



PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	2 March 2017	NON-EXEMPT

Application number	P2016/2405/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	/a but within 50m of Wilmington Square (Grade II listed)
Conservation area	New River Conservation Area (CA2)
Development Plan Context	Central Activities Zone
Licensing Implications	n/a
Site Address	William Martin Court, 65 Margery Street, London, WC1X 0JH
Proposal	Use of premises as a hostel providing residential accommodation for hotel staff (Sui Generis).

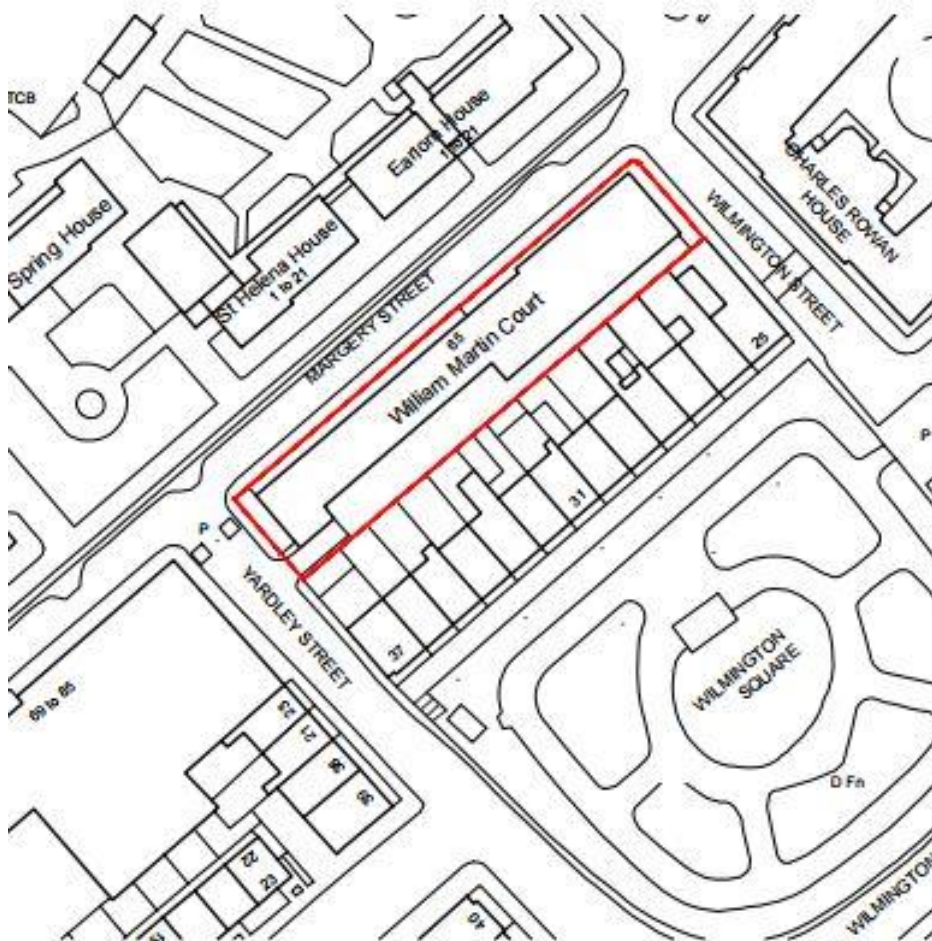
Case Officer	Matt Duigan
Applicant	Imperial London Enterprises Limited
Agent	Walsingham Planning

1. RECOMMENDATION

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

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

2. **SITE PLAN (site outlined in red)**



PHOTOS OF SITE



Image 1. Aerial View



Image 2. Birds eye



Image 3. 65 Margery Street (looking west)



Image 4. Front (Margery Street) elevation



Image 5. Western elevation

3. SUMMARY

- 3.1 The application seeks retrospective approval to use the building as a hostel providing residential accommodation for hotel staff (Sui-generis). In effect, this would regularise a use which has been carried out since 2013. The site has a complicated planning history, involving various unauthorised uses in 2009 and 2013 which interrupted the established use as a C2 care home. In this unique set of circumstances, the sequence of unauthorised uses of the site now means that planning permission would be required for any future use.

- 3.2 The assessment in this case, therefore focusses on the acceptability of introducing the new use (a hostel providing hotel staff accommodation). There is no objection in principle to the provision of a hostel at the site as this is supported by Policy DM3.9 subject to amenity issues and other considerations. London Plan policy 3.8Ba refers to the need to provide 'a range of housing choices, in terms of the mix of housing sizes and types, taking into account the housing requirements of different groups and the changing roles of different sectors in meeting these.' The proposal is therefore considered to be compatible with this objective.

- 3.3 The applicant revised the scheme during the course of the application to address various concerns relating to equity of access and mobility, sustainability and carbon reduction. The Council's Access and Energy/Sustainability officers advise that the revisions resolve concerns and there is now no objection to the development in relation to these matters.

- 3.4 The Council is of the view that planning obligations, in the form of affordable housing and a contribution to offset carbon emissions would be required, subject to viability. The applicant provided evidence in the form of a financial appraisal carried out in accordance with the Council's Viability SPD, which shows the scheme cannot meet the obligations and remain viable.

- 3.5 The applicant's financial appraisal was assessed for accuracy by the Council's financial consultant (BPS) who concluded that the scheme would not be viable with

a requirement to provide affordable housing and a contribution to offset carbon emissions.

- 3.6 The benefits of the proposed development must be noted and include the provision of accommodation for staff (which is acknowledged in the London Plan as meeting a housing need). Additionally, the applicant has also refurbished the building, including improving accessibility for disabled persons and upgrading the heating systems, adding insulation and installation of photo voltaic panels, to improve the buildings sustainability. On balance, subject to conditions (which are recommended) it is considered that the scheme is acceptable and approval is recommended.

4. SITE AND SURROUNDINGS

- 4.1 The application site occupies an area of approximately 0.1 hectares and is located on the southeast side of Margery Street, bounded by Wilmington Street to the east, to the west by Yardley Street. To the rear (South) are the rear gardens of residential at 25 to 37 Attneave Street.
- 4.2 The site is rectangular in shape and comprises predominantly of built development, consisting of a part single and part three storey building plus basement. The building is known as William Martin Court and is constructed of brick with the main access on Margery Street. Access for vehicles to the basement is afforded from Yardley Street.
- 4.3 The existing development in the area around the application site is predominantly made up of residential accommodation, although it is noted that to the west of the site is a two storey office building. Surrounding buildings range in height from three to five storeys and are a mix of architectural styles and ages.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks retrospective approval to use the premises as a hostel providing residential accommodation for hotel staff (Sui-generis). Externally very little has changed. On the eastern elevation a set of metal doors (formerly opening into a storage space) have been changed to a window and at the rear (southern elevation) some wooden detailing has been removed. A roller shutter and spotlight have been installed over the entrance to the basement parking area.
- 5.2 Internally, various changes have been made to facilitate the change from a hostel for the homeless to residential accommodation for staff. These works have already been carried out, providing accommodation for 49 hotel staff, communal bathroom/WC's, lounges and kitchens, dining rooms and laundry. While none of the accommodation is completely self-contained (by virtue of the communal laundry facilities in the basement level), 6 of the rooms have both ensembles and kitchens.
- 5.3 In addition to regularising the existing situation, the scheme proposes to make changes (particularly at ground floor level) in an attempt to ensure that the hostel accords with accessibility requirements. The changes are minor in nature and little is proposed externally (the building would not be made larger).
- 5.4 Only the staff working in Imperial Hotels are eligible for the accommodation (the choice of live-in accommodation is part of the employment contract of staff working for Imperial Hotels). There is a live-in Caretaker who is accommodated on site, who is responsible for management of deliveries, cleaning staff, refuse and mail etc. Senior hotel staff living on site also act as onsite managers of the premises on a rota basis, taking turns for example, to act as fire marshals.

6. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 6.1 The site has a varied planning history, which is set out below. Further commentary is provided which explains how the planning history informs the assessment of the current application.

TP/89515/C dated 5/12/1963 approved outline permission for the erection of a care home comprising basement, ground and two upper floors on the sites at Nos. 54-68 Margery Street.

TP/89515 dated 20/10/1966 approved the reserved matters application for outline scheme for the erection of a care home comprising basement, ground and two upper floors.

830778 dated 03/10/1983 approved an application to fit new fire escape stair at rear and formation of access doors in recessed opening at rear first and second floor levels.

850330 dated 11/02/1987 approved the construction of a conservatory extension for use as a dayroom at second floor level; projecting bay window to an existing room at first floor level at rear; conversion of existing ground floor openings onto the rear courtyard one to take patio doors the other French doors with high level timber 'canopies'; increase in height of gates to Wilmington Street; formation of new front entrance porch and brick planter boxes at front.

962057 dated 07/02/1997 approved the conversion of existing work centre on the ground floor into a three bedroom residential unit, erection of ground floor conservatory and alterations to elevations.

980614 dated 07/04/1998 approved the construction of stainless steel flue terminal to main roof.

P2014/0898/FUL dated 17/03/2014 refused permission for the demolition of existing conservatory and construction of extension above existing ground floor roof on the southeast rear elevation at first and second floors; internal reconfiguration to create an additional bathroom on the 2nd floor; enclosure of entire balcony with a new structure which will also incorporate the kitchen facilities on the second floor.

P2014/3203/FUL sought permission for the Change of use from a hostel (sui generis) to a hostel for hotel staff (sui generis), the application was withdrawn.

P2015/1106/FUL sought permission for the retention of hostel for hotel staff (sui generis), the application was withdrawn.

- 6.2 Since the building was erected following consent in 1963, it was in use as a care home, a use falling within the 'C2' Class as defined by the Use Classes Order. The use of the premises as a care home for the elderly is also confirmed by two lease agreements between Islington Council and Notting Hill Housing Trust (NHHT).

- 6.3 In 2003 Islington Council undertook a study into the feasibility of providing a new residential care home for the elderly on a site known as Lennox House on Durham Road. This study documented issues with William Martin Court, which stated it was no longer suitable for use as a care home (particularly given modern care home

requirements) and would need considerable refurbishment, the cost of which would not be financially viable.

- 6.4 A report to the Executive Member for Health and Social Care for Adults in September 2004 sought approval for the closure of William Martin Court and the transfer of its existing residents to the new Lennox House site on Durham Road. The recommendation was agreed and the operation of William Martin Court as a care home subsequently ceased and its residents were transferred to other appropriate facilities.
- 6.5 Following the closure, NHHT purchased the freehold from Islington Council. NHHT obtained permission from the Department of Social Housing to dispose of the building. In the interim period the building was let on a short term basis to the charity for use as an emergency relief shelter for the homeless. A 5 year lease was granted to St Mungo's (from September 2009) who operated the building as a hostel for the homeless.
- 6.6 Planning permission was required for the change of use from care home to hostel for homeless persons, and none was obtained. The unauthorised use of the building as a hostel for the homeless continued until 2013.
- 6.7 The site was purchased by Imperial hotels in 2013 and subsequently converted to use as a hostel for staff accommodation. This use also required consent and none was obtained. In the circumstances there have been two unauthorised uses of the site, namely its use as a hostel for the homeless, and then its use as a hostel for hotel staff.
- 6.8 The current application seeks to regularise the existing use of the site as a hostel providing residential accommodation for hotel staff.

ENFORCEMENT:

- 6.9 E/2014/028: The Council was made aware that building works were being undertaken at the site, without permission. Following investigation in 2014 it was established that the premises has been converted to a hostel for hotel staff without planning permission.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 242 adjoining and nearby properties. A site notice was erected near the site and a press advert displayed in the Islington Gazette. The public consultation of the application expired on 21/7/2016; however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 In response to the consultation 5 submissions were received raising objection to the scheme. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- No objection is raised to the use of the property, although there would be concerns if there are any building works proposed. **(5.3)**
 - The application is the same as an earlier refused application (P2014/0898/FUL). **(6.1)**
 - Lights fixed to the outside of the building are bright and associated light spill keep neighbours awake at night. **(10.23)**

- The use of the building may change to private rented accommodation or a backpacker hostel without permission, this should be prevented. **(10.37)**
- There is a need for care homes and homeless shelters, the building should remain in the public service or be for key worker accommodation. **(10.4)**
- There was a door in the eastern elevation which has been changed to a window. This would allow overlooking. **(10.22)**
- If the windows are openable noise from stereos would cause disturbance. **(10.24)**
- There is no manager/warden, and these are essential to manage the hostel. **(5.4 and 10.24)**
- There seems to be very little to prevent noise and antisocial behaviour and usage at the building. **(5.4 & 10.24)**
- There is only 1 lift, so no alternate provision for disabled persons if the 1 lift breaks down. **(7.8)**
- Further the company has obligations for its disabled residents/staff (hence more than one lift would be required) and no disability toilets are shown, which will also need to be of a suitable size. Indeed, through shared amenities, it would seem that the company is not looking to have a stable and settled residency by staff, who would remain transitory. **(7.8)**

7.3 Following receipt of revised information, the application was the subject of a second round of consultation on 27/01/2017. The second round of public consultation of the application expired on 10/2/2017; however it is the Council's practice to continue to consider representations made up until the date of a decision.

7.4 In response to the second round of consultation 1 further submission was received raising objection to the scheme. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Objection to the loss of the care home. **(10.4)**

External Consultees

7.5 Metropolitan Police:

"I am responding to this planning application on behalf of the Metropolitan Police in relation to Crime Reduction and Community Safety matters as the assigned Designing Out Crime Officer (DOCOC) for this development.

I have read this application and do not object to the proposal - this project does not appear to affect the existing boundary treatment / external doors. The changes to the internal configuration and additional rooms do not negatively affect the security of the building."

7.6 London Fire Brigade: No objection raised.

Internal Consultees

7.7 Tree/Landscaping Officer: No objection, there would be no impact to street trees and given the existing constraints there isn't an opportunity for planting.

7.8 Access Officer:

Accessible Rooms: There are 5 accessible bedrooms at ground floor level are being provided – this equates to 10% of the total bed spaces which is in accordance with SPD requirements.

Accessible Parking: In view of the fact that this is an existing building and provided the number of basement bays is restricted to 5 and their use limited to blue badge holders, the risk to user safety would be kept to a manageable level. If a Condition, to this effect, can be applied for the lifetime of the development it would be unreasonable to refuse the scheme for this reason.

The single lift is adequate as accessible rooms are on the ground floor.

7.9 Acoustics Officer:

Adherence to the management plan should be secured by way of a condition. The plant would have such limited impacts that no objection would be raised and no further conditions would be necessary.

7.10 Policy Officer:

The proposed use is a sui generis hostel to provide staff accommodation for employees of Imperial Hotels, therefore the applicable policy is DM3.9E. In regards to criteria (ii) of this policy, because the standard of the facilities has been designed with specific reference to the nature of employment with the hotel group, it is considered that this should be a personal permission to the applicant.

Affordable housing

The site is capable of delivering over 10 residential units gross, and the proposal is for a residential use, therefore the in-principle starting position as set out in Core Strategy Policy CS12G is that affordable housing should be secured. It is for the applicant team to demonstrate if on-site provision is not possible, and to provide a viability appraisal to demonstrate what would represent the maximum reasonable amount of affordable housing, with the starting point being the borough-wide overall target of 50%.

The GLA's Housing SPG is very clear that the securing of affordable housing is not limited to the C3 use class but can also be sought on non-residential schemes that fall into other sui generis classes. These are defined in the SPG as being a form of development that is still evolving but are *“non-self-contained and generally include a private bedroom with shared kitchen and living/amenity facilities. Developments that include self-contained accommodation and additional communal/amenity space should be considered as self-contained accommodation and thus adhere to the housing standards set out in Policy 3.5.”*

7.11 **Energy and Sustainability Officer:**

The energy strategy for the development has been further amended. The main development is for the 'green' stage of the hierarchy. Renewable energy was ruled out under previous energy statements; however, a PV array of 20.6kWp is now proposed. We consider this to be a suitable technology for the development, so this is supported. Based on the drawing and PV data provided, we would accept that the area of the array has been maximised, and do not consider it realistic to further increase the output of the system.

The improvement in performance due to the PV array leaves the building still falling short of Part L2A 2013 baseline, but the gap has now fallen by 6%, and the improvement is welcomed.

The proposed addition of the PV array reduces CO₂ emissions by a further 8 tonnes, to 115 tonnes. Therefore, the offset contribution would now fall to **£105,800**.

We note that significant further detail has now been provided on BREEAM, including a pre-assessment. As it stands, the development falls short of the 'Excellent' requirement. We accept that as this is a retrospective application and there are now limitations on what can be achieved.

7.12 Conservation and Urban Design Officer:

No objection to the changes on the southern and eastern elevations. This is on the basis that the removal of the wooden detail on the southern elevation has very little impact. While the introduction of PVC windows into the eastern elevation would not normally be endorsed, in this case the windows match those on the rest of the building, and replace the former metal bin store doors. The relocation of refuse storage so that it is not apparent in the street scene is an improvement.

The unpainted metal roller shutter over the car park entrance on the western elevation is unacceptable. A condition should be imposed on any consent requiring the roller shutter and its housing to be painted black to minimise the visual impact.

7.13 S106 and Development Viability Officer:

Having had detailed discussions with the case officer and colleagues from the policy team, the conclusions in the BPS report along with the approach adopted in terms of the viability methodology can be considered appropriate for this scheme when the unique circumstances of the case are taken into account.

Notably, in relation to the benchmark land value; this unique scenario means that that the application of an Alternative Use Value (AUV) represents a suitable approach (based on an 18 unit residential scheme with 50% affordable housing as the benchmark).

It is agreed that the scheme would not be viable if required to meet the affordable housing and carbon offsetting obligations.

8. RELEVANT POLICIES

8.1 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

8.2 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.

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

8.4 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage

solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

Development Plan

- 8.5 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 8.6 The site is located within the Central Activities Zone and the New River Conservation Area (CA2).

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 The applicant team did not submit a request for an Environmental Impact Assessment (EIA) scoping opinion, however the general characteristics of the site and the proposed development are not considered to fall within Schedule 1 or 2 development as set out in the Environmental Impact Assessment Regulations (2011). In particular, the site is significantly less than 0.5 hectares in size and it is not in a sensitive area as defined by the Regulations (nor is it considered appropriate in this case to bring other, local designations into consideration as allowed for under paragraph 032 of the NPPG). As such, the proposal is not considered to be EIA development.

10. ASSESSMENT

- 10.1 While the assessment of the proposal covers all relevant material considerations, the main issues arising from this proposal relate to:

- Land-use,
- Design, Conservation and Heritage Considerations,
- Accessibility,
- Landscaping and Trees,
- Neighbouring Amenity,
- Quality of Accommodation,
- Affordable Housing and Financial Viability,
- Sustainability, Energy Efficiency and Renewable Energy,
- Highways and Transportation,
- Contaminated Land and Air Quality.

Land-use

- 10.2 The site has a varied planning history, including two unauthorised changes of use, firstly in 2009 when there was a change of use from a care home (Class C2) to a hostel for the homeless (Sui-generis). The second unauthorised change of use took place in 2013 when the use of the building changed from a hostel for homeless persons to accommodation for staff working for Imperial Hotels (Sui-generis). In recognition of the wide range of Sui-generis uses (and the potential

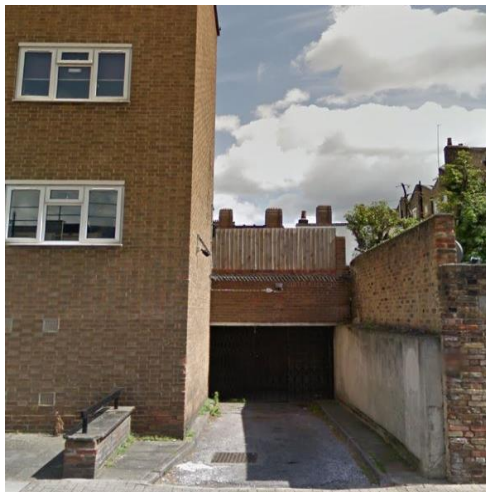
impacts associated with some of these uses), planning permission is always required when changing from one Sui-generis use to another Sui-generis use.

- 10.3 In legal terms, the sequence of unauthorised changes of use now mean that the building is no longer in lawful use, and that planning permission would be required for any future use. It would not even be lawful to revert to the original Care Home use without planning permission.
- 10.4 The current application is not a typical example of a change of use application; consideration is focussed on the acceptability of introducing the new use as a hostel providing accommodation for hotel workers.
- 10.5 In support of the use as accommodation for hotel workers, the Mayor of London's Housing SPG (March 2016) notes within the 'new housing products' section that new approaches to meeting housing need are emerging and that these non-conventional housing schemes can include shared hostel type accommodation. Whilst the borough does not have an identified need for specialist accommodation for hotel staff, London Plan policy 3.8Ba does refer to 'a range of housing choices, in terms of the mix of housing sizes and types, taking into account the housing requirements of different groups and the changing roles of different sectors in meeting these.' The proposal is therefore considered to be compatible with this objective.
- 10.6 The proposed use as a hostel means that Development Management policy DM3.9 Part E is also applicable. This states that:
- "the Council will support the provision of new hostels where they will:*
- (i) Not result in the loss of permanent housing or existing satisfactorily shared accommodation;*
 - (ii) be suitable for the intended occupiers in terms of the location, standard and level of facilities and provide the necessary level of supervision, management and care/support;*
 - (iii) be an appropriate use considering the surrounding area, and contribute to mixed and balanced communities; and*
 - (iv) not give rise to any significant adverse amenity impact on the surrounding neighbourhood.*
- 10.7 In relation to the first criteria, the site is assumed to have no lawful use, and therefore in this case the assessment is limited to the acceptability of introducing the new use (a hostel providing residential accommodation for hotel staff). There is therefore no loss of permanent housing or existing satisfactorily shared accommodation.
- 10.8 The layout of the hostel includes multiple kitchens and bathrooms on each floor, along with lounge rooms and communal external amenity space (in the form of gardens at ground floor level and a terrace at the upper level). The scheme was revised to ensure adequate provision was made for disabled persons who might reside at the site. The management regime for the hostel includes an onsite caretaker and duty manager. The facilities are considered suitable for the intended occupiers. The quality of accommodation for the occupants is considered in detail in paragraphs 10.24 – 10.31 of this report.
- 10.9 In terms of amenity impact on the surrounding neighbourhood, the applicant provided details on the way that the hostel is managed to prevent impacts,

including security measures, rules governing visitors, restrictions over amplified music, social gatherings etc. The management plan is very detailed and robust. Subject to a condition being imposed on any consent to require ongoing compliance with the management plan, no objection is raised.

Design, Conservation and Heritage Considerations

- 10.10 The site is within the New River Conservation Area (CA2), and close to historically listed buildings, and as such it is important to ensure that the scheme does not cause any harm to the character and appearance of the building, the street scene, the Conservation Area and the setting of nearby listed building.
- 10.11 In this case, very few changes to the appearance of the building have been made. The first is to the southern elevation where exposed timber post detail has been removed. The portion of the timber posts which have been removed is minimal. The timber detail had an unsightly appearance and no objection is raised to the removal. The second change is to the eastern elevation where metal doors to a former storage area have been removed, and replaced with windows. Officers are of the view that the change would have neutral impact on the appearance of the building.
- 10.12 The other external alteration is to the entrance to the basement car parking area, where a roller shutter has been installed.



CAR PARK ENTRANCE: 2012



CAR PARK ENTRANCE: 2017

- 10.13 The application was referred to the Council's Conservation and Design advisor who advised that the external changes were acceptable, subject to a condition being imposed on any consent requiring the roller shutter (and associated housing) to be painted black to minimise its visual impact.

Accessibility

- 10.14 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan (2015) Policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG.
- 10.15 At the local level, Development Management Policies (2013) Policy DM3.9 requires 10% of bed spaces to be designed to be wheelchair accessible. The 10% wheelchair accessible hostel rooms must be fully fitted from completion. In this

case 49 rooms are proposed, as such 5 accessible rooms are required, along with accessible WC's, communal areas, kitchens etc.

- 10.16 The applicant revised the layout and design of the ground floor to provide 5 rooms (10%) designed to be wheelchair accessible, along with accessible facilities (toilets etc). Being located at ground floor level, wheel chair users would not have to use a lift to access bedrooms, as such 1 lift is considered acceptable in this case. The application was referred to the Council's Access Officer who advised that no objection is raised to the revised layouts and arrangements, subject to conditions to control traffic (size and number of vehicles) using the basement. If approved relevant conditions would need to be imposed to achieve this.

Landscaping and Trees

- 10.17 While there is a terrace area to the rear of the building, this is effectively the concrete roof over the existing basement (with no access to soil). In this case there is little opportunity for landscaping.
- 10.18 The application was referred to the Council's Landscaping and tree officer who raised no objection, noting that there would be no impact to street trees and given the existing constraints, no opportunity for planting.

Neighbouring Amenity

- 10.19 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.20 London Plan (2015) Policy 7.6 states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. London Plan (2015) Policy 7.15 (part Bb) states that development proposals should minimise the existing and potential adverse impacts of noise.
- 10.21 Development Management Policies (2013) Policy DM2.1 confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.22 Concerns have been raised by neighbours in objections over the potential for overlooking to occur from an additional window introduced into the eastern elevation, looking into windows in flats on the opposite side of Wilmington Street. In this regard it is worth highlighting that the supporting text to Development Management Policies (2013) Policy DM2.1 notes that overlooking across a public highway (in this case Wilmington Street) does not constitute an unacceptable loss of privacy, and as such no objection is raised.
- 10.23 A concern was raised in relation to the security light erected on the outside of the building, above the entrance to the car park. The light in question was very bright, and an objector advised that light spill from this light was disturbing at night. It is of note that the objector had been in direct contact with the applicant in relation to this concern and the Applicant has implemented changes to reduce the brightness of the light in question and the times when it is turned on. Written advice has been received from the resident confirming the issue is resolved.

- 10.24 The application is also supported by a Premises Management Plan, which sets out various measures which are proposed to ensure there would be no adverse impact on amenity as a result of the development. Key among these is that occupiers of the building are provided with the accommodation as part of their employment contract and on leaving the employment of Imperial Hotels, they are required to vacate the accommodation. It is also restricted to seven named hotels within the Imperial London hotel chain. In this way, Imperial Hotels retain ultimate control over the management of the premises. There is a live-in house-keeper responsible for daily monitoring, management of deliveries, cleaning staff, refuse and mail. The rooms are for sole occupancy only with no visitors being permitted to stay overnight and being required to leave by 10pm. Due to differing shift patterns, the occupiers are required to keep noise to a minimum in order to respect both other hostel occupiers and nearby residents. In addition no parties or social gatherings are permitted. It is considered that these measures are reasonable and appropriate and will safeguard the amenity of neighbours. Subject to a condition being imposed on any consent requiring the operation of the hostel to accord with the Premises Management Plan, no objection would be raised.

Quality of Accommodation

- 10.25 Islington's Development Management Policies (2013) Policy DM2.1 requires all forms of development to be high quality, and states that for a development to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, overlooking and privacy and outlook.
- 10.26 Islington's Development Management Policies (2013) Policy DM3.9 requires that provision of hostels be suitable for the intended occupiers in terms of the location, standard and level of facilities and provide the necessary level of management.
- 10.27 The applicant advised that a key reason the site was chosen to be used as a hostel was for its location, which is within walking distance of the hotels that the staff (who reside in the hostel) work within. The location of the hostel is considered suitable for occupiers.
- 10.28 It is also considered that there is adequate supervision of staff when they are in residence. The kitchen facilities (there are 2 kitchens on each floor) are considered adequate for the number of occupiers.
- 10.29 It is noted that some ground floor bedrooms have a single outlook which is to the street, where pedestrians walking along the footway on either Margery Street or Wilmington Street can overlook the ground floor bedrooms.
- 10.30 It is important to note at this point that the bedrooms are fitted with curtains and blinds etc, and there are other areas of the building (communal lounge rooms, external amenity space at the rear, dining areas etc) where residents could go and not be observed from the street. There are numerous other existing residential buildings in the immediate area of the site with a similar arrangement. It is common in this area for there to be habitable room windows adjacent to, or adjoining the footway.
- 10.31 The ground level flats at the western end of the building are at an elevated level due to the topography of the area (and windows are set well above the footway). No concern is raised in terms of overlooking of these rooms. Nor is there concern raised in relation to overlooking of flats on the first or second floor.

- 10.32 Policy DM3.7 relates to noise and vibration and applies to residential uses, requiring residential development to mitigate against noise and vibration. Margery Street, Wilmington Street and Yardley Street do not carry significant numbers of vehicles (they are not main roads). The area is predominantly residential in nature and it is not considered that residents of the hostel would be adversely impacted by noise or vibration.

Affordable Housing

- 10.33 London Plan (2015) policy 3.11 sets a strategic London wide goal to maximise affordable housing provision. Policy 3.12 confirms that sites should provide the maximum reasonable amount of affordable housing which can be achieved. This policy goes on to state that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. It adds that negotiations on sites should take account of their individual circumstances including development viability. This is further backed up by the London Plan Housing Supplementary Planning Guidance (March 2016) which specifies that new housing products (which this use is considered to be an example of) “should ensure that schemes contribute the maximum reasonable amount of affordable housing in line with Policy 3.12 and Policy 3.13. Neither the NPPF nor the London Plan limits the requirement of affordable housing contributions to C3 housing. Therefore affordable housing can also be sought on residential schemes that fall into other use classes (including sui-generis)“.
- 10.34 The Council's Core Strategy policy CS12 seeks the maximum reasonable amount of affordable housing from private residential schemes, and is considered applicable to the current proposal. Policy CS12 is clear that establishing the maximum reasonable amount of affordable housing is undertaken through a financial viability assessment. The NPPF, the London Plan and the Council's own policies do not seek to impose planning obligations (including affordable housing) or requirements that would render the development unviable.
- 10.35 In this case, the applicant advised that the nature of the hostel is such that it would not be viable to provide affordable housing, either on site or in the form of a contribution towards affordable housing off site.
- 10.36 To justify the stated financial position the applicant provided a financial appraisal carried out in accordance with the Council's Viability SPD. The applicant's financial appraisal was assessed for accuracy by the Council's financial consultant (BPS) who concluded (following provision of additional information) that the scheme would not be viable with a requirement to provide affordable housing (either on site or in the form of a contribution towards affordable housing off- site).
- 10.37 In view of the financial situation, it is not considered that refusal of the scheme can be justified on the basis of a failure to contribute towards affordable housing. The financial situation is unique to the set of circumstances associated with this case and a personal condition is recommended to ensure the assessment can be revisited should the circumstances change.

Sustainability Energy Efficiency and Renewable Energy

Policy Context

- 10.38 The NPPF notes that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.

- 10.39 The London Plan (2015) Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions, and that major development proposals should include a detailed energy assessment to demonstrate how carbon dioxide emissions reductions will be achieved.
- 10.40 Policy 5.3 of the London Plan (2015) states that development proposals should demonstrate that sustainable design standards are integral to proposals, and that major development should (among a number of other matters) minimise carbon dioxide emissions, avoid internal overheating, make efficient use of natural resources.
- 10.41 The London Plan (2015) Policy 5.4 relates to retrofitting of existing buildings and notes that retrofitting should also reduce carbon emission and improve efficiency of resource use and minimise the pollution generated from existing building stock. The supporting text to this policy notes that retrofitting buildings can make a significant contribution to the climate change aims of the London Plan, and that the principles of policy 5.3 apply to policy 5.4.
- 10.42 The Mayor's Climate Change Mitigation and Energy Strategy notes that retrofitting London is one of the 3 pillars upholding the Mayor's environment strategies and programmes. Retrofitting London's existing buildings is noted as being crucial to tackling London's CO2 emissions.
- 10.43 Policy CS10 of the Islington Core Strategy (2011) requires all development to demonstrate that it has minimised on-site carbon dioxide (CO2) emissions by using less energy through maximising energy efficiency, supplying energy efficiently using low carbon heating and cooling systems, and using on-site renewable energy generation.
- 10.44 Development Management Policies (2013) Policy DM7.1 requires development proposals to integrate best practice sustainable design standards during the operation of the development. It also requires development to be accompanied by a Sustainable Design and Construction Statement. The policy also requires a Green Performance Plan detailing measurable outputs for the occupied building (including for example water use).
- 10.45 Development Management Policies (2013) Policy DM7.4 relates to sustainable design standards, and refers to major developments and a need to meet/seek to meet BREEAM standards. In this case the relevant BREEAM standard would be BREEAM Fitout and Refurbishment.
- 10.46 There is a clear policy remit for seeking to ensure that any retrofitting of existing buildings is undertaken in a way which will endeavour to improve energy efficiency, carbon reduction, and the overall sustainability of the building.
- 10.47 It is acknowledged that the existing built form may pose constraints in terms of what can be done to improve energy efficiency, carbon reduction, and the overall sustainability of the building. What is important is that the development achieves the carbon reductions reasonably possible given the acknowledged constraints of the existing building.
- 10.48 The key energy and sustainability features which have been implemented are set out below:
- Installation of solar voltaic panels and solar thermal panels on the roof;
 - 3 new well insulated hot water cylinders and other upgrades to ancillary equipment;

- New localised extract systems and new windows have been installed to improve air tightness and ventilation;
- All new internal lighting is energy efficient and all communal lighting is controlled by PIR sensors;
- The use of energy efficient equipment has been encouraged through the provision of A+ rated fridges/fridge-freezers in the communal kitchens;
- Flow control devices are also available which regulate the supply of water to each facility according to the demand, and therefore minimise leaks and wastage;
- A water metering system is available, allowing water consumption to be monitored and managed;
- All new insulation materials have a Global Warming Potential (GWP) of less than five which indicates a reduction of emissions of gases associated with the manufacture, installation, use and disposal of the material.

10.49 The scheme was referred to the Council's energy and sustainability officers who (following revisions being made to the energy strategy to accord with relevant policy and guidance, including proposals to install solar voltaic panels on the roof of the existing building) raised no objection to the proposal subject to conditions.

10.50 The revised energy strategy identifies that remaining carbon emissions would equate to emissions of 115 tonnes. Islington's Core Strategy policy CS10 requires remaining carbon emissions to be offset via a financial contribution towards measures to reduce carbon emissions from existing building stock. In this case, a contribution of £105,800 would be required.

10.51 There is flexibility within policy CS10A in relation to the discounting of the financial offsetting contribution in circumstances where it is reasonable to do so (for example in the case where the building is already in existence, and there are constraints which limit the measures that can reasonably be installed to reduce carbon emissions). The flexibility is in the form of consideration of financial viability of the scheme as a whole.

10.52 In this case, the applicant advised that the scheme finances are that it would not be viable to provide the carbon offset contribution. To justify the stated financial position the applicant provided a financial appraisal (carried out in accordance with the requirements of the Council's Viability SPD).

10.53 The applicant's financial appraisal was assessed for accuracy by the Council's financial consultant (BPS) who concluded (following provision of additional information) that the financial appraisal was accurate, and that the scheme would not be viable if made to pay the carbon offset contribution.

10.54 In view of the financial situation, it is not considered that refusal of the scheme can be justified on the basis of a failure to contribute towards carbon offsetting.

Highways and Transportation

10.55 Policies relevant to highways and transportation are set out in section 4 of the NPPF and chapter 6 of the London Plan.

10.56 Islington's Core Strategy (2013) Policy CS10 and Development Management Policies (2013) Policy DM8.5 seek to achieve car free development. In this case there is an existing basement car park with space for 10 approximately car parking spaces. The application proposes to replace some of the parking spaces with cycle storage. The reduction in parking would result in a decrease in vehicular trips and the greater use of public transport, pedestrian and cycle trips.

- 10.57 The site is in an area with a PTAL of 5 (i.e. it has a high level of accessibility to public transport), and the basement is sufficiently large that adequate levels of cycle parking spaces could be provided. Subject to conditions being imposed on any consent to ensure the number and design of cycle parking spaces are adequate and to ensure a Travel Plan is prepared and implemented for the operation of the hostel, there would be no objection to the scheme.
- 10.58 Conditions should be imposed on any consent granted to ensure that apart from wheel chair users, other occupiers of the development are prevented from utilising the basement area for parking of cars, and are prevented from obtaining on street parking permits.

Contaminated Land and Air Quality

- 10.59 The site is mostly covered with buildings or hard surfaced area, limiting access to the ground, thereby limiting access to any contamination that could potentially be present. No objection is therefore raised in this regard. The whole of the borough has been designated by the council as an Air Quality Management Area. It is worth noting that the development is retrospective, while there would be some minor work required, construction impact (including on air quality) would be minimal, and no objection is raised to the application in terms of air quality impacts.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The application seeks retrospective approval to change the use the premises to a hostel providing residential accommodation for hotel staff (Sui-generis). In effect, this would regularise a use which has been carried out since 2013. The site has a complicated planning history, involving various unauthorised uses in 2009 and 2013 which interrupted the established use as a C2 care home. In this unique set of circumstances, the assessment of the application assumes that the sequence of unauthorised uses now means that planning permission is required for any future use. There is no objection in principle to the provision of a hostel at the site as this is supported by Policy DM3.9 subject to amenity issues and other considerations.
- 11.2 The applicant revised the scheme during the course of the application to address various concerns relating to equity of access and mobility, sustainability and carbon reduction. The Council's Access and Energy/Sustainability officers advise that the revisions resolve concerns and there is now no objection to the development in relation to these matters.
- 11.3 The Council is of the view that planning obligations, in the form of affordable housing and a contribution to offset carbon emissions would be required, subject to viability. The applicant provided evidence in the form of a financial appraisal carried out in accordance with the Council's Viability SPD, which shows the scheme cannot meet the obligations and remain viable.
- 11.4 The applicant's financial appraisal was assessed for accuracy by the Council's financial consultant (BPS) who concluded that the scheme would not be viable with a requirement to provide affordable housing and a contribution to offset carbon emissions.
- 11.5 The benefits of the proposed development must be noted and include the provision of accommodation for staff (which is acknowledged in the London Plan as meeting a housing need). Additionally, the applicant has also refurbished the building, including improving accessibility for disabled persons and upgrading the heating

systems, adding insulation and installation of photo voltaic panels, to improve the buildings sustainability. On balance, subject to conditions (which are recommended) it is considered that the scheme is acceptable and approval is recommended.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Approved plans list (Compliance) CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information: Planning Statement, Premises Management Plan, Energy and Sustainability Statement prepared by Hodkinson Rev 4, Plan Refs: 13D2 EX 3.001 P1, 13D2 EX 3.002 P1, 13D2 EX 3100 P1, 13D2 EX 3101 P1, 13D2 EX 3.200 P1, 13D2 LO 5.100 P4, 13D2 LO 5.101 P3, 13D2.LO.3.200 Rev P1. 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.
2	Occupation restriction (Compliance) CONDITION: The occupation of the development hereby permitted shall be limited to persons employed by Imperial London Hotels Limited at their central London hotels. REASON: To ensure that the adequacy of the accommodation, parking, accessibility and servicing arrangements are assessed and established as being appropriate for a different hotel operator.
3	Accessibility (Compliance) CONDITION: Within 6 months of the date of this consent the following works shall have been carried out: <ul style="list-style-type: none">• Alterations to the internal layout of the development (and in particular the wheel chair accessible rooms and 5 basement car parking spaces) shall be altered to accord with details shown on the approved plan refs: 13D2.LO.5.101 Rev P3 and 13D2.LO.5.100 Rev P4,• Installation of solar voltaic panels on the roof of the premises and other sustainability measures in accordance with Energy and Sustainability Statement prepared by Hodkinson Rev 4,• Painting the roller shutter door (and its housing) which covers the entrance to the basement black. Thereafter the accessible rooms, spaces and facilities, and solar PV panel shall be retained and maintained for the life of the development. REASON: To ensure the development provides adequately for disabled persons, and that all reasonable measures have been taken to reduce carbon emissions and to ensure the appearance of the development is acceptable.
4	Servicing and deliveries (Compliance) CONDITION: Deliveries and servicing of the site shall accord with the servicing detail provided by the applicant's email dated 29 September 2016 and shall not occur outside of the following times: 08.00 – 18.00 Mondays to Fridays, 08.00 – 13.00 Saturdays and not at all on Sundays/Bank/Public Holidays. REASON: To ensure servicing of the site is undertaken in a manner which does not unduly conflict with the free flow of traffic or with wheel chairs users resident at the site, and to

	prevent adverse impact on the amenity of nearby residential occupiers.
5	Parking permits (Compliance)
	<p>CONDITION: No occupiers of the hostel hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit.</p> <p>REASON: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area.</p>
6	Management plan (Compliance)
	<p>CONDITION: For the life of the development, the management and operation of the hostel hereby approved shall strictly accord with the site management plan (ref: William Martin Court Premises Management Plan (received 1/8/2016)), including occupancy restrictions, measures to mitigate amenity impacts and emergency procedures.</p> <p>REASON: To prevent any unacceptable impacts on the amenity of nearby residential occupiers and to ensure that the facilities provided within the hostel are suitable for occupants.</p>
7	Cycle storage (Compliance)
	<p>The cycle storage for 15 bicycles shall be provided within the basement of the development in accordance with the details shown on approved plan ref: 13D2 LO 5.101 P3. There after the cycle storage facilities shall be retained and maintained in good working order for the life of the development.</p> <p>REASON: To ensure adequate cycle parking is available on site, to promote sustainable modes of transport.</p>
8	Noise Level from Premises (Compliance)
	<p>CONDITION: Noise emitted from any part of the premises shall not increase the current background levels, measured as an LA90,1hour day and LA90,5minute night at one metre from the nearest noise sensitive facade.</p> <p>REASON: In order to protect residential amenity.</p>
9	Recycling/refuse storage provision and management (Compliance)
	<p>CONDITION: The development hereby approved shall strictly accord with the refuse/recycling storage facilities, locations and collection arrangements shown on approved plan ref: 13D2 LO 5.100 P4, and shall be retained and maintained thereafter for the life of the development.</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>

List of Informatives:

	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.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

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

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

2 London's places

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

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 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.5 London's visitor infrastructure
Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.4 Retrofitting
Policy 5.5 Decentralised energy networks
Policy 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.12 Road network capacity
Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.8 Heritage assets and archaeology

8 Implementation, monitoring and review

Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

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

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

Design and Heritage

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

Transport

DM8.2 Managing transport impacts
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new developments

Health and open space

DM6.1 Healthy development

Energy and Environmental Standards

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

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses

5. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Islington Local Plan

CS7: Bunhill and Clerkenwell Key Area

London Plan

Central Activities Zone

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design (October 2012)
- Planning Obligations (November 2013)
- Urban Design Guide (January 2017)
- Development Viability (January 2016)
- Inclusive Design in Islington (February 2014)

London Plan

- Central Activities zone Supplementary planning guidance
- Housing Supplementary Planning Guidance
- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction

