



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 - Islington Town Hall on **23 April 2018 at 7.30 pm.**

Yinka Owa
Director – Law and Governance

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Despatched : 15 April 2018

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

Wards

Substitute Members

Councillor Khan (Chair)	- Bunhill;	Councillor Chowdhury	- Barnsbury;
Councillor Donovan-Hart (Vice-Chair)	- Clerkenwell;	Councillor A Clarke-Perry	- St Peter's;
Councillor Picknell (Vice-Chair)	- St Mary's;	Councillor Williamson	- Tollington;
Councillor Nicholls	- Junction;	Councillor Gill	- St George's;
Councillor Fletcher	- St George's;	Councillor Wayne	- Canonbury;
Councillor Court	- Clerkenwell;	Councillor Poyser	- Hillrise;
Councillor Gantly	- Highbury East;	Councillor O'Halloran	- Caledonian;
Councillor Kay	- Mildmay;	Councillor Turan	- St Mary's;
Councillor Ward	- St George's;	Councillor Webbe	- Bunhill;
Councillor Convery	- Caledonian;		

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	
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B.	Consideration of Planning Applications	Page
1.	John Salt, 131 Upper Street, London, N1 1QP	5 - 28
2.	Kings Head Public House and Former North London Mail Centre, 115 and 116-	29 - 88

118 Upper Street, London, N1 1AE

3. Land at Wedmore Estate, Wedmore Street, London, N19 89 - 158

C. Consideration of other planning matters Page

D. 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.

Date of Next Meeting: Planning Committee, 7 June 2018

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 Lewis on 020 7527 3308. 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 - 19 March 2018

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 19 March 2018 at 7.30 pm.

Present: **Councillors:** Donovan-Hart (Vice-Chair), Picknell (Vice-Chair),
Nicholls, Gantly, Kay and Convery

Councillor Donovan-Hart in the Chair

376 **INTRODUCTIONS (Item A1)**

Councillor Donovan-Hart welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

377 **APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillors Khan, Court, Fletcher and Ward.

378 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

379 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

380 **ORDER OF BUSINESS (Item A5)**

The order of business would be B2 and B1.

381 **MINUTES OF PREVIOUS MEETING (Item A6)**

Officers advised Members that the printed minutes on page 7 of the agenda should be amended to read 'That Planning permission be granted for the part of the proposed development within the London Borough of Islington for the reasons outlined above and subject to: '

RESOLVED:

That the minutes of the meeting held on 1 March 2018 be confirmed as an accurate record of proceedings subject to the amendments stated above and the Chair be authorised to sign them.

382 **DIXON CLARK COURT, CANONBURY ROAD, LONDON, N1 2UR (Item B1)**

The construction of 41 new dwelling units comprising 6 x 1B2P, 6 x 2B3P, 25 x 2B4P, 3 x 3B5P and 1 x 4B6P with associated amenity space, for affordable and private homes, provided in five residential mews blocks ranging from 1 to 4 storeys in height and one residential block of 6 storeys in height, bicycle parking spaces and improvements to the public realm; the provision of 39sqm of space for community use; and the demolition of lock-up storage units and site management office, the demolition and relocation of the sub-station; and the conversion of two existing dwellings to bicycle, refuse and ancillary storage.

Planning Committee - 19 March 2018

(Planning application number: P2017/2936/FUL)

In the discussion the following points were made:

- The Planning Officer advised Members that the proposal will deliver a mix of high quality residential accommodation including family sized homes of which 27 (66%) will be affordable homes for social rent, a significant increase in affordable homes in accordance with London Plan (Policy 3.3). In addition the scheme would result in improvements to the public realm and the re provision of useable amenity space and qualitative improvements to the estate's landscaping.
- Members were advised that the scheme would result in the improvement to the frontage building onto Highbury Roundabout/Canonbury Road and the initial heights of the building had been reduced in light of concerns about the density of the site and trees have been retained to ensure that any impact on neighbouring amenity is minimised.
- Objectors welcomed the proposed regeneration of the area but had concerns with the impact of the scheme on the surrounding heritage assets such as Canonbury Conservation Area and the Grade II listed terrace dwellings along Compton Road. Other concerns included loss of privacy due to the height of block 6, the overdevelopment of the site, daylight and sunlight loss, the quality of accommodation, the loss of trees and car parking spaces.
- In response to the objectors concerns about loss of open spaces, Members were advised by the applicant that the proposed scheme would provide a large communal garden area along the boundary with the neighbouring school. In addition Members were informed that several new private gardens would be provided and new soft landscaping and tree planting along the frontage of the proposed new buildings.
- In response to an objectors concern that inaccurate verified views or CGI's had been used to assess the application, the Planning Officer advised that planning assessments, recommendations were not based on verified views or CCI but rather on scaled drawings and plans. On the issue said and Cllr Kay also reiterated that planning assessments, recommendations and decisions are not based on verified views or CGIs but rather on scaled drawings and plans. As such, presence of CGIs that may or may not be distorted do not influence decisions
- With regards to the loss of daylight, Members were advised that vast majority of neighbouring residential properties would not suffer noticeable losses of VSC and daylight distribution and would retain good levels of daylight and sunlight.
- In response to privacy concerns raised by residents on Compton Road, Compton Terrace, Canonbury Road and Compton Avenue, the Planning Officer advised that the separation distance was over 18 metres from the proposed buildings and windows within them. With regards to overlooking and privacy concerns from proposed roof terraces, the Officer advised that this had been addressed by condition 5 by ensuring that obscure glazing and privacy screens would be installed prior to the occupation of the relevant units.
- With regards to the impact of the noise levels during construction activities especially with neighbouring residents, Members were informed that a Construction Environmental Management Plan would have to be submitted before any works commenced so as to minimise any impact on the living environment and amenities

of local residents in terms of noise and disturbance, dust, noise, vibration and construction traffic.

- Members welcomed the scheme as policy compliant, delivering an appropriate balance between respecting the integrity of the estate on the one hand and providing high quality contemporary design on the other.
- Councillor Kay reiterated Planning Officers view that Committee's decisions were not based on verified views or CGI but on drawings and plans.
- Members acknowledged that the benefits as a result of the scheme outweighs any impact on the amenity of neighbouring residents especially as it would be providing social housing for local residents and enhance the area especially in light of the Highbury Corner redevelopment.

RESOLVED:

That planning permission be granted subject to the conditions and informatives and subject to the prior completion of a Director's Agreement securing the heads of terms as set out in Appendix 1.

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DOVER COURT ESTATE, INCLUDING LAND TO NORTH OF QUEEN ELIZABETH COURT AND GARAGES TO WEST OF AND LAND TO NORTH AND EAST OF THREADGOLD HOUSE, DOVE ROAD; GARAGES TO EAST OF ILLFORD HOUSE, WALL STREET; ROMFORD HOUSE MITCHISON ROAD; LAND TO EAST OF WESTCLIFF HOUSE AND ONGAR HOUSE, BAXTER ROAD; LAND TO EAST OF GREENHILLS TERRACE; AND GARAGES TO REAR OF AND BALL COURT TO WEST OF WARLEY HOUSE, BAXTER ROAD, ISLINGTON, LONDON, N1. (Item B2)

Application to vary condition 20 (Ballcourt Playspace Management and Maintenance Strategy) and 28 (Opening hours of ballcourt and associated floodlighting) of planning permission P2016/0391/S73 which granted permission for (summary): Demolition of existing two-storey residential building and 81 garages to allow for 70 new homes across 9 infill sites; alterations and extension to ground floor of Threadgold House to create a residential unit and community rooms; a part two, part three-storey terraced row facing Wall Street; a part single, part three and part four-storey extension to the north east corner of Ongar House; a four-storey extension to the west elevation of Ongar House; a three storey terraced row replacing Romford House; a four-storey block between Warley House and No.53 Mitchinson Road; part single, part two-storey terraced row to the end of Warley House; provision of new green space and sports/play facilities, including new ball court, cycle storage, public realm improvements across the estate; and relocation of Baxter Road to the front of Romford House; and associated amendments including increase in overall building heights.

CHANGES NOW PROPOSED: To extend the opening hours (including floodlighting) by 1.0 hour to 9.00pm.

(Planning application number: P2017/2621/S73)

In the discussion the following points were made:

- The Planning Officer informed Members that the application seeks to vary the condition of hours that had been conditioned when planning permission was granted in 2015, that it seeks to extend the opening hours (including floodlighting) by 1 hour to 9.00pm.

Planning Committee - 19 March 2018

- Members were advised that petitions both in support and objection to extending the use of the ball court by an hour had been received.
- The Planning Officer advised that the relocation of the ball court in closer proximity to neighbouring residents would act as a natural surveillance and potentially improve the security of the facility. In addition the Officer reminded Members that the ball court lies within a wider public amenity area which is accessible at any time of the day and night.
- Neighbouring residents highlighted a number of concerns such as noise pollution impacting on their private amenity and light pollution as a result of the proposed flood lights. Residents were concerned that the applicants were seeking to overturn a planning condition (to close the ballcourt at 8pm) that the Committee had imposed when planning permission was agreed in January 2015 to protect the amenity of the neighbouring residents.
- The objectors were concerned that extending the opening hours would be detrimental to the peace and wellbeing of residents and also to the occupants of the new block which was currently being built for the over-55s.
- In response to the objectors concerns about extending the hours of use, the applicant advised Members that closing the court at 8pm had resulted in a reduction in the amount of time available, with the result that it was causing tension and possible conflicts with the different groups wanting to use the ball court. Members were advised that the decision to revert to the original opening hours (9pm closing time) would address the demands of the various groups.
- Members welcomed the applicant's suggestion to reconsider ways to address resident's concerns about light spillage from the proposed flood lights and requested that condition 29 be reworded to ensure that the applicant resubmit a scheme to reconfigure the flood lights in consultation with residents and its impact assessed before implementation.
- A suggestion that condition 28 be revised so that the applicant demonstrates a coherent plan that the park is closed and flood lights are switched off at 9pm was agreed.

Councillor Kay proposed a motion to grant planning permission subject to amended conditions 28 and 29 noted above. This was seconded by Councillor Nicholls and carried.

RESOLVED:

That planning permission be granted subject to the conditions and amended conditions above set out in Appendix 1 and subject to 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 of the officer report.

The meeting ended at 8.55 pm

CHAIR

PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO: B1
Date:	23 April 2018	NON-EXEMPT

Application number	P2017/0802/FUL
Application type	Full Planning Application
Ward	St Mary's
Listed building	No
Conservation area	Upper Street (North)
Development Plan Context	Town Centre (Angel)
Licensing Implications	Premises licence required
Site Address	John Salt 131 Upper Street London N1 1QP
Proposal	Temporary change of use of the rear area of the John Salt to a theatre for use by the Kings Head Theatre Company and the construction of an acoustic lobby.
Case Officer	Peter Munnelly
Applicant	Sager House (Almeida Limited)
Agent	Mr Greg Cooper – Metropolis Planning and Design

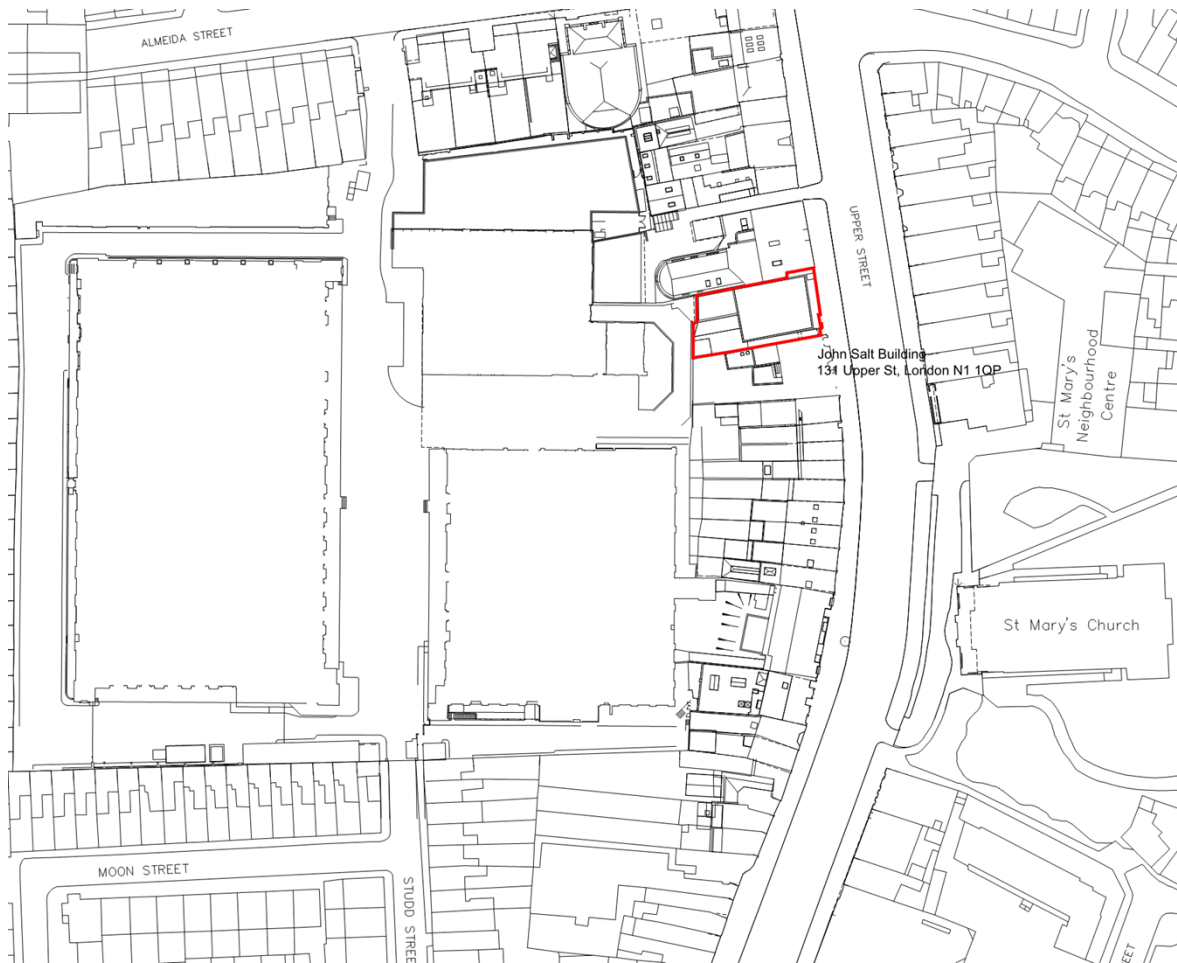
1.0 RECOMMENDATION

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

1. subject to the conditions set out in **Appendix 1**; and
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:

Site Plan
Figure 1: Site Plan



2.0 SUMMARY

- 2.1 It is proposed to use part of the existing bar at John Salt as a temporary venue for the Kings Head Theatre Group (KHTG). This will allow them to continue their programme of performances without a break during their transition from their existing premises at the King's Head Pub (at 115 Upper Street) to a new, permanent facility within the wider Islington Square development. The need for a temporary venue is necessitated by a not inconsiderable amount of construction work needed to the rear of the King's Head which would allow the formation of their new Theatre entrance area within the Islington Square development. Continuation of performances at the King's Head whilst this construction work took place was deemed unfeasible.
- 2.2 The Council, the KHTG and the developer, Sager anticipate that the stay for the KHTG within the John Salt will be for a maximum of around 18 months. Within that period the KHTG are required to secure funding for the fit-out costs of their new Islington Square theatre space. Following discussions with the KHTG and review of Business Plan documentation, officers are reasonably satisfied that this funding can be secured. The funding campaign will be assisted by Terms secured within an

overarching S106 Agreement (which also covers the accompanying main application to secure change of use for the new Theatre within the Islington Square development and a listed building consent application for the King's Head Pub, Refs. 2018/0800/FUL & 2018/0888/LBC respectively). The Terms include the developer fitting out the temporary theatre space, a ceiling on rent and that rent paid being held in an account and set towards the cost of the new Theatre's fit-out. Although the S106 Terms are designed to help ensure the KHTG's stay within the John Salt is a temporary one, any permission will be permanent, thereby ensuring an active theatre use will remain in this Upper Street location. Upon occupation of the new, permanent Theatre by the KHTG, the obligation to provide the John Salt space will fall away and it would be anticipated that the space would revert back to its original Class A4 use.

- 2.3 In terms of physical works the theatre will occupy the rear ground floor area and an office and dressing room suite on the first floor. The remainder of the basement, ground and first floor will continue as a public house (Class A4)..
- 2.4 The Council's consultation exercise resulted in a small number of responses from neighbours (2 no.) There was also responses from the Theatres Trust.
- 2.5 The proposal brings about one land use issue; whether it is acceptable for part of the consented A4 use at this location to become theatre space (sui generis). Notably the site is within the Angel Town Centre and theatre use, as a cultural facility and an evening and entertainment activity is one of a number of 'main town centre uses' which the Council's relevant development plan policies seeks to encourage in order to maintain the vitality of its town centres.
- 2.6 There will be no external physical alterations to the building physical alterations to allow the new theatre use are relatively minor and will help improve the vibrancy and diversity of Upper Street and it is not anticipated that there will be any reduction in neighbouring residential amenity. Similarly there are no implications for highways anticipated as result of the use change with service arrangements likely to be exactly the same as those that now exist for the King's Head Pub 100 m south at 115 Upper Street
- 2.7 The clear cultural related benefits of the proposed development to the Borough have been considered together with any potential adverse impacts. It is the officers' view that there are no material planning reasons for refusal and that along with use of condition and effective management, planning permission should be granted.

3.0 SITE AND SURROUNDINGS

- 3.1 131 Upper Street is a 4 storey, late twentieth century, brick building of unremarkable appearance. It enjoys Class A4 use (drinking establishment) over its basement, ground and first floors with second and third floor being in Class B1a office use. It is separated from its neighbour to the south (formerly the Mitre Pub) by a narrow passageway which gives access to an existing substation to the rear and also serves as a smoking area for patrons of the bar. The former Mitre Pub is proposed, under the Islington Square scheme, to become retail at ground floor with flatted accommodation at upper level. Access to these flats is yet to formally finalised but is likely to be from a doorway within the passageway. To the north of the John Salt building is

- 3.2 Heritage assets near or adjacent to the site include the Grade II listed St Mary's Church to the south east, the Grade II listed Post office building and King's Head Theatre on the eastern side of Upper Street to the south and the Grade II listed Almeida Theatre to the north. The site falls within the Upper Street (North) Conservation Area (CA19).
- 3.3 In terms of surrounding land uses, Upper Street with its retail uses and evening economy related uses is the dominant characteristic and the application building reflects this. However, adjoining roads such Almeida Street are almost all residential in character and incorporate late Georgian and early Victorian housing.
- 3.4 The site enjoys a PTAL 6b rating of Very Good, the second highest achievable. Angel and Highbury and Islington Underground/Overground Stations are 5 and 10 minutes walk away respectively and Essex Road train station is approximately 10 minutes walk. Numerous bus services to various locations both north and south of the site (Barnet, Archway, Hackney, Finsbury Park, Battersea, London Bridge and Oxford Street) run along Upper Street.

4.0 PROPOSAL (IN DETAIL)

- 4.1 It is proposed to use part of the existing bar at John Salt as a temporary venue for the Kings Head Theatre Group (KHTG) seating 113 people and to create an acoustic lobby. Part of the first floor will be used as office space and as dressing room area. A new brick built extension to the rear of the building will help to facilitate the acoustic lobby and the technical area for back of stage. The amount of floorspace utilised across the ground and first floors would amount to 133 sqm.
- 4.2 This application, along with those for the new Theatre and the King's Head Pub (Refs. 2018/0800/FUL & 2018/0888/LBC respectively) will be the subject of an overarching Section 106 agreement which will aim, amongst other things, to secure appropriate lease term arrangements for the King's Head Theatre Group on both the new theatre space with Islington Square and the temporary theatre venue at the John Salt which is the subject of this report. The aim of the legal agreement is to ensure theatre use is maintained in perpetuity either on the Islington Square development site or as close as possible to the site after the theatre use at the Kings Head Pub ceases. More specifically Terms relating to the John Salt which are designed to ensure this include the Developer fitting out the theatre space within the John Salt, a ceiling on rent and that rent paid being held in an escrow account and set towards the cost of the new Theatre's fit-out at Islington Square.

5.0 RELEVANT HISTORY

- 5.1 P072964 Variation of condition 3 of planning permission 990746 of 23 September 1999, as previously varied by planning permissions P040047 of 15 March 2004 & P052394 of 9 December 2005. Variation allows trading between the hours of 10.00 & 03.00 the next day on Fridays & Saturdays (previous finish time 02.00). Operating hours on other days remain unchanged (10.00 to midnight on Sundays to Wednesdays, & 10.00 to 01.00 the following day on Thursdays). APPROVED

- 5.2 990746 Erection of a roof and rear extension and change of use and associated alterations to provide a restaurant (A3 use) at basement, ground and first floors and B1 offices at second and third floor levels.

Background to the application

- 6.1 The King's Head Theatre, founded in 1970 has provided a high quality theatre programme at its current address in the heart of Upper Street since 1970. It's continued success links with the community are all objectives which the Council strongly support and are required to make provision for.
- 6.2 The Theatre has an extremely small auditorium only housing 110 seats. Its dressing room facilities are rudimentary.
- 6.3 The chance to secure a new permanent home within the Islington Square development less than a few metres from the The King's Head is seen as an unparalleled opportunity for the KHTG to secure its long-term future. That space earmarked is a demise of approximately 720 sqm largely set mainly over part of a lower basement and a mezzanine level element of what is commonly referred to as Block B and also includes circulation/access space on two levels above, an entrance lobby at ground floor off one of the main retail arcades within Islington Square and a small office at first floor. The space is provided as 'shell and core' and funding will need to be secured to fit out the Theatre and this report will later consider how the granting of planning permissions which are the subject of this report will assist in that regard. When complete the new venue will be equipped to meet the demands of a sustainable producing theatre with a main 270 seat auditorium, an alternative 80 seat studio, bar and high quality facilities for actors, production companies and audiences alike.
- 6.4 The need to undertake works to the rear of the existing King's Head Pub – the demolition of a 20th century lean-to feature which currently serves as dressing rooms - to the new theatre courtyard, means that it is not possible to complete the new Theatre Islington Square facility without interrupting the existing theatre programme for a period of time.
- 6.5 A suspension in the theatre's programme was not acceptable to the KHTG and as a result the applicant Sager undertook to provide alternative premises. The John Salt bar at 131 Upper Street was identified as suitable. A temporary relocation of the KHT to the 113 seat John Salt would clearly overcome the problem of the KHT 'going dark' and interrupting its programme and income stream. Furthermore the John Salt offers advantages on the current theatre space by way of improved dressing rooms, disabled access, a higher auditorium ceiling and a significantly longer lease offered than is currently the case with the existing venue. The John Salt is in close proximity to the existing Kings Head allowing all important presence to be maintained on Upper Street before any permanent move is made into Islington Square.
- 6.6 Significantly Sager, the Islington Square applicant, has also undertaken to fund the not insignificant fit out costs of the John Salt temporary auditorium and ancillary elements. Additional security for the KHTG is provided by the fact that the application for the part-change of use of the John Salt is for permanent use although

it is still the aim of the KHTG and Islington Council to ensure the KHTG move into their new purpose-built premises as soon as possible following closure of the King's Head. This will be dependent on effective fundraising by the KHTG. Although the KHTG suggest they would hope that no more than 18 months would be spent in the John Salt, it was considered appropriate that the application be made permanent to alleviate any risk of the new use needing to exceed the duration of a temporary permission. It is accepted by the Council that it would not object to the space reverting back to Class A4 use upon the KHTG taking up residency within their Islington Square permanent home.

- 6.7 In order for the relocation to go ahead each party needs the certainty provided by approval of the simultaneous applications i.e. this application and those referenced above. Certainty is also required by the Council that the KHTG will, as promised by Sager, be allowed to occupy, under favourable lease terms, both the new Theatre space and the John Salt (until vacated). It is aware that the three parties propose to enter into legal agreement between themselves, completion of which shall occur, on the grant of planning permission. It is proposed that the conditions and terms of these legal agreements shall be replicated in the Council's own Section 106 agreement which is to accompany the application which is the subject of this report.

7.0 CONSULTATION

Public Consultation

- 7.1 Individual letters detailing the planning application were sent to occupants of nearly 1000 adjoining and nearby business and residential properties on Upper Street, Moon Street, Almeida Street, Studd Street, Theberton Street, Milner Square on the 31 July 2017. Records show properties on Esther Anne Place and Shelley Place also notified – these are understood to be the new addresses created by the development. A total of 2 responses were received following this exercise (although as noted in the accompanying report for the main application and the listed building consent, a number of residents responded solely to these applications. A press advert was published and site notice displayed on 3 August 2017. The public consultation exercise expired on 24 August 2017 however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 7.2 The issues raised in those letters can be summarised as follows:

- Concerns that any works relating to the scheme would result in disruption and noise similar to that caused by the nearby Islington Square development and therefore would expect conditions in relation to the times of operation and times of arrival of workmen to be attached to any planning permission;
- The provision of a new Theatre is warmly welcomed but it crucial that the entry and exit be via Upper Street only.

Applicant's consultation

- 7.3 The applicant has carried out a regular consultation process with local businesses and residents since work began on the site. The principal form of consultation has taken the form of a newsletter which has been sent out in email and in hard copy

form to local businesses and residents and Islington Council. Throughout the construction period the developer has also maintained a show suite on Upper Street within which details of the scheme could be explained.

External Consultees

- 7.4 **Theatres Trust:** An initial letter received in August 2017 followed by a shorter letter in March 2018. Key sections of those letters are set out below:

24 August

'...The Theatres Trust welcomes the development of a new replacement theatre space for the King's Head Theatre, which is the subject of related application P2017/0800/FUL, given the many opportunities this creates for the theatre into the future, both artistically and operationally.'

We understand that in order for the development of the new theatre to proceed, part of the existing theatre needs to be demolished meaning the theatre will be unable to continue operating for the existing venue during construction. We therefore support the creation of a temporary theatre space at the rear of the John Salt as an interim venue. It is of a similar size and capacity and will help maintain its local audiences during construction of the new theatre. Our only concern operationally is the use of the stair linking the stage with the dressing rooms which is also the main stair for John Salt staff accessing the kitchens. This will have to be carefully managed to minimise conflict between the kitchen staff and actors waiting to go onto the stage, though we have been advised there is a dumb waiter that will be used that will hopefully avoid this becoming a problem. Otherwise, we are happy to recommend approval.'

This advice reflect guidance in Paragraph 70 of the NPPF which states that in 'promoting healthy communities', planning decisions should 'plan positively for cultural buildings', 'guard against the loss of cultural facilities and services', and ensure that such facilities 'are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.'

16 March

'...We appreciate the rationale behind making the change of use permanent, so that the theatre has some certainty in the shorter term to allow for any delays which may occur preventing them from taking the new permanent facility as anticipated. Therefore we cautiously support the permanent change of use.'

However, we have some logistical concerns as outlined previously regarding the sharing of backstage and kitchen areas at the John Salt and the capacity is slightly lower than at the current venue. Therefore we have reservations as to whether the John Salt could be an appropriate longer-term home that would meet the King's Head Theatre's artistic and operational needs to ensure its future viability.'

Internal Consultees

7.5 **Planning Policy:** No comment

7.6 **Building Control:** No comment

7.0 RELEVANT POLICIES

7.1 **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

7.2 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.

7.3 Since March 2014, Planning Practice Guidance for England has been published online.

Development Plan

7.4 The Development Plan is comprised of the London Plan 2016 (Consolidated incorporating Minor alterations), the Islington Core Strategy 2011, the Islington Development Management Policies 2013, and the 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

7.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Plan 2013:

- Conservation Area - Upper Street (North)
- Article iv (i) - Upper Street (North)
- Angel Town Centre
- Site Allocation AUS1 - (Almeida Street Sorting Office/Former North London Mail centre)
- Archaeological Priority Area – Islington Village and Manor House
- Within 50m of TLRN Road (Transport for London Road Network) (A1)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

8.0 ASSESSMENT

8.1 The main issues arising from this proposal relate to:

- Land use;
- Visual Amenity/Design;
- Neighbouring amenity;
- Highways and transportation;
- Energy conservation, sustainability and biodiversity;
- Inclusivity and Access;
- Other planning issues and
- Planning Obligations and safeguards, Community Infrastructure Levy and local finance considerations

Land use

8.2 Islington Square is a retail-led mixed use development that is intended to anchor the northern part of the Angel Town Centre which was redesignated in 2013 to include the Islington Square site. It is considered that there are two significant land use matters to assess within the main application. These are the loss of historically consented Class D2 (Assembly and Leisure) space within basement levels of Block B that is to be the location for the new Theatre and the loss of existing Theatre Space from the rear of the ground floor of the King's Head Pub. .

8.3 The National Planning Policy Framework (NPPF) has a 'Town centre First' thrust which requires LPAs to plan positively to support town centres to generate employment, promote competition and create attractive diverse places to live, visit and work. Within Annex 2 (Glossary) of NPPF Theatres are specifically referred to as a main town centre use.

8.4 Policy 4.6 of the 2016 London Plan 2016 (Consolidated incorporating Minor alterations) provides that the Mayor shall support the continued success of London's diverse range of cultural entertainment enterprises and that new development should have good access by public transport, be accessible to all and address deficiencies in facilities and provide a cultural focus to foster more sustainable local communities.

8.5 Policy DM4.2 (Entertainment and the night-time economy) of Islington's Local Plan indicates that entertainment and night-time activities are generally appropriate in Town Centres where they are compatible with other Town Centre uses, where they are compatible with other Town Centre uses, where there would not be a significant adverse effect on amenity, particularly residential amenity and where there is not an over-concentration of similar types of use.

8.6 Policy DM4.4 (Promoting Islington's Town Centres) of Islington's Local Plan function of Islington's four town centres. Part C of DM4.4 is considered most relevant in provides that the Council will seeks to maintain and enhance the retail and service that it indicates development within designated town centres is, amongst other things, is required to contribute positively to the vitality and viability

of the centre, promote a vibrant and attractive place and not cause detrimental disturbance from noise.

- 8.7 Policy DM4.10 (Public Houses) supports the retention of Public Houses and although generally the Policy concerns itself with provisions to prevent the loss of Public Houses, the policy does stress the importance attached by residents and visitors alike to historic Public Houses within the Borough.
- 8.8 Policy DM4.12 (Social and Strategic Infrastructure and Cultural Facilities) of Islington's Local Plan is a lengthy and detailed policy which acknowledges and seeks to maintain and enhance social infrastructure, strategic infrastructure and cultural facilities within the borough. More specifically Part A addresses the loss or reduction in social infrastructure. Part B sets out that the Council will require new social infrastructure and cultural facilities as part of large mixed use developments. Part C aims to ensure new social infrastructure and cultural facilities are conveniently and sustainably located and accessible to all, avoiding adverse impacts on surrounding amenity while Part D of the policy specifically requires that new cultural facilities that will attract significant numbers of visitors should be located in the Central Activities Zone or the Town Centres. Part E states that the loss and/or change of use of cultural facilities such as theatres will be strongly resisted.
- 8.9 Theatre use does not enjoy a designated use class under The Town and Country Planning (Use Classes) Order 1987 (as amended) and therefore the use is termed *sui generis*.
- 8.10 Both Policy DM4.2 and DM4.4 which both broadly seek to promote and manage entertainment uses and the night-time economy in Town Centres support the introduction of theatre use. Policy DM4.2 is clear in stating that entertainment and night-time uses include theatres. It states such uses are '...generally appropriate in Town Centres ...' where compatible with other main Town Centre uses and where there would be no significant adverse effect on residential amenity.
- 8.11 Similarly a theatre use in the proposed location would accord with the provisions of Policy DM4.4 in that the development would be appropriate to scale, character and function of the Angel Town Centre, contribute positively to its vitality and viability, help make it a more vibrant and attractive place, respect and enhance its character, meet Inclusive design policies and significantly not have an adverse impact on neighbouring amenity.
- 8.12 In assessing the proposal against DM4.12 it can be seen that as the proposed use is a cultural facility. Parts B-E are all relevant and the proposals are fully in alignment with these objectives which state that the Council will seek the provision of cultural facilities as part of large mixed-use developments, that such cultural facilities must be conveniently located and served by sustainable transport modes, that such facilities should provide buildings that are inclusive, accessible and flexible and that they should complement existing uses and character of the area avoiding adverse impacts on the amenity of the surrounding uses. In addition the proposal meets the requirement of DM4.12 (D) which states that new cultural facilities that are expected to attract significant numbers of visitors should be located in Town Centres and also (E) which sets out that the loss of cultural facilities such as theatres will be strongly resisted.

- 8.13 It is also important to consider that, subject to the provisions of the S106, there is no loss of theatre use as the space at the John Salt would re-provide 133 sqm of the theatre space that would be given up within the King's Head in the short term. It is considered that there is no conflict with Policy DM4.12 Part (E) which states that the loss and/or change of use of cultural facilities such as theatres will be strongly resisted.
- 8.14 In summary the changes of use are no considered contentious and are in accordance with those adopted policies referenced above, namely Policy 4.6 of the London Plan, and Policies DM4.2, DM4.4, DM4.10 and the relevant provisions of DM4.12 of Islington's Local Plan Development Management Policies Document.

Visual Amenity, Design

- 8.15 The application proposes relatively minor internal changes to the current building.
- 8.16 Islington's Core Strategy Policy CS9 seeks to protect and enhance Islington's built and historic environment states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 8.17 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.

The Theatre

- 8.18 Although the theatre fit-out works themselves do not require planning permission, the developer has provided detailed plans which allow a clear understanding of how the theatre will work and operate. On the basis of the internal changes and the fact that the changes must result in a venue which external parties would be willing to fund, it is considered appropriate to briefly consider the re-arranged layout and fit-out plans for the venue.
- 8.19 The Theatre will have a main auditorium with 113 seats at ground floor level. It will be accessed by the passageway at the side of the main pub and entered through an acoustic lobby formed through a new brick built extension. A control room for sound and lighting will also be contained in this new extension. A second acoustic lobby give access from the stage to the first floor and the dressing room area. In this way the theatre will be insulated from the noise of the pub also contained within the building and the escape of noise will be mitigated against.

- 8.20 The theatre will utilise previously consented service and delivery arrangements for this space and M&E provision. These matters will be considered in more detail later in this report.
- 8.21 In summary the fit-out is intended to create a suitable temporary replacement for the existing space at the Kings Head.

Neighbouring amenity

- 8.22 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This policy is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook. Policy DM4.2 states that proposals for entertainment uses (and this proposal seeks to intensify an entertainment use) will need to demonstrate that they will have no adverse impacts on amenity. The supporting text to this policy suggests that such uses can contribute positively to the vitality and vibrancy of areas including enhancing perceptions of personal safety by providing informal surveillance for passers-by. The text goes on to state that '*...if not properly managed, such uses can result in adverse effects on surrounding neighbourhoods, with adverse amenity effects generated from such factors such as noise and anti-social behaviour, particularly late at night*'. The Policy indicates that entertainment uses will generally be directed to Islington's Town Centres although regard will be had to proposed hours of opening, operation and servicing and measures to mitigate odour and noise from the premises.
- 8.23 Given the relatively small amount of external physical building work in respect of both of these elements it is considered that there will be no resulting issues of overshadowing, overlooking, privacy, daylight and sunlight, over-dominance, sense of enclosure or outlook to any residential occupiers, existing or future. The matter of potential noise disturbance and odour should however be carefully considered with particular regard to the consented residential properties within the adjoining building at 129 Upper Street whose windows face towards the Islington Square development,

The New Theatre Use

- 8.24 Notably many of the representations received by the Council following its application publicity exercise indicated concern that theatre goers would cause possible disturbance and harm to residential amenity upon exiting the theatre after evening performances.' A condition will be attached to any planning permission if granted requiring that theatre goers disperse from Upper Street. Given that the existing John Salt has approved opening hours until 3am and the theatre space partially replaces the opportunity for larger numbers of people to be exiting at this time, it is considered reasonable that there will be no additional nuisance over and above that which may already be experienced.

- 8.25 It is proposed to limit the hours of the theatre . A further condition will require the provision of a Management Plan which, amongst other things, will detail how it is proposed to ensure that people leave the theatre when a performance has finished and that the side door to the passage way is closed after XXX pm to prevent disturbance to residents at 129 Upper Street. This would not preclude theatre goers from staying on at the John salt however and using the bar facilities in the normal way.
- 8.25 Noting the town centre location, it is considered that cumulatively, the restricted hours of use of the theatre, the requirement for a management plant and the new plant noise related conditions will ensure an appropriate level of amenity for neighbouring residents, both existing and those that will shortly move into the nearby flats. The proposals can therefore be said to be in accordance with London Plan Policy 7.6 and both Policies DM2.1 and DM4.2 of the Islington Development Management Policies Document which all seek to protect neighbouring amenity.

Highways and transportation

- 8.26 Policy CS10 of the Core Strategy encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Policy DM8.2 of the Development Management Policies Document provides, inter alia, that development proposals are required to fully mitigate any adverse impacts on the safe and efficient operation of transport infrastructure, including pavements and any walking routes, and maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians and cyclists. DM8.4 provides that major developments are required to provide cycle parking which is secure, sheltered, step-free and accessible. Policy DM8.6 provides that delivery and servicing should normally be provided off-street, but where on-street servicing is proposed, details must be submitted to demonstrate the need for on-street provision, and show that arrangements will be safe and will not cause a traffic obstruction.

Car Parking

- 8.27 Whilst all streets surrounding the development are Controlled Parking Zones (CPZs) there are some limited blue-badge permit parking spaces on nearby Gibson Square and Theberton Street. Given its excellent PTAL rating and town centre location it is anticipated that practically all staff and the vast majority of patrons visiting both the theatre and the pub will utilise public transport.

Deliveries and servicing

- 10.27 Servicing arrangements for the new operation at the John Salt will remain unchanged from the current arrangements at the Kings Head. Programme changes will require sets to be moved in and out of the theatre but it is envisaged that this should not present any particular problems with sets delivered and removed from on street loading bays on Upper Street..

- 10.28 It will be considered appropriate for this DSP to reference the theatre servicing arrangements and the document will need to be approved by the Council in consultation with TfL.
- 10.29 In summary it is considered that as a result of the use changes there will be no significant increase in servicing trips associated with the development and those trips associated with the proposed new use are considered to be manageable and would not have any adverse impact on the overall proposed servicing regime or more widely, the local road network.
- 10.30 On the basis of the above assessment it is considered that the development accords with Policies DM8.2 (developments to ensure safe and efficient operation of transport infrastructure), DM8.4 (cycle parking), Policy DM8.5 (Part B) (development shall be car-free) and Policy DM8.6 which requires that delivery and servicing should normally be provided off-street.

Accessibility/ Inclusive Design

- 10.31 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design, and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime. Developers are also required to have regard to Islington's own Inclusive Design and SPD and the Mayor's SAPD on accessibility.
- 10.79 A range of measures and provisions have been included in the proposals to allow for a high standard of accessibility and inclusivity and the interventions can be summarised as follows:

- **Car Parking**

A red route access bay immediately outside the entrance to Islington Square on Upper Street provides 3 hour parking for blue badge holders 7am to 4pm and this bay provides convenient parking with level access to the theatre.

The main approach to the building on Upper Street will have level access, be free of obstruction and will allow wheelchair access. Separate surfaces will be provided at the main entrance, providing a change of texture to help define the entrance for visually impaired users, while also being of a material that will not impinge any access for wheelchair users;

In terms of the performance spaces, seating is designed to accommodate access patrons, with a variety of seats at Stage Level able to be removed to provide spaces for wheelchairs with companion seats nearby. Since the stage areas will be placed at the same level as the front row of audience seating, access for those with limited mobility will be unobstructed and many options for transfer into seats will be available.

Dressing rooms at first floor level will be provided.

- **WC provision**
A fully accessible WC is provided at ground floor level.

Signage and Communication

All public areas will be clearly defined by directional signage, which will be located at approximately 1400mm and will again be clearly defined from its background and well lit.

- **Means of Escape**
Means of escape is through the existing arrangement. The King's Head Theatre will develop a management plan, which will be included within the building's risk assessment report, and which will highlight the management regime for evacuating disabled occupants and identify personnel capable of undertaking assisted evacuation of occupants requiring such assistance. A detailed fire strategy will be prepared and submitted as part of the Building Regulation Approval process.

10.81 The above measures and proposals are welcomed, considered acceptable and in compliance with Policy DM2.2 of the Development Management Policies Document which as indicated above requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.

Waste and Recycling Strategy

10.84 Policy DM8.6 (Delivery servicing for new developments) Part C requires that for major developments details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores.

10.85 Much like the servicing arrangements, it is anticipated that the waste arrangements for the new theatre will change little, if at all, from the existing and consented pub use. Theatre waste will be modest and relate primarily to the bar and back of house operation.

10.86 The applicant has provided satisfactory evidence that the change of use will not require any further waste and recycling provision than has already been approved. In this regard the scheme can be said to accord with Policy DM8.6 which relates to delivery and servicing for new developments.

Planning Obligations, Community Infrastructure Levy and Local Finance Considerations

Community Infrastructure Levy

10.94 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014, the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would not

be chargeable on the proposed development for change of use on grant of planning permission.

Section 106 Agreement

- 10.87 A Section 106 Agreement is considered necessary in order to mitigate the impacts of the proposed development. The most significant terms to the Agreement will be the granting of reasonable leasehold terms to the KHTG, by the developer (with Young's party to the agreement) on both the proposed new Islington Square theatre space and that at the bridging venue, the John Salt. These terms which include a 20 year lease on the John Salt and rent no greater than paid currently on the King's Head theatre space, and a similar lease length on the new theatre at a peppercorn rent.
- 10.88 It should be noted that the proposed Terms would, in effect, vary the originally proposed development description that was mutually agreed after a lengthy period of negotiation. Part of the description sought to restrict use of the theatre space within the King's Head Pub for pub use until the KHTG occupied their new premises in the Islington Square development. The draft Heads now seek to allow that King's Head space to be used upon occupation of the John Salt pursuant to relevant lease terms. The implications of this change are significant in that the original description was drafted to incentivise the developer into ensuring the KHTG occupied their purpose built space within Islington Square as soon as was practicably possible. The terms now would allow use of the King's Head theatre space as pub space as soon as refurbishment work was completed with the danger that if the KHTG cannot raise necessary fit-out funding, they could remain in the John Salt indefinitely which is not considered to be a suitable long term replacement for the existing theatre.
- 10.89 The argument put forward by the developer in seeking these Terms is that the length of leaseholds and the low rents are sufficient to allow the KHTG to convince external funders of the likelihood that their long term future will be within Islington Square with the result that funding for the fit-out will be more easily secured.
- 10.90 The Agreement will be applicable to both applications that are the subject of this report and the accompanying Change of Use application relating to the John Salt. The proposed Heads of Terms are listed, in full, in Appendix 1 (Recommendation A) below.
- 10.91 It should be noted that the wider development (or that relating to Block A,B,D & F) was subject to a S106 agreement featuring extensive obligations. The majority of these obligations (including financial contributions) pursuant to the S106 Agreement dated 2 July 2007 (relating to P052245) and its subsequent 2014 Variation (relating to P2013/2697/S73) have already been met, with a number of the non-financial measures relating to construction and operation either in place, or ready to be put in place. The Council will continue to monitor and pursue any outstanding obligations relating to this agreement as a matter of course.

11.0 CONCLUSION

- 11.1 The application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.

- 11.2 The benefits of the proposed development, namely the securing a modern, accessible, inclusive and financially sustainable home for one of Islington's key cultural institutions for the foreseeable future have been considered in the balance of planning considerations. Officers are of the view that these benefits, which would also see the Islington Square development gain an important arts based attraction, together with the adequate arrangements that would be put place to ensure the Theatre has an appropriate temporary home (The John Salt), significantly outweigh any potential adverse impacts which may arguably include the 'loss' of the original Theatre space in the King's Head Pub. In the balance of planning considerations, the positive aspects of the proposal significantly outweigh the disbenefits. On this basis, approval of planning permission is recommended.

Conclusion

- 11.3 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 2 - RELEVANT POLICIES

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

A) The London Plan 2016 - 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 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

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

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.5 London's visitor infrastructure

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

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 5.11 Green roofs and development site environs

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and

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 6.5 Funding Crossrail and other strategically important transport infrastructure

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

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

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 7.8 Heritage assets and archaeology
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.19 Biodiversity and access to nature

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.

Since March 2014 Planning Practice Guidance for England has been published online.

2 Development Plan

The Development Plan is comprised of the London Plan 2016, 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:

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Infrastructure and Implementation

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

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.5 Landmarks

Shops, culture and services

DM4.2 Entertainment and the night-time economy
DM4.3 Location and concentration of uses
DM4.4 Promoting Islington's Town Centres

Employment

DM5.2 Loss of existing business floorspace

Health and open space

DM6.1 Healthy development
DM6.5 Landscaping, trees and biodiversity

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
DM8.6 Delivery and servicing for new developments

Infrastructure

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

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington Local Plan

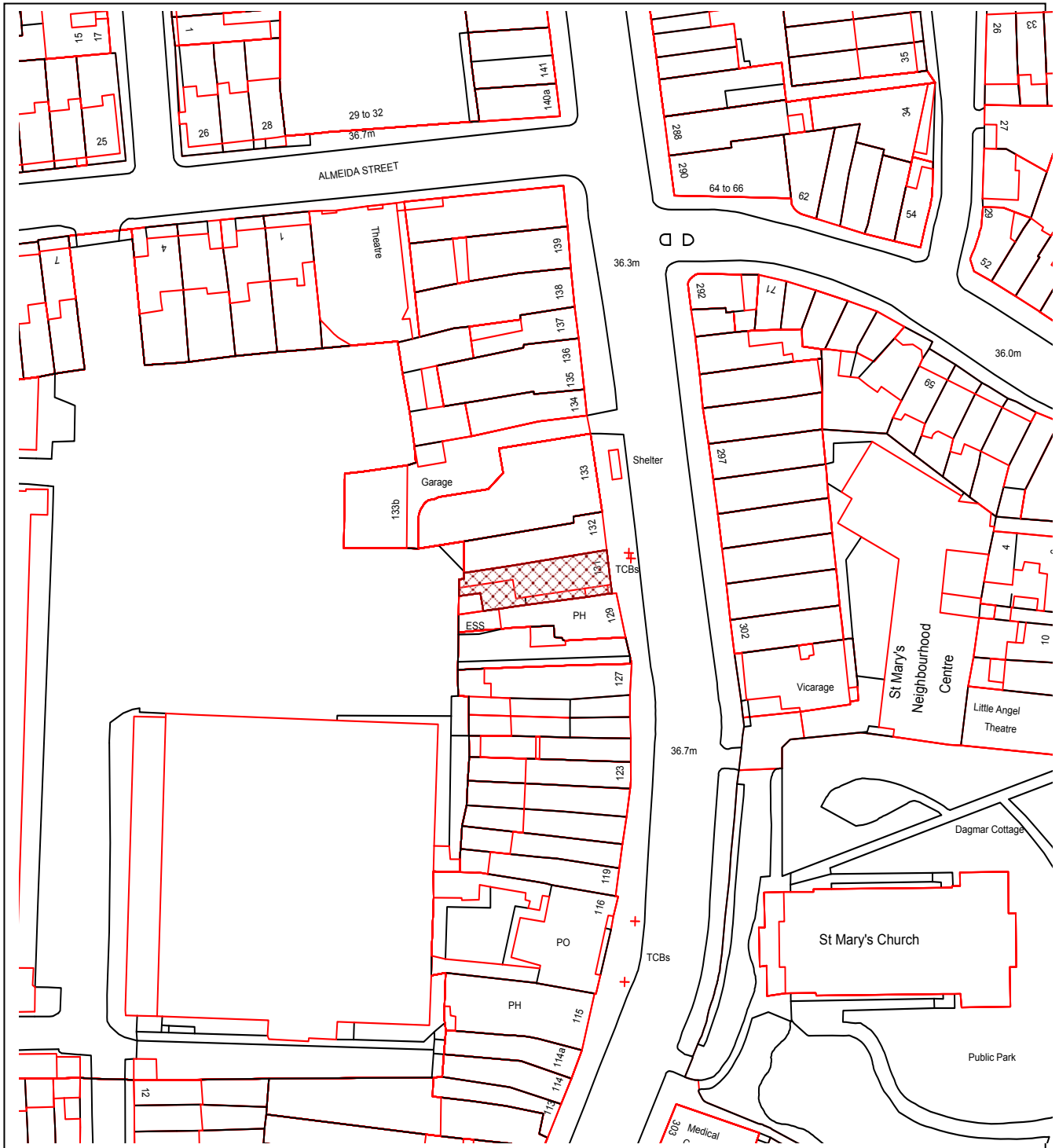
- Environmental Design
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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Islington SE GIS Print Template



Due to a technical problem this map does not accurately the full scope of consultations undertaken. We are working to resolve this problem, but in the interim please refer to the officer's report for information concerning the consultation.

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PLANNING COMMITTEE REPORT

PLANNING COMMITTEE	AGENDA ITEM NO: B2
Date: 23 April 2018	NON-EXEMPT

Application number	P2017/0800/FUL
Application type	Full Planning Application
Ward	St Mary's
Listed building	Yes
Conservation area	Upper Street (North)
Development Plan Context	Town Centre (Angel)
Licensing Implications	Premises licence required
Site Address	Kings Head Public House and Former North London Mail Centre, 115 & 116-118 Upper Street London N1 1AE
Proposal	The provision of a 360 seat theatre consisting of the main auditorium (of up to 276 seats) and an additional theatre space (of up to 84 seats) in Block B of the Islington Square development at ground, first, and basement levels; a new entrance lobby courtyard between the east elevation of Block B in Islington Square and the rear of 115 Upper Street; variation to retail unit G1 in Islington Square to facilitate access to the proposed Kings Head Theatre entrance; formation of a canopy over the new entrance; the use of all the King's Head theatre space at 115 Upper Street as a public house when the King's Head theatre takes up occupation of its lease within Islington Square; erection of a first floor extension to the King's Head; installation of new plant to the rear; works to the first floor roof terrace; re-instatement of a rooflight to the ground floor rear room.

Case Officer	Peter Munnelly
Applicant	Sager House (Almeida Limited)
Agent	Mr Greg Cooper – Metropolis Planning and Design

Application number	P2017/0888/LBC
Application type	Listed Building Consent
Listed building	Yes
Conservation area	Upper Street (North)
Site Address	King's Head Public House
Proposal	Demolition of the lean-to dressing room at the rear of 115 Upper Street; erection of a first floor extension to the King's Head; installation of new plant and plant enclosure to the rear; works to facilitate the first floor roof terrace; re-instatement of a rooflight to the ground floor rear room; refurbishment and conversion of rear room and alterations to front bar and reconfiguration of existing upper level ancillary staff accommodation.

1.0 RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission (2017/0800/FUL):

1. subject to the conditions set out in **Appendix 1**; and
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:

The Committee is asked to resolve to **GRANT** listed building consent (2017/0888/LBC):

1. subject to the conditions set out in **Appendix 1**; and
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**.

2.0 SITE PLAN

Figure 1: Site Plan

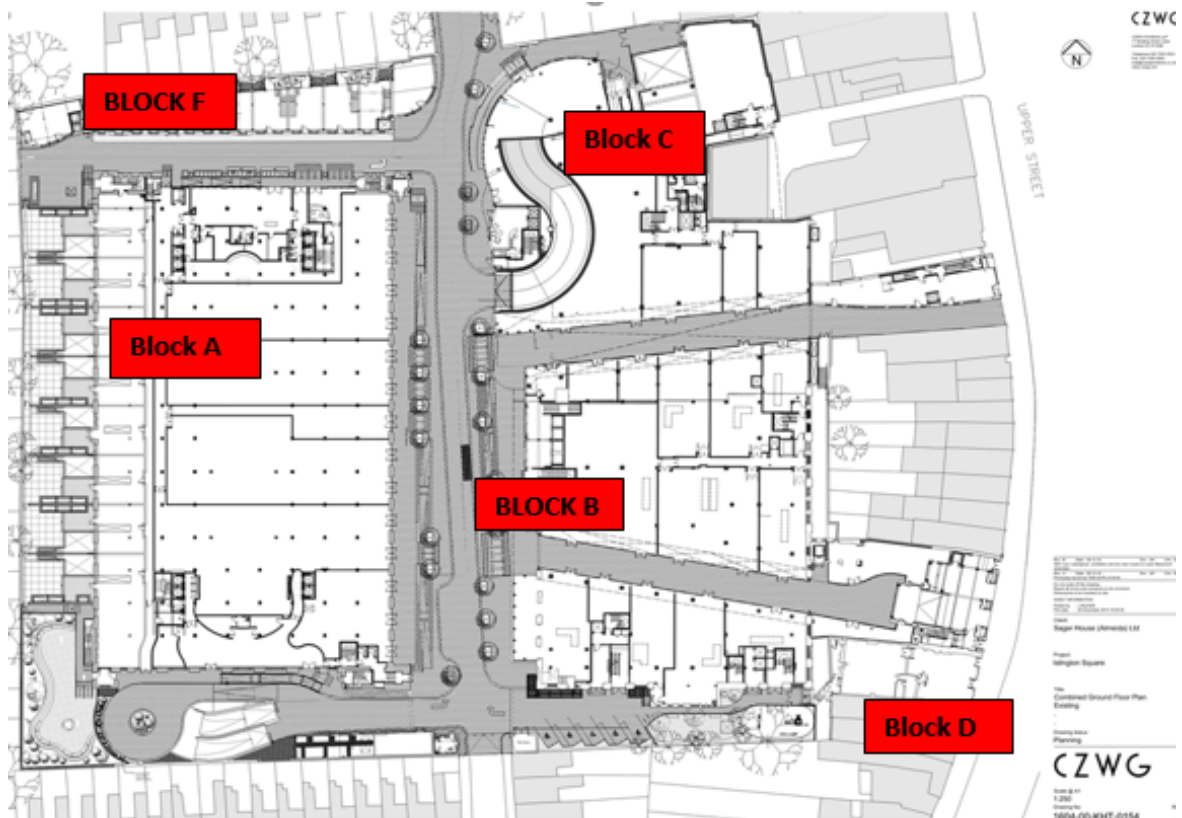
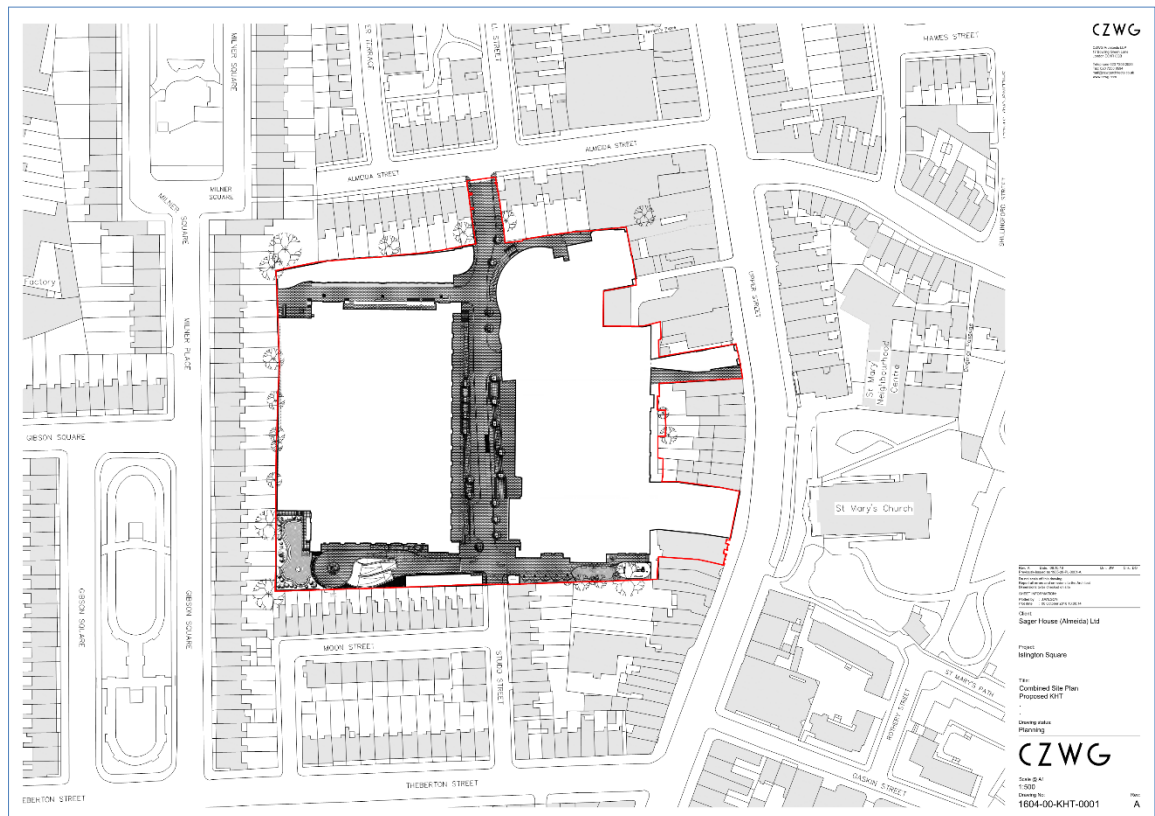


Figure 2: Ground Floor Block Arrangement

3.0 PHOTOS OF SITE/SPACE

Figure 3. Site viewed from the east



Figure 4: Site viewed from the north looking onto the flat roof of the King's Head



Figure 5: Looking south across rear of King's Head showing lean-to



Figure 6: King's Head Lean-to and east face of Block B



4.0 SUMMARY

- 4.1 The overall scheme comprises of a planning application for relatively minor physical works and changes of use to the almost complete Islington Square mixed use development. A listed building consent application has also been made to allow the various internal and external alterations to the Grade II King's Head Public House. The works seek to provide a new theatre for the King's Head Theatre Group (KHTG) across a small part of principally 2 sub-ground levels of an existing, refurbished building within the development, which was granted Class D2 leisure use across the whole of its basement area.
- 4.2 The scheme is partly driven by the KHTG being provided with an opportunity to leave their small and rather challenging current home within the Pub which is becoming unfit for purpose despite its undoubted character. The KHTG would be granted favourable lease terms for the new theatre space although they would be required to fund its fit-out themselves as it currently stands in shell and core form. The vacated theatre space would become part of the Pub which would undergo refurbishment itself, the main feature of which would be a new roof terrace.
- 4.3 Work would also see the removal of a lean-to structure at the very back of the Pub which houses dressing room facilities. The removal of this would allow the formation of a new courtyard space in front of the Theatre's new ground floor entrance foyer. The courtyard would be accessed through the main development's South Arcade which is one its principle retail through routes.
- 4.4 Another significant element to the proposals is an accompanying application for the John Salt Bar at 131 Upper Street. It is proposed to use part of the bar as a temporary venue for the KHTG as the works to create the courtyard and the desire for the KHTG to continue with their performance programme without a break, mean moving straight into the new venue is not possible. This change of use application is the subject of a separate application.
- 4.5 The actual application site comprises a section of the south east corner of the main Islington Square development site – principally ground and lower levels of a former distribution building and also includes the King's Head Public House which fronts Upper Street. In relation to the new Theatre space there will sub-ground level access to a number of other parts of the wider development but ground floor access will be via a new entrance off the aforementioned South Arcade which will take visitors into the new part-covered courtyard and entrance doors.
- 4.6 The Council's consultation exercise resulted in a relatively modest amount of representation. The nearby Moon Street and Studd Street Resident Association responded and echoed most other respondents in broadly welcoming the proposals but requesting that visitors to the Theatre should leave via Upper Street following the end of performances in the evening.
- 4.7 The proposals bring about two main land issues. Whether it is acceptable for the consented Class D2 use to become theatre space (*sui generis*) and whether it is appropriate for the theatre space within the King's Head pub to be subsumed within the Class A4 Pub use. Notably the site is within the Angel Town Centre and theatre

use, as a cultural facility and an evening and entertainment activity is one of a number of 'main town centre uses' which the Council's relevant development plan policies seeks to encourage in order to maintain the vitality of its town centres. When the relatively small overall percentage of Class D2 floorspace lost (it is proposed that there will still be a Gym and Cinema adjacent to the theatre) it is considered that there is no significant land use issue in regard to the reduction of Class D2 space.

- 4.8 In regard to what amounts to the intensification of the Class A4 use within the King's Head Pub through the move of the KHTG to new premises, it can again be highlighted that Class A4 is an established and obvious town centre use. Government guidance and the development plan encourage such uses and furthermore also seek to protect and retain pub uses generally which have, for a number of years, been threatened, particularly in London. In floorspace terms the 132sqm of theatre space to be given over does not represent a significant figure and crucially the theatre space being given over is not lost, rather re-provided in a new, nearby location. The proposed land use change is thus considered in accordance with policy.
- 4.9 The physical alterations to allow the new theatre use are relatively minor and will actually help improve the vibrancy and diversity of the Islington Square development. The creation of the new courtyard through the removal of the King's Head lean-to is welcomed. The space, which will be part-covered will represent a pleasant area away from the bustle of the retail mall, for theatre goers to meet before entering the theatre via its new east facing entrance where a small foyer, lift and stairs will take them down to the main auditoriums. The route through to the courtyard will be created by removing a section of Retail Unit G1 with the exact width of this 'doorway' still to be finalised and thus condition.
- 4.10 The external works to the King's Head large relate to the formation of a roof terrace at first floor level. They principally include provision of a small extension, a central rooflight, plant and enclosure and a ducting which discharges above eaves level. The works are not regarded as contentious as the main historic interest of the building relates to its frontage and interior. The internal works proposed are largely welcomed as the refurbishment works will result in the re-instatement of a number of historic features. There are a number of interventions that are however considered unacceptable and alternative proposals will need to be sought for these.
- 4.11 In terms of neighbouring amenity the new pub terrace represents the only significant potential threat both in terms of noise from patrons and plant noise. Through a relatively strict conditions regime including the specific noise levels to be attained by plant, post-operative reports, closing of the terrace at 2100hrs, no vertical drinking and the requirement to submit and have approved a management plan, it is considered that nearby existing flats and those proposed within the development will not suffer undue harm.
- 4.12 Highways assessment of the land use changes has understandably led to the conclusion that trip generation will largely remain the same for the theatre use as it was for leisure use. TfL are satisfied with this conclusion and it is also assumed that servicing, waste and recycling requirements will not differ largely from those of the permitted leisure use. It is therefore proposed to use those facilities already consented within the main development in relation to these needs.

- 4.13 The new theatre will include a raft of access related design features and these have been welcomed by the Council's own Access officer. The scheme provides little in the way of upfront sustainability or low energy features and this seen as perhaps an unfortunate hangover from the main Islington Square scheme itself, which, other than its green roofs, seems to provide little in the way of genuine carbon reduction design features. A condition requiring a fully sustainable approach to the theatre fit-out and its operation is proposed to try and offset this issue.
- 4.14 A Section 106 agreement covering the two applications which are the subject of this report and the John Salt will seek to ensure favourable lease terms for the KHTG both for their stay at the John Salt and for their longer term home within Islington Square. Such terms are important as external parties and organisations will be more willing to provide funding for the KHTG in the knowledge they have a secure home.
- 4.15 The clear cultural related benefits of the proposed development to the Borough have been considered together with the potential adverse impacts, particularly relating to neighbouring amenity. It is the officers' view however that such issues can be suitably controlled by condition and effective management and on balance planning permission should be granted.

5.0 SITE AND SURROUNDINGS

- 5.1 The greater development site is bounded by Upper Street to the east, Moon Street and Studd Street to the south, Almeida Street to the north and Gibson Square to the west. A distinction may be drawn between this and the redline boundary for the main application which is the subject of this report which features an area to the south east corner of the development site under which the new theatre element would be sited, together with the King's Head Pub.
- 5.2 The wider site currently features a part-implemented scheme which is expected to be completed in 2019. In terms of coverage the site area consists principally of a large, red brick Edwardian period sorting office to the western side historically known as 'Block A' (Retail and Residential), the grade II listed Post Office building at 116 Upper Street which is referred to as 'Block D' (retail), a single storey building to the rear of Almeida Street known as 'Block F' (Office or retail) and, to the south east (and to the rear of Upper Street) a 5 storey building consisting of retained façade which was the former distribution building and is referred to as 'Block B', (residential, retail and leisure). These buildings together have generally been referred to as Site 1 as they were the first to be granted planning permission.
- 5.3 A new building, 'Block C' (residential and retail) is to the north east of the site and a pedestrian walkway leading off Upper Street into the site separates this element from 'Block B'. Its construction incorporates the former Mitre Public House which fronts Upper Street. The building, with roof structures rising to 5-storeys replaces the former Islington Delivery Office, an unremarkable late 20th century building. This element of the wider scheme has generally been referred to as Site 2.
- 5.4 As indicated, the King's Head Theatre also features within the red line site boundary. Fronting Upper Street (No.115) and Grade II listed (1994) this 3 storey building

dating from 1864 is ornately decorated both internally and externally with polished granite columns, curved bay windows, external wood panelling, granite fireplaces and an island/back bar. Its theatre space to the rear is rather more functional and also features a lean-to extension which houses basic dressing room facilities. The Theatre opened in 1970 and is said to be one of the first Theatre Pubs in London.

- 5.5 Outside of the redline boundary although integral to the wider development, as it will serve as the showpiece entrance from Upper Street, is the aforementioned Grade II listed Post Office building at 116 Upper Street. Purpose built around 1906, constructed of brick with stone dressings and a slate roof. It has an elaborate street frontage of red brick and stone which rises above its stock brick terraced neighbours. It is five storeys over basement with a ground floor are decorated with banded rustication and flat arched entrances with architraves in polished granite. There is a centrepiece in the form of four caryatids flanking the third floor window band and supporting a small balcony at fourth floor.
- 5.6 Other heritage assets near or adjacent to the site include the Grade II listed St Mary's Church opposite the Post office building and King's Head Theatre on the eastern side of Upper Street, the Grade II listed Almeida Theatre whose rear backs onto the to the north of the site and a number of terrace houses immediately adjoining the western site boundary on Gibson Square which are also Grade II listed. Both the wider development site and the application site fall within the Upper Street (North) Conservation Area (CA19) whilst the wider development site shares its northern, southern and western boundaries with the Barnsbury Conservation Area (CA10).
- 5.7 In terms of surrounding land uses, Upper Street with its retail uses and evening economy related uses is the dominant characteristic. However, adjoining roads such as Moon Street and Almeida Street are almost all residential in character and incorporate late Georgian and early Victorian housing.
- 5.8 The site enjoys a PTAL 6b rating of Very Good, the second highest achievable. Angel and Highbury and Islington Underground/Overground Stations are 5 and 10 minutes' walk away respectively and Essex Road train station is approximately 10 minutes' walk. Numerous bus services to various locations both north and south of the site (Barnet, Archway, Hackney, Finsbury Park, Battersea, London Bridge and Oxford Street) run along Upper Street.

6.0 PROPOSAL (IN DETAIL)

- 6.1 The main proposal seeks planning permission for the change of use of already consented assembly and leisure space (Class D2) across a number of sub-ground levels (lower basement, lower basement mezanine level, combined basement, combined intermediate basement) of the now largely built Block B. The new use will see the introduction of a 360 seat theatre (sui generis) consisting of the main auditorium (of up to 276 seats), an additional space (allowing up to 84 seats), bar and circulation space.
- 6.2 Other key elements of the application are as follows:
- the formation of a new courtyard between the east elevation of Block B in Islington Square and the rear of the King's Head Pub at 115 Upper Street;

- variation to retail unit G1 in Islington Square to facilitate the entrance lobby and easier access to the proposed Kings Head Theatre entrance;
- formation of a canopy over the new theatre courtyard at ground floor within the Islington Square south entrance arcade;
- the use of all the King's Head theatre space at 115 Upper Street as a public house (Class A4) on relocation of the King's Head Theatre Group;
- erection of a first floor extension to the King's Head to allow a new means of escape stair;
- installation of new plant and enclosure to the rear of the King's Head;
- works to facilitate a new first floor roof terrace and a re-instatement of a rooflight to the ground floor rear room;

6.3 There are two 'enabling' applications accompanying the main planning application. These are a listed building application for internal and external works to the King's Head itself (P2017/0888/LBC) and a part-change of use application for the John Salt at 131 Upper Street (2017/0802/FUL) The John Salt application will seek to secure use of part of the bar as a bridging venue for the King's Head Theatre Group (KHTG) whilst funding for the fit out of the Islington Square venue is secured and the works implemented. As the John Salt stands outside the main application boundary the application will be reported on separately although will feature on the same agenda as this application and the accompanying listed building application.

6.4 Key elements to the listed building application for the King's Head are as follows:

- demolition of the lean-to dressing room to the the ground floor rear;
- erection of a first floor extension;
- installation of new plant and enclosure to the rear;
- works to allow the formation of a first floor roof terrace;
- re-instatement of a rooflight to the ground floor rear room;
- refurbishment and conversion of the existing theatre space, alterations to front bar and reconfiguration of existing upper level ancillary space to create additional function room and staff accomodation;

6.5 It is proposed to change part of the rear area of the John Salt bar at 131 Upper Street bar from drinking establishment use (Class A4) to that of a theatre (sui generis) to allow the Kings Head theatre to maintain a permanent home following them vacating the King's Head and prior to occupying the new purpose built theatre venue within the Islington Square development. The proposed John Salt theatre space amounts to 88sqm at ground floor providing 113 seats with 44sqm of office/ancillary accommodation given over at first floor.

6.6 It is envisaged that all three applications will be the subject of an overarching Section 106 agreement which will aim, amongst other things, to secure appropriate arrangements in respect to lease terms for the King's Head Theatre Group on both the new theatre space with Islington Square and the temporary theatre venue at the John Salt. This would be in order to ensure theatre use was maintained in perpetuity either on site or as close as possible to the site after the Kings Head is temporarily closed for its refurbishment.

7.0 RELEVANT HISTORY

7.1 As already mentioned historically the development area is an aggregation of two separate application sites which adjoin each other both of which were formerly under the ownership of Royal Mail. Two parent applications were made for these sites in 2005 and 2009 and these can be summarised as follows:

7.2 Generally referred to as Site 1, planning approval (P052245) was granted in July 2007 for *'Partial demolition, alteration, extension and change of use of buildings A, B, D, F, and associated outbuildings and structures, to provide a mixed use scheme comprising residential (C3), with the creation of 185 new dwellings (127 private and 58 affordable). Change of use of remainder of buildings with 2348 sq m new floorspace to provide: Business (B1) Retail (A1, A2, A3 including relocation of post office counter), leisure (D2) serviced apartments (temporary sleeping accommodation as defined by the Greater London Planning Act 1973) performance space, rehearsal space and theatre storage, with associated access, parking and landscaping.*

7.3 The second site (Site 2) (P090774), largely centred around Block C, was the subject of a separate planning application for retail, office and residential uses and was approved in March 2012. Now largely complete, it involved *'The demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces. Erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping.'*

7.4 The first significant alteration to one of the parent permissions referred to above was made in 2012 where a Section 73 (Minor material amendment) application (P2012/0256/FUL) was submitted seeking to amend the Block C retail arrangement, particularly the northern access route from Upper Street into the development. This was granted consent in November 2013 under delegated authority.

7.5 In 2013 two further Section 73 Minor material amendment applications (P2013/2697/S73 & P2013/2681/S73) were made to vary the above referred parent permissions. More specifically the applications principally sought to amend uses of the floorspace of the approved schemes. The proposed changes related to the ground and basement levels on Blocks B & C and the ground floor of Block A and broadly comprised the: conversion of office to retail in Block A; the loss of

basement retail space in Blocks B and C replaced by the relocation of a servicing level in Block C and the introduction of additional leisure uses into basement levels of Blocks B and C. Both applications were granted permission in November 2014 under delegated authority.

- 7.6 Officers are currently considering two additional Section 73 Minor material amendment applications (P2017/2870/S73 & P2017/2866/S73) which seek to amalgamate a number of smaller flats across Blocks A and C. The overall number of flats across the development would reduce by 7 from 263 to 256. The affordable element would not be affected by these proposals nor would overall residential floorspace decrease.
- 7.7 The wider scheme has also been subject to a small number of non-material minor amendment applications (Section 96a) although none are considered relevant to the applications that are the subject of this report.
- 7.8 Understandably a large number of planning conditions have been attached to the various planning permissions across the site. Many of these are pre-occupation or relate to ongoing operational requirements on matters such as waste, plant noise and landscaping will sit against the various uses across the site once implemented.
- 7.9 Officers have already discharged a large number of pre-commencement conditions relating to the wider site and are currently assessing detail on various outstanding condition related matters. It is not considered that this work should affect or impact on determination of the applications which are the subject of this report.

Listed Building Consents

- 7.10 Over the course of the development a number of listed building applications have submitted almost solely in regard to the Post Office building on Upper Street which historically over the course of the development has been referred to as Building D. Ongoing applications and key consents are as follows:
 - P2017/3655/LBC – Currently under consideration this application seeks minor basement changes and alterations at ground floor to form a new doorway in an existing window to match the arrangement on the opposite wall. The formation of riser routes through the building is also sought. The application was generated partly by the main application which is the subject of this application and it is likely that no decision on the listed building application will be taken until Committee determine the main application which seeks the introduction of a new Theatre space adjacent to the Post Office building.
 - P2014/1163/LBC - Erection of an overhead 'canopy' above the Post Office building entrances approved under Listed Building Consent References: P10162 and P110013 (Associated with Planning Application Reference: P2014/1164/FUL). This application was refused and is currently the subject of an appeal to the Secretary of State with a decision anticipated later in 2018.

- P2014/0011/LBC - Listed Building Consent application approved in May 2014 in connection with internal and external alterations including removal of some internal walls and section of rear elevation at ground floor level, new front entrance gates and various other alterations. Variation and consolidation of detailed design development of Listed Building Consent references P071777 and P110013.

Enforcement

- 7.11 An ongoing enforcement case relates to 'Amazon' lockers built into the extensive hoardings to the front of the Post Office building. Although an Enforcement Notice has been served it is expected that the hoarding will be removed in the next few months and the lockers will therefore be removed with it.

Background to the applications

- 7.12 The earliest main planning permission granted in 2007 (P052245) referenced 'performance space, rehearsal space and theatre storage' amongst the significant retail and residential elements within the description of development. Such uses would be set around Block's A, B & D. It is believed that the uses were negotiated with a view to involving the Almeida Theatre within the development.
- 7.13 As already outlined the 2013 Section 73 application (2013/2697/S73) saw a 'repositioning' of uses with retail moved from the upper basement of Block B to the ground floor of Block A in order to animate the main street. Retailing space was also moved from the lower basement level of Block C under (2013/2681/S73) allowing, a 'multi-purpose rehearsal and performance space (Class D2 - Assembly and Leisure) to take its place. It had been hoped to attract the English National Ballet to occupy the space although this never materialised. The application also allowed the introduction of Class D2 use over two basement levels within Block B. The application documentation suggested likely tenants of this basement space would be a health club and a cinema operator.
- 7.14 Set alongside these changes and the implementation of the project itself, the King's Head Theatre, founded in 1970, and London's first and arguably foremost Theatre pub, has continued to provide a high quality theatre programme in the heart of Upper Street for residents and visitors alike within its much loved but challenging back-room theatre space. Its continued success on Upper Street, links with the community and further enhancement of its already estimable reputation are all objectives which the Council strongly support and are required to make provision for.
- 7.15 Whilst the Theatre has undoubtedly been an Islington success story its extremely small auditorium, although lending atmosphere and intimacy to any performance, only houses 110 seats. Its dressing room facilities are rudimentary and the King's Head Theatre Group (KHTG) do not have access to lucrative bar trade income. The above, together with the intense competition in London from both mainstream West End Theatre offer and, what could be termed alternative, left-field theatre groups therefore presents challenges to the the KHTG's long-term sustainability.
- 7.16 The chance to secure a new permanent home within the Islington Square development less than a few metres from the The King's Head is seen as an

unparalleled opportunity for the KHTG to secure its long-term future. That space earmarked is a demise of approximately 720 sqm largely set over part of a lower basement and a mezzanine level element of Block B and also including circulation/access space on two levels above, an entrance lobby at ground floor off one of the main retail arcades within Islington Square and a small office at first floor. The space is provided as 'shell and core' and funding will need to be secured to fit out the Theatre and this report will later consider how the granting of planning permissions which are the subject of this report will assist in that regard. When complete the new venue will be equipped to meet the demands of a sustainable producing theatre in the 21st century with a main 276 seat auditorium, an alternative 84 seat studio, bar and high quality facilities for actors, production companies and audiences alike.

- 7.17 The need to undertake works to the rear of the existing King's Head Pub – the demolition of a 20th century lean-to feature which currently serves as dressing rooms - to the new theatre courtyard, means that it is not possible to complete the new Theatre Islington Square facility without interrupting the existing theatre programme for a period of time.
- 7.18 A suspension in the theatre's programme was not acceptable to the KHTG and as a result the applicant Sager undertook to provide alternative premises. The John Salt bar at 131 Upper Street was identified as suitable. A temporary relocation of the KHT to the 113 seat John Salt would clearly overcome the problem of the KHT 'going dark' and interrupting its programme and income stream. Furthermore the John Salt offers advantages on the current theatre space by way of improved dressing rooms, disabled access, a higher auditorium ceiling and a significantly longer lease offered than is currently the case with the existing venue. The John Salt is in close proximity to the existing Kings Head allowing all important presence to be maintained on Upper Street before any permanent move is made into Islington Square.
- 7.19 Significantly, Sager, the Islington Square applicant, has also undertaken to fund the not insignificant fit out costs of the John Salt temporary auditorium and ancillary elements. Further security for the Theatre Group is lent by the fact that the application for the part-change of use of the John Salt is now a permanent application as opposed to temporary which was previously the case. Although it is still the aim of the KHTG and Islington Council to ensure the KHTG move into their new purpose-built premises as soon as possible following closure of the King's Head this will be dependent on effective fundraising by the KHTG. Although the KHTG suggest they would hope that no more than 18 months would be spent in the John Salt, it was considered appropriate that the application be permanent to alleviate any risk of the new use exceeding the duration of the permission. All parties have agreed that the space will revert immediately back to Class A4 use upon the KHTG taking up residency within their Islington Square permanent home.
- 7.20 Although all applications associated with the move have been made by Sager Management Ltd as developers of Islington Square, the project closely involves and is promoted by three separate parties. Besides the developer and the King's Head Theatre Company, Young's, the owner of the King's Head Pub, wish to refurbish the Kings Head following the relocation of the Theatre Group. These works will require listed building consent, an application for which has been submitted and the merits of which are considered later in this report. The planning application also

intends to capture the change of use of the space vacated by the Theatre so that it can be used for Class A4 (Drinking Establishment) purposes. The space amounts to 90 sqm at ground floor level and 43.4 sqm at first floor level. Extensive pre-application dialogue took place between the applicant and officers as to whether the Theatre space represented a separate and distinct planning use or an ancillary use to the Public House. The Council maintained that the use was separate to that of the Pub and that a part-change of use of the space was required to allow the whole of the building to be used as a Public House. Although apparently not in agreement with the Council's interpretation, the applicant agreed that the main application's development description should acknowledge the Council's position and therefore part of that description seeks to allow *'the use of all the King's Head theatre space at 115 Upper Street as a public house when the King's Head theatre takes up occupation of its lease within Islington Square'*.

- 7.21 It follows therefore that part of this report will be required to consider the merits or otherwise in land use terms of the loss of theatre space (sui generis) within the Pub and the provision of a Class A4 use in its place. Clearly the intended re-provision of a larger, contemporary theatre as part of the same application will be a significant material issue in any consideration of land use matters.
- 7.22 The refurbishment of the King's Head also includes physical alterations to the exterior, largely to the rear, where there will be a small extension provided at first floor, a roof terrace for dining, plant and plant enclosure. To accompany this part of the application a Noise Impact Assessment and Activity Noise Report have been included in the submission material for consideration.
- 7.23 In order for the relocation to go ahead each party needs the certainty provided by approval of the simultaneous applications described above. Certainty is also required by the Council that the KHTG will, as promised by Sager, be allowed to occupy, under favourable lease terms, both the new Theatre space and the John Salt (until vacated) in respect of duration of leaseholds, charges and restrictive covenants. The three parties propose to enter into legal agreement between themselves, completion of which shall occur, on the grant of planning permission. It is proposed that the terms of these legal agreements shall be replicated in the Council's own Section 106 agreement which is to accompany the applications which are subject of this report.
- 7.24 Although further consideration of S106 Heads of Terms takes place later in this report it is important to note that the favourable lease terms, particularly relatively lengthy leaseholds, are important in helping the KHTG present a picture of long term security within Islington Square, against which it can both borrow or secure external grant funding from the likes of the Art Council or the GLA. This is significant as the KHTG are, themselves, obliged to fund the fitting out of the new theatre space at Islington Square. It has been estimated that the KHTG will be required to raise approximately £2.8m in order to meet this cost.

8.0 CONSULTATION

Public Consultation

8.1 Individual letters detailing both the planning application and listed building consent were sent to occupants of nearly 1000 adjoining and nearby business and residential properties on Upper Street, Moon Street, Almeida Street, Studd Street, Theberton Street, Milner Square on the 31 July 2017. Records show properties on Esther Anne Place and Shelley Place were also notified – these are understood to be the new addresses created by the development. In regard to the planning application, 14 responses were received following this exercise including two from local resident associations. A press advert was published and site notice displayed on 3 August 2017. The public consultation exercise expired on 21 August 2017 however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 Only 1 of the 14 responses could be said to represent an outright objection. Many of the other representations were prefaced with wishes of support for the Kings Head Theatre. The issues raised can be summarised as follows:

- A new larger theatre will lead to a more intensive use and significant upturns in traffic, pedestrian footfall and ensuing noise to local residents;
- A new bar associated with the Theatre will bring attendant noise and anti-social behaviour.
- The King's Head would gain additional space through the theatre vacating the back room and office space thereby leading to additional drinking space in an area already saturated with drinking venues;
- The use of the new bar should be restricted to theatre goers at show times to reduce any potential for anti-social behaviour;
- Access to and egress from the Theatre should be limited to Upper Street particularly later in the evening thereby preventing theatre goers from utilising Studd Street or Almeida Street which are quiet residential roads. Such an arrangement would replicate the condition which is attached to a restaurant/bar within the south arcade;
- Vehicle servicing related to the theatre use should be restricted to normal working hours and should not take place later into the evening.

Applicant's consultation

8.3 The applicant has carried out a regular consultation process with local businesses and residents since work began on the site. The principal form of consultation has taken the form of a newsletter which has been sent out in email and in hard copy to local businesses and residents and Islington Council. Throughout the construction period the developer has also maintained a show suite on Upper Street within which details of the scheme could be explained.

External Consultees

8.4 **London Fire and Emergency Planning Authority:** Requested that there should

be fire brigade access to the perimeter of the buildings, sufficient hydrants and water mains in the vicinity and that sprinklers should be considered.

8.5 **Victorian Society:** No comment.

8.6 **Islington Society:** No comment

8.7 **Crime Prevention Officer:** No objection subject to the main scheme achieving 'Secured By Design' principles.

8.8 **TfL (Road Network):** No objection (following submission of additional material/Statement)

8.9 **Theatres Trust:** An initial letter in August 2017 focussed on the main application (a shorter letter in March 2018 was concerned with the John Salt application). In regard to the main application concerns were noted in respect of visibility, street presence, access and circulation and fire safety:

- *'There is concern regarding both the visibility and space restrictions of the main entrance and its ability to attract the uplift in audience numbers needed to support the viability of a new, larger theatre. The proposed footprint of the new entrance provides little scope for a theatre 'shop front' at street level and with very little room to provide a box office desk and audience interface';*
(see condition 6 which seeks to allow the Theatre a greater 'shopfront' onto the arcade by re-arranging Unit G1)
- *'Signage will also be a crucial factor in assuring visibility within the new development, and while we support the proposed wall sign in the former window cavity on the east elevation and the sign above the courtyard gates, these must be specifically secured for the theatre's use. The wider finishes and decoration of the courtyard should also be considered as a means of drawing the people to the theatre';*
(see commentary at 10.37)
- *'The limitations of the basement space and the small ground level entry mean that there is only one main stair and lift to service the theatre and audience flow and waiting may therefore become problematic, particularly at cross-over times when one show's audience is leaving and another's arriving. Access to the balcony is also limited. We therefore recommend that consideration be given to including one of the ground floor retail spaces next to the main entry as part of the theatre's demise to provide additional circulation and holding space, and the theatre are able to use core stair SW1 for operational purposes, both to access the balcony from the main floor, and to act as a secondary means of exit for the audience leaving a show to minimise congestion on core stair SE1'.*
(see commentary at 10.36)

- *'We also note that the route between the delivery bays in the adjacent car park on level B2 and the goods lift will make manoeuvring of props and sets challenging';*
(see commentary at 10.65)
- *'The ability to safely evacuate the theatre is paramount and we are concerned that the proposed scheme relies on the use of Evac chairs to help less mobile people escape from a basement of 4-storeys, which requires trained and able staff to be available at all times to use the chairs. The Association of British Theatre Technicians Technical Standards advises 'Where lifts are provided for access for mobility-impaired people they should be designed as evacuation lifts and should comply with the recommendations of BS 9999 and of BS EN 81-3'. It is strongly recommended that the lift provided is designed as an evacuation lift and that emergency evacuation proposals be discussed at this planning stage with the Building Control team and the London Fire Brigade to ensure the scheme satisfactorily addresses this issue';*
(see condition 13)
- *'We are happy to recommend granting planning permission, and suggest planning conditions or a s106 agreement that will restrict the use of the rear part of the King's Head Public House until the new theatre space is operational to guarantee and safeguard the theatre, and a requirement to submit details for theatre signage on Upper Street to maintain the theatre's street presence'.*
(see commentary at 10.95)

8.10 **Historic England:** No comment and listed building consent application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

Internal Consultees

8.11 **Access and Inclusive Design Team:** Provided extensive comments relating to 'fit-out' drawings which have largely been addressed in specific response document provided by the applicant.

8.12 **Energy Team:** No comment.

8.13 **Design and Conservation:** No objection in principle subject to specific conditions being attached to any accompanying listed building consent.

8.14 **Highways (Traffic and Engineering):** No comment.

8.15 **Planning Policy Team:** No comment

8.16 **Public Protection (Noise Team):** No objection in principle subject to the imposition of planning conditions relating to provision of a Noise Management Plan, details of overall noise emitted and provision of a noise report to be submitted once proposed plant has been installed.

8.17 **Public Protection (Licensing):** No comment.

8.18 **Waste and Recycling:** No comment.

8.19 **Building Control:** At the time of writing no comment had been received although full are observations in particularly regarding means of escape are expected and will be reported to Committee

8.20 **Directorate of Employment, Skills and Culture:** Welcome the proposals, in that they will secure a long term, sustainable future for the King's Head Theatre Group. However, they have stressed any permission must be subject to firm and reasonable lease terms for the King's Head Theatre Group both in regard to the new theatre space and the John Salt.

9.0 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

9.1 **Details of all relevant policies and guidance notes are attached in Appendix 2**

9.2 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (*Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.*)
- *As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;*
- *As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).*

9.3 National Planning Policy Framework (NPPF): Paragraph 14 states: *"at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay.*

9.4 At paragraph 7 the NPPF states: *"that sustainable development has an economic, social and environmental role".*

9.5 In considering the planning application account has to be taken of the statutory and

policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

National Guidance

- 9.9 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.
- 9.10 Since March 2014, Planning Practice Guidance for England has been published online.

Development Plan

- 9.11 The Development Plan is comprised of the London Plan 2016 (Consolidated incorporating Minor alterations), the Islington Core Strategy 2011, the Islington

Development Management Policies 2013, and the 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

9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Plan 2013:

- Conservation Area - Upper Street (North)
- Article iv (i) - Upper Street (North)
- Angel Town Centre
- Site Allocation AUS1 - (Almeida Street Sorting Office/Formal North London Mail centre)
- Archaeological Priority Area – Islington Village and Manor House
- Grade 2 Listed Buildings (Post Office and King's Head Public House)
- Within 50m of TLRN Road (Transport for London Road Network) (A1)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10.0 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use;
- Visual Amenity/Design;
- Conservation and listed building matters
- Neighbouring amenity;
- Highways and transportation;
- Energy conservation, sustainability and biodiversity;
- Inclusivity and Access;
- Other planning issues and
- Planning Obligations and safeguards, Community Infrastructure Levy and local finance considerations

Land use

10.2 Islington Square is a retail-led mixed use development that is intended to anchor the northern part of the Angel Town Centre which was redesignated in 2013 to include the Islington Square site. It is considered that there are two significant land use matters to assess within the main application. These are the loss of consented Class D2 (Assembly and Leisure) space within basement levels of Block B that is to be the location for the new Theatre and the loss of existing Theatre Space from the rear of the ground floor of the King's Head Pub.

- 10.3 The National Planning Policy Framework (NPPF) has a 'Town centre First' thrust which requires LPAs to plan positively to support town centres to generate employment, promote competition and create attractive diverse places to live, visit and work. Within Annex 2 (Glossary) of NPPF Theatres are specifically referred to as a main town centre use.
- 10.4 Policy 4.6 of the 2016 London Plan 2016 (Consolidated incorporating Minor alterations) provides that the Mayor shall support the continued success of London's diverse range of cultural entertainment enterprises and that new development should have good access by public transport, be accessible to all and address deficiencies in facilities and provide a cultural focus to foster more sustainable local communities.
- 10.5 The Site Allocations Local Plan provides site specific guidance for the site and is referenced as AUS 1. Under 'Allocation and justification' the plan states as follows:
-
'Employment-led mixed-use development to support the town centre and functions of the London Central Activities Zone as a strategic business location.
- This is a key redevelopment sites towards the north of the Angel Town Centre. Future uses will need to contribute to the vitality of the town centre - providing opportunities for employment such as offices (B1) and/or the provision of retail (A1)/leisure (A3 and A4) /cultural uses (D1 and D2). The provision of retail use will help to meet demand for this accommodation within the town centre. An element of conventional residential which makes a significant contribution to affordable housing is acceptable as part of a mix of uses. There could be continued Royal Mail operations on part of the site.'*
- 10.5 Policy DM4.2 (Entertainment and the night-time economy) of Islington's Local Plan indicates that entertainment and night-time activities are generally appropriate in Town Centres where they are compatible with other Town Centre uses, where there would not be a significant adverse effect on amenity, particularly residential amenity and where there is not an over-concentration of similar types of use.
- 10.6 Policy DM4.4 (Promoting Islington's Town Centres) of Islington's Local Plan seeks to maintain and enhance the retail and service function within Islington's four town centres. Part C of DM4.4 is considered most relevant. It states that, amongst other things, development is required to contribute positively to the vitality and viability of the centre, promote a vibrant and attractive place and not cause detrimental disturbance from noise.
- 10.7 Policy DM4.10 (Public Houses) supports the retention of Public Houses and although generally the Policy concerns itself with provisions to prevent the loss of Public Houses, the policy does stress the importance attached by residents and visitors alike to historic Public Houses within the Borough.
- 10.8 Policy DM4.12 (Social and Strategic Infrastructure and Cultural Facilities) of Islington's Local Plan acknowledges and seeks to maintain and enhance social infrastructure, strategic infrastructure and cultural facilities within the borough. More specifically Part A addresses the loss or reduction in social infrastructure. Part B sets out that the Council will require new social infrastructure and cultural facilities

as part of large mixed use developments. Part C aims to ensure new social infrastructure and cultural facilities are conveniently and sustainably located and accessible to all, avoiding adverse impacts on surrounding amenity while Part D of the policy specifically requires that new cultural facilities that will attract significant numbers of visitors should be located in the Central Activities Zone or the Town Centres. Part E states that the loss and/or change of use of cultural facilities such as theatres will be strongly resisted.

The loss of consented Class D2 floor space at basement level within the main Islington Square development and introduction of theatre use in its place

- 10.9 The first issue to consider is whether the relevant original planning permission has actually been implemented. Although the relevant space is unoccupied, building work is well advanced to the degree that shell and core space now exists, it is considered the 2007 permission has been implemented and assessment of 'loss' of use and introduction of a new use is justified.
- 10.10 Theatre use does not enjoy a designated use class under The Town and Country Planning (Use Classes) Order 1987 (as amended) and therefore the use is termed *sui generis*. As already indicated earlier in this report that part of the development in which the Theatre will be located has been granted a planning permission for Class D2 use (Assembly and Leisure) which can include uses such as Cinemas, fitness gyms, Concert Halls and Dance Halls. It is understood there has been a pre-letting for a major Gym operator already agreed and this will cover extensive basement space across Blocks B and C.
- 10.11 On the basis of how similar the theatre use is to the approved Class D2 use that it will replace (although notably only a relatively small amount, 11%, of the consented D2 use will actually be lost) it is not considered that the 'loss' would result in conflict with Development Plan policy objectives.
- 10.12 Significantly it is asserted that the introduction of the Theatre use is fully endorsed by national and regional guidance and development plan policy. The fact that theatre use is similar in character to those Class D2 uses such as concert halls and cinemas is reflected in the NPPF's assessment of theatre use as a 'main town centre' use and one which should be promoted.
- 10.13 Noting Policy DM4.12 (which is considered below) it can also be held that theatre use can be termed a cultural facility as opposed to either social or strategic infrastructure. This being the case the introduction of the theatre accords with the Site Allocations designation AUS1 which stipulates that 'future uses will need to contribute to the vitality of the town centre ...providing opportunities the provision of retail (A1), leisure (A3 and A4)/cultural uses (D1 and D2)'
- 10.14 Both Policy DM4.2 and DM4.4 which both broadly seek to promote and manage entertainment uses and the night-time economy in Town Centres support the introduction of theatre use. Policy DM4.2 is clear in stating that entertainment and night-time uses include theatres. It states such uses are '...generally appropriate in Town Centres ...' where compatible with other main Town Centre uses and where there would be no significant adverse effect on residential amenity.

- 10.15 Similarly a theatre use in the proposed location would accord with the provisions of Policy DM4.4 in that the development would be appropriate to the scale, character and function of the Angel Town Centre, contribute positively to its vitality and viability, help make it a more vibrant and attractive place, respect and enhance its character, meet Inclusive design policies and not have an adverse impact on neighbouring amenity.
- 10.16 In assessing the proposal against DM4.12 it can be seen that as the proposed use is a cultural facility, parts B-E are all relevant and the proposals are fully in alignment with these objectives which state that the Council will seek the provision of cultural facilities as part of large mixed-use developments, that such cultural facilities must be conveniently located and served by sustainable transport modes, that such facilities should provide buildings that are inclusive, accessible and flexible and that they should complement existing uses and character of the area, avoiding adverse impacts on the amenity of the surrounding uses. In addition, the proposal meets the requirement of DM4.12 (D) which states that new cultural facilities that are expected to attract significant numbers of visitors should be located in Town Centres and also (E) which sets out that the loss of cultural facilities such as theatres will be strongly resisted.
- 10.17 It is considered there is no change of use policy issue relating to the first floor of Block B where a small (approx. 20 sqm) back of house office area for the Theatre has been created by the re-arrangement of circulation space and the South East stair and lift core.

The 'loss' of existing Theatre Space from the rear of the ground floor of the King's Head Pub to be replaced by additional Class A4 space

- 10.18 As already referenced in this report, the current situation within the King's Head is relatively unique in that the Council considers there to be a dual planning use within the demise (*sui generis* theatre and Class A4 drinking establishment). Conversion of the ground floor area to the rear of the pub which is currently the King's Head Theatre therefore presents a need for consideration as to the loss of the theatre space and the provision of additional Class A4 space in its place.
- 10.19 Although the theatre space amounting to 132 sqm including ancillary space at first floor level, would be turned over to a different use it can be emphasised that there would be no 'loss' as such. As already indicated in this report a bridging venue at the John Salt at 113 Upper Street would re-provide almost exactly the same amount of theatre space that would be given up within the King's Head (furthermore the John Salt permanent permission would provide additional security in use terms but revert back once KHTG took up residence within Islington Square). Significantly, the new purpose-built theatre space within the Islington Square development would, at 720 sqm, provide over 5 times the amount of existing theatre space for the King's Head theatre than is currently the case in the King's Head Public House. Even without considering the merits of a new purpose built, larger, more sustainable theatre space, it is considered that there is no conflict with Policy DM4.12 Part (E) which states that the loss and/or change of use of cultural facilities such as theatres will be strongly resisted. As part of the application and within the same redline boundary, net theatre space would, it is proposed, increase approximately fivefold in floor area terms.

- 10.20 In terms of the introduction of additional Class A4 floorspace within the King's Head pub, there are two policy indicators which suggest the provision of 132 sqm of Class A4 floorspace in this location would accord with both current planning guidance and existing development plan policy. Pubs (like theatres) are included as a Main Town Centre use within Annex 2 (Glossary) of the NPPF. As already noted above the NPPF has a 'Town centre First' thrust which requires LPAs to plan positively to support town centres by encouraging, allowing and managing those uses which are included within Annex 2.
- 10.21 In addition Policy DM4.10 (Public Houses) was adopted mainly to ensure that there be no further loss of pubs within the borough that are valued by residents and visitors alike. The policy highlights how important these venues are, how they form an integral part of the urban fabric and are closely associated with the life and identity of local communities. It is considered the King's Head with its history, its listed status and colourful recent past falls into this bracket and any proposal to strengthen its presence and marketability (such as a modest increase in its trading space) can be said to accord with the general thrust of existing and emerging development plan policy which protects public houses.
- 10.22 In summary the changes of use are not considered contentious and are in accordance with those adopted policies referenced above, namely Policy 4.6 of the London Plan, the Site Allocations Designation AUS1 and Policies DM4.2, DM4.4, DM4.10 and the relevant provisions of DM4.12 of Islington's Local Plan Development Management Policies Document.

Visual Amenity, Design and Listed Building matters

- 10.23 The application proposes relatively minor material design changes to the previously granted permissions which are currently being implemented in accordance with planning permissions granted in 2007 and 2012 and their subsequent variations. Consideration of how the new theatre space works and how it will be accessed and egressed will form part of this assessment, particularly in light of the Theatre's Trust concerns set out at 8.9 relating to circulation and presence. The main design interventions across the various built elements within the planning application can be broken down as follows:
- Provision of a new entrance lobby courtyard between the east elevation of Block B in Islington Square and the rear of 115 Upper Street, alteration to retail unit G1 in Islington Square to facilitate access to the proposed Kings Head Theatre entrance lobby and formation of a canopy over the new entrance;
 - Provision of the new Theatre venue and ancillary space;
 - Erection of a first floor extension to rear of the King's Head; installation of new plant and enclosure to the rear; works to the first floor to form a roof terrace including provision of timber railings and re-instatement of a rooflight to the ground floor rear room (Note demolition of the lean-to

dressings room at the rear of The King's Head does not require planning permission as its removal does not represent substantial demolition of the host building but is included in the listed building works)

- 10.24 Full and detailed consideration and assessment of listed building consent application matters, including all internal and external alterations proposed for the King's Head Pub takes place separately within this section. The assessment provided immediately below concerns itself primarily with whether the proposed external alterations across Block B and the King's Head accord with relevant guidance and development plan policy on design and in particular, conserving or enhancing the significance of the Upper Street North Conservation area in which the development site is located.
- 10.25 Section 72 of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.26 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. More specifically Paragraph 17 in setting out the core planning principles states that heritage assets should be maintained '*in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations.*'. Paragraph 131 meanwhile states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation.
- 10.27 Accompanying the NPPF is 2014's Planning Practice Guidance which offers extensive advice on Protecting and enhancing the historic environment noting that it is an important component of the National Planning Policy Framework's drive to achieve sustainable development. It adds that the appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system. More specific advice on alterations to heritage assets is provided particularly with respect to how any works may or may not affect the setting of a heritage asset. A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
- 10.28 Historic England Advice Note 2: Making Changes to Heritage Assets (2016) illustrates the application of the policies set out in the NPPF in determining applications for planning permission and listed building consent. It provides general advice according to different categories of intervention in heritage assets,
- 10.29 London Plan Policy 7.4 is concerned with Local Character and states, inter alia, *that:*

'Buildings, streets and open spaces should provide a high quality design response that:

- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass*
- b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area*
- c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings*
- d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area is informed by the surrounding historic environment.'*

10.30 London Plan Policy 7.6 is concerned with architecture and states, inter alia, that:
'Buildings and structures should:

- a) be of the highest architectural quality*
- b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm*
- c) comprise details and materials that complement, not necessarily replicate, the local architectural character*
- d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.*
- e) incorporate best practice in resource management and climate change mitigation and adaptation*
- f) provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces*
- g) be adaptable to different activities and land uses, particularly at ground level*
- h) meet the principles of inclusive design*
- i) optimise the potential of sites.'*

10.31 London Plan Policy 7.8 relates to Heritage Assets and Archaeology and emphasises the desirability of sustaining and enhancing their significance.

10.32 Islington's Core Strategy Policy CS9 seeks to protect and enhance Islington's built and historic environment states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment. It adds that the borough's unique character will be protected by preserving the historic urban fabric.

10.33 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.

- 10.34 Policy DM2.3 (Heritage) states that the Council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. In conservation areas the policy states that the Council '*will require that alterations to existing buildings in conservation area conserve or enhance their significance.*'
- 10.35 Conservation Area Guidance for Upper Street (North) was published in 1993 and still remains material and part of the Development Plan suite of relevant documents. No specific advice exists for the site itself or The King's Head other than the latter falling within an extensive list of buildings that are presumed to be retained.

Block B Theatre Entrance

- 10.36 It is proposed that the application will form a new part external/internal courtyard which will be accessible from the main southern retail arcade. The courtyard space will be formed from an existing emergency access corridor for lower levels of Block B that was previously to have been between Units G1 and G2 and the removal of the 'lean-to' feature attached to the back of the original rear wall of the Kings Head pub (listed building consent for the removal of this lean-to feature is concurrently sought with this application). Unit G1 will be slightly reduced in size to accommodate the entrance although in design terms, it is not expected that this will result in any significant visual disruption with a proposed contemporary curved glazed treatment of the Unit largely replicating its neighbours. The courtyard will feature an extensive steel and glass roof canopy which will be attached to Block B and which will partly cover the space. It will protect visitors from the elements whilst they are accessing the new entrance and ground floor lobby space (where there may be a small reception desk/box office) at the southernmost point of the courtyard.
- 10.37 Theatre goers will be able to reach the courtyard and the ground floor theatre lobby from either the north or south end of the main arcade however exiting the theatre, particularly in the evening, after shows will be a more managed operation. This is to prevent congestion in the ground floor lobby and courtyard and also to ensure patrons leaving in the evening are funnelled out onto Upper Street and away from the largely residential Studd Street and Almeida Street. Through a management system, able bodied visitors leaving the theatre will be guided to exit via the intermediate basement level located in Block D (The Post Office). They will ascend a staircase which takes them into a side section of the main south arcade where they can directly access Upper Street. This arrangement has been discussed and agreed with the KHTG prior to the application being made and an alternative exit route is common for cinemas and theatres across London.
- 10.38 Although possible areas for signage in and around the courtyard have been identified, no actual signage has, as yet, been proposed. The possibility of poor visibility and presence relating to the theatre was a matter that the Theatre's Trust raised in their representations. Officers are confident that appropriate signage relating to the Theatre can be agreed which would be sensitive yet clearly announce the presence and location of the theatre, were there a need for formal planning or advertisement consent applications to be made.
- 10.39 Because of the location of the works, which are located within a largely enclosed environment which will not be readily seen from public areas – although clearly the

new courtyard will be publically accessible - and the fact that the proposed interventions are relatively minor and discreet, it is considered that the character and appearance of the Upper Street (North) Conservation Area will be preserved.

10.40 In summary the proposed courtyard is a welcome intervention and in addition to lending additional presence to the theatre and being its 'front door', it will form a pleasant part-open/part covered meeting area for visitors to meet prior to performances at the venue itself. The alterations in particular the glass canopy, the entrance doors and the remodelled Unit G1 are considered relatively inconsequential in design terms and in that respect can be said to accord with London Plan Policy 7.4, 7.6 and 7.8 together with Policies CS9, DM2.1, DM2.3 of Islington's Local Plan (Core Strategy and Development Management Policies Document).

The Theatre

10.41 Although the theatre fit-out works themselves do not require planning permission (and in any case are unlikely to commence until such time as the KHTG have funding in place), the developer has provided detailed plans which allow a clear understanding of how the theatre will work and operate. On the basis of the internal changes and the fact that the changes must result in a venue which external parties would be willing to fund, it is considered appropriate to briefly consider the re-arranged layout and fit-out plans for the venue.

10.42 As part of the proposals there will also be a re-configuration of the consented stair and lift core in this south east corner of Block B allowing the theatre a more accessible and rationalised layout, particularly with regard to visitors moving from the entrance at ground to key spaces such as the main auditorium at lower basement level and w. c's at intermediate basement level.

10.43 The Theatre will have both a main auditorium with 270 seats with variable seating arrangements and smaller more flexible space which could be used as an auditorium and seat 80 people or be utilised as a more conventional meeting space for possible corporate use. The larger theatre will feature a mezzanine gallery and, along with the theatre bar and dressing rooms, all of these areas will be located at lower basement and mezzanine basement levels. The mezzanine level will accommodate back of house provision such as dressing rooms, control room and an accessible w.c while also providing access to plant equipment that will be housed above the smaller studio/auditorium.

10.44 The main auditorium space itself will be fully flexible and offer variable seating arrangements in addition to its mezzanine gallery. In addition to meeting space in the form of a main foyer and bar area at lower basement level, there will be a smaller, more intimate social space at intermediate basement level where patrons will access shared w. c's also at this level (the w. c's will also be for shoppers and visitors to Islington Square). Office accommodation for the theatre group will be provided at first floor level and this will be created by re-alignment and rationalisation of the lift and stair core rather than any other consented space being reduced.

10.45 The whole use will be obliged to meet strict acoustic conditions already attached to the wider development and an over-arching fire strategy approved for Islington

Square development. The theatre will utilise previously consented service and delivery arrangements for this space and M&E provision. These matters will be considered in more detail later in this report.

10.46 In summary the fit-out is intended to create a highly contemporary, inclusive and sustainable theatre space. The proposal represents a radical departure from the current theatre and its size, flexibility and high quality facilities will, it is hoped, see the Theatre forming a key cultural component and significant draw for the Islington Square development.

External Works to the King's Head Pub

10.47 These external interventions to refurbish and renovate the Pub can be broken up as follows:

- First Floor Extension;
- Plant Enclosure and associated ducting;
- Various works to facilitate first floor open terrace area including balustrading, fixed seating and planters;

10.48 The flat roof area of the pub is currently unused and features an obtrusive plant area together with poorly executed building interventions such as a roof light which shall be removed with the replacement proposed to be sited in what was likely to have been the original location. The applicant has suggested access to the roof already exists which it clearly does but it is known that the roof has not been utilised as an area for patrons to visit either to drink or smoke. Further consideration of the amenity implications of the use of the terrace by anything up to 60 people will follow later in this report.

First floor extension

10.49 The single storey extension is required to allow the formation of an additional means of escape. It will be located in the south east corner of the terrace, form an L-shape and wrap around the existing staircase housing. It will feature a flat roof and parapet, an access doorway and two new windows. Consisting of brick, a condition will ensure the use of second hand London Stock to match the host building. The extension will not rise above the existing full length first floor extension at 114 Upper Street.

Plant Enclosure and associated ducting

10.50 A new plant area will be formed in the south west corner of the terrace. In footprint terms the enclosed area will be approximately 5mx5m and provide 3 condenser units within their own acoustic enclosures. No drawing is provided allowing an impression of fencing which shall obscure this plant area and therefore a condition will be attached requiring further details and samples to be provided in the event of planning permission and listed building consent being granted. Ducting from the kitchen below will rise through this enclosure and continue up onto the new extension. The ducting will then continue onto the existing first floor extension before rising up onto the rear elevation of the building before discharge at just over eaves level. The ducting will be painted black and, other than the vertical riser, will largely be unseen, sitting beneath the parapet wall of the new extension.

Facilitation of terrace area

- 10.51 Physical works to facilitate the use of the flat roof as a terrace for dining and drinking include the installation of timber decking, the provision of a timber fence around the parapet wall, the re-installation of a large lantern roof light in the centre of the terrace and the removal of an existing more recent rooflight to allow access to a serving hatch. There will also be a mixture of fixed and loose seating which will accommodate up to 60 people. The alterations are considered acceptable although further details of the perimeter timber fencing will be sought through imposition of a condition.
- 10.52 Taken as a whole the changes outlined above are not considered contentious particularly given the current condition of the roof and the fact that in listing terms, the more significant elements of the building relate to its frontage and parts of its interior. The alterations would not be seen from any public vantage point although it is acknowledged that some residents in upper floor flats on Upper Street with west facing windows and a number in new flats with eastern facing windows within Block B of Islington Square would have views of the terrace. Consideration of impact on amenity, particularly with regard to noise, that the terrace would have on these residents follows later in this report. In summary the works outlined above can be said to accord with all key design guidance and policies namely London Plan Policy 7.4, 7.6 and 7.8 together with Policies CS9, DM2.1, DM2.3 of Islington's Local Plan (Core Strategy and Development Management Policies Document).

Listed Building Consent matters

- 10.53 As already stated, The King's Head is Grade II listed and lies within the Upper Street North Conservation Area. It was originally built in 1864 and later embellished in the 1890s with an elaborate ground floor frontage and island bar back and counter. It is significant as a high quality example of a late Victorian public house.
- 10.54 Section 66(1) of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving a listed building, its setting and any of its features of special architectural or historic interest. The following commentary aims to consider whether the various works that require listed building consent (demolition of the lean-to, internal works at basement, ground, first and second floors, structural works and external works largely set around the formation of a rear roof terrace) are acceptable and whether they accord with the provisions of the relevant statutory guidance and relevant development plan policy.

Demolition of lean-to at rear of the site

- 10.55 The structure is of modern construction, although it appears that there was probably an outhouse here historically. This is shown by historic OS maps; there is also a chimney breast and stack above on the rear wall of the pub, though the date of its construction is not determined. The lean-to is currently in poor condition

and any harm arising from the loss of the structure is considered to be justified by the need to facilitate access to the relocated theatre within the Islington Square development. A Heritage Assessment of the feature was provided as part of the application documentation and its conclusion that structure is of little or no historical significance is accepted.

Internal alterations

- 10.56 The internal alterations proposed for the ground floor area currently occupied by the theatre (formerly a billiards room) will improve the character of the space by reversing unsympathetic alterations. These include the removal of the 1970s theatre fixtures and fittings, blocking up a non-original opening and reinstating a historic doorway. It is proposed to reinstate the roof light above, which is welcomed, but further details are required by condition to ensure that it is of an appropriate design. The introduction of a new kitchen in this space is also acceptable; it is considered that this part of the pub is less sensitive to alterations than other areas of the building.
- 10.57 The proposed re-plastering and redecoration works to the main bar area are acceptable. The large ceiling mounted heaters are not however considered appropriate and are omitted via condition.
- 10.58 At first floor level, the creation of a new serving hatch between the front and rear room is acceptable. The removal of the non-original office partitions is welcomed. The historic wall that subdivides the front room is now proposed to be retained. At second floor level, the creation of a shower room is acceptable.

Structural works

- 10.59 Various structural works at ground and basement level are required to enable part of the first floor to be used as a new function room, including new structural posts and strengthening of floor joists. Whilst these may be largely acceptable in principle, the proposed insertion of a new column, although acceptable in principle needs further detailing and a condition is therefore attached requiring additional details to be provided. Further details are also required regarding the new beam and posts at the front of the pub at ground floor level.

External alterations

- 10.60 The alterations proposed at the rear of the building are considered acceptable, there is minimal visibility of this space from the public realm and minimal harm to the listed building would arise. These include a new stair enclosure to provide means of escape from first floor, the removal of a sky light, minor alterations to windows at first floor level and new railings. The reconfiguration of plant equipment at the rear of the building is also acceptable, however conditions are attached to ensure that it is sensitively detailed.

Conclusion

- 10.61 In line with Section 66(1) of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.
- 10.62 Overall, the proposed works will not cause harm to the historic plan form, will involve minimal loss of historic fabric, and will not cause harm to the retained fabric, visual amenity or the setting of heritage assets. As such the proposed works will not adversely affect the special architectural or historic interest of the listed building. The proposal is, therefore, considered to satisfy the objectives of the relevant guidance and the suite of policies listed earlier in this section in particular Policy 12 of the NPPF 2012 which seeks to conserve and enhance the historic environment, Policy 7.8 of the London Plan 2016 which seek to preserve and enhance the significance of heritage assets as well as the provisions of Policy CS9 of Islington's Core Strategy 2011 which seeks to protect and enhance Islington's built and historic environment and Policy DM2.3 of Islington's Development Management Policies which seeks to protect and enhance Islington's historic environment.

Neighbouring amenity

- 10.63 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This policy is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook. Policy DM4.2 states that proposals for entertainment uses (and this proposal seeks to intensify an entertainment use) will need to demonstrate that they will have no adverse impacts on amenity. The supporting text to this policy suggests that such uses can contribute positively to the vitality and vibrancy of areas including enhancing perceptions of personal safety by providing informal surveillance for passers-by. The text goes on to state that '*...if not properly managed, such uses can result in adverse effects on surrounding neighbourhoods, with adverse amenity effects generated from such factors such as noise and anti-social behaviour, particularly late at night*'. The Policy indicates that entertainment uses will generally be directed to Islington's Town Centres although regard will be had to proposed hours of opening, operation and servicing and measures to mitigate odour and noise from the premises.
- 10.64 There are two elements of the proposal to consider in regard to possible impact on neighbouring amenity. These are the new theatre use within Islington Square and the more intensive use of the King's Head Pub, particularly the formation and use of the rear roof terrace. Given the relatively small amount of external physical building work in respect of both of these elements and the provision of a terrace, it is considered that there will be no resulting issues of overshadowing, overlooking, privacy, daylight and sunlight, over-dominance, sense of enclosure or outlook to any residential occupiers, existing or future. The matter of potential noise disturbance and odour should however be carefully considered with particular regard to the consented residential properties within Block B and existing residential occupiers

within flats at first and second floor levels of Nos. 113 and 114 Upper Street whose windows face towards the Islington Square development.

The New Theatre Use

- 10.65 As already explained earlier in this report the proposed theatre use is not dissimilar in character to the consented Class D2 (Assembly and Leisure) use. Neighbouring amenity issues have previously been considered by officers and Committee at earlier stages of the development and resulted in the imposition of a number of noise related conditions. Condition 21 of P2013/2697/S73 granted 4 November 2004 (which varied P052245 granted 6 July 2007) requires that a specific internal noise climate within the consented Block B residential units at second, third and fourth floors above the commercial uses be achieved. This condition endures notwithstanding any new uses permitted as will specific conditions (Nos. 22 & 25) relating to maximum noise levels from plant and lift machinery to be sited in Block B.
- 10.66 Notably many of the representations received by the Council following its application publicity exercise indicated concern that theatre goers would cause possible disturbance and harm to residential amenity upon exiting the theatre after evening performances. Although acknowledging that theatre goers are not generally associated with inconsiderate or anti-social behaviour, it is noted that an existing condition (No.12) on 2007 planning permission (and subsequent variations) requires 'Entrance or exit from the hereby approved mall area including A3 units after 2200 hrs on any day shall be from Upper Street only.' A similar condition will be attached to this planning permission if granted. As already reported it is intended that to avoid congestion theatre goers will, after performances will be directed through the basement of Block D to exit the complex onto Upper Street and this will be set out in the Theatre Management Plan, the submission and approval of which will be required as a condition of any planning permission.
- 10.67 The new entrance courtyard to be formed by the removal of the theatre's lean-to will not create any significant issues pertaining to noise for future residents in Block B living above. Although there may be people who choose to meet in this space before entering the theatre, numbers will be relatively small, and there will also be the new steel and glass canopy in place to further ameliorate what is only likely to be talking at conversational levels.

The King's Head Pub

- 10.68 A likely source of noise will be from patrons using the proposed roof terrace and the M&E equipment proposed to be sited both on the terrace and the rear elevation of the listed building. As indicated new flats in Block B will overlook the terrace while there are existing rear windows at 113 and 114 Upper Street which indicate upper floor residential accommodation exists in these properties and occupant's amenity should be considered (to the north of the terrace is the Post Office building which, at upper floor level will consist solely of retail use).
- 10.69 The applicant has provided information which indicates approximately 45 covers across the terrace. Although not an inconsequential number, officers are confident that with a series of measures in place, significant amenity issues for those near neighbours identified can be avoided.

- 10.70 Firstly it is proposed to limit the hours that the terrace is operational. Despite the applicant's assertions it is clear that no access to the space for pub patrons has existed historically. The applicant has suggested a 1000-0000 hrs. window for the terrace. This is considered excessively late given that there is no history of public access to the roof and therefore it is proposed that the area shall not operate after 2100hrs. In addition to the hours of use restriction it is also proposed to attach conditions restricting users of the terrace to those who would be seated – in effect to prevent any vertical drinking on the terrace and numbers exceeding 45 persons – which is the approximate seating capacity shown on drawings. A further condition will require the provision of a Management Plan which, amongst other things, will detail how it is proposed to close the terrace and how users will be prevented from either standing and drinking or accessing after 2100 hrs.
- 10.71 The relatively exacting restriction on the operation of the terrace is also justified on the basis of technical evidence provided by the applicant. An Activity Noise Assessment by consultants eec provides details of a noise survey carried out on site and summary calculations establishing likely noise levels outside the nearest dwellings (flats in Block B and 114 Upper Street) from patron activity on the terrace. In summarising their results the consultants acknowledge that *'current calculated noise levels are above both the typical existing ambient and background noise levels (and that) the activity noise could be classified as having a moderate adverse impact using either current British Standards (BS4142:2014) or the IEMA Guidelines for Noise Impact Assessment 2014...Based on current assessment it is likely that further noise mitigation measures are required as well as discussions with members of the Environmental Health and Planning Department of Islington'*.
- 10.72 Officers, noting the results of the assessment can see a gradual reduction in both typical ambient noise levels and background noise levels at proposed terrace level from 1900hrs to 2300hrs which is normal and to be expected. Given the Calculated Patron Noise Level (using a relaxed level of conversation as the source) at the proposed residential windows mentioned above, is in excess of these levels at all times during this period, and markedly so after 2100 hours, it is therefore appropriate to prevent occupation of the terrace later in the evening.
- 10.73 Possible noise nuisance can also result from plant and extract equipment. The applicant has also provided a 'Plant Noise Impact Assessment by eec which has been undertaken to evaluate the potential noise impact of the proposed plant at the closest existing residential receptor. A number of noise control measure are proposed largely involving attenuation and enclosure and whilst these measures and the predicted noise levels that they are designed to counteract are considered to be relatively realistic, it is noted that the report does not include any character corrections for the intermittency, impulsivity etc. of the plant and assumes that none should be included and there is no data to base this assertion on.
- 10.74 Two specific noise conditions are therefore recommended, these being a restrictive condition on overall noise emitted from the plant and a second condition requiring a noise report to be submitted post-installation to demonstrate that the plant complies with the restrictive noise condition requirement.
- 10.75 Noting the town centre location, it is considered that cumulatively, the restricted hours of use of the terrace, the requirement for a Terrace Management Plan, a

cap on numbers, the new plant noise related conditions and those extant conditions relating to an acceptable noise regime and the Theatre Management Plan will ensure an appropriate level of amenity for neighbouring residents, both existing and those that will shortly move into the nearby flats. The proposals can therefore be said to be in accordance with London Plan Policy 7.6 and both Policies DM2.1 and DM4.2 of the Islington Development Management Policies Document which all seek to protect neighbouring amenity.

Highways and transportation

- 10.76 Policy CS10 of the Core Strategy encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Policy DM8.2 of the Development Management Policies Document provides, inter alia, that development proposals are required to fully mitigate any adverse impacts on the safe and efficient operation of transport infrastructure, including pavements and any walking routes, and maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians and cyclists. DM8.4 provides that major developments are required to provide cycle parking which is secure, sheltered, step-free and accessible. Policy DM8.6 provides that delivery and servicing should normally be provided off-street, but where on-street servicing is proposed, details must be submitted to demonstrate the need for on-street provision, and show that arrangements will be safe and will not cause a traffic obstruction.
- 10.77 Notably the previous use as a Royal Mail depot and sorting office operated 24 hours a day, employed 3000-4000 people and understandably resulted in significant trip generation. In summary the 2007 and 2012 permissions and the 2014 Section 73 Variation permissions has resulted in the creation of an extensive area of blue badge parking and a large servicing and delivery bay at basement level of Block C which is proposed to serve all commercial elements within Blocks B, C and D (as there will be direct access between Blocks C and B at basement level). No residential parking is featured in this area. All 103 residential parking spaces, motorcycle parking and cycle parking will be located at basement level of Block A.

Trip Generation

- 10.78 The applicant has provided a brief Transport Statement (TS) that reiterates the 2014 Transport Assessment which had estimated servicing trips associated with the Class D2 leisure component of up to 24 daily vehicle trips (12 vehicles) by transit sized vans and approximately 3 trips by 7.5 t lorries per day. The TS concludes that the theatre use would be expected to generate similar servicing demands as that part of the Class D2 use it would replace. Therefore, no change in overall servicing trips is predicted and the proposed change of use is not anticipated to result in any additional change in trip generation on the surrounding road network than had already been anticipated. TfL have acknowledged this and accept the findings of the TS.
- 10.79 No reference is made in the TS to the implications on trip generation of the change of use of the space within the King's Head from theatre use. In actual terms floorspace change will be small with the theatre use amounting to approximately 120 sqm at ground and first floors. It is the view of officers that the more intensive

use of the pub, notably the introduction of the terrace, will not, result in any significant changes in servicing (and thus trip generation) than is currently the case.

Car Parking

- 10.80 The commercial elements of the Islington Square development are ostensibly car free development and the current application will not change that. As noted above the wider development does provide blue badge parking spaces within the confines of Block C. Whilst all streets surrounding the development are Controlled Parking Zones (CPZs) there are some limited blue-badge permit parking spaces on nearby Gibson Square and Theberton Street. Given its excellent PTAL rating and town centre location it is anticipated that practically all staff and the vast majority of patrons visiting both the theatre and the pub will utilise public transport.

Cycle Parking

- 10.81 Although the November 2014 permission (P2013/2697/S73) which varied the 2007 permitted uses across Blocks A and B features a condition (No.41) that the site shall ensure 213 secure cycle parking spaces for residents, through historical anomaly no on-site cycle parking spaces for visitors were sought or are required although there are numerous cycle parking stands on nearby Upper Street. None are proposed as part of the applications which are the subject of this report. It is therefore proposed to include further details condition requiring an amount of cycle parking (to be specified) to be provided within the site for visitors to the Theatre to address this issue.

Deliveries and servicing

- 10.82 Servicing arrangements for the new King's Head Theatre will remain unchanged from that agreed for the previously consented Class D2 space. That servicing regime provides a large servicing bay within the basement area of Block C accessed and egressed by a ramp from the main Islington Square through route which links Studd Street and Almeida Street.
- 10.83 All servicing of commercial floorspace within Blocks B and C will occur from this off-road space and the theatre will be reached via a network of service corridors and lifts which link Blocks B and C together at sub-ground level. It is not considered that the theatre operation will result in significantly more service deliveries than would have been the case with the Class D2 use which it will replace. Day to day requirements will be light with only the bar operation likely to result in regular deliveries. Programme changes will require sets to be moved in and out of the theatre but it is envisaged that this should not present any particular problems with sets delivered and removed via the aforementioned service bay, a goods lift and service corridors which are of sufficient size. Both the KHTG and the applicant have liaised prior to the application regarding this issue and the KHTG have confirmed they are satisfied with the arrangements.
- 10.84 In addition to the fact that there is unlikely to be any discernible change to servicing frequency it can be noted that there is an existing, extant condition (No.44) attached to the 2014 Section 73 application (P2013/2697) that varied the main 2007 Blocks A and B permission granted in 2007 (P052245) and this relates to the provision of a Delivery and Service Plan (DSP) prior to the first occupation of any use within

Blocks A and B (other than the residential uses). It will be considered appropriate for this DSP to reference the theatre servicing arrangements and the document will need to be approved by the Council in consultation with TfL.

- 10.85 In terms of the King's Head Pub the change from theatre use to Class A4 is similarly unlikely to result in any significant changes either to the frequency or character of current servicing arrangements which see deliveries made from Upper Street. Although far from ideal, the arrangement is an established historical one and common for Pubs and bars along this particular road
- 10.86 In summary it is considered that as a result of the use changes there will be no significant increase in servicing trips associated with the development and those trips associated with the proposed new use are considered to be manageable and would not have any adverse impact on the overall proposed servicing regime or more widely, the local road network.
- 10.87 On the basis of the above assessment it is considered that the development accords with Policies DM8.2 (developments to ensure safe and efficient operation of transport infrastructure), DM8.4 (cycle parking), Policy DM8.5 (Part B) (development shall be car-free) and Policy DM8.6 which requires that delivery and servicing should normally be provided off-street.

Accessibility/ Inclusive Design

- 10.88 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design, and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime. Developers are also required to have regard to Islington's own Inclusive Design and SPD and the Mayor's SAPD on accessibility.
- 10.89 A range of measures and provisions have been included in the proposals to allow for a high standard of accessibility and inclusivity and the interventions can be summarised as follows:

- **Car Parking**

A red route access bay immediately outside the entrance to Islington Square on Upper Street provides 3-hour parking for blue badge holders 7am to 4pm and this bay provides convenient parking with level access to the theatre. There are a number of blue badge bays within the service bay within Block C's basement and although a number of these are expected to be utilised by residents it is likely that a number of spaces could be reserved for visitors. Similar to the DSP it can be noted that there is an extant condition (No.2) attached to the 2014 Section 73 application (P2013/2697) that varied the main 2007 Blocks A and B permission granted in 2007 (P052245) and this relates to the provision of an Access Plan for those with Disabilities be provided. Officers will ensure that this plan includes reference to how any spare blue badge spaces could be fully utilised;

- **Approach to building**

The main approach to the building on Upper Street will have level access, be free of obstruction and will allow wheelchair access. Separate surfaces will be provided at the main entrance, providing a change of texture to help define the entrance for visually impaired users, while also being of a material that will not impinge any access for wheelchair users;

- **New Foyer**

An induction loop will be installed to the reception counter and bar serving areas to assist hearing impaired users, which will be clearly signed.

- **Movement within the building**

A new 10-person passenger lift will be installed to provide access to all levels of the theatre and to ensure full manoeuvrability within the lift itself for wheelchair users. An audible system will be included to call out levels for visually impaired users. The passenger lifts open into an enlarged lift lobby area at each level to ensure maximum manoeuvrability, with the flooring material at the lift doors selected to contrast with the lobby floor finish to aid visually impaired users. Lighting levels will be increased in lift lobbies again to aid the visually impaired. Clear signage will be provided directly across from the lift doors to facilitate movement around the building.

All corridors will be designed to provide a minimum width of 1200mm with cross corridor fire control doors held open on electro-magnetic devices with performance to ensure that unobstructed access is available through all levels.

In terms of the performance spaces, seating is designed to accommodate access patrons, with a variety of seats at Stage Level able to be removed to provide spaces for wheelchairs with companion seats nearby. It is currently not envisaged to provide spaces for wheelchair users at balcony level due to the restricted sight lines from a seat at wheelchair height at this level. Since the stage areas will be placed at the same level as the front row of audience seating, access for those with limited mobility will be unobstructed and many options for transfer into seats will be available.

Dressing rooms at mezzanine level will be provided including an accessible WC and shower. Within dressing rooms counters will be designed to ensure that access for wheelchair users is not impeded. The passenger lift will serve both mezzanine and stage level, providing step free access for performers. The stages in both performance spaces will be at auditorium level, providing level access through the foyer to the stage without obstructions.

- **WC provision**

WC provision is provided generally at 1st floor level. An additional, fully accessible WC will be located at mezzanine level, directly adjacent to the passenger lift and within 40m of all public spaces. Accessible cubicles will be provided with 1m, outward opening doors and with an internal area larger than the minimum 1500x2000mm dimensions required. The public toilets are accessed from the same lobby, with single door access to ensure maximum manoeuvrability.

- **Signage and Communication**

All public areas will be clearly defined by directional signage, which will be located at approximately 1400mm and will again be clearly defined from its background and well lit.

- **Means of Escape**

Escape is facilitated via three staircases and dedicated safety refuges will be provided at each level, with a two-way communication link provided to allow guest contact back to a central control point. Audible alarms will be supplemented by visual alarms where possible, especially where a deaf person may find themselves alone (toilets, lift lobbies). The King's Head Theatre stress they are an equal opportunities employer and Personal Emergency Evacuation Plans will be prepared for disabled employees (covering their prime location and any sub-locations, awareness of procedures, emergency alarms (hearing, seeing and triggering), assistance, getting out of all appropriate exits. Vibrating pagers will be provided for deaf staff.

The King's Head Theatre will develop a management plan, which will be included within the building's risk assessment report, and which will highlight the management regime for evacuating disabled occupants and identify personnel capable of undertaking assisted evacuation of occupants requiring such assistance. A detailed fire strategy will be prepared and submitted as part of the Building Regulation Approval process.

10.90 Noting the aforementioned requirements of Condition 2 of P2013/2697 which stipulate further details on access arrangements must still be submitted for Block B, the above measures and proposals are welcomed, considered acceptable and in compliance with Policy DM2.2 of the Development Management Policies Document which as indicated above requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.

Energy conservation, sustainability and biodiversity

10.91 The London Plan (2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.

10.92 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013, unless it can be demonstrated that such provision is not feasible. A higher saving (50% in comparison with total emissions from a building which complies with the

Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Typically, all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock (CS10).

- 10.93 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 10.94 Notwithstanding this extensive and necessary raft of policy requirements it should be remembered that the wider Islington Square development was first granted permission over 10 years ago and although energy, sustainability and bio-diversity planning policy obviously existed then, requirements were not as robust as the present day. Council planning records show that on the 2nd October sustainability details were approved by the Council relating to Condition 43 of one of the original parent planning permissions, P052245, which was granted on the 6 July 2007 and related to works to Blocks A, B, D and F. In short the approval of details allowed the Building works to meet a 'Very good' BREEAM standard as opposed to 'Excellent' which in 2007 was the standard Council requirement.
- 10.95 The accompanying report confirmed that the scheme would include within its design A-rated energy efficient labelled appliances, utilise enhanced fabric insulation for new construction elements, use low water usage fittings and appliances, provide extensive areas of green and brown roof, provide waste separation facilities within kitchens and communal heating to all dwellings and commercial units in Blocks A and B. It indicated that use of recycled building materials would be employed, sustainable timber utilised in the construction process and appropriate planting used to enhance bio-diversity across the site. The Report indicated measures such as heat pumps, borehole water extraction, a combined Heat and Power Plant and heat recovery systems could also possibly be pursued in the event that matters such as viability and geography were suitable.
- 10.96 It is understood none of the 'possible' low energy/sustainability measures mentioned above have been employed across the main scheme although despite this the scheme is likely to achieve, if not having already achieved, the required relevant BREEAM rating of 'Very Good' (as required in 2007).
- 10.97 No new low energy, high-sustainability or bio-diversity related provisions are included within the current scheme. Whilst acknowledging that in effect the scheme is largely built, and this report assesses the implications of changes of use of space, it is still considered appropriate to ensure any development addresses sustainability criteria such as carbon emission reduction through sustainable construction. It is therefore proposed to attach a condition to any planning

permission requiring the submission of a sustainability statement relating to the fit out of the theatre to be submitted and approved by the Council prior to any works commencing. The statement should include reference to matters such as use of sustainable construction materials, use of sustainable materials for set production and how the bar and any corporate events will be environmentally low impact.

- 10.98 On the basis that this condition is accepted and its requirements met the proposed change of use can be considered to accord with the above referred London Plan Policy 5.2, Islington Council's Core Strategy CS10 and Policy DM7.1 of its Development Management Policies Document.

Waste and Recycling Strategy

- 10.99 Policy DM8.6 (Delivery servicing for new developments) Part C requires that for major developments details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores.
- 10.100 Much like the servicing arrangements, it is anticipated that the waste arrangements for the new theatre will change little, if at all, from the existing and consented regime that was set in place to serve a wholly Class D2 basement space. Theatre waste will be modest and relate primarily to the bar and back of house operation. As already indicated, access to the Block C service area is provided to and from the theatre through the basement.
- 10.101 On 25 July 2017 the Council approved details pursuant to Condition 7 (Refuse and Recycling Provision Details) of Planning Permission Reference: P2013/2697/S73 dated 04 November 2014 (2015/3295). These details, amongst other matters, provided an indication of how commercial waste from Block B would be taken to portable compactors and made ready for collection. This detail will not need to change - the projected capacity is more than sufficient – and as indicated there is likely to be little difference in the amount of waste generated by either the Class D2 or theatre use, particularly given the relatively small amount of floorspace involved. All of the refuse and recycling will be managed on-site by the Centre management and collection will be by a private contractor.
- 10.102 The applicant has provided satisfactory evidence that the change of use will not require any further waste and recycling provision than has already been approved. In this regard the scheme can be said to accord with Policy DM8.6 which relates to delivery and servicing for new developments.

Fire Safety and Means of Escape

- 10.103 As has already been reported the London Fire and Emergency Planning Authority (LFEP) are supportive of the proposals subject to suggestions regarding access, hydrants and sprinklers. A condition has been proposed which requires the submission and approval of a Fire Evacuation Strategy which the LFEP will also be consulted on. In addition, it is anticipated that comments from our own Building Control Team will also be reported at the Committee meeting. It can be noted that the Theatre space does enjoy two distinct stair cores (SE1 & SW1).

Planning Obligations, Community Infrastructure Levy and Local Finance Considerations

Community Infrastructure Levy

10.104 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014, the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would not be chargeable on the proposed development for change of use on grant of planning permission.

Section 106 Agreement

10.105 A Section 106 Agreement is considered necessary in order to mitigate the impacts of the proposed development. The most significant terms to the Agreement will be the granting of reasonable leasehold terms to the KHTG, by the developer (with Young's party to the agreement) on both the proposed new Islington Square theatre space and that at the bridging venue, the John Salt.

10.106 It should be noted that the proposed Terms would, in effect, vary the originally proposed development description that was agreed with the applicant after a lengthy period of negotiation. Part of the description sought to restrict the proposed Class A4 use of the theatre space within the King's Head until the KHTG occupied their new premises in Islington Square. The Terms now seek to allow the King's Head space to be used upon provision of the John Salt Theatre space and occupation by the KHTG. The implications of this change are significant in that the original description was drafted to incentivise the developer into ensuring the KHTG occupied the purpose built space within Islington Square as soon as practicably possible. The proposed Terms would now allow full Class A4 use of the King's Head upon the KHTG occupying the John Salt. The risk therefore would then be the KHTG remaining in the John Salt indefinitely, which is not considered to be a suitable long term replacement for the existing theatre, were they not to raise the necessary funding necessary for the fit out (the total cost of the fit-out is estimated at £3.65m. The applicant is already committed to providing £0.65 towards this figure and with £0.2 secured already from external sources the outstanding amount to be raised is thought to be in the region of £2.8 m).

10.107 The argument put forward by the developer in seeking these Terms is that the length of leaseholds and the low rents are sufficient to allow the KHTG to convince external funders of the likelihood that their long term future will be within Islington Square with the result that funding for the fit-out will be more easily secured.

10.108 The Agreement will be applicable to both applications that are the subject of this report and the accompanying Change of Use application relating to the John Salt the Proposed Heads of Terms are listed, in full, in Appendix 1 (Recommendation A) below.

10.109 It should be noted that the wider development (or that relating to Block A, B, D & F) was subject to a S106 agreement featuring extensive obligations. The majority of these obligations (including financial contributions) pursuant to the S106 Agreement dated 2 July 2007 (relating to P052245) and its subsequent 2014 Variation (relating

to P2013/2697/S73) have already been met, with a number of the non-financial measures relating to construction and operation either in place, or ready to be put in place. The Council will continue to monitor and pursue any outstanding obligations relating to this agreement as a matter of course.

11.0 CONCLUSION

- 11.1 The application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 11.2 The benefits of the proposed development, namely the securing a modern, accessible, inclusive and financially sustainable home for one of Islington's key cultural institutions for the foreseeable future have been considered in the balance of planning considerations. Officers are of the view that these benefits, which would also see the Islington Square development gain an important arts based attraction, together with the adequate arrangements that would be put place to ensure the Theatre has an appropriate temporary home (The John Salt), significantly outweigh any potential adverse impacts which may arguably include the 'loss' of the original Theatre space in the King's Head Pub and the impact of the intensification of Class A4 use within the Pub on neighbouring properties (although it is considered such intensification will be suitably controlled by condition). In the balance of planning considerations, the positive aspects of the proposal significantly outweigh the disbenefits. On this basis, approval of planning permission is recommended.

Conclusion

- 11.3 It is recommended that planning permission and listed building consent 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 both planning permission and listed building consent 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:

Other/Standard clauses:

1. *The John Salt Public House shall be provided as a temporary venue for the Kings Head Theatre Group Limited;*

This shall include fit out to the council's satisfaction and the grant of a lease on terms to the council's satisfaction and to include rent not greater than that currently payable for the Kings Head Theatre space and a minimum term of 20 years plus option to renew on the same terms for another 20 years.

2. *Satisfactory arrangements shall be made to allow the Kings Head Theatre Group Limited to move into the Islington Square Theatre;*

These shall include:

provision that rent paid during occupation of the John Salt public house shall be used to facilitate the move by the King's Head Theatre Group Limited into the Islington Square Theatre fit out of the Islington Square theatre to shell and core and the provision of £600,000 towards further fit out.

agreement for a lease of the Islington Square Theatre space to the council's satisfaction which shall include the following:

(i) peppercorn rent

(ii) a term of 20years plus option to renew for a further 20 years

(the current offer requires the kings head theatre to raise approx. £2.8m of funds themselves – see main body of the report for further comment.

None of the internal or external operations at the Kings Head permitted by the Planning Permission or Listed Building Consent shall be permitted until both 1 & 2 have happened.

No use of the of the Kings Head theatre space as a public house shall take place until both 1 & 2 have happened.

3. *Unless and until the Kings Head Theatre Group take up occupation of the Islington Square Theatre under a lease which is satisfactory to the council and together with fit out which is satisfactory the John Salt shall continue to be provided to the Kings Head Theatre Group on the same terms.*

I.e. If the Kings Head Theatre Group do not move into the Islington Square Theatre then the John Salt shall be provided as a permanent venue.

4 *If the Kings Head Theatre take up occupation of the Islington Square Theatre as outlined in 3 above then the obligation to provide the John Salt Public House as a theatre venue shall cease.*

5. *In the event of the Kings Head Theatre Group ceasing to use either the John Salt Public House theatre space or the Islington Square Theatre, similar terms (including the possibility of a move from the John Salt to the Islington Square theatre) shall be offered to a similar theatre group approved by the council.*

That, should the Section 106 Deed of Planning Obligation not be completed within the Planning Performance Agreement timeframe, 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 of London) 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 the Heads of Terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 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	Approved plans and documents list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Location plans: 1604-00-KHT-0005 rev D KHT Application Boundary Plan</p> <p>Proposed plans: <i>Block B new layout proposed</i></p>

1604-00-KHT-0100 rev G KHT Combined Site Lower Basement
1604-00-KHT-0101 rev F KHT Combined Site LB Mezzanine
1604-00-KHT-0102 rev F KHT Combined Site Basement
1604-00-KHT-0103 rev I KHT Combined Site Int Basement
1604-00-KHT-0104 rev G KHT Combined Site Ground
1604-00-KHT-0105 rev D KHT Combined Site First

Comparison drawings; existing configuration of Islington Square and the Kings Head

1604-00-KHT-0150 rev D KHT Combined Site Lower Basement Existing
1604-00-KHT-0152 rev D KHT Combined Site Basement Existing
1604-00-KHT-0153 rev D KHT Combined Site Int Basement Existing
1604-00-KHT-0154 rev C KHT Combined Site Ground Existing
1604-00-KHT-0155 rev E KHT Combined Site First Existing
1604-00-KHT-0415 - C KHT Rear Existing Sections and Elevation

Detailed arrangement drawings

1604-00-KHT-0010 rev G KHT Lower Basement Level Proposed
1604-00-KHT-0011 rev G KHT LB Mezzanine Level Proposed
1604-00-KHT-0012 rev H KHT Basement Level Proposed
1604-00-KHT-0013 rev H KHT Intermediate Basement Level Proposed
1604-00-KHT-0014 rev G KHT Ground Floor Proposed
1604-00-KHT-0015 rev E KHT First Floor Proposed
1604-00-KHT-0411 rev J KHT Sections Sheet 2 Proposed
1604-00-KHT-0412 rev H KHT Sections Sheet 3 Proposed
1604-00-KHT-0413 rev C KHT Proposed South Elevation
1604-00-KHT-0414 rev E KHT Proposed East Elevation

Demise / Lease / Service Access Plans for New Theatre

1935-20-LP-1026 C09 Lower Basement
1935-20-LP-1027 C09 Mezzanine
1935-20-LP-1028 C09 Basement
1935-20-LP-1029 C09 Intermediate Basement
1935-20-LP-1030 C09 Ground Floor
1935-20-LP-1031 C09 First Floor
1606-00-KHT-0310-D04 KHT Lower Basement Demise Area
1606-00-KHT-0311-D04 KHT LB Mezzanine Level Demise Area
1606-00-KHT-0312-D04 KHT Basement Level Demise Area
1606-00-KHT-0313-D05 KHT Intermediate Basement Demise Area
1606-00-KHT-0314-D05 KHT Ground Demise Area
1606-00-KHT-0315-D04 KHT First Demise Area

Relationship between the Kings Head and Islington Square

1604-00-KHT-0014 G Ground Floor Level Plan.
1604-00-KHT-0015 E First Floor Level Plan.
1604-00-KHT-0411 J Sections (see B-B).
1604-00-KHT-0412 H Sections (see F-F and J-J)
1604-00-KHT-0413 C South Elevation

Theatre fit out general arrangement plans

1543 (00) 001 A level 04
1543 (00) 002 A level 03

	<p>1543 (00) 003 A level 02 1543 (00) 004 A level 01 1543 (00) 005 A level 00 1543 (00) 006 A level 01 1543 (00) 007 section A-A 1543 (00) 009 section D-D 1543 (SK) 010 layout 01 1543 (SK) 011 layout 02 1543 (SK) 012 layout 03 1543 (SK) 013 layout 01 1543 (SK) 014 layout 02 1543 (00) 020 West Gallery Section 1543 (00) 021 East Gallery Section 1543 (00) 022 North Gallery Section 1543 (SK) 020 acoustic ceiling</p> <p><i>Kings Head refurbishment drawings</i> 8043.01 – Existing Basement Floor Plan 8043-02A – Existing Ground Floor Plan 8043/03A – Existing First Floor Plan 8043-04 – Existing Second Floor Plan 8043-06 rev Q – Proposed Ground Floor Plan 8043-07 rev P – Proposed First Floor Plan 8043.08 rev F – Proposed Second Floor Plan 8043-09rev B – Existing Elevations Plan 8043-10 rev E – Proposed Elevations Plan 8043.11 rev A – Proposed Basement Floor Plan 8043-13 rev A - Existing / Proposed Cross Sections 8043-14 rev A - Proposed Detail Plan 16240-01 rev C – Ground Floor Plan Proposed Structural Works 16240-02 rev C – First Floor Plan Proposed Structural Works 16240-03 rev A – Basement and Second Floor Plan Proposed Structural Works MJK.M-01 rev B – Ground and Basement Mechanical Layout MJK.M-02 rev C – First and Second Floor Mechanical Layout MJK.M-03 rev C – Rear Elevation Mechanical Plant Layout</p> <p>Other documents: Heritage Statement (Demolition of Lean-to Dressing Room) by Metropolis; Planning Heritage and Design and Access Statement (for works to the King’s Head) by Planning Potential (Ref.15/2865); Demolition Method Statement (Lean-to Dressing Room) by MBOK (Ref.03049/mfb); Noise Impact Assessment (Plant noise [2/2/17]and Activity19/5/17) by eec; Access Plan (New Theatre space) by ISA Technical Note (Trip generation and Mode Share) (Ref.16089)-01 by Markides Associates</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
3	King’s Head Theatre Management Plan (Details)

	<p>CONDITION: Prior to any works commencing on the King's Head Pub, a detailed Management Plan shall be submitted and approved in writing by the Local Planning Authority relating to operation of the new purpose built King's Head Theatre within the Islington Square development. The Management Plan shall, amongst other matters, specify those measures that will ensure patrons egressing the venue after evening performances, exit via Upper Street only.</p> <p>REASON: To ensure the Theatre operation does not adversely impact upon the amenity of residents on Studd Street and Almeida Street.</p>
4	King's Head Theatre Fit-out and Operational Sustainability Statement (Details)
	<p>CONDITION: Prior to any works commencing on the new purpose built King's Head Theatre within the Islington Square development a Sustainability Statement relating to the Theatre Fit-Out and its operation shall be submitted and approved in writing by the Local Planning Authority. The Statement shall demonstrate how the development will promote sustainability and the development shall be implemented in accordance with the approved Statement.</p> <p>REASON: To ensure the implementation of the fit-out works and the operation of the Theatre minimises any negative environmental impacts.</p>
5	Materials and treatments (Details)
	<p>CONDITION: Proposed treatment and further details and samples of facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on the King's Head Pub. Details of the treatment and samples shall include:</p> <ol style="list-style-type: none"> a) Revealed brickwork to ground floor rear of the Pub following removal of the lean-to and which shall face the new theatre courtyard b) Plant enclosure/fencing c) Terrace balustrade; <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 securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
6	Unit G1 revision (Details)
	<p>CONDITION: Notwithstanding Drg Nos. 1604-00-KHT-0014 Rev G, 1604-00-KHT-0015 Rev E, 1604-00-KHT-0412 Rev H (06-Section II) (and any other associated drawing showing Unit G1) a set of revised drawings showing a reduced Retail Unit G1 groundfloor plan and in particular a flank building line that aligns with the original rear building line of the King's Head Pub shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.</p> <p>REASON: To allow the King's Head Theatre entrance and the new courtyard space additional visibility and presence within the Islington Square development.</p>

7	Noise levels from Plant at King's Head Pub (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
8	Provision of Post operational Acoustic Report at the king's Head Pub (Compliance)
	<p>CONDITION: Within 3 months of the commencement of use a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with Condition 7. The report shall include measurements of the proposed plant. The report shall be submitted within 3 months of commencement of use and approved in writing by the Local Planning Authority. In the event that the report concludes non-compliance with Condition 7 noise mitigation measures shall be installed within 2 months of report submission date to allow accordance with required noise levels and these measures shall be permanently retained thereafter</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
9	Use of King's Head Pub terrace (Compliance)
	<p>CONDITION: The outside terrace of hereby approved shall not operate outside the hours of:</p> <p>08:00 - 21:00 on any day.</p> <p>After this time, all entry and exit doors and windows onto the external areas shall be kept shut and any lighting to the roof terraces must be turned off.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
10	Use of King's Head Pub Terrace (Compliance)
	<p>CONDITION: No persons other than those with a dedicated seat or serving drinks/food and employed to do shall be allowed onto the roof terrace.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>
11	Use of King's Head Pub Terrace (Compliance)

	<p>CONDITION: A Terrace Management Plan assessing the impact of the terrace area shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site. The report in particular shall address how the Condition 10 requirement will be managed and how the terrace will be cleared by 2100 hrs each evening and means of mitigating any identified impacts. The terrace area shall be operated strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
12	Cycle Parking (Details)
	<p>CONDITION: Details of on-site cycle parking (No. of stands to be specified) for use by Theatre visitors shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site.</p> <p>REASON: To ensure that the sustainable means of transport for theatregoers is achievable.</p>
13	Fire Safety (Details)
	<p>CONDITION: Details of a Fire Evacuation Strategy for the new Theatre (which shall include those items raised by the LFB in their consultation response) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority prior to the theatre use.</p> <p>REASON: In the interests of the safety of occupants of the buildings in the event of a fire.</p>

List of Informatives:

1	Section 106 Agreement
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
2	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.

RECOMMENDATION C

That the grant of listed building consent be subject to **conditions** to secure the following:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 16(1) of the Listed Building and Conservation Areas Act 1990</p>
2	Approved plans and documents list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Location plans: 1604-00-KHT-0005 rev D KHT Application Boundary Plan</p> <p>Proposed plans:</p> <p><i>Structure which is to be demolished</i> 1604-00-KHT-0016 D demolition of lean-to structure 1604-00-KHT-0415 C plan and sections</p> <p><i>Kings Head refurbishment drawings</i> 8043.01 – Existing Basement Floor Plan 8043-02A – Existing Ground Floor Plan 8043/03A – Existing First Floor Plan 8043-04 – Existing Second Floor Plan 8043-06 rev R – Proposed Ground Floor Plan 8043-07 rev P – Proposed First Floor Plan 8043.08 rev F – Proposed Second Floor Plan 8043-09rev B – Existing Elevations Plan 8043-10 rev E – Proposed Elevations Plan 8043.11 rev B – Proposed Basement Floor Plan 8043-13 rev A - Existing / Proposed Cross Sections 8043-14 rev A - Proposed Detail Plan 16240-01 rev D – Ground Floor Plan Proposed Structural Works 16240-02 rev C – First Floor Plan Proposed Structural Works 16240-03 rev B – Basement and Second Floor Plan Proposed Structural Works MJK.M-01 rev B – Ground and Basement Mechanical Layout MJK.M-02 rev C – First and Second Floor Mechanical Layout MJK.M-03 rev C – Rear Elevation Mechanical Plant Layout</p> <p>Other documents:</p>

	<p>Heritage Statement (Demolition of Lean-to Dressing Room) by Metropolis; Planning Heritage and Design and Access Statement (for works to the King's Head) by Planning Potential (Ref.15/2865); Demolition Method Statement (Lean-to Dressing Room) by MBOK (Ref.03049/mfb);</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
3	Works to match adjacent buildings (Compliance)
	<p>CONDITION: All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
4	Rooflight Details (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the proposed reinstated roof light above the ground floor rear room shall be submitted to, and approved in writing by, the Local Authority prior to the relevant works commencing.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
5	Partition at first floor (Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved and for the avoidance of doubt, the removal of the full height partition wall at first floor level, as shown on structural drawings, is not permitted.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
6	Internal Beam and Structural Post (Compliance)
	<p>CONDITION: Full details including drawings at 1:50, sections, materials and appearance of the new structural post at the front of the building shall be submitted to, and approved in writing by, the Local Authority prior to the relevant works commencing.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

8	Ventilation detail (Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, no consent is granted for the Vent Axia TX12 WL as shown on drawing MJK.M-03. New details of a sympathetically designed cast iron grille or air brick shall be submitted to, and approved in writing by, the Local Authority Prior to the relevant works commencing</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

APPENDIX 2 - RELEVANT POLICIES

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

A) The London Plan 2016 - 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 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

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

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.5 London's visitor infrastructure

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

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

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 5.11 Green roofs and development site environs

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation

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 6.5 Funding Crossrail and other strategically important transport infrastructure

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

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

Policy 7.8 Heritage assets and archaeology
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.19 Biodiversity and access to nature

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.

Since March 2014 Planning Practice Guidance for England has been published online.

2 **Development Plan**

The Development Plan is comprised of the London Plan 2016, 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:

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS5 (Angel and Upper Street)
Policy CS8 (Enhancing Islington's Character)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS20 (Partnership Working)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Shops, culture and services

DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.10 Public Houses

DM4.12 Social and strategic infrastructure and cultural facilities

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

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

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington Local Plan

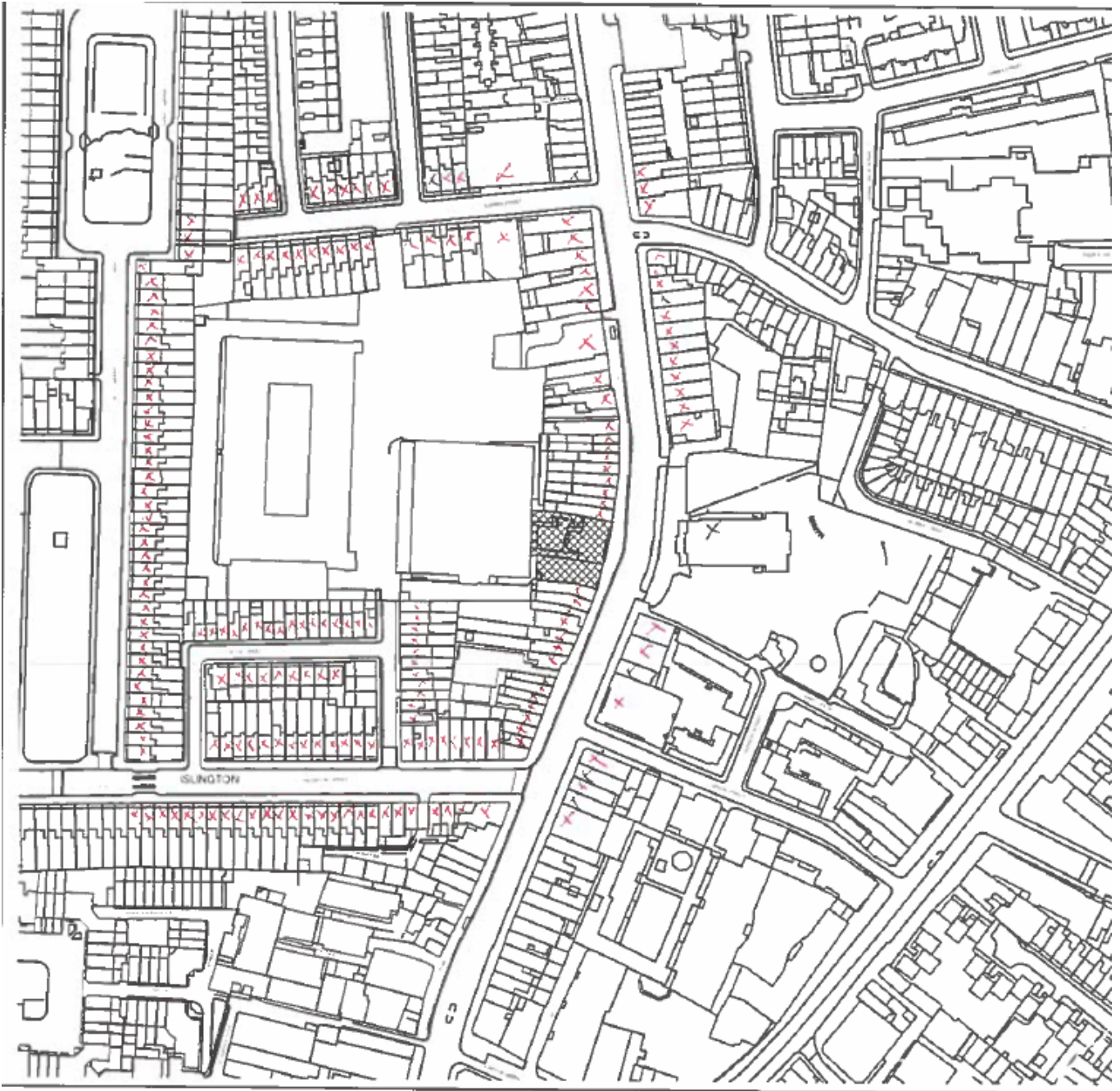
- Environmental Design
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
Islington Town Hall
LONDON N1 1RD

PLANNING COMMITTEE		AGENDA ITEM: B3
Date:	23rd April 2018	

Application number	P2017/4763/FUL
Application type	Full Planning Application
Ward	Junction Ward
Listed building	None
Conservation area	Adjacent to Mercers Road / Tavistock Terrace Conservation Area
Development Plan Context	Within 100m of Major Cycle Routes Within 100m of TLRN and SRN Road Adjacent to Mercers Road / Tavistock Terrace Conservation Area Adjacent to Employment Growth Area
Licensing Implications	None
Site Address	Land at Wedmore Estate, Wedmore Street, LONDON N19
Proposal	The construction of 19 new dwelling units comprising 3 x 1B2P units, 9 x 2B4P, and 7 x 3B5P units with associated amenity space, and 13.6sqm of communal storage space, provided in a new residential block ranging from two to six storeys in height, along with associated bicycle / refuse storage and improvements to landscaping and the public realm.

Case Officer	Stefan Sanctuary
Applicant	Mathew Carvalho - New Build and Regeneration Team, London Borough of Islington.
Agent	Sarah Eley - HTA Design LLP

1 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1.

2 SITE PLAN (SITE OUTLINED)



3 PHOTOS OF SITE/STREET

Photograph 1: Aerial View of Site looking west



Photograph 2: View from Wedmore Street looking west



Photograph 3: View of estate from Wedmore Street looking north



Photograph 4: View of estate from further down Wedmore Street



Photograph 5: View of Whittington Park with Wedmore Estate in view



Photograph 6: View of low-rise buildings on opposite side of Wedmore Street



Photograph 7: View of low-rise buildings on opposite side of Wedmore Street



Photograph 8: View from within estate of space between existing blocks



Photograph 9: Looking west from estate car park



Photograph 10: View of rear boundary of estate with Whittington Park beyond.



4

SUMMARY

- 4.1 The construction of 19 new dwelling units comprising 3 x 1B2P units, 9 x 2B4P, and 7 x 3B5P units with associated amenity space, and 13.6sqm of communal storage space, provided in a new residential block ranging from two to six storeys in height, along with associated bicycle / refuse storage and improvements to landscaping and the public realm.
- 4.2 The proposal delivers much needed affordable housing with an appropriate mix of sizes and tenure. The application also delivers a number of planning benefits including landscape improvements and a rationalisation of car parking. Overall, in land use terms, the proposal is considered to meet the objectives of adopted planning policy. The development delivers a significant increase in affordable homes in accordance with London Plan (Policy 3.3) and Islington Planning Policies (CS12), which seek to ensure a supply of affordable housing for residents.
- 4.3 The design of the proposal is well-considered and responds sympathetically to the existing architecture on the estate. The same architectural language has been adopted where suitable and matching materials in the form of brickwork, roof materials and fenestration have been proposed where this is considered appropriate. The proposal is considered to be well-designed and considered to conserve the character and appearance of the adjacent Mercers Road and Tavistock Terrace Conservation Area.
- 4.4 Given the aspiration to deliver genuinely affordable housing, the building of affordable housing (the majority of which would be for social rent) on hardstanding and car parking to create a defined street frontage is considered a sensible approach. Moreover, the quality of the landscape strategy together with the overall planning benefits derived from the proposal are considered to fully justify the building on some of the existing open space on the estate.
- 4.5 The proposal is not considered to have an unacceptable impact on neighbouring residential amenity in terms of loss of daylight, sunlight, outlook, privacy, noise and disturbance or an increased sense of enclosure. Moreover, the application is considered to constitute a sustainable form of development in terms of energy efficiency, renewable energy and sustainable transport. For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is therefore recommended for approval subject to conditions and the completion of a Directors' Agreement to secure the necessary mitigation measures.

5

SITE AND SURROUNDINGS

- 5.1 The application site is known as the Wedmore Estate and comprises the full extent of the estate, consisting of four existing 5-storey residential blocks, a residents' garden, play area, car parking, soft landscaping and areas of hardstanding. The Wedmore estate was built in 1904 and originally consisted of three of the blocks, Melchester House, Northcombe House and Weatherbury House with the slightly smaller L-shaped Wessex House being added in the 1930s. The buildings are of the same style and are constructed of red brick, terracotta tiled pitched roofs with dormer windows and well-articulated facades with splayed bay windows and decorative features.
- 5.2 There are 162 dwellings on the estate: 22 in Wessex House, 40 each in Melchester House and Northcombe House and 60 units in Weatherbury House. The estate has a vehicular entrance from Wedmore Street which leads to the estate car park. Adjacent to the car park is the children's play area while further into the site is the residents' garden behind which is the L-shaped Wessex House. The remaining three blocks are

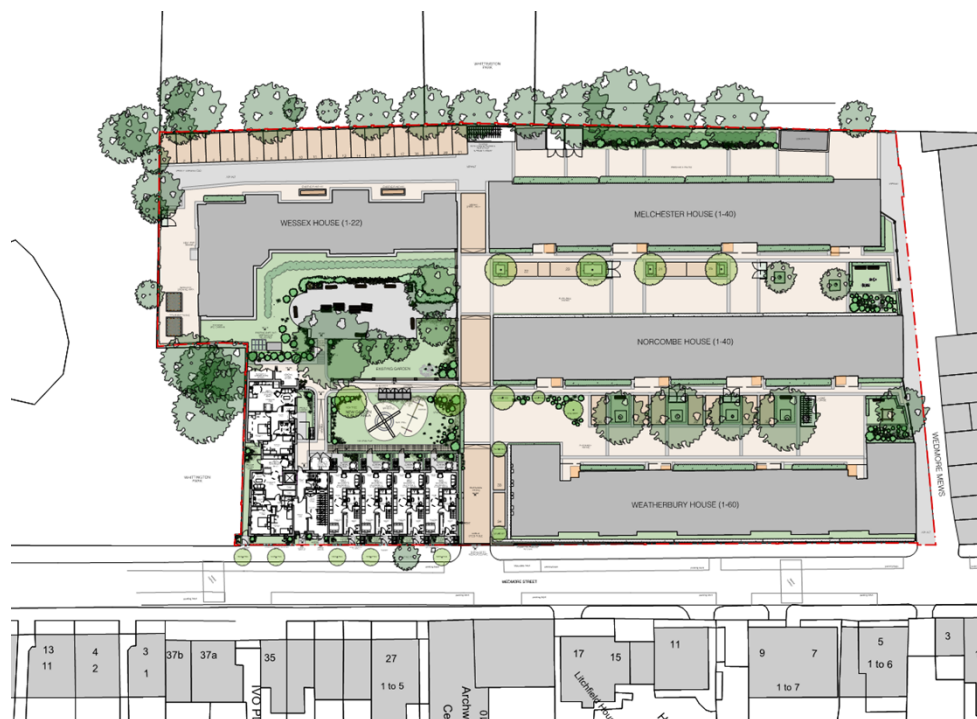
lined up in parallel to each other and Wedmore Street, with areas of hardstanding in between.

5.3 The Wedmore Estate is broadly rectangular in shape, and is bound by Wedmore Street to the south-east, to the north-east by Wedmore Mews with Whittington Park wrapping around the estate to the north, west and south. The Employment Growth Area of Holloway Road North, characterised by light industrial and commercial uses, lies to the north and east of the estate, while the Mercers Road and Tavistock Terrace Conservation Area lies to the south of the estate. The area is generally characterised by a mixture of residential flats and houses, though employment uses including the Archway Business Centre are also located in the area.

5.4 The site has a Public Transport Accessibility Level (PTAL) rating of 4, has good public transport connections and is within walking distance to Upper Holloway Road Overground Station. The estate is close to Holloway Road, which is part of Transport for London's Strategic Road Network, with access to a number of bus routes.

6 PROPOSAL (IN DETAIL).

6.1 The application proposes the construction of 19 new dwellings, comprising of 3 x 1B2P units, 9 x 2B4P, and 7 x 3B5P units with associated amenity space, and 13.6sqm of communal storage space, provided in a new residential block ranging from two to six storeys in height. The proposal also includes associated bicycle / refuse storage and improvements to landscaping and the public realm.



Proposed Site Layout

6.2 The proposed L-shaped building would be located in the south-west corner of the estate with frontage to the street and the lower rise section wrapping around the boundary with the park. The main part of the building with street frontage onto Wedmore Street consists of 4No. 3-bed maisonettes, a 2-bed wheelchair unit and a further 3-bed apartment across its first two floors. The upper storeys contain a further 11No. 1-, 2- and 3-bed dwellings, all accessed via the same central lift and stair core. In the lower-rise two storey part of the building along the boundary with Whittington Park, one further 2-bed wheelchair accessible dwelling and one 3-bed dwelling would

be provided. All dwellings would have access to private amenity space in the form of gardens, roof terraces or balconies.

6.3 A new communal garden and play area would be provided to the rear of the proposed building and adjacent to the existing residents' garden. The application also proposes a new food growing area next to Wessex House as well as new permeable paving and new hard and soft landscaping including new trees, planting, shrubs and boundary treatment across the estate. New bicycle storage, refuse/recycling facilities as well as child playspace and improvements to existing entrances and access points would also be provided for existing and future residents.

6.4 Finally, the application proposes a number of interventions to provide a more pedestrian-friendly environment on the estate, including the reduction and remodelling of the existing car parking, raised tables to reduce the speed of vehicular traffic and new permeable paving across the estate.

7 RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 There is no relevant planning history for the application site.

PRE-APPLICATION ADVICE:

7.2 The proposal has been subject to ongoing pre-application discussions throughout the last 3 years. The points raised at pre-application stage have informed the design of the scheme being considered here. The following are the most important improvements that have arisen as a result of pre-application discussions:

- The frontage building onto Wedmore Street has gone through various iterations and is now architecturally more consistent with the existing estate buildings.
- The proposal has been reduced in scale since previous versions with the result that there will be less overshadowing and loss of daylight.
- The proposal now includes more substantial landscape and public realm improvements, involving more tree planting, permeable paving and a more coherent landscape strategy.
- The quality of accommodation proposed in terms of size of units, natural lighting and access to amenity space has been improved.

ENFORCEMENT

7.3 None relevant

8 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 253 adjoining and nearby properties on the Wedmore Estate as well as on Wedmore Street, Wedmore Mews, Holloway Road and Yerbury Road on the 14th December 2017. A number of site notices and a press advert were also displayed on 21st December 2017. The consultation officially closed

on the 11th January 2018 but in practice objections are accepted right up to the date of Committee.

8.2 A total of 8 letters of objection were received to the consultation, including a letter from the Wedmore Estate TRA. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

Objections:

8.3 The following is a list of the objections received in response to the proposal:

- The proposal would affect traffic and car parking in the vicinity of the site. [10.132 – 10.140];
- The proposal would have a detrimental impact on neighbouring residents in terms of noise and disturbance [10.100];
- The proposed building would not be sufficiently respectful to the existing historic architecture [10.36 – 10.40]
- The proposal would result in the removal of views over the park for some residents [10.95];
- There will be a loss of privacy due to increased overlooking [10.90 – 10.95];
- The proposal will negatively affect the ambience of the estate [10.101]
- The new buildings will lead to overcrowding [10.61 – 10.63];
- The consultation exercise was not comprehensive enough [8.1 – 8.23];
- The proposal would lead to an unacceptable loss of daylight and sunlight to neighbouring residential occupiers as well as overshadowing of the residents' garden [10.72 – 10.91];
- The application would result in an unacceptably high housing and population density [10.61 – 10.63];
- The proposal would have unacceptable impacts on the neighbouring park [10.33 – 10.37];
- There is insufficient infrastructure to deal with this increase in population resulting from the proposal [10.142 – 10.146];
- The proposal should not include private gardens for the new dwellings [10.103 – 10.109];
- The proposal could result in discord between existing residents and those living in upgraded better quality new blocks [10.101];
- The proposal should include a community space that could link the old and new estate [10.8 – 10.13];
- The old estate buildings should be upgraded to the same standard as the new proposed buildings [10.101];
- The old buildings should be improved in terms of inclusive design and access improvements for those with mobility impairments [10.70];

Applicant's consultation

- 8.4 Whilst there is no statutory requirement (although it is encouraged) for the applicant to carry out their own consultation, Islington Housing Strategy and Regeneration have carried out extensive consultation with residents of the estate and have carried out a number of drop-in sessions. Some of the residents' input at these meetings has informed the final design of the proposal.

External Consultees

- 8.5 **The Crime Prevention Officer** noted that the estate is experiencing increased incidence in anti-social behaviour, in particular burglary and motor vehicle crime and violent crime. As such, it was recommended that the proposal achieved Secured by Design status. It can also be confirmed that the intention of the Crime Prevention Officer is to reduce permeability (contrary to the Council's own objectives). The following should be incorporated into the proposal:

- The entry and exit points along Wedmore Mews should be closed off;
- Access control gates should be provided for vehicular traffic entering the estate;
- Car parking should be rationalised and provided close to the properties that they serve;
- Lighting across the estate especially to the rear by the refuse storage should be improved.

- 8.6 Some of these measures have been incorporated into the proposal and this is discussed in more detail in subsequent sections of the report.

- 8.7 **Historic England** – offered no comment on the application.

- 8.8 **London Fire & Emergency Planning** – no objection subject to Building Regulations compliance.

- 8.9 **Thames Water** – No objection, subject to informatives and conditions on sewerage infrastructure, surface water drainage, impact piling and water infrastructure.

Internal Consultees

- 8.10 **Access Officer** - The Access Officer raised the following points:

- surface finishes are upgraded and new planting and lighting installed i.e. permeable paving, green roofs on bin stores and buffer planting adjacent to residential windows.
- The residents' garden and play area are upgraded, there is a new food growing area and natural surveillance has been improved.
- It seems the built footprint on the site increases from 32% to 38%; whilst the proportion of tarmac and paths has reduced from 56% to 7% and the proportion of grass and planting increases from 8% to 18%.
- In the WAUs the wheelchair storage and charging facility is located within the living room – it would be better if this were located in the hall as wheelchairs are dirty vehicles and (like boots) are better left beside the door.
- In unit 5 the storage and charging facility is unusable because hemmed in on all sides, manoeuvre in and out would not be possible.
- In units 11,14 and 17 the bathroom door could open inwards whereas in unit 18 it should open outwards.

- All doors (other than those within the upper floor of maisonettes) should be provided with a 300mm clear space beyond the leading edge of the door – this is not universally the case at present.

8.10 Amendments have been made to the application which address some of the issues raised. This is discussed in more depth in subsequent sections of this report.

8.11 **Planning Policy** – No objection to the proposal.

8.12 **Design and Conservation Officer** – a number of points were raised which have now been incorporated into the proposal; as such, there are no objections to the revised proposal. The following changes were made to the proposal in response to D&C comments:

- the windows are now more consistent and elegant, in particular the windows to the two-storey element are now rectangular rather than square;
- the banding to the second to last maisonette has also been pulled back slightly to align with the wall above, thus helping to 'ground' the building at this end;
- the cills and fascias will all be the same material and have been revised to pre-cast stone;
- the boundary treatment is now more consistent with that on the street, e.g. railings are now black rather than off-white;

8.13 **Energy Officer** - raised the following points:

- The proposed development falls far short of the 35% target in the London Plan. The developer should take further steps to meet this target;
- The proposed development falls far short of the 27% reduction target in Islington Policy, The Developer should target regulated and unregulated emissions to meet this target.
- The Developer should ensure that all external walls and doors meet the recommendations in Islington's Environmental Design SPD;
- The Dynamic thermal modelling carried out by Bailey Garner should be provided.
- Details are needed of how the development will be future proofed for connection to a future DEN network as specified in Appendix 1 of Islington's Environmental Design SPD.
- Evidence is required that opportunities to form a Shared Heating Network with neighbouring developments has been explored.
- Monthly heat loads should be provided to allow assessment of the viability of on-site CHP.
- The use of air source heat pumps should be assessed.
- Opportunities to maximise the size and efficiency of the proposed PV array as per detailed Energy Services comment should be explored

A revised Energy / Sustainability Statement with appended feasibility studies has been submitted. The revised strategy deals with the issues previously raised and conditions are recommended to secure these changes (*conditions 7 - 11*).

8.14 **Sustainability Officer** – commented as follows:

- It is stated that rainwater harvesting and grey water recycling are not feasible on the site, this should be explained.
- The proposed maximum runoff rate of 5l/s is welcome. It is stated that onsite attenuation will be provided in the form of an attenuation tank. This is deemed to be acceptable on the basis that the tank will not require a pump to be installed. They should however demonstrate that the incorporation of measures higher up the London Plan drainage hierarchy have also been explored, particularly to provide attenuation of the first 5mm rainfall.
- It is stated that permeable paving and green roofs have not been considered for the site but may be at a later date as the design progresses. It is vital that these measures are considered during the early stages of the design process so they can be incorporated effectively.

These points have been addressed and responded to in full.

- 8.15 **Transport Planning Officer** – no issues were raised.
- 8.16 **Highways** – standard clauses and conditions apply.
- 8.17 **Tree Preservation / Landscape Officer** – no objections were raised subject to appropriate conditions on landscaping and tree protection (*conditions 12-14*). If the loss of trees is justified on the basis of overriding planning benefits, then the proposed replacement strategy is considered acceptable on the basis of projected canopy cover replacement and the suitability of species proposed.
- 8.18 **Biodiversity and Nature Conservation** – offered the following comments:
- a) any clearance of trees and shrubs need to take place outside the nesting season, or following a search for nests immediately prior to clearance (*condition 25*);
 - b) should any renovations be planned on the existing buildings, a bat survey needs to take place as these buildings have been identified as having potential for roosting bats (*condition 19*).
 - c) it is very important that any new lighting does not increase light spill into Whittington Park (*condition 17*)

In addition to this, it is recommended that any new development seeks to enhance biodiversity on site and mitigate for any loss of green space or vegetation, even where the existing wildlife value of this green space has been assessed as quite low. Bird and bat boxes should be installed, including preferably swift bricks and sparrow terraces (*condition 18*). New landscaping areas should be installed including a range of plants which are beneficial to wildlife e.g. shrubs, climbers and ground cover plants which provide nectar sources for insects and cover for nesting birds (*condition 12*).

- 8.19 **Refuse and Recycling** – no objections or issues raised subject to adherence to Islington guidance.
- 8.20 **Public Protection** – The site will involve some disruption from demolition of the existing car park and construction of the proposed building. The following condition is advised for the applicant to assess the impact and look at mitigation:

"A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise & vibration and air quality including dust, smoke and odour) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to

any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority."

The CEMP should pay reference to LBI's Code of Practice for Construction, BS5228:2009+2014, the GLA's SPG on control of dust and emissions from construction and demolition, the Non Road Mobile Machinery register, CLOCs status for contractors and any other relevant guidance.

- 8.21 The submission includes a desk top study of the site. The site is not listed on our contaminated land database, with no potentially polluting uses and therefore we wouldn't normally require a full site investigation. The developer is advised to keep a watching brief for any unexpected contamination and follow good practice in quality checking of any imported soil and appropriate disposal of site waste etc.

Other Consultees

- 8.21 **Design Review Panel** – At pre-application stage the proposal was considered by the Design Review Panel on the 12th July 2016. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE.
- 8.22 The proposal presented to the Design Review Panel is shown below:

Elevations



- 8.23 The panel's observations are attached at Appendix 3 but the main points raised in the most recent review are summarised below:

- The DRP considered the overall design a successful response to the site.
- The Panel advised that the details and materials would be crucial to the success of the scheme and stressed the importance of retaining the architects on the scheme.
- It was suggested that a more legible hierarchy should be given to the various openings such as main entrance to the building, private entrances, bin store.
- The two typologies in the building, flats and maisonettes should be expressed in the building's facades.
- The lower block should be distinguished and separated from the rest of the building by providing a gap between the two.
- The Panel suggested that the design team should be careful not to directly mimic the elevational composition of the existing buildings.

- It was suggested that the entrance to the flats needed to be given more of a lobby space rather than a long, thin corridor.

8.24 The proposal has been altered and amended following the Design Review Panel in response to the panel's suggestions. The proposal's design and appearance and response to DRP comments are considered in further detail in subsequent sections of the report.

9.0 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

9.1 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

9.2 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. Since March 2014 planning practice guidance for England has been published online.

Development Plan

9.3 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

9.4 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

- Within 100m of Major Cycle Routes
- Within 100m of TLRN and SRN Road
- Adjacent to Mercers Road / Tavistock Terrace Conservation Area
- Adjacent to Employment Growth Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Statutory Duties

9.6 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant

Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)

- As the development is within or adjacent to a conservation area, the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.7 National Planning Policy Framework (NPPF): Paragraph 14 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay.

9.8 At paragraph 7 the NPPF states: "*that sustainable development has an economic, social and environmental role*".

9.9 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.10 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.11 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.12 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

9.13 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9 ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land use
- Affordable housing (and financial viability)
- Design and Appearance
- Open Space and Landscaping
- Density
- Accessibility
- Neighbouring amenity
- Quality of residential accommodation
- Dwelling mix
- Energy conservation and sustainability
- Highways and transportation
- Planning obligations/mitigations

Land Use

- 9.2 The application site is an existing Council estate in Junction Ward, on the boundary with St George's Ward. Given the proposal for new housing on the estate, the following planning policies are of particular relevance in assessing the planning application: London Plan Policy 2.9 (Inner London), Policy 3.3 (Increasing Housing Supply) and Policy 3.9 (Mixed and Balanced Communities); CS8 (Enhancing Islington's Character), and Policy CS12 (Meeting the housing challenge).

London Plan

- 9.3 London Plan Policy 3.3 states that boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target and to identify and seek to enable development capacity to be brought forward to meet these targets having regard to the other policies of the London Plan and in particular the potential to realise brownfield housing capacity through sensitive renewal of existing residential areas.
- 9.4 In accordance with Policy 2.9, London boroughs and other stakeholders should, work to realise the potential of inner London in ways that sustain and enhance its recent economic and demographic growth while also improving its distinct environment, neighbourhoods and public realm, supporting and sustaining existing and new communities, addressing its unique concentrations of deprivation and improving quality of life and health for those living, working, studying or visiting there. Boroughs should develop more detailed policies and proposals taking into account the above principles.
- 9.5 Policy 3.9 (Mixed and Balanced Communities) states that communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.

Islington Core Strategy (ICS)

- 9.6 Policy CS12 of the Core Strategy seeks to meet the housing challenge by identifying sites which can significantly increase the supply of good quality residential accommodation across the borough. The Policy seeks to ensure that Islington has a continuous supply of land for housing, but crucially also that the housing supply is affordable for existing and future residents. Islington's Housing Needs Study, which informs the policy, demonstrates that affordability is, and will continue to be, a major issue in the borough. In addition to the existing backlog of unmet need, which has led

to overcrowding, there will be future need made up of newly formed households unable to buy or rent in the borough.

- 9.7 At the same time, Policy CS8 seeks to maintain the successful urban fabric of streets while improving on poorer quality of public realm and enhancing open space and the pedestrian environment around them. Core Strategy Policy CS15 protects all existing local open spaces and seeks to improve access to open space while maximising opportunities for further provision across the borough. In addition, the policy looks to make better use of housing amenity spaces so that they can provide an open space function. DM Policy DM6.3 supports CS15 and states that development is not permitted on any public open space or on semi-private amenity spaces, including open space within housing estates, unless the loss of amenity space is compensated for and the development has over-riding planning benefits.

Proposed Development

- 9.8 The development proposes a mix of high quality residential accommodation, including family-sized homes, in the form of infill housing and development on existing car parking in accordance with the aims and objectives of London Plan and Islington Core Strategy Policies. The application proposes a total of 19No. new homes, of which 10No. would be affordable homes for social rent, while 2No. would be for shared ownership. The development delivers an increase in affordable homes in accordance with London Plan (Policy 3.3) and Islington Planning Policies (CS12), which seek to ensure a supply of housing, in particular affordable housing, for residents.
- 9.9 Though the Wedmore Estate contains both social housing (Council tenants) as well as private housing (leaseholders), the majority of the existing housing is occupied by Council tenants. In accordance with Policy 3.9 of the London Plan, there is a logic to introducing some private housing into the estate in order to create more mixed and balanced communities. Notwithstanding the policy support for mixed and balanced communities, it is also a policy requirement to achieve the maximum reasonable amount of affordable housing on a site. The overall proportion of affordable housing is subject to a financial viability assessment which is considered in detail in subsequent sections of this report.
- 9.10 The application site does not include any designated open space, though the application does propose new buildings on semi-private estate open space. The application site is not in an area of open space deficiency and is in fact adjacent to a significant area of open space, Whittington Park; it is nonetheless crucial that any loss of open space on site is suitably justified as well as adequately compensated with overriding planning benefits to support the proposal. The total site area is 8,125sqm, of which 2,622sqm is currently built on and 4,272sqm is car parking, hardstanding and estate roads. Useable open space constitutes some 1,231sqm in the form of a communal garden, a play area, paving and other green/planting.
- 9.11 The proposal involves building on existing car parking spaces and hardstanding as well as on some existing green spaces, while at the same time providing new green and open spaces for residents. The resulting change in open space, including green spaces and hardstanding, private and communal, as well as building footprint is as follows:

Description	Existing	Proposed	Change
Open Space / Amenity Space / Planting	1,231sqm	1,803sqm	+ 572sqm
Tarmac / Hard Surface / Estate	4,272sqm	290sqm	- 3,982sqm

roads			
Permeable Paving	0sqm	2,910sqm	+ 2,910sqm
Built Footprint	2,622sqm	3,122sqm	+ 500sqm
Total Estate Area	8,125sqm	8,125sqm	0

- 9.12 The table shows there to be an increased building footprint and an increase in open space, amenity space and planting. At the same time there is a significant reduction in tarmac and hard surface and an increase in permeable paving. It should be stressed that the permeable paving referred to has a drainage and water attenuation benefit though no significant amenity benefit beyond that for the residents. The important point to note however is that there is no loss in open space per se and in fact an increase in green space. The amenity and ecological benefits of this space will be considered in more detail in subsequent sections of the report.
- 9.13 It is a Council priority to deliver affordable housing but also to protect areas of open space. As such, the building of new affordable housing on existing hardstanding and replacement and enhancement of existing open / green spaces on site is considered to meet policy objectives. The proposal delivers much needed affordable housing with an appropriate mix of sizes and tenure. The proposal also delivers a number of planning benefits including landscape improvements and a rationalisation of car parking, which will be considered in more detail in subsequent sections of the report. Overall, in land use terms, the proposal is considered to meet the objectives of adopted planning policy.

Affordable Housing and Financial Viability

- 9.14 The London Plan, under Policy 3.11, identifies that boroughs should set an overall target for the amount of affordable housing provision needed over the plan period in their area with separate targets for social rented and intermediate housing that reflect the strategic priority afforded to the provision of affordable family housing. Point f) of this policy identifies that in setting affordable housing targets, the borough should consider *“the viability of future development taking into account future resources as far as possible.”*
- 9.15 Policy CS12 of the Islington Core Strategy sets out the policy approach to affordable housing. Policy CS12G establishes that *“50% of additional housing to be built in the borough over the plan period should be affordable”* and that provision of affordable housing will be sought through *sources such as 100% affordable housing schemes by Registered Social Landlords and building affordable housing on Council own land”*. With an understanding of the financial matters that in part underpin development, the policy states that the Council will seek the *“maximum reasonable amount of affordable housing, especially social rented housing, taking into account the overall borough wide strategic target. It is expected that many sites will deliver at least 50% of units as affordable subject to a financial viability assessment, the availability of public subsidy and individual circumstances of the site.”*
- 9.16 The Affordable Housing Offer: The proposed development would provide a total of 19 residential units (both for private sale and affordable housing). Of the 19 units (69 habitable rooms, hr), 12 of these units (45 hr) would comprise affordable housing. Affordable housing provision is typically calculated with reference to the number of habitable rooms provided and in this instance the scheme would provide 65% affordable housing.

- 9.17 Within the affordable housing provision there is a policy requirement for 70% of the provision to be social rent and 30% as intermediate/shared ownership. The proposal includes 2No. shared ownership units, both of which are 2-bed dwellings. At 16%, this is below the 30% but given the significant amount of affordable housing overall offered by the application, this minor discretion from policy aspirations is considered acceptable.
- 9.18 In accordance with policy requirements, a financial assessment has been submitted with the application to justify the proportion of affordable housing offered. In order to properly and thoroughly assess the financial Viability Assessment, the documents were passed to an independent assessor to scrutinise and review.
- 9.19 The applicant's Viability Assessment identified that the development as proposed is unviable in a purely commercial sense as it still requires an amount of public subsidy to address the shortfall between the revenues generated by the development and the costs of providing it. The independent assessor has considered the information submitted and has agreed that the scheme would be unviable without such a subsidy. The independent advisor's viability report is attached as Appendix 4.
- 9.20 It is apparent that in a typical commercial sense, the proposed scheme and level of affordable housing proposed is unviable. However, the applicant LBI Housing is not a commercial developer and in line with Council corporate objectives, is primarily seeking to deliver housing and public realm improvements to meet identified needs. The affordable housing offer proposed in terms of the quantity, quality and mix is considered to make a positive contribution to the housing needs of the borough.
- 9.21 Although Core Strategy Policy CS12 seeks 100% affordable housing schemes from development on Council land, it is not considered that a failure to provide 100% affordable housing on Council owned land is contrary to that policy where it is shown that public subsidy is required to support the lower provision as detailed above. It should be noted that in a standard commercial viability appraisal an existing use value of the site and its buildings is included to calculate a scheme's viability. In this instance, no existing use value has been factored in. This enables the amount of affordable housing to be further maximised.
- 9.22 Housing New Build Programme: The proposal forms part of a wider Islington Housing New Build programme to provide affordable housing to meet identified needs within the borough. The current programme includes 33 schemes across the borough at various stages of progress with the aim of delivering 500 new affordable social rented units within the borough by 2019. The programme factors in Right-to-Buy receipts, s106 contributions, some GLA grant and receipts from the sale of private build units. The level of these resources informs the amount of HRA (Housing & Revenue Account) subsidy required to balance the financing of the programme.
- 9.23 One of the key drivers in terms of determining the level of resources generated and hence the level of HRA subsidy required to balance the programme is the ratio of private sale to affordable units. In addition, schemes of less than 10 units do not contribute any private sale receipts as they are built as 100% social rent and as such need to be subsidised wholly by the HRA and excess private sale receipt of larger schemes.
- 9.24 The introduction (as part of the Welfare Reform & Work Bill) of the 1% rent reduction over the next 4 years has severely restricted the capacity within the HRA to subsidise the new-build programme. The overriding strategy is to maximise the number of social rented properties delivered as part of each scheme whilst at the same time ensuring that the subsidy called upon from the HRA to balance the funding of the overall new build programme remains affordable in the context of the financial viability of the wider HRA, i.e. does not jeopardise their ability to continue to provide and resource the

functions relating to Islington's existing stock; housing management, repairs and long-term investment.

- 9.25 Overall, the proposal provides good quality affordable housing and estate-wide improvement and is considered to contribute towards delivering mixed and balanced communities. In this context, the offer of 65% affordable housing is considered to deliver a good mix of tenures and is considered acceptable and in accordance with London Plan Policies 3.9 and 3.11 as well as Islington Core Strategy Policy CS12. This provision is secured through a Directors Level Agreement.

Design & Appearance

- 9.26 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. All proposals for development in Islington are expected to be of good quality design, respecting their urban context in accordance with planning policy and guidelines.
- 9.27 The London Plan (2016) Policy 7.6 expects architecture to make a positive contribution to a coherent public realm, streetscape and wider cityspace. It should incorporate the highest quality materials and design appropriate to its context. Moreover, buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement the local architecture.
- 9.28 Islington's Core Strategy Policy CS8 states that the scale of new development will reflect the character of a surrounding area. Policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. Moreover, where areas of Islington suffer from poor layout, opportunities will be taken to redesign them by integrating new buildings into surviving fragments of historic fabric and by reconfiguring spaces based on streets and perimeter blocks, particularly in housing estates. All development will need to be based on coherent street frontages and housing developments should not isolate themselves from surrounding areas.
- 9.29 Islington's Development Management Policy DM2.1 requires all forms of development to be of a high quality, incorporating inclusive design principles while making positive contributions to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. All new developments are required to improve the quality, clarity and sense of space around or between buildings, reinforce and complement local distinctiveness and create a positive sense of place. Finally, Islington's Urban Design Guide (2017) provides guidelines and principles for good urban design, for example, how buildings look and fit into their setting, the layout and organisation of public spaces and the appearance of street frontages.

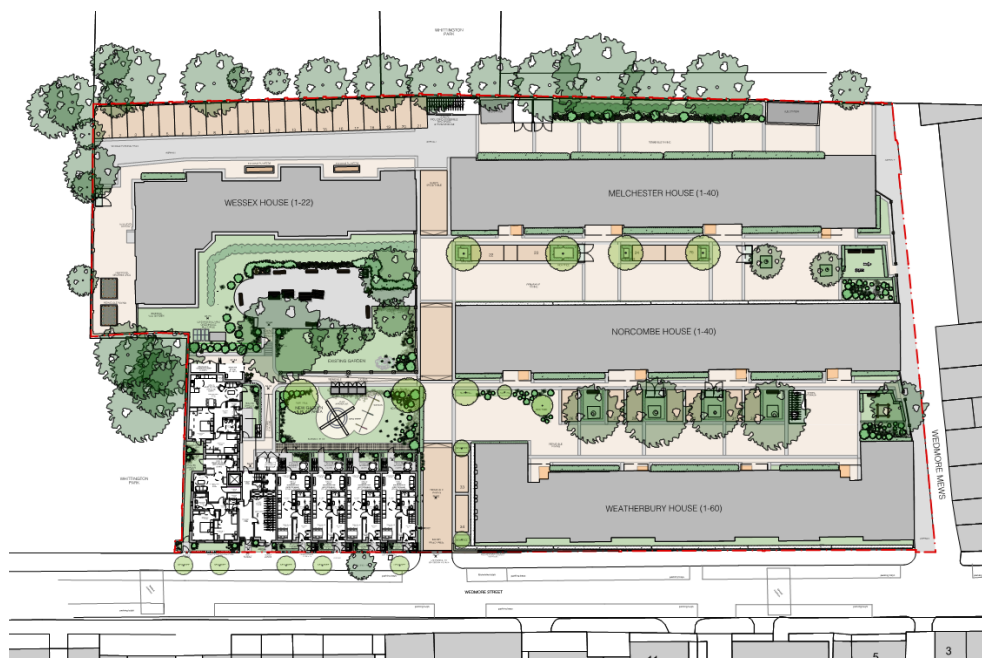
The Application Site

- 9.30 The Wedmore Estate dates from the early 20th century and unlike many of the post-war housing estates in the borough it is considered to have architectural merit. Being the first estate to be built in the borough to let to local residents it also has some not insignificant historic significance. Although one of the blocks was destroyed and rebuilt after the war and Wessex House is a later addition dating from the 1930s, all four blocks have an elegance, engendered by their historic red brick, terracotta roof tiles, dormer windows, decorative features and articulated facades, which is to be commended.

- 9.31 Though Weatherbury House provides the estate with a strong and well-defined street presence, the other blocks are set back from the street and a significant part of the estate's relationship to the street is made up of car parking and a children's play area. Though the estate itself is not in a Conservation Area and none of the buildings are listed as such, the Mercers Road / Tavistock Terrace Conservation Area borders the site on the opposite side of Wedmore Street.
- 9.32 The estate is also bordered by a designated area of open space, Whittington Park, which also plays a significant role in the estate's character and context. A successful proposal here will need to provide high quality contemporary architecture, which is sympathetic to and respects the aesthetic of the existing Wedmore Estate buildings. In order to achieve a successful development proposal, new buildings would also need to respect the adjacent Conservation Area, maintain a harmonious relationship with the park while also creating a coherent street frontage.

Layout

- 9.33 The application proposes to build in the gap in the street frontage between Weatherbury House and Whittington Park and thereby relocating the play area and car parking to the rear of the site. This would have the simultaneous effect of creating a more coherent street frontage while at the same time creating a courtyard space in the middle of the estate with improved landscaping, a new play area and permeable paving.
- 9.34 The lower-rise element of the L-shaped building projects into the estate along the boundary with the park. The resulting footprint and form of the building is not dissimilar to that of the existing Wessex House. Generous gaps are maintained between the buildings, with the gap between Weatherbury House and the proposed building widening as you move up the building with the building stepping up from two storeys to five storeys in height. A number of landscape interventions are proposed along the perimeter of the site and in the gaps between existing building, thereby integrating the development more successfully into the existing fabric of the estate.



Proposed Site Layout

- 9.35 The layout of the proposed buildings has been designed in order to maximise distances between the proposed and existing buildings while providing street frontage and creating a courtyard space in the centre of the estate. The Design Review Panel commended the approach adopted and are satisfied with the layout proposed.

Scale & Architecture

- 9.36 Given the design and appearance of existing buildings and the architectural value offered by the Wedmore Estate itself, it was considered that any building at this location would need to successfully reference the existing architecture, particularly that of Weatherbury House. The result is a building that is in essence a modern interpretation of the existing building. The height of the eaves of the proposed building matches that of Weatherbury House as does the ridge height and gable ends. The pattern of fenestration along the front elevation also takes its cue from the street frontage of the existing building.
- 9.37 At the same time, the height of the maisonettes within the proposed building which are expressed by a set-back above 2nd floor level corresponds to the height of the eaves of the houses on the opposite side of Wedmore Street. This differentiation between the two building typologies, maisonettes and flats, is considered to create greater integrity to the building as the floorplates and typologies are expressed subtly within the facade. The gable ends which seek to harmonise the scheme with the existing estate, have now been reduced in number since previous iterations. It had been suggested that the design team should be careful not to directly mimic the elevational composition through the tripartite nature of the gable ends, given that the new block has a shorter frontage than that of Weatherbury House. The amended composition and elevational treatment is now considered to be a successful balance between harmonising with the existing architecture without wholly mimicking its elevational composition.

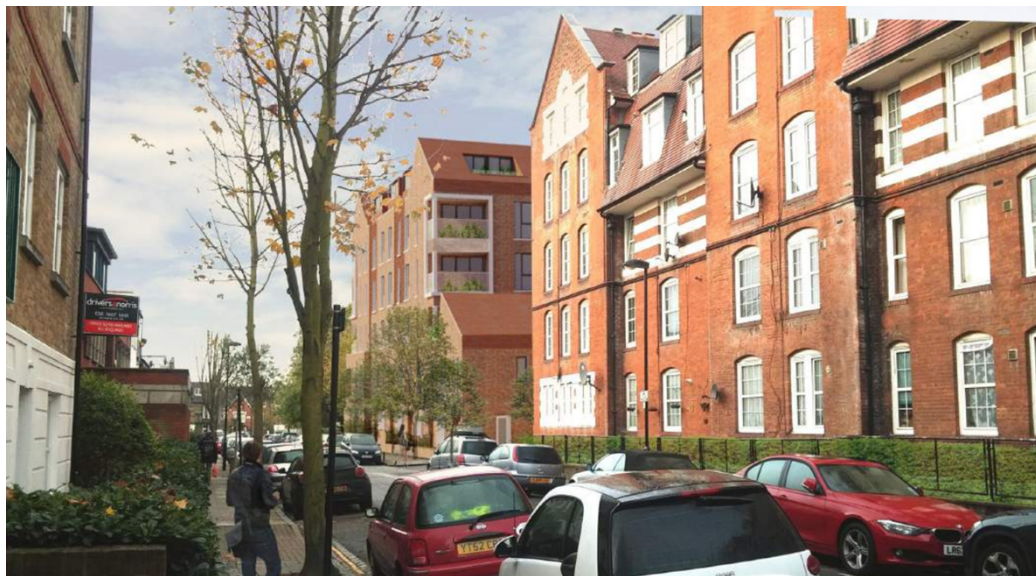


- 9.38 Following advice from the Design Review Panel, a clearer and more legible hierarchy has now been proposed for the building's entrances and openings with larger canopies signifying the main entrances and smaller entrance canopies to the individual maisonettes. The front elevation also now includes pre-cast stone copings as well as the terracotta tiles and red brick which reference the Edwardian architecture of the existing buildings. Moreover, the DRP suggested that the lower corner block should be distinguished from the main body of the building through a set-back gap between it and the main building. This has now been achieved as shown below.



9.39 It is felt that the existing estate buildings provide a clearer and more relevant context for the proposal than the adjacent Mercers Road / Tavistock Conservation Area as the site is within the estate which sits outside of the conservation area. As such, the part 5-, part 6-storey building proposed is considered to be the right response to the site. In relation to the conservation area directly opposite, the building would be clearly higher than the buildings on the opposite side of the road but within the context of the rest of the estate it would not sit uncomfortably and it is not considered that it would compromise the setting of the conservation area; neither would it block any significant views into or from the conservation area and thus would not feel overbearing or incongruous.

9.40 The design has evolved to provide a building that is clearly a contemporary addition to the estate but that sits comfortably within it and respects its scale, building typologies, materials and proportions. Nevertheless, the materials and detailing are fundamental to getting the right design and as such permission would be subject to robust materials conditions to ensure materiality is of the highest quality (*condition 3*).



View along Wedmore Street

9.41 Furthermore, a number of design improvements and building enhancements are proposed to the existing buildings in order to more successfully integrate the proposal into the existing estate. New canopies, signage and entrance lighting is proposed to all of the existing blocks while new cladding is proposed to the refuse stores. Moreover, new buffer planting is proposed adjacent to existing residential windows. This is discussed in more detail in the open space and landscaping sections of this report.



Proposed Entrance Improvements

Overall Development

- 9.48 Overall, the proposal is considered to deliver an appropriate balance between respecting the integrity of the estate on the one hand and providing high quality contemporary design on the other. The same architectural language has been adopted where suitable and matching materials in the form of brickwork, roof materials and fenestration have been proposed where this is considered appropriate. The proposal is well-designed and is considered to conserve the character and appearance of the adjacent Mercers Road and Tavistock Terrace Conservation Area.
- 9.46 Overall, the scale, massing, height and proposed architectural language is considered to work successfully and the architecture of the proposal is considered to make a positive contribution to a coherent streetscape. The proposal retains substantial gaps between buildings and the development is considered to be sympathetic in scale and appearance to the local aesthetic and identity.



- 9.47 Samples of materials would be required by condition (3) in order to ensure that the development is built out to the highest quality. The proposal is considered to be in accordance with Policy 7.6 of the London Plan, Policy CS8 and CS9 of Islington's Core Strategy and the aims and objectives of Development Management Policy DM2.1 and DM2.3.

Open Space and Landscaping

- 9.48 Islington's Core Strategy Policy CS15 on open space and green infrastructure states that the Council will provide inclusive spaces for residents and visitors and create a greener borough by protecting existing local spaces, including open spaces of heritage value, as well as incidental green space, trees and private gardens. Policy DM6.5 reinforces these objectives, stating that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas. Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation. Furthermore, developments are required to minimise any impacts on trees, shrubs and other significant vegetation. At the same time any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits.
- 9.49 Regarding open space, Development Management Policy DM6.3 states that development is not permitted on semi-private amenity spaces, including open space within housing estates and other similar spaces in the borough not designated as public open space, unless the loss of amenity space is compensated and the development has over-riding planning benefits. Moreover, both Development Management Policies DM2.1 and DM8.4 encourage greater permeability by improving movement through areas and seeking an improved pedestrian environment.
- 9.50 The Wedmore Estate is rectangular in shape with its existing buildings arranged in an L-shape. The estate has a large street frontage, part of which is occupied by buildings facing Wedmore Street. The remainder of the site's street frontage consists of car parking and a play area, with an area of hardstanding and a residents' garden behind this. The spaces between the buildings are mainly occupied by further areas of hardstanding. The proposal involves building on the car parking and play area to create a defined street frontage and to replace the play area behind the proposed building and thereby to create an extension to the existing residents' garden. Further landscape interventions are proposed in the areas of hardstanding to create greener areas with greater amenity and biodiversity value.



Landscape Proposal

- 9.51 Looking at the landscape strategy in more detail, the proposed building along the site's street frontage creates an enlarged courtyard garden with a new area of play. Though the existing garden will remain largely untouched, it would now connect to a new garden space and play area. The new play area will have perimeter planting with a variety of native and other species to enhance biodiversity and to encourage a

greater range of wildlife. Two new trees are proposed here to replace the trees lost at this location. New boundary treatment and shrub planting around the perimeter is also proposed.

- 9.52 Furthermore, in the areas between the existing blocks, new improved courtyard spaces are proposed. These spaces are currently used as ad-hoc spaces and are not clearly defined. The application proposes to define these spaces more clearly with parking areas reduced but defined and formalised. It is also proposed to replace all existing tarmac with permeable paving, create small areas of play and additional soft landscaping in the form of trees and green buffer planting and shrub planting. Moreover, a new food growing area is proposed alongside Wessex House for residents of the estate.
- 9.53 In terms of biodiversity, it is considered that the existing site's ecological value is quite low and that the proposal has the potential of increasing biodiversity. In order to achieve this, any tree removal would need to happen outside of nesting season and bat surveys would need to be carried out prior to development being implemented (*conditions 19 and 25*). In addition to this, it is recommended that bird and bat boxes are installed, including preferably swift bricks and sparrow terraces (*condition 18*). New landscaping areas including a range of plants which are beneficial to wildlife e.g. shrubs, climbers and ground cover plants which provide nectar sources for insects and cover for nesting birds is recommended (*condition 12*).
- 9.54 Given the aspiration to deliver genuinely affordable housing, the building of affordable housing on hardstanding and car parking to create a defined street frontage is considered a sensible approach. Moreover, the quality of the landscape strategy together with the overall planning benefits derived from the proposal, in particular the provision of good quality affordable housing in a well-design new building, are considered to fully justify the building on existing open space on the estate.
- 9.55 The proposal is thus considered to be in accordance with Core Strategy Policy CS15 and Development Management Policy DM6.3. While the landscape strategy is supported in principle further details would be required by condition (12) in the event of permission being granted to ensure that the final design of the landscaping is of the highest quality and properly implemented.

Trees:

- 9.56 Development Management Policy DM6.5 requires developments to minimise any impacts on trees, shrubs and other significant vegetation. Developments within proximity of existing trees are required to provide protection against damage during construction. Moreover, development proposals must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of a development site and maximise the provision of soft landscaping, including trees, shrubs and other vegetation.
- 9.57 There are 44 trees which have been survey as part of the development proposals, 23 of which are off-site and 21 are on-site. The predominant species on site are London plane and cherry, with a mix of other species. The proposal involves the removal of 5No. cherry trees and one Alder in order to enable the development.
- 9.58 All remaining trees will be retained and protected. The submitted Arboricultural Impact Assessment has been considered and assessed by the Council's tree preservation officers who have accepted the assumptions and recommendations within it. All existing retained trees would be protected during the construction process to ensure their health and future growth and details of all works to trees will required by condition to ensure they meet required standards (*conditions 13 - 15*).

- 9.59 A total of 16No. new trees will be planted, with 5No. of the proposed trees on street and the remainder proposed on site as part of the landscape strategy. The planting of these trees would be required by condition (12) and the planting of the street trees will be required through Director's Agreement, pursuant to section 106. The proposal increases the canopy cover overall on site. As such, the open space, landscape and tree planting strategy is considered a qualitative enhancement.

Overall Strategy

- 9.60 The application includes a significant improvement to semi-private open space and communal garden space which would provide an enhancement to the amenity of local residents. Subject to appropriately worded conditions, the proposal is considered to be in accordance with the Core Strategy Policy CS15 and Development Management Policy DM6.5. To ensure the protection of the trees to be retained at the site and secure a high quality landscape scheme, conditions are recommended which require the submission of and compliance with an agreed Landscape Management Plan (12), an Arboricultural Method Statement (13) and a Scheme of Site Supervision (14 and 15).

Density

- 9.61 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The existing Wedmore Estate comprises a total of 162 residential units across a site of some 0.81 hectares. The development scheme proposes a net increase of 19 residential dwellings, resulting in a total of 181 dwellings on the estate. This equates to 501 habitable rooms on the estate. As such, the proposed development would result in a residential density on the estate of some 616 habitable rooms per hectare.
- 9.62 In assessing the appropriate housing density for the application site and the wider estate it is also necessary to consider the London Plan in more detail, which notes that it would not be appropriate to apply these limits mechanistically. In particular, the local context as well as design considerations should be taken into account when considering the acceptability of a specific proposal.
- 9.63 The site has a public transport accessibility level (PTAL) of 4 which is considered to be a good level of public transport connectivity. For urban areas with a PTAL of 4, the London Plan Policy 3.4 (Table 3.2) suggests that a density level of between 200 and 700 habitable rooms per hectare would be most appropriate. This level of housing density, at 616 hr / hectare, is within the suggested range.

Accessibility

- 9.64 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore the Council can no longer apply its flexible housing standards nor local wheelchair housing standards. The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to Islington's present wheelchair accessible housing standard. Planning is required to check compliance with these standards and condition the requirements.
- 9.65 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The need for such housing has been evidenced and London Plan 2016 Policy 3.8 Housing Choice requires that 90% of new housing be built to Category 2 and 10% to Category 3.

- 9.66 Development Management Policy DM3.4 'Housing Standards' provides various standards in housing including for accessibility and inclusive design. The policy states that the overall approach to all entrances should be logical, legible and level or gently sloping; and common entrances should be visible from the public realm, clearly identified and illuminated and have level access over the threshold. Moreover, the number of dwellings accessed from a single core should not be more than eight and communal circulation corridors should be a minimum of 1200mm wide. Finally, in terms of circulation within new homes, space for turning a wheelchair should be provided in living rooms, dining rooms and in at least one bedroom.
- 9.67 It can be confirmed that the all of new dwellings would meet Category 2 and two of the proposed ground floor dwellings would be wheelchair accessible. As such, 10% of the units would be built to Category 3 standard and will be conditioned as such (*condition 6*). The wheelchair accessible dwellings are provided as follows: a 2B4P affordable unit and a 2B4P unit for private sale in the two-storey part of the building. Although the wheelchair storage and charging facilities in the two wheelchair units are not ideally located, it is considered that the ground floor layouts could be easily remodelled to accommodate a more convenient arrangement for their storage.
- 9.68 The applicant has submitted a Design and Access Statement and has outlined how inclusive design principles have been considered and addressed. The plans have also been amended since the original permission in order to ensure that the proposal meets inclusive design standards. It can be confirmed that level access is provided to all the new dwellings, as described above. Moreover, there are no steps externally anywhere on the estate and all path gradients are less than 1:21. The external landscaping, which is considered in more detail in other sections of this report, has been designed to allow mobility or visually impaired residents to move easily around the site and access all facilities readily.
- 9.69 All shared and private entrances are covered and clearly marked with signage and well-lit. Communal stairs have been designed to meet accessibility requirements and there is adequate space in front of lifts, stairwells and entrances to manoeuvre wheelchairs. All new dwellings have been designed to incorporate appropriately sized internal corridors, doors and accommodate wheelchair turning circles and all bathrooms have been designed to allow for future adaption.
- 9.70 The internal arrangements of the existing buildings will be unchanged so the access and inclusive design measures discussed above only apply to the proposed building. There is no policy justification for requiring the applicants to upgrade existing accommodation so this has not been considered here. Notwithstanding this, in the event of planning permission being granted, the above measures would be secured by planning condition (*conditions 6 and 12*) to ensure that the proposed development is accessible and meets inclusive design standards.

Neighbouring Amenity

- 9.71 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.
- 9.72 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE)

criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

- 9.73 BRE Guidelines paragraph 1.1 states: *“People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by”*. Paragraph 1.6 states: *“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”*.
- 9.74 Daylight: the BRE Guidelines stipulate that... *“the diffuse daylighting of the existing building may be adversely affected if either:*
- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value;*
 - *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*
- 9.75 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 9.76 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.77 At paragraph 2.2.8 the BRE Guidelines state: *“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”*.
- 9.78 Paragraph 2.2.11 states: *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 9.79 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degree. This would correspond to a*

VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”

9.80 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPD states that:

“Policy 7.6B(d) requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.

The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.”

9.81 Sunlight: The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

“If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
- Receives less than 0.8 times its former sunlight hours during either period and*
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

9.82 The BRE Guidelines) state at paragraph 3.16 in relation to orientation: *“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”*

9.83 It goes on to state (paragraph 3.2.3): *“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.”*

9.84 Open spaces: The Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: *‘gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains’.*

9.85 At paragraph 3.3.17 it states: *“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least*

two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”

Assessment

9.86 The VSC has been assessed for all existing surrounding residential properties. The vast majority of windows serving existing properties retain good levels of daylight following the development and would not lose more than 20% of their former value. For example, windows to all dwellings within Wessex House, Northcombe House and Melchester House as well as the vast majority of properties on Wedmore Street would retain 80% of their former VSC value. As such, loss of daylight to these properties would not be noticeable.

9.87 Nonetheless, some of the windows in lower-level apartments in Weatherbury House would be more noticeably affected by the proposed development. Some ground floor and first floor windows to habitable rooms would retain less than 80% of their former VSC value. However, most of these windows serve rooms whose overall daylight distribution will not be affected. The two windows most-affected by the proposal are two kitchen windows which would still retain a high level of daylight. Moreover, all other windows serving habitable rooms in this building from the 1st floor up would retain good levels of natural daylight and thus overall residential amenity for these residents would be maintained. The daylight impacts on the most affected windows of lower levels of Weatherbury House are shown below:

Weatherbury House		Vertical Sky Component			No skyline (daylight distribution)
Room / Window	Room Use	Existing VSC (%)	Proposed VSC (%)	VSC % of former value Target 80%	Reduction (%) Target 80%
Ground / W1	Living Room	15.09	15.01	99%	89%
Ground / W2	Living Room	15.73	15.65	99%	
Ground / W3	Living Room	35.55	27.53	77%	
Ground / W4	Living Room	35.62	27.4	77%	
Ground / W5	Kitchen	35.74	26.37	74%	74%
Ground / W6	Kitchen	35.79	26.18	73%	62%
Ground / W7	Kitchen	35.85	25.69	72%	
Ground / W8	Kitchen	35.87	25.65	72%	99%
Ground / W9	Living Room	35.89	25.78	72%	
Ground / W10	Living Room	35.89	26.08	73%	

9.88 An objection has been received regarding the daylight and sunlight impacts on residential properties on Wedmore Street. The loss of daylight and sunlight and retained levels of daylight and sunlight have been assessed for these properties and it can be confirmed that the majority of windows serving habitable rooms on Wedmore Street would not suffer noticeable losses of daylight or sunlight and would retain relatively high levels of natural light for an urban location such as this, complying with all relevant BRE guidelines. The affected windows on 27 Wedmore Street are shown below:

27 Wedmore Street		Vertical Sky Component			No skyline (daylight distribution)
Room / Window	Room Use	Existing VSC (%)	Proposed VSC (%)	VSC % of former value Target 80%	Reduction (%) Target 80%
Ground / W1	Living Room	30.93	20.38	69%	86%

Ground / W2	Entrance	31.95	21.10	66%	67%
First / W1	Bedroom	33.01	25.64	78%	75%
First / W2	Bedroom	33.23	25.27	76%	88%
First / W3	Living Room	33.54	24.18	72%	78%
Second / W1	Bedroom	34.49	28.66	83%	81%
Second / W2	Bedroom	34.66	28.26	82%	91%
Second / W3	Living Room	34.87	27.19	78%	80%

9.89 As can be seen from the table above, the lower-level windows of the properties immediately opposite the development would experience some moderate noticeable losses of daylight as a result of the proposal. The worst affected window serves an entrance hallway. Adjacent to this building is a terrace of houses referred to here as 29-35 Wedmore Street which will also contain some windows experiencing noticeable losses of daylight as a result of the development. However, none of the windows would experience noticeable losses of daylight distribution. A summary of the daylight impacts on these properties is shown in the table below. None of the windows serving habitable rooms in other residential properties on Wedmore Street would suffer noticeable losses of VSC, nor would any rooms experience noticeable losses in daylight distribution.

29-35 Wedmore Street		Vertical Sky Component			No skyline (daylight distribution)
Room / Window	Room Use	Existing VSC (%)	Proposed VSC (%)	VSC % of former value Target 80%	Reduction (%) Target 80%
Ground / W1	Kitchen	33.08	21.73	66%	98%
Ground / W4	Kitchen	33.78	22.44	66%	94%
Ground / W5	Kitchen	34.17	23.51	69%	96%
Ground / W10	Living Room	33.23	25.27	76%	94%
Ground / W11	Living Room	33.54	24.18	72%	
Ground / W12	Living Room	34.49	28.66	83%	
Ground / W13	Living Room	34.66	28.26	82%	
First / W1	Bedroom	33.98	24.14	71%	90%
First / W2	Bedroom	34.52	24.66	71%	90%
First / W3	Bedroom	34.84	25.54	73%	90%
First / W4	Bedroom	35.31	27.87	79%	93%

9.90 In terms of sunlight, there is one window facing within 90 degrees of due south within Wessex House that would experience noticeable losses of sunlight. However, this is one of three windows serving the same room, so that the room itself would still receive acceptable levels of sunlight. The most affected windows that face within 90 degrees of due south in Wessex House in terms of loss of sunlight are shown in the table below:

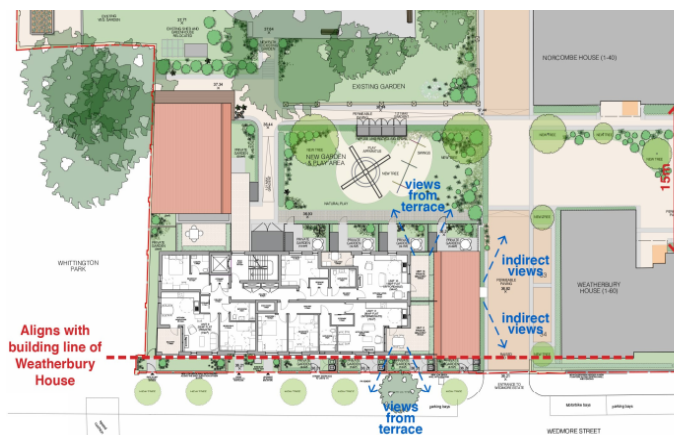
Wessex House		Annual APSH			Winter APSH		
Room / Window	Room Use	Existing	Proposed	% former value	Existing	Proposed	% former value
Ground / W8	Living Room	23	18	78%	3	0	0%
Ground / W9	Living Room	29	24	83%	5	2	40%
Ground / W11	Bedroom	32	28	88%	6	3	50%
Ground / W12	Bedroom	37	33	89%	7	4	57%

9.91 All other neighbouring windows and rooms would comply with BRE standards in terms of sunlight. In summary, the vast majority of neighbouring residential properties would

not suffer noticeable losses of VSC and daylight distribution and would retain good levels of daylight and sunlight. There are a number of windows within Weatherbury House and 27-35 Wedmore Street that would experience reductions in VSC and within Wessex House that would experience noticeable reduction in sunlight; however, the effect on the rooms that they serve is not considered to be unacceptable. The overall impact on sunlight and daylight is considered acceptable in planning terms.

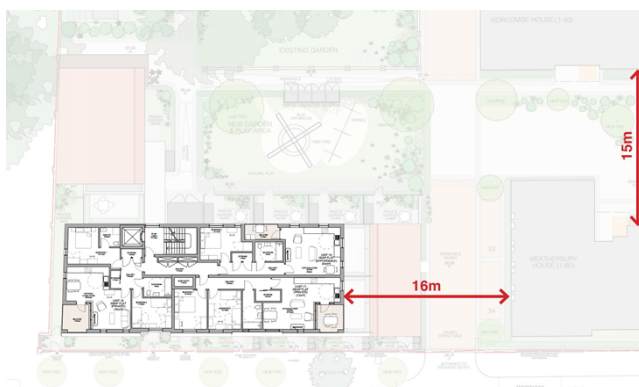
9.92 Overlooking / Privacy: Development Management Policy 2.1 identifies that ‘to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy’. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.

9.93 There are some instances where the proposed development would result in a less than 18m window-to-window distance. This is the case between the eastern elevation of the new block and Weatherbury House. The plan view below shows where this 18m minimum is breached. As can be seen, the development has been designed so as to minimise overlooking by positioning and angling windows in such a way so that views generally face away from existing habitable windows. The elevation facing Weatherbury House has a combination of obscured glazing and windows that face away from its closest neighbouring building.



Overlooking (minimum distances) – ground / first floor plans

9.94 On upper levels of the proposed buildings, some of the windows have not been shown as obscured and would be some 16m away from the nearest neighbouring habitable window. It is considered that any permission be conditioned to require further details of privacy screens around the balconies and roof terraces and potential obscured glazing to ensure that overlooking does not result in a loss of residential amenity to this neighbouring residential property (*condition 5*).



Overlooking (minimum distances) –first floor plans

- 9.95 Other residential properties within the estate or on Wedmore Street are all greater than 18 metres away from the proposed buildings and windows within them. As such, overlooking to and privacy of these properties is not considered to be of concern. Some residents have raised an objection on the basis that their views of the park would be curtailed. It should be noted that whilst the right to a view is not a planning consideration, the impact on existing residents in terms of a sense of enclosure has been considered with the conclusion that the proposal would not result in an unacceptable sense of enclosure due to the relative distances and heights of existing and proposed buildings.
- 9.96 Safety / Security: Development Management Policy DM2.1 requires for developments to be safe and inclusive, enhance legibility with a clear distinction between public and private space and to include safety in design, such as access, materials and site management strategies. One of the key objectives of this proposal is to create a safe and secure environment for residents of the estate.
- 9.97 The proposed building on the street frontage increases passive surveillance over the street. The proposal also has the effect of increasing surveillance over previously poorly-overlooked spaces as well as designing out 'left over' areas which can be prone to anti-social behaviour. The reconfiguration of the estate and the creation of street frontage is considered to enhance legibility, providing a clearer distinction between public and private space. The overall strategy is to ensure social (passive) surveillance is possible throughout the estate through active building frontage and windows overlooking common spaces. A number of other measures are also proposed such as the relocation of recycling bins, the provision of secure bicycle lock-ups as well as a lighting strategy which would also create a safer environment.



Proposed Lighting Strategy

- 9.98 The Secured by Design Officer had advised that existing estate entrances be closed off in order to increase territoriality and reduce permeability and thereby reduce the potential for crime and anti-social behaviour occurring on the estate. Reducing permeability on the estate would go against the policy aspirations of the Council which seek to increase permeability and improve routes through estates. The justification for increasing or maintaining levels of permeability is that a variety of safe, convenient and attractive routes through an area should be provided and that the safety and security of an area can be enhanced through increasing footfall, improving lighting, enhancing passive surveillance and increasing a sense of ownership.
- 9.99 The proposal includes a lighting strategy but also includes a number of changes to surface treatment including traffic calming measures that should improve the safety of pedestrians and also increase the feeling among residents of ownership over the estate. The proposed reconfiguration of parking spaces would also move spaces closer to the properties that they serve and thereby address the existing issues with parking abuse. The new building proposed on the estate's frontage also creates a

courtyard garden environment in the middle of the estate which would be perceived more clearly as a part of the estate, thus increasing territoriality.

- 9.100 Noise, Disturbance and Construction: adequate sound insulation would be provided to all new units to protect the amenities of existing and future residents and this is covered by Building regulations. Further details of screening around proposed roof terraces shall be provided to minimise noise and disturbance to surrounding residential occupiers (*condition 26*). Furthermore, in the event that permission is granted, approval would be on condition (*condition 4*) that construction impacts are suitably mitigated through the submission of and adherence to a Construction Environmental Management Plan.
- 9.101 An objection has been received by residents of the estate to the effect that the proposal will have on the existing cohesion and ambiance of the estate as there would be a perception that new residents would have superior residential accommodation. Whilst the accommodation proposed is to modern standards which may differ from those applied to the existing buildings, it is considered that the planning application successfully integrates the proposed building and landscaped spaces into the existing estate by applying a consistent design across the estate and proposing improvements to the existing buildings.
- 9.102 In summary, the proposal is not considered to result in an unacceptable impact on neighbouring residential amenity in terms of loss of daylight or sunlight, increased overlooking, loss of privacy, sense of enclosure and is considered to result in an improvement in terms of safety and security.

Quality of Resulting Residential Accommodation

- 9.103 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life for Islington residents, residential space and design standards will be significantly increased and enhanced from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards. In accordance with this policy, all new housing is required to provide functional and useable spaces with good quality amenity space, sufficient space for storage and flexible internal living arrangements.
- 9.104 Unit Sizes: All of the proposed residential units comply with the minimum unit sizes as expressed within this policy. Part C of Policy 3.4 requires for floor-to-ceiling heights to be a minimum of 2.6 metres. All proposed units would meet this standard.
- 9.105 Aspect/Daylight Provision: Policy DM3.4 (part D) sets out that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'.
- 9.106 All new dwellings proposed would achieve both dual aspect and all proposed windows of habitable rooms would achieve good levels of natural daylight. The exception is a kitchen / living room / dining room which achieves enough light for a living room but 0.1% below the required 2% minimum for kitchens. This dwelling meets all other standards and would have good levels of daylight in all other rooms as well as generous provision of private amenity space.
- 9.107 Amenity Space: Policy DM3.5 of the Development Management Policies Document 2013 within part A identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. The policy in part C then goes on to state that the minimum requirement for private outdoor space is 5 square metres on upper floors and 15 square metres on the ground floor for 1-2 person dwellings. For each additional occupant, an extra 1 square metre is required on upper floors and 5

square metres on ground floor level with a minimum of 30 square metres for family housing (defined as 3 bed units and above).

- 9.108 The private amenity space proposed for almost all of the proposed units would exceed minimum requirements. The maisonettes fall short by providing 21sqm rather than the required 30sqm. These units would have direct access to a resident's garden as well as a children's play area.
- 9.109 Playspace: Policy DM3.6 requires all housing development of more than 10 dwellings to make provision of play based on anticipated child yield. The London Plan sets a benchmark standard of a minimum of 10sqm of suitable child playspace per child for new developments, with Islington's DM Policy 3.6 setting a minimum of 5sqm. With an estimated child yield of 20 as a result of the new development, there would be a requirement to provide some 100sqm of child play space as a minimum. The proposal includes a total of 250sqm of child playspace, which would be sufficient for the proposed development.
- 9.110 However, the calculation does not take into consideration the children already living on the estate which are estimated to be about 88. The new and proposed dwellings would result in a child yield which would require some 540sqm of playspace. The proposal falls short of this amount. It is however proposed to convert the vehicular dominated spaces on the estate to a more pedestrian-friendly environment and the estate is directly adjacent to Whittington Park which has extensive child playspace opportunities.
- 9.111 Therefore, it is considered that, together with the centrally located play area and the playspace in the vicinity of the site, there is sufficient child playspace provision for existing and future residents. Further details of playspace provided within the development would be required by condition (12).
- 9.112 Refuse: Dedicated refuse and recycling facilities/chambers are provided for the residential uses. The location and capacity, and management of these facilities have been developed in consultation with the Council Street Environment Department and are considered acceptable (*condition 22*).

Dwelling Mix

- 9.113 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy DM3.1 of the Development Management Policies. The policy also requires for provision to be made for intermediate or shared ownership housing.
- 9.114 The scheme proposes a total of 19 residential units with an overall mix comprised of:

Dwelling Type	Social Rent	Intermediate	Private Units	Total
1 Bed	3	-		3
2 Bed	1	2	6	9
3 Bed	6	-	1	7
TOTAL	10	2	7	19

- 9.115 The supporting text of policy DM3.1 relates to this objective stating 'There may be proposals for affordable housing schemes that are being developed to address short-term changes in need/demand as a result of specific interventions (for example,

efforts to reduce under-occupation). In these situations, deviation from the required policy housing size mix may be acceptable. In such cases registered providers will need to satisfy the Council that the proposed housing size mix will address a specific affordable housing need/demand and result in an overall improvement in the utilisation of affordable housing units in Islington’.

- 9.116 The dwelling mix includes a high number of family sized social rented units as well as a high number of 2-bed units as well as shared ownership units. The dwelling mix is considered to be appropriate for the site and context and is based on actual demand for housing as evidenced by housing waiting lists.

Sustainability, Energy Efficiency and Renewable Energy

- 9.117 The London Plan (2016) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 9.118 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). The London Plan sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. In accordance with Islington Planning Policy, developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock (CS10).
- 9.119 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, SUDS, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires for development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details and specifics are provided within Islington’s Environmental Design SPD, which is underpinned by the Mayor’s Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington’s Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.

Carbon Emissions

- 9.120 The applicant proposes a reduction in regulated emissions of 35.3% compared to a 2013 Building Regulations baseline. In terms of overall emissions (both regulated and unregulated) the development is predicted to achieve a reduction of 17.09 %. This is an increase on the original proposal and a number of changes including increasing solar PV output have resulted in this improvement. However, it still falls short of Islington’s target. The Council’s energy services team have accepted that this is the maximum achievable, given site constraints, and are satisfied with the assumptions and recommendations made. In order to mitigate against the remaining carbon emissions generated by the development a financial contribution of £41,917 will be sought by way of Director’s Letter (pursuant to section 106).

9.121 The proposed U-values for the development are as follows: external walls = 0.15, sheltered walls = 0.22, roof = 0.13, floors = 0.13, and windows = 1.1. These are generally better than the values recommended in the Environmental Design SPD. The proposal also includes passive measures such as improving the glazing in south-facing elevations, venetian blinds and improving pipework insulation. Furthermore, MVHR with summer bypass, smart temperature controls and night time cooling has been proposed. Low energy lighting is proposed throughout the development, which is supported.

Low Carbon Energy Supply

9.122 London Plan Policy 5.6B states that Major development proposals should select energy systems in accordance with the following hierarchy:

1. Connection to existing heating or cooling networks;
2. Site wide CHP network
3. Communal heating and cooling

9.123 The applicant does not propose to connect to a District Heat Network as there is no planned and committed network within 500m of the application site. Notwithstanding this, suitable wording would be included in the application's section 106 agreement (Director's Letter) to ensure potential future connection in the event that a DEN is established in the future.

9.124 The submitted Energy Statement by Baily Garner rules out the use of on-site CHP, on grounds that the development heat loads are too small to support a technically or economically feasible. It is considered that this conclusion is correct. Annual and monthly heating and hot water kWh loads have been provided to demonstrate that an on-site CHP is unrealistic. The project has proposed the use of centralised boilers with future connection potential to a district energy system should become available in the future.

Renewables

9.125 The Mayor's SD&C SPD states that major developments should make a further reduction in their carbon dioxide emissions through the incorporation of renewable energy technologies to minimise overall carbon dioxide emissions, where feasible. The Council's Environmental Design SPD (page 12) states "use of renewable energy should be maximised to enable achievement of relevant CO2 reduction targets.

9.126 Based on 32sqm of panels, the high efficiency panels proposed would generate an output of 4.92kWp. The space available for the panels is reduced because of the sloping roofs and design considerations. However, the proposal maximises renewable energy output from solar PVs (*condition 7*).

Sustainable Design Standards

9.127 The council's Environmental Design Guide states "Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification.

9.128 The residential element of the development has been assessed against the Code for Sustainable Homes, although this has been withdrawn. The submission demonstrates that the development would achieve a score of 69.9% which exceeds the threshold of 68% required to achieve a rating of Level 4 when the Code was previously in force. It

is recommended that all reasonable measures throughout the design and construction process are taken to achieve Code 4.

Sustainable Urban Drainage System

- 9.129 The application site is Flood Risk Zone 1 and therefore has a low probability of flooding from tidal or fluvial sources. In terms of drainage, surface water for the entire site will be drained via large permeable surface areas. Flow will be controlled via a flow device, outfalling into the existing combined water man-hole at the boundary of the site. Foul flows will discharge directly into the network on site, new chambers will be formed around the edge of the proposed landscaping to ensure that there is adequate maintenance access.
- 9.130 Through the use of permeable paving, attenuation tanks and green roofs, the proposal would achieve a water run-off rate of 5l/s. This is a 57% reduction in run-off rates. The drainage and SUDS strategy including green roofs will be secured by condition (9 and 10) and the responsibility of maintenance placed on the applicant, in this case Islington Housing.

Green Performance Plan

- 9.131 A draft Green Performance Plan has been submitted as an acceptable draft. A final version would be required through the Director's Letter (section 106).

In summary

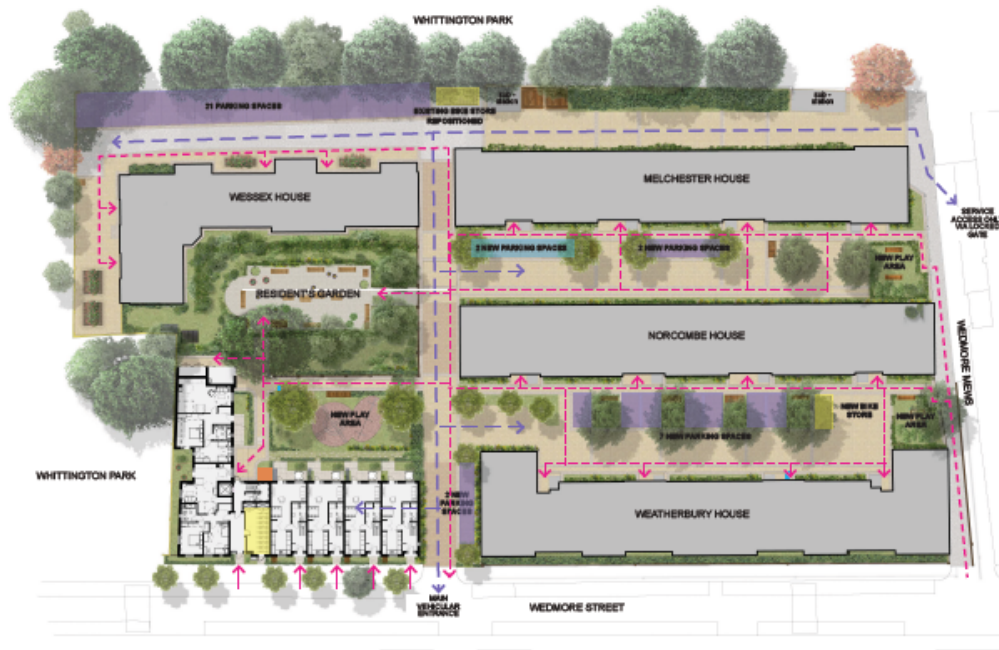
- 9.132 The energy and sustainability measures proposed are considered acceptable given site constraints and would ensure a sustainable and green development that would minimise carbon emissions in the future.

Highways and Transportation

- 9.133 The application site has a good level of public transport accessibility (PTAL 4) given its close proximity to Upper Holloway Overground Station. The site also has major and strategic cycle routes in close proximity as well as pedestrian routes providing access to a number of bus routes from Holloway Road. The site is also in walking distance to the London Underground of Archway.

Pedestrian / Cycle Improvements

- 9.134 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking and cycling. Developments should create environments that are pedestrian and cycle friendly and should provide on-site cycle facilities. Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking.
- 9.135 The proposal includes a number of traffic calming measures including raised tables and defined pedestrian routes through the estate. Further landscape interventions as well as additional child playspace is proposed to create a more pedestrian friendly environment. The plan below shows the routes through the estate.



Routes through the Estate

- 9.136 In terms of cycle parking, a total of 46 cycle spaces will be provided across the estate for the new residents (*condition 22*). For residential land use, Appendix 6 of the Development Management Policies requires cycle parking to be provided at a rate of one (1) space per bedroom. The cycle parking would be conveniently located, safe and secure. The provision exceeds the required amount and is in accordance with policy. Two further bicycle storage facilities are proposed for existing residents.

Servicing, deliveries and refuse collection

- 9.137 Refuse and recycling facilities would be provided for new residents in line with Islington's refuse and recycling storage requirements. The maisonettes have their refuse storage in their respective front gardens while refuse facilities for the remaining dwelling is proposed in a stand-alone refuse store to the rear of the proposed building along a conveniently accessible pedestrian route. (*condition 21*).
- 9.138 Refuse vehicles would access the site from Wedmore Street with a turning head provided within the estate so that service and delivery vehicles can enter and exit in forward gear in accordance with Policy DM8.6.

Vehicle parking

- 9.139 Core Strategy Policy CS10 (Sustainable development), Part H, requires car free development. Development Management Policy DM8.5 (Vehicle parking), Part A (Residential parking) requires new homes to be car free, including the removal of rights for residents to apply for on-street car parking permits.
- 9.140 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking).
- 9.141 There are currently 34 car parking spaces on the estate. The existing car parking will be maintained as all the existing spaces are leased to residents. A total of 2 of these spaces would be accessible parking bays for the proposed wheelchair accessible dwellings, and existing residents. It is welcome that the car parking spaces and garages on the estate will not be increased in number in accordance with Islington's Development Management Policies.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.142 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.
- 9.143 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. As the development would be phased and the affordable housing is exempt from CIL payments, the payments would be chargeable on implementation of the private housing.
- 9.144 This is an application by the Council and the Council is the determining local planning authority on the application. It is not possible legally to bind the applicant via a S106 legal agreement. It has been agreed that as an alternative to this a letter and memorandum of understanding between the proper officer representing the applicant LBI Housing and the proper officer as the Local Planning Authority will be agreed subject to any approval.
- 9.145 A number of site-specific contributions will be sought, which are not covered by CIL. None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.
- 9.146 The letter and memorandum of understanding (pursuant to section 106) will include the contributions listed in Appendix 1 of this report.

National Planning Policy Framework

- 9.147 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing and require good design from new development to achieve good planning.

10 SUMMARY AND CONCLUSION

Summary

- 10.1 The construction of 19 new dwelling units comprising 3 x 1B2P units, 9 x 2B4P, and 7 x 3B5P units with associated amenity space, and 13.6sqm of communal storage space, provided in a new residential block ranging from two to six storeys in height, along with associated bicycle / refuse storage and improvements to landscaping and the public realm.
- 10.2 The proposal delivers much needed affordable housing with an appropriate mix of sizes and tenure. The proposal also delivers a number of planning benefits including

landscape improvements and a rationalisation of car parking. Overall, in land use terms, the proposal is considered to meet the objectives of adopted planning policy. The development delivers a significant increase in affordable homes in accordance with London Plan (Policy 3.3) and Islington Planning Policies (CS12), which seek to ensure a supply of affordable housing for residents.

- 10.3 Overall, the proposal is considered to deliver an appropriate balance between respecting the integrity of the estate on the one hand and providing high quality contemporary design on the other. The same architectural language has been adopted where suitable and matching materials in the form of brickwork, roofing materials and fenestration have been proposed where this is considered appropriate. The proposal is considered to be well-designed and is considered to conserve the character and appearance of the adjacent Mercers Road and Tavistock Terrace Conservation Area.
- 10.4 Given the aspiration to deliver genuinely affordable housing, the building of homes for social rent on hardstanding and car parking to create a defined street frontage is considered a sensible approach. Moreover, the quality of the landscape strategy together with the overall planning benefits derived from the proposal are considered to fully justify the building on existing open space on the estate.
- 10.5 The proposal is not considered to have an unacceptable impact on neighbouring residential amenity in terms of loss of daylight, sunlight, outlook, privacy, noise and disturbance or an increased sense of enclosure. The application is considered to be a sustainable form of development in terms of energy efficiency, renewable energy and the provision of sustainable forms of transport.
- 10.6 For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is thus recommended for approval subject to conditions and the completion of a Directors' Agreement to secure the necessary mitigation measures.

Conclusion

- 10.7 It is recommended that planning permission be granted subject to conditions and director level agreement securing the 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 a Directors' Agreement between Housing and Adult Social Services and Environment and Regeneration or Planning and Development 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:

- On-site provision of affordable housing in line with submission documents including a provision of 65% affordable housing. All measured by habitable rooms.
- 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.

- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 1 work placements with each placement lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer / contractor to pay wages (must meet London Living Wage).
- Compliance with the Code of Construction Practice, including a monitoring fee (£2,000) 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.
- 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 (currently £920). The figure is £41,917.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect).
- Submission of a Green Performance Plan.
- The provision of 2 accessible parking bays;
- Removal of eligibility for residents' on-street parking permits for future residents.
- Submission of a draft framework Travel Plan with the planning application, of a draft Travel Plan for Council approval prior to occupation, and of a Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- The planting of trees off-site as shown on plan.
- Council's legal fees in preparing the Directors Agreement and officer's fees for the preparation, monitoring and implementation of the Directors Agreement.

That, should the Director Level Agreement not be completed prior to the expiry of the planning performance agreement the Service Director, Planning and Development / Head of Service – Development Management may refuse the application on the grounds that the proposed development, in the absence of a Directors' Level Agreement is not acceptable in planning terms.

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
	REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country

	Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Existing Drawings AL(0)100; AL(0)101; AL(0)102; AL(0)103; AL(0)104 Existing Site Survey dated February 2017; Proposed Plans AL(0)200 Rev P5; AL(0)201 Rev P5; AL(0)202 Rev P9; AL(0)203 Rev P9; AL(0)204 Rev P9; AL(0)205 Rev P8; AL(0)206 Rev P7; AL(0)207 Rev P8; AL(0)208 Rev P4; AL(0)209 Rev P5; AL(0)210 Rev P5; AL(0)211 Rev P4; AL(0)212 Rev P4; AL(0)300. Underground Utility Survey dated June 2017; Design & Access Statement by BFF dated February 2018; Planning Statement by HTA dated December 2017; Statement of Community Involvement by HTA dated December 2017; Daylight & Sunlight Report by Point Surveyors dated November 2017; Preliminary Ecological Appraisal by Landscape Planning Limited dated October 2017 Sustainable Design & Construction Statement by Baily Garner dated October 2017; Code for Sustainable Homes Flood Risk Assessment by MLM Group; Transport Statement and Travel Plan by Lime Transport; Wedmore Residential Development Design Note by Baily Garner; Groundsure Report & Drawings dated October 2017; Drainage Statement by MLM Group; Energy Statement Version 2 by MLM Group dated January 2018; Thermal Comfort Analysis Report dated 21st December 2017; Response to Sustainability Issued by HTA dated March 2018; Canopy Calculations by Sharon Hosegood Associates dated March 2018; Arboricultural Impact Assessment Report dated 9th November 2017; Phase 1 Contamination Assessment by MLM Group; Internal Daylight Report dated November 2017; Play Space Management & Maintenance Plan dated December 2017; Draft Green Performance Plan dated November 2017 by Baily Garner.</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	Materials and Samples (Details)
	<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 of the relevant phase commencing on site. The details and samples shall include:</p> <p>a) Facing Brickwork(s); Sample panels of proposed brickwork to be used showing the colour, texture, pointing and textured brickwork and boundary walls shall be provided; b) Window details and balconies / balustrades; c) Roof materials including brick tiles; d) Metal cladding; e) Balcony detail including acoustic specification of screening; f) Doors and access points; g) Pre-cast stone cills; h) Canopies; i) Green procurement plan; and j) Any other materials to be used.</p> <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>
4	<p>Construction Environmental Management Plan</p> <p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise & vibration and air quality including dust, smoke and odour) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. Reference should be made to LBI's Code of Practice for Construction, BS5228:2009+2014, the GLA's SPG on control of dust and emissions from construction and demolition, the Non Road Mobile Machinery register, CLOCs status for contractors and any other relevant guidance.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
5	<p>Obscure Glazing and Privacy Screens</p> <p>CONDITION: Notwithstanding the plans hereby approved, further details of obscured glazing and privacy screens to prevent overlooking to neighbouring properties in Weatherbury House shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The obscure glazing and privacy screens shall be installed prior to the occupation of the relevant units 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>
6	<p>Accessible Homes (Compliance)</p> <p>ACCESSIBLE HOUSING – MAJOR SCHEMES (DETAILS): Notwithstanding the Design and Access Statement and plans hereby approved, 17 of the new residential units shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 2 units shall be constructed to meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).</p> <p>A total of 2 x 2B4P units on the ground floor shall be provided to Category 3 standards.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON – To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
7	<p>Solar Photovoltaic Panels</p> <p>CONDITION: The proposed Solar Photovoltaic Panels shown on approved plan AL(0)208.P4, which shall provide for no less than a 4.92kWp of energy, shall be installed and operational prior to the first occupation of the development. Should</p>

	<p>there be any changes to the proposed solar panels, then details showing the revised arrangement providing at least the same amount of output shall be submitted and approved by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> - Location; - Output of panels - Area of panels; and - Design (including elevation plans). <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</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 addressing climate change and to secure sustainable development.</p>
8	<p>Water Use (Compliance)</p> <p>CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
9	<p>Green/Brown Biodiversity Roofs (Details)</p> <p>CONDITION: Prior to any superstructure work commencing on the development details of the biodiversity (green/brown) roofs shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The green/brown roof shall:</p> <ul style="list-style-type: none"> a) Be biodiversity based with extensive substrate base (depth 80 -150mm); b) Contribute towards a 50% reduction in surface water run-off; and c) Be 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). <p>The biodiversity (green/brown) roofs should be maximised across the site and 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 as approved, shall be laid out within 3 months of next available appropriate planting season after the construction of the building it is located on and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats, valuable areas for biodiversity and minimise run-off.</p>
10	<p>Drainage and SUDS (Compliance)</p> <p>CONDITION: The SUDS measures as outlined in the approved Drainage Statement and Code for Sustainable Homes Flood Risk Assessment (by MLM) shall be installed and operational prior to the occupation of the development hereby approved.</p>

	<p>No building(s) hereby approved shall be occupied unless and until the sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p> <p>The scheme shall thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
11	<p>Energy Efficiency – CO2 Reduction (Compliance/Details)</p> <p>CONDITION: The energy efficiency measures as outlined within the approved Energy Statement (by Baily Garner) which shall provide for no less than a 17.09% on-site total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Statement, the following should be submitted and approved:</p> <p>A revised SDCS, which shall provide for no less than a 17.09% onsite total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the relevant phase.</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 addressing climate change and to secure sustainable development.</p>
12	<p>Landscaping (Details)</p> <p>CONDITION: Notwithstanding the submitted detail and the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:</p> <ul style="list-style-type: none"> a) existing and proposed underground services and their relationship to both hard and soft landscaping; b) proposed trees: their location, species, size and section showing rooting area; c) soft plantings: including grass and turf areas, shrub and herbaceous areas; d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; e) enclosures and boundary treatment: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; g) biodiversity value of the proposed landscaping; h) inclusive design principles adopted in the landscaped features; i) phasing of landscaping and planting; j) all play-space equipment and structures; k) bird and bat boxes; and

	<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 relevant phase of the development hereby approved in accordance with the approved planting phase. 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, playspace and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
13	<p>Arboricultural Method Statement (Details)</p> <p>Condition: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) including details of all tree protection monitoring and site supervision shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with 7.21 of the London Plan 2011, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM Policy 2013 and pursuant to section 197 of the Town and Country Planning Act 1990</p>
14	<p>Pre-Commencement Meeting (Compliance & Details)</p> <p>CONDITION: Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.</p> <p>REASON: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with 7.21 of the London Plan 2011, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013.</p>
15	<p>Site Supervision (Details)</p> <p>CONDITION: The completed schedule of site supervision and monitoring of the</p>

	<p>arboricultural protection measures as approved in condition (13) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>REASON: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition (insert condition(s)) pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with 7.21 of the London Plan 2011, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013.</p>
16	<p>Noise of Fixed Plant</p> <p>CONDITION: Prior to the first occupation of the residential flats hereby approved sound insulation shall be installed to the Block 6 plant room sufficient to ensure that the noise level within those residential flats does not exceed NR25(L_{eq}) 23:00 – 07:00 (bedrooms) and NR30 (L_{eq}) 07:00 – 2300 (living rooms and bedrooms).”</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
17	<p>Lighting Plan (Details)</p> <p>CONDITION: Full details of the lighting across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant phase of the development hereby approved.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, hours of operation and technical details on how impacts on bat foraging will be minimised. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p>
18	<p>Bat Surveys (Details)</p> <p>CONDITION: Prior to commencement of works hereby approved a bat survey of the site shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The agreed recommendations within the approved bat survey shall be carried out prior to commencement of works.</p> <p>REASON: To ensure that habitats are suitably protected during the construction process.</p>
19	<p>No Plumbing or Pipes (Compliance/Details)</p> <p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the</p>

	current assessment of the application.
20	Refuse/Recycling Provided (Details)
	<p>CONDITION: Details of refuse / recycling storage shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.</p> <p>The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</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>
21	Cycle Parking (Details)
	<p>CONDITION: Details of bicycle storage shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.</p> <p>The approved bicycle storage shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site, to promote sustainable modes of transport and to secure the high quality design of the structures proposed.</p>
22	Lifts (Compliance)
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
23	Roof-Level Structures (Details)
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts and plant room) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</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 the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4, 7.6 and 7.8 of the London Plan 2016, 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>
24	Outside of Nesting Season Tree Shrub Removal (Compliance)
	<p>CONDITION: The clearance of trees and shrubs shall take place outside the nesting season, unless otherwise agreed in writing with the Local Planning Authority.</p>

	REASON: In order to protect wildlife
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List of Informatives:

1	<p>Planning Obligations Agreement</p>
	<p>You are advised that this permission has been granted subject to the completion of a director level agreement to secure agreed planning obligations.</p>
2	<p>Superstructure</p>
	<p>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>
3	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p>
	<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>
4	<p>Car-Free Development</p>
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that occupiers of the proposed development will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people, or other exemption under the Council Parking Policy Statement.</p>
5	<p>Groundwater</p>
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.</p> <p>Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
6	<p>Water Pressure</p>
	<p>INFORMATIVE: Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
7	<p>Surface Water Drainage</p>
	<p>INFORMATIVE: 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</p>

	<p>public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.</p>
8	<p>Working in a Positive and Proactive Way</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
9	<p>Materials</p> <p>INFORMATIVE: In addition to compliance with condition 3 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>
10	<p>Construction Management</p> <p>INFORMATIVE: You are advised that condition 4 covers transport and environmental health issues and should include the following information:</p> <ol style="list-style-type: none"> 1. identification of construction vehicle routes; 2. how construction related traffic would turn into and exit the site; 3. details of banksmen to be used during construction works; 4. the method of demolition and removal of material from the site; 5. the parking of vehicles of site operatives and visitors; 6. loading and unloading of plant and materials; 7. storage of plant and materials used in constructing the development; 8. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; 9. wheel washing facilities; 10. measures to control the emission of dust and dirt during construction; 11. a scheme for recycling/disposing of waste resulting from demolition and construction works; 12. noise; 13. air quality including dust, smoke and odour; 14. vibration; and 15. TV reception.
11	<p>Sprinkler Systems</p> <p>INFORMATIVE: While fire safety and floor layout will be further considered through the building control process, you are strongly advised by the London Fire and Emergency Planning Authority to install sprinkler systems as these significantly reduce the damage caused by fire and the consequential cost to business and housing providers, and can reduce the risk to life.</p>
12	<p>Tree works supervision</p> <p>INFORMATIVE: You are requested to update the Council's Tree Preservation Officer at each stage of supervision as conditioned above (condition 13 – 15). Please supply reports to the Tree Preservation Officer either via email (Gavin.rees@islington.gov.uk).</p>

13	Tree service
	INFORMATIVE: The trees on this site are managed by the Council and all tree works will need to be carried out by the Council's Tree Service. Please contact Paul Zepler, Principle Tree Officer via email (Paul.Zepler@islington.gov.uk) to arrange approved tree pruning or planting.
14	British Standards for Trees
	INFORMATIVE: The following British Standards should be referred to: a) BS: 3998:2010 Tree work – Recommendations b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

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 2016, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 as amended - 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 2.11 Inner London

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 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

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 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

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 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

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 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

Policy CS15 (Open Space and Green Infrastructure)

Policy CS16 (Play Space)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes

DM3.2 Existing housing

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.6 Play space

DM3.7 Noise and vibration (residential uses)

Health and open space

DM6.1 Healthy development

DM6.3 Protecting 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

DM7.4 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

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Designations

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013:

- Major / Strategic Cycle Routes
- Adjacent to Employment Growth Area
- Adjacent to Mercers Road and Tavistock Terrace Conservation Area
- Within 100m of TLRN and SRN Road

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Accessible Housing in Islington
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide 2017
- Conservation Area Design Guidelines

London Plan

- Affordable Housing & Viability
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

APPENDIX 3: Design Review Panel



CONFIDENTIAL

ATT: Mathew Carvalho
Housing & Adult Social Services
Housing Development and Regeneration
Islington Council
First Floor
222 Upper Street
London N1 1XR

Planning Service
Planning and Development
PO Box 333
222 Upper Street
London
N1 1YA
T 020 7527 2389
F 020 7527 2731
E Luciana.grave@islington.gov.uk
W www.islington.gov.uk
Our ref: DRP/139

Date: 29 September 2017

Dear Mathew Carvalho,

ISLINGTON DESIGN REVIEW PANEL

RE: Land at Wedmore Street (Car Park), Wedmore Street London N19 4R8

Thank you for attending Islington's Design Review Panel meeting on 13 September 2017 for a first review of the above scheme. The proposed scheme under consideration is for the construction of a part-two, part-six storey building to provide 19 units comprising 3 x 1-bed, 10 x 2-bed and 6 x 3-bed. Associated works including soft and hard landscaping, new relocated playground, bin and cycle storage and tree planting are also proposed. (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 both Design Review Panel Chairs (Dominic Papa and Richard Portchmouth) on 13 September 2017. They were provided with the presentation document submitted by your design team and met at the Islington Town Hall to review the proposals and to discuss their views on the design development of the scheme. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

Panel's observations

The Chairs welcomed the opportunity to comment on the scheme. Whilst finding the overall design to be a successful response to the site, they considered that some areas and finer details required finessing. The following comments were made:

Design

- They advised that the detailing and materials would be crucial to the design working and stressed the importance of retaining the architects to deliver the project.
- Having observed that the main entrance to flats, the entrances to the duplexes and the entrance to the bin store are all given the same emphasis, it was suggested that further consideration needed to be given to providing a more legible hierarchy to these openings. It was suggested that this may involve using subtle detailing, such as stone surrounds, to differentiate emphasis, in the spirit of the Edwardian architecture the proposal is referencing. However, they commented that the entrance to the apartments needed a different approach. With the problems of entering from the street resulting in a long narrow corridor, the Chairs strongly felt that a better more legible solution was to

enter the apartment lobby from the north east elevation i.e. garden side. This would also be more in keeping with the typology of these buildings.

- They suggested that as there are two different typologies within the development – houses with flats above – this should be expressed in the building's façade to create greater integrity, rather than appearing as though all of the floor plates are the same.
- Similarly, they suggested the lower corner block should be distinguished from the main body of the building, either by being set back slightly or by a set-back gap between it and the main building. They felt that the strong horizontal line created by the cornice should not continue across the two separate elements and should have a more modelled treatment.
- They questioned the asymmetrical gables and whether they had gone far enough as a more abstract response to the gables of the existing blocks. Whilst they felt they were a correct approach to harmonising the scheme with the existing estate, they suggested the design team should be careful not to directly mimic the elevational composition, for example the tripartite nature given that the new block has a shorter frontage.

Accommodation

- It was suggested that the entrance to the flats needed to be given more of a lobby space rather than a long, thin corridor. The possibility of the main entrance to the flats being from within the courtyard, as with the existing blocks, was discussed as a way of differentiating the flat entrance from the house entrances off the street.
- The potential for the outdoor terrace of Unit 11 overlooking Unit 10 needs to be resolved.

Summary

The Panel recommended that these issues are addressed with Council officers before submitting a full planning application.

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

APPENDIX 4: Independent Viability Appraisal

Car Park Site - Wedmore Estate

BPS Chartered Surveyors

Independent Viability Review

1.0 INTRODUCTION

1.1 Planning Reference P2017/4763/FUL

1.2 BPS has been instructed by the London Borough of Islington ('the Council') to review a viability assessment prepared by JLL in respect of the site known as 'The Car Park Site, Wedmore Estate', on behalf of the Council which is both the applicant and current land owner.

1.3 The site is located on the southern boundary of the Wedmore Estate. It is currently comprised of a fully equipped play-ground and an estate car park of 18 parking spaces. The area surrounding the site is predominately residential and is approximately 100 metres from the Holloway Road, Archway.

1.4 The application proposes the following development:

The construction of 19 new dwelling units comprising 3 x 1B2P units, 9 x 2B4P, and 7 x 3B5P units with associated amenity space, and 13.6sqm of communal storage space, provided in a new residential block ranging from two to six storeys in height, along with bicycle storage, and improvements to the public realm.

1.5 The scheme proposes to provide the following mix:

	Size	Private	Intermediate	Rent	Total
1BF	53			3	3
2BF	73-76	6	2	1	9
3BF	82-101	1		2	3
3BM	102			4	4
Total		7	2	10	19
Percentage		37%	11%	53%	100%

1.6 The viability submission seeks to demonstrate that the scheme has a GDV of £7,192,595 and total costs of £8,042,000, resulting in an apparent **deficit of £849,405.**

2.0 CONCLUSIONS & RECOMMENDATIONS

- 2.1 The application does not reflect a conventional developer approach in that the appraisal makes no allowance for land value or developer profit. We have sought to assess the impact on viability of adopting market assumptions. We have also looked at viability adopting the Council's more favourable approach.
- 2.2 We are generally satisfied with the inputs adopted with the Council's appraisal; however we note that the appraisal appears to over value the affordable housing element. The following table summarises the differences in our view on scheme GDV in comparison to the Applicant:

	<i>Proposed</i>	<i>Amended</i>	<i>Difference</i>
Private GDV	£ 4,710,000	£ 4,710,000	£ -
Rented GDV	£ 1,222,595	£ 826,267	-£ 396,328
Intermediate	£ 1,260,000	£ 628,000	-£ 632,000
Total GDV	£ 7,192,595	£ 6,164,267	-£ 1,028,328
Total Costs	£ 8,042,000	£ 8,042,000	£ -
Deficit	-£ 849,405	-£ 1,877,733	-£ 1,028,328

- 2.3 It can be seen that we view the scheme as generating a deficit in excess of the Council's estimate at a figure of £1,877,733. This is before any allowance for developer profit and land value. Consequently we are of the opinion the scheme cannot viably deliver any additional affordable housing. There was no indication in the FVA as to how the deficit would be bridged to ensure delivery.
- 2.4 The proposed sales values of the private residential element are in our view reasonable when compared to available market evidence. BPS has reviewed a number of developments in the local area and the proposed average private value of £793/sq ft (£8,536/sq ft) is supported by values we have assessed at comparable sites. The area does have the potential to possibly improve on these values given the proximity to Upper Holloway station and evidenced by a transaction at Wedmore Gardens, however this unit does have park views and is in what we consider to be a nicer environment when compared the subject site.
- 2.5 We consider the institutional character of the immediate locality will serve to depress rather than enhance value despite the proximity of Whittington Park. Also we consider units to be slightly oversize by reference to typical market development which will also depress the sales rate.
- 2.6 The rent levels for the social rented units have been set by reference to January 1999 market values, which have been confirmed as the target rent levels required by the Council. The Council's values has been derived through simply multiplying the rent by the number of weeks and by a yield multiplier of 6.67%.
- 2.7 Inputting the proposed weekly rent levels in our standard valuation model suggests a capitalisation yield of 2.8% would need to be adopted to generate the value shown in the Council's appraisal. This is because we have adopted a 30 year cashflow model which makes standard allowances for management, maintenance voids and bad debts. We consider 2.8% to be well below the yield of 5% we have adopted. The Council's approach serves to overrate overall unit values for the social rent units by almost £400,000.

- 2.8 The applicant's appraisal enters the intermediate units at 100% of market value representing a sales rate in line with the market sales rate. We consider the value of intermediate products could not exceed £400 sq ft / 4,300 sq m without breaching affordability criteria. Applying our suggested ceiling values has the effect of reducing the value of this element by £632,000.
- 2.9 Our Cost Consultant has reviewed the proposed development costs and their full report is set out in Appendix B. the overall conclusion of this report is set out below:
- Our benchmarking results in a total adjusted benchmark of £3,401/m² that compares to the Applicant's £3,402/m². We therefore consider the Applicant's costs to be reasonable.*
- 2.10 The scheme cost estimate does however allow for external works to be undertaken on the wider estate. This generates an additional £640,000 costs in the appraisal. Arguably a stand alone development would not seek to expend sums outside of the development area. However it is likely there are wider benefits to the estate arising from this investment.
- 2.11 We have also sought to assess the value of the scheme if it were undertaken by a private developer. Under this scenario we would expect the developer to include a land value, an allowance for profit and exclude works to the wider estate.
- 2.12 The site as it currently stands has a negligible existing use value unless demand for paid parking spaces can be identified, as it provides facilities to the community which do not generate an income or could be said to have a monetary value, the parking spaces being free to the end users. Therefore in assessing the viability of the development; we have adopted an alternative use value benchmark, based on an assumption of the scheme delivering a policy compliant residential housing development.
- 2.13 We have undertaken an appraisal of the site using similar assumptions to the proposed scheme but allowing for policy compliance with the target 50% affordable housing delivery to derive a residual land value. At this level of affordable housing our appraisal generates a negative residual value of **-£127,000**.. At this level we would not expect a scheme to come. Our appraisal can be found in Appendix A.
- 2.14 Therefore, while we are of the view that if the site were offered on the open market could potentially generate a positive value, this would not reflect planning policy requirements to deliver 50% affordable housing. Consequently a market value on this basis would not in our view comply with PPG's definition of land value. Consequently we have not identified a positive land value.
- 2.15 Allowing for developer profit of 17% on market sales and 6% on the affordable element would increase scheme costs by £888,000
- 2.16 Excluding the wider works to the estate would save scheme costs of £640,000. We would also include ground rental income which we assume would generate £51,000. We note that the scheme appraisal does not include a finance cost which would generate a cost of at least £200,000.
- 2.17 Allowing for these adjustments would have the effect of increasing the apparent deficit to £2,275,000.

3.0 PRINCIPLES OF VIABILITY ASSESSMENT

- 3.1 Development appraisals work to derive a residual value. This approach can be represented by the simple formula below:

Gross Development Value - Development Costs (including Developer's Profit) = Residual Value

- 3.2 The residual value is then compared to a benchmark land value. Existing Use Value (EUV) and Alternative Use Value (AUV) are standard recognised approaches for establishing a land value as they help highlight the apparent differences between the values of the site without the benefit of the consent sought.
- 3.3 The rationale for comparing the scheme residual value with an appropriate benchmark is to identify whether it can generate sufficient money to pay a realistic price for the land whilst providing a normal level of profit for the developer. In the event that the scheme shows a deficit when compared to the benchmark figure the scheme is said to be in deficit and as such would be unlikely to proceed.
- 3.4 We note the GLA's Housing and Viability SPG 2017 states a clear preference for EUV as a basis for benchmarking development as this clearly defines the uplift in value generated by the consent sought. We find the Market Value approach as defined by RICS Guidance Viability in Planning 2012 if misapplied is potentially open to an essentially circular reasoning. The RICS Guidance promotes use of a modified standard definition of "market Value" by reference to an assumption that the market values should reflect planning policy and should disregard that which is not within planning policy. In practice we find that consideration of compliance with policy is generally relegated to compliance somewhere on a scale of 0% to the policy target placing land owner requirements ahead of the need to meet planning policy.
- 3.5 There is also a high risk that the RICS Guidance in placing a very high level of reliance on market transactions is potentially exposed to reliance on bids which might a) represent expectations which do not mirror current costs and values as required by PPG. b) May themselves be overbids and most importantly c) need to be analysed to reflect a policy compliant position. To explain this point further, it is inevitable that if site sales are analysed on a headline rate per acre or per unit without adjustment for the level of affordable housing delivered then if these rates are applied to the subject site they will effectively cap delivery at the rates of delivery achieved of the comparable sites. This is an essentially circular approach which would effectively mitigate against delivery of affordable housing if applied.
- 3.6 The NPPF recognises at 173, the need to provide both land owners and developers with a competitive return. In relation to land owners this is to encourage land owners to release land for development. This has translated to the widely accepted practice when using EUV as a benchmark of including a premium. Typically, in a range from 5-30%. Guidance indicates that the scale of any premium should reflect the circumstances of the land owner. We are of the view that where sites represent an ongoing liability to a land owner and the only means of either ending the liability or maximising site value is through securing a planning consent this should be a relevant factor when considering whether a premium is applicable.

4.0 BENCHMARK LAND VALUE

- 4.1 The Council's appraisal has not made any allowance for land value. In seeking to draw a comparison with a conventional private sector development we have sought to identify the potential value of this site on a planning compliant basis and reflecting the principles set out in the Council's development Viability SPG.
- 4.2 In its current form the site provides a playground and estate car parking for 18 vehicles with the parking provided at nil cost to the users. No income is therefore generated and so arguably the land has no existing use value on which to base a benchmark land value. It may be possible to implement charging for use of the car park but demand is not proven in this location. Adopting a notional £10,000 per space would generate a theoretical value of £180,000, however to sell spaces would require the area to be accessed controlled which would require investment which would net down the apparent value.
- 4.3 Therefore we have based the benchmark land value on the potential of the site to be developed for residential purposes as an AUV approach. We have adopted the massing and unit numbers for the proposed scheme, but adopted market assumptions in respect of profit and finance costs.
- 4.4 For this purpose we have adopted the following unit mix, based on the Council's affordable housing policy requirements of 50% with a 70/30 rented/intermediate tenure split.
- 4.5 This equates to 10 private units (52.7%) and 9 affordable (47.3 %).

<i>Unit</i>	<i>Beds</i>	<i>sq m</i>	<i>sq ft</i>	<i>Tenure</i>
FLAT	1	53	570	Open Market
FLAT	2	73	786	Open Market
FLAT	2	73	786	Open Market
FLAT	2	74	797	Open Market
FLAT	2	74	797	Open Market
FLAT	2	74	797	Open Market
FLAT	2	75	807	Open Market
FLAT	3	82	883	Open Market
FLAT	3	86	926	Open Market
FLAT	3	101	1,087	Open Market
FLAT	1	53	570	Shared Ownership
FLAT	2	73	786	Shared Ownership
FLAT	2	76	818	Shared Ownership
FLAT	1	53	570	Rented
FLAT	3	89	958	Rented
Maisonette	3	102	1,098	Rented
Maisonette	3	102	1,098	Rented
Maisonette	3	102	1,098	Rented
Maisonette	3	102	1,098	Rented

- 4.6 Assuming inputs as explained in Section 6, we have concluded that a policy compliant scheme could not be viably provided on this site, and the land therefore on this basis would have a negligible value.

5.0 Valuation Inputs

Construction costs

- 5.1 Our Cost Consultant, Neil Powling, has reviewed the cost information that has been provided and a full report can be found at Appendix C. The key findings are:

The cost plan includes an allowance of 18% for preliminaries. The allowance for overheads and profit (OHP) is 5.1%. The allowance for Design Development risk is 2.9%. We consider the preliminaries a little high and the risk allowance low, but all three allowances taken together to be reasonable.

The external works includes for more extensive works than the block which is the subject of this application viz: Wessex House, Melchester House, Norcombe House and Weatherbury House. Consequently the external works are much higher than we would generally expect at £887,752 (£492/m²). External works are treated as an abnormal cost for benchmarking purposes.

Our benchmarking results in a total adjusted benchmark of £3,401/m² that compares to the Applicant's £3,402/m². We therefore consider the Applicant's costs to be reasonable.

- 5.2 We are therefore satisfied that the base build cost is reasonable in accordance with the current proposals. However it is our understanding that the Applicant has agreed to carry put improvement external works to the wider Wedmore Estate. Including the fees allowance, these works equate to £640,000. This represents 9.6% of the total build cost.
- 5.3 The viability assessment provided by the Applicant has an 18% fees allowance. Upon request, we were provided with a breakdown. This total includes a number of costs which would normally be itemised out separately, such as marketing, and financial planning obligations. While the percentage seems high, we are satisfied that the overall costs are adequately justified.
- 5.4 Also within this allowance is a provision for up to £100,000 in respect of rights of light compensation claims. The Council have verified that this is supported by an assessment.
- 5.5 A contingency allowance of 10% has been allowed. Typically, 5% is a sufficient buffer for most projects. However, while this is not an especially high risk development, the Applicant does not have any profit margin buffer to absorb any costs incurred outside the contingency allowance. Therefore the financial model has a higher risk attached, and we agree that in these circumstances a higher contingency allowance is justified.

Unit Pricing

- 5.6 We have been involved in a number of new build developments local to the subject site and have used these developments as the founding basis of our valuation. Notably, the values at the Parkhurst Road development were subject to high level scrutiny at appeal, and were found to be appropriate at £840-910 for one bed units, £700-925/sq ft for 2 bed units and £660-730/sq ft for the 3 bed units. Located close to the subject site, these provide relevant comparable values.

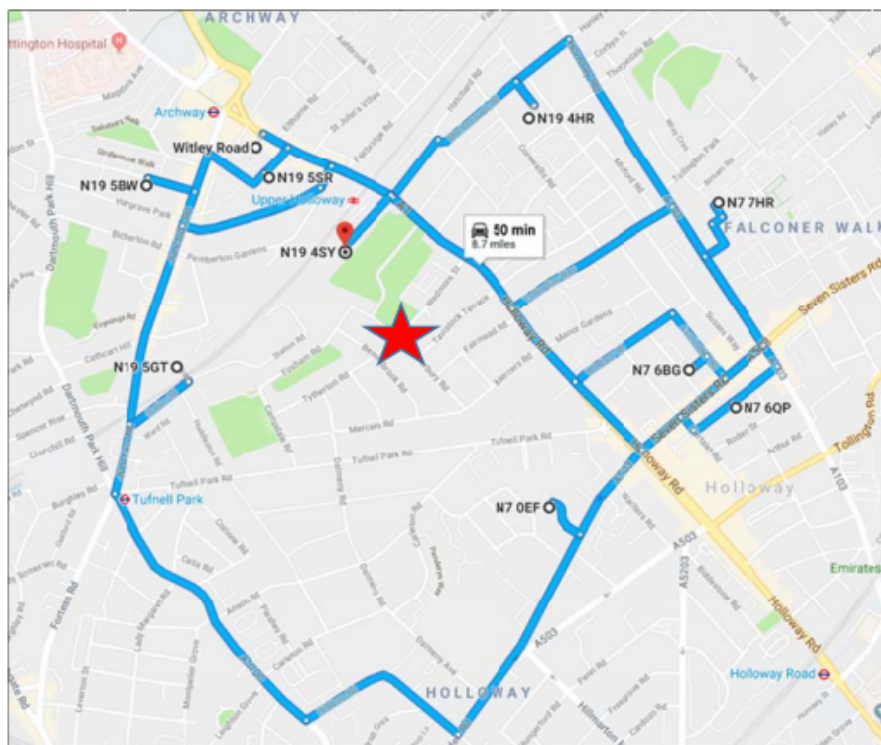
5.7 Holloway Road is also located very close geographically but in an inferior location due to being located on a main road. We would expect to achieve higher values at the subject site.

5.8 Other relevant new build developments are summarised below:

Grenville studios, N19 4EF: proposed development reviewed by BPS	1-beds: £925 per sq ft 2-beds: £789 per sq ft 3-beds: £769 per sq ft
No. 2 Tuffnell Park Road, N7 OPT : residential development providing 35% affordable housing. Only select units had private outdoor amenity space.	1-beds: £828-£871 per sq ft 2-beds: £814-£817 per sq ft (£794-£814 per sq ft asking prices)
Gillespie Court, N7 7FH: asking prices available	1-beds: £1,045-£1,106 per sq ft
Harvist Under 5's, Hornsey Road, N7 7NG: proposed development reviewed by BPS	1-beds: £907 per sq ft 2-beds: £929 per sq ft 3-beds: £836-£838 per sq ft
Chronical Tower, EC1V 1AL: development at 261B City Road	1-beds: £686-£1,275 per sq ft 2-beds: £1,045-£1,106 per sq ft
Canaletto Tower, 257 City Road, EC1V 1AD: waterside views	1-beds: £876 per sq ft 2-beds: £1,024 per sq ft
Cooper Building, 36 Wharf Road, N1 7GQ: waterside views	1-beds: £1,059-£1,184 per sq ft 2-beds: £987-£1,210 per sq ft
City View Apartments, Devan Grove, N4 2GP: built 2015	2-beds: £740 per sq ft
4253-425 Caledonian Road, N7 9BQ: asking prices available only	2-beds: £895-£940 per sq ft
Hargrave Place, N7 0BP: asking prices available only	1-beds: £990 per sq ft 2-beds: £908-£924 per sq ft
457 Holloway Road, N7 6LJ	Overall average value of £808 per sq ft. 1-beds: £791 per sq ft 2-beds: £799 per sq ft 3-beds: £767 per sq ft
202-210 Fairbridge Road, N19 3HT	1-beds: £736 per sq ft 2-beds: £752 per sq ft
The Joinery, N19 4BA	1-beds: £646 per sq ft 2-beds: £689 per sq ft
321 Holloway Road, N7 9FU	1-beds: £749 per sq ft 2-beds: £730 per sq ft
Parkhurst Road, N7 0LP : appeal decision found our values to be appropriate.	1-beds: £840-£910 per sq ft 2-beds: £700-£925 per sq ft 3-beds: £660-£730 per sq ft
City North, Finsbury Park, N4 3HF: close to railway lines. Historic data.	Overall average of £800 per sq ft in 2014
Bramber House, N7 0JN	1-beds: £839 per sq ft 2-beds: £683 per sq ft Oversized units

5.9 We have also had reference to recent second hand sales within the 0.5 miles of the subject site.

Address	Beds	sq ft	Price	£/sq ft	Date	Comments
Flat 118 Bennett Court N7 6BG	1	464	£ 328,000	£ 707	Nov-17	No parking, dated internally, further from station in less desirable area
9C Witley Road, N19 5SQ	1	376	£ 360,000	£ 957	Oct-17	Period conversion, very good condition
23 Blenheim Court N19 4HR	1	493	£ 310,000	£ 629	Oct-17	In need of refurb, less desirable location in 1960s block
31a Bredgar Road, N19 5BW	2	513	£ 430,000	£ 838	Sep-17	Private garden, long lease, good condition, close to stations
Goddard Place, N19 5GT	2	680	£ 515,000	£ 757	Sep-17	Modern purpose built block in good condition but next to train line
Moriarty Close, N7 0EF	1	497	£ 360,000	£ 724	Sep-17	Gated development with allocated parking, good condition
16 Methley House, N7 7HR	2	700	£ 430,500	£ 615	Sep-17	Very small second bed, good condition
Hargrave Mansions N19 5SR	2	638	£ 480,000	£ 752	Sep-17	Share of freehold, period conversion, fair condition but bathroom needs updating
47 Mayton Street N7 6QP	1	403	£ 385,000	£ 955	Aug-17	Period conversion, ground floor, patio, fair condition
Wedmore Gardens, N19 4SY	1	410	£ 367,500	£ 896	Jun-17	Purpose built, good condition, very close to subject site



5.10 The property sold on Wedmore Gardens provide a useful comparable, as a purpose built unit in good condition located close to the subject site but benefits from a view across the park and is in a more pleasant low rise residential. These would indicate that the values assumed by the applicant are at the lower end of comparable £/sq ft average, but total sales values fall within a reasonable margin accounting for the size of the units.

6.0 Benchmark Valuation Inputs

Development Costs

- 6.1 For the purposes of estimating a land value benchmark, we have deducted the costs of the additional external works on the wider estate. As these costs are not directly related to the new development, it is not reasonable for these to be covered out of the costs attributed to this development. This equates to a £640,000 reduction.
- 6.2 10% professional fees have been assumed. A separate allowance of £100,000 has been made for rights to light compensation, in accordance with the quote received by the Council. Please note we have not had sight of this communication.
- 6.3 We have assumed a standard 5% contingency.
- 6.4 Sales agent's fees have been included at 1% and legal fees at 0.5%. A further 1% has been added for marketing.
- 6.5 Finance has been included at an all-inclusive rate of 7%.
- 6.6 Developers profit has been included at 6% of affordable GDV and 20% of private GDV. This equates to a blended rate of 16.95%.

Unit Pricing

- 6.7 Private sales values are consistent with what has been proposed, giving a total of £6,555,000 based on the amended mix. This equates to an average of £796/sq ft or £8,568/sq m.
- 6.8 We have valued the intermediate units using our standard affordable housing valuation model, in accordance with the explanation as set out in paragraph 5.12. This represents approximately 50% of open market value.
- 6.9 The social rented units have been valued using the proposed weekly rents, capitalised at a 5.5% yield. This equates to an average of £139.20/sq ft or £1,498/sq m and represents approx. 18% of open market value.

Ground Rents

- 6.10 Capitalised ground rental income has been included at £71,000 based on annual rents of £300 per 1 bed, £350 per 2 bed, and £400 per 3 bed unit, capitalised at 5%.

BPS Chartered Surveyors

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