transgress the recommended levels of APSH outlined by the BRE Guidelines, but for reasons outlined above this can only be considered as supplementary information and not the key assessment.

Summary of APSH

11.87 Looking at the VSC figures in isolation, considerable improvements have been made from the appeal scheme whereby 26 affected windows have been reduced to 6 affected windows, while the level of transgression of their former value for those 6 windows has also been reduced. Additionally, the 16 affected windows relating to winter sunlight have now been reduced to 2 affected windows and the level of transgression to these two windows has also been reduced.

11.88 However, it is also noted that 3 of these 6 affected windows serve one residential unit to Hill House, which are its only windows given it is a single aspect unit. Further, one ground floor L/K/D would have reductions in both its annual and winter sunlight beyond the recommended thresholds.

Overall Summary for Hill House

11.89 When looking at all of the above sunlight/daylight assessments with regard to Hill House, considerable improvements have also been made from the appeal scheme with particular regard to VSC and annual/winter sunlight, whilst where transgressions still exist, these have also been reduced.

- 11.90 Despite the above reductions, it is also noted that of the transgressions that still remain, these predominantly affect specific properties and are not widespread across the whole elevation. Specifically, the transgressions remain to the three duplex residential units over the ground and first floors of Hill House. These units are defined by a L/K/D room to the ground floor and 2 individual bedroom windows at first floor, i.e. 3 windows per flat.
- 11.91 Of these flats at ground floor level one window and room behind would suffer losses greater than the BRE thresholds across 3 tests, i.e. VSC, DD and APSH. Further, its two bedroom windows would not meet the VSC or DD test. Whilst the transgressions to this flat have been reduced, the proposed development on this unit alone would have a detrimental impact given the above assessment. The other two duplex flats would have their ground floor L/K/D rooms impacted upon in terms of DD and APSH values with additional impacts to their first floor bedroom windows in terms of VSC, DD and APSH values.
- 11.92 The impact on the amenity of the three duplex units at ground and first floor level of Hill House has to be considered in the wider context of the proposed scheme in terms of all neighbouring properties. Whilst the daylight losses to these three duplexes are greater than 20% of the existing levels, the BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The development is not significantly taller or out of character at this corner of the site compared to the immediate surroundings. The proposal would repair the urban grain by restoring appropriate building lines, making better use of this central site through efficiently developing this brownfield site.
- 11.93 Further, the proposed 4-storey element opposite Hill House has been set back 1.9 from the building line of the adjoining building (known as 6-10 Cynthia Street – the Gower School), whilst the 5-storey element has been set back 6.0m from the building line of the adjoining building. These setbacks also need to be considered in the context of height, whereby the Cynthia Street block's 4-storey height would stand 2.3 metres lower than that of the Hill House Apartment buildings 5th floor.
- 11.94 However, given the reduction in the number of units at Hill House that are now affected as compared to the appeal scheme and in the context of surrounding neighbours, it is considered that a balance has to be struck between making more efficient use of this central and highly accessible site, securing townscape improvements through the high quality design of these buildings and the provision of new homes is finely balanced but that these wider benefits outweigh the degree of daylight loss and resulting harm to the amenity of the three duplex properties.
- 11.95 Further, the existing built form conditions of both the application site and Hill House result in a situation whereby the Hill House occupiers currently enjoy a largely uninterrupted amount of sky above the application site, due to the application site not making best use of its central location. The existing daylight and sunlight levels experienced at present are therefore particularly high for a location such as this. Any development at the application site would

affect sunlight and daylight levels to the lower levels of Hill House. Although there would be a preference for all new developments to meet the BRE recommended levels with no transgressions, in this instance the proposed design has reduced the impact to 3 properties, whereby any redesign of the application proposals would bring the facing buildings much lower than the Hill House Apartment building, and potentially have a detrimental impact in townscape terms, as well as not optimising best use of this urban site.

- 11.96 For these reasons, the sunlight and the daylight losses to these three properties and associated impact on their amenity when balanced against the townscape and other considerations and benefits of the scheme, outweigh the loss of daylight and sunlight that would be experienced.

Rodney House, Donegal Street (residential)

- 11.97 This site is occupied by a residential building with its main elevation onto Donegal Street (facing north) however the south elevation faces the application site. The submitted sunlight and daylight assessment provides calculations of losses to these south facing windows (as the building is designed), and gives an additional calculation of losses as if the balconies and windows on this elevation were not recessed. Whilst this additional exercise demonstrates that the existing recesses would have an impact on the BRE values, it can only be considered as supplementary information and not the key assessment.

- 11.98 The relationship of the proposed development adjoining this property was also considered by the Planning Inspector on the appeal scheme and made the following comments:

"12 windows at ground, first and second floor levels would suffer a loss of VSC in excess of 20% and would fail the test. All the rooms on the ground floor would also suffer from a reduction in daylight distribution of between 28% and 50%. 2 rooms at ground and first floor levels would experience a loss of direct sunlight in winter months in excess of the recommended maximum. There would also be losses for some rooms on lower ground and first floors.

Nevertheless, if the deep recesses were taken into account then it would produce a different result. All but one window would pass the guidance and that relates to a room with a second window. It also has to be seen within the context of the effect of the extant planning permission that could be built on the appeal site. Because of these matters, I consider therefore that the scheme would not have an unreasonable effect on the occupiers of Rodney House."

- 11.99 Given the resubmission proposal has not altered in terms of its relationship with these neighbouring properties and taking into account the Planning Inspector's decision, it is not considered that the proposed development would have a detrimental impact on this adjoining property.

The Gower School, No. 10 Cynthia Street (school)

11.100 The relationship of the proposed development adjoining this property was also considered by the Planning Inspector on the appeal scheme and made the following comments:

11.101 "Although one window in a classroom would be affected and would suffer a significant loss of daylight, because the room is also served by other windows, the room would remain adequately lit."

Prospect and Penton House, Cynthia Street (residential)

11.102 This site contains a 10-storey residential building located to the north east of the application site. This building would retain complying levels of VSC to all windows should this proposal be constructed. The Daylight Distribution within all rooms is maintained at its current levels. The annual sunlight received (APSH) either exceeds 25% and therefore accords with the BRE guidance.

Paul Robeson House, Penton Rise (student accommodation)

11.103 This site contains a student accommodation building that stands between 6 and 9 storeys tall. It is located on the opposite side of Pentonville Road and turns onto Penton Rise. In terms of assessment of impacts to the amenity of student accommodation, it is generally accepted that given the non-permanent/shorter period of occupation of these buildings, a less restrictive application of the BRE guidelines is appropriate. The windows affected in daylight terms have a north aspect and therefore do not require sunlight assessment. Affected floors include the ground to fifth floors (the sixth floor and above has full compliance). The relationship of the proposed development adjoining this property was considered by the Planning Inspector on the appeal scheme, who made the following comments:

11.104 *"Paul Robeson House comprises student accommodation on the opposite side of Pentonville Road to the appeal site. Because it is student accommodation, the BRE guidance is not strictly applicable. Nevertheless, DMP policy DM2.1 applies to all buildings and the BRE guidance still provides a useful methodology for assessment."*

11.105 *"The development would result in a loss of daylight of up to 36% as measured by the VSC and up to 75% against the NSL to 46 bedrooms and kitchens at ground, first, second, third and fourth floors. 38 rooms would suffer a loss of daylight beyond the minimum recommended in the BRE document. In addition, a total of 28 rooms would see a reduction in NSL in excess of the BRE recommended levels. However, because this is student accommodation which would have a transient population and is not family accommodation, I consider that the effect on Paul Robeson House would not be unacceptable."*

11.106 *"Because Paul Robeson House does not face within 90 degrees of due south, sunlight is not relevant."*

- 11.107 Given the resubmission proposal has not altered in terms of its relationship with these neighbouring properties and taking into account the Planning Inspector's decision, it is not considered that the proposed development would have a detrimental impact on this adjoining property.

Nos. 101 to 113 Pentonville Road (live/work units)

- 11.108 This site contains a building that accommodates live/work units. All windows are not impacted by these proposals maintaining in excess of 27% VSC and maintaining 100% of existing Daylight Distribution within rooms. The windows face north and therefore do not require testing for sunlight receipt.

Privacy and Overlooking

- 11.109 Objections have been received mainly from the occupiers of Hill House Apartments (122-128 Cynthia Street) stating that these proposals generate an unacceptable level of overlooking due to the proximity, height, position of balconies and number of windows on the Cynthia Street elevation.

- 11.110 Development Management Policy DM 2.1 states that there should be a minimum distance of 18 metres between windows of habitable rooms. However, this does not apply across the public highway, as overlooking across a public highway does not constitute an unacceptable loss of privacy. Block 'D' on the corner of Pentonville Road and Cynthia Street and Block 'E' along Cynthia Street would have a height of 4-storeys with a setback 5th floor would be positioned 14.5 metres away from Hill House, with the 5th floor an additional 4.4 metres further away.

- 11.111 The Planning Authority does not operate a separation distance requirement across public highways. This is because urban design requirements will generally ensure that a similar amount of overlooking would occur (as currently occurs) further up or down a street between facing properties. This is a usual occurrence that is seen throughout London. Whilst objections have stated that Cynthia Street is a narrow road which exacerbates this problem, the separation distances as specified above are considered acceptable. In addition, recent Planning Inspectors decisions have concluded that distances of 14.9m across public highways are sufficient to ensure no loss of privacy, and an appropriate degree of enclosure.

- 11.112 All other properties are either not directly faced by this proposal or are in excess of 18m from the elevations of this proposal and would experience no unacceptable loss of privacy.

Noise and construction impacts

- 11.113 Conditions are recommended to ensure that plant equipment operates below background noise levels to protect nearby residential amenity (Condition 17). A code of construction response document is to be secured by legal agreement and a construction logistics plan (Condition 7) secured with the view of ensuring that dust, noise and other construction impacts are minimised wherever possible. Whilst objections were received that occupiers

would not be able to enjoy the use of their balconies during construction phase (due to noise and dust), these impacts would be temporary and do not warrant refusal of an application. The above measures would help to mitigate impacts.

Quality of Resulting Residential Accommodation

- 11.114 The London Housing SPG sets requirements for the design of new residential units, including size, layout, circulation, floor to ceiling heights, aspect and private outdoor space requirements etc. Minimum unit sizes are set out in the London Plan Policy 3.5. Further, DM Policy 3.4 sets out Housing Standards for all new developments. The playspace requirements of the London Plan are set out in the SPG and DM Policy 3.6.

Unit Sizes

- 11.115 All of the proposed residential units, regardless of their bedroom numbers would meet the minimum standards set out in the London Plan (policy 3.5) and DM Policy 3.4. The proposed 11 (all 3 bedroom) social rented units are suitable for accommodating either 4 or 5 people. The proposed units range from 79 - 115 sqm (4p) which exceed the 74sqm minimum, or 90-100 sqm (5 people), which exceeds the minimum (86sqm) size requirement, some being particularly generous which helps to mitigate internal day lighting concerns. The proposed private tenure studio units (housing mix acceptability is explored below) exceed the minimum unit size standard by between 3-8sqm.

Internal Daylighting

- 11.116 A selection of BRE testing Average Daylight Factor (ADF) was undertaken for the proposed scheme. The ADF testing suggests that bedrooms should reach 1.0%, living rooms 1.5% and kitchens 2%. Ground floor units (Block E – social rented units) are provided with large glazed areas that ensure that the majority of rooms meet the minimum ADF standards. The presence of projecting balconies on each level further restricts daylight into rooms. The majority of rooms pass, but some do fail.
- 11.117 There are failures within the private tenure proposals, mainly where recessed balconies are proposed and therefore overshadowing is caused. Whilst this can cause problems reaching the target ADF, it does help to prevent overheating, particularly in south facing units. In these instances the slight failures are considered acceptable.
- 11.118 The resubmission proposal does not contain transgressions further to the previous scheme, which was not refused on this basis. The Planning Inspector also noted that the internal daylighting in the some of the rooms of the dismissed scheme did not meet the minimum ADF standards but did not include this reason in dismissing the previous application.
- 11.119 For these reasons, the daylighting levels of the proposed residential units are on-balance considered to be acceptable.

Ceiling heights/Aspect

- 11.120 All units are designed with a 2.5m floor to ceiling height which is just less than the minimum 2.6 metres outlined in DM Policy 3.4. Although this is fractionally less than the minimum required by policy, the proposed ceiling heights are considered acceptable in this instance given this did not form a reason for refusal in the previous scheme. Further, increasing the ceiling heights in this instance would increase the overall height of the proposed building.
- 11.121 A total of 49 of the 118 units would be considered as single aspect, which is one less than the previous scheme. Many of these single aspect units though incorporate recessed balconies to the south and western elevations, which enable a further aspect to be secured across those balcony spaces. Whilst this design technique doesn't necessarily mean they are truly 'dual' aspect, it does allow for ventilation and additional sunlight and daylight receipt. On this basis, and as there is no further increase in the number of single aspect units in comparison to the dismissed scheme, the scheme is considered appropriate. Further, there are no north-facing single aspect units which ensure compliance with DM Policy 3.4.

Private Outdoor space

- 11.122 The London Housing SPG sets requirements for private outdoor space, which are then expanded on by DM Policy 3.5, which requires 30sqm for ground floor family units. For upper level units, a minimum of 5sqm of external space for 1-2 person units, and an additional 1sqm per additional occupant is sought. Level thresholds must be provided to all private external spaces and balconies must have a minimum width of 1.5m. Ground floor units must have a 1.5m wide defensible space. The proposed residential units all secure a private balcony space and have level access to the communal courtyard in addition to that.
- 11.123 The ground floor social rented (family sized) units are provided with a small (6.5sqm) area of private open space, 1.5m deep. Whilst falling short of the policy requirement (30sqm) these private amenity spaces then have direct access onto the communal courtyard. Given the character of this proposed development, this is considered acceptable as the additional amenity space is directly accessible from these units, and in addition Joseph Grimaldi Park is within a 2 minute walking distance of these units. The upper floor 3 bed social rented units have between 7sqm and 8.15sqm of private balcony space. Whilst these fall 1sqm short of the requirement, given the proximity of public open space, this is on-balance considered acceptable.

Play space

- 11.124 The provision of 10sqm of play space is required per child for major development proposals. This development would generate a child yield of 24.4 (LBI) or 30 (London Plan). This requires a total playspace provision of 244sqm (LBI) and 300sqm (London Plan). The submitted landscape proposals show three spaces for play which effectively take up the whole of the communal amenity space (excluding circulation). This is double counting

of playspace requirements on top of private amenity space requirements and therefore a full playspace contribution is sought for these proposals. A financial contribution of £83,605 is secured towards the provision of play space facilities.

- 11.125 As the proposals make no provision for the creation of additional, public open space, and as the new residents and additional employees would use the nearby public open spaces, a financial contribution of £215,859 is sought from the applicant (in accordance with the Planning Obligations SPD) towards open space improvements within the vicinity of the site.

Noise

- 11.126 The application was accompanied by a noise assessment that looked at the noise levels of Pentonville Road with a view to securing a high quality internal noise environment for resulting residential accommodation. The Council's Acoustic Officer expected the noise assessment to conclude that the site falls within Noise Exposure Category D (where planning permission for residential should normally be refused). However, the report concludes that the site falls within Category C. Measurements were taken outside school time and within the Easter Holidays which may have distorted results, in addition, the increase in noise from the intensified car hire use has not been taken into account either.
- 11.127 As such, a condition is recommended to secure noise insulation details (Condition 19), however in order to attain the stated condition targets, windows would need to remain shut and some form of ventilation will be required. The noise generated by the ventilation system should be included in these calculations, requiring an updated assessment.
- 11.128 Plant noise is also conditioned to protect future occupiers amenity as well as nearby neighbours (Condition 17).

Dwelling Mix

- 11.129 The proposed mix of accommodation is as follows:

	Studio	One bed	Two Bed		Three Bed			Totals
			3p	4p	4p	5p	6p	
Unit numbers	15	35	14	41	3	8	2	118
	15	35	55		13			
	12.7%	29.7%	46.6%		11%			100%
Habitable rooms	15	70	42	123	12	40	10	312
	4.8%	22.4%	52.9%		19.9%			100%

- 11.130 The proposed mix of accommodation is not consistent with DM Policy 3.1 and the table below sets out the housing mix required for all major developments. The table also highlights that whilst the social housing mix reflects policy, and

the intermediate housing is almost consistent, the private housing mix would not meet the requirements with a lower proportion of both 2 and 3 bed flats and higher proportion of 1-bed/studios. In fact, 1bed/studios make up 45% of the market housing mix, compared to just a 10% policy requirement for 1-beds.

Units	Private		Intermediate		Social	
	Proposed	DM Policy	Proposed	DM Policy	Proposed	DM Policy
Studio	15.3%					
1 bed flat	29.6%	10%	67%	65%		
2 bed flat	53.1%	75%	33%	35%	20%	20%
3 bed flat	2%	15%			30%	30%
4-bed or more					50%	50%

- 11.131 Whilst DM Policy 3.1 seeks a good mix of housing sizes, leading on from policy CS12 of the Core Strategy, it is accepted that the Pentonville Road frontage is a challenging location in terms of its noise and air quality and therefore not a desirable location for a significant amount of large family housing.
- 11.132 The majority (9 of 13) of family sized units (3 bedroom) are to be located within the Cynthia Street fronting block (Block E) and would be social rented units. This part of the site would be protected from the more significant environmental challenges of Pentonville Road due to the set back from the main Cynthia Street building line and the shielding provided by the Pentonville Road facing block. In this regard the smaller than normal percentage of three bed or larger units is considered acceptable in this location given environmental challenges and constraints of the site. Furthermore, provision of additional family units within the private housing would have an impact on the viability of the development and the level of affordable housing being provided.
- 11.133 The proposal also seeks permission for 15 (private tenure) studio units, which is resisted by DM Policy 3.4 'Housing Standards' that refers to studio units '*only being accepted in exceptional circumstance where a larger unit is not possible or a studio unit would result in better aspect*'.
- 11.134 Seven (7) of the 15 units (47% of the studios proposed) help to ensure that larger (2 bedroom) units can be provided adjacent to the studio unit in

question. Redesigning these 7 studios would result in 2 x 1 bed units rather than a 2 bedroom unit and a studio (as currently proposed). These 7 studio units help to overcome difficult building plan layouts. With this in mind, whilst the scheme provides a mix of units that does not strictly accord with the desired housing mix for Islington, the site is located on a busy strategic road where air quality and the noise environment is challenging. In addition, a car hire business accesses the site from beneath the Rodney Street frontage, where a large proportion of the studio units (west facing) are proposed. With this in mind the mix of units for this location is considered to be acceptable.

Affordable Housing and Financial Viability

11.135 The applicant's financial viability consultant, Gerald Eve has submitted an updated financial viability appraisal with the application. The Local Planning Authority appointed BPS Chartered Surveyors to undertake an independent review of the submitted financial viability report and was asked to consider and comment on the schemes ability to viably provide:

- a greater amount of office floorspace (to better accord with policy CS6A and CS13 of the Islington Core Strategy). This is assessed within the Land Use section (**paragraphs 11.10 – 11.13**); and
- consider if the affordable housing offer (23% by habitable rooms) is indeed the maximum reasonable amount that the site can afford to deliver (applying the borough strategic target of achieving at least 50% affordable housing on the relevant sites (reflecting 'policy compliant scheme').

11.136 The BPS report is appended to the end of this report at **Appendix 3**.

Affordable Housing Offer

11.137 The applicant has offered 23% affordable housing by habitable rooms, or 17% by unit numbers. This equates to a total of 20 residential units (out of the total 118 proposed), and the offer is split 71% social rented units (11 x 3 bedroom units) and 29% (6 x 1 bedroom and 3 x 2 bedroom units) intermediate rent units. This is illustrated in the table below:

	Unit / Habitable Rooms	1 bed	2 bed	3 bed	Total
Social Rent	Unit numbers	-	-	11	11
	Hab rooms	-	-	52	52
Intermediate Rent	Unit numbers	6	3	-	9
	Hab rooms	12	9	-	21

11.138 The key influence on viability in this case relates to the Benchmark Land Value (site value for planning purposes). With regards to the benchmark values adopted in the applicant's financial appraisal (carried out by Gerald

Eve), BPS did not dispute the value arrived at. This is in the context of the complex site assembly carried out by the applicant in bringing together four separate sites to facilitate a comprehensive redevelopment. This arrangement would leave some of the site owners in a very strong negotiating position, in effect a ransom situation, given that the proposed development required the entire island site to be acquired. BPS advised that land values generated through a complex site assembly process, unless backed by a Compulsory Purchase Order, is one over which the developer has limited control – the options being to acquire at the price offered or withdraw from the development. This decision becomes more difficult with increased developer ownership and investment. This is a key factor that supports the BPS acceptance of the benchmark land value in the context of specific advice within the RICS Guidance. It should be noted that this benchmark land value was also previously accepted by DVS in their assessment of the appeal scheme's viability). This is a unique situation that does not come about very often and the land value reflects the risk that the applicant has taken in this endeavour.

- 11.139 In assessing the Gerald Eve financial viability appraisal, BPS stated that the applicant's appraisal generates a net profit on cost of 9.57%, which falls short of their target profit of 19% on cost (the blended profit target which is accepted as reasonable in the current market). Based on information provided relating to present-day costs and values, BPS consider that there is no justification for requiring further up-front affordable housing contributions. BPS note there are some points of clarification in respect of costs but these are relatively small in quantum, and they also note some uncertainty in respect of the residential values. However, even allowing for alternative assumptions concerning these elements, BPS is of the view that the scheme is unlikely to generate a significant surplus. Therefore, they concluded that the current offer represents the maximum that can be provided (see Appendix 3 for BPS report).

Review Mechanism

- 11.140 The Council's SPD on Planning Obligations (Section 106) states that a further financial viability appraisal (review mechanism) should be submitted prior to but close to the date of implementation of the scheme. Therefore, a section 106 obligation is recommended requiring the owner to submit an Updated Viability Assessment (UVA) to the council, prior to implementation of the development in the event that the development is not implemented within eighteen months of the date of the planning permission (at which point the original viability assessment submitted with the planning application shall be deemed to (reasonably) be out of date).

GLA Stage 1 Response

- 11.141 The GLA responded within their Stage 1 response that they wished to see the affordable housing offer modelled utilising the affordable rent product (in place of the proposed social rent units) to ascertain whether an additional quantum of 'affordable' housing could be secured. Gerald Eve on behalf of the applicant modelled those units as 'affordable rent units' with rent set at 50% of

market rent level. This did not generate sufficient additional value to enable additional affordable housing units to be provided. It should be made clear that the applicant therefore retains the offer as 23% affordable housing (by habitable rooms) split 71% social rented and 29% shared ownership accommodation (secured by head of term **paragraph 1**).

- 11.142 BPS conclude that the financial viability offer of 17% by unit number and 23% by habitable rooms reflects the maximum reasonable offer that this site can afford to deliver, given the specific circumstances of this case including the special case of site assembly, the provision of an expensive build for the expanded car hire business (at peppercorn rent) and the difficulties in securing value for the office floorspace, all of which present a drain on the schemes viability. For these reasons the proposal is considered to maximise the amount of affordable housing that the site can afford to deliver and therefore accords with Core Strategy Policy CS12G and with London Plan Policy 3.11 as it has been demonstrated affordable rent in place of social rent would not enable an increased quantum of affordable housing to be delivered.

Sustainability

- 11.143 London Plan Chapter 5 policies are the Mayor of London's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. Sustainable design is also a requirement of Islington Core Strategy Policy CS10. Details and specific requirements are also provided within the Development Management Policies and Islington's Environmental Design SPD, which is supported by the Mayor's Sustainable Design and Construction Statement SPG.
- 11.144 The development is located in an urban area where people can access services on foot, bicycle or public transport. It is a mixed use development satisfying key sustainability objectives in promoting the more efficient use of land, and reducing the need to travel.
- 11.145 The submission includes BREEAM and Code for Sustainable Homes pre-assessment reports for the proposed uses. These reports highlight that the non residential uses will achieve "Excellent" rating and the residential units will achieve Code for Sustainable Homes Level 4. The applicant has committed to achieving these targets and conditions are recommended to secure compliance.(Condition 23)
- 11.146 Grey water recycling (for WC flushing) was investigated by the applicant, but found that limited water use savings would be made compared to the capital cost and maintenance, storage capacity requirements (as well as yearly saving to occupants). In this regard it is accepted that it is not feasible to include grey water recycling. Rainwater runoff will be reduced through inclusion of green roofs to all buildings (including beneath PV array) as well as enhance biodiversity resulting in a 50% site coverage of planted space when the courtyard is included.

- 11.147 As the site is to be fully developed, storage and release of rainwater is necessary. Storage and slow release is proposed and a condition (Condition 27) is recommended to ensure those details adequately address NPPF, London Plan and Islington policies. In addition, rainwater is to be stored for irrigation purposes within a storage tank to be located within the basement those details are also secured by the above condition (although these are separate functions and tanks).
- 11.148 The development also proposes the:
- use of sustainably sourced construction material (**condition10**);
 - provision of secure, covered cycle storage to support use of sustainable transport methods (**conditions 31 and 32**);
 - inclusion of bird and bat box and invertebrate refuges (**condition 29**);
 - provision of a site waste management plan (**condition 3**);
 - registration as a Considerate Constructors Scheme (**s106 clause**); and
 - scheme is stated to seek a 105 litre/person/day rate of water use through efficient water appliances. Whilst this falls short of the policy 95 litres/person/day the Sustainability and Energy report is to be conditioned to secure adherence to the statement within it (**condition 28**).

Energy Efficiency and Renewable Energy

- 11.149 The application is accompanied by an Energy Strategy, which details how it would comply with London Plan Policy 5.2 and Islington Core Strategy Policy CS10 by incorporating a range of passive design features, renewable energy technology (photovoltaic panels) and a CHP. The resultant CO2 reduction target is for 154 tCO2/an, which would be a percentage reduction of 29% on total CO2 emission. Council's Energy Officer recommends appropriately worded conditions and in addition s106 head of term will secure the energy measures as well as future-proofing for connection to heating and cooling networks.
- 11.150 The proposals address the energy hierarchy of 'be lean, be clean, be green' in the following way:
- BE LEAN
- Energy efficiency standards*
- 11.151 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum values required by building regulations. Other features, including high performance hot water cylinders, full space heating zone controls and mechanical ventilation with heat recovery (MVHR) are proposed. The demand for cooling will be minimised by limited window sizes, the higher ceilings, the shading from balconies and deep window recesses and the glazing specification selected would also serve to control summer gains. Overheating analysis has been submitted and that concludes that none of the dwellings

are at unacceptable risk of summer overheating. The applicant proposes that the 98 private apartments will have comfort cooling provided by a communal cooling system that also serves the commercial units. The applicant states “Cooling is being proposed for the sole reason that the purchasers of high specification apartments such as these insist upon it”.

11.152 The report concludes “The development proposals therefore fully meet the requirements The London Plan: Policy 5.2: Minimising carbon dioxide emissions; Policy 5.6: Decentralised energy in development proposals; and Policy 5.7: Renewable energy, and the local energy policies in the London Borough of Islington LDF Core Strategy: Policy CS10 Sustainable design.”

11.153 However the application also needs to adhere to London Plan Policy 5.9 on overheating and cooling, which states:

“New development in London should also be designed to avoid the need for energy intensive air conditioning systems as much as possible.”

11.154 Major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the following cooling hierarchy:

- 1 minimise internal heat generation through energy efficient design
- 2 reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
- 3 manage the heat within the building through exposed internal thermal mass and high ceilings
- 4 passive ventilation
- 5 mechanical ventilation
- 6 active cooling systems (ensuring they are the lowest carbon options).

11.155 Local planning policy and guidance states:

“The need for cooling should be designed out as far as possible through use of passive design and passive ventilation”. “Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control.”

11.156 The applicant has clearly stated that comfort cooling is not required to avoid overheating and the sole reason for its inclusion is that “the purchasers of high specification apartments such as these insist upon it”. This is in conflict with both London Plan Policy 5.9 and local policy.

11.157 Therefore, a condition has been imposed for the non installation of active cooling systems to any residential units and that amended plans detailing future proofing methods to enable retrofitting of cooling at a later date, should increasing temperatures make this necessary, to be considered. (Condition 24)

BE CLEAN

District heating

- 11.158 There are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. This shall be secured via condition.

Combined Heat and Power

- 11.159 The CHP plant proposed has capacity to serve as a block-wide heat network, being a 30kW gas-fired, combined heat and power unit which would provide for domestic hot water load and a proportion of the space heating. A condition is recommended stating that all apartments and non-domestic building uses will be connected to this network (including the gym sauna and swimming pool facilities) and requiring details of the route of the network for approval. (Condition 21)
- 11.160 Council's Energy officer advises that this approach is acceptable subject to a condition ensuring that their CO₂ reduction target is for 154 tCO₂/an which would be a percentage reduction of 29% on total CO₂ emissions. Should this not be achieved through biodiesel CHP they would need to make up the shortfall through either other onsite measures, an additional contribution to the offset fund or a combination of the two. This is also to be secured under the relevant planning obligation relating to the offset carbon levy.

BE GREEN

Renewable energy technologies

- 11.161 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install solar PV panels on the roof of the buildings.
- 11.162 Development Management Policy DM7.1 states that all major applications are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO₂ emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy.
- 11.163 The GPP with updated targets adjusted to reflect new information on occupancy, etc, and full details of monitoring arrangements shall be submitted within 6 months of occupancy, whilst the level of detail required for submission is outlined in the Council's Environmental Design SPD. This is to be secured as an obligation in the s106 agreement.
- 11.164 Summary

- 11.165 The total CO2 emissions savings would amount to a 29% saving above 2010 Building Regulations baseline. The Environmental Design SPD seeks an off-setting of CO2 emissions (for major applications) to bring schemes to an equivalent of zero carbon. The development attracts a carbon levy of £244,076 with regard to Core Strategy Policy C10.
- 11.166 The proposal includes comfort cooling, which does not accord with the Core Strategy policy CS10. Therefore, a condition has been imposed preventing the installation of such mechanical cooling. This condition was part of the previous recommendation that was also heard at appeal. Whilst the applicant has not agreed to the condition and disputed the condition at appeal, no justification on energy grounds has been submitted. Given the previous application was dismissed there was no need for the Planning Inspector to state what conditions would have been appropriate should the previous proposal been allowed. The Inspector's decision has not stated that the above condition would be unreasonable, and as such it is considered necessary so that the proposed scheme is in conformity with the Development Plan.
- 11.167 Subject to the above and the implementation of the range of energy measures to be secured via conditions and s106 obligations, it is considered the Energy Strategy is appropriate.

Highways and Transportation

- 11.168 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating. The site is located approximately 650 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 800 metres away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Hammersmith and City and Circle Lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland.
- 11.169 St Pancras International Station is located slightly further from the site (approximately 950 metres), and provides East Midlands and First Capital Connect services to various destinations in England, and Eurostar Services to France and Belgium. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476).
- 11.170 The application site is a substantial block with three street frontages, namely: Pentonville Road (A501) marking the southern frontage of the site which is a Transport for London (TfL) managed road and is a designated Red Route. A single red line prevents stopping between 8am and 7pm Mondays to Saturdays. Outside of these times parking and loading is permitted on the kerbside. Two lanes of traffic run in either direction, however immediately to the west of the site, Pentonville Road becomes a one way system with traffic moved down Penton Rise (but with a contra flow bus lane moving buses westwards). To the west is Rodney Street and to the east is Cynthia Street,

both of which are local distributor roads managed by Islington Council's Highways Department.

- 11.171 North of Pentonville Road is Controlled Parking Zone B and south of Pentonville Road, Zone A that covers most of Clerkenwell up to Pentonville Road, both of which prevent parking 8.30am-6.30pm Monday to Friday and 8.30am-1.30pm Saturdays.
- 11.172 The existing site accommodates a substantial amount of car parking (storage), associated with the Europcar business (approximately 100 spaces). This business has vehicle access points on Pentonville Road and also on Rodney Street. Existing car parking spaces are also located within the forecourt of 130-134 Pentonville Road and 3-4 Cynthia Street (approximately 7 spaces), with vehicle access from Cynthia Street. In addition, the Flower Shop accommodates vehicles within its ground floor workshop with its associated vehicle movements.

Car Parking

- 11.173 The proposals seek to re-provide and increase the capacity of the existing Europcar business, increasing the associated car parking from 100 spaces to 150. Europcar would be accessed solely from Rodney Street with a manned office space overlooking the entrance to the basement car parking to prevent misuse. Car parking is essential to the functioning of a car hire business.
- 11.174 The policies relevant to the car parking are Core Strategy Policy CS10 (Sustainable development), Part H and Development Management Policy DM8.5 (Vehicle parking). Part B(i) of Policy DM8.5 specifically relates to car hire facilities and states the following:

“Parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses).”

- 11.175 In this regard the spaces are considered to be more akin to car storage than to car parking spaces, which is reflected in the unusual car parking arrangements (requiring qualified staff to move the vehicles around once dropped off by customers). The application includes a business case demonstrating the need for the business growth (increased car storage capacity). It is accepted that the business location close to King's Cross St Pancras, and within a borough with car free policies (for new development) generates a demand for such services and the 50% growth rationale is accepted.
- 11.176 Whilst the provision of car parking for a car hire business is permitted under Policy DM8.5(B)(i), the parking area must be appropriately managed to ensure that it is not used for regular parking for the commercial or residential uses. Section 4.2.2 of the Transport Assessment notes that the applicant is willing to include a condition on any planning consent restricting access to the car park for the exclusive use of the on-site car hire facility. Therefore, to

ensure that the storage spaces are not misused by staff of the car hire business, commercial units or the upper residential units a Car Parking Management Strategy is secured by condition. (Condition 39)

- 11.177 The residential and office parts of the development are 'car-free', in that no private car parking spaces are provided for residents, employees, and visitors of the development. The submission states that the car parking area will be for the sole use of the car hire business, and will be manned by a security guard during opening hours in line with Core Strategy Policy CS10(A) and DM Policy 8.5 (A and B).
- 11.178 No on-site car parking for residents is proposed and to enforce this, a car parking management strategy is to be secured by condition. Further, new residents to new build developments will not be eligible for on-street parking permits and this is to be secured via the legal agreement, however existing Islington residents are exempt from the above and eligible for CPZ permits.
- 11.179 A financial contribution of £28,000 is secured for the provision of (at least one) on-street accessible parking bay for blue badge holders (and additional in accordance with requirements for wheelchair accessible housing units).

Cycle Parking

- 11.180 The proposals include the provision of cycle parking in accordance with DM policies. Showers and changing facilities are also included for the office and car hire businesses, which is secured by condition (Condition 32). The following provision is also secured (compliance) by the imposition of a condition: (Condition 31)
- 199 cycle spaces for the residential uses (1 per bedroom)
 - 12 spaces for the office uses
 - 6 spaces for the car hire business
 - 5 spaces are proposed for the northern footway of Pentonville Road for the use of visitors to the residential element of the development (secured by s106 obligation).

Refuse and Recycling

- 11.181 Storage is appropriately located within the development for all uses proposed and bins would be wheeled to the kerb-side of Rodney, Cynthia and Pentonville Roads for collection. Compliance with the submitted Operational Waste Strategy is secured by condition. (Condition 33)

Servicing and Deliveries

- 11.182 The submitted Transport Assessment notes that the car hire facility will have a marginal increase in servicing/delivery trips (two additional vehicles per week), as many of the deliveries currently made to the site are half loads. It also states that all servicing/deliveries by light vehicles will be carried out on site. Further information is required to show where servicing/delivery vehicles

will be accommodated within the basement (including swept paths) and a loading bay should be clearly demarked and kept clear for servicing/deliveries. This is to be secured by the imposition of a condition should consent be granted. (Condition 34)

- 11.183 Larger vehicles which would deliver petrol, diesel and chemicals for the car hire facility would be required to service on-street, with an expected frequency of approximately two vehicles every four weeks. Whilst the number of visits is very low, we have concerns about these types of deliveries that cause a hazard due to equipment being placed on the public highway. Further information is required to explain how these types of deliveries will be carried out and this has been secured by condition requesting the submission of a Service and Delivery Plan. (Condition 34)
- 11.184 The proposed office is 873 square metres and the Transport Assessment estimates that it will generate 10 servicing/delivery vehicles per day, whilst it is estimated that the development will generate up to 15 servicing/delivery vehicles per day for the residential part of the scheme.
- 11.185 The applicant has identified positions on Rodney Street and Cynthia Street that could accommodate the office and residential servicing (although servicing could take place from Pentonville Road before 8am and after 7pm Mondays to Saturdays). The applicant has reviewed kerbside controls on Rodney Street and Cynthia Street and concludes that servicing can take place between 0930 and 1630 and the streets could accommodate the levels of servicing anticipated. Capacity for Rodney Street servicing would be between 56 and 140 vehicles, and for Cynthia Street would be between 28 and 70 vehicles, which far exceeds the levels of servicing expected to be generated by the totality of these proposals (which would be in the range of 10-35 per day). Nevertheless, a delivery and servicing plan is secured by condition to ensure that the development has no adverse impact on the highway.

Highways Mitigation, Requirements and s106 Obligations

- 11.186 The development is supported by a Construction, Logistics and Management Plan which is secured by condition. (Condition 7) This would enable consideration of vehicle movements around the site to manage road impacts, consider implications for school safety as well as help to mitigate dust and noise nuisance to nearby residents. In addition to this, the legal agreement would secure compliance with the Code of Construction Practice, including a monitoring fee (£13,377) to help to monitor and minimise disturbance to local residents.
- 11.187 The submitted Pedestrian Environment Review System audit concludes that whilst the surrounding pedestrian environment is generally good, nearby sections of Pentonville Road would benefit from de-cluttering in order to provide additional capacity – s106 contributions are secured for this purpose. Transport and public realm (pedestrian) improvements within the vicinity of the site are secured and the total agreed: £237,081 would contribute towards this aim.

11.188 Transport for London requested that the following be secured via s106 legal agreement, and are reflected in Appendix 1 Recommendation B:

- secure one on-street accessible parking bay for blue badge holders;
- Car Park Management Strategy to be submitted, with the aim of preventing unauthorised parking of residential and business vehicles within the car hire business parking spaces. The ongoing management, review and adherence to this strategy is secured by legal agreement;
- Contribution towards on-street car club spaces;
- Request for the provision of 3 visitor cycle stands to be located on the northern footway of Pentonville Road;
- Travel Plan – to be secured and monitored;
- The developer to enter into a s278 agreement with TfL as Highway Authority for the reinstatement and crossover removal works on the TLRN (Pentonville Road);
- De-cluttering of Pentonville Road (as per the PERS Audit);

11.189 In addition to the above, the proposals include the removal of crossovers from Pentonville Road and Cynthia Street and the widening of a crossover on Rodney Street. The recovery of costs for carrying these works out are secured in the legal agreement as well as the repair and re-instatement of the footways and highways adjoining the development that are under the control of London Borough of Islington (Rodney Street and Cynthia Street).

Contaminated Land and Air Quality

11.190 The applicant has submitted an initial desktop survey on the potential for contaminated land at the site. The Council's Pollution Project Team have reviewed the report and advised that there is a high likelihood of there being contamination within the site due to historic polluting land uses at this site. As such, they have recommended the Council's standard land contamination condition be applied should planning permission be granted. (Condition 4)

11.191 With regard to air quality, the whole borough is designated as an Air Quality Management Area (AQMA). Development Management Policy DM 6.1 deals with air quality and all major applications should consider air quality impacts caused by both the operational characteristics of the development and traffic generation. Council's Pollution Project Team have reviewed the submitted information and advised that the current application does not differ from that previously submitted and advised that conditions relating to noise and air quality be imposed should planning permission be granted. Further, it is recommended that the CHP energy system is also to be conditioned to ensure that air quality impacts are minimised.

Planning Obligations, Community Infrastructure Levy and local finance considerations

11.192 The application site is located outside of the Central Activities Zone (CAZ) boundary and therefore collection of a Crossrail contribution is not required.

- 11.193 The Mayoral Community Infrastructure Levy (CIL) does apply to this development however the total payable would be adjusted to show the social housing relief that is likely to be due. This is an estimate however and must be arrived at through formal CIL charging processes. An informative is attached providing guidance on this process.
- 11.194 The officer recommendation of approval is subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure. The total package of s106 contributions totals £1,222,977 and includes (those items not previously covered elsewhere in this report) financial contributions of:
- Health facilities: a total contribution of £137,033 towards health facilities within the vicinity of the site has been agreed by the developer. This would help to ensure that the capacity of these services can be expanded in order to address the impacts on demand the new residents would cause.
 - Sports and recreation improvement schemes contribution of £100,533 within the vicinity of the site to help mitigate the additional demand;
 - Community facilities improvement contributions of £108,240 within the vicinity of the site; and
 - Compliance with the Code of Local Procurement (to help promote the use of local businesses).
- 11.195 Planning permission ref: P092706 has been technically implemented and the s106 contributions paid. Therefore in the event that this application obtains planning permission, and the applicant implements it, the s106 financial contributions paid already under the implemented P092706 would be subtracted from the total (index linked) s106 financial contributions sought for this development.
- 11.196 The total s106 package sought has been incorporated into the viability testing undertaken with the view of securing the maximum affordable housing provision in line with the strategic target of securing at least 50% affordable housing for major housing or mixed use proposals.
- 11.197 These contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals.

National Planning Policy Framework

- 11.198 This application proposes a mix of uses that does not fully comply with the aims for the site (King's Cross Area – Core Strategy and Site Allocation KC1) as it proposes residential led development in an area identified to become an office-led corridor in order to secure the employment growth forecast for King's Cross. However, the applicant submitted a financial viability report that concludes that additional office floorspace in the current economic market, in

this particular location would not generate sufficient returns and therefore that type of scheme has no realistic prospect of coming forward in the short-medium term. Having regard to the NPPF and its intention not to safeguard employment sites where there is no realistic prospect of those uses coming forward (particularly with the requirement to re-provide the Europcar business) the proposed land use is considered acceptable.

- 11.199 The proposed development has been revised in built form terms at the junction of Pentonville Road and Cynthia Street (and along Cynthia Street) so as to reduce the impact it would have on the amenity of the adjoining residential occupiers of the Hill House Apartments. The resubmission proposals have reduced the number of Hill House properties affected by sunlight and daylight impacts to the three duplexes, which cover the ground and first floors. The design of the proposed development would be of a lesser scale directly opposite the Hill House building and the proposals would introduce townscape benefits through the redevelopment of underutilised and poor quality buildings that currently detract from the appearance of the area. Having regard to the benefits and harm caused by this proposal, it is considered that the wider benefits outweigh the harm having regard to the focus of the NPPF.
- 11.200 Whilst the NPPF seeks to balance the needs of the economy, the environment and social progress, these proposals are considered to forward all three of these aims.

12. SUMMARY AND CONCLUSION

Summary

- 12.1 The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress.
- 12.2 The proposal is for the provision of an expanded car hire business and office floorspace and the provision of 118 residential units, 20 of which would be affordable (23% by habitable room or 17% by unit numbers). The land use offer is supported by a financial viability appraisal that concludes that the provision of additional office floorspace would have a further (significant) negative impact on viability, and that the prospects for new office floorspace in this particular location are currently weak. The affordable housing offer is considered by BPS (independently appointed consultants) to represent the maximum reasonable amount the site/proposal can afford to deliver (applying the strategic target of securing at least 50% of new housing as affordable) due to the specific circumstances of this case, which includes the amalgamating four sites through private negotiations (purchases) and due to the requirement to re-provide the car hire business (which has a particular drain on the scheme finances).

- 12.3 The proposal seeks permission for buildings ranging from 4 storeys to 10 storey buildings. Whilst the buildings are considered to be large in places, the scheme has some regard to the scale and massing of the surroundings and it is accepted that there are 9 and 10 storey buildings in the vicinity of the site. Further, considerations of scale and bulk were considered by the Planning Inspectorate under the previous scheme and found to be acceptable. In comparison to the appeal scheme, there have been reductions in massing opposite Hill House so as to address amenity concerns. The detailed design of the building is considered to be high quality, sustainable, to enhance biodiversity and to be energy efficient adhering to the energy hierarchy, subject to conditions of consent. The trees on Pentonville Road would be retained as part of these proposals.
- 12.4 The revised proposals have limited the loss of sunlight and daylight to the duplex properties at ground and first floor level of Hill House, and the impact on these properties has also been lessened under the revised proposals. The proposed building opposite Hill House Apartments is on the whole lower than Hill House Apartments and therefore the townscape approach to this design is considered to be acceptable. Balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is on-balance accepted.
- 12.5 The proposed increase in capacity of the car hire business is supported by Development Management policies which accepts car parking that is operationally required as part of a business. The application includes a statement that supports the level of capacity increase which is accepted. The servicing, delivery, prevention of misuse of the car hire parking spaces and other transportation considerations are considered to be appropriately addressed through recommended conditions and legal agreement requirements.
- 12.6 The proposals as revised since the previous application are, on-balance considered acceptable despite the limited impacts on residential amenity that would occur, due to the public benefits that the scheme would deliver including, new homes some of which would be affordable, increased employment levels from existing, efficient use of a very accessible brownfield site and improvement to the public realm through high quality design of buildings.

Conclusion

- 12.7 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the Committee resolve to GRANT planning permission subject to any **direction by The Mayor to refuse the application or for it to be called in for determination by the Mayor of London.** Therefore, following the Council's resolution to determine the application, the application shall then be referred to the Mayor of London in accordance with Article 5 of the Town and Country Planning (Mayor of London) Order 2008 – allowing him 14 days to decide whether to:

- a. allow the draft decision to proceed unchanged; or
- b. direct the Council under Article 6 to refuse the application; or
- c. issue a direction under Article 7 that he is to act as the Local Planning Authority for the purpose of determining the application.

RECOMMENDATION B

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service:

1. Provision of affordable housing – 23% (by habitable room) 17% (by unit numbers) split 71% social rented and 31% intermediate (hab rooms). A maximum of 50% of private residential units shall be occupied prior to the completion and hand over to a Registered Provider of all of the Affordable Housing Units
2. Viability Mechanism Review - The owner will submit an Updated Viability Assessment (UVA) to the council prior to implementation of the development in the event that the development is not implemented within eighteen months of the date of the planning.
3. Car Free Dwellings clauses.
4. A contribution of £257,960 towards transport and public realm (pedestrian) improvements within the vicinity of the site, including the provision of a car club bay (as requested by Transport for London);
5. A contribution of £100,533 towards sports and recreation improvement schemes within the vicinity of the site;
6. A contribution of £108,240 towards community facilities within the vicinity of the site;

7. A contribution of £215,859 towards public open space improvements within the vicinity of the site;
8. A contribution of £83,605 towards play space facilities;
9. A contribution of £137,033 towards health facilities within the vicinity of the site;
10. Installation of 5 cycle for the use of visitors to the residential element of the development;
11. Islington: The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;
12. Transport for London: The repair and re-instatement of the footways and highways adjoining the development along Pentonville Road (managed by TfL). These works / arrangements are to be secured by requiring the developer to enter into a s278 agreement with Transport for London (TfL);
13. A Green Travel Plan to be submitted for the Council's approval prior to implementation of the planning permission.
 - A final Green Travel Plan is to be submitted for Council approval 6 months after the first Occupation of the Development.
 - An update on progress to be submitted on the 3rd anniversary of first Occupation of the Development.
14. A contribution of £28,000 for the provision of accessible transport bays or alternative accessible transport measures;
15. Facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee to be paid to LBI towards construction training upon implementation of first phase. If these placements are not provided, LBI will request a fee of £35,000.
16. A contribution of £10,010 towards end use employment opportunities for Islington residents. LBI Construction Works Team to recruit and monitor placement.
17. New jobs created within the re-provided Europcar facility shall be filled through prioritising existing Islington residents. A recruitment process for those jobs shall be agreed with the Local Planning Authority prior to any recruitment being undertaken and that approved recruitment process shall be followed strictly by the Europcar recruitment processes;
18. Compliance with the Code of Employment and Training.
19. Compliance with the Code of Local Procurement.

20. Compliance with the Code of Construction Practice, including a monitoring fee (£12,673) and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
21. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington. Total amount: £244,076.
22. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
23. Submission of a Green Performance Plan.
24. Note: The financial contributions paid under planning permission reference: P092706 shall be subtracted from the financial contributions sought within this permission (subject to adjustment to reflect index linking; and
25. Council's legal fees in preparing the S106 and officer's fees for the negotiation, monitoring and implementation of the S106.
26. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

That, should the **Section 106** Deed of Planning Obligation not be completed by 01 September 2014, the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION C

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>PL(00) 000; PL (00) 001; PL (00) 002; PL (00) 003; PL (00) 004; PL (00) 098; PL (00) 099; PL (00) 100; PL (00) 101; PL (00) 102; PL (00) 105; PL (00) 106; PL (00) 107; PL (00) 108; PL (00) 109; PL (00) 110; PL (00) 201; PL (00) 202; PL (00) 203; PL (00) 204; PL (00) 205; PL (00) 210; PL (00) 211; PL (00) 212; PL (00) 301; PL (00) 302; PL (00) 303; PL (00) 304; PL (00) 305; PL (00) 306; PL (00) 307; PL-L01.</p> <p>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.</p>
3	<p>Site Waste Management Plan</p> <p>CONDITION: The demolition and construction of the development shall be carried out strictly in accordance with the Site Waste Management Plan (SWMP) supporting Statement dated 03 March 2014 prepared by SKM Enviro.</p> <p>REASON: To maximise resource efficiency and minimise the volume of waste produced, in the interest of sustainable development.</p>
4	<p>* Land Contamination</p> <p>CONDITION: Prior to the commencement of development the following assessment shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall</p>

	<p>take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To protect occupiers and the environment from contamination risk.</p>
5	<p>* Crossrail Safeguarding – Design and Construction Method Statements</p> <p>CONDITION: None of the development hereby permitted shall be commenced until detailed design and construction method statements for all ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority (in consultation with Crossrail) which:</p> <ul style="list-style-type: none"> i) Accommodate the proposed location of the Chelsea Hackney Line structures including tunnels, shafts and temporary works, ii) Accommodate ground movement arising from the construction thereof, iii) Mitigate the effects of noise and vibration arising from the operation of the Chelsea Hackney Line railway within the tunnels and other structures, and iv) Mitigate the effects on the Chelsea Hackney Line, of ground movement arising from development. <p>The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by Parts (i), (ii), (iii) and (iv) of this condition shall be completed, in their entirety, before any part of the building(s) is/are occupied.</p> <p>REASON: In the interests of protecting the strategically important transport infrastructure.</p>
6	<p>* Impact Piling Statement – Thames Water</p> <p>CONDITION: No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
7	<p>*Construction Logistics and Management Plan</p>

	<p>CONDITION: No development or demolition shall be commenced unless and until a Construction Logistics and Management Plan (CLMP) has been submitted to the Local Planning Authority and approved in writing. The CLP shall include:</p> <ul style="list-style-type: none"> a) proposed access routes for construction traffic; b) permitted hours of access for construction; c) proposed on-site management measures to ensure that movement of vehicles in and out of the site is safe (and in forward gear); d) using freight operators who can demonstrate their commitment to best practice - for example, members of our Freight Operator Recognition Scheme (FORS) e) consolidating deliveries so fewer journeys are needed; f) using more sustainable delivery methods; g) details of methods of demolition, excavation and construction; h) details of the methods to be used and the measures to be undertaken to control the emission of noise arising from demolition and construction works; and i) details of how construction works (including demolition) would be undertaken to minimise disruption to the adjoining school. This should include noise measurements and proposed mitigation measures to ensure that there is no adverse impact on the teaching environment within the school. The school will be consulted on this aspect of the plan. <p>The development shall be constructed in accordance with the details so approved and no change therefrom shall take place without the agreement in writing being obtained from the Local Planning Authority.</p> <p>REASON: In the interests of ensuring that the demolition and construction works are carried out in a way that minimises potential obstruction and disruption to the surrounding road network, reduces CO2 emissions, lowers the risk of collisions (in particular with cyclists) reduce parking enforcement issues and improve the quality of life for local residents through reduced noise and intrusion and lower risk of accidents.</p>
8	* Tree Protection - TfL
	<p>CONDITION: No development shall be commenced unless and until details of the retention and adequate protection of all trees and tree root systems within, bordering and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority (in consultation with TfL).</p> <p>The details shall include a site plan identifying all trees to be retained and removed including the location of Root Protection Area (RPA) and Construction Exclusion Zone (CEZ) and the erection of protective hoarding. Tree protecting fencing shall consist of a rigid 2.4 metre OSB, exterior grade ply high sterling board hoarding or weld mesh. Protection/retention shall be in accordance with BS 5837, 2005 'Trees in Relation to Construction'. Heras fencing in concrete, rubber or similar foot plates is not acceptable as a form of tree root protection.</p> <p>The tree retention and protection shall be carried out strictly in accordance with the details so approved, installed/carried out prior to works commencing on site, and shall be maintained for the duration of the works.</p>

	<p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
9	<p>Reduced Width Scaffolding (Compliance)</p> <p>CONDITION: All scaffolding that is located within 2m of the crowns of established trees shall have a maximum working width/project no further than 1.2m from the proposed buildings facia or elevation and the reduced width scaffolding shall be maintained for the duration of the construction works.</p> <p>The outer face of the scaffolding shall be covered in debris protective netting for the duration of the construction works.</p> <p>Any glass, insulation, finishing, trims, cladding, facia panels etc that are not able to be positioned or affixed due to the reduced scaffolding width shall be craned / placed into position or affixed to the building at a later stage of construction or by other means not requiring and further pruning of the trees.</p> <p>REASON: To ensure that no additional tree pruning works are required other than what is strictly necessary and to protect the long term health of the trees which neighbour the site (being located within the footway of Pentonville Road).</p>
10	<p>Materials and Samples</p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (three brick types and samples); b) stretcher bond brick panels); c) Cemex London white mortar (or similar); d) rainscreen cladding stone work; e) bronze cladding: bronze or bronze effect panels with hidden fixings and minimal joints; f) render: coloured render soffit and side returns (including colour, texture and method of application); g) glass curtain walling: recessed framed window units with obscured glass spandrel panels to floor/ ceilings zones; h) aluminium window treatment (including sections and reveals); i) canopies: bronze effects boxed canopy with hidden structure and integral lighting; j) privacy screens: obscured frameless glass with minimal fixings; k) balustrade: metal railings formed from PPC vertical flats; l) balconies: cantilevered with metal PPC edge capping, hardwood timber decking and perforated metal soffit; m) roofing materials; n) green procurement plan; and o) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so</p>

	<p>approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
11	Roof top enclosures
	<p>CONDITION: Details of roof-top plant, structures and any ancillary enclosures including lift overruns, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing in relation to all roof plans. The details shall include their location, height above roof level, specifications and facing materials.</p> <p>The development shall be carried out strictly in accordance with the details so approved and permanently maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant or ancillary enclosure/structure do not have a harmful impact on the new public realm or surrounding streetscenes.</p>
12	CCTV, Lighting and Security Lighting (Details)
	<p>CONDITION: Details of site-wide general security measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The details shall relate to:</p> <p>a) CCTV; b) general lighting; and/or c) security lighting</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill; cameras (detailing view paths); lamps and support structures and should demonstrate that they are designed and positioned to be bat sensitive (i.e. direct light towards the ground using shields, hoods or cowls) and be motion sensitive to minimise light pollution as well as nuisance to residents.</p> <p>The general security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to the first occupation of the relevant parts of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the any resulting general or security lighting and CCTV cameras are appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>
13	Privacy Screens and Balustrades (Compliance)
	<p>CONDITION: The obscurely glazed windows, privacy screens and balustrades, as shown on the following plan drawings (and elevations):</p> <p>PL(00) 101; PL(00) 102; PL(00) 105; PL(00) 106; PL(00) 304; PL(00) 305;</p>

	<p>PL(00) 306; PL(00) 307.</p> <p>shall be installed with obscure glass as per the permitted drawings and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking between habitable rooms within the development itself, to protect the future amenity and privacy of residents.</p>
14	No Permission to Obscure ground floor levels
	<p>CONDITION: The window glass of all ground floor and mezzanine commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility shall be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of pedestrian security and to secure an appropriate street frontage and appearance.</p>
15	Accessible Homes Standards – (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, the residential units shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards. Amended plans/details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <p>a) Plans (and if necessary elevations) to scale 1:50; and</p> <p>b) An accommodation schedule documenting, in relation to each dwelling, how Islington's standards for flexible homes criteria and lifetime homes standards have been met.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
16	NWS: Wheelchair Accessible Housing Standards (Details)
	<p>CONDITION: The wheelchair/wheelchair adaptable units hereby approved (B01-1, B02-1, B03-1, B04-1, B05-1, B02-5, B03-5, B04-5 (2B3P); E01-1 and E01-2 (3B4P) (ten (10) units in total) within each block shall be provided prior to the first occupation of the relevant block.</p> <p>Notwithstanding the plans hereby approved, the layout/design of the wheelchair/wheelchair adaptable units shall be redesigned in accordance with Wheelchair Accessible Housing standards and details shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be provided in the following format:</p> <p>a) Plans (and if necessary elevations) to scale 1:50; and</p>

	<p>b) An accommodation schedule responding to Islington's 17 Wheelchair Accessible Housing standards.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure provision of the appropriate number of wheelchair accessible units in a timely fashion and to: address the backlog of and current unmet accommodation needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families.</p>
17	Fixed Plant
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 10dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>As stated within the report it is expected that a character correction of +5dB is attached for plant noise.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
18	Sound Insulation Between Different Uses (Details)
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use and car hire business and residential uses of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The insulation and measures within each block shall be implemented prior to the first occupation of each block of the development hereby approved.</p> <p>REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses.</p>
19	Noise Insulation (High Background Noise)
	<p>CONDITION: A noise assessment following the guidelines of DM Policy 3.7 and a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq,</p>

	<p>Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB LAeq</p> <p>In order to attain these targets, windows will need to remain shut and some form of ventilation is required. The noise generated by the ventilation system and other plant equipment must also be included in these calculations.</p> <p>The assessment must also consider in carrying out the background noise assessment: the increased capacity of the car hire business. In designing the mitigation measures, air quality requirements must also inform the response.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of each block of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: The site has been shown to fall within Noise Exposure Category (NEC) C in the applicant's assessment, but is considered more likely to fall into NEC D from Council's own assessments.</p>
20	<p>CHP and Renewable Energy (Details)</p>
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology(s) (solar photovoltaic panels), which shall provide for no less than 29% on-site total CO₂ reduction (as compared to 2010 Building Regulations) as detailed within the 'BBS Sustainability and Energy Statement dated July 2012, Issue 1' shall be installed and operational prior to the first occupation of the development.</p> <p>Details of the renewable energy technology(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> a) (CHP and Solar photovoltaic panels) location, specification, flue arrangement, operational details; b) a management plan and maintenance strategy/schedule for the operation of the technologies; c) the method of how the facility and infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network d) a servicing plan including times, location, frequency, method (and any other details the Local Planning Authority deems necessary); and e) air-quality assessment and dispersion modelling regarding the operation of the technology. <p>The CHP and energy efficiency measures/features and renewable energy technology(s) shall be provided/carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>To ensure the facility and associated infrastructure are provided and so that it is designed in a manner which allows for the future connection to a district system,</p>

	to maximise the CO ₂ emission reductions and in the interests of ensuring that the operation of the CHP unit does not have an unacceptable impact on air quality in the local vicinity of the site given its location within an Air Quality Management Area.
21	Connection to CHP (Details)
	<p>CONDITION: All apartments and non-domestic building uses will be connected to the network (including the gym, sauna and swimming pool facilities).</p> <p>Details of the route of the network shall be submitted to the Local Planning Authority for approval in writing prior to any superstructure works commencing on site.</p> <p>The network and connections shall be installed in accordance with the details so approved and maintained as such thereafter.</p> <p>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.</p>
22	Car Storage Area Lighting Details (Approval)
	<p>CONDITION: Notwithstanding the approved plans and documents, details of the proposed basement car storage lighting details (lumens/watt efficiencies) with the aim of minimising electricity demand shall be submitted to the local planning authority and approved in writing prior to superstructure works commencing on the site.</p> <p>The lighting equipment shall be installed in accordance with the details so approved and maintained as such permanently thereafter.</p> <p>REASON: In the interest of securing a development that minimises electricity demand and CO₂ emissions.</p>
23	BREEAM and Code of Sustainable Homes (Compliance)
	<p>CONDITION: The development shall achieve a BREEAM New Construction rating (2011) of no less than 'Excellent' and Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
24	Installation of Comfort Cooling Not Supported
	<p>CONDITION: Notwithstanding the approved documents and plans no permission is hereby given for the installation of active cooling systems to any residential units.</p> <p>Amended plans detailing future proofing methods to enable retrofitting of cooling at a later date, should increasing temperatures make this necessary are welcomed for consideration and approval. It is not considered that a strong case has been demonstrated to require the provision of such cooling, which is not</p>

	<p>supported by the London Plan or Development Management Policies.</p> <p>REASON: The application confirms that cooling is not required to minimise overheating and that it is proposed to be installed for the sole reason that purchasers expect it in high specification apartments. London Plan policy 5.9 adopts an energy hierarchy that lists active cooling as the least preferred method of preventing overheating. The high specification units are located at the upper floor levels and at least dual aspect is secured, with generous floor to ceiling heights and floor areas. Active cooling is not considered to have been sufficiently justified given the impacts to the urban heat island effect and climate change that would result.</p>
25	Passive design features
	<p>CONDITION: The applicant shall submit details of external shutters and/or confirmation (details) that the building structures around the windows are adequately robust to allow for future installation of external shutters in order to future proof against the potential for overheating of the south facing residential units.</p> <p>Should shutter details (only bracket details) not be submitted, the submission must be accompanied by calculations and other evidence to show that shutters are not in the short term necessary for the prevention of overheating due to increased temperatures (climate change).</p> <p>REASON: In order to prevent the over heating of dwellings and to mitigate the impacts of climate change.</p>
26	Green/Brown Biodiversity Roofs (Compliance)
	<p>CONDITION: Details of proposed (green/brown) roofs to be installed on every roof of the development hereby approved (other than on the private amenity terraces), including beneath photovoltaic panels shall be submitted to the Local Planning Authority and approved in writing prior to super structure works commencing on the site. The details shall include confirmation that the roofs maximise green roof coverage and are:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); and b) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum); and c) invertebrate refuge details. <p>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.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision</p>

	towards creation of habitats and valuable areas for biodiversity.
27	Sustainable Urban Drainage System/Rainwater harvesting (Details)
	<p>CONDITION: Details of surface drainage works/rainwater harvesting system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall <i>include</i>:</p> <ol style="list-style-type: none"> 1. <i>the scheme's peak runoff rate and storage volume;</i> 2. <i>demonstrate how the scheme will achieve at least a 50% attenuation of the undeveloped site's surface water run off at peak times if feasible; and</i> 3. demonstrate the maximum level of harvested water that can feasibly be provided to the development for irrigation purposes. <p>The development shall be carried out strictly in accordance with the details so approved, prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water.</p>
28	Water Use Target
	<p>CONDITION: The development shall strive to reach a 95 litre/person/day of water use rate through the measures as set out within the 'Sustainability and Energy Statement' dated March 2014 Issue 1 prepared by BBS Environmental.</p> <p>REASON: In the interests of securing developments that minimise their impact on water resources.</p>
29	Landscaping (Details)
	<p>CONDITION: 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:</p> <ol style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides (including provision of landings along the ramped pathways); b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c) of bird and bat nesting boxes / bricks to include the exact locations, specification and design of the habitats, d) of invertebrate refuges (which may be part of the green roof details) and stag beetle loggeries should be included in the landscape strategy; e) detailed calculations setting out the substrate depth necessary to accommodate the tree planting proposed within the courtyard; including provision for storage of water for irrigation purposes; f) existing and proposed underground services and their relationship to both hard and soft landscaping; g) proposed trees: their location, species and size; h) soft plantings: including grass and turf areas, shrub and herbaceous areas;

	<p>i) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>j) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>k) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>l) any other landscaping feature(s) forming part of the scheme.</p> <p>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.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
30	Playspace Provision (Details)
	<p>CONDITION: Details of the onsite children’s playspace provision contained within the central courtyard landscaped space, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing on the courtyard.</p> <p>The details shall include the:</p> <p>a) location, layout, design of the playspace; and</p> <p>b) equipment/ features.</p> <p>The playspace and equipment/features shall be laid out and installed prior to the first occupation of the development.</p> <p>The children’s playspace shall be provided strictly in accordance with the details so approved, installed/erected prior to the first occupation of the residential dwellings and shall be maintained as such thereafter.</p> <p>REASON: To secure the appropriate provision and design of children’s playspace.</p>
31	Cycle Parking Provision (Details)
	<p>CONDITION: Notwithstanding the approved drawings, details of methods to separate the cycle storage spaces into smaller, secure sections (such as by</p>

	<p>swipe card accessed cages) shall be submitted to the Local Planning Authority and approved in writing prior to first occupation of the development.</p> <p>Each of the bicycle storage area(s) which shall be covered and secure shall be provided in accordance with the details so approved and prior to the first occupation of the relevant blocks hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport, as well as to reduce opportunities for crime.</p>
32	Commercial Use Cycle Facilities
	<p>CONDITION: Details of shower and other facilities (such as lockers) that would help promote cycling as a mode of transport to the commercial (office) floorspace and the car hire business shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
33	Operational Waste Strategy (Compliance)
	<p>CONDITION: The details set out in the 'Operational Waste Strategy' prepared by SKM Enviro dated 05 March 2014 hereby approved shall strictly adhered to in the day to day operation of waste storage and collection for this development.</p> <p>REASON: In the interests of ensuring that the development is designed and managed so as to promote recycling and the reduction of waste generation and collection practices are carried out in a way that minimises disruption to future and adjoining residents.</p>
34	Delivery and Service Plan (TfL consultation)
	<p>CONDITION: In accordance with the hereby approved Transport Assessment' a Delivery and Servicing Plan (DSP) shall be submitted to the Local Planning Authority and approved in writing (in consultation with TfL) prior to occupation of any part of the development.</p> <p>This plan shall confirm that all service vehicle deliveries/collections/visits to and from the office and residential units hereby approved must not take place except:</p> <ul style="list-style-type: none"> a) from Cynthia Street and Rodney Street: between 0930 hours and 1630 hours Mondays to Saturdays; and b) from Pentonville Road: before 8am and after 7pm Monday to Saturdays or anytime on Saturdays c) basement servicing details

	<p>The DSP plan shall expand on the information that was submitted as part of the 'Colin Buchanan Transport Assessment dated March 2014' and shall also include further details regarding the arrangements for the delivery of fuel in order to address Highways concerns regarding the actual practice of these deliveries in terms of health and safety of users of the Rodney Street footway.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing kerbside controls, nor on adjoining residential amenity (Cynthia Street) to ensure that such operations do not cause undue adverse impacts to the safe and efficient movement of vehicles within the highway.</p>
35	Petrol / Oil Interceptors
	<p>CONDITION: The applicant shall install petrol/oil interceptors to treat the discharges from the car parking and car washing areas associated with the car hire business prior to first occupation of the car hire unit. These petrol/oil interceptors shall be regularly serviced and maintained to ensure prevention of pollution of water waste and maintained as such permanently thereafter.</p> <p>REASON: In the interests of preventing oil-polluted discharges from entering local watercourses.</p>
36	Vehicle movement into Europcar business
	<p>CONDITION: Vehicles shall only enter or exit the site in forward gear.</p> <p>REASON: To ensure that the traffic generated by the proposed development does not prejudice the free flow of traffic nor public safety along the neighbouring highway.</p>
37	Electrical Substation (Details)
	<p>CONDITION: Details of the electrical substation including its location, acoustic specifications, cladding/facing shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of Block A.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interest of protecting amenity and to ensure that the Authority may be satisfied that any substation(s) does not have a harmful impact on the character and appearance of the building or the existing streetscene.</p>
38	Basement Level Car Storage
	<p>CONDITION: All of the basement level car storage as shown on drawing nos. PL (00) 099 and PL (00) 100 shall only be used for the parking and storage of vehicles for hire in association with the hereby approved car hire use. The basement levels shall not be used for any other storage or parking of vehicles, including resident, staff or visitor parking associated with any other part of the hereby approved development.</p> <p>REASON: To secure car-free development and to encourage sustainable transport choices.</p>

39	Vehicle Management Strategy
	<p>CONDITION: A vehicle management strategy detailing how the car hire business and associated car storage areas shall be managed, including measures for the mitigation of impacts arising from the collection and drop-off of hire vehicles on highway safety and congestion, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the car storage areas. The car hire business and associated car storage areas shall thereafter be managed strictly in accordance with the vehicle management strategy as approved.</p> <p>REASON: To ensure that the operation of the car hire business and use of the basement level car storage areas do not adversely impact on highway safety and congestion.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>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.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>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.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>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. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>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</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a</p>

	scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.
4	Car free Development
	All new developments are 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.
5	Crossrail
	Crossrail Limited has indicated its preparedness to provide guidelines in relation to the proposed location of the Chelsea Hackney Line structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to discuss the guidelines with the Chelsea Hackney Line Engineer in the course of preparing detailed design and method statements. In addition, the latest project developments can be found on the Crossrail website www.crossrail.co.uk/safeguarding which is updated on a regular basis.
6	Thames water waste comments
	Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.
7	Thames water Surface water drainage
	Surface Water Drainage – With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses 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 receiving public network through on or off site storage. When it is proposed to connect to a combined sewer, the site drainage should be separate and combined at final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. 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. Thames Water's preferred option would be for all surface water to be disposed of on site using SUDS as per policy 5.13 of the London Plan.
8	Water Supply / Pressure – Thames Water
	Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/ minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

	<p>The impact on the surrounding infrastructure depends on which side of the development the new connection will be made. Rodney Street has a 90mm main, which to our calculations will not support the new demand, whereas the 125mm main on Cynthia Street will.</p> <p>The developer must contact Developer Services at Thames Water on 0845 850 2777 to discuss the connection.</p>
9	Health and Safety Executive
	<p>The Council's Public Protection Division advises that the developer comply with the legal requirements specified by the Health and Safety Executive (HSE), details of which can be found on their web site. Please refer to the following link http://www.hse.gov.uk/pubns/priced/hsg179.pdf which details how you can comply with your legal obligations.</p>
10	Roller Shutters
	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 2.18 Green infrastructure: the network of open and green spaces

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other

Policy 3.7 Large residential developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds
Policy 3.14 Existing housing
Policy 3.15 Coordination of housing development and investment
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.17 Health and social care facilities
Policy 3.18 Education facilities
Policy 3.19 Sports facilities

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small shops
Policy 4.10 New and emerging economic sectors
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and

strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.7 Location and design of tall and large buildings
Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration
Policy 7.11 London View Management Framework
Policy 7.12 Implementing the London View Management Framework
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.18 Protecting local open space and addressing local deficiency
Policy 7.19 Biodiversity and access to nature
Policy 7.20 Geological conservation
Policy 7.21 Trees and woodlands
Policy 7.22 Land for food
Policy 7.23 Burial spaces

8 Implementation, monitoring and review

Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for

construction
Policy 5.4 Retrofitting
Policy 5.5 Decentralised energy networks
Policy 5.6 Decentralised energy in development proposals

London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Policy CS15 (Open Space and Green Infrastructure)

Policy CS16 (Play Space)

Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected views

DM2.5 Landmarks

DM6.4 Sport and recreation

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

Housing

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.6 Play space

DM3.7 Noise and vibration (residential uses)

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Health and open space

DM6.1 Healthy development

DM6.2 New and improved public open

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

space
DM6.3 Protecting open space

DM9.3 Implementation

D) Site Allocations June 2013

KC1 Pentonville Road, Rodney Street and Cynthia Street

5. Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Employment Growth Area
- King's Cross and Pentonville Road Key Area (Core Strategy CS6)
- Not located within the Central Activities Zone (CAZ)
- Within 200metres of RS2 Crossrail 2
- RS2 Crossrail 2 (Hackney-SW) safeguarding
- CPZ Area
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New River Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area
- KC1 Pentonville Road, Rodney Street and Cynthia Street

7. Supplementary Planning Guidance (SPG)/Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design (Oct 2012)
- Conservation Area Design Guidelines
- Inclusive Landscape Design (Jan 2010)
- Inclusive Design in Islington (Feb 2014)
- Planning Obligations & S106 (Nov 2013)
- Islington Urban Design Guide (Dec 2006)
- Streetbook (Oct 2012)
- King's Cross Neighbourhood Framework (July 2005)

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

APPENDIX 3 – BPS INDEPENDENT FINANCIAL VIABILITY REPORT



130-154 Pentonville Road, Islington, N1 9JE

Application Reference: P2014/1017/FUL

Independent Review of Assessment of Economic Viability

May 2014

1.0 INTRODUCTION

- 1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington ('the Council') to review a viability assessment that has been prepared by Gerald Eve on behalf of Groveworld Rodney Street Ltd (the Applicant) in respect of a proposed scheme at 130-154 Pentonville Road, Islington.
- 1.2 The viability assessment consists of a March 2014 Addendum Note which is based on, and implements changes to, Gerald Eve's 2012 viability assessment of the previous version of the scheme, which was refused consent. Subsequently an Appeal against this refusal was dismissed. We understand that the level of affordable housing provision was not one of the Council's reasons for refusal.
- 1.3 The current (2014) scheme is proposed to provide 118 dwellings of which 20 will be affordable, with a 70:30 split between social rent and intermediate dwellings. The appraisal also includes £1.2m of planning contributions. The currently proposed scheme entails the following:

"Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of office parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage."
- 1.4 We have had reference to various draft viability reviews by DVS, including drafts dated February 2012, August 2012 and December 2012, which we have taken into account although our review does constitute a separate report and does not rely on any of DVS's conclusions.
- 1.5 Since the 2012 application the scheme has been changed to address some of the reasons for refusal. This includes a reduction in the size of Block D which results in a 5-unit reduction in the number of private dwellings.
- 1.6 We have sought to establish whether the current affordable housing offer represents the maximum that can be supported based on present-day costs and values. We have also considered whether it is feasible for a higher level of office space to be provided than is currently proposed.
- 1.7 We have given particular attention to those issues and concerns that were raised by DVS in its August 2012 review of viability. This August 2012 report was, however, superseded by later drafts which ultimately concluded that the level of provision of affordable had been maximised by the applicant's offer.

2.0 CONCLUSIONS & RECOMMENDATIONS

- 2.1 The applicant's appraisal generates a net profit on Cost of 9.57%, which falls short of their target profit of 19% on Cost. This amounts to an effective £12.8m deficit, based on the 19% blended profit target which we accept is reasonable in the current market.
- 2.2 Based on information provided relating to present-day costs and values, we consider that there is no justification for requiring further up-front affordable housing contributions. We note there are some points of clarification in respect of costs but these are relatively small in quantum, we also note some uncertainty in respect of the residential values but even allowing for alternative assumptions concerning these elements we are of the view that the scheme is unlikely to generate a significant surplus.
- 2.3 We therefore conclude that the current offer represents the maximum that can be provided. The assessment is in our view appropriate to consider on the basis of present day costs and values without the application of assumed growth, given its short duration. This is also consistent with RICS Guidance, the London Plan and local policy. However given the potential uncertainty concerning, in particular the potential for the scheme to generate higher than anticipated sales values the Council may wish to consider reviewing viability on an outturn cost and value basis.
- 2.4 We do not dispute the benchmark land value used in the appraisal, in the context of the complex site assembly involved, in which some of the site owners would have been in a strong negotiating position, in effect a ransom situation, given that the proposed development required the entire island site to be acquired. It is also arguable that an additional profit could be justified specifically to cover the risk exposure during the site assembly process, as we have included in our summary valuation.
- 2.5 To be clear, land values generated through a complex site assembly process, unless backed by a CPO, is one over which the developer has limited control - the options being to acquire at the price offered or withdraw from the development. This decision becomes more difficult with increased developer ownership. In consequence, recognition of the need to ensure an adequate margin to meet planning policy obligations whilst still being a relevant consideration can be outside of the developer's ability to control, and this factor should be recognised in considering the acceptability of the proposed benchmark land value.
- 2.6 With the exception of the additional £200,000 of demolition costs, which is considered to be unnecessarily included in the appraisal, our cost consultant, Neil Powling, does not generally dispute the build cost estimate, although it is apparent that an insufficiently detailed cost plan has been provided which makes it difficult to fully verify the estimate, in particular the higher cost rate applied to the private units when benchmarked with other schemes. This uncertainty does not however affect our overall conclusion and could be addressed through an outturn review as suggested above.
- 2.7 Addressing DVS's August 2012 concerns, we have considered in particular the issue raised by DVS regarding the value of the upper floor units potentially being understated. Our analysis of the local market indicates the potential for higher sales values for the proposed private units. Taking into account the disadvantages of the location of the scheme, next to the busy A501, and comparing it with other schemes along this road, we do not consider that a large enough increase in values can be justified, to warrant additional affordable housing being provided.

- 2.8 With respect to the two duplex penthouses, it is difficult to be certain in respect of achievable values for these apartments, given the limited size of the pan-London market for these scarce units and given that it is uncertain how the market will respond to penthouses in this location. Penthouse units are highly sensitive to quality of location and quality of aspects and views, thus it remains to be seen how the proposed penthouses will perform relative to the London penthouse market as a whole.
- 2.9 We are broadly in agreement with the previous view of DVS that higher values could potentially be achieved for the upper floor units, particularly those with higher specifications and advantageous aspects, although this may not apply to the two duplex penthouses for which it is unproven whether the market would pay more than £[REDACTED] in this location.
- 2.10 The higher specification units' value (excluding penthouses) totals £[REDACTED]. The upgrading totals a 10% increase to the build costs for these units. Knight Frank considered that this upgrading is necessary to compete with other new-build stock.
- 2.11 The units on the top two floors of the each building are mostly effectively penthouses, being stepped back from the main facade and thus provided with large terraces - a key feature of penthouse apartments. It is in our view necessary to make suitable comparisons with other penthouses/top-floor units with similar terraces and levels of specification. There is a strong possibility of higher values being achievable especially for those units with large terraces and which have aspects away from the main road, such as unit numbers A06-1 to A06-3 which all have aspects onto the park and courtyard.
- 2.12 The uncertainties surrounding values, in particular values achievable for the penthouse units, and the fact that Knight Frank has not provided any comparable evidence to support its values should ideally be addressed and also strengthens the case for seeking agreement to a review mechanism.
- 2.13 We accept Gerald Eve's conclusion that increasing the level of proposed office space to fulfil Council policies on minimising loss of employment space would further compromise viability thus is unlikely to be feasible.

3.0 RESIDENTIAL SALES VALUES

- 3.1 Residential sales values have been estimated by Knight Frank in an update market report which is based on their original, 27th June 2012 report which estimated total private values of £[REDACTED] (£[REDACTED] per sqft). This 2012 report did not provide any comparable evidence in support of this estimate. The current estimate equates to an average of £[REDACTED] per sq ft (£[REDACTED] per sqm). Again no comparable evidence of specific transactions is provided in support of the estimated values.
- 3.2 The scheme is somewhat disadvantaged by its proximity to the busy Pentonville Road, but has the benefit of overlooking Joseph Grimaldi Park, and is in an area which is predicted to improve markedly over the coming years. Moreover, it has good access to Angel and King's Cross stations.
- 3.3 Knight Frank has provided a letter dated 26th February 2014 in which they set out their views concerning pricing and marketability, and in which they cite the Folio (22 Micawber Street) scheme as having informed and influenced the pricing levels they have recommended. However, no comparable evidence is provided for Folio, which is a development by Notting Hill Housing Group.

3.4 The Table below summarises values at four nearby schemes. Taking Eagle House as an example, this scheme is on the same road (A501) as the subject site, and has higher values on average. See Appendix Two for details of the comparable transactions used to generate this average and the one for Art House. Higher values are evident on the lower floors as well as the upper floors so the higher values at Eagle House are unlikely to be accounted for by the fact that this is a taller development (27-storeys). The average asking price of £1,120 per sqft, once a typical 5% discount is implemented to reach achievable values, gives £1,064 per sqft. We do not envisage values at the subject site significantly exceeding those at Eagle House given the close similarities, in some respects, of these schemes.

Summary of average values

	Average values per sq ft (March 2014) - based on asking prices
Art House	£1,356
Canaletto	£1,170
Central Square	£1,420
Eagle House	£1,121
Pentonville Road (proposed scheme)	£932

3.5 Canaletto is located near City Road, and is due for completion in Spring/summer 2015. The units are currently being marketed for sale off plan. As Canaletto is a high rise scheme we accept that higher values would be achievable overall than for an equivalent low-rise scheme. Canaletto is in a similar type of location, being close to the busy A501 (City Road/Pentonville). We note, however, that the premium, upper floor units have yet to be marketed but are likely to secure higher values than those shown above. As shown above, average values of £1,121 per sqft at Canaletto reflect strong recent sales growth.

3.6 The Art House and Central Square schemes are in our view somewhat superior to the proposed scheme, but do highlight the strong values that can be achieved in this locality for quality apartments with good specification, thus we consider that these schemes demonstrate that the proposed scheme's higher specification units and those units with aspects over the nearby park (rather than over Pentonville Road) have the potential for higher values than those estimated by Knight Frank.

3.7 The two duplex penthouses are valued at £[redacted] and £[redacted] (£[redacted] and £[redacted] per sq ft). One of these is situated away from the main road and overlooking the park. Whilst high quality units in this locality can often achieve higher values per sqft than those applied by Knight Frank to the subject site's penthouses, the absolute capital values need to be considered also, particularly given that there is often a 'ceiling' to what buyers will pay for units in a particular location, irrespective of their size. In other words, it would need to be shown that the market would pay over £[redacted] for a penthouse in this particular location. Penthouse values are highly sensitive to the quality of location, and clearly the subject site is substandard when compared to the

locations of most Central London penthouses, thus its position within this market is unclear.

- 3.8 In conclusion, we are of the view that higher values could potentially be achieved for those units which are situated on the upper two floors of each block - some of which are of a higher specification, although this may not apply to the penthouses for which it is unproven whether the market would pay more than £[REDACTED] in this location.
- 3.9 Overall, we consider that there is a potential for higher present-day values than those estimated by Knight Frank for the scheme as a whole although not by a sufficient margin to warrant the provision of additional affordable housing.
- 3.10 The uncertainties surrounding values, in particular values achievable for the penthouse units and taking account of the fact that Knight Frank has not provided any comparable evidence to support its values, should ideally be addressed and strengthens the case for seeking agreement to a review mechanism.

4.0 AFFORDABLE HOUSING VALUES

- 4.1 The value ascribed to the social rented units is £[REDACTED] per sq ft, and to the Shared Ownership units is £[REDACTED] per sqft. No explanation has been provided as to how these estimated values have been arrived at, for example no information concerning rents, yields and other assumptions have been provided. These details, along with information relating to discussions with and offers from Registered providers would in our opinion reflect normal levels of information we would expect with a submission. It is quite conceivable that an RP could offer in excess of these levels, however the impact of enhanced values would be relatively marginal in terms of overall viability but again strengthens the view that a review reflecting an actual RP offer would help provide greater clarity in this respect.

5.0 DEVELOPMENT COSTS

- 5.1 Sawyer & Fisher has updated its cost estimate by applying BCIS inflation rates and making adjustments to the scheme costs to reflect the latest changes to the scheme including the reduction in unit numbers. Our Cost Consultant, Neil Powling, has reviewed the cost estimate that has been provided by Sawyer & Fisher, and has reached the conclusion that it is generally reasonable although there is insufficient detail provided in the Cost Plan to give a satisfactory level of certainty over the suitability of the cost estimate. Neil Powling's report is included as Appendix Three.
- 5.2 Private residential units are circa. £[REDACTED] above benchmark levels due to the difference in the level of services provided to these units. Neil Powling notes that there is insufficient detail to enable him to check if this difference is a fair reflection of an enhanced specification. It may be that with more information we could confirm these costs are reasonable, but the detail currently provided is not sufficient to enable us to do this. He also notes that the allowance of £200,000 for demolitions appears to be double counted in the Appraisal.
- 5.3 With the exception of the additional £200,000 of demolition costs, we therefore do not generally dispute the build cost estimate on a headline basis, although it is apparent that an insufficiently detailed cost plan has been provided which renders some uncertainty in our analysis.

5.4 The build period of 26 months was considered reasonable by DVS, but the proposed 13 month lead-in is in our view possibly a little overstated. We are of the view that 13 months is a somewhat lengthy lead-in but is within an acceptable range, given the complexities involved with this site, thus we do not dispute these timings.

6.0 LAND COST (VIABILITY BENCHMARK)

6.1 A viability benchmark of £[REDACTED] has been adopted by the applicant, which is based upon the historic purchase prices for the different sites that have been purchased in order to assemble the site. This is the same figure as was applied in the 2012 Gerald Eve assessment.

6.2 In support of the benchmark, Gerald Eve has provided details of the purchase of the individual plots that make up the site - labelled Site 1-4 - and has also provided an existing use valuation of each site, together with details of site holding costs and details of comparable land transactions which are said to support the benchmark. We discuss each of these in more detail below. Our summary comments are as follows:

- We accept that the holding costs are suitable
- We consider the existing use valuations of the individual parts of the site to be broadly reasonable and based on sound assumptions
- Whilst potentially lower levels of landowner premium could be justified for some of the sites, we consider that, based on Appeal evidence, a degree of "site assembly profit" could legitimately be included to cover the risk during site assembly process
- The Europcar site (the last site to be purchased) in particular constitutes an effective "ransom" situation, given the importance of acquiring the entire island site in order to achieve a feasible development.

6.3 The Table below shows our estimated viability benchmark of £18.5m which is [REDACTED]. We adopted the existing use valuations (and alternative use valuation) adopted by Gerald Eve and added suitable levels of premium. In the case of Europcar we have adopted the purchase price as being reasonable as this was the last site to be purchased and is crucial to delivery of the proposed scheme. Even if this element of the site represents an overpayment the applicant was effectively committed to its purchase having already acquired the other elements of the site.

6.4 It should however be noted that this benchmark arises from the high land owner payment which reflects a degree of ransom value attributed to the enhanced Europcar facilities, the other site assembly costs and land assembly profit. This has a detrimental impact on the scheme's ability to meet Local Plan requirements which cannot easily be safeguarded through a complex site assembly process.

	BPS calculation of benchmark values		TOTALS
Site 1	£3.8m AUV + nil premium	£3.8m	
Site 3	1.31m EUV + 30% landowner premium	£1.70m	
Site 4	1.19m EUV + 30% landowner premium	£1.55m	
			£7.05m
Site 2 (Europcar)	Landowner premium/ Ransom payment (in addition to the £3.7m uplift in value of Europcar facilities)	£5.00m	
			£12.05m
	Site Assembly Costs	£4.73m	
			£16.78m
	Land Assembly Profit (10% of £16.78m)	£1.678m	
	BPS ESTIMATED VIABILITY BENCHMARK		£18.46m

- 6.5 The Land Assembly Profit that has been included above is consistent with a comparatively recent Appeal decision (391-407 Chiswick High Road, Chiswick, London W4 4AR; Appeal ref: APP/F5540/A/06/2017513) which stated that such a cost is suitable to “offset the risk, time and cost of assembling the site”.

Holding Costs

- 6.6 We have had regard to the specific circumstances of this site which has involved complex site assembly - acquiring the multiple plots of the site. RICS Guidance Note *Financial Viability in Planning* advises as follows concerning site assembly costs:
- “Where plots have been acquired to form the site of the proposed development, without the benefit of a compulsory purchase order, this should be reflected either in the level of Site Value incorporated in the appraisal or in the development return. In some instances, site assembly may result in synergistic value arising.”*
- 6.7 With respect to holding costs, the Guidance advises that “...where plots of land have been assembled and subject to assessment, it may also be appropriate to include related holding costs”. Taking this into account, it is apparent that holding costs are suitable for the subject site, including during the time in which the site was being assembled, but should not necessarily extend to the period since the site assembly was effectively completed, including the time of the planning application in 2012 and subsequent appeal.
- 6.8 Holding Costs/Site Assembly Costs of £4.3m are included in Gerald Eve’s benchmark. This figure includes purchaser’s costs and related costs associated with site assembly, which we have scrutinised and consider reasonable. It includes c£2.1m of historic finance costs incurred between April 2007 and June 2012, which is reasonable as this spans the time during which the site was being assembled, thus, in line with standard practice (as recently endorsed by RICS Guidance), these are legitimate site assembly costs.

Comparable land transactions - analysis

- 6.9 We do not consider that any firm conclusions can be drawn from the limited number of comparable land transactions provided, particularly given their very wide range of values per Ha and the general shortcomings of using comparable land transactions particularly when insufficient details are provided concerning them.

Existing Use Valuations - analysis

- 6.10 An existing use valuation (EUV) of £■■■ has been provided, with detailed explanation of how the EUV of each part of the site was calculated. We have assessed the existing use valuations (and alternative use valuation) for the individual components within this site, and have then considered whether suitable levels of “competitive return” are allowed for in the benchmarks used, as detailed further in the following Table:

<p>Site</p> <p>152-154 Road</p> <p>Pentonville</p> <p>SITE 1</p>	<p>Current Use</p> <p>Wass site</p> <p>Vacant site with consent for residential-led scheme</p> <p>September 2007 purchase price</p>	<p>£</p> <p>m</p>	<p>£4.3m is September 2007 purchase price Has extant consent for seven-storey residential-led scheme (26 units) - reference P061175</p> <p>This has been valued using a residual valuation method which gives a figure of £ (AUV). This is based on residential sales values of £ per sqft, and £ per sqft retail (capitalised at %), which are broadly consistent with proposed scheme and on that basis are reasonable. The rest of the Argus appraisal assumptions are reasonable. The build costs are £ per sq ft (per sqm) which our cost consultant has reviewed and has reached the opinion is reasonable. We are satisfied that this is a reasonable estimate of the alternative use value of the site based on the extant consent</p> <p>BPS Conclusion: AUV is suitable figure so we suggest £3.8m instead of £.</p> <p>Europcar has an existing total area of 17,034 sq ft, giving a total rent of £ pa, based on £ per sqft plus £ applied to 10 parking spaces. This is consistent with comparable evidence cited and not to dissimilar from the site's Rateable Value. The total EUV estimate is £m (EUV)</p> <p>When considering the suitability of the £5m land payment to Europcar, we have taken into account that new, larger facilities are being provided to Europcar. In conclusion, we consider that this figure is potentially overstated, but taking this together with our other suggested reductions to the benchmarks does not result in the scheme becoming viable.</p> <p>BPS Conclusion: we do not dispute the £m.</p> <p>The commercial element assumed at a £ per annum rent, capitalised at % to give £ which appears reasonable. The three-bed flat above is valued at £m, giving a total of £.</p> <p>BPS Conclusion: We suggest £m which is EUV plus 30%.</p> <p>Rent of £ per sqft applied in the EUV estimate, giving £ per annum, capitalised at % yield, which gives (EUV).</p> <p>BPS Conclusion: We suggest EUV plus 30% which equals £1.547m.</p>
<p>136-150 Road</p> <p>Pentonville</p> <p>SITE 2</p>	<p>Europcar site - rental car use</p> <p>Purchased 2011</p>	<p>£</p> <p>m</p>	<p>Flower shop with residential above</p> <p>Purchased 2007</p> <p>Four-storey office block purchased in 2007</p>
<p>5a Cynthia Street</p> <p>SITE 3</p>	<p>Flower shop with residential above</p> <p>Purchased 2007</p>	<p>£</p>	<p>Flower shop with residential above</p> <p>Purchased 2007</p> <p>Four-storey office block purchased in 2007</p>
<p>130-134 Road and 3-4 Cynthia Street</p> <p>SITE 4</p>	<p>Four-storey office block purchased in 2007</p>	<p>£</p>	<p>Four-storey office block purchased in 2007</p>

Site 2 (Europcar) - further discussion

- 6.11 Europcar has an existing total area of 17,034 sq ft. The completed unit is 41,753 sqft (3,879 sqm). A suitable value to ascribe to the completed 41,000 sqft Europcar facility is £■■■■m, which we have based on the £■■ rental value per sqft giving £■■■■ which has been capitalised at ■■■%. These rents and yields are those applied by Gerald Eve in their valuation of the *existing* Europcar facilities.
- 6.12 The existing use value estimate is £■■■■ which indicates that the larger facilities will result in an uplift of £■■■■ in the value its interest, based on our summary estimate of the value of the completed facilities. Europcar has received a £■■ cash payment which is included as part of the benchmark for the overall site and incorporates a landowner premium and compensation for the disruption and costs of having to temporarily relocate during the build periods (including cost of leasing temporary facilities). Thus the net consideration to Europcar is c£■■■■.
- 6.13 Taking account of the need for compensation, and that any rational owner in Europcar's position would have expectations of receiving a significant premium given the site's development potential, we do not dispute the benchmark. The site was purchased in May 2011 which is after the 2007 purchases of the neighbouring parcels of land, and given the importance of the site to the applicant's development plans this would have put Europcar in a strong negotiating position. The level of the previous land sales would be a consideration to Europcar when formulating its expectation of land price particularly as it constitutes the largest single parcel of land on this island site.
- 6.14 As stated above, this situation is clearly specific to this site. In general site purchase price is not considered to be an appropriate means to benchmark viability, in line with RICS Guidance which states that market value should have regard to local plan policies. This hinges on the treatment of overpayments for land. Ordinarily such overpayments are disregarded because they do not adequately recognise planning policy. In this instance the ability of individual land owners to effectively ransom the assembly process means that the developer can only withdraw from a purchase leaving potentially expensive and undevelopable land in its ownership or to pay a higher price.

BPS Chartered Surveyors
7th May 2014

APPENDIX ONE: LOCATION OF NEARBY COMPARABLE SCHEMES



2= Eagle House

3= Art House

4= Central Square

5= Canaletto

Appendix Two: Comparable sales evidence

Eagle House - latest asking prices (April 2014)

Unit description		
2-bed, 893 sqft	£910,00	£1,019
2-bed, 818 sqft	£920,000	£1,124
3-bed, 936 sqft	£950,000	£1,014
3-bed, 936 sqft	£980,000	£1,047
3bed, 936 sq ft	£1,020,000	£1,089
Studio, 461 sq ft, 3rd floor	£599,999	£1,301
957 sq ft, 6th floor	£1,200,000	£1,253
Average		£1,121

BPS schedule of asking prices for Art House apartments as of 10th April 2014

Unit description	Price	Date of availability/agent	Price sqft
2-bed, 4th floors, 1,110 sq ft	£1,550,000	Added on 28th Mar 2014 Marketed by Stirling Ackroyd	£1,396
2-bed, 4th floor, 1,081 sqft	£1,350,000	Added on 26th Mar 2014	£1,243
2-bed, 4th floor, 1,081 sqft	£1,550,000	Added on 18th Mar 2014	£1,433
2-bed, 6th floor, 1,019 sqft	£1,450,000	Marketed by relocate- me.co.uk	£1,422
2-bed, 6th floor, 1,018 sq ft	£1,350,000		£1,326
2-bed, 5th floor, 1,005 sq ft	£1,335,500		£1,328
2-bed, 846 sq ft, 2nd floor	£1,325,000	Marketed by Moving City, London	£1,600
3-bed, 1,107 sq ft	£1,300,000	relocate-me.co.uk,	£1,147
3-bed, 1,107, 1st floor	£1,285,000	Faron Sutaria Sales	£1,160
1-bed, 617 per sqft, 4th floor	£999,500	Marketed by Moving City, London. Call	£1,619
1-bed, 522 sq ft, 3rd floor	£780,00		£1,503
AVERAGE			£1,356

Appendix Three: Cost Report

1 SUMMARY

- 1.1 There is insufficient detail for us to accurately benchmark the four areas: Europcar commercial area £ [REDACTED] (/m²), Europcar Storage £ [REDACTED] (/m²), Europcar fuel storage (£ [REDACTED] /m², commercial area £ [REDACTED] (/m²), however the rates appear broadly consistent with BCIS average rates.
- 1.2 The estimated costs of the residential areas have been compared to an adjusted benchmark. The private residential units are about £785,000 above benchmark levels; we can identify that the difference is predominantly in the services section but have insufficient detail to enable us to check if this difference is a fair reflection of an enhanced specification.
- 1.3 The inflation adjustment used to adjust costs from July 2012 to current costs 1Q2014 we consider reasonable. The allowance of £200,000 for demolitions appears to be double counted in the Appraisal.

2 METHODOLOGY

- 2.1 The objective of the review of the construction cost element of the assessment of economic viability is to benchmark the applicant costs against RICS Building Cost Information Service (BCIS) average costs. We use BCIS costs for benchmarking because it is a national and independent database. Many companies prefer to benchmark against their own data which they often treat as confidential. Whilst this is understandable as an internal exercise, in our view it is insufficiently robust as a tool for assessing viability compared to benchmarking against BCIS.
- 2.2 BCIS average costs are provided at mean, median and upper quartile rates (as well as lowest, lower quartile and highest rates). We generally use mean or upper quartile for benchmarking depending on the quality of the scheme. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to 40 years. We generally consider both default and maximum 5 year average prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.
- 2.3 BCIS average prices are also available on an overall £ per sqm and on an elemental £ per sqm basis. We generally consider both. A comparison of the applicants elemental costing compared to BCIS elemental benchmark costs provides a useful insight into any differences in cost. For example: planning and site location requirements may result in a higher than normal cost of external wall and window elements.
- 2.4 BCIS costs are available on a quarterly basis - the most recent quarters use forecast figures, the older quarters are firm. If any estimates require adjustment on a time basis we use the BCIS all-in Tender Price Index (TPI).
- 2.5 BCIS average costs are available for different categories of buildings such as flats, houses, offices, shops, hotels, schools etc. The Applicant's cost plan

2.6 should keep the estimates for different categories separate to assist more accurate benchmarking.

2.7 To undertake the benchmarking we require a cost plan prepared by the applicant; for preference in reasonable detail. Ideally the cost plan should be prepared in BCIS elements. We usually have to undertake some degree of analysis and rearrangement before the applicant's elemental costs can be compared to BCIS elemental benchmark figures.

2.8 To assist in reviewing the estimate we require drawings and (if available) specifications. Also any other reports that may have a bearing on the costs. These are often listed as having being used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available on the planning website.

BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs do not include these. Nor do elemental costs include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs. We consider the Applicants detailed cost plan to determine what, if any, abnormal and other costs can properly be considered as reasonable. We prepare an adjusted benchmark figure allowing for any costs which we consider can reasonably be taken into account before reaching a conclusion on the applicant's cost estimate.

3 GENERAL REVIEW

3.1 We have relied on the following documents provided as pdf files:-

- Design & Access Statement (as 3 files)
- Financial viability 2014 Addendum note prepared by Gerald Eve incorporating 7 appendices
- Outline Building Costs Estimate dated July 2012 prepared by Sawyer & Fisher
- Addendum to the Outline Building Costs Estimate of July 2012 dated February 2014 prepared by Sawyer & Fisher
- Appendix 4 AUV Appraisal Sep 2012 by Gerald Eve

3.2 The February 2014 cost plan has an updated summary in the total amount of £31,949,000 including a 5% contingency and inflation uplift from July 2012 (3Q2012) to 1Q2014 of 5.54%.

3.3 The published Tender Price Index (TPI) on 1st July 2012 for 3Q2012 was a 220 forecast figure. This is now a firm figure for 3Q2012 of 221 but the quarter before 2Q2012 was 230. Sawyer & Fisher(S&F) have correctly identified the fluctuating market conditions at this time and taken 5.4% as an average uplift from 3Q2012 to 1Q2014 currently a forecast 240. This is a very reasonable figure. The calculation might be $240/220 = 9.09\%$. However it also depends on how they saw market conditions at the time they priced the project when they might reasonably have been more influenced by market conditions producing a TPI of 230 than 220, particularly as they were on the cusp of the two quarters. We are therefore content with the inflation adjustment used by S&F.

3.4 We have transferred the cost plan information into the 11 different categories of building estimated, and attach it as an elemental analysis used for benchmarking against BCIS.

- 3.5 Three of the categories: private residential, Premier residential and intermediate residential have been re-estimated (at 2012 rates) to reflect the scheme changes. The remaining categories are unchanged and the details are as the original July 2012 cost plan - although adjusted by 5.4% for inflation.
- 3.6 S&F have not prepared their cost plan in BCIS elemental format - some costs broadly follow the elemental format whilst others - internal partitions, doors, finishings and services have been grouped in ways that make an accurate elemental benchmarking exercise impossible.
- 3.7 The allowance for preliminaries is 17%. We consider this to be at the high end of tender levels, although in the current market - prices and preliminaries levels are increasing. The location of the site and the nature of the work will result in complications that will tend to increase preliminaries costs. The allowance for Overheads and Profit (OHP) is 3% - we consider this reasonable and if anything slightly low. The provision for contingencies is 5% which is reasonable.
- 3.8 The totals excluding contingency for the following items: Europcar commercial area £ [REDACTED] (£ [REDACTED]/m²), Europcar Storage £ [REDACTED] (£ [REDACTED]/m²), Europcar fuel storage (£ [REDACTED]/m²), commercial area £ [REDACTED] (£ [REDACTED]/m²). There is an insufficient level of detail to enable us to benchmark accurately against BCIS but the rates do not appear out of line with BCIS average prices.
- 3.9 S&F have allowed for different levels of specification for the four categories of residential flats: private, premier, intermediate and affordable rented. These have been benchmarked against one level of BCIS average adjusted for differences in the elements of substructure, fittings, balconies and lift. These show the affordable rented to be £ [REDACTED] below benchmark whereas the premier and intermediate are £ [REDACTED] and £ [REDACTED] respectively above benchmark. The three taken together are very close to the adjusted benchmark figure indicating that the specifications of the private properties are higher than benchmark and offset by the lower specification of the affordable rented units.
- 3.10 The private units are priced at £ [REDACTED] in total (including contingency) this we calculate at £ [REDACTED] (£ [REDACTED]/m²) above the adjusted benchmark figure. The whole of this difference occurs in the combined services elements, but S&F have not provided a sufficient breakdown of the services costs for us to identify more specifically which services elements are over cost or indeed what specifications may have been assumed resulting in the higher costs. It may be that with more information we could confirm these costs are reasonable, but the detail currently provided is not sufficient to enable us to do this.

We note that the Appraisal includes an allowance of £200,000 for demolitions. The cost plan total of £ [REDACTED] already includes the sum of £ [REDACTED] for demolitions, so this amount appears to be double counted.

BPS Chartered Surveyors
Date: 22nd April 2014

APPENDIX 4 – APPEAL DECISION

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Appeal Decision

Inquiry held on 17, 18 and 19 September 2013 and 11 October 2013

Site visit made on 11 October 2013

by Julia Gregory BSc (Hons) BTP MRTPI MCMi

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

Decision date: 15 January 2014

Appeal Ref: APP/V5570/A/13/2195285

**130-154 Pentonville Road, and 3, 4 and 5A Cynthia Street, Islington
N1 9JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Groveworld Rodney Street Limited against the Council of the London Borough of Islington.
 - The application Ref P121570 is dated 17 July 2012.
 - The development proposed is the comprehensive redevelopment of the site for a mixed use development comprising of approximately 3,624 sq m (GIA) of commercial floorspace (sui generis) comprised of office and 150 parking spaces associated with a car hire business; approximately 872 sq m (GIA) of B1 (office) floorspace; and 123 residential units (C3 use); together with associated communal amenity space, play space, landscaping, cycle and refuse storage, and related infrastructure and engineering works.
-

Preliminary matters

1. The Council failed to determine the planning application within the prescribed period. Nevertheless, the Council resolved on 15 April 2013 that it would have refused planning permission had it been able to have done so. The putative reasons for refusal are recorded in Council Minute 413 contained within the Statement of Common Ground (SoCG).
2. Subsequently, the Council has adopted its Development Management Policies and Site Allocations Documents. The putative reasons for refusal were updated with amended policy references in Mr Durling's Proof of Evidence.
3. The SoCG identifies the areas of disagreement between the main parties. These are the relationship between the scheme and the surrounding area, including townscape and undesignated local views, and the relationship between the scheme and surrounding residential properties in respect of daylight and sunlight.
4. The main parties agreed at the Inquiry that the plans to be considered were those that were detailed within the SoCG. A supplementary SoCG was submitted at the Inquiry to provide an update on negotiations regarding conditions and a S106 agreement. An executed S106 agreement was submitted on the last day of the Inquiry.
5. In addition to the accompanied site visit on 11 October 2013, I visited the vicinity of the site the day before the Inquiry opened, on 20 September 2013 and on 10 October 2013 unaccompanied by any party.

Decision

6. The appeal is dismissed.

Main Issues

7. The main issues are the effect on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight and the effect on the character and appearance of the area.

Reasons

Living conditions

8. The building would comprise 5 defined blocks A to E. It would be located with its main frontage comprising blocks B to D facing onto Pentonville Road on the back of the footway. The side elevation of block D and block E would face Cynthia Street to the east. Block A and the side elevation of block B would face Rodney Street to the west. The building mass would frame the perimeter of the block, albeit that it would be set back some 1.6m from the footway in Cynthia Street.
9. The National Planning Policy Framework (the Framework) identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
10. The development plan includes the London Plan 2011 (LP), the Islington Core Strategy 2011 (CS), Islington's Local Plan Development Management Policies June 2013 (DMP), and Islington's Local Plan: Site Allocations June 2013 (SA).
11. LP policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of particularly residential buildings in respect of matters including privacy and overshadowing. Intrusive overlooking in Cynthia Street would be resolved by the use of opaque glazing to certain balconies.
12. SA site KC1 identifies as a design consideration and constraint that future uses on the site and design should respect the amenity of residential properties within the vicinity of the site, but it also advocates that frontages should be positioned along the site boundary.
13. DMP policy DM2.1 specifies that development should provide good levels of amenity. This includes consideration of overshadowing which should not unduly prejudice the operation of adjoining land. The text explains that this includes negative impacts on privacy, sunlight and daylight.
14. Proposals must ensure that adjoining buildings are protected from unacceptable overshadowing. It explains that the Building Research Establishment (BRE) provides guidance on site layout planning to achieve good sunlighting and daylighting (*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011*). It thus specifically endorses its use, but does not go further to identify if and when any alternative target values it contains might be applied.
15. BRE standards include as a general rule to minimise the impact to existing property. Vertical Sky Component (VSC), No Sky Line (NSL) (Daylight

Distribution) and Average Daylight Factor (ADF) methodology information have all been submitted by the appellant.

16. In respect of VSC, if with the new development in place it would be less than 27% and less than 0.8 times its former value then occupants of the existing building will notice the reduction in the amount of skylight. It may however be appropriate to use less than 27% in certain circumstances.
17. The NSL calculates the change in the no sky line between the existing and the proposed situations. If the area of an existing room which does not receive direct sunlight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants and more of the room will be poorly lit. Areas without direct daylight will appear dark and gloomy compared with the rest of the room.
18. The ADF is primarily used for calculating daylight provision in new rooms and therefore is not appropriate to calculate the loss of daylight. Average Probable Sunlight hours (APSH) seeks to identify if a dwelling will appear reasonably sunlit.
19. The properties where daylight and sunlight considerations would be most relevant would be Hill House on the opposite corner of Cynthia Street with Pentonville Road, Gower School to the rear in Cynthia Street, Rodney House at the rear facing Donegal Street and Paul Robeson House, on the opposite side of Pentonville Road.

Hill House

20. The rooms in Hill House facing Cynthia Street served by windows that would be opposite the appeal building are single aspect and the main windows for the properties. The frontage of the building would be sited only between some 11.06m and 14.2m away from Hill House. At present buildings on the appeal site are low rise and set back from Pentonville Road, and so there is open land on the corner.
21. It is the ground, first, second and third floor windows in Hill House that would be affected. 27 windows on ground, first, second and third floors facing the site would have a VSC of less than 27% and would suffer a loss in the amount of daylight that they receive. This would range from between 23% and 79%. To over a third of the windows the loss would be more than 50%. Of these 27 windows there are 7 that serve living room/kitchen/dining rooms and a further 4 that serve living rooms.
22. Although 16 are bedroom windows that would be less important, all of the windows are to habitable rooms. Where there are rear windows, those are small and obscure glazed and provide little additional daylight to the main parts of the dwellings.
23. Even if an allowance were to be made for the balconies, as suggested in BRE guidance paragraph 2.2.11, as of themselves they restrict light, losses would be between 25% and 41% at ground floor, with an associated NSL of 58% and 59%. Only once in the second floor rooms under this calculation would the proposed VSC amount to almost 27%. In addition, in 12 of the habitable rooms there would be significant losses to the areas of the rooms that would receive direct daylight, in several, in excess of 50%.

24. ADF is not recommended for calculating loss of daylight. However if it were to be used to assess the lighting levels, three living rooms on ground floor, five bedrooms on the first floor and two open plan living/ dining/ kitchen rooms on the second and third floors would be below the BS8206 Part 2 recommended minimum.
25. In all cases, the reduction in sunlight over the year in Hill House would exceed the 4% threshold in the BRE guidance. 15 rooms would suffer a loss of winter sunlight in excess of 50% over existing levels. 5 rooms would lose over 75% with 3 rooms on first floor only retaining a proposed winter ASPH of zero or 1%.
26. The reduction in sunlight received over the whole year would be as much as 77% at ground floor. This would be significantly in excess of the 20% threshold set out in the BRE guidance. Six living rooms would experience losses of total sunlight across the year of up to 77%. VSC are currently below 27% if balconies are not discounted. The degree of harm that would be caused by the appeal building would be substantial and would demonstrably harm living conditions.
27. The BRE guidance identifies in appendix F that there might be alternative targets for setting skylight and sunlight access, for example where an existing building has windows that are unusually close to the site boundary and are taking more than their fair share of light. Hill House might be argued to be such a building.
28. Nevertheless, no alternatives have been set by the Council for the appeal site, and there would be substantial harm caused in relation living conditions of some residents in Hill House. I also note that, although the Council has not sought to oppose the scheme on that basis, that the internal daylighting in the proposed scheme does not in all rooms meet minimum ADF standards where opposite Hill House.
29. The BRE guidance does acknowledge that its guidance should be applied flexibly in central locations. This is a central location. A higher degree of obstruction may also be unavoidable if new developments are to match the height and proportions of existing buildings.
30. Although in townscape terms the perimeter approach to design is promoted by policy, there is no specific provision to mirror the adjacent Hill House, and policy provision seeks to prevent harmful impacts to living conditions.
31. I note that there are schemes elsewhere in London that have, according to the appellant, been granted planning permission without adherence to the BRE numerical guidelines. Nevertheless, I have insufficient information about the direct circumstances of those buildings and neighbouring properties to be able to determine their comparability to the impact of the appeal scheme.
32. I cannot discount the possibility, although none are before me for consideration, that alternative schemes might come forward for this site that might be acceptable that would both be appropriate from a townscape perspective and would comply, or more closely follow the BRE guidance.

Paul Robeson House

33. Paul Robeson House comprises student accommodation on the opposite side of Pentonville Road to the appeal site. Because it is student accommodation, the BRE guidance is not strictly applicable. Nevertheless, DMP policy DM2.1 applies to all buildings and the BRE guidance still provides a useful methodology for assessment.
34. The development would result in a loss of daylight of up to 36% as measured by the VSC and up to 75% against the NSL to 46 bedrooms and kitchens at ground, first, second, third and fourth floors. 38 rooms would suffer a loss of daylight beyond the minimum recommended in the BRE document. In addition, a total of 28 rooms would see a reduction in NSL in excess of the BRE recommended levels. However, because this is student accommodation which would have a transient population and is not family accommodation, I consider that the effect on Paul Robeson House would not be unacceptable.
35. Because Paul Robeson House does not face within 90 degrees of due south, sunlight is not relevant.

The Gower School

36. Although one window in a classroom would be affected and would suffer a significant loss of daylight, because the room is also served by other windows, the room would remain adequately lit.

Rodney House

37. 12 windows at ground, first and second floor levels would suffer a loss of VSC in excess of 20% and would fail the test. All the rooms on the ground floor would also suffer from a reduction in daylight distribution of between 28% and 50%. 2 rooms at ground and first floor levels would experience a loss of direct sunlight in winter months in excess of the recommended maximum. There would also be losses for some rooms on lower ground and first floors.
38. Nevertheless, if the deep recesses were taken into account then it would produce a different result. All but one window would pass the guidance and that relates to a room with a second window. It also has to be seen within the context of the effect of the extant planning permission that could be built on the appeal site. Because of these matters, I consider therefore that the scheme would not have an unreasonable effect on the occupiers of Rodney House.
39. I conclude that the development would be harmful to the living conditions of the occupiers of Hill House in respect of daylight and sunlight which would be contrary to LP policy 7.6 and DMP policy 2.1.

Character and appearance

40. LP policy 7.6 and DMP policy DM2.1 set design criteria for planning decisions. Land levels rise significantly from Kings Cross to the Angel. There is a gentle slope through the appeal site so that there would be 1 to two storeys underground providing car storage, swimming pool, cinema room, gym and plant rooms. Above ground the building would vary in height from mainly 7 storeys to 10 storeys on Pentonville Road. It would be tallest in block B at 10 storeys high on the corner of Rodney Street with Pentonville Road.

41. In Rodney Street the building would reduce from 10 storeys to 7 storeys and then to 5 storeys in height. In Cynthia Street the building would reduce from 6 storeys with set back seventh floor to five storeys and then to 4 storeys high.
42. CS policy CS6 promotes a perimeter block approach and the aim is for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. New development will need to be based on coherent street frontages and new buildings will need to fit into the existing context of facades. The development would follow that perimeter block approach which is also supported by the Islington Urban Design Guide.
43. It was agreed by the main parties at the Inquiry that the widest context was that along Pentonville Road between Kings Cross and the Angel, and close by it was in Pentonville Road, Joseph Grimaldi Park, Rodney Street, Cynthia Street and Penton Rise.
44. The area to the north of the site includes Rodney House, and a 10 storey block of flats, Prospect House, facing Donegal Street. Because of the substantial massing of buildings at the rear, although the building would be 10 storeys high on the corner of Pentonville Road with Rodney Street most of the building would be screened from much of the area to the rear of Pentonville Road and would not be a significant feature in that context. The connecting elevations in Rodney Street and Cynthia Street would relate well in terms of height, massing and rhythm of fenestration to existing buildings.
45. LP policy 7.7 advocates that tall buildings should be part of a plan led approach. DMP policy DM2.1 identifies that the only locations that may be suitable for tall buildings are set out in the Finsbury Local Plan, which does not include the appeal site. CS policy CS9 identifies that tall buildings above 30m high are *generally* inappropriate to Islington's medium to low level character.
46. Because the building would exceed 30m in height it would technically be a tall building. This is why the Greater London Authority was consulted on the planning application. Nevertheless, it would only exceed 30m because of flues on the roof. These flues would not be visible from any public vantage point. Because of the use of the word *generally* in the policy, it does allow for exceptions to the prescription against such buildings.
47. Regard is to be had also to the other design policies of the development plan and to the advice in English Heritage/Cabe's Guidance on Tall Buildings. There are buildings of substantial scale and massing nearby including 10 storey buildings between Weston Rise and Penton Rise. Directly opposite the site on Pentonville Road there are buildings that are 7 to 9 storeys high on the corner with Penton Rise.
48. Because of the close proximity of these buildings, although they are on lower land, and because the 10 storey part of the building would be a relatively small part of the overall building, the 10 storey part of the building would not in terms of its height look out of character. Furthermore, the massing of the building overall would respect other substantial blocks locally.
49. When viewed from Pentonville Road looking towards Kings Cross, from quite a distance away at Claremont Square when approaching towards the building itself, the backdrop to the site is the 18 storey Nido student housing development. This would be partially obscured by the building. Because that exists, the building would sit comfortably within this context.

50. When viewed in the other direction, on approach from Kings Cross, a large part of the building would be well screened for much of the year by trees in Joseph Grimaldi Park and by street trees and so the building would not be overly dominant in views. Additional street trees may also be planted. It is important also that the Council promoted an 8 or 9 storey building and that there is an extant planning permission for a substantial 7 storey building on the corner with Rodney Street that is a fallback.
51. The site allocation KC1 identifies that there is a need to maintain and enhance views up Penton Rise. Whilst the highest part of the development would be that lying opposite Penton Rise, which rises towards Pentonville Road, again there is a significant screening by street trees. This is not a protected or particularly important view, and the traffic flow is away from the junction. The vista for pedestrians is relatively narrow because of these trees and also because of the buildings on the corner of Penton Rise with Pentonville Road to the east.
52. There is no dispute that the buildings on the site at present are of little townscape value and their removal would be beneficial to townscape. The building would improve on the current hotch potch appearance of the site which comprises mainly the car rental building set behind car parking on Pentonville Road.
53. It would thus comply with that part of the KC1 allocation design considerations and constraints because with its interesting gridded well articulated fenestration patterns, deep window reveals and inset balconies and use of a brick, stone and bronze cladding materials, its design would improve the appearance of the area.
54. Pentonville Road is a straight wide thoroughfare which rises between Kings Cross and The Angel. This is a main route on which there is a variety of buildings of different types, heights, age and quality. There are no strategic views within this area that need to be protected. Local view 8 Pentonville Road to St Pancras Chambers and Station set out in DMP policy DM2.4 would not be obstructed.
55. Joseph Grimaldi Park lies on the opposite side of Rodney Street and contains Joseph Grimaldi's grave which is a grade II listed building. The park also includes an office building, No 154A, a modern building designed with a façade to replicate the church previously within the graveyard.
56. The park is a non-designated heritage asset. It is a relatively recent 20th century creation in its current form. There are 5 separate distinct areas within park. It is not a traditional square. DMP policy DM2.3 specifies that proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted. Also CS policies CS9 and CS6F seek to protect and enhance Islington's built and historic environment. The site allocation KC1 identifies, amongst other matters, that the development should conserve and enhance the setting of the Joseph Grimaldi Park with 154a Pentonville Road.
57. The 10 storey high block B on the corner of Rodney Street would mark the corner. Although it is a taller element of the overall composition with a slightly different architectural expression that would add variety to the overall design, this would not cause it to appear separate from the overall composition or be

- so tall in comparison to the rest of the building or in relation to Rodney Street that it would be unsatisfactory within its context.
58. Because the building would frame the perimeter of the block, it would serve to reinforce the townscape. The building would integrate well, by reducing in height towards the north where it would abut a proposed building on adjacent land. It would be a similar height where it would be sited opposite Hill House in Cynthia Street. The fenestration pattern and articulation of the frontage in Cynthia Street would be sympathetic to the design of the adjacent and neighbouring buildings.
59. The part of the building with the greatest dominance would be on the Pentonville Road frontage with those with lesser scale fronting the secondary frontages. This would reflect the hierarchy of streets and would increase the legibility and sense of order in the townscape. The building would provide a backdrop to the park, but because of the trees within the park would not be overly dominant in views from within it.
60. The building would be viewed at a distance from lower land closer to Kings Cross, but trees in Joseph Grimaldi Park would provide much screening to it. Although the corner of the building would be higher than the rest of the property, it would not be so much taller as to look unrelated to the rest of the building.
61. There would also be some surveillance from the upper floors across the park. From within the park the building would provide for better enclosure that would not be overbearing on its enjoyment because the 10 storey element is not for the full length of the Rodney Street elevation. Also, there is little to suggest that it harms the significance of the park as a non-designated heritage asset or the setting of the Joseph Grimaldi grave. Because the park has separate components and many trees, it is not distinguished by openness that would be harmed.
62. Because the Park provides a separation from lower buildings to the west along Pentonville Road, taking into account the buildings on the south side of Pentonville Road, I consider that the wider setting of the site to the west would not be harmed.
63. I agree with the Council that there is no particular need to mark the corner of Rodney Street with Pentonville Road because it is a small scale insignificant junction and the view up Penton Rise does not necessarily require to be terminated by such a building. Also its location half way between Kings Cross and The Angel does not warrant a landmark building. The Design Guide identifies that there may also be other ways of emphasising junctions without reliance on extra height.
64. Nevertheless, I consider that the building would not be a particular landmark and whether an alternative scheme would be preferable is not a matter for me to consider. The 10 storey block would be well integrated with the remainder of the building, rather than appearing as a separate tower, and would not appear out of context in the light of my earlier observations.
65. Although blocks C and D are not broken down into smaller vertical elements, this block would be well separated from buildings by Joseph Grimaldi Park and would relate well in height and architectural composition to Hill House to the east. The scheme would be a significant improvement to the character and

appearance of the area, would constitute a high quality design response that would have interesting articulation and would complement the character and appearance of the area.

66. Site allocation KC1, LP policy 7.7 and LP policy 7.4 all advocate active frontages. The underlying landform and topography would result in the need for a mezzanine floor for much of the commercial floorspace at level 0, fronting Pentonville Road. Choice of an appropriate material for internal mezzanine balustrading could ensure that there was human activity visible within the premises, quite close to the frontage windows in that area. The entrances to the residential parts of the scheme would not be so mean that they would appear squat within the overall scheme.
67. The car hire business would have some activity close to Pentonville Road and there would be entrances both on Pentonville Road and Rodney Street. There would be balconies on each of the outward facing elevations that would again create a positive relationship with street level activity. Although there would be a significant area of dead frontage in Rodney Street at floor level 0 this would be broken up by the vehicular entrance, the residential lobby and the car hire office would be on the corner where pedestrian activity would be most substantial. This has to be seen also within the context of being an improvement on what currently exists.
68. I conclude that the development would respect its context, would enhance the character and appearance of the area and would comply with the development plan in those respects.

Other matters

69. The executed S106 agreement dated 9 October 2013 includes provision for 22% affordable housing, for contributions towards a raft of infrastructure matters and public realm works, for local employment provisions and for controls on construction works. I do not need to discuss those matters further for the most part, in the light of my conclusions about the harm caused by the scheme in respect of the first main issue. The exception to this is where they provide a positive benefit of the scheme to be weighed in the balance.
70. The S106 agreement amongst other matters includes provision for affordable housing. CS policy CS12G requires 50% affordable housing, but the Framework identifies that market conditions over time should be taken into account.
71. The offer of 22% affordable housing, comprising 11x3 bed social rented units, 6x1 bed and 3x2 bed intermediate rental units is included in the S106 agreement. Viability information supplied by the appellant included the circumstances surrounding the site assembly, the costs of building the expanded car hire business and the difficulties associated in securing value for the expanded car hire business. On the basis of the viability information supplied by the appellant, the Council accepted a lower provision.
72. CS policy CS6 promotes office led mixed use development in Pentonville Road. The building would lie also within the LP Kings Cross Opportunity Area. The more recently adopted site allocation KC1 allocates the site for mixed use redevelopment including employment and residential uses. Any redevelopment should intensify the use of the land to provide employment uses. Furthermore there should be a net increase in office floorspace subject to viability.

73. Although the scheme is residential rather than employment led, it would provide for the transformation of an underused car rental business that would increase employment on the site from some 69 jobs to 121 jobs. The scheme was supported by a viability study. The Framework identifies that policies should avoid the long term protection of employment sites where there is no reasonable prospect of them being used for those purposes.
74. The S106 agreement would also make positive provisions for local employment both in the construction and in relation to the car hire business. This again would be a positive benefit of the proposal which needs to be taken into account in the overall planning balance. I acknowledge that the obligation provides positive benefits which weigh in favour of the proposal in respect of affordable housing and employment locally.
75. Although Islington is able to demonstrate a 5 yr housing land supply, there is a pressing need for housing in London. The scheme would provide 123 new homes including affordable homes. I acknowledge also that the development would be located within a highly sustainable location with a PTAL of 6b and that it could comply with energy efficiency criteria within the development plan.

Conclusions

76. There are substantial benefits of the scheme in respect of the character and appearance of the area and the positive provisions in respect of housing and employment creation. Nevertheless these do not outweigh the substantial harm that I have identified in respect of the effects on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight, for residents in Hill House. For the reasons given above, I conclude that the appeal should be dismissed.

Julia Gregory

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Russell Harris QC

He called

Andrew Beharell

Peter Stewart

Lance Harris

Jonathan Owen Davies

Murch

Pollard Thomas Edwards Architects

Peter Stewart Consultancy

Anstey Horne and Co

Savills

FOR THE APPELLANT:

Daniel Kolinsky

He called

Tina Garratt

Matthew Durling

Thomas Webster

Of Counsel

Conservation and Design Officer

Principal Planning Officer

Principal Planning Officer

INTERESTED PERSONS:

Lidija Danilovic

Local resident

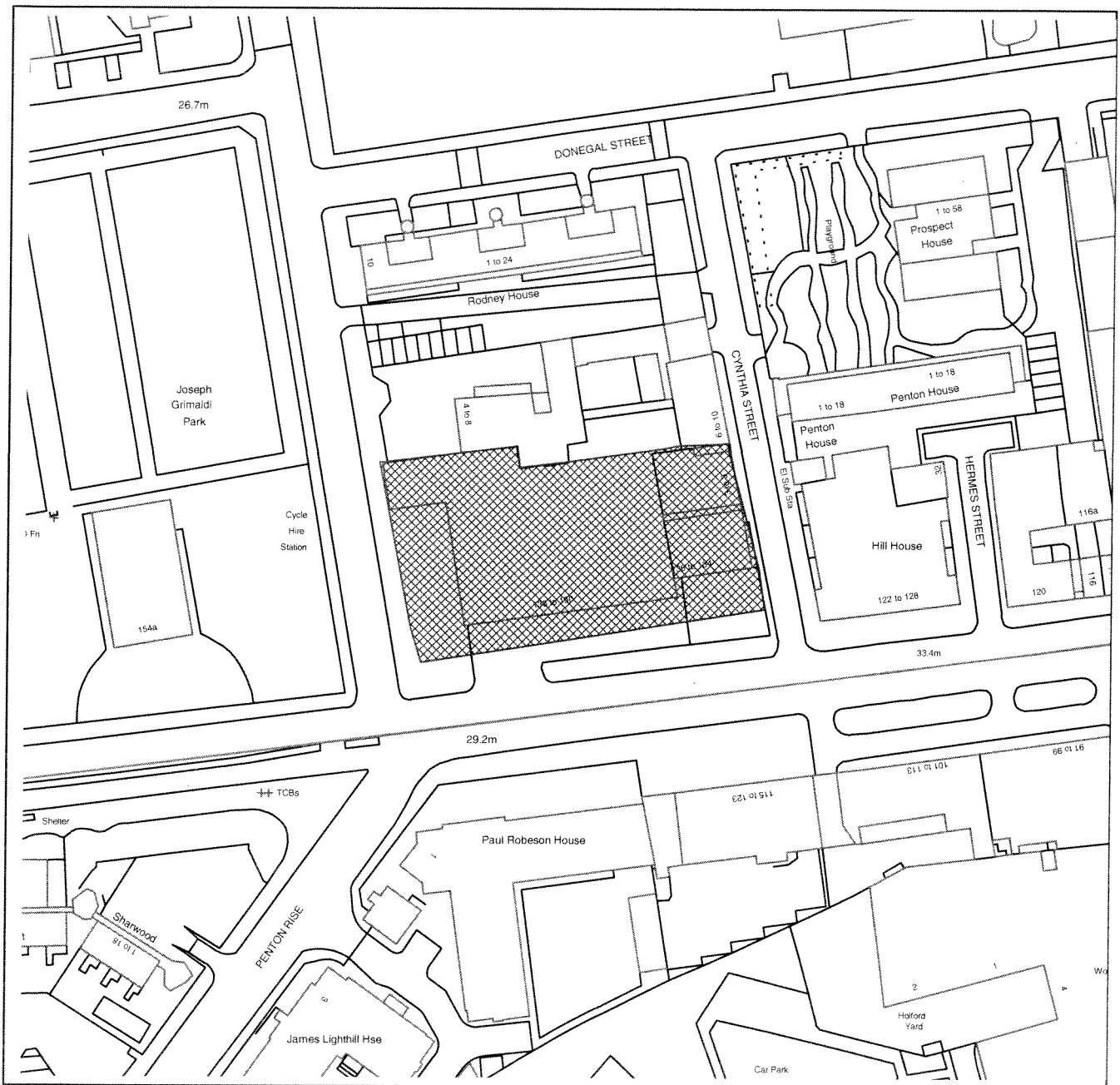
DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appearances list for appellant
- 2 Supplementary Statement of Common Ground
- 3 Draft S106 agreement
- 4 Application plan PL-L01 Rev A
- 5 Brief Opening for the appellant
- 6 Opening Submissions on behalf of the London Borough of Islington
- 7 Rebuttal by Andrew Beharell to the proof of evidence of Tina Garratt
- 8 Annual Monitoring Report 2012
- 9 Islington Housing Trajectory
- 10 Note on discrepancies identified in respect of Anstey Horne Technical Assessment
- 11 Appendix 9 Heritage of DMP
- 12 Justification for early years needs south of Islington Borough from Tom Webster
- 13 Photographs of active frontage to duplex business unit (Diespeker Wharf)
- 14 Response from Sustainability Officer 18/10/12
- 15 London Plan policy 5.2 and 5.3 and 5.9
- 16 Islington Council Development Management Policies- Adoption 2013 Policy DM7.5
- 17 13 units that would have comfort cooling
- 18 S106 agreement dated 9 October 2013
- 19 Letter dated 16 September 2013 from Marples to the London Borough of Islington in connection with S106 agreement
- 20 Power of attorney for execution of documents on behalf of

- Mortgage Business PLC
- 21 Business Power of Attorney The Royal Bank of Scotland plc 14
September 2013
 - 22 Closing Submissions on behalf of the London Borough of Islington
 - 23 Appellant's closing submissions



ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1017/FUL

LOCATION: 130-154, 154A, PENTONVILLE ROAD, (INCLUDING, 5A CYNTHIA STREET, 3-5, CYNTHIA STREET, 2, RODNEY STREET), ISLINGTON, LONDON, N1 9JE

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Islington Council, LA086452

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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	11 th November 2014	NON-EXEMPT

Application number	P2013/2831/S73
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Adjoins Grade II Listed Mountfort House
Conservation area	Barnsbury Conservation Area
Development Plan Context	Barnsbury Moated Manor & Islington Village and Manor House Archaeological Priority Area
Site Address	16 Barnsbury Square, Islington, N1 1JL.
Proposal	<p>Section 73 application (minor material amendment) to vary condition 28 (approved plans) of planning permission P061428 (appeal ref. APP/V5570/A/07/2027087/NWF) dated 17/01/2008 for the: 'Demolition of existing building and the erection of a part two, part three storey building with a "garden level" and basement level below ground to provide 587sqm of business use and 10 residential units, together with restoration works to make good the north facing flank wall and rear northwest corner of Mountfort House'.</p> <p>The minor material amendments are:</p> <ul style="list-style-type: none"> (A) Reconfiguration of lower basement level and garden level B1 floorspace and parking area layouts; (B) Reconfiguration of residential layouts; (C) Enlargement of second floor level terrace and erection of privacy screen; (D) Installation of garden level extract louvers; (E) Revised landscape proposal; (F) Reconfiguration and addition of rooflights; (G) Installation of roof access and maintenance balustrades; and (H) Relocation of rooftop pv panels and flue.

	(l) Enclosure of second floor level east apartment terrace and other minor external alterations.
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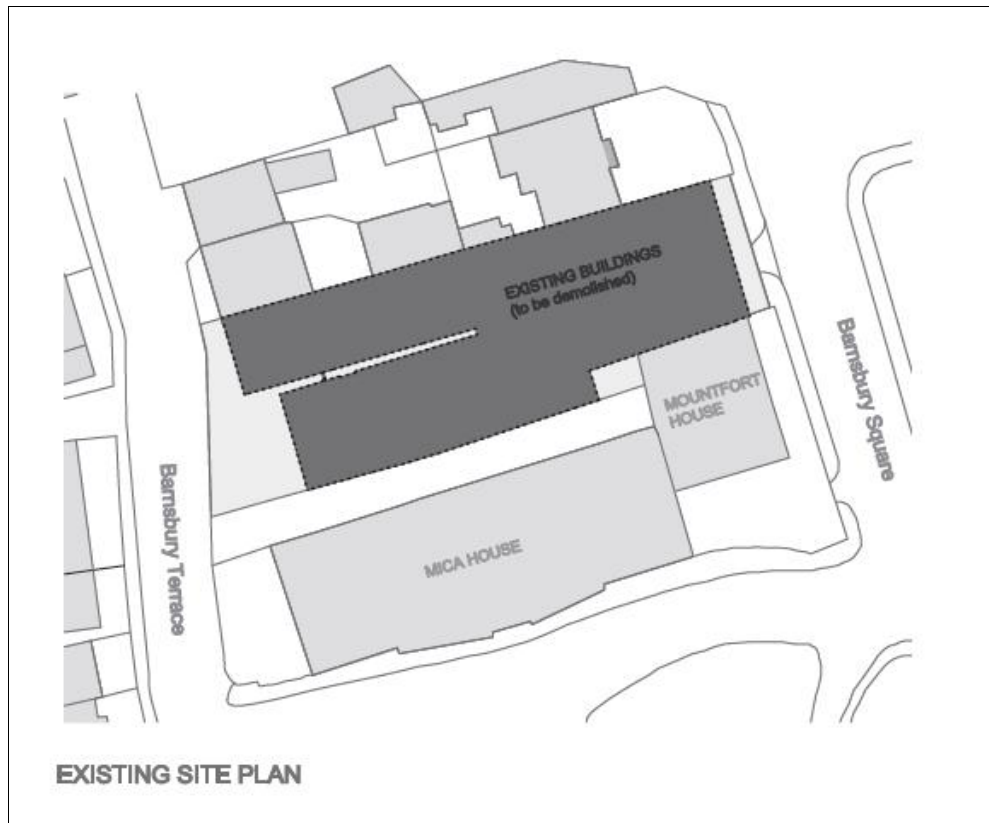
Case Officer	Geraldine Knipe
Applicant	Securivin Ltd
Agent	Savills- Ben Thomas

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to:

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a Deed of Variation to the existing legal agreement of Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

SITE PLAN



PHOTOS OF SITE/STREET



Image 1: Site prior to demolition



Image 2: View of application site from Barnsbury Square following demolition.



Image 3: View of Mountfort House from Barnsbury Square



Image 4: View towards the site from end of Barnbury Terrace and Mica House.



Image 5: View of the site from Barnsbury Terrace.

1.0 SUMMARY

- 1.1 This application seeks permission to amend condition 28 (approved plans) of planning permission ref: P061428 (appeal ref. APP/V5570/A/07/2027087/NWF) dated 17/01/2008 for the: 'Demolition of existing building and the erection of a part two, part three storey building with a "garden level" and basement level below ground to provide 587sqm of business use and 10 residential units, together with restoration works to make good the north facing flank wall and rear northwest corner of Mountfort House'.
- 1.2 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the applicant's ability to complete the originally approved development (which has been implemented).
- 1.3 The minor material amendments are:
- (A) Reconfiguration of B1 floorspace and parking area layouts;
 - (B) Reconfiguration of residential layouts;
 - (C) Enlargement of second floor level terrace and erection of privacy screen;
 - (D) Installation of garden level extract louvers;
 - (E) Revised landscape proposal;
 - (F) Reconfiguration and addition of rooflights;
 - (G) Installation of roof access and maintenance balustrades;
 - (H) Relocation of rooftop pv panels and flue; and
 - (I) Enclosure of second floor level east apartment terrace and other minor external alterations.
- 1.4 The proposal is considered acceptable in terms of the principle of redevelopment, the proposed mix of land uses, design and conservation, inclusive design, the quality of the residential accommodation, highways and transportation, sustainability and energy subject to conditions and the suggested Section 106 agreement heads of terms which would be secured in the event of a resolution to grant permission.
- 1.5 The proposed amendments to the extant (meaning implemented) planning permissions' employment floorspace, parking levels, residential layouts and changes to the main elevations and roof of the extant building are considered to be minor in nature and would not substantially alter the nature and final appearance of the approved scheme. This s73 application does not offer the opportunity for the council to reassess areas which remain unchanged within this application, these having been approved already - notably the residential unit numbers, off street parking facilities and private road access ways. This is because the original

permission has been implemented and can be built out in accordance with that permission.

- 1.6 The assessment has therefore focused on the submitted changes when compared to the scheme that was approved by the Planning Inspector at appeal.
- 1.7 The proposed development creates a more functional employment floorspace for the development while creating well laid-out and generous dual aspect residential units. The external alterations are considered to be visually acceptable. It is therefore considered that there is no demonstrable harm created by the proposed alterations when compared to the fallback extant permission that would justify the refusal of the s73 application as submitted.

2.0 SITE DESCRIPTION & SURROUNDINGS

- 2.1 The application site is rectangular in shape and approximately 1,020 m² in area. At the time of the original application it was occupied by a series of interlinked factory workshops. These have since been demolished.
- 2.2 The western (rear) boundary fronts onto Barnsbury Terrace, where there is an existing vehicular access onto a partially unmade road. Mountfort House directly adjoins the site to the south, and also forms part of the western frontage to Barnsbury Square. Mountfort House is a three storey (plus basement) Grade II listed villa and accommodates residential apartments and some office space.
- 2.3 Adjoining the site to the north, and set back from the main building line of the western side of Barnsbury Square, is 17 Barnsbury Square which is a smaller three-storey residential villa. A series of semi-detached houses arranged around an attractive circular drive form the western corner of the square, further to the north of the site. Midway along the northern boundary of the site is a two storey house of more recent construction. Also on the northern boundary, a terrace of three storey town houses adjoined the two-storey rear element of the previous factory building at the rear of the site, fronting Barnsbury Terrace.
- 2.4 Directly opposite the western side of the site, on the opposite side of Barnsbury Terrace, are a series of substantial four-storey residential buildings. The southern boundary of the site, beyond Mountfort House, is bordered by a two-car width hard surfaced driveway, which belongs to Mica House.
- 2.5 The application site is neither statutorily nor locally listed but it does adjoin the Grade II Listed Mountfort House and is located within the Barnsbury Conservation Area.

3.0 PROPOSAL (in Detail)

- 3.1 The current application seeks permission to amend condition 28 (approved plans) of planning permission P061428 (appeal ref. APP/V5570/A/07/2027087/NWF) dated 17/01/2008 for the: 'Demolition of existing building and the erection of a part two, part three storey building with a "garden level" and basement level below ground to provide 587sqm of business use and 10 residential units, together with restoration works to make good the north facing flank wall and rear northwest corner of Mountfort House'.

- 3.2 The scheme as approved would be laid out over five floors. At basement level (which would be roughly two floors below street level) there would be two business units (B use class) and a car park delivery area served by a car lift accessed from Barnsbury Terrace. The level above this (the garden level) would still be approximately one floor below street level and would have two apartments facing onto a landscaped internal courtyard and with the upper parts of the two B1 units facing onto areas on the Barnsbury Square and Barnsbury Terrace sides of the site. The building above ground floor would be arranged on three sides of a courtyard, open to Mica House to the south. To the east and west, the proposal would rise to three storeys above street level and a narrow connecting block would be two storeys. On ground floor and first floor would be three apartments and on second floor would be two apartments. The plans as approved proposed shell apartments which did not show an internal layout.
- 3.3 Amendments to this application: The plans as originally submitted in this (s73) application proposed the removal of B1 (office) space from the garden level in its entirety and an approximate overall reduction in commercial floorspace of 241sqm from the original 587sqm approved (This would have amounted to approximately 346sqm being retained). Comments made by residents that the actual loss of office floorspace in the application at that time was not clear from the drawings are agreed with by officers.
- 3.4 Officers raised concerns over the loss of this amount of business floor space and the quality of the space that would be left solely at basement level. Therefore, officers requested amended plans to increase the levels of office floorspace more closely to what was originally consented. Those amended plans were received in May 2014, with those plans maintaining the office (B1) space at garden level. Those plans also incorporated some additional changes to balconies, reconfigured the roof area, amended the north elevation windows and introduced garden level louvres. Public consultations were carried out on these amended plans in May 2014.
- 3.5 Following these revisions, the minor material amendments to this scheme now comprise:

(A) Reconfiguration of business floorspace and parking area layouts. The office floorspace at garden and basement levels have been altered meaning that at basement level, previously consented office floorspace is now taken up by ancillary circulation space (and escape routes), cycle storage, refuse stores and plant rooms that decrease the size of the 'usable' or lettable floorspace of the business units. For information purposes, the table below compares the amount of B1a office floorspace within the appeal approved drawings to the current s73 drawings (under consideration within this report):

	Garden level B1a (sqm) NIA	Basement level B1a (sqm) NIA	Ancillary B1a (sqm) NIA	Total (sqm) NIA	Difference
Appeal scheme	91	496	0	587	
Current s73 proposal	91.5	402.5	13.5	507.5	-79.5

(B) Reconfiguration of residential layouts; A total of ten residential apartments were approved as part of the original scheme. It is intended that the same number of units is kept, however their size and location within the building is proposed to be

altered. As a result of some of these re-positionings, there is an impact on natural lighting, ventilation and aspect for future occupiers;

(C) Enlargement of second floor level terrace and erection of privacy screen;

(D) Installation of garden level extract louvres;

(E) Revised landscape proposal;

(F) Reconfiguration and addition of rooflights;

(G) Installation of roof access and maintenance balustrades; and

(H) Relocation of rooftop photovoltaic panels and flue.

4.0 RELEVANT HISTORY:

Planning Applications

4.1 The following previous planning applications relating to the application site are considered particularly relevant to the application:

- **P2013/2678/NMA**– Non material minor amendment granted on the 7th August 2013 for the 'Non material minor amendment of planning permission ref: P061428 (allowed on appeal ref: APP/V5570/A/07/2027087/NWF) dated 17/01/2008 for the: 'Demolition of existing building and the erection of a part two, part three storey building with a "garden level" and basement level below ground to provide 587sqm of business use and 10 residential units, together with restoration works to make good the north facing flank wall and rear northwest corner of Mountfort House'. The non-material amendments are: To add a planning condition listing the approved drawing numbers. This was approved.
- **P061428** (appeal ref. APP/V5570/A/07/2027087/NWF) allowed at appeal dated 17 January 2008 for the 'Demolition of existing building and the erection of a part two, part three storey building with a "garden level" and basement level below ground to provide 587sqm of business use and 10 residential units, together with restoration works to make good the north facing flank wall and rear northwest corner of Mountfort House'. Appeal decision attached as Appendix 3 of this report.
- **P062795**– Refusal of Certificate of lawful development for the Certificate of Lawfulness for existing use of property for purposes within Class B2 (general industry)

Pre-application Advice:

4.2 The proposals were discussed at pre-application stage, where officers raised the importance of retaining the approved business floorspace, welcomed the creation of better laid out dual aspect residential units while highlighting the need to make sure any external alterations proposed would be sympathetic to the surrounding area and safeguard adjoining residents amenity levels overall.

5.0 Consultation

Public Consultation

- 5.1 Letters were sent to 123 occupants of adjoining and nearby properties along Barnsbury Square, Barnsbury Terrace, Mountfort Crescent, Thornhill Road, Belitha Villas on the 14th August 2013. A site notice and press advert was displayed on the 14th August 2013. The public consultation of the application therefore expired on the 12th September 2013.
- 5.2 Following revisions to the scheme, a second round of public consultation was carried out by the council on the 2nd May 2014 which involved the reconsultation of all residents as before and new site and press notices displayed. The reconsultation period ended on the 23rd May 2014, however it is the council's practice to continue to consider representations made up until the date of a decision.
- 5.3 At the time of the writing of this report a total of 48 letters of objection had been received from the public with regard to the application. Of this total, 14 representations were received in relation to the amended plans. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Concerns over visual impact of roof changes and boiler flue (paras. 7.22, 7.23 and section 8)
 - Servicing and delivery concerns in relation to the proposed development. (*note; there are no changes proposed to the servicing arrangements as part of this application*) (para. 7.7)
 - Emergency services and access to the site. (*note; there are no changes proposed to the emergency servicing arrangements as part of this application*) (para. 7.7)
 - Transport concerns over the ability of residents to gain parking permits (*note: this has been added to the proposed S106 agreement*)
 - Insufficient cycle storage (para.7.7)
 - Increased parking provision (*It should be noted that a section of Barnsbury Terrace is not adopted and therefore parking is not restricted within parking bays under the control of Islington council and there is no increase in the number of parking bays as part of this application*) (para.7.7)

Residential Amenity concerns:

- Potential for overlooking if access to roofs is allowed (*note: no additional access to roofs is proposed except for the enlarged area of terrace on second floor*) (para. 7.18 and section 11)
- Overlooking due to increased number of windows and skylights (para. 7.21)
- Enlargement of terrace at second floor will lead to lack of privacy and potential for greater disturbance (para. 7.18 and section 11)
- There is no screening of the apartments at second floor and thus there will be oblique views possible into Mica House at this level. It is suggested that further screening of these two apartments is required to protect privacy (para 7.25 and section 11)
- The screens on the east and west walls of the elevations onto the courtyard should be fixed. (para. 7.25 and section 11)

- Lack of affordable housing (*note: this issue has already been determined and there is no opportunity to investigate the provision of further affordable housing within this Section 73 application*)

Barnsbury Residents Association (BSRA) additionally raised concerns over the following issues;

- Proposed roof-top accretions- BSRA has recommended that the building be dropped by 1m as this would enable the roof top additions to be hidden from view and would alleviate loss of daylight and sunlight to neighbouring occupiers (para 7.21, 7.22, 7.23 and section 11)
- Proposed enclosure to 2nd floor as balcony – BSRA produced evidence from the enquiry submissions and the previous application’s supporting information drawings that show that a set back on the 2nd floor was always the intention and it is incorrect to state that it was omitted in error from the drawings. (para 7.23 and section 8)
- Barnsbury Terrace issues (*It should be noted that a section of Barnsbury Terrace is not adopted and therefore parking is not restricted within parking bays under the control of Islington Council and there are no changes proposed to the parking arrangements as part of this application*)
- Parking – ownership of Barnsbury Terrace, swept paths, accuracy of drawings, refuse collection, manoeuvring, eligibility for residents’ permits (*It should be noted that a section of Barnsbury Terrace is not adopted and therefore parking is not restricted within parking bays under the control of Islington Council and there are no changes proposed to the parking arrangements as part of this application.* However the eligibility of future occupiers to obtain a parking permit to park in adopted roads surrounding the site are removed under this new application (Appendix 1, number 4).
- Proposed loss of commercial space –dispute over extent of reduction in space (paras. 7.7-7.13)
- No affordable housing provided (para. 7.17)
- Access issues – concerning access to car lift (*note; there are no changes proposed to the servicing arrangements as part of this application;*
- Incomplete and inaccurate information *the information is considered accurate and sufficient to enable a determination to be made of this proposal;*
- Potential noise nuisance (para. 7.18)
- Section 106 issues (para 13.1 – 13.3).

External Consultees

- 5.4 **English Heritage:** Advised that the application should be determined in accordance with the Council’s own guidelines.

Internal Consultees

- 5.5 **Design and Conservation officer:** Officer notes limited scope of council to consider many key design points of the development as the original permission remains in place and is being constructed on site at present. Officer also notes the changes to the roof profile, the PV panels, the flue additions to the revised roof plan, the more explicit framing of the Barnsbury frontage at 2nd floor level. There is no objection to the different roof profile and the enclosing of the second floor to create a better framed feature. However the officer raises concerns over the visibility of the roof additions particularly the proposed screening around the PV panels and the flue extract which may be visible from the surrounding area.

- 5.6 **Policy Officer:** Initial comments were raised following earlier plans to reduce the B1 floor space by a larger amount. Officer had considered that the loss could not be justified particularly if this diluted the quality of the space as well as the quantity provided. Since the officer provided comments, the applicants have provided further amendments to ensure a smaller amount of floorspace would be lost and an itemised justification for this loss.
- 5.7 **Access Officer:** Notes that since the granting of consent, the Inclusive Design SPD has been adopted. The consent was for shell only apartments and it is welcomed that furniture layouts are now provided and that these are acceptable. At least one of the units should be wheelchair accessible and, as there are no level entry units, then two lifts should be provided. (Officer Comment; it should be noted that apartment 5 at ground level has been designed to meet wheelchair accessible standards and with provision to install a stair lift when required).
- 5.8 **Energy Conservation Officer:** Extant permission granted under different policy requirements. The limited changes do not justify reappraisal of the energy and sustainability elements of the proposal. No objection to the PV panels on the roof.

6.0 RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents:

National Guidance

- 6.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

- 6.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 6.4 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Barnsbury Moated Manor & Islington Village and Manor House Archaeological Priority Area;
- Barnsbury Conservation Area; and
- Adjoins Mountfort House Grade II listed building

Supplementary Planning Guidance (SPG) / Document (SPD)

6.5 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

7.0 ASSESSMENT

7.1 The main issues arising from this proposal relate to:

- Acknowledgement of the scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990;
- The nature of the variation and whether the change(s) materially/adversely alter the nature of the scheme;
- Any significant material alterations since the original grant of planning permission;
- Design, conservation and heritage issues;
- Accessibility;
- Quality of accommodation; and
- Adjoining residential amenity.

7.2 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.

7.3 It is important to note that when assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented the applicant may go ahead and complete the original approved scheme if they wish.

7.4 The s73 application does not offer the opportunity for the council to reassess issues which have not changed within the proposal and which already have the benefit of consent, notably the unit numbers, off street parking facilities and private road accessways. The assessment has therefore focused on the submitted changes when compared to the scheme that was approved by the Planning Inspector at appeal.

7.5 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these changes must be considered in light of the matters discussed in the previous paragraphs and the applicant's ability to complete the originally approved development.

The Amendments

7.6 The principle of a residential-led mixed use development at the site has previously been established through the extant planning permission to which this application relates (ref: P061428). The proposed amendments would provide better quality office (B1 use) floor space at the site as compared to the previous permission.

(A) Reconfiguration of B1 floorspace and parking area layouts.

7.7 At basement level, the layout of the B1 space has been re-arranged to accommodate circulation and storage space for the B1 uses and for the two approved B1 units to be re-arranged into three units which totals 416sqm. The position of the 5 parking bays in the basement has also been altered. A separate cycle store has been provided within the basement in place of the previously approved area shown in the delivery area at basement level. These changes are acceptable and facilitate safe parking, delivery and cycle provision.

7.8 The appeal decision refers to 587sqm of B1 floorspace to so there is a reduction in floorspace as the total commercial space is now 416sqm (basement) and 91sqm (garden level), the total being 507.5sqm, as illustrated in the table below.

	Garden level B1a (sqm) NIA	Basement level B1a (sqm) NIA	Office waste store (sqm) NIA	Total (sqm) NIA	Difference
Appeal scheme	91	496	0	587	
Current s73 proposal	91.5	402.5	13.5	507.5	-79.5

7.9 At garden level the office space has been re-configured to provide B1 storage space within the lightwell, however, there is a very minimal net loss of B1 floorspace proposed at this level of 0.5 square metre, with the offer at this level now measuring 91sqm.

7.10 This is an overall reduction of 79.5sqm in B1 floorspace, however, the applicants state that the quantum of floorspace quoted in the appeal scheme would always have been reduced as a result of detailed design development through preparation of building control drawings and meeting fire escape standards as well as detailed design in order to address the planning conditions relating to approval of details for refuse storage, renewable energy strategy (that often necessitates additional plant rooms) and BREEAM (sustainability) standards, all of which are needed to facilitate the development as a whole.

7.11 In this regard, those additional (and widened) circulation space and emergency escape areas (including widening of circulation areas in order to achieve wheelchair accessibility standards), plant rooms relocated cycle store are necessary for the proper functioning of the development as a whole including to the functioning of the office floorspace retained. Given the above considerations, whilst lettable floor area would be reduced, when considering the ancillary areas of the reconfigured B1 units, a minimal reduction in consented, but not actual floorspace would occur.

7.12 As there is a notional loss of B1 floorspace, this must be justified. The applicant has not provided any evidence of two years' marketing evidence to suggest an effort has been made to secure an occupier as the space has not yet been created. They have instead provided market demand analysis, by agents Drivers & Norris, to demonstrate a lack of demand providing examples of office/studio accommodation in similar locations that have remained unoccupied.

7.13 Policy DM5.2 only permits loss of business floorspace where applicants can "demonstrate exceptional circumstances, including through the submission of clear

and robust evidence which shows there is no demand for the floorspace.” The changes proposed make the B1 space more usable and functional and in fact the basement layout could not be implemented unless these changes were secured. Given this very marginal loss and the fact that the suggested layouts in fact make the units more accessible, better laid out and therefore more marketable, it is considered that this is a reasonable and appropriate change and that exceptional circumstances in this particular circumstance, and in this particular location have are relevant.

(B) Reconfiguration of residential layouts;

7.14 The amendments to the residential layouts would maintain the previously approved 10 residential units but they would be re-positioned within the building. The changes are summarised in the table below. It should be noted that the original apartments were shown as shells so there was no indication of internal layout, bedspaces etc. The amendments sought through this application now clearly show the position of habitable rooms and of the number of bedrooms and this is welcomed.

	Approved		Proposed	
	Number of apartments	Area of apartment (sqm)	Number of apartments	Area of apartment (sqm)
Basement level	0		0	
Garden level	2 apartments	194	4 apartments	104
				70.2
		152		64.6
				80
Ground floor	3 apartments	75	2 apartments	188
		174		243
		188		
First Floor	3 apartments	80	2 apartments	166
		146		232
		175		
Second Floor	2 apartments	139	2 apartments	131
		92		88
Totals	10 apartments		10 apartments	1366.8

7.15 The changes to the individual units are as follows;

- **Unit 1:** The unit is a one bedroom flat with an open plan living area. The unit is provided with direct and secure access via the stairs and lift.
- **Unit 2:** This unit allows double aspect living, additional day lighting, a living space and master bedroom with direct access to the courtyard.
- **Unit 3:** is a one bedroom flat with direct access to the central courtyard for emergency escape. The unit is provided with direct and secure access via the stairs and lift.
- **Unit 4:** is a one bedroom flat with orientation to the central courtyard and the front area at Barnsbury Square.
- **Unit 5:** is reconfigured from the previously approved planning drawings to become a three bedroom unit.
- **Unit 6:** has been reconfigured into a three bedroom unit.
- **Unit 7:** is reconfigured from the previously approved planning drawings to become a three bedroom unit.

- **Unit 8:** has been reconfigured into a three bedroom unit. Emergency escape would be provided to the bedrooms by connecting to the west stair core. The living space is an open plan with double aspect to the central courtyard and Barnsbury Square. Additional skylights are proposed along the north wall in the corridor and above the kitchen to provide additional natural daylight.
- **Unit 9:** has not changed significantly in plan from the previously approved planning drawings. An additional skylight is proposed in the common bathroom to provide natural daylight.
- **Unit 10:** has not changed significantly in plan from the previously approved planning drawings

7.16 The development proposes to create 10 self contained residential units which is the same as the extant permission. Therefore there is no net increase in the number of units. The proposed changes within this application relate to the specific mix and internal layouts of the 10 units.

7.17 It is also noted that when the extant permission was allowed at appeal the threshold for affordable housing provision was 15 units and not 10 units which is place currently. Therefore the extant scheme was not required to provide any affordable housing. While the affordable housing threshold has now changed the minor alterations to the unit layouts and sizes (when compared to the extant permission) do not allow the council to revisit the potential for some affordable housing provision to be secured on the site. Once again the site has an extant permission which is an important material consideration in the determination of this s73 application, to be given very significant weight given its implementation.

C) Enlargement of second floor level terrace and erection of privacy screen.

7.18 The original plans showed two roof terraces at second floor level which would each serve an apartment. They would run on the northern middle section of the three-armed courtyard facing Mica House. The balustrade to enclose the terraces was to have been positioned 18m from Mica House and to be erected to 1.1m in height. It is now proposed to make the roof terraces to units 9 and 10 larger in size so as to make them usable. This would involve re-positioning the balustrade closer to Mica House and due to this, it is intended to both raise the balustrade to 1.8m height and to construct the balustrade in frosted glazing so as to ensure there is no overlooking of Mica House residents. It is considered that, although it involves the balustrades being constructed closer to neighbouring residents than previously intended, it does allow the terrace areas to be fully obscured by installation of the taller frosted screens so that no overlooking at all is possible. This is considered to be an acceptable compromise and to secure better protection of amenity (overlooking and loss of privacy).

(D) Installation of garden level extract louvres

7.19 Garden level louvers are proposed within the internal courtyard adjacent to the garden storage area and venting onto the escape staircase leading from garden level to basement. These would not be visible to any adjoining buildings.

(E) Revised landscape proposal.

7.20 The changes to the garden level have resulted in amendments to the landscape strategy. As such this application includes revised landscaping details which include a communal garden seating area, trees, mixed shrubs and perennial

planting. This creates a better environment for future residents compared to the previous scheme which was approved.

(F) Reconfiguration and addition of rooflights/insertion of high level windows

- 7.21 Addition of rooflights has been detailed to the residential units at the top floor. Five high level windows at first floor level on the North elevation have been removed. The remaining three high level windows at ground level will be translucent and bottom hinged openable only for cleaning. These are required to afford some natural light into the corridor in this location. Because of their position relative to the internal ground floor level of the flats, any overlooking would be prevented and so privacy to residents of Mica House will be maintained.

(G) Installation of roof access and maintenance balustrades.

- 7.22 On the roof level, a balustrade around the lift over-run has been added. This would also allow access to the roof for maintenance. Condition 23 already restricts the use of this roof (preventing its use as a terrace for amenity purposes).

(H) Relocation of rooftop PV panels and flue.

- 7.23 In the original scheme, which proposed an indicative layout for the PV provision, the panels were shown as being laid flat. PV panels are required to be laid at 30 degrees to ensure proper functioning, and this has the impact of increasing the overall height of the PVs. The proposals have addressed this by pushing back the position of the PV enclosure to align with the lift overrun and flue which would reduce its impact visible from Barnsbury Square. As a result the flue would protrude one metre above the top of the building.

(I) Enclosure of second floor level east apartment terrace

- 7.24 A small amendment to the ends of some of the balconies is proposed, particularly of the second floor east balcony. All of the balconies will be enclosed in masonry tubes but on the original plans, the detail on the second floor east balcony was omitted. Where the 'tubes' project beyond the line of glazing they form the balcony enclosures on the sides and at the roofs, with this outer plane partially in-filled by vertical bands of translucent glass. If the tubes were not to project then there would be nothing to support the large glass screens above and the original design of the elevations could not be achieved. The proposed change results in the building becoming more symmetrical. The design modification also has the added benefit of further reducing outlook to the sides, particularly to the side windows of Mountfort House and shields/enhances the privacy for these residents.

Other alterations;

- 7.25 The original plans showed a set of stairs leading from garden level to ground floor. These have been removed. The emergency exit to Mica Drive has also been removed. The fire strategy now involves means of escape from within the building directly onto Barnsbury Square or Barnsbury Terrace.
- 7.26 Translucent glazing is now added to the east and west elevations at second floor which would limit the ability of new occupiers to overlook residents of Mica House in the same way as on the lower floors. Condition 27 would ensure that the screens would be fixed shut and would remain in perpetuity.

8.0 Design, Conservation and Heritage Considerations

Policy Context since granting of original consent

- 8.1 The delivery of high quality design including the conservation and enhancement of the historic environment is a key objective of the planning system which is to contribute to achieving sustainable development as supported by the NPPF. Sustainable development is further described as including positive improvements in the quality of the built and historic environments including but not limited to replacing poor design with better design (para 9). A core planning principle of the NPPF is to always seek to secure high quality design (para17).
- 8.2 NPPF Chapter 7 'Requiring good design' reinforces that this is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people. Chapter 7 also confirms that high quality design includes consideration of individual buildings, public and private spaces. Policies and decisions should ensure that development amongst other things, responds to local character and history and reflects the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Also, that they are visually attractive as a result of good architecture and appropriate landscaping.
- 8.3 NPPF Chapter 12 'Conserving and enhancing the historic environment' sets out the criteria for the conservation and enjoyment of the historic environment in the strategy of local plans as well as relevant criteria for assessing and determining planning applications. Consideration includes harm posed to both designated and non-designated heritage assets and their setting.
- 8.4 At the regional level, high quality design is central to all the objectives of the London Plan and is specifically promoted in chapter 7 policies. These include: policy 7.1 which sets out some overarching design principles; policy 7.6 which considers building architecture; policy 7.8 which seeks to protect heritage assets; policy 7.11 which considers strategic landmarks and wider character; and policy 7.4 which considers local character.
- 8.5 At a local level, Core Strategy Policy CS8 states that the scale of development will reflect the character of the area, while Policy CS9 requires new buildings to be of sympathetic scale and appearance and to be complementary to local identity; the historic significance of heritage assets and historic environment will be conserved whether they are designated or not; new buildings and developments to be based on a human scale and efficiently use a site which could mean some high density development; and tall buildings are generally inappropriate. This is further supported by Development Management policies DM2.1 (Design) and DM2.3 (Heritage).
- 8.6 The design of the proposed building under the consented scheme was considered appropriate in mass and scale when viewed from the surrounding area, and achieved a high quality appropriate to the streetscape. The proposed changes are not considered to be detrimental to the original design intent and the Design Officer has acknowledged that the enclosing of the second floor level creates a better framed feature.

Setting of Nearby Listed Buildings and conservation area

8.7 The previous consent proposed a sloping roof form that projected above the eaves line of the second floor. As detailed at H) 7.2 above, in order to accommodate the PV panels, this sloping form is changed. It is acknowledged that the enclosure of the PV cells, which would be 1m in height, would be visible in views from within Barnsbury Square, however this element would be set back by 3m, centrally located within the roof and the stucco render would help to minimise its impact. In comparison to the sloping roof form which has already been granted consent, the new structure is not considered to have such an impact on the setting of the listed building Mountfort House or on the character of the Barnsbury conservation area as to cause significant harm that would warrant refusal of this permission. Similarly, the boiler flue has been located 7.5m from the front edge of the building and rises to a height of 1.1m and it is considered that it does not have such a marked impact in comparison to the approved roof form that could justify refusal. In conclusion, whilst it is regrettable that these additions cannot be concealed further, it is considered that the additions do not cause such harm as to warrant refusal. It is concluded that the proposed development would accord with CS Policy 9, DM policies 2.1, 2.3, the NPPF 2012 and Islington's Urban Design Guidance 2006.

9.0 Accessibility

Policy Context since granting of original consent

9.1 Paragraph 57 of the NPPF notes the importance of planning positively for the achievement of inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. Core Strategy policy CS12 (part H) requires all new housing to comply with "flexible homes" standard (as set out in Islington's Accessible Housing SPD), with at least 10% wheelchair housing provided as part of all new developments.

9.2 Development Management Policy DM2.2 requires all developments to demonstrate that they:

- i) provide for ease of and versatility in use;
- ii) deliver safe, legible and logical environments;
- iii) produce places and spaces that are convenient and enjoyable to use for everyone; and
- iv) bring together the design and management of a development from the outset and over its lifetime

9.3 The changes proposed enable the development to be fully accessible. The inclusion of the layouts for each of the flats and detailed provision of access within the landscaped courtyard demonstrates this compliance.

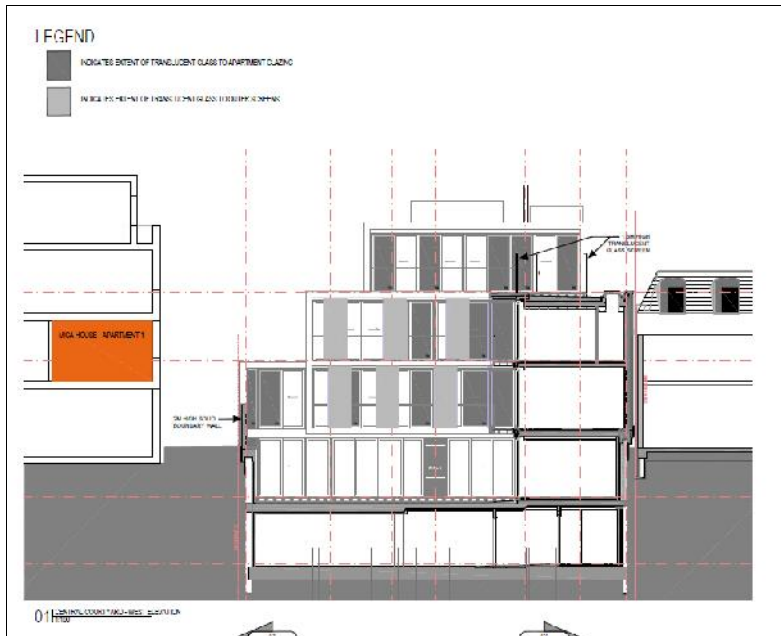
10.0 Neighbouring Amenity

Policy Context since granting of original consent

10.1 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies

Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

- 10.2 Overlooking / privacy & loss of Outlook: Policy DM2.1 identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'.
- 10.3 As with the previous proposal, a system of translucent glass louvres placed in front of the balconies on ground and first floor is designed to prevent overlooking of Mica House. This system is maintained in the current proposal. The repositioning of apartments as compared to the original layout is not considered to produce any new areas of overlooking that are not already mitigated against by these louvres. Louvres on the south façade are angled to prevent direct overlooking of Mica House. On the east and west elevations 50% of the windows have translucent glass to maintain privacy and all glazing has an internal blind system with translucent fabric for privacy and opaque fabric for light control. In addition, the balconies on first and ground floor overlooking the courtyard would be further screened with translucent screens and with a wall on each end to prevent direct overlooking. At second floor, it is now proposed that sections of the glazing would be translucent. In order to ensure that the position of these glazing sections restrict the ability to overlook within an 18m distance (even from an oblique angle), the screens would be fixed shut and remain in perpetuity. These further amendments are secured by new condition 27.
- 10.4 It should be noted that there is no change to the method of screening that was originally approved. The layout of the approved scheme showed shell apartments without any particular disposition of rooms within the apartments shown. The layout is now clarified and it is possible to accurately identify the location of habitable rooms and thus the potential for any specific overlooking. Notwithstanding this, the method of screening demonstrates that there are no additional overlooking opportunities created as result of the proposal that are not already mitigated. An analysis of the overlooking distances at ground, first and second floor is represented in the images below. It is considered that the amenity of residents in adjoining properties is therefore not prejudiced.



Proposed West Elevation Courtyard screening details



Figure 1 Proposed east elevation courtyard screening details

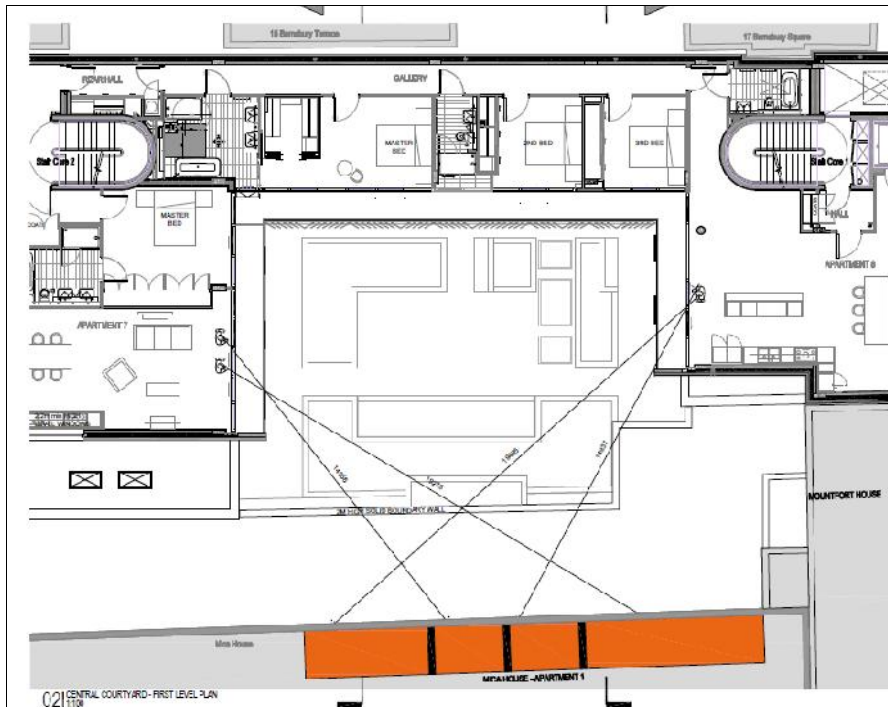


Figure 2 Proposed first floor level screening details

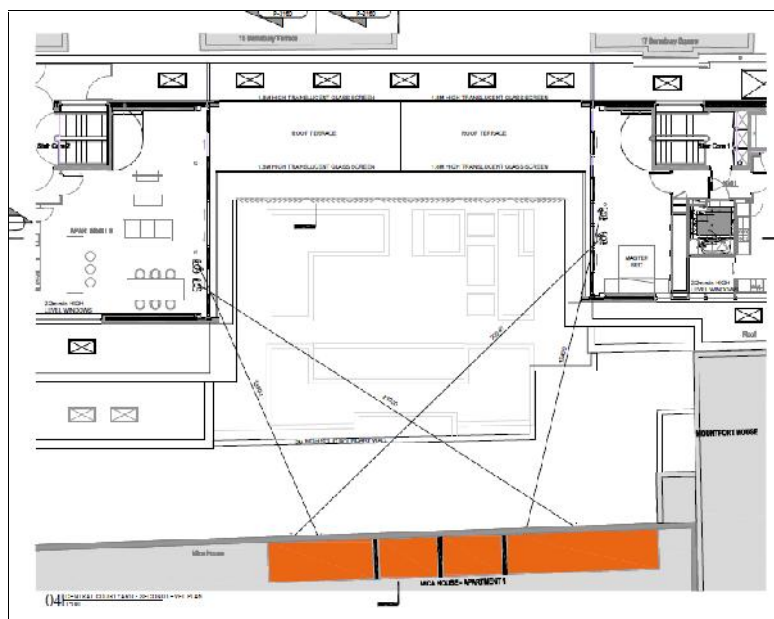


Figure 3 Proposed second floor screening details

11.0 Quality of Resulting Residential Accommodation

- 11.1 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life the residential space and design standards will be significantly increased from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards.
- 11.2 Unit Sizes All of the proposed residential units comply with the minimum unit sizes as expressed within this policy. The submitted sections of all of the residential units show attainment of the minimum floor to ceiling height of 2.6 metres.

11.3 Policy DM3.4 part D sets out that *'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'*. The policy then goes on to state that *'for sites where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room'*. All of the proposed residential units have good access to outlook, sunlight and daylight levels and natural ventilation which is also welcomed.

11.4 At garden level, there are now four apartments proposed in place of the two previously approved. Although one of these is judged to be single aspect, it fully faces onto the courtyard and is itself south facing. The more detailed layout of the apartments shows the location of habitable rooms and these have been arranged so as to meet minimum room sizes and to not afford overlooking between units.

12.0 Energy Efficiency and Renewable Energy

12.1 The National Planning Policy Framework notes that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, and states that to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions (paragraphs 93 to 95).

12.2 The Development Plan now also comprises of policies CS10 of the Core Strategy and Development Management Policies, chapter 7 that covers energy and sustainability policies.

12.2 The Sustainability Officer has noted that the details submitted with regard to the re-positioned PV cells are generally acceptable and would not impact upon the energy conservation and sustainability levels the building achieves (as approved), with the exception of ensuring that they function properly securing the energy savings that were envisaged at the time the original consent was granted.

13.0 Planning Obligations, Community Infrastructure Levy and local finance considerations.

13.1 Mayoral CIL: To help implement the London Plan, policies 6.5 and 8.3, the Mayoral CIL came into effect on 1st April 2012. The Islington CIL came into force on 1st September 2014. Should this application be granted, the new permission would not be subject to any CIL charges (Mayoral or LBI) because the original planning permission was granted prior to the adoption of the relevant charging schedules and as this application does not propose any new floorspace (CIL would only apply in the event of 100sqm or greater additional floorspace being created).

13.2 It is recommended that most of the conditions of the previous permission (ref: P061428) be re-applied to the new decision notice. Condition number 1 relates to the timeframe for implementation. Usually this is a 3-year time frame from the date of issue in accordance with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended). In this instance, the proposal has already been implemented and as such there is no need for the condition.

- 13.3 Other conditions would be re-applied without change to their original wording, however in order to avoid confusion and to recognise the fact that some conditions have been discharged, the details of the approved '*discharge of planning conditions*' applications are provided to illustrate the conditions that have been resolved.
- 13.4 In recognition of the Council's policy on car free development as set out in Policy CS10 and Development Management Policies DM8.5 which have been adopted since the original granting of consent, all new development in Islington are now required to be car free. The car parking provision associated with the development is unchanged however the applicant has agreed that new occupiers will not have the ability to obtain car parking permits and in this way, the impact of the development on surrounding occupiers in terms of traffic movements and parking, will be minimised. Note: this is with the exception of those existing Islington residents that may move into the scheme, bringing with them an on-street parking permit they have held for a consecutive 12 month period, or should a future occupier be a blue badge holder.

14.0 Summary and Conclusions

- 14.1 The effect of the changes are to create a more functional employment floorspace for the development while creating well laid out and generous dual aspect residential units. The proposed amendments to the extant buildings employment floorspace, parking levels, residential layouts and changes to the main elevations and roof of the extant building are considered to be minor in nature and would not substantially alter the nature and final appearance of the approved scheme. The external alterations are considered to be visually acceptable. The proposed changes to the previously approved scheme are considered to be acceptable due to their minimal impact over the scheme as previously consented.
- 14.2 It is therefore considered that there is no demonstrable harm when compared to the fallback extant permission that would justify the refusal of the current application. The amenity for future occupiers and neighbours would not be affected adversely to a material degree as a result of the changes. The proposal is considered acceptable in terms of the principle of redevelopment, the proposed mix of land uses, design and conservation, inclusive design, the quality of the residential accommodation, highways and transportation, sustainability and energy subject to conditions and the suggested Section 106 agreement heads of terms which would be secured before a decision notice is issued for this application, in the event of a resolution to grant being secured at planning committee.

15.0 Conclusion

- 15.1 It is recommended that planning permission be granted subject to conditions and S106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 – RECOMMENDATIONS

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Variation to the existing legal agreement of Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service:

1. Highways Reinstatement Payment.
2. Compliance with Employment and Training Code.
3. Compliance with Code of Practice for Construction Sites.
4. Removal of eligibility for residents parking permits (new obligation, not in previous section 106).

RECOMMENDATION B

That the grant of planning permission be subject to conditions to secure the following:

List of Conditions:

1	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>P-0001 Rev P2; P209/101; P209/102; P209/108; P209/109; P209/110; P209/111; P-2001 Rev. P2; P-2002 Rev. P2; P-2003 Rev. P2; P-2004 Rev. P2; P-2005 Rev. P2; P-2006 Rev. P2; P-3050 Rev. P2; P-3001 Rev P2; P-3002 Rev P2; P209/126 Rev B; P-3100 Rev P2; P209/129 Rev A; P209/130 RevA; P209/140 Rev 1; P5001 Rev P2; P209/142; P209/143 Rev P2; P209/146; P209/147 Rev P2; P-5050 Rev P2; P-3160 Rev P2; P-3150 Rev P2; Planning statement dated March 2014, Market Demand Analysis</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
2	Noise from fixed plant
	<p>CONDITION: The design and installation of all items of fixed plant – including lifts, the car-lift, garage door roller-shutter gear and associated machinery shall be such that, when operating, the cumulative noise level LAeq,Tr arising from the proposed plant, measured or predicted at 1 m from the facade of the nearest noise sensitive premises, shall have a rating level of 5dB(A) below the background noise level LAF,90 Tbg . The measurement and/or prediction of the noise should be carried out in accordance with the recommendations of BS4142: 1997.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>

3	Sound insulation
	<p>CONDITION: Prior to commencement of development detailed proposals for a sound insulation scheme between the basement and garden level B1 units, and the shell apartments on the garden and ground floors, and between existing adjacent dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and retained thereafter.</p> <p>The details submitted to the Local Planning Authority on 16/07/2010 pursuant to conditions 3 (sound insulation), 4 (sound insulation lifts) and 21 (BREEAM) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C3C4C21) and approved by the Local Planning Authority on 20/05/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses.</p>
4	Noise from lifts
	<p>CONDITION: Prior to commencement of development detailed proposals for a sound insulation scheme against internally generated noise from the lifts, including the car-lift, and all associated machinery shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The scheme shall ensure that the new building is constructed so that NR 30 (bedrooms) or NR 40 (living rooms) are not exceeded within adjacent residential units. The approved scheme shall be carried out before any unit hereby permitted is first occupied and retained thereafter.</p> <p>The details submitted to the Local Planning Authority on 16/07/2010 pursuant to conditions 3 (sound insulation), 4 (sound insulation lifts) and 21 (BREEAM) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C3C4C21) and approved by the Local Planning Authority on 20/05/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity</p>
5	Disposal of soil from ground works
	<p>CONDITION: Prior to commencement of development a soil survey of the site shall be undertaken and the results submitted in writing to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate.</p> <p>If found necessary, a scheme for decontamination of the site shall be submitted to and approved in writing by the Local Planning authority and the scheme as approved shall be fully implemented and completed before any unit hereby permitted is first occupied</p>

	<p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 5 (soil survey) and 9 (refuse provision) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C5C9) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.</p>
6	Cycle storage
	<p>CONDITION: The bicycle storage shown on drawing 209/112 revD – the proposed basement level plan - shall be provided prior to the first occupation of the development hereby permitted and thereafter shall be made permanently available for use.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport</p>
7	Delivery times
	<p>CONDITION: No deliveries shall be taken at or despatched from the commercial units outside the hours of 0700 and 1900 on Mondays to Saturdays, nor at anytime on Sundays, Bank or Public holidays.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
8	Scheme for refuse provision
	<p>CONDITION: Prior to commencement of development a scheme for provision of refuse storage shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented and completed before any unit hereby permitted is first occupied.</p> <p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 5 (soil survey) and 9 (refuse provision) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C5C9) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
9	Lifetimes Homes
	<p>CONDITION: All dwellings hereby approved shall be constructed to mobility standards and to the Council's Lifetime Homes standards according to a scheme or schemes submitted to and approved in writing by the Local Planning authority. At least 1 of the dwellings hereby approved shall be constructed to wheelchair standards.</p>

	<p>The dwellings shall be constructed in accordance with the approved scheme(s) and shall be retained in that form thereafter, unless otherwise approved by the Local Planning Authority.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
10	Details of turning head, footpath and improvements to Barnsbury Terrace carriageway.
	<p>CONDITION: Prior to commencement of development details of the proposed turning head in Barnsbury Terrace, the footpath on Barnsbury terrace leading to the proposed entrance crossing, and for improvements to the Barnsbury Terrace carriageway (insofar as it is controlled by the site owner, his agents or successors) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>It must be demonstrated that the footpath is of an adequate standard to allow for people with mobility difficulties or prams to have access to the development. The works shall be executed as approved prior to first occupation of the development.</p> <p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 11 (Proposed turning head) and 12 (servicing) of Appeal reference: APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C13) and approved by the Local Planning Authority on 22/02/2011 deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
11	Servicing for commercial vehicles
	<p>CONDITION: Prior to commencement of development a statement detailing the vehicular servicing arrangements for the commercial units shall be submitted to and approved in writing by the Local Planning Authority. The arrangements detailed in the approved statement shall be brought into use at the first occupation of the commercial units and adhered to thereafter.</p> <p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 11 (Proposed turning head) and 12 (servicing) of Appeal reference: APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C13) and approved by the Local Planning Authority on 22/02/2011 deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
12	Method statement for demolition, excavation and construction
	CONDITION: Prior to commencement of development a method statement

	<p>detailing the measures for protection of the adjoining buildings during demolition, excavation and construction of the new development shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The approved measures shall be strictly followed during the implementation of the development.</p> <p>The details submitted to the Local Planning Authority on 30/09/2010 pursuant to conditions 13 (method statement) of Appeal reference: APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C13) and approved by the Local Planning Authority on 20/05/2011 deemed to form the approved details for the purposes of this condition.</p> <p>REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from demolition and construction.</p>
13	Details of materials
	<p>CONDITION: Prior to commencement of development details and representative samples of all external constructional materials and components, including rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the construction of the development.</p> <p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 14 (materials) and 15 (details of external openings) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C14C15) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
14	Details of balustrades, windows, doors, glass panels
	<p>CONDITION: Prior to commencement of development drawn details at a scale of not less than 1:5 of all external openings, windows, doors, glass panels and balustrades shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in the construction of the building.</p> <p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 14 (materials) and 15 (details of external openings) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C14C15) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
15	Hard and soft landscape works (details)
	<p>CONDITION: Prior to commencement of development full details of both hard and soft landscape works for the courtyard, garden, and areas of flat roof to be</p>

	<p>landscaped have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.</p> <p>These details shall include proposed finished levels or contours; means of enclosure/boundary treatments including railings, walls and gates; surfacing of vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).</p> <p>The details submitted to the Local Planning Authority on 30/09/2010 pursuant to conditions 16 and 17 (landscaping) and condition 3 (method statement) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C16C17) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
16	Soft landscape works
	<p>CONDITION: Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment and details of tree planting and of the tree planting pits); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and an implementation programme.</p> <p>The details submitted to the Local Planning Authority on 30/09/2010 pursuant to conditions 16 and 17 (landscaping) and condition 3 (method statement) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C16C17) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
17	Landscape works
	<p>CONDITION: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme to be agreed with the Local Planning Authority.</p> <p>Any tree or shrub which is removed, uprooted, destroyed or dies within 5 years of completion of the development shall be replaced with another tree or shrub of the same species and size as that originally planted unless the Local Planning Authority gives its written consent to any variation.</p> <p>REASON: To protect the health and stability of trees and shrubs to be planted on the site and to ensure that a satisfactory standard of visual amenity is</p>

	provided and maintained.
18	Articulation of first floor flank wall
	<p>CONDITION: Prior to commencement of development details of a scheme for the architectural articulation of the first floor flank walls on the southern side of the new building shall be submitted to and approved in writing by the Local Planning Authority. The scheme will be implemented as approved prior to first occupation of the dwellings.</p> <p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 19 (architectural articulation of first floor flank) and 20 (details of louvres and mock up) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C19C20) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building</p>
19	Louvres
	<p>CONDITION: Prior to commencement of development details, including a full-size mock-up sample, of the louvre system for the ground and first floor balconies and the glazed balustrade on the second floor of the new building shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the limits on sight-lines to be achieved, and the materials and construction to be used.</p> <p>The louvres and balustrade shall be installed in accordance with the approved details prior to first occupation of the ground and first floor dwellings, and retained thereafter.</p> <p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 19 (architectural articulation of first floor flank) and 20 (details of louvres and mock up) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C19C20) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
20	BREEAM
	<p>CONDITION: Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the rating to be achieved by the development in accordance with the Building Research Establishment Energy Assessment Method (BREEAM). The development shall be constructed in accordance with the approved scheme, and its provisions maintained thereafter.</p> <p>The details submitted to the Local Planning Authority on 16/07/2010 pursuant</p>

	<p>to conditions 3 (sound insulation), 4 (sound insulation lifts) and 21 (BREEAM) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C3C4C21) and approved by the Local Planning Authority on 20/05/2011</p> <p>are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: In the interest of sustainable development</p>
21	Renewable Energy
	<p>CONDITION: Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of renewable energy to be achieved in the development.</p> <p>This scheme shall include specification and details of any machinery/ apparatus, its location and operational details; an energy assessment confirming the proportion of the development's energy demands that will be met by renewable sources; a management plan for the operation of the technology(s); if applicable, a servicing plan including times, location, frequency and method, and if applicable a noise assessment regarding the operation of the technology together with any necessary mitigating measures.</p> <p>The scheme shall be implemented as approved and retained thereafter unless otherwise approved in writing by the Local Planning Authority.</p> <p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 22 (renewable energy) 26 (programme of archaeological work) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C22C26) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: In the interest of sustainable development.</p>
22	Flat roofs
	<p>CONDITION: Apart from the balconies and roof terraces shown on the approved plans no other flat roof area shall be used as an amenity or sitting out area, and access shall only be provided for essential maintenance and repairs.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
23	Hours of Construction
	<p>CONDITION: During the implementation of the development no works of demolition or construction shall take place outside the hours of 0800 to 1730 on Mondays to Fridays, 0800 to 1230 on Saturdays, and at no time on Sundays, Bank or Public holidays, without the prior approval in writing of the Local Planning Authority.</p> <p>REASON: To ensure that the construction works do not have an adverse impact on neighbouring residential amenity.</p>

24	Construction Traffic
	<p>CONDITION: Prior to commencement of development a method statement for the management of construction traffic during implementation of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan described in the approved statement shall be strictly adhered to during the implementation.</p> <p>The details submitted to the Local Planning Authority on 24/01/2011 pursuant to condition 25 (Construction Management Plan) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C25) and approved by the Local Planning Authority on 20/05/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: To ensure that the construction works do not have an adverse impact on neighbouring residential amenity.</p>
25	Archaeology
	<p>CONDITION: No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.</p> <p>The details submitted to the Local Planning Authority on 27/07/2010 pursuant to conditions 22 (renewable energy) 26 (programme of archaeological work) of Appeal reference APP/V5570/A/06/2027087/NWF [LBI condition application ref: P061428(C22C26) and approved by the Local Planning Authority on 22/02/2011 are deemed to form the approved details for the purposes of this condition.</p> <p>REASON: Built heritage assets of archaeological interest may survive on the site. The Local Planning Authority (in conjunction with English Heritage) wishes to secure the provision of archaeological recording of the historic structures prior to development.</p>
26	Boundary Treatment
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or means of enclosure shall be erected on the balconies, roofs or boundaries of the development hereby permitted, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p>
27	Fixed shut and retained windows and screens
	<p>CONDITION: The following mechanisms and additions shall be fixed shut and remain in perpetuity.</p>

	<ul style="list-style-type: none"> - all outer translucent screens to the courtyard elevation and roof terrace - the translucent glass within the apartment glazing - all high level panels and louvres shown on north elevation. <p>REASON: In the interests of protecting neighbouring occupiers privacy.</p>
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List of Informatives:

1	<p>S106</p> <p>Informative: SECTION 106 AGREEMENT</p> <p>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.</p>
2	<p>Superstructure</p> <p>Informative: 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.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy	5 London's response to climate change
Policy 1.1 Delivering the strategic vision and objectives for London	Policy 5.1 Climate change mitigation
	Policy 5.2 Minimising carbon dioxide emissions
2 London's places	Policy 5.3 Sustainable design and construction
Policy 2.1 London in its global, European and United Kingdom context	Policy 5.7 Renewable energy
Policy 2.2 London and the wider metropolitan area	Policy 5.8 Innovative energy technologies
Policy 2.3 Growth areas and co-ordination corridors	Policy 5.9 Overheating and cooling
Policy 2.5 Sub-regions	Policy 5.10 Urban greening
Policy 2.18 Green infrastructure: the network of open and green spaces	Policy 5.11 Green roofs and development site environs
	Policy 5.13 Sustainable drainage
	Policy 5.14 Water quality and wastewater infrastructure
3 London's people	
Policy 3.1 Ensuring equal life chances for all	6 London's transport
Policy 3.2 Improving health and addressing health inequalities	Policy 6.1 Strategic approach
Policy 3.3 Increasing housing supply	Policy 6.2 Providing public transport capacity and safeguarding land for transport
Policy 3.4 Optimising housing potential	Policy 6.3 Assessing effects of development on transport capacity
Policy 3.5 Quality and design of housing developments	Policy 6.4 Enhancing London's transport connectivity infrastructure
Policy 3.8 Housing choice	Policy 6.9 Cycling
Policy 3.9 Mixed and balanced communities	Policy 6.10 Walking
Policy 3.10 Definition of affordable housing	Policy 6.13 Parking
Policy 3.11 Affordable housing targets	7 London's living places and spaces
Policy 3.12 Negotiating affordable	Policy 7.1 Building London's

housing on individual private residential and mixed use schemes	neighbourhoods and communities
Policy 3.13 Affordable housing thresholds	Policy 7.2 An inclusive environment
Policy 3.14 Existing housing	Policy 7.3 Designing out crime
Policy 3.15 Coordination of housing development and investment	Policy 7.4 Local character
	Policy 7.5 Public realm
	Policy 7.6 Architecture
	Policy 7.8 Heritage assets and archaeology
4 London's economy	Policy 7.9 Heritage-led regeneration
Policy 4.1 Developing London's economy	8 Implementation, monitoring and review
Policy 4.2 Offices	Policy 8.1 Implementation
Policy 4.3 Mixed use development and offices	Policy 8.2 Planning obligations
	Policy 8.3 Community infrastructure levy
	Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy	Policy CS13 (Employment Spaces)
Policy CS8 (Enhancing Islington's Character)	Infrastructure and Implementation
	Policy CS18 (Delivery and Infrastructure)
Strategic Policies	
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)	
Policy CS10 (Sustainable Design)	
Policy CS11 (Waste)	
Policy CS12 (Meeting the Housing Challenge)	

C) Development Management Policies June 2013

Design and Heritage	Employment
DM2.1 Design	DM5.1 New business floorspace
DM2.2 Inclusive Design	DM5.2 Loss of existing business floorspace
DM2.3 Heritage	DM5.4 Size and affordability of workspace
Housing	Health and open space
DM3.1 Mix of housing sizes	DM6.1 Healthy development
DM3.2 Existing housing	DM6.2 New and improved public open space
DM3.4 Housing standards	DM6.5 Landscaping, trees and biodiversity
DM3.5 Private outdoor space	
DM3.6 Play space	
DM3.7 Noise and vibration (residential uses)	Transport
Energy and Environmental Standards	DM8.1 Movement hierarchy
DM7.1 Sustainable design and construction statements	DM8.2 Managing transport impacts
DM7.3 Decentralised energy networks	DM8.4 Walking and cycling
DM7.4 Sustainable design standards	DM8.5 Vehicle parking
DM7.5 Heating and cooling	DM8.6 Delivery and servicing for new

Infrastructure developments
DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Barnsbury Conservation Area
- Adoins a Grade II Listed Building

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design
Accessible Housing in Islington
Conservation Area Design Guidelines
Inclusive Landscape Design
Urban Design Guide 2006

London Plan

Accessible London: Achieving and
Inclusive Environment
Sustainable Design & Construction



Appeal Decisions

Inquiry opened on 9 October 2007

by **Stephen Brown** MA DipArch(Cantab)
RIBA

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

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Decision date:
17th January 2008

Appeal A: ref. APP/V5570/X/07/2039062 No. 16 Barnsbury Square, London N7 1LJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
- The appeal is by Securivin Ltd against the Council of the London Borough of Islington.
- The application (Ref.P062795) is dated 6 December 2006.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is Class B2 use (general industrial).

Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Appeal B: ref. APP/V5570/A/07/2027087/NWF No. 16 Barnsbury Square, London N7 1LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Securivin Ltd against the decision of the Council of the London Borough of Islington.
- The application ref. P061428, dated 23 June 2006, was refused by notice dated 7 September 2006.
- The development proposed is the demolition of the existing building and redevelopment for business and residential use.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision & Annex.

**Appeal C: ref. APP/V5570/E/07/2027090/NWF
No. 16 Barnsbury Square, London N7 1LJ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Securivin Ltd against the decision of the Council of the London Borough of Islington.
- The application ref. P061429, dated 23 June 2006, was refused by notice dated 7 September 2006.
- The works proposed are the demolition of the existing building & erection of a part 2-storey and part 3-storey building to provide business and residential uses, together with restoration works to make good the north-western corner of Mountfort House.

Summary of Decision: The appeal is allowed, and listed building consent is granted in the terms set out below in the Formal Decision & Annex.

**Appeal D: ref. APP/V5570/E/07/2027096/NWF
No. 16 Barnsbury Square, London N7 1LJ**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Securivin Ltd against the decision of the Council of the London Borough of Islington.
- The application ref. P061430, dated 23 June 2006, was refused by notice dated 7 September 2006.
- The proposal is for demolition of the existing building and redevelopment for business and residential use.

Summary of Decision: The appeal is allowed, and conservation area consent is granted in the terms set out below in the Formal Decision & Annex.

Procedural matters

1. Evidence in Appeal A, relating to the Certificate of Lawful Use, was taken under oath or solemn affirmation.
2. The inquiry sat for six days, with site visits to the appeal site and to the appellant's present workshop on separate days.
3. The appeal premises stand next to, and are attached to Mountfort House a Grade II listed building. They are also within the Barnsbury Conservation Area. I have therefore paid special regard to the desirability of preserving the listed building its setting and special interest, and to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required by Sections 16(2), 66(1) and 72(1) respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
4. The Council did not pursue their reasons for refusal with respect to the adequacy of the sunlight and daylight report or the levels of sunlight and daylight, the harm to the mixed-use character of the Conservation Area, and harm to amenity arising from use of the car-lift and roller shutter.

Appeal A – the Certificate of Lawful Use or Development

5. Paragraph 8.11 of Circular 10/97 'Enforcing Planning Control: Legislative Provisions and Procedural Requirements' advises that the applicant must precisely describe what is being applied for, and that it is insufficient merely to specify one of the 'use classes' under the Use Classes Order 1987 (the UCO). At the inquiry the appellant accepted that a more precise description would be 'use as a timber mill and joinery works within use class B2 – general industrial'. This is the description I have adopted for the purposes of this appeal, and I do not consider prejudice arises for any party in consequence.
6. It was argued for the appellant that the building had been used by The Mica & Micanite Company Ltd since the 1930s as a factory to make various fire-resistant products from mica, a B2 use that had continued until the late 1980s. In 1991 the building was taken over by the appellant's company for use as a timber mill and joinery works – also claimed to be a B2 use. This had continued until approximately 1998. Although the business was then moved to nos. 447-449 Holloway Road, it is accepted by the Council that the site has not been abandoned, and that the appellant could still resume his use of the site.
7. The Council's deemed reason for refusal of the LDC states that there was insufficient evidence to demonstrate that the use has been in existence for 10 or more years, and it is therefore not lawful. However, there is no dispute that the appellant's use started in 1991, and that the site is still available for that use. The use has therefore subsisted for over 16 years, and the question is whether it is a B2 or B1 use.
8. The Council accept that the use of the building for making mica products from some time in the 1930s until the late 1980s constituted a general industrial use of a type that would fall within Class B2. However, they argue that when the appellant took the site over in 1991 the use was changed to B1 – a change that is legitimate under the provisions of Schedule 2, Part 3, Class B(a) of the Town & Country Planning (General Permitted Development) Order 1995 as amended (the GPDO). The Council say the site therefore remains in a lawful B1 use.
9. B1 Business Use is defined in the UCO as a use which can be carried out in any residential area without detriment to amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
10. Planning & development consultants acting for the appellant advised in their letter of 5 May 1991 that the use as a joinery works would fall within B1 use, but that several of the operations were 'borderline' B2 – those being the noise of extract systems, odour from the paint/varnish booth, and noise from the four-cutter – a type of saw – and the large bench saw.
11. The Land Use Gazetteer designates a *Joiner's Workshop* or a *Joinery Place* as being within use Class B1, but qualifies this by noting that it may be B2 where it is potentially detrimental to residential amenity. It appears to me that this recognises that a joinery works may encompass a variety of industrial processes, ranging from conversion of logs at one end to the manufacture and finishing of relatively small pieces of joinery at the other.

12. In this case flooring manufacture forms an important component of the business, occupying very roughly a quarter of the floorspace. At the Holloway Road operation I saw that this entails bringing in supplies of rough hardwood planks – previously cut ‘through and through’ from seasoned logs – as well as sheets of plywood. All material is kiln dried, rough planks are processed through the timber mill, where they are cut to shape on the four-cutter saw, split into veneers on the vertical bandsaw, and each veneer brought to uniform thickness on the thicknesser. Plywood is cut to size, and veneers are then bonded to both sides in a press, before trimming, sanding and finishing. To my mind this is a significantly different industrial process from, say, the relatively small-scale manufacture of architectural joinery, or cabinet and furniture work, which is the type of work carried on in other parts of the operation, mainly using small machines and hand tools.
13. There was no dispute that the activities on the Holloway Road site were much the same as those on the appeal site. Indeed, most of the machinery had been moved from one site to the other. I consider the present operation is closely comparable with that on the appeal site.
14. The Council have granted a Certificate of Lawful Use or Development for the appellant’s Holloway Road premises to the effect that the proposed use – as a timber mill and joinery works – did not entail a material change of use from the previous lawful use of the site as a bakery (Certificate ref. 1936/IJ, application ref. 971389 issued on 16 October 1997). From correspondence, and the application form for the LDC, it appears the Council did not resile from the proposition that the bakery fell within Class B2.
15. It is apparent that when the operation started in 1991 there were considerable complaints from nearby residents about noise and vibration from the works, as well as about disturbance caused by deliveries. The appellant took action to mitigate this nuisance by isolating the machines as far as possible to reduce transmission of vibration and by improving sound insulation between the building and nearby dwellings. However, this clearly indicates that at the time it was instituted the use caused harm to residential amenity, principally by reason of noise and vibration, and that it should have been considered to be within Use Class B2 rather than B1.
16. Various pieces of correspondence from the appellant to the Council and other documents refer to the use being B1, or light industrial use – these principally concern conversion and alterations to Mica House. I accept that these descriptions may be misleading, but none of these documents address the substantive issue of whether the use causes harm to residential amenity, nor is it a matter that is necessarily central to the applications being made at the time. The planning permission granted to Rosehaugh Ltd for construction of 12 units for business use (decision notice ref. 89/0612 dated 8 February 1990) had a condition limiting the new premises to use as B1. However, that permission was never implemented and is no longer valid.
17. I appreciate that measures were taken to mitigate the harm when the business was active on the appeal site – notably acoustic/vibration insulation and installation of efficient fume and dust extract plant. However, I also note that these measures resulted to a large degree from an extensive process of

responses to complaints from nearby residents, mainly about noise and disturbance.

18. Furthermore, I understand the present operation in Holloway Road is subject to an informal agreement with nearby residents that certain machines are not operated at certain times, and that the doors of the building need to be kept shut in order to reduce possible sound emission. I regard these factors as indications that the use may well cause harm to residential amenity.
19. Some responses in the recent consultation carried out by the Council in relation to the LDC application refer to the factory as being a good neighbour. Furthermore, a number of statutory declarations have been made to the effect that the appellant's operation did not cause disturbance. However, I note that there were many complaints in the early days of the operation, and that other recent consultations make complaints about previous noise disturbance even though there has been little use of the building for about 9 years. In my view the appellant's use is tolerated under sufferance, and cannot properly be carried out in a residential area without being hedged with more or less satisfactory precautions.
20. Given the large scale deliveries of timber, the quantity of flooring produced, the level of mechanisation and the potential for noisy operations, as a matter of fact and degree I do not consider this is an industrial process that can be carried out in any residential area without detriment to amenity - notably in this case by reason of noise. On balance I consider the appellant's use is as a timber mill and joinery works, which in this case must be regarded as Class B2 General Industrial.
21. For the reasons given above, and having regard to all other matters raised I consider that the Council's decision to refuse to grant a certificate of lawful use or development was not well-founded and that the appeal should succeed. I shall exercise the powers transferred to me under Section 195(2) of the 1990 Act as amended.

Appeals B, C & D – the planning, listed building and conservation area appeals

The scheme generally

22. The proposed building would be on 5 floors. A basement level, roughly two floors below street level, would accommodate 2 commercial Class B1 units, and a car-park/delivery area served by a vehicle lift. The level above this, known as the garden level, would be roughly one floor below street level, with 2 apartments facing onto a landscaped internal courtyard, and upper parts of the 2 Class B1 commercial units facing onto areas on the Barnsbury Square and Barnsbury Terrace sides of the site.
23. In general form the building is arranged around three sides of a courtyard, which is open towards Mica House to the south. The principal blocks to east and west would have three storeys above street level; the narrower connecting block would have two storeys above street level.

24. At ground floor level – slightly raised above street level – and at first floor level there would be 3 apartments on each floor. One would face onto Barnsbury Terrace, with the adjacent one facing into the internal courtyard. The third would face both Barnsbury Square and the internal courtyard. At second floor level would be 2 apartments, both with a dual aspect. The proposal is to build 'shell' apartments, for which the internal layout would be determined at a later time, probably by the first occupants. Illustrative drawings were handed in to the inquiry showing possible internal layouts.

Main issues

25. From my inspection of the appeal site and its surroundings, and from the representations made at the Inquiry and in writing I consider the first main issue in Appeal B, and the sole main issue in appeals C & D to be:
- i. the effect of the proposals on the special interest and setting of the listed building, and on the character and appearance of the Barnsbury Conservation Area.

I consider the other main issues in Appeal B to be:

- ii. the effect for the proposals on the provision of employment floorspace within the Borough in the light of prevailing development plan policy, and with particular reference to the quality of the working conditions to be provided.
- iii. Whether the proposals make good use of the site and should make provision for affordable housing in the light of adopted and emerging development plan policy.
- iv. The effect of the proposals on living conditions for occupants of nearby dwellings in terms of privacy, outlook and natural lighting.

The Conservation Area and the listed building

26. The Barnsbury Conservation Area is predominantly residential, comprising a network of streets and squares with many handsome terraces and villas. Much of the area was developed in the late 18th and early 19th centuries. Building materials are predominantly stock brick, stucco and slate, and windows are mainly of traditional double-hung sash pattern. The squares generally have mature planting of shrubs and fine trees. Overall the Conservation Area has a sophisticated urban character.
27. However, there is also a considerable variety of types and styles of building. In Barnsbury Square and the immediate surroundings there is a 19th century former 'mill' type building, once a book bindery and now used as an office, as well as Mica House itself - a 1930s building in an art deco style – and other relatively modern housing. I concur with the view that the variety provided by such buildings contributes significantly to the interest and character of the Conservation Area.
28. Development plan policy of particular relevance to this issue is from the London Plan and the Islington Unitary Development Plan (UDP) of 2002. I consider policy of particular relevance is as follows. Policies D1 & D22 seek to

ensure the design and appearance of all new development is of a high standard; to pay special attention to development in conservation areas, and ensure that new buildings conform to the height, scale and massing of existing buildings and spaces in the area. Policy D39 seeks to ensure that works to listed buildings do not harm their character or appearance, and that their settings are protected or enhanced.

29. The existing, mainly single storey building covers most of the appeal site. It is constructed of brick with corrugated sheet roofing and cladding. The eastern end has a saw-tooth form roof; the western end has low-pitched roofs. There are large industrial doors on the street elevations. The building is crudely butted up against the listed building on one side and no. 17 Barnsbury Square on the other. In my opinion it is utilitarian, without architectural merit. It is highly incongruous in the context of both the traditional and relatively modern buildings that surround it.
30. Although there was argument by interested parties that the long standing variety of uses around the Square contributes to the mix of uses and interest of the area, I consider the presence of a general industrial unit is now so incongruous – particularly in comparison to the quiet residential nature of the area that it causes significant harm to its character. Furthermore, I consider the building causes serious harm to the setting of Mountfort House and to the appearance of the Conservation Area. Its demolition would enhance the setting of the listed building and the character and appearance of the Conservation Area.
31. It would be unsatisfactory for demolition to take place without there being an approved scheme for re-development to follow on immediately – an empty site would be unsightly and possibly leave the un-repaired and un-restored northern flank of Mountfort House exposed. This possibility could be properly controlled by imposition of a planning condition to ensure that a contract had been let for construction of an approved re-development scheme before demolition took place.
32. Looking at the new building, on the Barnsbury Square side it is designed as a central three-storey pavilion with lower wings to each side, reflecting a pattern that is quite common in the area for semi-detached villas with lower entrance vestibules to either side, sometimes connected. On the Barnsbury Terrace side the overall organisation is similar, but the central pavilion is of more complex form where it steps back from Mica House on the upper floors.
33. The ground floor section of the side wing of the new building would abut Mountfort House about 4.8 metres back from its principle façade onto Barnsbury Square, stepping back to about 7 metres on the floor above. Although the central pavilion would project further forward, it would be set about 2.1 metres back from the principal façade and a high proportion of the northern side of Mountfort House would become visible – significantly more than at present. The northern elevation of Mountfort House is in any case extremely plain, with very little visual interest, and I do not consider it would be of particular benefit to expose it in entirety, or even for half its depth. More importantly, introduction of the new building would allow Mountfort House to become clearly articulated, and the listed building could be

appreciated as an entity rather than being merged in such a crude way with the adjoining factory.

34. In elevation the eaves line of the new building would be slightly below that of Mountfort House – at a similar level to the parapet of Mica House, and the ridge line of no. 17 Barnsbury Square. In my opinion it would be distinctly subordinate in scale, giving due prominence to the listed building.
35. I appreciate the desire for the setting of Mountfort House to be restored to its original historic form – described as being similar to a miniature country estate. However, given the presence of other more recent development – notably no. 17 Barnsbury Square, Mica House and houses adjoining the appeal site on Barnsbury Terrace – and of the fragmented pattern of land ownership, this can hardly be a realistic expectation.
36. Regarding the proposed works to the flank wall of Mountfort House - the subject of Appeal C – the Council’s reason for refusal related solely to the prematurity of the proposals in the absence of an approved scheme for redevelopment. There is no contention that the works would be harmful. I saw that the area of brickwork on this flank covered by the factory building is partially rendered or painted, and that there are structural fixings on to it. I consider the proposed removal of render, and the repair and restoration of the brickwork would be beneficial. However, I consider some method of cleaning other than sand-blasting should be sought, since this can lead to poor weathering. In general the proposals would enhance the special interest of the listed building, but I consider there should be conditions imposed on any consent to require approval of details of cleaning, repair and restoration.
37. The lower entrance wing of the new building would abut the northern flank of no. 17 Barnsbury Square and project about 4.6 metres to its front at ground floor level, stepping back to about 2.4 metres at the first floor. Again, I consider this would allow the existing house to be seen much more as an entity, no longer dominated by the intrusive industrial building.
38. Similarly, when looking from Barnsbury Terrace, I consider the new building would integrate well in terms of its scale relative to both no. 15 Barnsbury Terrace – a relatively modern house immediately to the north – and to Mica House to the south. The view towards the back of Mountfort House would be considerably improved, as would the outlook from houses on the western side of the Barnsbury Terrace.
39. The building would by no means repeat the forms and details of the 18th and 19th century buildings nearby. However, the use of stucco and Portland stone for the external walls and lead-coated sheet for the roofs and some cladding elements would to my mind provide high quality finishes that would be consistent in terms of colour and texture with the predominant materials used in the area, such as stucco and slate. Furthermore, the scale and proportions of the building would to my mind be compatible. While it does not incorporate double-hung sash windows, I find it difficult to imagine how this might be done without attempting to produce a pastiche of an historic building.

40. Overall, I consider that demolition of the factory would be beneficial to listed building and conservation area interests, and that the new building would provide an elegant balance to Mica House to the other side of Mounfort House, and give greater prominence to Mountfort House itself. I concur with the view put forward by the architect that the scheme would be a well-mannered, quiet neighbour, and consider it would fit well within its varied urban context.
41. I conclude on the first main issue in Appeals B, C & D that the proposals would enhance the special interest and setting of the listed building, and the character and appearance of the Barnsbury Conservation Area. The proposals would accord with the aims of UDP Policies D1, D22 and D39.

Employment

42. I have come to the view above that the existing appeal premises fall within Use Class B2 General Industrial. Under UDP Policy E7 changes of use or redevelopment involving the loss of class B2 buildings or land should not be permitted within certain designated industrial and warehousing areas, or elsewhere where the use to be displaced has satisfactory vehicle access, and the potential to operate without unacceptable harm to amenity. Furthermore, if the change is from B2 to residential use, then permission should be granted only when the property is vacant and a marketing campaign has been undertaken and has proved unsuccessful in finding suitable occupants. This last requirement is cross-referenced from Policy E4 relating to the loss of B1 uses, and refers to 'suitable B1 occupants'. However, B1 users may occupy a use class B2 property lawfully without planning permission, and I take the policy to mean that suitable occupants might be either B1 or B2 users.
43. In this case there has been no marketing campaign carried out, although I note that parts of the site and buildings on the western side are used on a temporary basis as a builder's yard. However, this is not simply a change from the existing use to residential, but a change to a mixed-use. It appears to me that the B2 use is highly unsatisfactory in planning terms by reason of the likelihood of nuisance arising from noise and general disturbance in this largely residential area. Furthermore, access for large goods vehicles cannot be regarded as satisfactory.
44. Explanatory text to Policy E7 says that the Council's aim is to ensure the continued existence of an adequate stock of suitable industrial sites, but that it is flexible and allows for the change of use of some poorer quality industrial sites – for instance those with environmental, physical or access constraints. Given the constraints of its residential and Conservation Area context, and the relatively poor access for goods vehicles I consider this site comes within that category.
45. The possibility remains that the appeal premises could lawfully be put to B1 use. UDP Policy E4 seeks to prevent loss of B1 uses if it would entail loss of purpose built industrial or warehouse buildings adequate for the full range of B1 uses, or the loss of a site best suited for erection of premises suitable for that full range of uses on grounds of accessibility, size and location. Explanatory text to the policy says that amongst the Council's concerns are

the loss of good vacant employment floorspace with good floor loading and servicing facilities.

46. In this case the premises comprise basic factory space with largely unfinished internal walls, an uneven concrete floor, little thermal insulation and no more than primitive heating, as well as some basic ancillary office space. While the size and location of the site are reasonable, in my opinion this is low-grade space with poor servicing, and its potential for B1 use is very limited.
47. The new B1 units proposed would be high quality spaces, well finished with modern building services. I accept that the ceiling heights at 3 metres are less than the 3.35 metres recommended for light industrial buildings in the Council's Supplementary Planning Guidance (SPG). However, this is a complex mixed-use scheme in which I can well see that it is not possible to meet all dimensional and organisational requirements precisely, but that a compromise must be struck. It is clear that the B1 units would provide good quality, well-serviced space for the majority of office, studio or relatively small-scale light industrial uses.
48. The existing building has an area of about 780 square metres. The redevelopment proposals would provide two B1 units at the basement and sub-basement levels, which would have an area of about 587 square metres. As I have noted above, the existing space is of poor quality, and insofar as the new building replaces existing employment floorspace I consider that on balance the appeal scheme would make a significant contribution to provision of employment floorspace in the Borough.
49. The natural lighting of the new B1 units would be provided at lower ground floor level by windows to the external areas, and would clearly be well-lit. However the major part of the floor area of these units is at basement level and natural light for both units would be provided by skylights in the external areas. Unit 2 at the western side of the building would have a very much deeper floor plan, and have a lightwell from the garden courtyard at its eastern end. These sources would be unlikely to provide sufficient natural light for working except in limited areas. However, deep-plan working spaces relying predominantly on artificial lighting are generally found acceptable, and I consider there would be sufficient natural lighting in both these units to provide a satisfactory working environment.
50. I conclude on the second main issue in Appeal B that the proposals would make a significant contribution to the provision of employment floorspace within the Borough, and that the quality of the working conditions provided would be satisfactory in terms of natural lighting. The proposals would accord with the aims of UDP Policies E2 & E7.

Affordable housing and use of the site

51. Paragraph 29 of Planning Policy Statement 3 'Housing' (PPS3) includes the advice that the national indicative minimum threshold for affordable housing provision is 15 dwellings, but that Local Planning Authorities can set lower minimum thresholds where viable and practicable.

52. Policy 3A.8 of the London Plan sets out aims for Boroughs to negotiate affordable housing in individual private housing and mixed-use schemes. No threshold level is set for the size of schemes to be considered, but supplementary text and SPG to the London Plan advises that Boroughs should set thresholds above which affordable housing requirements will apply at no greater than 15 units. Borough Councils are encouraged to seek a lower threshold through the UDP process where this can be justified.
53. Further Alterations to the London Plan are in preparation, and following the Examination in Public the Panel has reported on these. The Panel came to the conclusions that a new policy should be included in the Plan setting out a threshold, but from which individual boroughs might make departures. They also came to the view that a threshold of 10 dwellings would be justified. The new Policy 3A.8i would state that Boroughs should normally require affordable housing provision on a site which has the capacity to provide 10 or more homes, and that they should be encouraged to seek a lower threshold.
54. UDP policy H16 sought to ensure that developments of 15 or more dwellings should include a 25% affordable housing provision. However, this policy expired on 27 September 2007 following a Direction from the Secretary of State. Emerging policy C18 of the Council's Draft Core Strategy seeks a threshold of 10 units. However, the LDF itself has been withdrawn on the advice of the Inspectorate so that various problems with housing targets – not related to affordable housing – can be resolved. The Council have adopted this draft policy as SPG until such time as a new development plan is adopted. However there is little to suggest when this might be, or whether it will be adopted in its present form.
55. As it stands adopted national policy and policy for London sets a maximum threshold of 15 dwellings. However, there are indications that in London this may be reduced to 10. There must still be uncertainties about the policy that will eventually be adopted by the Council, but given the need to provide affordable housing in the Borough I have given some weight to the lower threshold in reaching my decision.
56. Suggestions were put forward for schemes that might achieve a greater number of dwellings within the same envelope as the appeal scheme. It was broadly accepted that this may be feasible, but with the proviso that such factors as fire escape and Building Regulations requirements had not been considered, nor had other constraints such as residential amenity, listed building and conservation area interests. I accept it is physically possible that greater numbers might be achieved, although the consequences are uncertain.
57. However, the suggestion that the site capacity could be realistically assessed by using the Council's recommendations for minimum dwelling sizes appeared to me of little value, since there is no policy basis for seeking to control the maximum size of dwellings, and dwelling size is only one of many factors that determine site capacity. While the proposed flats are relatively large they are very much comparable with those in Mica House, and cannot be regarded as untypical for the area. There is sufficient variation in size to cater for a mix of accommodation. In general, I consider this is a thoroughly considered

scheme that makes efficient use of the site for the proposed uses. In those terms it would accord with the aims of UDP Policies Imp 6 & H15, which seek to make efficient use of sites and to ensure a mix of accommodation.

58. Given the difficulties in achieving an acceptable scheme for this site, the constraints in terms of its physical nature and character, and concerns about density of development and amenity of nearby residents, I am not convinced that a significantly greater number of dwellings would be feasible.
59. Furthermore, uncertainties remain about the setting of any new threshold for affordable housing provision at both regional and local level. The scheme falls considerably below the indicative threshold of 15 units recommended by PPS3, and below the maximum threshold of Policy 3A.8 of the adopted London Plan. In general, I am not convinced that the need for affordable housing is sufficient to outweigh the considerable advantages in terms of the quality of the scheme and its enhancement to the area. I conclude on the third main issue in Appeal B that the proposals make efficient use of the site, and in the present policy climate that there need be no provision of affordable housing.

Living conditions for occupants of nearby dwellings

60. UDP Policy H3 includes aims to ensure that new housing does not harm the amenities of nearby occupiers. Policy D3 seeks to ensure amongst other things that the layout and design of buildings and spaces should have regard to the amenities of nearby property in terms of daylight and sunlight, and minimise disturbance to occupants of adjoining buildings.
61. The Council's SPG 'Planning Standards Guidelines' recommends that as a general rule no window, balcony or public area should overlook the window of a habitable room except where the distance to that window is greater than 18 metres, in order to avoid overlooking. In my experience this is a satisfactory separation in a relatively dense urban situation such as this, although I note that the separation distances of, for instance, facing windows of houses in nearby Barnsbury Terrace is in the region of 14.5 metres, and this is apparently a long-standing relationship that is found satisfactory. In this case the smallest separating distance between the fronts of balconies on the northern side of the courtyard and windows of Mica House is a little under 16 metres, and the distance between opposing windows about 17 metres.
62. Considering privacy first, those most affected would be occupants of the flats with windows on the northern side of Mica House. It is proposed to install fixed louvres on the south-facing balcony edges that would limit vision from rooms in the new flats and ensure that lines of sight were greater than 18 metres. Furthermore, they would ensure that views towards Mica House would be oblique, and therefore less intrusive. This appears to me to be a reasonable and practical solution to making use of a restricted site. The outline design of the louvres is sufficient to indicate that the principle would be effective, and that the detailed design would be a matter of elementary geometric calculation and the choice of suitable materials. These matters could be properly controlled by imposition of a planning condition.
63. Although the proposal is for shell apartments, and the final layout is not determined, it is likely that the relatively narrow part of the new building on

the northern side of the courtyard would be used for rooms such as bedrooms and bathrooms as shown on the indicative layouts, rather than for the principal living rooms. The use of these rooms is likely to be such as to further limit the occasions when direct overlooking might occur.

64. Windows in the eastern and western courtyard façades of the new building would be at right angles to Mica House and views towards it would be of varying degrees of obliqueness. Unless they are very close indeed, windows at right angles to one another are unlikely to result in intrusive overlooking. Furthermore, the wing walls at the ends of the balconies would do much to prevent views directly towards the Mica House windows. The application drawings show fixed translucent screens intended to limit visibility. While there are spaces between these screens, it appears to me that their positions and the obliqueness of the views would ensure that lines of sight were very limited. I consider it would be important to consider the detailed design and positioning of these screens in order to ensure their effectiveness, and that this could be ensured by a planning condition.
65. Some of the windows in the western side of the courtyard would be some 23 metres from windows in the back wall of Mountfort House, and in my opinion there would be a very low degree of overlooking indeed. Even this would be screened to a great extent by the translucent screens. I do not consider there would be any significant invasion of privacy.
66. I appreciate that at present occupants of the flats in Mica House with north facing windows have a view over the factory roof, with no possibility of overlooking. And that the proposed development is likely to diminish the sense of almost complete privacy that exists. However, this is a dense urban situation, where such a high degree of privacy is unusual. In this case I consider the design of the new scheme has been carefully considered, and that an acceptable balance has been struck between making effective use of the appeal site and preserving the amenities of nearby residents.
67. Regarding the outlook from nearby dwellings, and what the Council refer to as 'the unacceptable sense of enclosure', flats with windows to the rear of no. 17 Barnsbury Square at present look out along the flank wall of the factory. This is approximately 5.4 metres high, with the north-light factory roof rising approximately 2.6 metres above that – a total of about 8 metres. The flank wall of the new building would be approximately 7.2 metres in height. The wall would be finished in stucco to a height of about 4.4 metres, with a lead coated seamed metal cladding above that. The surface of the existing wall is a mixture of common brick and cement render, stained as a result of rainwater run-off, and in my opinion is unsightly. Although there would be an increase in height, it appears to me that the new wall would be of high quality materials and present an improved appearance in comparison with the existing. On balance I consider the outlook from the rear of no. 17 would be improved.
68. Rooms to the front of no. 17 Barnsbury Square at present look out along the saw-tooth factory gable, about 7.5 metres to the ridge projecting some 9 metres from the front wall of the building. The new building would project by about 4.8 metres at a height of about 4 metres at ground floor level where it

abuts no. 17. This would step back to a projection of about 2.4 metres rising to a height of about 7 metres at first floor level. This would be very considerably less intrusive than the factory building, and the good quality of the materials would mean that any parts visible would be an improvement as compared with the present utilitarian brickwork. The principal central block of the new building would project from the face of no. 17 by some 7 metres, but would be hardly visible, if at all, from its front windows. Overall I consider the outlook from the front of no. 17 would be significantly enhanced.

69. Looking from the kitchen window and a bedroom windows of the flat at the western end of Mica House on the first floor, the stucco flank wall of the first floor of the new building would be seen at a distance of about 8 metres, stepped back about 3.4 metres beyond the flat roof of the ground floor. The floor above steps back again, by about 2.2 metres. This would present a somewhat bland outlook, and some of the view of the sky and the tops of trees over the factory roof would be lost. However, the new building is sufficiently far away that natural light would not be significantly affected. Furthermore, I consider that significant measures could be taken to counteract the blandness of the view by articulating the surface of the stucco wall and by introducing planting on the first floor flat roof and against the wall. This could be ensured by imposition of a planning condition. Furthermore, this is a very large flat, in which the principal rooms and the extensive balcony have their outlook to the west and south, and do not rely entirely on the northern outlook.
70. Overall, I consider the outlook from the rooms on the northern side of the flat would be enhanced by the proposals, as compared with the present view over the factory roof. In general, I consider the outlook from windows on the northern side of Mica House would be greatly improved by the introduction of the courtyard, which would give greater openness than the present outlook over the factory roof.
71. Although the Council do not pursue the reasons for refusal relating to daylighting and sunlight, a number of interested parties have done so. Regarding the effect on natural lighting to Mica House, the new building has been stepped back from the façade. This faces north, so sunlight would not be affected. The set back would ensure there would be a limited reduction in the area of sky visible from the windows of habitable rooms on this elevation, and there would be a limited effect on daylighting levels. I am satisfied from the technical report submitted that any reduction would be acceptable in the terms set out in the Building Research Establishment (BRE) document 'Site Layout & Planning for Daylight & Sunlight'.
72. With regard to Mountfort House, the only window significantly affected would be the bathroom window to Flat 4 on the first floor. This would have the wall of the new building some 2.2 metres away, and extending well to the right when looking out. This would significantly reduce daylighting in terms of all the measures set out in the BRE document. However, this is not a habitable room and would not therefore have a significantly harmful effect on residential amenity.

73. I understand listed building consent has been granted to change the internal layout of this flat so that the bathroom could become a bedroom. The works have not been implemented, but the consent remains valid until February 2009. If I were to allow any or all of these appeals, this may well affect the occupant's decision on whether or not to proceed with the works, but would make no difference to the validity of the listed building consent. I have made my assessment concerning daylighting on the basis of the present arrangement of the flat. The possibility that the occupant may make alterations in the future cannot be held as a major factor in determining the future of an adjoining site.
74. With regard to houses in Barnsbury Terrace, no. 17 Barnsbury Square and no. 1 Mountfort Crescent I am satisfied that the natural lighting to habitable room windows would not be reduced to a degree that would harm living conditions, as compared with the present situation.
75. I appreciate that there would be losses in terms of the Annual Probable Sunlight Hours (APSH), notably to rooms at the back of no. 17 Barnsbury Square. In particular 2 bedrooms on the lower ground floor and a bed/sitting room on the upper ground floor would be affected. These already receive relatively limited sunlight as a result of facing virtually due west, and overshadowing by the existing building. While the loss is undesirable, I do not consider it so significant as to justify refusal of planning permission. Furthermore, although these matters are not strictly comparable, I consider the loss would be compensated by the improvement in outlook from the back of no. 17.
76. The parts of the outdoor areas of no. 17 Barnsbury Square, no. 1 Mountfort Crescent and nos. 15 & 16 Barnsbury Terrace in permanent shadow would be increased as a result of the development, and would not comply with BRE recommendations. Again, I consider this undesirable. However, given this dense urban situation I do not consider it sufficient to justify refusal of planning permission.
77. I conclude on the fourth main issue in Appeal B that subject to appropriate conditions the proposals would not cause significant harm to living conditions for occupants of nearby dwellings in terms of privacy, outlook and natural lighting. The proposals would accord with the aims of UDP Policies H3 & D3.

Other matters

78. Regarding vehicle parking, UDP Policy T18 seeks to discourage non-essential private car journeys that could reasonably be made by other means, and Policy T23 seeks to promote car-free housing schemes where they would be accessible by public transport; there is a range of local amenities, and they are within one of the designated parking policy areas. Supplementary Planning Guidance advises that car-free developments must be located so as to meet three criteria – otherwise normal parking standards should apply.
79. The appeal proposal includes basement car-parking for 5 vehicles, accessible from Barnsbury Terrace via a car lift. This provision is in line with the Council's standard for off-street parking provision in new residential development, set out in UDP Policy T22, which allows a maximum of 0.5

spaces per dwelling. The Council argues that the appeal site is within a Controlled Parking Zone, and is readily accessible by public transport – which are two of the criteria set out in the SPG.

80. It is argued for the appellant that the third criterion of the SPG is not met in that the site is more than 400 metres from the nearest protected shopping centre, which is in Caledonian Road. Although there was argument by interested parties that the distance should be measured as the crow flies, and in those terms is less than 400 metres, the appellant's assessment is supported by the Council's Transportation Officer. I take this assessment by a Council officer to be a correct interpretation of the intention of the SPG, in that it is common sense to consider the actual distance to be travelled.
81. In that light, taking into account that 2 of the spaces are for use by disabled people, and that the scheme complies with parking standards I do not consider that the scheme should be required to be car-free.
82. The appellants have put forward Section 106 planning obligations both in the form of an agreement and unilateral undertakings. The latter undertakings differ in that one relates to a car-free scheme, and the other relates to the scheme with parking provision. Apart from the matters relating to the car-free scheme, the appellant would covenant to do the following things. Notice would be given to the Council of implementation of the approved development. Financial contributions would be made towards environmental improvements in the vicinity of the appeal site, and towards the repair and reinstatement of the highway and footways surrounding the development. The appellant would ensure compliance with the Council's Employment, Training and Local Procurement Code for developers and with their Code of Practice for Construction Sites. Financial contributions would be made towards implementation of the Council's Biodiversity Action Plan, and towards provision of sustainable transport measures.
83. It appears to me that the proffered obligations serve legitimate planning objectives that could not be achieved through imposition of conditions. I have already come to the conclusion that there should be no requirement for the development to be car-free. As a result, I consider the unilateral undertaking *excluding* the covenant relating to car-free housing should apply.

Proposed conditions

84. A number of conditions were put forward by the Council and by interested parties in the event that I allow any or all of the appeals. I have already alluded to the need for conditions in Appeal B relating to landscaping and to the provision of louvres and translucent screens, and in Appeal C to ensure that the scheme for re-development should be implemented following demolition.
85. In order to protect nearby residents and residents of the new building from possible noise from plant in the new building, and noise sources in the B1 units, and to ensure that the building itself would be properly sound insulated I consider it would be reasonable and necessary to impose conditions to control the design and installation of plant, installation of sound insulation between the flats and the B1 units, and between plant and the new flats.

86. The site has been in use for many years for a variety of industrial purposes and may well be contaminated. I consider it would be reasonable and necessary to impose conditions to ensure that an investigation is carried out and a decontamination scheme approved and implemented if necessary. Furthermore I consider it would be reasonable to require that spoil removed from the site should be classified and disposed of in properly registered landfill facilities.
87. I consider the proposals for bicycle storage and for refuse storage should be implemented prior to first occupation of the development in order to ensure proper management of these aspects.
88. In order to cater for proper access and circulation within the new building for disabled people I consider it would be reasonable to impose conditions requiring the dwellings to comply with the Council's Lifetimes Homes standards, and for 10% of the dwellings to be built to the Council's wheelchair standards.
89. To ensure that the building is safely accessible for pedestrians I consider a condition should be imposed to control details of works to be carried out to the footpath, pedestrian crossing and vehicle turning head on Barnsbury Terrace, over which the appellant has control. Furthermore, in order to ensure that traffic generated by the commercial units does not prejudice the free flow of traffic or the safety of road users I consider it would be necessary to impose a condition requiring submission of a method statement, and its implementation, detailing the vehicular servicing arrangements for the commercial units.
90. The appeal site is closely hemmed in by other buildings and I consider it would be necessary to impose a condition to ensure that their fabric, or special architectural or historic interest should not be harmed during the demolition, excavation and construction of the new development.
91. In order to control the final appearance of the building I consider it would be necessary to impose conditions to control the external constructional materials; details of external openings, external doors, windows and translucent glass panels, and details of boundary treatments. Furthermore for the reasons previously mentioned, and to control the final appearance, I consider a scheme for hard and soft landscaping should be required.
92. Regarding the retention of parking spaces for disabled and other users, this area of the building is in the basement, only accessible to those authorised. In my opinion the use of these spaces would be virtually unobservable in normal circumstances, and such a condition would be effectively unenforceable.
93. In addition to the condition concerning the louvres, translucent glass panels and glazed balustrade within the courtyard, there should be a further requirement for these items to be installed before occupation of the development, and for them to be retained and, if necessary, replaced thereafter.

94. Requirements were suggested for the scheme to achieve a specified rating under the Building Research Establishment Environmental Assessment Method (BREEAM), and for there to be provision of a scheme achieving a specified target for use of renewable energy. There are clearly general policy requirements in both the London Plan and the UDP to promote sustainable building design and to promote use of renewable energy. However, the specific requirements of this proposed condition were put forward by the Council at a late stage, and there had been no opportunity for the appellant to assess whether such standards might realistically be achieved. In the light of this I consider there should be conditions requiring the submission, approval and implementation of schemes for achieving a BREEAM rating and for making use of a proportion of renewable energy. However, I consider that specifying the rating or proportion to be achieved would not be reasonable, and therefore not a valid requirement for a planning condition.
95. Concerning permitted development rights, this proposal is not for construction of dwellinghouses, and none of the types of development permitted under Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 as amended (the GPDO) – such as additions to the roof or installation of satellite antennae - would apply. However, various minor operations, such as the construction of canopies, fences and loggias on balconies, flat roofs or boundaries could well be included within development permitted under Schedule 2, Part 2 of the GPDO. Given the high quality of this design, the visual sensitivity of the surroundings, and the visibility of the courtyard to occupants of Mountfort House and Mica House, I consider it would be reasonable to impose a condition removing these rights. I also consider a condition limiting the use of accessible flat roof areas – apart from the proposed balconies and terraces - to access for the purposes of repair, maintenance and emergencies would be reasonable in order to prevent intrusive overlooking.
96. It is suggested that the building should be constructed on anti-vibration foundations, in case of transmission of vibration from the B1 units. However, B1 uses are defined as those that can be carried out in any residential area without detriment to the amenity of that area in terms of a number of things including vibration. In the light of this I do not consider this requirement would be necessary. Regarding the suggestion that louvres be fitted to the east and west facing balconies of the courtyard, I have already come to a conclusion about the degree of privacy provided by the translucent screens, and do not consider further measures than those already covered by a proposed condition would be necessary.
97. Given the history of the site, which formed part of an ancient moated defence, I consider it would be reasonable to impose a condition – in the form of Model Condition 55 of Circular 11/95 – to ensure that any archaeological interest is properly assessed.
98. Regarding the hours of operation of the B1 units, it is again the case that the use itself must be compatible with nearby residential uses, and I consider it would be unduly restrictive to prevent people in the small businesses likely to occupy these units from working later in the evening or at weekends. However, it appears to me that deliveries and collections from the units may

cause noise disturbance, and that time limits should be imposed to protect nearby residents. Also in relation to working hours, I consider it would be reasonable and necessary to impose a condition limiting hours of working during construction of the development.

99. It would be part of any planning permission that the development should be carried out in accordance with the submitted application plans. I do not consider a condition would be necessary in order to ensure this.
100. I can understand that it might be desirable for the escape door into the yard to the back of Mica House to be covered by an alarm system to prevent possible intruders having access to the Mica House site. However, this is not a matter that is subject to planning control, and would need to be ensured by other means.
101. In the case of any listed building consent it is clearly of great importance that the fabric of Mountfort House is protected from any harm that might arise from construction of the new development. I consider a condition should be imposed requiring submission, approval and implementation of a Structural Method Statement for the protection and possible underpinning of the listed building.
102. To the extent that details of works to the flank wall of Mountfort House are not already defined in the application, and in order to protect its special interest, I consider a condition should be imposed requiring details and specification of all works of repair and alteration.
103. In order to ensure that trees of the sizes proposed within the courtyard have the opportunity to thrive, I consider it would be reasonable to augment the landscaping condition by requiring approval of details of the planting pits. Although it was suggested that these trees should be evergreen, I consider this is a matter that should be determined as part of the overall approved landscaping scheme.

Conclusions

104. For the reasons given above and having regard to all other matters raised, I conclude that all four appeals should succeed. I therefore intend to issue a Certificate or Lawful Use or Development, and to grant planning permission, listed building consent, and conservation area consent.

Formal Decisions

Appeal A: ref. APP/V5570/X/07/2039062

105. I allow the appeal, and I attach to this decision a certificate of lawful use or development describing the existing use which I consider to be lawful.

Appeal B: ref. APP/V5570/A/07/2027087/NWF

106. I allow the appeal, and grant planning permission for the demolition of the existing building and redevelopment for business and residential use at no. 16 Barnsbury Square, London N7 1LJ in accordance with the terms of the application, ref. P061428, dated 23 June 2006, and the plans submitted with it, subject to the conditions set out in the Annex to this Decision.

Appeal C: ref. APP/V5570/E/07/2027090/NWF

107. I allow the appeal, and grant listed building consent for the demolition of the existing building & erection of a part 2-storey and part 3-storey building to provide business and residential uses, together with restoration works to make good the north-western corner of Mountfort House at no. 16 Barnsbury Square, London N7 1LJ in accordance with the terms of the application ref. P061429, dated 23 June 2006 and the plans submitted with it, subject to the conditions set out in the Annex to this Decision.

Appeal D: ref. APP/V5570/E/07/2027096/NWF

108. I allow the appeal, and grant conservation area consent for demolition of the existing building and redevelopment for business and residential use at no. 16 Barnsbury Square, London N7 1LJ in accordance with the terms of the application and the plans submitted with it subject to the conditions set out in the Annex to this Decision.

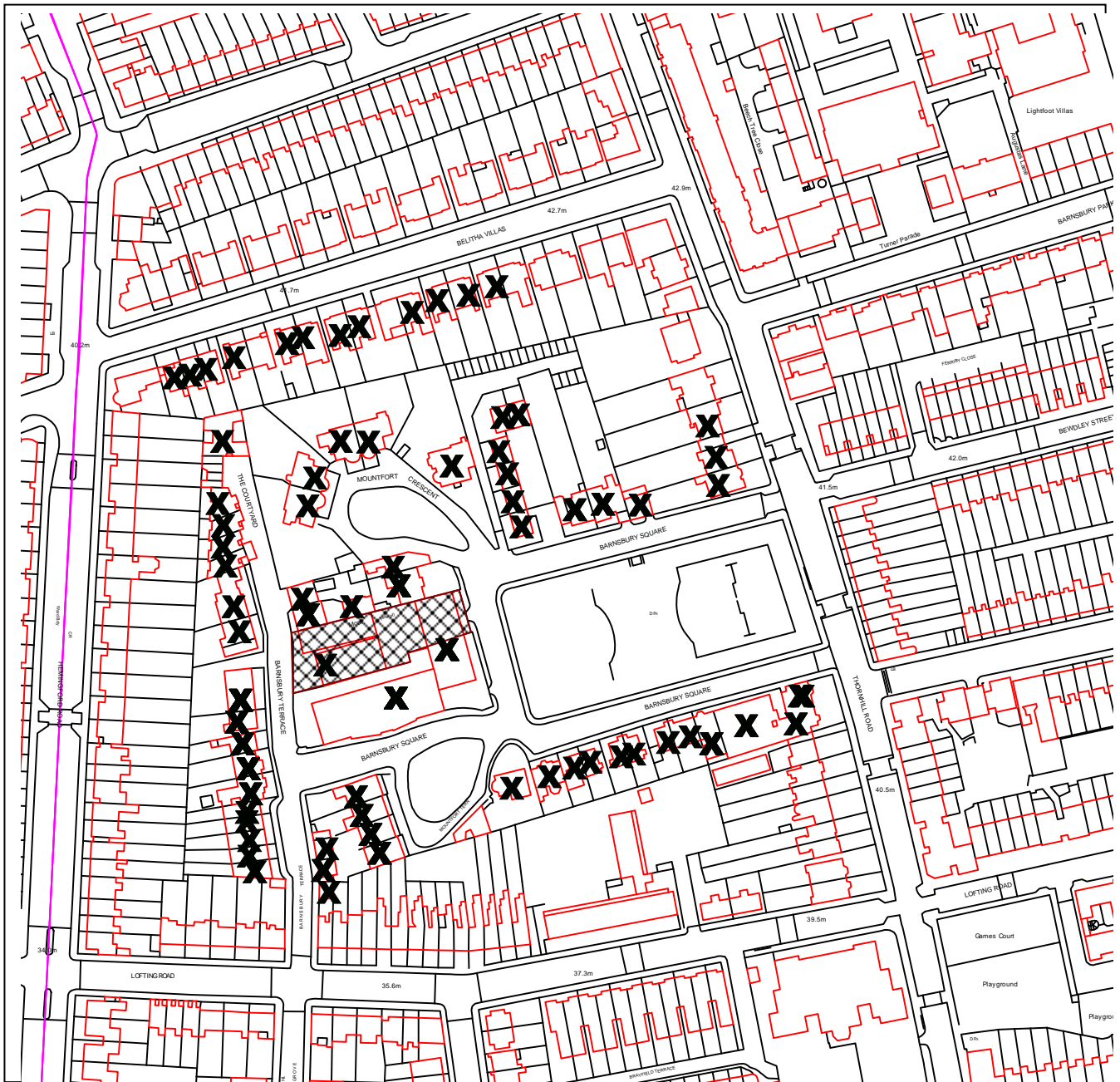
Stephen Brown

INSPECTOR

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2013/2831/S73

LOCATION: 16 BARNSBURY SQUARE LONDON N1 1JL

SCALE: 1:2000

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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	11 November 2014	NON-EXEMPT

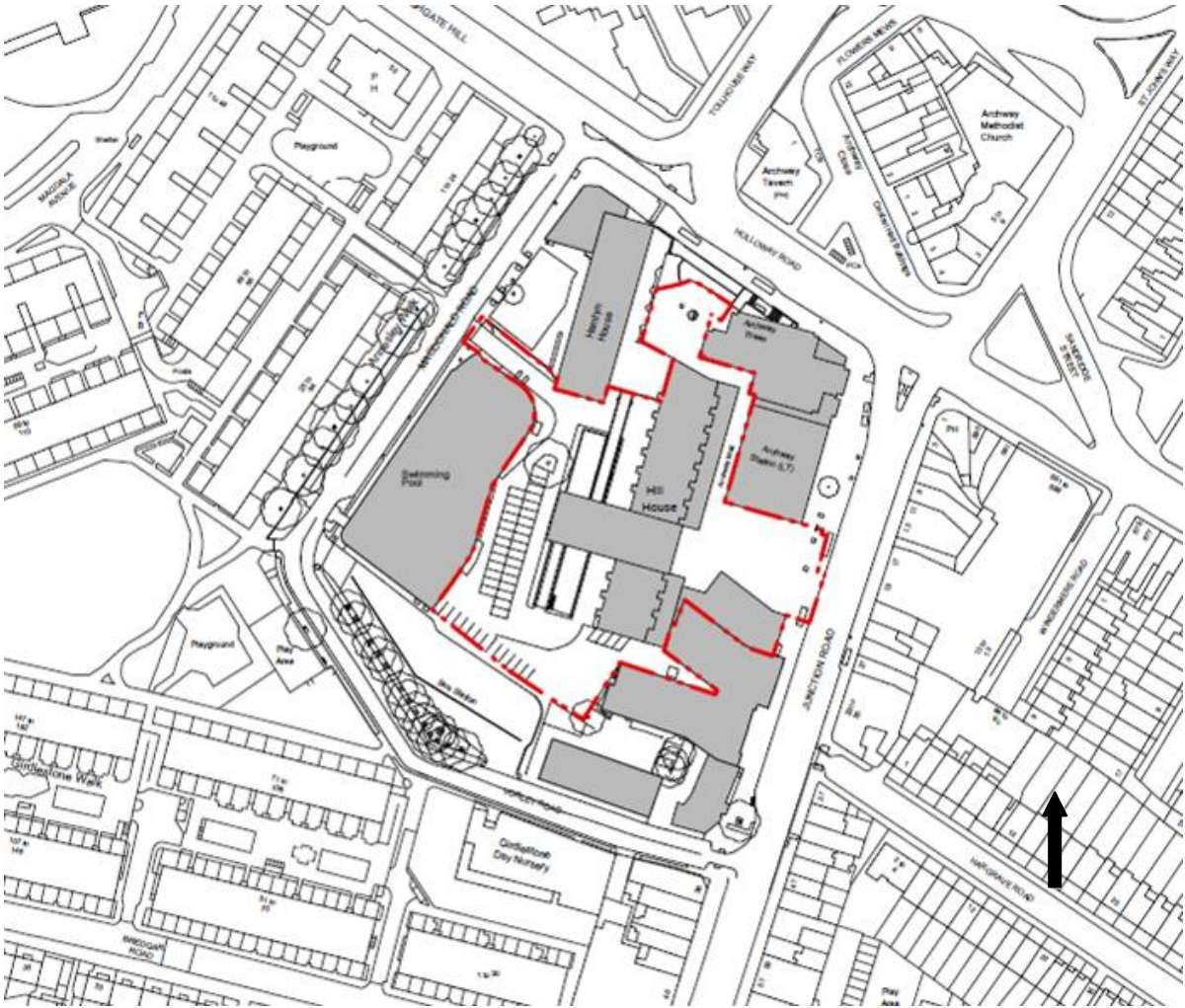
Application number	P2014/3385/FUL
Application type	Full Planning
Ward	Junction
Listed building	None
Conservation area	Within 50m of: Holborn Union Infirmary Conservation Area; and St John's Conservation Area
Development Plan Context	Archway Town Centre Site Allocations (ARCH1) Archway Tower and Island site (the Core Site)
Licensing Implications	None
Site Address	Hill House, 17 Highgate Hill, London, N19 5NA
Proposal	Recladding of existing building, creation of new residential entrance in eastern façade, erection of a ground floor front extension and reconfiguration of existing retail floorspace, installation of new shop fronts, erection of wind canopy and landscaping.

Case Officer	Ben Le Mare
Applicant	BODE Limited
Agent	CMA Planning

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to conditions set out in Appendix 1.

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Existing building and Archway Town Square from MacDonald Road
Page 198



Existing building (looking north)



Existing building (looking south)



Existing building (looking east)



Existing building (looking west)



Archway Town Square



Existing shopfronts at the base of Hill House and pedestrian route to Holloway Road

SUMMARY

- 3.1 The application proposes the re-cladding of Hill House and the creation of a new entrance into the building. The proposals also include a front extension to, and the re-configuration of, the retail floorspace at ground floor, the insertion of new shop fronts, erection of a 'wind' canopy and landscaping of Archway Town Square.
- 3.2 The residential conversion of floors 1-4 & 6-12 of the building which this application relates to cannot be considered within the remit of this application. The stated intention of the applicant to implement a residential use in place of the office use under prior approval permitted development rights is a material consideration in looking at the appropriateness of the design changes within this application.
- 3.3 The proposal is considered acceptable in terms of the principle of redevelopment of the exterior of the building, the design quality and appearance of the changes, the suitability of the proposed ground floor extension, impact on the adjoining conservation areas and inclusive design. Furthermore, the proposals are considered to have regard to the emerging design changes to the façades of neighbouring buildings, namely Hamlyn House and Archway Tower.
- 3.4 In order to create a residential entrance into the building off Archway Town Square, the proposals require for the reconfiguration of the existing 8 shop units fronting Archway Mall and the erection of a front extension. The development would not result in a reduction in the total number of retail units. There would however be a 25sq.m loss of retail floorspace, but this is considered to be outweighed by the wider public benefit of the proposals to the existing townscape.
- 3.5 The landscaping principles for the regeneration of the town square are considered to be appropriate and it is recommended that further details are required through planning conditions. In terms of the existing site's wind micro-climate, it is accepted that the proposed trees and wind canopy would significantly improve the wind conditions beneath the tower. The proposals would not have an adverse impact on residential amenity.

4. SITE AND SURROUNDING

- 4.1 The application site is a circa 0.74 hectare parcel of land in the north of the borough. It comprises the following primary elements:
 - 'Hill House', an early 1970s office building standing at part 4 and part 13 storeys in height;
 - 'Archway Mall', a number of mainly vacant retail units on the ground floor level of Hill House;
 - An area of hard-landscaping between Hill House, Highgate Hill (including Archway Town Square) and Junction Road;
 - A car park / hard-standing area to the rear (west) of Hill House;

- 4.2 The proposals being considered under this application relate primarily to the Hill House office building and retail units on the ground floor which are all substantially vacant, although it is understood that some floors of the building have recently been converted to residential use (under Prior Approval application P2014/1161/PRA). The 5th floor of the building is currently in use as a D1 training facility and therefore does not benefit from Prior Approval.
- 4.3 The site has a central location in Archway Town Centre and is in the “Archway Tower and Island Site (the Core Site)” which is identified as a key regeneration opportunity for the borough. Archway is one of Islington’s four designated town centres and contains a mix of retail, commercial, leisure and social / community uses as well as being home to a vibrant residential community.
- 4.4 There are a number of significant development proposals taking place within the locality, namely the redevelopment (including the re-cladding) of Archway Tower to residential (under Prior Approval) and Hamlyn House changing to a 157 bed hotel with ancillary restaurant. The Archway Gyrotory is proposed for change and the preferred options are currently out to public consultation.
- 4.5 In terms of public transport the site has PTAL rating of 6b through being situated above Archway Underground station and within close proximity to a number of bus routes.
- 4.6 St John’s Grove Conservation Area abuts the south to east boundary of the site. To the north east boundary of the site are two Local Views towards St Paul’s Cathedral (LV4 from Archway Road and LV5 from Archway Bridge).

5. PROPOSAL (IN DETAIL)

- 5.1 The proposal is to remove the existing cladding from the buildings and strip back the internal fabric of the building to the concrete frame. Alterations will be made to the structural floors and walls to accommodate modern lifts and introduce services necessary for a residential use.
- 5.2 At the base of the Tower the proposals reconfigure the existing shop units and create an entrance into Hill House, off Archway Town Square. A ground floor front extension to the existing retail units is proposed. This projects 2.5m into the existing pedestrian route between the Archway Town Square and Highgate Road and MacDonald Road and has an area of approximately 70sqm. The proposals also incorporate the reconfiguration of the existing 8 retail units on the ground floor of the building and the installation of new shop fronts. The total number retail units remain unchanged.
- 5.3 The proposals include an L shaped canopy under Archway Tower in order to mitigate the wind conditions that adversely impact upon this part of the site. Extensive landscaping of Archway Town Square is also proposed as part of this application which includes new surfacing materials, tree planting, seating and lighting.

6. RELEVANT HISTORY

- 6.1 Provided below is a planning history of the application site:

Application Ref(s)	Proposal	Decision	Date
P2014/2288/AOD	Approval of details pursuant to condition 2 (refuse) of planning permission reference P2014/1161/PRA dated 21 May 2014	Approved	11/07/2014
P2014/2289/AOD	Approval of details pursuant to condition 4 cycle parking P2014/1161/PRA	Approved	11/07/2014
P2014/1161/PRA	Prior Approval application in relation to the following considerations arising from the change of use of floors 1-4 and 6-12 of the building to residential use (C3) use class creating up to 150 residential units.	Prior Approval required and approved, subject to conditions and s106 <i>Pending s106 sign off</i>	21/05/2014
P2014/0332/PRA	Prior Approval application in relation to the following considerations arising from the change of use of the building of floors 1 to 4 and 6 to 12 to residential use (C3) use class creating 141 residential units.	Approved	20/03/2014
P070282	Change of use of upper ground floor from Class B1 (business) to Class D1 (medical or health services) and a 7th floor from D1 to B1 (offices)	Approved	26/03/2007
P060155	Change of use of the fifth floor from B1 Offices to D1 use as an interview centre for patients	Approved	20/03/2006
P011806	Variation of condition 4 of planning decision 96/2016 (12th March 1997) to make the use personal to Interact Health Management Ltd.	Approved	11/09/2001
962016	Change of use of part of 7th floor to a private occupational health service centre	Approved	12/04/1997

901572	Replacement of spandrel panels and provision of tinted glass to all elevations.	Approved	04/02/1991
901593	Change of use of caretakers flat to office and enclosure of balcony	Approved	23/04/1991
871799	Use of the 11th floor as offices.	Approved	01/02/1988
840657	Change of use of ninth floor from offices to Youth Training Centre	Approved	27/06/1984
880195	Change of use of 11th floor from residential to office use.	Approved	09/05/1988
881288	Enclosure of the 11th floor balcony.	Approved	15/12/1988
850632	Change of use of part of the 6th floor from offices to training school.	Approved	17/06/1995

6.2 Provided below are some applications on neighbouring sites / buildings are relevant to the consideration of this planning application:

Archway Tower, 2 Junction Road

Application Ref(s)	Proposal	Decision	Date
P2014/1614/FUL	External alterations involving the erection of double height extension at ground floor to form new entrance and the re-cladding of the existing building, including a new treatment to the 16th and 17th floors.	Refused	02/07/2014
P2014/0688/FUL	External alterations involving the erection of double height extension at ground floor to form new entrance and the re-cladding of the existing building, including a new treatment to the 16th and 17th floors	Refused & Allowed on appeal subject to conditions.	17/06/2014 & 07/08/2014

P2013/2861/PRA	Application for prior approval of the Local Planning Authority for the change of use of the upper floors from B1 (a) office accommodation to 118 residential flats (C3 Use class) comprised of 59 x 1 bed units, 29x 2 bed units, 30 studio units.	Prior Approval required and approved,	27/09/2013
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Hamlyn House, 21 Highgate Hill

Application Ref(s)	Proposal	Decision	Date
P2013/0399/FUL	Change of use of floors 1-8 and part ground floor from office use (Class B1) to a 157 bedroom hotel (Class C1) and ancillary restaurant, including re-cladding of the building, demolition of the first floor link building located on the eastern side of the building (connecting to Hill House) along with the retention of 73 existing car parking spaces and the introduction of associated landscaping.	Approved, subject to conditions and s106	17/03/2014
P2014/4258/AOD	Approval of details pursuant to condition 3 (materials) of P2013/0399 dated 17 March 2014	Pending determination	N/A

Pre-Application Advice:

- 6.3 The proposed development has been subject to pre-application discussions with the council. A number of amendments have been made to the plans in this process affecting the design of the proposals in response to Design Review Panel and officer comments including the design and conservation officer. These include the provision of a double height residential entrance off Archway Town Square and further information on public realm improvements.
- 6.4 The council officers are currently engaged in pre-application discussions with the applicant to develop a masterplan for the wider site. This is subject to ongoing public engagement with residents and stakeholders through the applicant. The proposals being considered here are recognised as the first

step in the future regeneration of this part of the Archway Tower and Island Site.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 246 adjoining and nearby properties at Junction Road, 03/09/2014. Site notices and a press advert were displayed on 11/09/2014.
- 7.2 There were 14-day re-consultation letters sent out on 16/10/2014 (expiring 30/10/2014), as it was identified that the description of development did not include the proposed ground floor front extension to the retail floorspace.
- 7.3 At the time of writing a total of 6 responses (3 in support and 3 objecting) had been received from local residents and groups. These are summarised below (the paragraph number where these comments are addressed are provided in brackets alongside the comment). Any further comments received will be reported to the planning committee.
- 7.4 Chair of the Girdlestone TRA expressed support for the proposals by recognising that the entire plot is in an appalling state of disrepair and bleak, scruffy appearance; the mall paving particularly is a shambles. Also, that the area behind the post office surroundings are used for anti-social behaviour. Concerns have however been expressed towards multi-national chain-store type businesses being allowed to take any of the shops in the mall area.
- 7.5 Better Archway Forum (BAF): This is a local group comprising around 1000 members in the north of the borough. BAF raise objections to the proposals as they preclude compliance with planning policy in a number of ways:
- Recladding the existing envelope as proposed would mean it will not be possible to provide the necessary permeability of the site to allow circulation, footfall, additional frontages and overlooking of public spaces central to the Archway Framework. (para 10.27)
 - Continued and significant wind blight would also mean the public space cannot be successful. (para 10.30)
 - The retention of the current layout to the rear of the Post Office frontage means the inset space at ground level remains unprotected from abuse and once the current frontage has been re-established, it is difficult to see how that could be addressed without permanently abolishing the existing Post Office building. (para 10.27)
 - There does not appear to have been any proper assessment of the access and pedestrian routes through and to the site. This is a grave oversight in a site which makes up the larger part of a town centre. (para 10.27)
 - This application conflicts with the successful reworking of the wider townscape in accordance with policy. (paras 10.21 – 10.30)

- Some of the proposals appear to be unworkable. For example, trees are promised in Archway Mall. However, because the tube station escalator runs under the mall space, the sub soil belongs to TfL, making it difficult if not impossible to create any kind of tree canopy here given that TfL have to date refused any such planting. (para 10.25)
- The proposed addition of an L-shaped canopy over part of the frontage to mitigate wind blight from Archway Tower simply clarifies the point that the pedestrian route to the rear of the tube station is better suited to additional construction than pedestrian use. And while the area is little used by pedestrians as it is, were it to be enclosed it would become even more of a security threat and be even less used. (paras 10.27 & 10.30)

7.6 Local residents' objections:

- The scheme will prevent a safe and direct pedestrian route through the site from Junction Road to the leisure centre being created. (para 10.27)
- The proposed canopy does nothing about the sense of danger in the area, which is likely to remain unused. The space is better suited to the creation of a properly enclosed building being considered as part of the wider master planning. (para 10.27)
- The area behind the post office will continue to be used as a 'public lavatory' and for other anti-social behaviour. (para 10.27)

7.7 Local resident expressions of support:

- The proposals look like a nice high specification development.
- This development promises to make great efforts to make a hideous building beautiful.

External Consultees

7.8 London Underground: No objections have been raised to the development proposals.

7.9 Design Review Panel: The proposal in its original form was presented on 5th August 2014. The application was submitted on the 18th August. Provided below is a summary of the DRP's comments (full response letter attached appendix 3):

- Concept and interaction with surroundings: Welcome the regeneration proposals and encourage as much design interaction with what is happening elsewhere within the campus, namely to the two other towers (Hamlyn House and Archway Tower) and public realm to create a cohesive masterplan.

Officer's comment: Careful consideration has been given by officers and the developers at the pre-application stage to achieving a scheme that has full regard to the changing character of the area through building design and public realm improvements. Both parties are engaged in ongoing discussions in respect of a wider masterplan for the site.

- Materiality: Issues have been raised with the excessive transparency through the provision of a fully glazed building (tower), although aesthetically positive, may be causing issues in relation to environmental performance. The treatment of the corners is considered to be particularly sensitive.

Officer's comment: The development is required to comply with building regulations so will achieve an appropriate level of energy performance. This is likely to represent a significant improvement on the existing situation.

- Maintenance and implications on design: Request for additional information on how the building would be maintained as it might inform its design and implications for its overall appearance.

Officer's comment: The applicant has agreed to a condition requiring for further details of the proposed window cleaning apparatus and associated goods, their operation and housing to be submitted prior the commencement of development.

- Entrance: The Panel that the entrance needed to respond to the detail design and scale of the tower and integrated into the overall masterplan – a two storey entrance was given a preference.

Officer's comment: The development provides a two storey glazed entrance which is accessed directly off Archway Town Square. This is expected to draw residents and visitors into the site – an aspiration which is being taken forward as part of masterplan discussions.

- Public realm and wind mitigation: Further information required on how intentions for the public realm improvements might be raised. It was also felt that the quality of the environment of the passageway and wind mitigation measures needed to be developed.

Officer's comment: During the process of this planning application Gross Max (landscaping consultants) agreed with officers a set of principles for the landscaping of Archway Town Square (including tree planting, hard surfacing, lighting and seating). Further information on landscaping would be secured through conditions. The proposals also include a wind canopy which will mitigate the existing wind blight under Archway Tower.

- Detailing: The Panel highlighted the importance of conditions to any to ensure strict approval of samples ideally including 1:1 mock ups to ensure the design concept will carry through to implementation.

Officer's comment: The developer has agreed to a materials condition requiring 1:1 mock ups of the building to be provided on site and a condition that retains the current architects for the design development phase of the project.

7.10 London Borough of Camden: No objection.

Internal Consultees

- 7.11 Policy Officer: The decrease in retail floorspace is not considered to have an adverse impact on the retail frontage. The redevelopment is however likely to benefit the frontage as it could lead to increased occupation of the retail units, providing a complementary service. There is no objection to reconfiguration of the existing retail floorspace as the number of retail units will remain unchanged.
- 7.12 Acoustic Officer: No objection to the proposals, subject to two conditions requiring the submission of a Construction Environmental Management Plan to mitigate the impact of construction on the local area and scheme for sound insulation and noise control measures to protect the amenity of the future occupiers of the building.
- 7.13 Landscape Officer: Supports the amended landscaping plans as these provide a set of design principles for the regeneration of the town square. More information is required through a condition. The developer also needs to provide a tree protection plan to ensure that the construction phase of development would not harm the tree at the rear of the site which is subject to a TPO.
- 7.14 Access Officer: No concerns raised, but would like to see greater provisions made for play.
- 7.15 Sustainability Officer: No objection, subject to details of SUDS, landscaping and biodiversity measures being secured through conditions.
- 7.16 Energy Officer: Recognises that the council are unable to impose Islington's energy targets given that there is no increase in floorspace and the application does not constitute a major development. Support has been expressed for the energy performance measures which are being sought by the developer.

8. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following national planning guidance and development plan documents.

National Guidance

- 8.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

- 8.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that

are considered relevant to this application and are listed at Appendix 2 to this report.

Planning Advice Note/Planning Brief

- 8.3 A document entitled 'Regeneration proposals for Archway' was adopted by the Council's Executive on 5 July 2011. These proposals outline the Council's desire to overcome some of the barriers to physical regeneration, strengthen the local economy and improve the vitality of the town centre. Funding allocations for various regeneration projects were agreed within this document.
- 8.4 Archway Development Framework SPD (adopted 2007). The Core Strategy at paragraph 2.2.1 states that this SPD will remain in place after the adoption of the Core Strategy and that the document adds detail to the Core Strategy Site Allocation (CS1). This document includes the following key objectives:
- Delivery of a beacon sustainable development – delivery of a truly sustainable community and thus contribute to environmental, economic and social sustainability.
 - Delivery of a mixed use development to build upon Archway's strengths as a district centre and enhance this role.
 - The improvement of the pedestrian environment to provide a safe environment and improve the pedestrian links through to the adjoining areas.
 - The creation of high quality public spaces to provide an environment where people can visit, shop, relax while providing links to the surrounding areas and uses in Archway;
 - Microclimate – minimise wind impact due to down draught;
 - This document states that priority for planning obligations within Archway will be focussed towards improvements to the public realm and local employment.

Designations

- 8.5 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- | | |
|------------------------------------|---|
| - Core Strategy Area – Archway (1) | - Within 50m of Holborn Union |
| - Archway Town Centre | Infrimary Conservation Area |
| - Within 50m of St John's Grove | - Within 100m of TfL Road Network |
| Conservation Area | - Within 100m of Strategic Road Network |

Supplementary Planning Guidance (SPG) / Document (SPD)

- 8.6 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

9. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

9.1 No EIA screening/ scoping opinion was requested by the applicant. However given that the proposal is for the re-cladding, the creation of a new entrance and a small front extension to an existing building, the proposals are not considered to fall within the definition of Schedule 1 or 2 of defined EIA development.

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design, Conservation and Heritage;
- Land-use;
- Landscaping and wind micro-climate;
- Neighbouring amenity;
- Energy and Sustainability;
- Planning obligations & CIL.

10.2 These matters are addressed below in the context of planning policy and other material considerations.

Design, Conservation and Heritage

10.3 The building is not within a conservation area, nor is it listed, however the St John's Grove Conservation Area adjoins the site and the recently adopted Holborn Union Infirmary Conservation Area is to the north. Hill House forms part of a larger urban block which is dominated by poor-quality design and large scale office buildings. The area suffers with poor connectivity and legibility, which is exacerbated by significant level changes. The area has been the subject of a number of studies over the years and it is accepted that the wider area is in need of regeneration.

10.4 The Archway Development Framework SPD (2007) is secured as relevant (within the Local Development Framework) by Core Strategy policy CS1 referencing its ongoing relevance. The SPD seeks to secure sustainable development (environmental, economic and social sustainability), to secure improvements to the pedestrian environment to provide a safe and secure environment and also seeks to create high quality public spaces to provide an environment where people can visit, shop and relax while providing links to the surrounding areas and uses in Archway.

10.5 During pre-application discussions it was accepted that the re-cladding of Hill House should be split into two separate elements; the main tower – providing a glazed façade which should reflect the context of the sky and provides sensitive backdrop to the emerging re-cladding proposals for Hamlyn House and Archway Tower; and the plinth – its appearance having weight and solidity which is robust and hardwearing. The image below provides illustrations of the proposals:



- 10.6 Turning firstly to the tower, the main components of re-cladding include clear and opaque glazed curtain walling with anodised aluminium panels, flush sliding glazed doors and concealed balustrades. These are expected to reflect the context of and be animated by the sky and the glazing darkness frit, pattern, texture and density will therefore need to be assessed through the approval of details.
- 10.7 In terms of the plinth, this will have a light colour brick exterior with clear glazing. The balconies and anodised aluminium panels will resemble the appearance of those on the main tower. The addition of balconies in between the bays on the front elevation is intended to add a new definition to the plinth. These balconies would be set back from the bricked bays.
- 10.8 The new double height glazed residential entrance into the building off Archway Town Square has been developed in direct response to the DRP's comments so that it provides a better hierarchy to the existing cramped access conditions. Furthermore, the visual prominence of the entrance will provide wider benefits for Archway Town Square by ensuring a much needed increase in footfall into the heart of the site as opposed to the residential entrance approved under Prior Approval consent which was sited at the rear of building.
- 10.9 It should be noted that whilst the recladding of Hill House is intended for the residential conversion of the building, the proposal's design would not prohibit the building, either fully or in part, being used as B1a offices or a teaching facility.
- 10.10 The proposed front extension to the existing ground floor retail units will bring the shopfront forward to the edge of the existing overhang. It is felt that this would introduce an improvement on the overall frontage, as the current shopfronts appear dark and unwelcoming to shoppers – this could have been a contributing factor to the long term vacancy of many of these units. The elevational plans of the shopfront provide a useful indication of their

appearance, however to ensure that they have full regard to the final design of the upper floors of the building it is recommended that further details are secured through a condition. (Condition 12)

- 10.11 The proposed L shaped canopy under the Archway Tower would be 4m high, 28m in length and over 50% solid (as recommended by the wind study) with a slatted design. The design and access statement provides some useful information on the type of canopy that is envisaged whilst not specifying the exact materials. The canopy is expected to offer visual interest to a particularly unpleasant area of the site. Details of the canopy would be secured through a condition. (Condition 13)
- 10.12 In summary, the council's design and conservation officer and the DRP are supportive of the proposals and how they have been developed through the pre-application as they would represent a substantial enhancement to the existing building and wider area. The proposals are also considered to have a positive impact on the adjoining conservation areas and full regard to the emerging design of the Hamlyn House and Archway Tower. The success of the scheme is however dependent on the quality of the materials and detailing. Consequently conditions for the retention of the architects (to avoid a design and build exercise) are crucial. A condition is recommended to secure this.

Land-use

- 10.13 The site is located within Archway key area within the Core Strategy, and policy CS1 'Archway' is relevant. CS1C seeks a mixed use core site that retains a significant proportion of office space; and CS1D seeks to maintain and enhance the provision of commercial space in Archway.
- 10.14 The Site Allocations (2013) identifies the Archway Core Site (ARCH1) and it is allocated to secure mixed use development to include: *'residential, retail, employment (including business use), hotel and appropriate evening economy uses (such as A3 restaurant use, and D2 assembly and leisure e.g. cinemas) that respect the amenity of nearby residential properties'*.
- 10.15 As set out in the planning history section above, the building has been subject to a recent Prior Approval application for a change of use of floors 1-4 and 6-12 of the building to residential use (C3 use class) creating up to 150 residential units. It is understood that this consent has been implemented as some of the floors have been converted into residential dwellings which are now occupied in accordance with Class J. The creation of new residential dwellings is therefore not a consideration of this planning application.
- 10.16 There are two main issues from a policy perspective; the loss of existing retail floorspace and the reconfiguration of the existing retail units.
- 10.17 The proposal involves the loss of 25sq.m of retail floorspace to ancillary residential floorspace to create a new entrance for the upper floor residential units. Applications involving the loss of main town centre uses to other uses (particularly residential use) trigger DMP policy DM4.4. However, given the circumstances of this application – i.e. the actual residential units are permitted through a separate application – means that DM4.4 Part D(iii)

(requiring a high quality dwellings with a high standard of residential amenity) does not apply.

10.18 DM4.4 Part D(i) requires two years marketing and vacancy evidence to demonstrate that there is no reasonable prospect of the retail unit being used in its current use in the foreseeable future. In this situation there is not an overall loss of retail units but a reduction in floorspace. The small size of the proposed loss of retail floorspace (both in absolute terms and proportionally) does in part alleviate concerns, although it is by no means a de minimis loss and could potentially accommodate a small retail unit in its own right; therefore, this requirement does technically apply. However, it is considered that there are exceptional circumstances related to this application which are considered to alleviate concerns over a lack of marketing and vacancy evidence, these are set out below:

- At the request of officers the applicant provided information on the historic use and occupancy levels of the eight retail units within the Mall. The table below sets out the recent history of the units.

UNIT NUMBER	CURRENT CONDITION	HISTORY
2-3 Archway Mall	Currently being used on a temporary basis as a 'community hub' for consultation events as part of the on-going Masterplan process.	Before the current temporary use the unit was last occupied by "FADS" (DIY / Home Decorating). FADS vacated the building in approx. 2007 since which time the unit has remained vacant.
Unit 4-5 Archway Mall	Vacant	This unit was recently occupied by "William Hill" Bookmakers until they vacated the site in the summer of 2014.
Unit 6-7 Archway Mall	Vacant	This unit was occupied by "Freshway" (mini) Supermarket who vacated the unit in approx. 2012
Unit 8 A Archway Mall	Vacant	This unit was occupied by "Green Ink Bookshop" who vacated the unit pre-2006.
Unit 8B Archway Mall	Vacant	This unit was occupied by "Hamburger House" café who vacated the unit pre-2006.
Unit 9 Archway Mall	Vacant	This unit was occupied by "Suchis Card Shop" who vacated the unit pre-2006
Unit 10A	Occupied	Currently occupied by "The Mall" cheque cashing company.
Unit 10b Archway Mall	Occupied	Currently occupied by "Redmond Plumbing Services" as a trade counter / office.

- The table shows that five out of the eight units have been vacant for over 2 years, with three of these units being vacant for over 8 years. This clearly demonstrates a long-term history of vacancy and lack of demand for units within the Town Centre. Furthermore, The Archway Development

Framework SPD (September 2007) states that “*the Archway district centre includes the existing retail units in Archway mall (the majority of which are vacant)*”. This also suggests that the high levels of vacancy have been entrenched in the shopping mall for at least the last 7 years.

- The public realm around Archway Mall and the Tower site is in need of improvement, as identified in the Site Allocation and the Archway Development Framework SPD. It is considered that the existing low quality public realm has been a contributory factor to the high levels of vacancy. Officers agree with the supporting information that the proposals are positive in terms of increasing attractiveness to retailers and improving footfall, especially when considered in the context of the next stage of the proposed development regarding public realm changes.
- The small 2.5m projection to the existing shopfronts demonstrates that the proposals have some regard to the loss of retail floorspace and that measures have been made to maximise the amount of retail floorspace, rather than just leaving the existing building as is.
- The proposal is consistent with ARCH1 of the LBI’s Site Allocations DPD (2013) in land use terms as it provides improved ground floor retail frontages.

10.19 DM4.4 Part D(ii) requires the use of the ground floor retail unit for residential purposes to be consistent with the role and function of the street or space. The proposed change of use is for ancillary residential space providing access to upper floor residential use; additionally the entrance would provide a visual enhancement and bring high levels of footfall adjacent to these retail units. Therefore, it is considered that the impact will be nil/minimal.

10.20 Archway Mall is not a designated frontage, but it is considered contiguous with the primary frontage starting at 2-10 Junction Road. DM4.4 Part D(iv) states that proposals for change of use should not cause adverse impacts on any sections of undesignated frontage (in this case Archway Mall) that are contiguous with designated primary and secondary frontages. The loss of 25sqm retail floorspace is not considered to cause adverse impacts on contiguous frontages; in fact, the redevelopment is more likely to benefit contiguous frontages as it is likely result in increased occupation of the retail units which could provide complementary services. There is a balance to be struck between retaining 100% of the floorspace in poor quality or 97% of accommodation of a regenerated building and square with high prospects of occupation.

10.21 In terms of the proposed reconfiguration and extension of the ground floor retail units, this would not result in reduction of the total number of units within Archway Mall. The council are in discussions with the applicant in terms of a wider retail strategy for the site and it therefore is appropriate that a condition is appended to this decision which restricts the amalgamation of the existing retail units. (Condition 7)

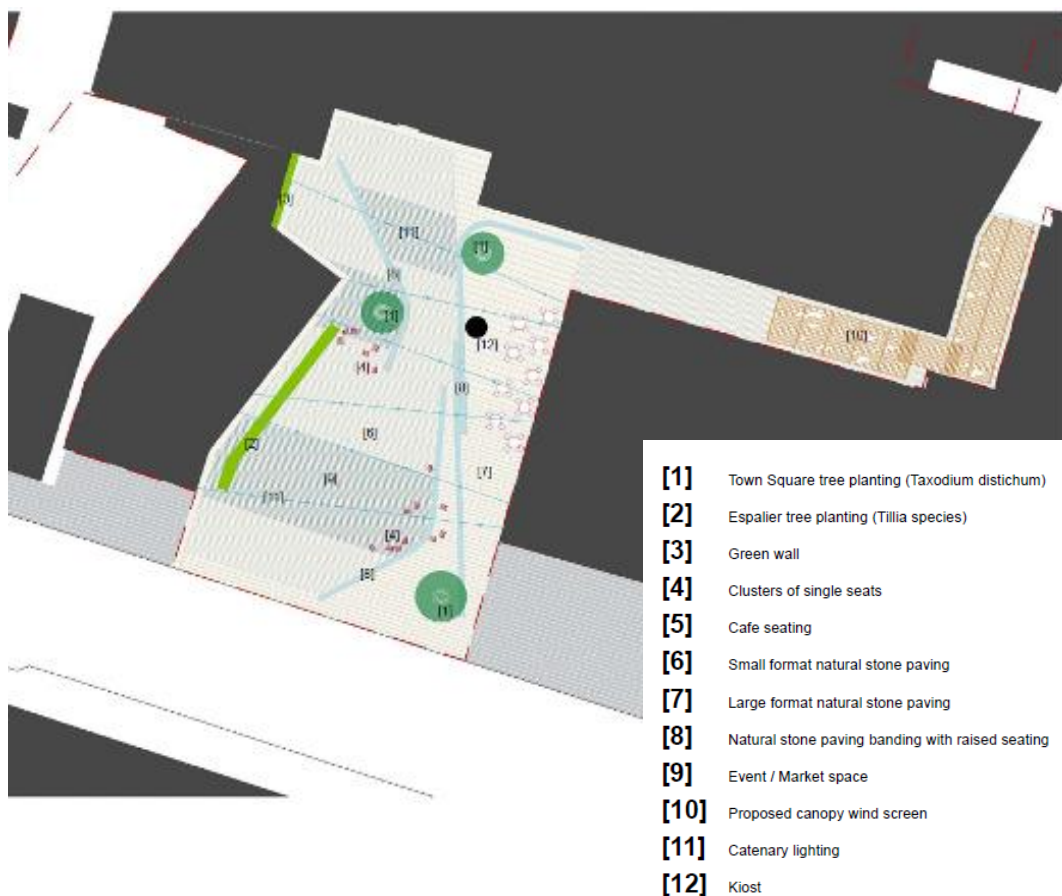
Landscaping, pedestrian access and wind mitigation measures

10.22 The application proposes a package of landscaping measures for Archway Town Square which would enable the scheme to be implemented on a stand-alone basis, outside of the plans which are emerging for the wider masterplan for the site. This is considered important as the local transport network could be subject to some significant changes in the future with the proposed removal of Archway gyratory.

10.23 The initial landscaping proposals were reviewed by the council's landscape officer and considered to be limited in terms of scope and scale. In response to the DRP's comments the council have engaged with the applicant's landscape consultants, Gross Max, to establish a set of landscaping principles for the site. The proposals now include:

- Planting in the form of 3 individual trees (bald cypress, 8-12m in height) and espalier tree planting;
- Natural stone paving (small and large);
- Natural stone banding with raised seating;
- Catenary lighting;
- Green wall;
- Wind canopies.

10.24 The plan below illustrates the landscaping proposals:



10.25 In relation to tree planting, BAF have concerns that the provision of trees is unworkable given that Archway Mall is located above TfL escalators and the

subsoil belongs to them. The landscape officer has however confirmed that the tree types which are proposed can be provided in raised planters around the site.

- 10.26 Officers accept that the general principles provide an appropriate basis for securing significant improvements in the quality of the public realm and further information is required through a condition. (Condition 4)
- 10.27 Concerns have been raised by local residents and BAF in respect of access/pedestrian movement and public safety. Officers are however of the view that the proposals will improve the existing situation by providing better lighting as part of the landscaping proposals. Furthermore, the residential entrance off Archway Square and inset balconies on the front façade of the plinth overlooking the square offers significant improvements on the level of public surveillance within the site. In terms of pedestrian movement, there is considered to be an improvement on the existing situation, through the provision of new paving and a wind canopy (mitigating wind blight under Archway Tower). The area is recognised as undergoing some significant changes and this issue will be given careful consideration in developing a wider masterplan for the site.
- 10.28 It is acknowledged that there are some constraints (namely the sites location above the London underground network) that will influence the type and volume of surface water attenuation that can be achieved on-site, there are opportunities to attenuate surface water using SUDS to achieve an improvement on existing site drainage. The amended landscaping plans include some areas of permeable paving which is supported. No indicative drainage plan (SUDS management train) showing flow paths, and how the different SUDS components link together have been submitted. Given the space available, additional SUDS measures should be explored that provide both amenity and biodiversity improvement, matters which officers consider can be dealt with through a condition. (Condition 4)
- 10.29 To the rear (north) of Hill House, within the site boundary, is a large maple tree which is protected by TPO T2 (No. 439). The submission is accompanied by a generic statement on tree protection which does not include a specific plan outlining where the tree and ground protection will be situated. However, as the tree is located at the rear of the site and most of the works, both landscaping and extensions/alterations, are taking place at the front of the site it is considered acceptable for an arboricultural method statement (AMS) to be secured through a condition. (Condition 5)
- 10.30 The site is widely recognised as having a wind micro-climate, which has been subject to a great deal of assessment under previous applications, namely, the application for the re-cladding of Archway Tower. This application is therefore accompanied by a study (by BRE) to assess the pedestrian level wind microclimate around the existing site and wider pedestrian environment, namely the public realm around the base of Archway Tower and recladding for Hamlyn House. The study is based on a 1:1250 scale model of the site and surroundings which was tested in a wind tunnel. Measurements were taken in 162 locations around the site. The study found that proposed recladding of Hill House and the extensions/alterations at ground floor would have little impact on the existing situation. The wind conditions below Archway

Tower will still remain unsuitable for strolling and leisure walking during the winter seasons, which is caused by strong downwash as result of the height and width of the tower, especially when the wind was blowing on to the wide facades (north-south winds). However, as part of the landscaping proposals a wind canopy is proposed. The study concluded that an L-shaped canopy of either solid or up to about 50% porosity would prevent façade downwash reaching the ground floor and any measurement in any location as a horizontal barrier would be introduced. Officers are therefore supportive of the measures proposed as they offer significant improvements to the existing conditions which have blighted pedestrian movement though this area of the site by mitigating unpleasant wind conditions beneath the Archway Tower, along the Mall outside the front of the re-provided retail units.

Neighbouring amenity

- 10.31 The development would not result in the creation of extensions which would have an adverse impact upon the living conditions of future occupiers of the application building or Archway Tower in terms of a loss of outlook or increase sense of enclosure.
- 10.32 The re-cladding of the building's façade includes the provision of balconies on the front (east) and rear (west) elevations on the plinth (1st – 3rd Floors) of Hill House. The proposals would also create inset balconies on the upper floors of the Hill House tower. Whilst there would be overlooking from the rear balconies on the plinth into windows on the flank walls of the tower between 1st – 3rd floor, there is an existing situation which was created by the residential layout consented under the prior approval application. The new balconies would introduce a marginal increase in overlooking between dwellings; however this needs to be balanced against the improved public surveillance of the site and provision of private amenity space for the future occupiers of the building.
- 10.33 In terms of the development's potential to cause noise and disturbance, there are no new land-uses being proposed (the provision of residential units have already been approved under Prior Approval). The council's acoustic officer has however recommended that conditions are appended to the decision requiring the following information to mitigate the impact of the construction phase of development on the local area and to protect the amenity of the future occupiers of the building:
- Construction Environmental Management plan; (Condition 14)
 - A scheme for sound insulation and noise control measures between the retail uses on the ground and residential units on the first floor. (Condition 11)
- 10.34 Officers are therefore satisfied that there would be no loss of amenity subject to conditions, in accordance with DM2.1 and DM3.7 of the LBI Development Policies.

Energy and sustainability

- 10.35 As the application does not constitute a major development or create extensions over 100sqm the scheme is not required to achieve the energy

targets set out in policy CS10 and DM7.1 to DM7.5. However the supporting information submitted with the application does confirm that re-cladding the existing building will offer significant improvements in terms of thermal performance, air tightness, overheating and daylight requirements for new residential units.

- 10.36 It should be acknowledged that the building will be required to comply with building regulation standards so should achieve an acceptable reduction of carbon dioxide emissions. Furthermore, the council are requiring the applicant to submit a Green Procurement Plan for the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste as part of the construction phase of development. (Condition 6)

Planning Obligations and Community Infrastructure Levy

- 10.37 The proposals are not subject to any planning obligations or CIL charges given that there is no overall increase in floorspace or the creation of new residential units under this application.

National Planning Policy Framework

- 10.38 The proposals are considered to constitute a sustainable development addressing the economic, social and environmental strands effectively. Whilst there is a small loss of retail floorspace, the proposed external alterations to the building and improvements to existing retail provisions, as well as the new landscaping of Archway Town Square, are expected to act as a catalyst in improving the economic prosperity of the area. This is firmly in line with building a strong, competitive economy and ensuring the vitality of town centres.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress.
- 11.2 The proposal is for re-cladding of Hill House and associated extensions and alterations which include the creation of a new residential entrance and reconfiguration of the existing retail units. The proposals also include the landscaping of Archway Town Square.
- 11.3 The design of the proposed alterations to Hill House are supported by officers and the DRP as they offer significant improvements to the existing façade both in terms of building's visual appearance and energy performance. Furthermore, the proposals would have a positive impact on the character of the adjoining conservation areas and have regard to the façade treatment proposed for other tall buildings within the site (Hamlyn House and Archway Tower).

- 11.4 To create the residential entrance into Hill House the existing 8 retail units are to be remodeled within Archway Mall frontage. The remodeling includes the erection of a front extension and re-configuration of the existing retail floorspace behind. The development would not result in a reduction in the total number of retail units; there would however be a 25sqm loss of retail floorspace, but this considered to be outweighed by the wider public benefit of the proposals to the Archway Core Site and in turn the wider of Archway Town Centre.
- 11.5 The proposed landscape scheme will offer significant improvements to the quality of the public realm through new tree planting, paving, seating and lighting. The provision of an L shaped wind canopy under Archway Tower will mitigate some of the existing wind conditions that have an adverse impact on pedestrian movement through the site. Furthermore, the proposals will offer an increased level of surveillance within the site, improving public safety and reducing the perception of crime. The proposals would not have an adverse impact upon neighbouring amenity in terms of noise and disturbance, a loss privacy, outlook or lightspill.

Conclusion

- 11.6 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1.

APPENDIX 1 – RECOMMENDATION

RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans and documents list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents: 1522_DWG_PL_001; 1522_DWG_PL_003_P1; 1522_DWG_PL_010_P1; 1522_DWG_PL_011_P1; 1522_DWG_PL_012_P1; 1522_DWG_PL_013_P1; 1522_DWG_PL_014_P1; 1522_DWG_PL_020_P1; 1522_DWG_PL_021_P1; 1522_DWG_PL_022_P1; 1522_DWG_PL_023_P1; 1522_DWG_PL_024_P1; 1522_DWG_PL_101_P1; 1522_DWG_PL_200_P2; 1522_DWG_PL_201_P1; 1522_DWG_PL_202_P1; 1522_DWG_PL_203_P1; 1522_DWG_PL_204_P1; 1522_DWG_PL_210_P1; 1522_DWG_PL_211_P1; 1522_DWG_PL_220_P2; 1522_DWG_PL_221_P1; 1522_DWG_PL_222_P1; 1522_DWG_PL_223_P1; 1522_DWG_PL_230_P1; 1522_DWG_PL_231; 1522_DWG_PL_232; 1522_DWG_PL_233; Tree Protection Methodology (submitted 21/10/2014); Statement of Community Involvement by Connect Communications (August 2014); Construction Management Statement (August 2014); Planning Statement by CMA Planning (August 2014); Wind Microclimate Assessment by BRE (ref: 295-151, 13/08/2014); Design and Access Statement by Hawkins/Brown (August 2014); Hill House Town Square Sketch Proposals (20/10/2014); Email from CMA Planning (23/10/2013)</p> <p>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.</p>
3	<p>Retention of current architects</p> <p>CONDITION: The current architects shall be retained for the design development phase of the project unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure continuity in the design approach and the standard of the appearance and construction of the development in accordance with policy CS9 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.</p>

4	Landscaping
	<p>CONDITION: Details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> • details of levels and level changes; • proposed trees, including their location, species, size, details of tree pits; • soft planting (including details of species and biodiversity value) of grass and turf areas, and shrub and herbaceous areas; • hard landscaping, including ground surfaces and kerbs (samples of materials to be submitted); • resting places and furniture including seating; • details of landscaping measures to enhance the biodiversity of the site; • details of appropriate sustainable urban drainage (SUDS) features including their location, design, connectivity (SUDS management train) and contribution to water quality, amenity and biodiversity enhancement; • confirmation that the landscaping scheme has been designed in accordance with Islington’s Inclusive Landscape Design SPD or Islington’s successor SPD or policy; • a Landscaping Management Plan describing how the landscaping would be maintained and managed following implementation; and • any other landscaping feature(s) forming part of the scheme. <p>All landscaping so approved shall be completed/planted during the first planting season following practical completion of the cladding works hereby approved.</p> <p>The landscaping and tree planting shall have a maintenance/watering provision following planting and any trees or shrubs which die, become severely damaged or diseased shall be replaced with the same species or an approved alternative and to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details (including the Landscape Management Plan) so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainability, to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to ensure the development is of an inclusive design, to ensure the heritage of the site is acknowledged and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with CS10, CS12 and CS15 of Islington’s Core Strategy 2011 and policies DM2.2, DM2.3, DM6.2, DM6.5 and DM8.4 of Islington’s Development Management Policies 2013.</p>
5	Trees
	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods (the arboricultural method statement, AMS) in accordance with Clause 7 of British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction has been submitted to and approved in writing by the local planning authority.</p>

	<p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies CS7 and CS15 of Islington’s Core Strategy 2011 and DM6.5 of Islington’s Development Management Policies 2013.</p>
6	Materials and samples
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works is commenced. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork and mortar courses (brick slips are not supported); b) metal cladding, panels and frames (including details of seam, gaps, and any profiling); c) windows and doors; d) edges and balustrades to balconies; e) roofing materials; f) louvers; g) any other materials to be used on the exterior of the building; h) a Green Procurement Plan for sourcing the proposed materials. <p>The Green Procurement Plan shall demonstrate how the procurement of materials from the development will be promoted sustainably, including though the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>1:1 elevational mock-ups of external materials to be used on the building at the plinth (first – third floors) and main tower shall be erected on the site and shall be approved in writing by the local planning authority prior to the relevant part of the works commencing.</p> <p>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 in accordance with polices CS9 and CS10 of Islington’s Core Strategy 2011 and DM2.1 of Islington’s Development Management Policies 2013.</p>
7	Provision of small shops
	<p>CONDITION: The development shall be carried out strictly in accordance with the ground floor plans so approved, and no change therefore shall take place without the prior written consent of the Local Planning Authority.</p> <p>The commercial units on the ground floor of the building shall not be amalgamated or further subdivided.</p> <p>REASON: The amalgamation or further subdivision of the commercial units is likely to have operational, transportation, aesthetic and amenity implications which would need to be considered under a separate planning application to ensure the provision of premises suitable for small businesses in accordance with policies CS8 and CS13 of Islington’s Core Strategy 2011 and policies DM2.1, DM4.1 and DM8.6 of Islington’s Development Management Policies 2013.</p>

8	External pipes and cables
	<p>CONDITION: No cables, satellite dishes, plumbing, down pipes, rainwater pipes or foul pipes shall be located / fixed to any elevation(s) of the building.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in accordance with the details so approved.</p> <p>REASON: To ensure that the resulting appearance of the building is to a high standard and to ensure that the development is in accordance with policies CS9 of Islington's Core Strategy 2011 and DM2.1 of Islington's Development Management Policies 2013.</p>
9	Security and general lighting
	<p>A general outdoor lighting strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works are commenced.</p> <p>In accordance with the approved outdoor lighting strategy, details of any permanent general or security outdoor 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 the relevant part of the works are commenced.</p> <p>The approved general outdoor lighting and security lighting shall be installed in accordance with the details hereby approved prior to practical completion of the development.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill in accordance with, policies CS9 and CS15 of Islington's Core Strategy 2011, and DM2.1 of Islington's Development Management Policies 2013.</p>
10	Window cleaning apparatus
	<p>CONDITION: Details of the proposed window cleaning apparatus and associated goods, their operation and housing shall be submitted to and approved in writing by the Local Planning Authority prior to the cladding of Hill House commences.</p> <p>The window cleaning apparatus and associated goods shall be installed strictly in accordance with the approved plans, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on existing building and the appearance of the area in accordance policies CS8 and CS9 of Islington's Core Strategy 2011, and policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013.</p>

11	<p>Sound insulation between ground and first floors</p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the non-residential uses on the ground floor and consented residential units on the first floor shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the ground floor retail units</p> <p>The approved sound insulation and noise control measures shall be carried prior to occupation of any of the ground floor retail units and strictly in accordance with the approved details, shall be maintained as such thereafter, and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment and to protect the amenities of the occupiers of the consented residential accommodation in accordance with policy CS12 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.</p>
12	<p>Shopfront design</p> <p>CONDITION: Typical elevations of the shopfronts hereby approved at scale 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works commencing.</p> <p>The shopfronts shall be carried out strictly in accordance with the elevations so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that that the shopfronts are of a high standard of design, appearance and sustainable construction and to comply with policies CS9 of Islington's Core Strategy 2011 and DM2.1 of Islington's Development Management Policies 2013.</p>
13	<p>Canopy design</p> <p>CONDITION: Details of the canopy, including samples shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works is commenced.</p> <p>The canopy shall be at least 50% solid, as required by the recommendations of the Wind Microclimate Assessment by BRE (ref: 295-151, 13/08/2014) and shall be installed in accordance with the details hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is of a high standard in accordance with policies CS9 and CS10 of Islington's Core Strategy 2011 and DM2.1 of Islington's Development Management Policies 2013.</p>
14	<p>Construction Management</p> <p>CONDITION: No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall incorporate the details set out in the document 'Construction Management Statement (August 2014)' and include the following details:</p>

	<p>a) reduce number of construction vehicle movements especially in peak periods such as through: re-timed or consolidated construction vehicle trips; use of alternative modes; resource sharing on site; sourcing local materials etc;</p> <p>b) use of operators committed to best practice (as demonstrated by Transport for London's Freight Operator Recognition Scheme (FORS)).</p> <p>The construction of the development shall take place in accordance with the details so approved.</p> <p>REASON: To mitigate the impact of development and to comply with policies CS9 of Islington's Core Strategy 2011 and DM2.1 of Islington's Development Management Policies 2013.</p>
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List of Informatives:

1	<p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>In this instance pre planning application advice was provided to the applicant in July 2014. This advice acknowledged the benefits of the scheme in improving the design of the existing building and public realm, mitigating the effects of the wind microclimate and act as a catalyst in bringing forward the wider masterplan for the site.</p>
2	<p>It is the responsibility of the developer to make proper provision for drainage to ground, water courses 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.</p> <p>Connections are not permitted for removal of groundwater. Where the developer proposes discharge to a public sewer prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.</p>
3	<p>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.</p>
4	<p>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.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1. National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application.

A. London Plan (2011)

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 2.15 Town centres

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.5 Quality and design of housing developments

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

5 London's response to climate change

- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.4 Retrofitting
- Policy 5.7 Renewable energy
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.15 Water use and supplies

6 London's transport

- Policy 6.1 Strategic approach
- Policy 6.2 Providing public transport capacity and safeguarding land for transport
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.4 Enhancing London's transport connectivity
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking

7 London's living places and spaces

- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.11 London View Management Framework
- Policy 7.12 Implementing the London View Management Framework
- Policy 7.13 Safety, security and resilience to emergency
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 7.18 Protecting local open space and addressing local deficiency
- Policy 7.19 Biodiversity and access to nature

8 Implementation, monitoring and review

- Policy 8.1 Implementation
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy
- Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS1 (Archway)

Policy CS14 (Retail and Services)

Policy CS15 (Open Space and Green

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)

Space)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)
Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.4 Protected views
DM2.5 Landmarks
DM2.7 Telecommunications and utilities

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres
DM4.5 Primary and Secondary Frontages
DM4.6 Local shopping Areas
DM4.7 Dispersed shops
DM4.8 Shopfronts

Health and open space

DM6.2 New and improved public open space
DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

E) Site Allocations June 2013

ARCH1 Archway Tower and Island site (the Core Site)

4. Planning Advice Note/Planning Brief

'Regeneration proposals for Archway' was adopted by the Council's Executive on 5 July 2011.

Archway Development Framework SPD (adopted 2007)

5. Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- | | |
|------------------------------------|---|
| - Core Strategy Area – Archway (1) | - Within 50m of Holborn Union |
| - Archway Town Centre | Infirmary Conservation Area |
| - Within 50m of St John’s Grove | Within 100m of TfL Road Network |
| Conservation Area | - Within 100m of Strategic Road Network |

6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- | Islington Local Development Plan | London Plan |
|---|--|
| - Environmental Design | - Accessible London: Achieving and Inclusive Environment |
| - Conservation Area Design Guidelines | - Sustainable Design & Construction |
| - Inclusive Landscape Design | |
| - Planning Obligations and S106 | |
| - Urban Design Guide | |

APPENDIX 3 – DESIGN REVIEW PANEL COMMENTS

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Our ref: **DRP/032**

Date: 28 August 2014

Dear Charles Moran,

ISLINGTON DESIGN REVIEW PANEL

RE: Hill House, Junction Road, Archway – pre-application ref Q2014/1357/MJR

Thank you for coming to Islington's Design Review Panel meeting on 5 August 2014 for review of a proposed development scheme at the above address. The proposed scheme under consideration was for re-cladding of the existing building, creation of a new entrance into the building off Archway Town Square and the installation of canopies (officer's description).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair), Thomas Lefevre, Ben Gibson, Paul Karakusevic, Simon Foxell and Philip Cave on Tuesday 5 August 2014 including a site visit in the morning, followed by a presentation by the design team, question and answers session and deliberations in the afternoon at Islington's Laycock Building, Laycock Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

- **Concept and interaction with surroundings:** The Panel was welcoming of the regeneration concept and thought the public realm strategy at the front of the building looked promising. However, it was pointed out that these intentions need to be converted into a detailed design proposal and public realm proposals for the rest of the site were urgently required. Panel members were happy to hear the design team intends to come forward with a planning application. The Panel would encourage as much design interaction with what is happening elsewhere within the campus to create a cohesive masterplan. Although there might be different expressions of different buildings, what is happening to the other two towers and the public realm

around them in the vicinity needs to be taken into account to ensure a cohesive environment.

- **Materiality:** The Panel was generally positive about the proposed treatment of the elevations, however there were strong concerns in relation to the excessive transparency and the likely lack of control over how the spaces may be populated and the impact this may have on the appearance of the building. Panel members were also concerned that fully glazing the building, although aesthetically positive, may be triggering issues in relation to the environmental performance of the building. The treatment of the corners is considered to be particularly sensitive.

- The Panel felt that although the design team mentioned consideration of the orientation of the building, the solar treatment and the proposal for different densities of solid backed glazing on different elevations, it was not clear how these different treatments will come together. Panel members understood that there was an ambition of calm and softness to the appearance of the building, however they were not convinced this would be achieved once all environmental aspects were addressed. The Panel appreciated that there were a series of difficulties to the front part of the building and recognised that there was opportunity to improve that aspect, but felt that the rear of the building faced more constraints (i.e. back wall of leisure centre and adjacent building at Hamlyn House, service road etc.) and that there was no evidence that this had been properly looked at as part of the proposed design. It was felt that this aspect needed to be better integrated to the evolution of the design.

- **Maintenance and implications on design:** Panel members pointed out that a better understanding of how the building would be maintained was required as it might inform the design of the building and might also have implications on its overall appearance.

- **Entrance:** The Panel felt that the entrance needed to respond more to the detail, design and scale of the tower and to be integrated with the overall masterplan. The two storey entrance was preferred as it gives better hierarchy to the existing cramped access under the existing deck.

- **Public realm and wind mitigation:** Although the Panel understood that the design team had positive intentions in relation to the public realm, it was pointed out that worked up proposals need to be submitted to show how those intentions might be realised. Similarly, it was felt that the quality of the environment of the passage way and wind mitigation measures needed to be developed in further detail before the Panel could comment on these.

- **Detailing:** The Panel highlighted the importance of conditions to any forthcoming planning application to ensure strict approval of samples ideally including 1:1 mock ups as they felt a sophisticated level of pre-construction detailing was required to ensure the design concept will carry through to implementation.

The Panel was generally supportive of the concept of regeneration and improvements to the Hill House tower. However, Panel members reminded the design team that integration with the other two towers and careful consideration of proposals to surrounding public realm including wind mitigation strategy was very important. Panel members raised some concerns in relation to environmental and technical performance of the proposed cladding system and required maintenance regime. They also encouraged the design team to improve the entrance to the building and stressed the importance of careful consideration of detailing. The Panel would welcome seeing the next phase of evolution of the scheme.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

Confidentiality

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

Yours sincerely,

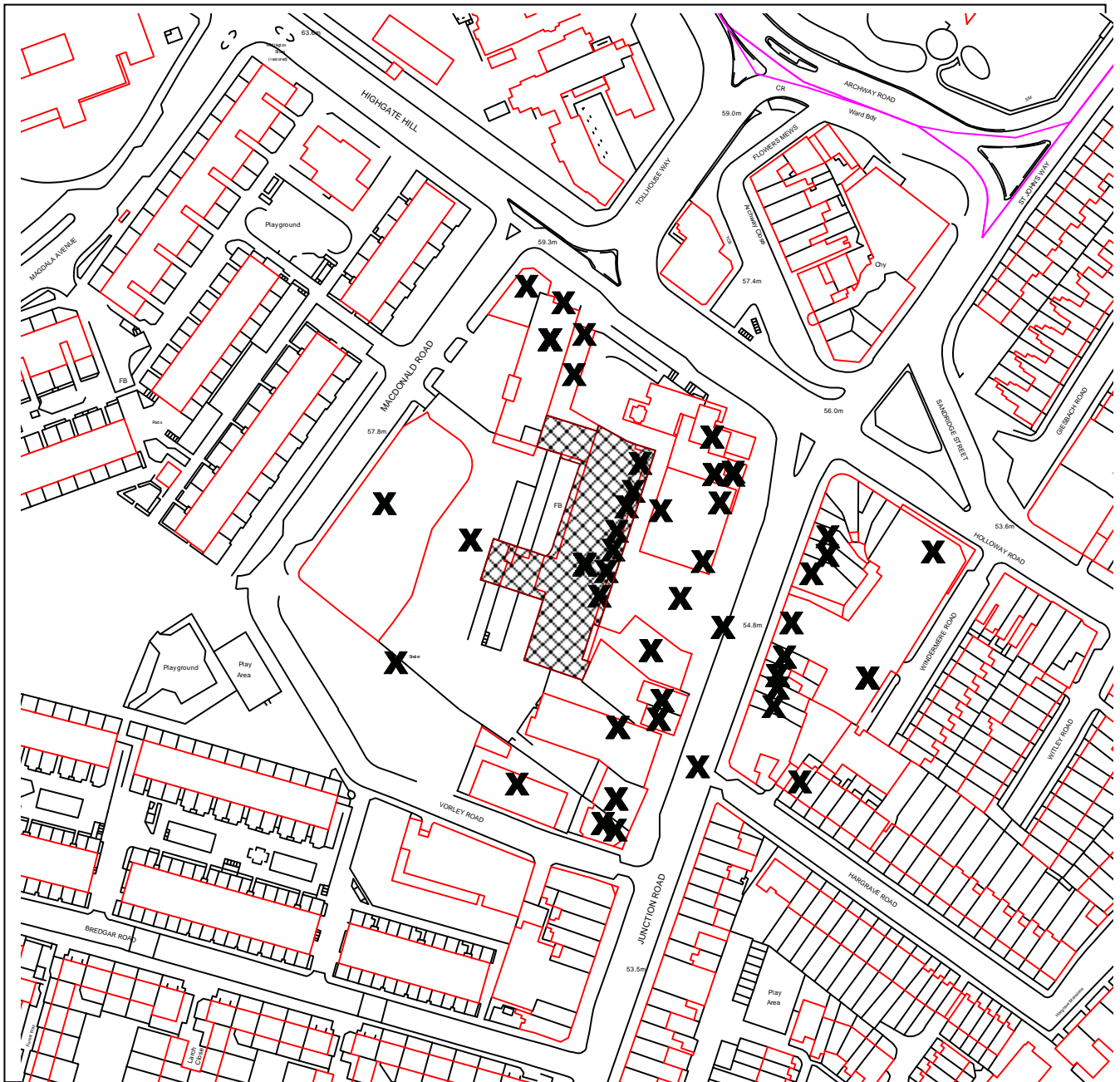
Luciana Grave

Design Review Panel Coordinator/
Design & Conservation Team Manager

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/3385/FUL

LOCATION: HILL HOUSE, 17 HIGHGATE HILL, LONDON, N19

SCALE: 1:2000

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