

**PLANNING COMMITTEE REPORT  
ADDENDUM**



# ISLINGTON

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department  
Islington Town Hall  
Upper Street  
LONDON N1 2UD

<b>PLANNING COMMITTEE ADDENDUM REPORT</b>		<b>AGENDA ITEM NO:</b>	<b>B2</b>
<b>Date:</b>	09 October 2017	<b>NON-EXEMPT</b>	

Application number	P2016/1344/FUL
Site Address	Land to the rear of 2 Melody Lane, London, N5 2BQ
Proposal	Demolition of existing buildings and construction of 7 residential dwellings (Use Class C3) and new 3 storey (plus basement levels) 1,419sqm self-storage building (Use Class B8), with landscaping, access and associated works.

## 1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1 of the Planning Committee Report; and
2. conditional on 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 Planning Committee Report for planning application P2016/1344/FUL, dated 07 September 2017 (Item B3).

## 2. BACKGROUND

- 2.1 Planning application P2016/1344/FUL was heard at the Planning Committee meeting on 07 September 2017.
- 2.2 The Planning Committee Report for planning application P2016/1344/FUL, dated 07 September 2017 (Item B3) is appended to this report as Appendix A.
- 2.3 During the meeting, officers stated that the buildings within the rear gardens of the houses at Aberdeen Park (near to the site's eastern boundary) were outbuildings. A

resident stated that the outbuilding in the garden of 136 Aberdeen Park is a house, and that the impacts of that house have not been considered.

- 2.4 The item was deferred in order to allow officers to assess the status of the building in the rear garden of 136 Aberdeen Park, to further assess the impacts of the proposal on that building if necessary, and to clarify the distances to the houses in Aberdeen Park.

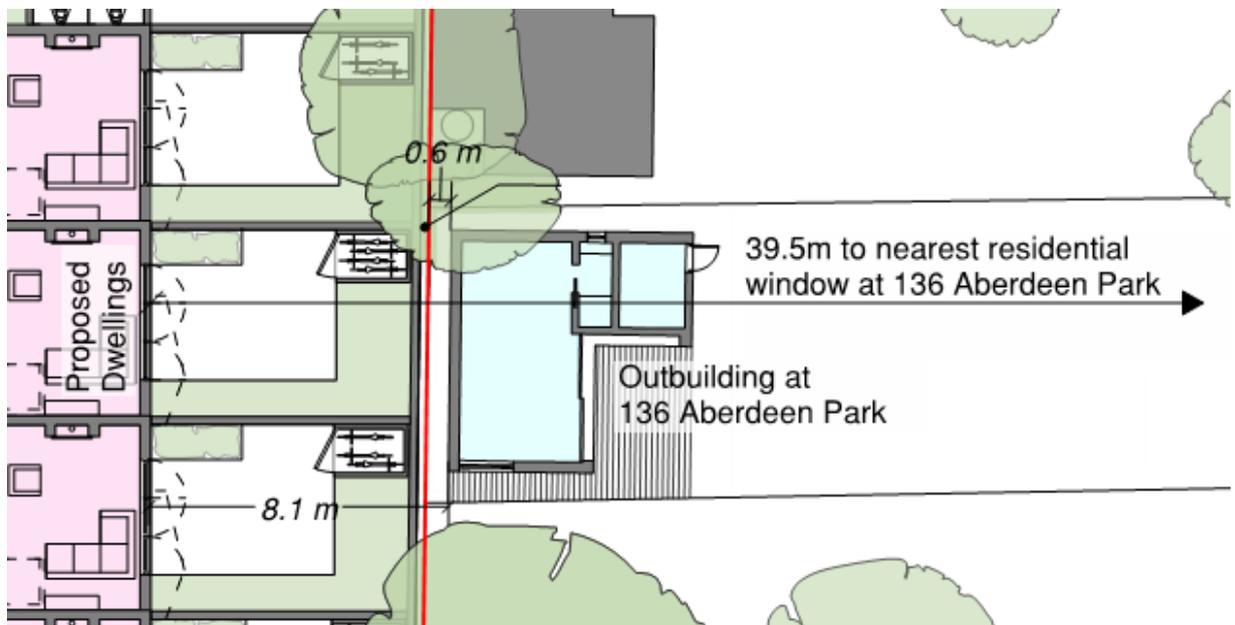
### 3. ADDITIONS TO COMMITTEE REPORT

#### Neighbour Amenity impacts

- 3.1 The following text should be inserted following paragraph 10.131 of the Committee Report.

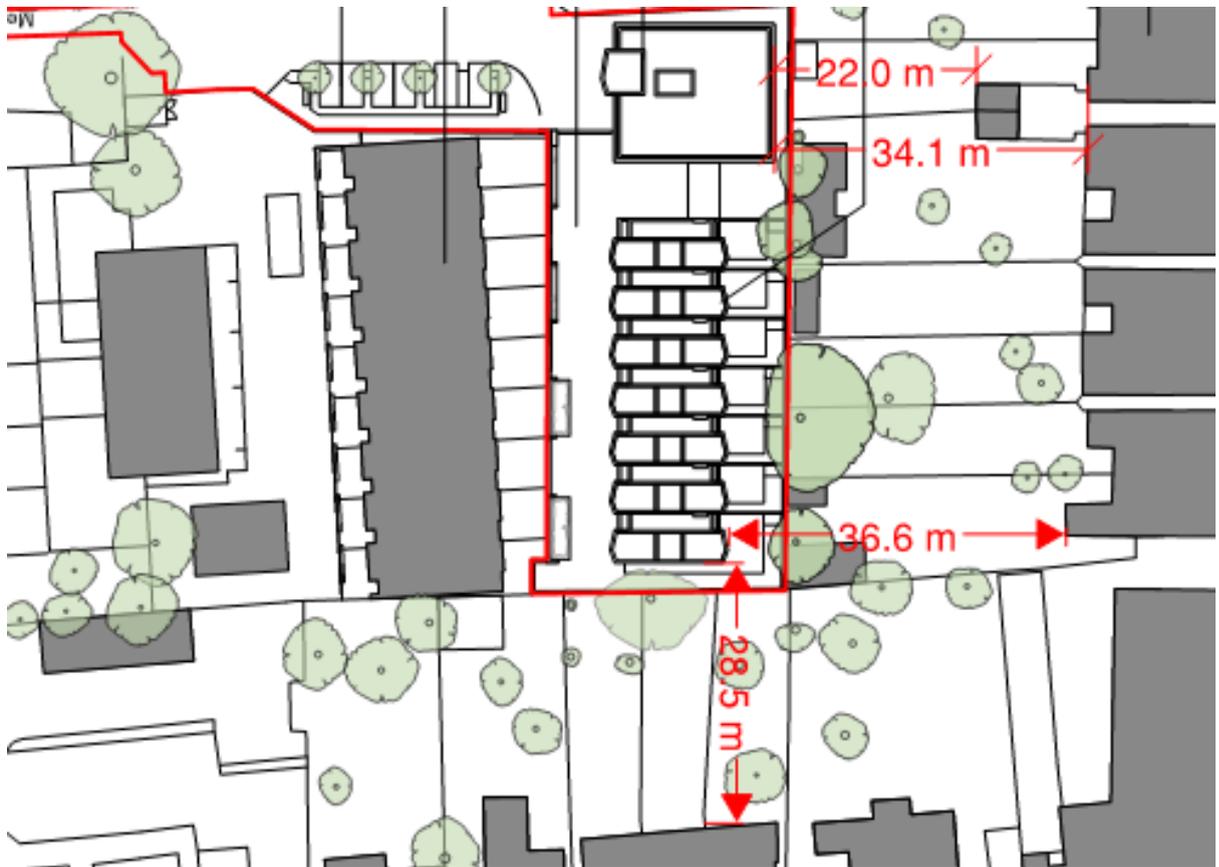
#### Further Neighbour Amenity impacts

- a. At the Planning Committee meeting on 07/09/2017, a resident highlighted to the Committee that there is a house in the rear garden of 136 Aberdeen Park, contradicting the case officer's statement that the buildings in the rear gardens of the houses at Aberdeen Park are outbuildings.
- b. Planning application P121497 was approved on 02/11/2012 for the following development at 136, Aberdeen Park, Islington, London, N5 2BA:
- c. *"Erection of single storey outbuilding within rear garden of existing dwellinghouse."*
- d. Condition 3 of that planning permission states that:
- e. *"The hereby approved development shall be provided, used and maintained for the occupiers of 136 Aberdeen Park as an ancillary space to the established residential use of the building only and no separate trade or business shall be carried on therefrom."*
- f. The relevant building has planning permission, but for use only as an outbuilding ancillary to the main house. Officers visited the garden of 136 Aberdeen Park on 18th September 2017, and reviewed the outbuilding. The building has no separate entrance, doorbell/intercom, or curtilage. There is no separate Council Tax record for the building. The building can be accessed without entering the main house at 136 Aberdeen Park, via the side entrance and through the garden.
- g. The outbuilding is considered to be ancillary residential accommodation rather than a separate planning unit.
- h. Impacts on the daylight, sunlight, privacy, or outlook of that building would not necessarily result in an unacceptable standard of accommodation at the main house. As such, the impact of the proposal on the surrounding buildings is no greater than that set out within the Planning Committee report, and no further assessment is required.
- i. However, for the sake of clarity and for the avoidance of any doubt, the following additional assessment is offered.
- j. Fig 10.6A shows the outbuilding at 136 Aberdeen Park, and its relationship to the proposed dwellings.



*Fig 10.6A (Proposed Ground Floor Plan showing relationship with outbuilding at 136 Aberdeen Park)*

- k. The outbuilding has a high level horizontal slit window which faces south, directly onto the boundary fence. The proposed development would not obscure that window and it would not suffer from unacceptable loss of daylight or sunlight.
- l. The outbuilding has an obscure glazed window which faces north, which serves a bathroom. The proposed development would not obscure that window and it would not suffer from unacceptable loss of daylight or sunlight.
- m. The main window to the outbuilding is an east facing window, which faces the garden and house at 136 Aberdeen Park. This window faces away from the application site and will not be affected by loss of outlook, sunlight, daylight or privacy as a result of the development.
- n. The outbuilding within the garden of 136 Aberdeen Park is ancillary accommodation, and is physically separated from the main house such that its relationship with the main living spaces at the house is limited. Impacts on the daylight, sunlight, privacy, or outlook of that building (including in the event that these were afforded weight commensurate with use as a separate dwelling) would not be unacceptable.
- o. The committee report details the impacts of the proposal on affected residential properties, and states at paragraph 10.108 that the proposal would have no unacceptable impact on sunlight and daylight to surrounding properties.
- p. Officers were asked to clarify the distances between dwellings following the development. The distances between the proposed development and the surrounding properties are shown on fig 10.6B.



*Fig 10.6B (Distances to surrounding properties)*

- q. Policy DM2.1 identifies a minimum distance of 18 metres between windows to protect privacy for residential developments and existing residential properties.
- r. Fig 10.6B clarifies that other than the dwellings expressly assessed (within Melody Lane), all nearby dwellings at Aberdeen Park (to the east and south) would be at least 28.5m away from the proposal. These distances are sufficient to avoid unacceptable loss of privacy, and the houses at Aberdeen Park also fall outside the BRE criteria for assessment of daylight and sunlight impacts. Whilst the site would be visible from the surrounding neighbours, the proposal would not result in unacceptable harm to the amenities enjoyed by those properties.
- s. The surrounding gardens similarly are host to a number of outbuildings, none of which have planning permission to be used as separate dwellings and all of which are ancillary, rather than inherent to acceptable amenity standards at the houses in Aberdeen Park. Impacts on the outlook, privacy, daylight and sunlight at those outbuildings would not result in unacceptable harm to amenity at the houses in Aberdeen Park, and as noted above the impacts of the development on the amenities of those neighbours would not be unacceptable.

Additional Consultation Response

3.2 The following additional text should be inserted following paragraph 8.17 of the Committee Report.

- a. Following the Planning Committee Meeting on 07 September 2017, an additional consultation response was received by Cllr Gantly on 21 September 2017, raising

concerns about fire safety following a fire at a self-storage facility in Tottenham. (*Officer Response: paragraph 8.25 notes that London Fire Brigade (LFB) responded to the application raising no objection; paragraphs 10.196-10.203 address fire safety; condition 24 requires unobstructed access during the construction programme; and informative 10 reminds the developer of the need to comply with part B5 of the Building Regulations.*)

#### **4. PREVIOUS PLANNING COMMITTEE UPDATES**

##### Previous Updates 07 September 2017

- 4.1 The Planning Committee were updated with the following updates to the committee report on 07 September 2017.
- 4.2 Paragraph 10.119 should be updated to state that the proposed buildings would be 11.7-13.6m away from the neighbouring dwellings at 6-22 Melody Lane. The report previously (incorrectly) stated this distance as 14.5-16.4m.
- 4.3 P284 para 10.159 should be updated to state that the parking spaces for the B8 warehouse building may also be used by resident blue badge holders. The report previously stated that *“the approved parking spaces are to be used only in connection with the business use at the B8 warehouse building, other than the wheelchair spaces which may also be used by resident blue badge holders.”*
- 4.4 2 further letters were received from residents repeating existing concerns, and asking for no Saturday working and to limit the construction period (*See paragraph 8.13; no change to the committee report is required.*)
- 4.5 A further letter was received from Darwin Law which asks for clarification that each house at 6-22 Melody Lane (evens) has 4 bedrooms, 2 of which overlook the site and would be affected. (*No change to the committee report is required.*)

#### **5. CONCLUSION**

- 5.1 Following deferral of the item at the Planning Committee meeting on 07 September 2017, officers have considered whether the adjacent outbuilding at 136 Aberdeen Park should be considered as a house.
- 5.2 Officers have visited that site and consider that no further assessment was required. Nonetheless, that assessment has been undertaken and no additional concerns are raised.
- 5.3 Officers have also clarified the distances to the nearest houses at Aberdeen Park.
- 5.4 Officers advise that following the above additional assessment, there is no change to the officer recommendation as set out in Appendix 1 of the Planning Committee Report.

**APPENDIX A:  
PLANNING COMMITTEE REPORT**



# ISLINGTON

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department  
 Islington Town Hall  
 Upper Street  
 LONDON N1 2UD

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO:</b>	<b>B3</b>
<b>Date:</b> 07 September 2017	<b>NON-EXEMPT</b>	

Application number	P2016/1344/FUL
Application type	Full Planning Application
Ward	Highbury East
Listed building	None on application site. Adjacent/affected: Christ Church (to the west of the site across Highbury Grove, Grade II) Vicarage, 157 Highbury Grove (to the west of the site across Highbury Grove, Grade II) Balloon-making workshop at 56a Highbury Grove (adjacent the site to the north, Grade II)
Conservation area	Within 50 metres of the Highbury Fields Conservation Area and the Aberdeen Park Conservation Area.
Development Plan Context	No site allocations. Adjacent to Melody Lane Employment Growth Area.
Licensing Implications	None.
Site Address	Land to the rear of 2 Melody Lane, London, N5 2BQ
Proposal	Demolition of existing buildings and construction of 7 residential dwellings (Use Class C3) and new 3 storey (plus basement levels) 1,419sqm self-storage building (Use Class B8), with landscaping, access and associated works.

Case Officer	Jan Slominski
Applicant	Mr David Partridge
Agent	Julian Cowie Architects

## 1. RECOMMENDATION

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

3. subject to the conditions set out in Appendix 1; and
2. conditional on 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. SITE PLAN



*Fig 2.1 Site Plan. Application site outlined in red.*

## 3. SUMMARY

3.1 The application site is a backland site within Melody Lane, a small private road accessed via Highbury Grove. Historically, Melody Lane was in use for industrial uses but its character has changed over time with the introduction of residential mews style developments. There is a brick factory style building on the site which is currently in use as a 1-2 storey self-storage warehouse (Use Class B8). The proposal would redevelop the site to provide a new 3 storey self-storage warehouse with basement accommodation in order to re-provide the existing use.

3.2 There would also be a row of 7 terraced houses, which would be parallel to, and similar in design and scale to the existing adjacent row of mews style houses.

- 3.3 The proposed development complies with the Council's land use policies and is acceptable in principle.
- 3.4 The proposal would be sensibly laid out, would continue the existing backland pattern of development and general scale, and would be visually subordinate to the frontage buildings on Highbury Grove to maintain the mews-style character of Melody Lane. The proposed accommodation would be fit for purpose, and the residential units would offer a high standard of residential amenity. The impacts on neighbour amenity would be limited to reduced outlook at upper bedroom windows at 9 of the existing residential neighbours, but it is noted that those units are dual aspect and will still provide an acceptable standard of accommodation following the development. The proposal would provide a financial contribution to off-site affordable housing of £350,000, and would comply with the Council's policies on transport, inclusive design and sustainability. The proposal would also comply with the development plan in other respects and is considered a sustainable form of development.
- 3.5 Approval is recommended subject to conditions and a Section 106 agreement to secure the necessary mitigation.

#### **4. SITE AND SURROUNDINGS**

- 4.1 The application site is on the southern side of Melody Lane, which is a narrow unadopted lane accessed from Highbury Grove.
- 4.2 The existing building on the site is a 1,412sqm self-storage warehouse with an ancillary stationery distribution business (Use Class B8: Storage and Distribution). There is also an attached vacant air raid shelter which forms the south and east boundaries.
- 4.3 To the east and south of the site are the rear gardens of properties fronting Aberdeen Park. To the north, is a Grade II Statutory Listed former balloon-making workshop, used as a taxi repair centre (Use Class B2). To the west are fourteen 3-storey modern terraced houses arranged as a mews style development in two rows around a parking courtyard, and designed by the same architect as the proposed development (Julian Cowie Architects). The rear garden boundary wall of nos 6-22 (evens) is also the site boundary.
- 4.4 Melody Lane is not an adopted highway and the application site area extends to include Melody Lane and the access from the site to Highbury Grove. Melody Lane provides the only vehicle and pedestrian access to the neighbouring properties to the west and north of the application site. Highbury Grove is a Classified Road, and Islington Council is the Highways Authority. Highbury Grove is well served by buses, and the application site has a Public Transport Accessibility Level (PTAL) of 3 (moderate).
- 4.5 The western end of Melody Lane is within the Highbury Fields Conservation Area, which extends beyond Highbury Fields to include properties along the eastern side of Highbury Grove (as well as the western part of Melody Lane). The site is not within a Conservation Area and does not contain any listed buildings, but the building to the north at 56a Highbury Grove is a Grade II listed former balloon-making (airships) workshop.

4.6 The site is mostly covered by the road itself, and the warehouse building. There are no trees on the site, however there are a number of trees within the surrounding residential gardens which are close to the site boundary and are offered protection by virtue of their inclusion in the Aberdeen Park Conservation Area.

4.7 The site is not within a Site of Importance for Nature Conservation (SINC) and the nearest public open space is Highbury Fields, to the west of Highbury Grove.

## 5. PHOTOS OF SITE AND SURROUNDINGS



Fig 5.1 Aerial view

## 6. PROPOSAL

### Original Submission

6.1 As originally submitted, the planning application was described as:

6.2 *“Demolition of existing buildings. Construction of 9 residential dwellings (Use Class C3) 3 storeys in height and replacement self-storage building (Use Class B8) including basement levels, with associated landscaping and access/parking.”*

6.3 The proposal would have provided a self-storage warehouse building, and 9 residential units arranged as 2 flats and 7 terraced houses.

6.4 Following the initial public consultation, feedback was provided to the developer outlining the Council’s concerns, summarised as follows:

- The proposal is close to a significant tree (adjacent to the southern boundary) which would have been unacceptably harmed.
- There would be no suitable manoeuvring area for servicing/delivery vehicles

- The proposed flats would not provide accessible (visitable) accommodation
- There would be unacceptable impacts on privacy to the neighbours at 6-22(even) Melody Lane.
- Insufficient information was provided to demonstrate compliance with the Council's policies on basement design and sustainable design.

## 6.5 **Revisions**

6.6 Following feedback from the Case Officer, the applicant entered into a "Planning Performance Agreement" with the Council. This allowed the applicant to provide revised plans and extend the determination period for the application. The agreement between the Council and the Applicant relates only to process and timescales, and the Council is free to make its own decision as to whether the application should be approved or refused.

6.7 The previously proposed 2 flats were removed from the scheme, and the houses were reduced in size, allowing more space around the buildings and increasing separation distances. As amended there would be a clear root protection zone around the adjacent tree, and a manoeuvring area for vehicles to be able to turn around within the site. The front elevations of the houses were adjusted to include additional high level glazing in the form of vertical slit windows on the front (west) elevation, obscured glazed up to 1.8m above floor level. The west elevation wall of the existing factory (which also forms the rear garden wall for 6-22 (evens) Melody Lane) would be retained and a new timber screen is proposed adjacent to the wall to maintain privacy at first floor level. The proposed houses were reduced in depth and the distance from the mews houses on Melody Lane was increased by 0.7m. The supporting documents were updated and reissued, and a further consultation period took place to invite comments on the revised scheme.

## **Proposal (as amended)**

6.8 The application seeks full planning permission for the demolition of the existing self-storage building on the site, and the construction of a replacement self-storage building (Use Class B8) and 7 residential dwellings (Use Class C3) with associated landscaping and access/parking.

6.9 The proposed self-storage warehouse (Use Class B8) would directly replace the existing self-storage building (following its demolition), for occupation by the existing business on the site. The new building would have 2 basement levels and three floors above ground, and accommodate 1,419sqm of floor space for storage use (an increase of 7sqm of business floorspace).

6.10 The proposed housing would be arranged as a row of terraced houses facing west/east, parallel to the adjacent modern terraces (also designed by Julian Cowie Architects). The front entrances would be on the western elevations and rear gardens to the east. The houses would be three storeys tall under flat roofs, with open plan kitchen/dining/living rooms at ground level, with 4 bedrooms, 3 bathrooms and a study/dressing room on the upper floors.

6.11 The following images show the existing and proposed site plan, and drawings of the proposed development.



Fig 6.1 Existing Site Plan

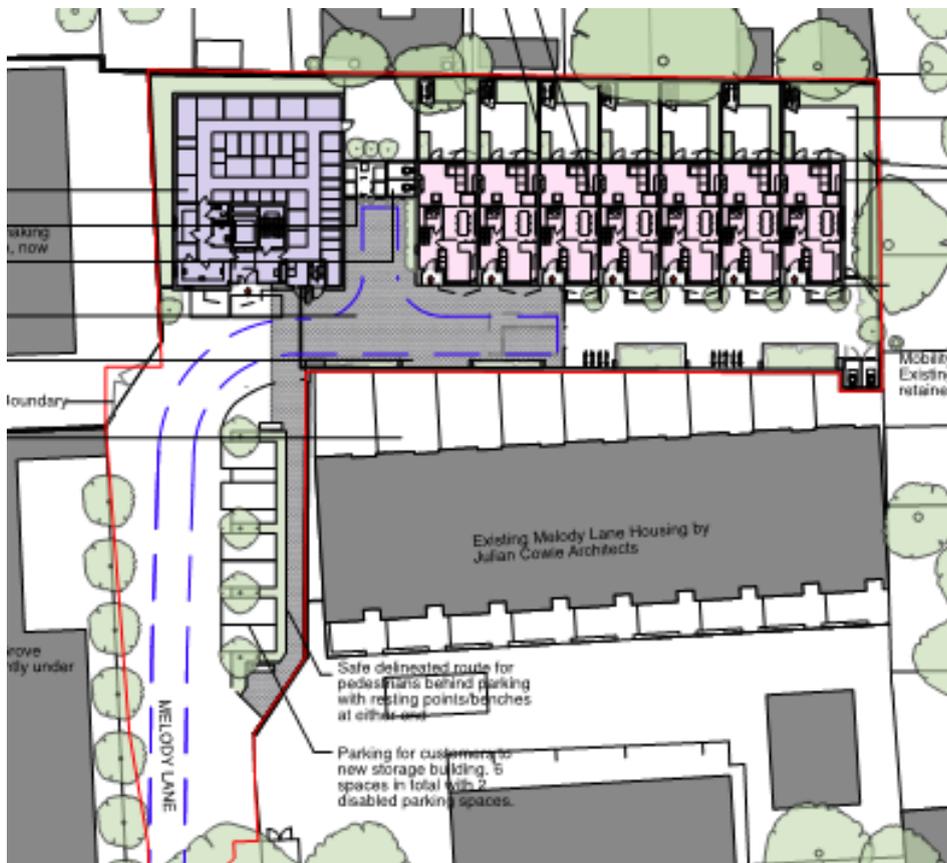


Fig 6.2 Proposed Site Plan

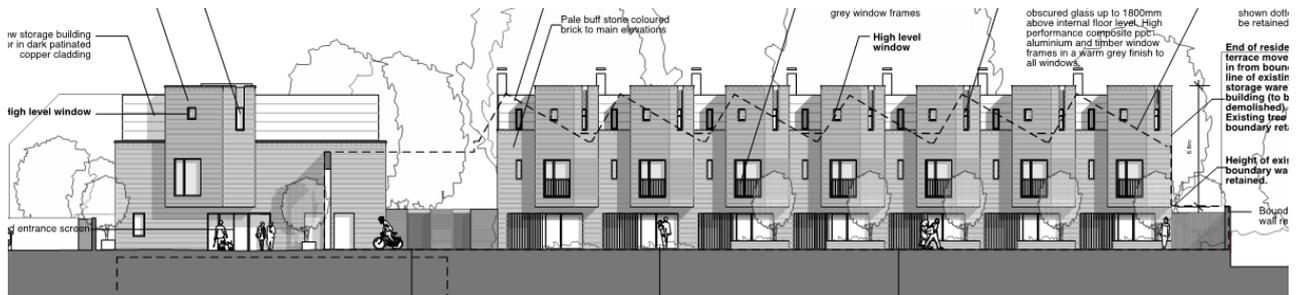


Fig 6.3 Proposed West (Front) Elevation



Fig 6.4 Proposed East (Rear) Elevation, visible from the rear gardens at Aberdeen Park

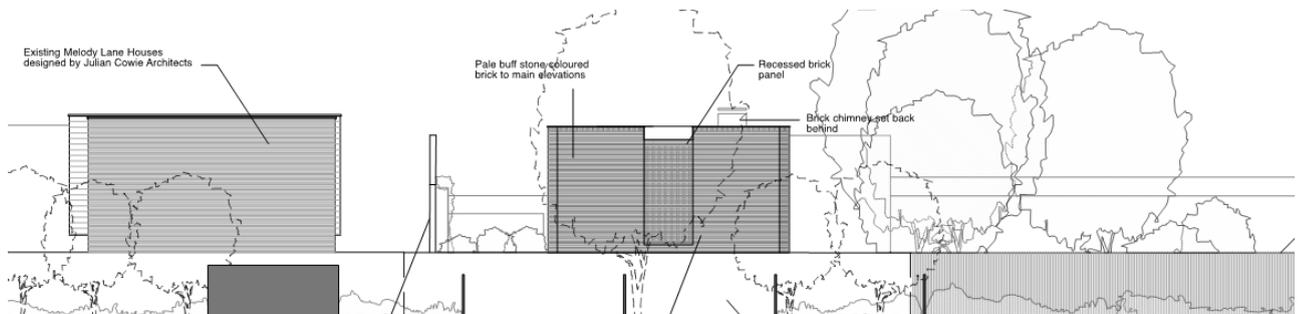


Fig 6.5 Proposed South Elevation, visible from the rear gardens at Aberdeen Park

6.12 The proposed houses would have projecting bays over the first and second floors, which, along with the ground floors, would be faced with pale buff brick. There would be setback elements at second floor to reduce the perceived bulk; these would be clad in dark brown weathered copper so as to appear visually recessive. The design of the houses would be similar to the existing modern terraces on Melody Lane, although they would be built in brick rather than white render to avoid staining and watermarks caused by poor maintenance.

- 6.13 Although the existing warehouse building would be demolished, the western elevation wall would be retained as the boundary treatment to the west of the site (see fig 6.6). This would retain the distinctive saw tooth profile, and would act as a physical barrier to reduce over-looking between the new dwellings and existing dwellings to the west of the site.



Fig 6.6: Close up of proposed West Elevation (Residential Units). The dotted line indicates the line of the retained sawtooth boundary wall (in front of the units) to maintain privacy for the existing houses (opposite).

- 6.14 Refuse, recycling and cycle storage facilities are proposed in the space between the commercial building and new housing. Hard and soft landscaping is proposed to the front of the dwellings and 6 parking bays (including 2 suitable for wheel chair users) are proposed at the entrance to the site near Melody Lane for use by the business. The residential units would be parking permit-free. There would also be a new gate feature at the entrance to the housing development, cycle and bin storage, and mobility scooter storage. The part of Melody Lane within the applicant's ownership would be re-landscaped, including separated pedestrian and vehicle access, soft landscaping and benches.

## 7. RELEVANT HISTORY

- 7.1 The site itself has no planning history of relevance; however, there are planning permissions on adjoining and adjacent sites which are of relevance to the current scheme. The following history is considered most relevant to the application site. Officers have also reviewed further local planning history; none which is particularly relevant to the current proposal.

### Melody Lane

- 7.2 3 Melody Lane (which adjoins the application site to the north): P110160 permission dated 24/01/2014 granted for a single storey outbuilding for use as a new spray booth building for the taxi workshop, between the listed building and the northern boundary of 2 Melody Lane.

### Highbury Grove

- 7.3 60 Highbury Grove P051441- Permission dated 08/08/2005 for the 'Change of use from B1 offices to six self-contained flats (one 3 bedroom, three 2 bedroom flats and two studio flats)'.
- 7.4 58 Highbury Grove P121884 - Approved 28/04/2014. Conversion of the existing 263sqm floorspace in B1(a) (office) use class within the front coach house to form two no. two bed flats and the demolition of the existing buildings at the rear of the site and construction of six no. three bedroom / three storey townhouses and a three storey building comprising 683sqm floorspace in B1(a) (office) and B1(c) (Light industrial) use classes, two off-street car parking spaces (wheelchair users), loading bays, hardstanding and landscaping.
- 7.5 58A Highbury Grove P050410 – Permission dated 11/05/2005 for the 'Demolition of existing buildings and erection of nine 3-storey terraced houses and two 2-storey mews houses with associated parking and landscaping.
- 7.6 58A Highbury Grove P051375 – Permission dated 25/01/2006 for the Erection of four 3-storey terraced houses and one 3-storey detached house. This permission supplemented the earlier permission for 11 houses under P050410.
- 7.7 The development approved at 58A Highbury Grove is adjacent to the entrance to Melody Lane and has been constructed.

#### Pre application advice

- 7.8 A formal request for pre-application advice was submitted to the Council in July 2015, for a two-storey B1 office building and nine three-storey mews dwellings.
- 7.9 The advice provided by the Council in response to the pre-application proposals was that in order for the site to be redeveloped, any development proposal would need to re-provide appropriate business floor space. Following re-provision, the site is considered a sustainable location for residential development subject to appropriate design, consideration of neighbour amenity impacts, and compliance with other planning policies.
- 7.10 In terms of scale, the Council advised the proposed three-storey townhouses would appear no larger than the contemporary housing development to the west and its massing would be contextual, but there should be proper distinction between public areas and private amenity spaces.

## **8. CONSULTATION**

### First Consultation

- 8.1 Letters were sent to occupants of 191 adjoining and nearby properties on 31/08/2016 and 13/09/2016. Site notices and a press notice were published on 01/09/2016, clarifying that the proposed development may affect the character and appearance of a conservation area and the setting of a listed building (as required by sections 67 and 73 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended)).

### Second Consultation

- 8.2 Following the revisions to the scheme, letters were again sent to occupants of 191 adjoining and nearby properties on 21/04/2017, and site and press notices were

published on 27/04/2017. The public consultation period ended on 18/05/2017; however, it is the Council's practice to continue to consider representations made up until the date of a decision. The revisions to the proposal are not considered to introduce additional impacts on the adjacent Grade II listed former balloon workshop (other than those which were previously consulted on).

#### Public Consultation Responses relevant to Planning

- 8.3 Consultation responses from both the first and second consultation exercises have been considered. At the time of writing, objections were received from 17 neighbouring addresses (some of which also stated that they represent a further 4 addresses), including various illustrative images. The issues raised are summarised as follows (*with officer comments in brackets*):
- 8.4 Design: The buildings are too tall; at 3 storeys they would not be visually subordinate to the existing mews style houses; would be inappropriate in relation to the existing character; and would be harmful to the setting of the listed building and adjoining conservation area. (*Considered in the "Design" section, paragraph 10.61 onwards. The buildings would be similar in height and design to the adjacent mews development which is also backland development, and subordinate in scale to the street facing buildings.*)
- 8.5 Neighbour Amenity: Loss of light; increased sense of enclosure (loss of outlook); and loss of privacy to neighbours (*Considered in the "Neighbour Amenity" section, paragraph 10.88 onwards*)
- 8.6 Inaccurate Plans: The drawings do not show the retained wall and the elevations are not to scale. (*Revised drawings were submitted and checked for accuracy prior to the second consultation period.*)
- 8.7 Fire Safety: The lane doesn't meet fire appliance requirements. (*London Fire Brigade responded to the application raising no objection*).
- 8.8 Future Development: The proposal may prejudice future development at the Grade II listed balloon making factory (currently a taxi repair workshop). (*The proposed storage building would be set away from the boundary, with no side elevation habitable room windows, and would not impact on adjacent development potential*)
- 8.9 Highways and Safety: There would be additional service vehicles for the houses, and use of the lane for the new houses would cause pedestrian safety issues. (*The proposed B8 floorspace is re-provision of the existing unit and the traffic impacts are unchanged. The houses are car-free, and the revised scheme includes pedestrian segregation. The transport and highways impacts are considered in the "Highways and Transportation" section, paragraph 10.148 onwards*)
- 8.10 Business Use: The proposal fails to provide the existing 2,003sqm GIA of business floorspace, and the floorspace is unsuitable for B1 uses. (*The existing use is storage and distribution, and the proposal would re-provide the existing useable B8 floorspace. See "Land Use" section, paragraph 10.2 onwards.*)
- 8.11 Refuse: There is insufficient space for refuse collection vehicles (*The Council's refuse collection officer has considered the proposal and raised no objection*).

- 8.12 Standard of accommodation: The proposed dwellings will not have sufficient daylight or private amenity space. *(See “mix and quality of residential accommodation” section, paragraph 10.30 onwards. The proposed dwellings are considered to offer acceptable accommodation, with private rear gardens and Highbury Fields a short distance away).*
- 8.13 Construction (including basement) impacts: The submitted statement is inadequate, there will be excessive traffic, and construction work should not take place after 4pm or at weekends. *(Construction impacts are not a valid reason to refuse planning permission, but condition 24 is recommended requiring a full Construction and Environmental Management Plan (CEMP) and compliance with the submitted basement impact report in order to minimise impacts. A balance needs to be struck between minimising neighbour impacts during construction, and prolonging the duration of those impacts. The Council’s standard hours of work are also required by condition 24 which allow construction Monday to Friday 09.00-18.00, and Saturday from 9.00-13.00 with no working on Saturdays or Bank Holidays).*
- 8.14 Crime: Melody Lane is “hunting ground” for drug dealers and crime, and the construction programme would worsen this. *(A CEMP is required by condition 24, no objection was raised by the Crime Prevention Officer, and condition 8 requires Secured by Design certification.)*
- 8.15 Trees: The mature trees adjacent to the site should be protected. *(See “Biodiversity, Landscaping and Trees” section, paragraph 10.134 onwards. The development was amended to avoid harm to the adjacent trees.)*
- 8.16 Views: Loss of public views of the adjoining houses *(The site is not within a protected viewing corridor.)*
- 8.17 Light Pollution *(See “Security and External Lighting” paragraphs 10.140 onwards).*
- 8.18 Additional Public Comments (falling outside the planning system)
- 8.19 Pre-determination: One consultation response commented that by providing pre-application advice, the Council committed to grant consent prior to the submission of the application *(The pre-application advice given is without prejudice, and is summarised in paragraphs 7.8-7.10. Pre-application advice is given without prejudice, without the benefit of public consultation, and is in no way binding on the Council).*
- 8.20 58 Highbury Grove: The recent development at Highbury Grove is considered overdevelopment *(The application does not relate to 58 Highbury Grove).*
- 8.21 Values: The proposed development would affect the values of the adjacent houses *(This is neither evidenced, nor a valid reason to refuse a planning application).*
- 8.22 Surveys of the neighbours’ properties and a financial bond should be provided to neighbours in the event of damage. *(An informative will be added to the decision notice requiring the applicant that the planning permission does not supersede other requirements and that the requirements of the Party Wall Act need to be complied with).*
- External Consultees
- 8.23 Metropolitan Police: No objection, the proposed dwellings should achieve Secured by Design certification. *(To be secured by condition 8).*

- 8.24 Thames Water: No objection. *(An informative is recommended highlighting the need for further approvals from Thames Water in relation to piling and repositioning of the foul drain underneath the proposed warehouse).*
- 8.25 London Fire Brigade: No objection. Discussion with the Fire Brigade clarified that the minimum entrance gate width should ideally be 3.1m, although a Fire Engine can use a narrower gate (typical vehicle width is 2.3m). The scheme should comply with Part B5 of the Building Regulations, and if it does not then mitigation is needed (such as sprinkler systems which allow time to run an extended hose to the site). *(An informative is recommended, advising the applicant that a fire strategy should be developed in consultation with the emergency services and including compliance with part B5 of the Building Regulations.)*

#### Internal Consultees

- 8.26 Planning Policy: The proposal is considered sufficient re-provision of employment floorspace, and would not introduce incompatible land uses. The proposed housing is supported, and a financial contribution (small sites) to the Council's affordable housing new build programme of £50,000 per unit is required. The residential unit sizes do not present any policy issues with non-compliance. The six car parking spaces should be for the B8 storage users, along with the standards obligation that the residents of the new dwellings should not be eligible for parking permits as per Policy DM8.5A.
- 8.27 Refuse and recycling: No objections.
- 8.28 Environmental Health (Acoustics): The originally submitted noise report was of poor quality. Following revisions to the scheme, an updated noise report was submitted and no objection is raised. The impacts of the development would be sufficiently minimised by imposing a condition controlling the hours of operation of the self-storage use *(condition 10)*.
- 8.29 Environmental Health (Pollution): The site has had previously polluting uses, and the development would introduce residential uses and potential pollution linkage (by disturbing the ground). *(Condition 25 is recommended to ensure sufficient investigation and remedial works)*.
- 8.30 Environmental Health (Construction impacts): With the proposed demolition and construction in a relatively quiet area with residential units in close proximity there is the potential for disruption. *A condition is recommended requiring a detailed Construction and Environmental Management Plan to identify and mitigate impacts including noise and vibration, and air quality (including dust, smoke and odour)*.
- 8.31 Lead Local Floor Risk Officer: No objection.
- 8.32 Inclusive Design: Initially raised concerns about the safety of the shared surface, travel distance from taxis on Highbury Grove, mobility scooter charging, design of the maisonette units, layouts of houses, and layout of the self-storage unit. Following revisions to the scheme (removal of maisonettes, redesign of external areas to add benches and separate pedestrian access, provision of mobility scooter storage, and alterations to internal layouts), a second response was provided welcoming the revisions,

raising no objection, and suggesting further detailed design points. *(Condition 9 is recommended to secure appropriate inclusive design measures).*

- 8.33 Design and Conservation: The proposed self-storage building is not considered to cause harm to the setting or significance of the Grade II listed Balloon Making Workshop. The residential units are set further away from the listed building and as such have even less impact than the self-storage building. The Grade II listed Christ Church and 157 Highbury Grove are far enough away from the site that the proposed development will not impact their setting. In terms of the impact on the neighbouring conservation areas, from both the Highbury Fields Conservation Area and the Aberdeen Park Conservation Area you will see the new development, at least in part. The scale of the development is not considered to have a harmful impact on either conservation area or its setting. The proposed height, scale and massing are appropriate and the design makes reference to both of the existing mews developments on Melody Lane (one of which was designed by the same Architect). The use of high quality materials is key to the success of the development, and the proposed materials are sympathetic to the character and appearance of both conservation areas. The samples submitted with the application are considered acceptable in principle, however the material for the windows and metalwork should be anodised, rather than powder coated to give a better, high quality finish and the mortar to the brickwork must be recessed. Otherwise, all materials proposed are considered appropriate in this location and within the surrounding context of the backland site. Initial suggestions were made regarding detailed design (upper floor windows and high level “slits” to avoid a top heavy appearance) and following these amendments, the scheme is considered acceptable, subject to appropriate detailed design and materials. *(Condition 3 is recommended to secure appropriate materials in line with the Design and Conservation officers’ comments).*
- 8.34 Nature Conservation Manager: No objection.
- 8.35 Highways: No objection. The road will not be adopted as a public road, so in order to ensure that it will remain safe and workable as a private road a safety audit is required. Stage 1 and 2 audits should be completed prior to construction, and stage 3 following the landscaping works. There should be no construction vehicle waiting or reversing onto Highbury Park *(A stage 1 and 2 safety audit were submitted raising no additional concerns. Condition 19: requires a stage 3 Safety Audit; and 24 a Construction and Environmental Management Plan. A s.106 obligation also requires compliance with the Code of Construction Practice and monitoring).*
- 8.36 Housing: No objection.
- 8.37 Sustainability: No objection was raised to the proposed basement, subject to compliance with the Basement Development SPD. The proposed attenuation tank is acceptable, however opportunities to better integrate SUDS features should be taken (increased soft landscaping, permeable paving, bio-retention planters etc.) *(The scheme was since upgraded with permeable paving to address these comments, and condition 6 requires details of further passive on-site SUDS measures).*
- 8.38 Energy: The proposal would achieve a 51% reduction in regulated CO2 emissions against Building Regulations 2013, exceeding with the London Plan target of 40%; and a

37% reduction in unregulated and regulated CO2 emissions against Building Regulations 2013 exceeding the Council's target of 27% (where no DEN connection is possible). A CO2 offset contribution of £25,347 is required. The proposal would not connect to a DEN but there should be future exploration of heat network connections. *(The CO2 offset contribution is to be secured by a s.106 obligation, the measures set out in the energy statement are to be secured by condition 16, condition 17 requires safeguarding of heat network connection for the residential units, and a s.106 obligation is recommended requiring investigation into DEN connection at the time of first replacement or installation of future heat or power plant for the warehouse unit.)*

## **9. RELEVANT POLICIES AND LEGISLATION**

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 (NPPF) 2012 is a material consideration which seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. 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 (amended), Islington's Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The relevant Development Plan policies are listed in Appendix 2.

### Designations

9.4 The site is not subject to any specific Development Plan designations.

### Supplementary Planning Guidance (SPG) / Document (SPD)

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

### Environmental Impact Assessment (EIA)

9.6 No request for an Environmental Impact Assessment (EIA) scoping opinion was submitted, however the site is significantly less than 1 hectare in size and it is not in a sensitive area as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017). As such the proposal is not considered to fall within the development categories of Schedule 1 or 2 of the EIA Regulations and an EIA is not considered necessary.

## **10. ASSESSMENT**

10.1 The main issues for consideration are:

- Land-Use
- Design and Conservation
- Neighbouring Amenity

- Accessibility
- Landscaping and Trees
- Sustainability, Energy Efficiency and Renewable Energy
- Highways and transportation

## **Land Use**

### Business Use

- 10.2 The existing building on the site is currently in use as a self-storage warehouse, with an ancillary distribution business. The existing use falls within Use Class B8 (Storage and Distribution).
- 10.3 The site is not located within a designated Employment Growth Area (EGA). It is noted that the northern boundary of the site abuts an EGA, which incorporates the Balloon-making workshop at 56a Highbury Grove and Ladbroke House, as well as other large floor plate employment uses at the Frogmore Industrial Estate.
- 10.4 Policy DM5.2 states that proposals that would result in a loss or reduction of business floorspace will be refused. Business uses are defined as those in B-Class uses (including storage and distribution).
- 10.5 At present there is 1,412sqm of B8 operational business floorspace on the site. While this would be demolished, the scheme proposes to deliver 1,419sqm of replacement business floorspace (a net gain of 7sqm).
- 10.6 The proposed re-provision of B8 floorspace on the site is acceptable in principle, subject to other development plan policies.
- 10.7 Consultation responses from directly adjoining neighbours queried whether the proposal would provide sufficient floorspace, and whether additional business floorspace should be provided on the site. Officers have measured the existing and proposed plans and visited the site, and the measurements are correct.
- 10.8 There is a vacant former air raid shelter attached to the warehouse building, which is not in business use and was not included in the floorspace measurements. The shelter has thick blastproof walls and narrow (0.6m wide) dog-legged access corridors. This area is damp and poorly maintained, and although the state of repair is not a material consideration (as it could be refurbished), officers are satisfied that this space has not been in use and that there is no reasonable prospect of use for business uses due to its accessibility constraints.
- 10.9 All other floorspace (including the first floor mezzanine, toilets, etc.) is included in the floorspace measurements provided by the new building.
- 10.10 Policy DM5.1 requires proposals for new business floorspace to allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses. Warehousing uses will be supported where off-street loading and adequate goods lifts are provided, and satisfactory access and servicing can be achieved to the site.

- 10.11 The access arrangements would be unchanged, there would be 6 operational parking spaces and a vehicle turning area, and there would be an internal goods lift.
- 10.12 The following photos show how the internal spaces are currently laid out, generally as rows of small storage units. Detailed internal layout plans have been provided for the proposed storage building, which show a similar arrangement of small storage units to the existing situation. The proposed plans show that the new building could be used as open warehouse space, or in a similar arrangement to the existing use.



*Fig 10.2 Internal Photos*

- 10.13 Neighbour consultation responses also stated that the proposed storage building would not adequately re-provide business floorspace on the site, because the existing building could potentially be used for offices and the proposed unit would not be able to be used as offices as a substantial proportion of floorspace would have no natural light or outlook.
- 10.14 The existing building does not benefit from a large proportion of glazing on the external walls, (and where windows exist they are generally at high level) although it has a part glazed roof which offers some natural light to the corridors between units. Part of the internal area of the storage warehouse has a mezzanine floor which results in substantial areas (at mezzanine level and below) having no access to natural light. During the site visit, the case officer also observed that there is no outlook for customers or workers at the existing building.
- 10.15 The proposed new building would locate some of the storage space below ground in basement storage areas. There would be a lightwell which would ensure that some

natural light is provided to the circulation spaces on each floor. The nature of the use (self-storage) is such that natural light and outlook are not inherently required in order for the storage business to function successfully, and the proposal would be fit for purpose.

- 10.16 The proposed north, south and east elevations include a series of large, recessed brick panels which have been designed to be removable if required, without impact on the principal structure of the building. Any changes to the building's use or design would require planning permission, but the building's design incorporates the flexibility to accommodate additional windows and increase the internal day lighting levels for alternative uses.
- 10.17 While it is accepted that the lower basement space would not benefit from excellent levels or natural light or external outlook, it is considered suitable floorspace to re-provide the existing business use and floorspace, and the proposal would comply with Policy DM5.1.
- 10.18 Policy DM5.4 states that within Employment Growth Areas and Town Centres, major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. The site is not within an Employment Growth Areas or a Town Centre, thus the requirement for affordable workspace does not apply, although it is noted that B8 floorspace is inherently more affordable than the equivalent B1(a) floorspace.
- 10.19 The proposed business floorspace would be suitable for storage and distribution uses, and would be supported by the Council's policies.

#### Residential Units

- 10.20 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should normally approve applications for residential development, provided that there are not strong economic reasons why such development would be inappropriate.
- 10.21 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seek to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity. The plan does however state that it is not always appropriate to apply table 3.2 mechanistically, and any development proposal would also need to take into account the site's specific local context, design characteristics and transport capacity.
- 10.22 It is therefore the case that there is a policy presumption in favour of the delivery of new housing, and the scheme would deliver 7 new terraced houses which would contribute towards the Borough's housing requirements. The site is adjacent to existing residential units and would be considered a sustainable location for new dwellings.
- 10.23 Part F of Policy CS12 identifies that high levels of external noise and vibration may make residential development unacceptable unless appropriate mitigating measures can be provided to the required standard. There is potential for the relationship between

residential and warehouse uses to cause undue harm to neighbour amenity and/or harm the ability of business to function unhindered by environmental health complaints. The existing warehouse is approximately 4.7m from the nearest residential windows, and the new warehouse would be at least 6.2m away from the side elevation of the nearest new house.

- 10.24 Subject to a condition to limit noise from fixed plant at the warehouse (condition 11), no objection is raised in principle to the introduction of an appropriate proportion residential uses on part of the site.

#### Affordable Housing

- 10.25 London Plan policies 3.9 (mixed and balanced communities), 3.12 (negotiating affordable housing) and 3.13 (affordable housing thresholds) seek to ensure a balanced mix of tenures in all parts of London including that the maximum reasonable amount of affordable housing should be sought for all planning applications. Policy CS 12 (G) states that Islington will meet its housing challenge to provide more affordable homes by:

- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
- requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
- seeking the maximum reasonable amount of affordable housing, especially Social Rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
- delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing'

- 10.26 Policy CS12 requires all sites capable of delivering 10 or more units to provide affordable housing on-site. The proposed development would provide 7 residential units (reduced from the originally proposed 9 units following feedback from the previous case officer). In light of the requirement to provide equivalent employment floorspace on-site, it is not considered that the proposal could provide 10 or more residential units. A financial contribution towards provision of off-site affordable housing is required instead.

- 10.27 The Council's Planning Obligations SPD clarifies that the required financial contribution is £50,000 per unit for sites delivering less than 10 residential units, and the London Plan SPG Affordable Housing (August 2017) supports the Council's policies in this respect. Accordingly, the applicant has undertaken to enter into a s.106 agreement securing a financial contribution towards the Council's new-build affordable housing programme of £350,000.

#### Delivery and Infrastructure

- 10.28 Policy CS18 (Delivery and infrastructure) states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. The proposed development

would be subject to s.106 obligations to ensure that appropriate education and training opportunities arise from the development process, which would require a construction training placement during the construction period. Further details of planning obligations are set out in the relevant sections of this report, and as a full list in Appendix 1.

### Land Use Summary

- 10.29 The proposed development would comply with the overarching land use policy, would deliver adequate B8 (storage and distribution) floorspace to re-provide the existing floorspace in accordance with the relevant planning policies, and would provide new housing which is appropriate in this location. The proposed mix of land uses is acceptable in principle, subject to compliance with the other development plan policies.

### **Mix and Quality of Residential Accommodation**

#### Unit Mix

- 10.30 The NPPF acknowledges the importance of high quality and inclusive design for all development, and requires boroughs to deliver a wide choice of quality homes. The London Plan recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality. London Plan Policy 3.5 states that new dwellings should take account factors relating to the "home as a place of retreat," and that housing developments should be of the highest quality both internally and in relation to their context.
- 10.31 Core Strategy Policy CS 12 (Meeting the Housing Challenge) encourages residential development in the borough, with a range of unit sizes and tenures. Part E requires a range of unit sizes within each housing proposal to meet the needs in the borough. Policy DM3.1 parts A. and B state that all sites should provide a good mix of housing sizes.
- 10.32 The suggested mix of units set out in the DM Policies documents prioritises 2 bedroom units (75%), with the rest as 3-bedroom (15%) or 1-bedroom (10%) units. The proposal would not comply with this mix, and instead there would be seven 4-bedroom units. The Council's policy and housing officers both responded to the consultation raising no objection.
- 10.33 The site is in a quiet mews away from a busy main road, and with good access to local facilities (for example, Highbury Fields), and on such sites the provision of larger family sized units is generally considered appropriate. It is considered that the proposed larger units are acceptable.

#### Standard of accommodation

- 10.34 Paragraph 17 of the NPPF outlines a set of core land-use principles which should underpin decision making, including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.35 London Plan Policy 3.5 states that securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities, and that new dwellings should take account of factors relating to arrival at buildings, and the place of retreat offered by homes. Policies DM3.4 and 3.5 require new developments to

provide good quality accommodation both internally and externally, which should accord with the principles of good design and provide dual aspect accommodation unless exceptional circumstances are demonstrated.

- 10.36 The relevant standards for internal layouts and room sizes are provided by:
- The London Plan (2016) MALP Policy 3.5 and Table 3.3
  - London Plan SPG: Housing (2016)
  - The Department for Communities and Local Government's Nationally Described Space Standard (March 2015)
  - DM Policy 3.4
- 10.37 Policy DM3.4 requires new units to have adequate sizes and layouts, good ceiling heights, sufficient storage space, and functional, useable space.
- 10.38 All of the proposed residential units would comply with the sizes detailed within Policy 3.4 and the above standards. The proposed houses would be arranged with dual aspect living/dining/kitchen rooms at ground floor (which could be divided into separate rooms) with direct garden access; and 4 large rooms on the upper floors which can be flexibly used as bedrooms or reception rooms. This would deliver a high standard of accommodation internally.
- 10.39 London Plan Policy 3.5 requires the design of new housing developments to enhance the quality of local places and take account of factors relating to arrival at the building. Policy 7.3 states that design should encourage appropriate human activity creating a reduced risk of crime and Islington Policy DM3.4 requires logical, legible and level entrances, visible from the public realm and clearly identified.
- 10.40 The external courtyard space would be clearly legible, and would follow the pattern of development already present in Melody Lane, with the houses arranged parallel to the existing mews houses. The external space would be attractive and well overlooked. A landscaping plan is required by condition 6 to ensure that high quality landscaping and materials are used.
- 10.41 Policy DM3.4 states that all new housing developments are required to provide accommodation of adequate size and layout with consideration of aspect, outlook, noise, ventilation, privacy and light; functional and useable play, amenity and garden space; sufficient space for storage and utility purposes; built to accessible standards.
- 10.42 Policy DM3.4 part D requires dual aspect accommodation, unless exceptional circumstances can be demonstrated. All of the proposed units would be dual aspect, with cross-ventilation.
- 10.43 A noise assessment was submitted with the application which demonstrates that the noise levels at the proposed dwellings would be acceptable and would result in acceptable living accommodation. Condition 11 is recommended to limit plant noise levels from the warehouse use (see also "Neighbour Amenity" section of this report).
- 10.44 At ground level, the rooms would be dual aspect (and the rear elevations would be substantially glazed with good access to daylight) with a double height void and rooflights

providing daylight from the lightwell above. To the rear (east) elevations, the proposed development would have habitable rooms at ground, first and second floor level with generous amounts of glazing and an open outlook. At first and second floor there would be west facing bedrooms. The first floor bedrooms would have large windows, and would benefit from similar levels of daylight to the existing mews houses at Melody Lane (which were observed at the case officer's site visit to offer acceptable living environments). The second floor windows would however have small west facing slit windows to avoid overlooking, and north facing windows (facing external walls).

- 10.45 A sunlight and daylight assessment was submitted with the application to demonstrate that these second floor rooms would offer acceptable quality accommodation.
- 10.46 The assessment considered interior daylighting recommendations set out in Building Research Establishment (BRE) guidelines for internal daylight based on three main criteria for interior daylighting.
- 10.47 The Average Daylight Factor (ADF) test is applied to habitable rooms and is the ratio of the internal light level to the light level outside. The recommendation is an average Daylight Factor of 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary lighting is provided. In addition to the average ADF, there are additional minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. All tested second floor west facing bedrooms meet or surpass the BRE Average Daylight Factor targets.
- 10.48 The second test considers the relationship between room depth, and window height (to avoid overly deep rooms with poorly distributed daylight. This is based on a mathematical equation, and again all tested windows pass the test.
- 10.49 The third test is the "no sky line" test. The BRE guide does not give fixed numerical pass/fail criteria for the No Sky Line test, only that a significant part of the working plane should have good access to daylight. The sunlight and daylight assessment concludes that this is acceptable, but it is a very basic test with no pass/fail criteria so officers consider that the results should be disregarded.
- 10.50 The sunlight and daylight assessment also considered interior sunlight levels, although this only tested the amount of sunlight received by the small west facing windows rather than the amount of sunlight received by the rooms. The BRE guidance states that sunlight levels are acceptable where the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH) including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March (i.e. winter). All bedrooms have 2 windows which pass the sunlight test.
- 10.51 Policy DM3.4 requires new houses to include good provision for amenity and garden space, and paragraph 3.61 of the DM Policies suggests that for family housing gardens of at least 30sqm should be provided. Paragraph 6.27 further clarifies that private open spaces, such as gardens, are important for physical and mental health, air quality, drainage, cooling, biodiversity and ecological connectivity.
- 10.52 The proposed houses would have gardens which would vary from 35.9 to 87.5sqm, which would comply with the requirements for outdoor amenity space.

- 10.53 The London Plan SPG Play and Informal Recreation sets out standards for playspace, which is particularly relevant as the proposed residential units would have 4 bedrooms each. The SPG formula estimates a child yield (for 7no. 4-bedroom houses) as 4 children under 5 years old, 2 children between 5 and 11 years old, and 1 child aged 12+. For developments where the child yield is less than 10, there is no requirement for formal playspace but a financial contribution may be made to off-site provision within appropriate walking distances. Playspace falls under the definition of “community infrastructure” and is within the scope of Islington’s Community Infrastructure Levy (CIL). The requirement for a financial contribution is included within the (non-negotiable) CIL payment on commencement.
- 10.54 The notional requirement for playspace is 77sqm (or an average of 11sqm per unit). Given that each unit would have access to a private garden in excess of 35sqm, and that Highbury Fields is nearby offering a different type of outdoor playspace, the proposal is considered acceptable in this respect.
- 10.55 The proposed development would provide appropriate residential unit sizes and layouts, and acceptable living environments for its future occupants.

### **Accessibility**

- 10.56 London Plan Policy 7.2 states that development should achieve the highest standards of accessible and inclusive design, by ensuring that developments: (i) can be used safely, easily and with dignity by all members of society; (ii) are welcoming and convenient with no disabling barriers, (iii) are flexible and responsive to peoples’ needs and (iv) are realistic, offering more than one solution to future users.
- 10.57 Islington Policy DM2.2 requires all new developments to demonstrate inclusive design, including that all developments should demonstrate that they provide for ease of and versatility in use, deliver safe, legible and logical environments and produce places and spaces that are convenient and enjoyable to use for everyone. All development needs to be assessed to ensure genuinely inclusive design from the outset and for the lifetime of the development.
- 10.58 The proposal would essentially remove all of the inherent accessibility barriers with the existing building, and the new buildings would be built to modern accessibility standards. The proposed storage building would have step free access to all floors, and a wheelchair accessible WC. There would be 2 on-site wheelchair accessible parking spaces which are intended for business use (although condition 20 is recommended to clarify that the accessible parking bays can be used by any blue badge holders). There would also be a segregated pedestrian path into the residential part of the site to avoid safety issues arising from clashes with servicing vehicles. Vehicles will be able to enter the site, turn around and leave in forward gear, but to improve accessibility to vehicles stopped on Highbury Grove (such as taxis and buses), benches are proposed within the external landscaping area to reduce the walking distance to Highbury Grove for less-able pedestrians. Mobility scooter parking and charging points are proposed, and the residential units would all be adaptable at ground and first floor for wheelchair users (with allocated space for platform lifts).

- 10.59 The Deregulation Bill 2015 introduced a new National Standard for Housing Design within Part M of the Building Regulations, broken down into 3 categories: Category 1 (Visitable Dwellings), Category 2 (Accessible and Adaptable Dwellings, similar to Lifetime Homes) and Category 3 (Wheelchair Accessible dwellings, similar to Islington's wheelchair accessible housing standard). The higher 2 of these standards can only imposed subject to planning conditions and policy justification; this is set out within the Minor Alterations to the London Plan (2016) Policy 3.8 (Housing Choice) which requires that 90% of new housing be built to Category 2 and 10% to Category 3 based on up to date evidence of need. As there would be less than 10 units and all of the proposed units are over multiple storeys (partly due to the constraints preventing a larger block of single-level flats being acceptable) no wheelchair accessible dwellings are proposed. Instead, all units are designed to comply with Category 2 (visitable) with ground floor accessible WCs, and designed to be adaptable at ground and first floor level to Category 3 standards with knock-out spaces designed into the floor structure for future platform lifts, and floor drains allowing wheelchair accessible wetroom conversion. The proposal is considered acceptable by the Council's Inclusive design officer.
- 10.60 Subject to a condition to secure the relevant accessible design measures (condition 9), the proposal would comply with the Council's high standards of accessible and inclusive design and would be acceptable in this respect.

### **Design**

- 10.61 The NPPF Core Planning Principles (Paragraph 17) include that planning should always seek to secure high quality design, and paragraph 56 states that good design is a key aspect of sustainable development and indivisible from good planning.
- 10.62 London Plan Policies 7.4, 7.5, 7.6, 7.7 and 7.11 require buildings to make a positive contribution to their public realm and streetscape, to be of the highest architectural quality and to be of proportions, composition, scale and design which enhances and appropriately defines the public realm. Buildings should not cause unacceptable harm to surrounding amenity and should make the public realm comprehensible at a human scale, particularly at ground level.
- 10.63 These policies are supported locally by Islington Policies CS8 and CS9 which encourage traditional street patterns and sympathetic building designs, and Policy DM2.1 which requires high quality, inclusive design for all developments. The Islington Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonises with their setting. New buildings should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.
- 10.64 The existing warehouse building is a solid brick structure, with a number of poorly designed extensions which diminish its appearance from the public realm. The external elevations of the original building are generally unrelieved, and the most interesting element of its design is the sawtooth roof design. This is a traditional design which allows even north facing daylight into the building whilst preventing sunlight (to avoid glare or

variation in lighting throughout the day). The building is not in a Conservation Area, and is not subject to any heritage constraints.

10.65 Height, Scale and Massing

10.66 Policy DM 2.1 requires new development to efficiently use the site and improve the quality, clarity and sense of space between buildings. There should be enhanced legibility and clear distinction between public and private spaces. Developments should also respect and respond positively to existing buildings, the streetscape and the wider context, including local architectural language and character, and locally distinctive patterns of development.

10.67 Melody lane has changed in character over the past 20 years, with 2 mews developments; one comprising 2 rows of houses directly to the west of the site, and one along Melody Lane itself. Mews houses have become part of the established character of the lane.

10.68 Paragraph 5.41 of the Islington Urban Design Guide (2017) states that historical development pattern of the borough has resulted in backland sites accommodating low-rise industrial or other non-residential premises. Backland sites are those behind existing buildings, often with no street frontage. Regardless of the size of the site, in Islington where backland sites do accommodate development, this is generally subordinate to the buildings that front the street and usually within predominantly residential areas.

10.69 Melody Lane is not an adopted road, and is approximately 2.9m wide at its entrance to Highbury Grove. The site is part of a group of sites accessed via Melody Lane, with no highway frontage, which are considered to be “backland” sites.

10.70 The Urban Design Guide states that backland development will generally only be considered where it replaces an existing structure and is subservient to the surrounding development, in accordance with the predominant development pattern in the borough which concentrates massing along the primary street frontage.

10.71 The Urban Design Guide also recognises that backland or mews-style developments also present particular challenges to the designer insofar as access to them generally fractures the street frontage/building line, and that sufficient space is required to provide the new dwellings with a good level of residential amenity (without undermining that of neighbouring properties) and to uphold community safety.

10.72 The proposed buildings would be 9.2m tall at parapet height. The adjacent row of terraced houses on Melody Lane are 9.1m high, but due to a slight slope in the land the parapet height of the new houses would be 0.6m lower than the adjacent houses. There would be two separate buildings; one detached three storey (plus 2 basement storey) warehouse building, and a row of 7 terraced houses aligned along an access driveway/courtyard.

10.73 In terms of access and layout, the proposed development would not result in new access to Highbury Grove, but would continue the established use of Melody Lane. The row of buildings on the site would be parallel to the adjacent mews houses, and would continue the established character rather than introducing larger or overly dominant buildings. The new units would be smaller in scale than the buildings fronting the surrounding streets

(Aberdeen Park and Highbury Grove) in terms of their width, overall sizes, and plot sizes. The existing mews houses were considered visually subordinate to the surrounding frontage development, and by continuing a similar design language the proposed development would continue this existing visual subordination and reinforce the existing character.

- 10.74 It is noted that the site is accessed from Highbury Grove, and whilst there are lower buildings on the surrounding streets, the proposed 3 storey buildings would be substantially lower than the 4-5 storey buildings on Highbury Grove.
- 10.75 The proposed scale, height and massing is considered contextual and is supported by the Council's design officers.

#### Detailed Design and Materials

- 10.76 The design of the proposed buildings would be simple and consistent, employing similar design language to the existing adjacent mews, and similar materials (light buff brick and metal fenestration) to the more recent mews development at the entrance to Melody Lane. The buildings would have flat elevations with projecting bays at first and second floor levels, and flat roofs behind brick parapets. The design of the new buildings would tie together aspects of the existing urban environment and would avoid introducing cluttered or incongruous architecture into the mews.
- 10.77 The proposed houses would have open plan layouts, with the majority of fenestration on the rear (east) elevations to avoid loss of privacy to neighbours, but there would be ground floor kitchen/dining/living room windows on the front elevations, and the warehouse building would have its entrance and office window on the same elevation to maintain passive surveillance and overlooking.
- 10.78 The proposed development would retain the existing west elevation factory wall as its boundary treatment. A structural statement was submitted demonstrating how this would be reinforced structurally, using steel columns and piled foundations. There would be a timber slatted screen attached to this wall which would be 535mm higher than the base of the sawtooth profile to maintain privacy at first floor level (see "neighbour amenity" section for further explanation). This is an existing wall and although unexceptional it is characterful and no objection is raised to the retention of this boundary treatment. The south and east boundary walls would be maintained or rebuilt, and there would be a new wall constructed to the north of the houses with a large opening for vehicular access. This would give the impression of an enclosed courtyard setting and would differentiate visually between the "public" entrance to the business unit, and the semi-private courtyard for the residential units. The design of this space and its boundary treatments would retain some of the site's industrial character and would be acceptable subject to approval of details and good landscaping design (required by conditions 3, 6 and 7).
- 10.79 A materials sample board was provided, showing buff stone coloured brickwork, copper cladding to the upper floor, and metal window frames. These were considered by the Council's design officer who has stated that the material for the windows should be anodised aluminium (rather than power coated) and that the brickwork mortar should be recessed. Subject to securing further detail of acceptable materials and detailing (condition 3), the detailed design of the proposed buildings is considered acceptable.

### Heritage impacts

- 10.80 The Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to preserve or enhance the significance of heritage assets through the planning process. The NPPF places strong emphasis on the desirability of sustaining and enhancing the significance of heritage assets, and affords great weight to the asset's conservation. The NPPF defines a "heritage asset" as: "A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest".
- 10.81 The site is not within a conservation area, nor is it subject to any heritage assets.
- 10.82 There is however a Grade II listed former balloon making factory directly to the north of the site, which is currently in use as a taxi repair workshop. The balloon making factory building has a utilitarian and industrial appearance, and has been altered over time (including replacement lintels, part render, several new openings and a large works entrance). The building has an unusual semi-circular roof, with a glazed lantern running almost full length. The building was built for the Spencer brothers who were pioneering aeronauts of the late C19 and were noted for their work in perfecting the design of the parachute and balloon. In 1900 Stanley Spencer constructed one of the first hydrogen-filled balloons, or airships. The building is listed for its historic value and association, rather than just for its design.
- 10.83 The Balloon Making Workshop has its own setting (a forecourt) separating it from the application site, and it has planning permission for an external spray booth within the forecourt (which has not been constructed). The west (front) elevations of the proposed development would be set back from the west elevation of the existing building, such that it would not substantially alter the enclosure or openness of the listed building. The proposed development is not considered to affect the setting of the Balloon Making Workshop at 56 Highbury Grove.
- 10.84 The proposal is within the vicinity of two further listed buildings, the Grade II listed Christ Church on Highbury Grove, and the vicarage at 157 Highbury Grove. Both these buildings are to the west of the site on the other side of Highbury Grove, and would be unaffected by the proposal.
- 10.85 The proposal is also within 50 metres of the Highbury Fields Conservation Area and the Aberdeen Park Conservation Area. As it is a backland proposal and is (as above) considered visually subordinate to the surrounding highways, it would not be harmful to the setting of either Conservation Area.
- 10.86 The proposal would not result in any harm to the character or setting of any other nearby heritage assets.

### Design Summary

The proposed development is considered to be well designed, subservient to the surrounding frontage buildings (in particular on Highbury Grove), and in keeping with the scale and external layout of the other buildings on Melody Lane. There would be no harm to the adjacent Grade II listed balloon making workshop building or any other heritage assets. The responses received from the Council's design officer were

generally positive and limited to detailed design matters which are to be secured by condition 3.

10.87 The proposal is considered to be acceptable in terms of its design.

### **Neighbour Amenity**

10.88 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1.

10.89 The proposed new buildings would be approximately 0.5m taller (excluding the proposed roof level PV panels) than the highest part of the existing warehouse building, although they would have flat roofs which means the silhouette of the proposed buildings would appear larger than the existing sawtooth profiled warehouse. The proposed buildings would also have a smaller footprint than the existing buildings and would be set 7.9m further away from the rear boundary of the nearest residential neighbours; 6-22 (even) Melody Lane to the west.

10.90 There are also adjacent houses on Aberdeen Park to the east and south of the site, although these have large gardens resulting in generous separation distances.

10.91 To the north is the former balloon making workshop, in use for taxi repairs. Access to sunlight and daylight is considered beneficial for business uses although it is normal for this to be supplemented by artificial lighting so there are no particular standards for retained sunlight and daylight levels to these uses.

10.92 Planning considerations of impacts on neighbour amenity are usually limited to residential (or similar) uses.

10.93 A sunlight and daylight assessment was submitted with the application. This considers the impacts of the proposed development on all adjacent residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines. Impacts on the following neighbouring properties were assessed:

- 124-142 (even) Aberdeen Park (including gardens);
- Escuan Lodge, Aberdeen Park;
- 3-15 (odd) Aberdeen Park;
- 6-22 (even) Melody Lane (including gardens);
- The two closest new Mews Houses at 58 Highbury Grove (Address unknown).

### Daylight to existing buildings

10.94 With regard to daylight, the BRE guidance states that if the new development subtends an angle of more than 25° to the horizontal (taken perpendicular to the centre of the affected window), of a window to an existing building, then the diffuse daylighting of the rooms in that building may be adversely affected. The impact on neighbouring windows would be noticeable 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 VSC test);

- 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 (the daylight distribution test).

10.95 The daylight tests were applied to the above mentioned residential properties near to the site. All habitable room windows pass the Vertical Sky Component test and all rooms pass the Daylight Distribution test. The proposed development therefore satisfies the BRE daylight requirements, and there would be no noticeable impact on the daylight experienced by the neighbouring residential properties.

10.96 Three of the windows at the adjacent mews to the west (the rear ground floor patio doors at 6, 8 and 10 Melody Lane) would experience negligible improvements to their daylight, and this was queried by one of the neighbour consultation responses. This is not an unusual conclusion, and occurs because the demolition of the warehouse building would remove its roof and therefore the amount of sky (i.e. the vertical sky component) to these windows will marginally increase. In practice, these improvements would be too minor to be noticeable.

10.97 There would be no noticeable impact on the daylight experienced by the neighbouring residential properties.

#### Sunlight to existing buildings

10.98 With regard to sunlight, the BRE Guidelines state that neighbouring habitable rooms should be assessed if there is the potential for loss of sunlight, and main living rooms are considered more sensitive than kitchens and bedrooms. Loss of sunlight may be noticeable where:

- The new development is situated within 90° of due south of the (existing) window; and
- The new development is within 25° to the horizontal (taken perpendicular to the window), measured from the centre of the window.

10.99 For windows which are likely to be affected, there would be no real noticeable loss of sunlight where in a typical year the centre point of the assessed window receives:

- More than 1 quarter (25%) of annual probable sunlight hours (APSH) including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March (i.e. winter); or
- less than 0.8 of its former hours during either period

10.100 In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of APSH.

10.101 The sunlight tests were applied to the above mentioned residential properties. All windows which face within 90 degrees of due south were initially tested for direct sunlight. The east facing windows at 6-22 Melody Lane face slightly north east and are not within 90° of due south, so are not required to be tested by the BRE guidance. However to ensure that the impacts were thoroughly tested and to give the Council sufficient

information to make a fully informed assessment, this information was requested and an appendix was provided testing these windows.

- 10.102 All tested main habitable room windows pass both the total APSH test and the WPSH test.
- 10.103 There would be no noticeable impact on the sunlight experienced by the neighbouring residential properties.

#### Sunlight to existing surrounding gardens

- 10.104 The Council's application of planning policy tends to focus on habitable rooms, accepting that in built up urban areas good levels of sunlight to gardens is not always possible. The submitted assessment did however assess the impact on gardens, using the BRE test to determine what percentage of each amenity area would receive at least 2 hours of sunlight, on 2 separate dates of any year.
- 10.105 The overshadowing test considered the adjacent gardens at 124-142 (even) Aberdeen Park, and 6-22 (even) Melody Lane (including gardens). The other neighbouring gardens are north facing, and will therefore experience no loss of sunlight as a result of the proposed development.
- 10.106 The results of the overshadowing test show that sunlight availability to the tested gardens after the development will be no less than 0.98 times the former value. This complies with the BRE standard (retention of at least 0.8 times the former value). The proposed development therefore passes the BRE overshadowing to gardens and open spaces test.

#### Sunlight and daylight summary

- 10.107 All the impacts on the daylight and sunlight of the surrounding residential properties are fully BRE compliant for both daylight and sunlight, which means that the impacts of the development on neighbouring daylight and sunlight are unlikely to be noticeable.
- 10.108 The proposal would have no unacceptable impact on sunlight and daylight to surrounding properties.

#### Privacy, enclosure and overlooking

- 10.109 Policy DM2.1 identifies a minimum distance of 18 metres between windows to protect privacy for residential developments and existing residential properties. Standard 28 of the London Plan SPG Housing (2016) requires proposals to demonstrate that habitable rooms would have adequate levels of privacy in relation to neighbouring properties.
- 10.110 The closest residential properties are 6-22 Melody Lane, which are to the west of the site.
- 10.111 At ground and first floor, there would be no window-to-window overlooking because the existing west elevation wall would be retained, with an attached timber screen which together would prevent any overlooking.
- 10.112 This screen would be 535mm higher than the lowest part of the sawtooth wall profile to maintain privacy.
- 10.113 The following plans show details of the retained wall and screening to maintain privacy at ground and first floor.

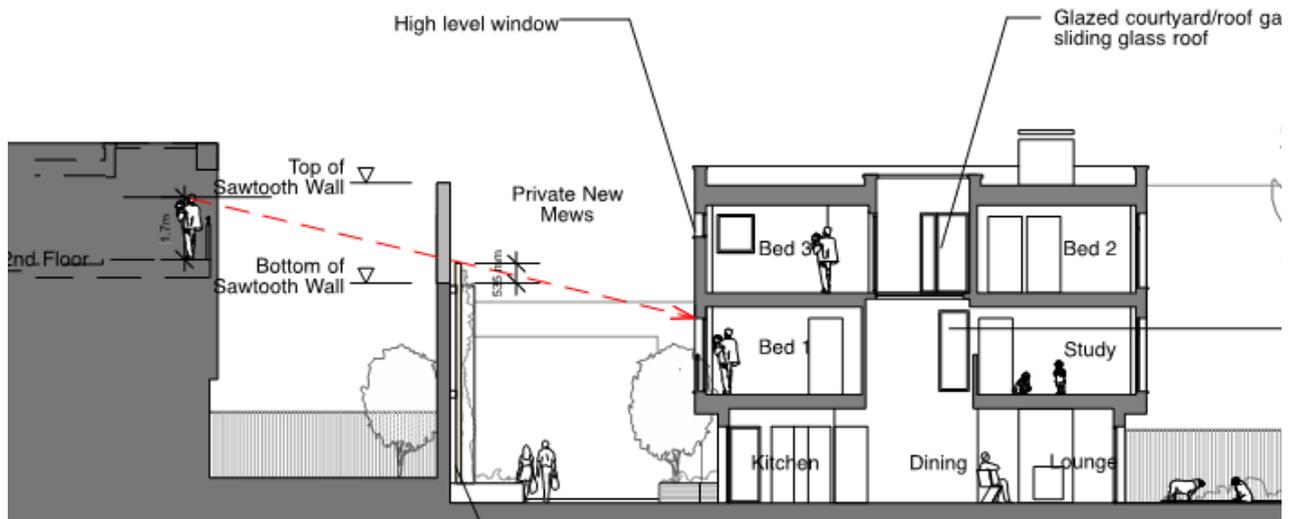


Fig 10.4 Proposed Section drawing showing the retained wall and additional timber screen between the existing and proposed houses, and potential views from the balconies at 6-22 Melody Lane.

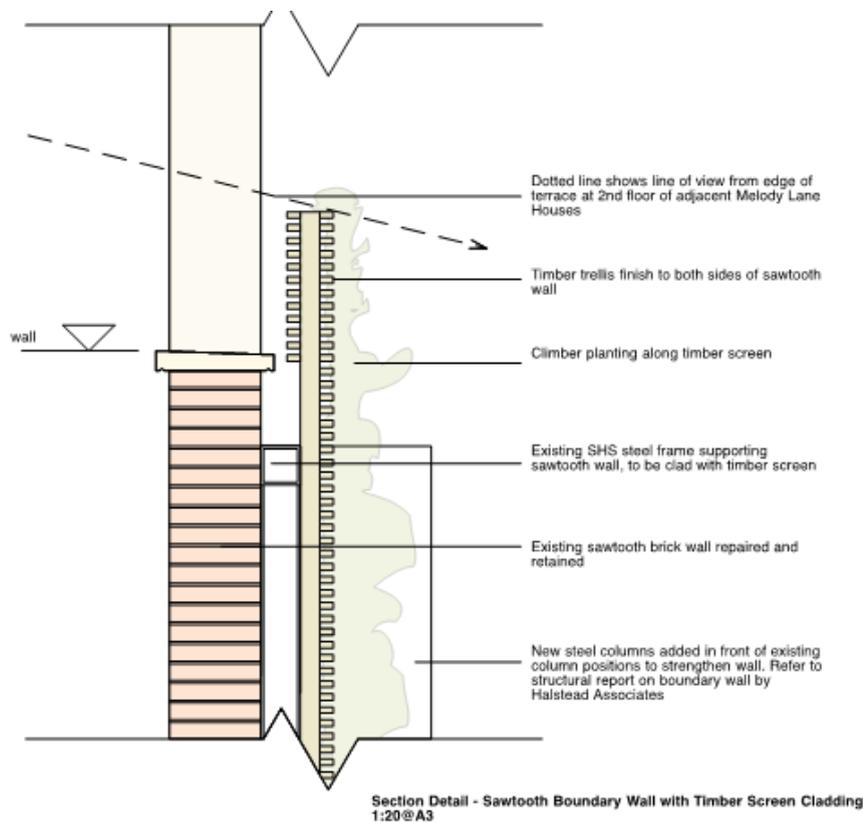


Fig 10.5 Section through the proposed sawtooth wall and timber screen.

10.114 At second floor level there would be bedrooms on the west elevation of the proposed houses, which would have north facing windows, and windows facing into an internal courtyard; these windows would not face any neighbours. There would also be west elevation windows which would look towards the rear elevation of 6-22 Melody Lane. The houses at 6-22 Melody Lane have second floor obscured bathroom windows, and

bedrooms with patio doors onto 2.8m deep inset balconies which face the application site. The second floor bedroom window-to-window separation distances would vary from approximately 14.5m (11.7m externally plus the 2.8m deep balconies) to 16.4m (13.6m plus the 2.8m deep balconies). These distances are less than the recommended 18m separation distances to maintain privacy.

- 10.115 The relevant windows at the proposed dwellings would serve bedrooms with 2 other windows, and are primarily aesthetic to avoid overly blank facades. Condition 27 is recommended to secure these and the adjacent bathroom windows as obscured glazed windows with 150mm opening restrictors to avoid overlooking.
- 10.116 The second floors of the proposed dwellings include partial setbacks (to reflect the massing of the adjacent mews houses). These are shown on the plans as flat roofs with no access, however condition 12 is also recommended to prevent any use of flat roofs as roof terraces, in order to avoid any future potential loss of privacy.
- 10.117 All other surrounding residential windows facing the site are more than 18m away, and would not suffer from unacceptable loss of privacy as a result of the development.
- 10.118 The proposed buildings would be sufficiently far from the surrounding residential units on Aberdeen Park to avoid resulting in an undue sense of enclosure (or loss of outlook).
- 10.119 The proposed buildings would however only be 14.5-16.4m away from the neighbouring dwellings at 6-22 Melody Lane. The case officer visited 10 and 18 Melody Lane to be able to assess the impacts of the proposal on the outlook available to these units.
- 10.120 These neighbouring houses have open plan living/dining/kitchen rooms at ground floor, opening out onto rear patio areas. From a 1.7m eye level, the proposed development will not be visible from these patio areas or from the ground floor accommodation, and the main living rooms would be essentially unaffected in this respect.
- 10.121 At the first and second floor levels of 6-22 (evens) Melody Lane, there are east facing bedrooms with windows facing the site. These windows have limited outlook, with views of the existing warehouse's sawtooth wall, but also with some sky visibility and longer views. The proposed houses would be set back approximately 7.7m from the face of the boundary wall (11.7-13.6m away from the first floor windows), and the top floor of the houses would be visible from the rear bedroom windows at both first and second floor levels. Due to the proximity of the boundary wall and the existing inset balconies, the outlook from these bedrooms is already limited. The proposal would reduce this by obstructing longer views from the affected windows through the saw-tooth wall profile, resulting in significant loss of outlook to the first and second floor east facing habitable rooms at 6-22 (even) Melody Lane.
- 10.122 The loss of outlook to the rear elevation bedroom windows at each of the 4 bedroom houses at 6-22 Melody Lane would be significant. There would be no other significant impacts on the outlook available to neighbours.
- 10.123 The harm to neighbour amenity caused by this loss of outlook needs to be considered cumulatively with the other amenity impacts, as the quality of the living accommodation does not depend on one factor alone. The proposed development would result in maintained levels of privacy, daylight and sunlight, and would not affect the main living

spaces or the front elevation bedrooms at 6-22 Melody Lane. Although the outlook from the rear elevation bedrooms at 9 neighbouring properties would result in a significant impact on these rooms, this impact is limited to 2 out of 4 bedrooms in each property (and the properties also have other bedrooms which would be unaffected).

- 10.124 Although it is recognised that there would be some resultant harm to neighbour amenity, this impact in itself would not result in unacceptably diminished living standards at 6-22 (even) Melody Lane, and those houses would still provide a good standard of accommodation for their occupants.

#### Noise and Disturbance

- 10.125 A noise report was submitted with the application to examine the impact of sound from the existing operations of the business and the likely noise impact on the surrounding area to the application site from the development. This report went on to consider the likely impacts from the proposed new Self-Storage building, deliveries, collections, and loading activities. It was carried out with reference to the British Standards and World Health organisation guidelines, and was based on a noise survey carried out in three locations (to the north, east and west of the existing warehouse). The report also considered cumulative impacts, including those from the adjacent Taxi servicing garage to the north. The report suggests mitigation measures, which are limited to the design of the building fabric and do not require any additional external mitigation.
- 10.126 The proposed development would move the business operations further away from the neighbouring dwellings, by pushing the self-storage building to the north east corner of the site. There would be an access driveway adjacent to the rear gardens of 6, 8 and 10 Melody Lane, although the levels of activity generated by the additional 7 houses are unlikely to be excessive, and no greater than those at the existing houses.
- 10.127 The principle followed in the submitted noise assessment was a “no observed effect level” which is conventionally taken to mean that noise may be heard, but does not cause any change in behaviour or attitude, can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.
- 10.128 The proposed development would not result in excessive noise or substantial changes to the existing business activity levels, and would not be harmful to neighbour amenity in this respect.
- 10.129 In order to allow sufficient control of excessive noise arising from any future industrial or noisy businesses uses, and to allow enforcement action against noisy behaviour, condition 11 is recommended setting external noise limits for the fixed plant at the warehouse measured at the nearest sensitive receptors (residential windows).
- 10.130 The current opening hours of the warehouse building are 09:00-17:00 Monday, Tuesday and Friday; 09:00-20:00 Wednesday and Thursday; Sunday 09:30-13:00. A condition is recommended limiting these hours to 08.30-20.00 Monday to Saturday, with no opening on Sundays and Bank Holidays. These hours are reflective of the fact that the opening hours are currently not subject to planning controls (and residents are used to a 20.00 closing time), but also require quiet periods on Sundays and Bank Holidays in recognition that the character of Melody Lane is becoming more residential (partly as a result of the proposal).

- 10.131 Officers consider that subject to the recommended condition the proposal will allow the business use to operate effectively without unacceptable impacts in terms of noise and activity.

Neighbour amenity summary

- 10.132 When considering the impacts of the development on adjacent residential neighbours, the decision on the planning application needs to be made cognisant of the impacts on the outlook available to the rear elevation bedroom windows at the 4-bedroom terraced houses at 6-22 Melody Lane (even). Officers consider that this loss of outlook would not give rise to diminished living conditions at those properties, and that they would still provide their occupants with a good standard of accommodation.
- 10.133 Subject to the conditions set out in this report, it is considered that the proposed development would not overall result in unacceptable harm to neighbouring residential amenity. The proposal is thus considered acceptable in accordance with London Plan Policies 7.6, 7.14 and 7.15, and Development Management Policy DM2.1.

**Biodiversity, Landscaping and Trees**

- 10.134 London Plan Policy 2.18 states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network, and Islington Policy DM6.5 states that developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area.
- 10.135 There are no trees on the site, but there are trees on the surrounding sites. The application would not obstruct the root protection zones of these trees, and would not result in the removal of any trees (following the amendments to the scheme).
- 10.136 Subject to the tree protection measures which are to be secured by condition 5, there would be no harm to trees.
- 10.137 A landscaping plan has been provided, with limited detail. This shows an appropriate outline design incorporating the proposed trees, but does not include detail on planting mixes, gradients, drainage, or materials. Subject to a condition (no.6) requiring further approval of details with regard to the landscaping, the area of landscaping would be acceptable.
- 10.138 An extended phase 1 habitat survey, and a plan showing proposed bird and bat boxes were also provided. No protected species were noted as a result of the survey and it concluded that although the development would have a negligible impact on biodiversity, opportunities exist for positive biodiversity enhancement. The assessment recommends controlled external lighting (to be secured by condition 13) and the installation of external bird and bat boxes (to be secured by condition 14).
- 10.139 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. Developments should use all available roof space for green roofs, subject to other planning considerations. All roofs should be biodiversity based extensive substrate roofs with a

minimum substrate depth of 80-150mm. The proposed development includes biodiverse green roofs, which are to be secured by condition 15.

### **Security and External Lighting**

- 10.140 Policy DM2.1 requires developments to be designed to be safe and to demonstrate safety in design; including access, materials and site management. Policy DM2.2 requires developments to deliver safe, legible and logical environments.
- 10.141 A consultation response was received from the Metropolitan Police raising no objections. The external courtyard area would have good levels of passive surveillance, and there would not be dark alleyways or hidden spaces. The proposal would not result in additional opportunities for crime. A condition (8) is recommended to secure compliance with the Secured by Design standards for the residential units.
- 10.142 Paragraph 125 of the NPPF requires developments to limit the impact of light pollution from artificial light on local amenity, dark landscapes and nature conservation. Paragraph 7.19 (Policy 7.5) of the London Plan (MALP) 2016 states that the lighting of the public realm also needs careful consideration to ensure places and spaces are appropriately lit, and there is an appropriate balance between issues of safety and security, and reducing light pollution. Poorly designed lighting has the potential to add to the existing light pollution levels in London, to cause harm to neighbour amenity, and to disturb dark corridors for wildlife.
- 10.143 No details of external lighting were submitted with the application. A condition (no.13) is recommended requiring details of any external lighting to be approved by the Council, to avoid excessive light pollution and ensure a well-designed and safe environment in accordance with the above policies.

### **Health and Air quality**

- 10.144 Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, and states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 10.145 Islington is an Air Quality Management Area in recognition of borough-wide poor air quality. An air quality assessment was submitted, including an Air Quality Neutral Assessment which concludes that as the pollutant emissions (nitrogen oxides) from the proposed plant would be lower than the GLA's Sustainable Design and Construction SPG benchmarks, no further mitigation is required regarding the ongoing emissions arising from the building's use.
- 10.146 Of additional concern cumulatively in London is the impact of the number of concurrent construction projects underway and the resultant harm to air quality. The proposal will result in demolition and excavation works, and there will be construction dust, waste, machinery, material storage and vehicles which all have the potential to negatively impact air quality. The London Plan "Control of Dust and Emissions during Construction and

Demolition” SPG requires low emission non-road mobile machinery (NRMM) to comply with low emissions standards and a condition (no.28) is recommended to ensure that the proposal complies with these standards.

- 10.147 The proposed uses are not considered incompatible with the site’s surroundings; however, the proposal would introduce new residents into an Air Quality Management Area. An Air Quality Assessment is therefore recommended to be secured by condition 23.

## **Highways and Transportation**

### Sustainable Transport

- 10.148 Melody Lane is not an adopted road, and is accessed via Highbury Grove.
- 10.149 Highbury Grove is well served by buses, and the application site has a Public Transport Accessibility Level (PTAL) of 3 (on a scale of 1 to 6, where 1 represents a low level of public transport access and 6 the highest level of access to public transport).
- 10.150 Paragraph 32 of the NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.151 In line with Development Management Policies (2013) policy DM8.2, the applicant has submitted a detailed Transport Statement.
- 10.152 The vehicle and pedestrian movement survey shows approximately 15 vehicle movements a day, which is relatively low. The Council’s Highway Officer has not raised any objection to the intensification of the use of the site, and it is considered that the net addition of 7 residential units would not result in an excessive number of additional servicing activities in addition to those associated with the existing use.
- 10.153 The statement highlights that pedestrian access is generally acceptable and will be improved (including with a separated pedestrian path to the site) but that the existing management of Melody Lane in terms of car parking management is poor and there are opportunities to improve this as a result of both the proposed development and the planning obligations for the recent scheme adjacent to the entrance to Melody Lane (which requires Parking management strategy to be put in place).
- 10.154 It is recommended that the application is subject to a s.106 agreement requiring approval and compliance with a draft full travel plan to be submitted to the Council for approval prior to occupation; a full travel plan to be submitted to the Council for approval within 6 months of first occupation (including a full travel survey); and a travel plan update to be submitted to the Council for approval three years after first occupation.
- 10.155 A safety audit was also submitted with the application. This was reviewed by officers and raised no significant concerns.
- 10.156 No objection is raised by the Council’s highways officers to the proposed development.

### Vehicle and Cycle parking

- 10.157 Core Strategy (2013) Policy CS10 and Development Management Policies (2013) Policy DM8.5 seek to achieve car free development.

- 10.158 The proposal includes 6 parking spaces (4 standard spaces and 2 wheelchair accessible), which would be for operational parking for the self-storage warehouse. These are operational parking needed for the business to operate without obstructing the rest of Melody Lane. These would re-provide existing parking spaces and would not result in increased vehicle activity, so are considered acceptable. There would be no parking spaces for the residential units, and the Council's standard permit-free s.106 obligation would be applied, preventing new residents from obtaining parking permits.
- 10.159 A condition is recommended stating that the approved parking spaces are to be used only in connection with the business use at the B8 warehouse building, other than the wheelchair spaces which may also be used by resident blue badge holders.
- 10.160 The Council's cycle parking standards are set out at Appendix 6 of the Development Management Policies. The applicant proposes cycle parking to be provided in accordance with the Council's standards in secure cycle stores at ground floor, with additional visitor cycle parking (including accessible cycle parking) provided for by Sheffield stands externally. There would also be 3 secure cycle parking spaces for the warehouse building. The proposed cycle storage is acceptable and it is recommended to be secured by condition 21.

#### Vehicle Access, Servicing and refuse

- 10.161 Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.162 Melody Lane is accessed via a narrow entrance onto Highbury Grove, allowing only one vehicle to pass through. The gated access to Melody Lane is 2.8m wide, and sufficient for standard refuse, delivery, and servicing vehicles. The following photographs show the access (viewed from Melody Lane), including in use by a transit sized van.



*Fig 10.7 Site Layout with turning circle and additional turning head.*

- 10.163 It was observed at the site visit that the businesses and residential units on Melody Lane are capable of being serviced without causing obstruction. It was also observed that large vehicles can enter Melody Lane, that there is a low number of vehicle movements, and that the main obstacle to servicing vehicles is the gated access to the established mews development on Melody Lane, as vehicles wait outside for the gate to be opened. The proposed development would not be gated and would avoid this problem.
- 10.164 Servicing would be undertaken within the site. A separate Parking and Servicing Strategy has been prepared by the architects, which shows a 12m turning circle outside the self-storage building for delivery vehicles occasional taxis, visitors, and home shopping delivery vehicles and fire engines, with a further turning area and disabled vehicle drop-off point provided in front of the proposed buildings.
- 10.165 Collections and deliveries would be managed on-site.
- 10.166 While there is no objection to the servicing arrangements, given the narrow width of Melody Lane, it would be important to ensure deliveries are co-ordinated in a sensible way to avoid any queuing. As such a condition is recommended to secure a Delivery and Servicing Management Plan (DSMP).
- 10.167 Fig 10.7 shows how the site should be laid out to allow vehicle turning at the site.

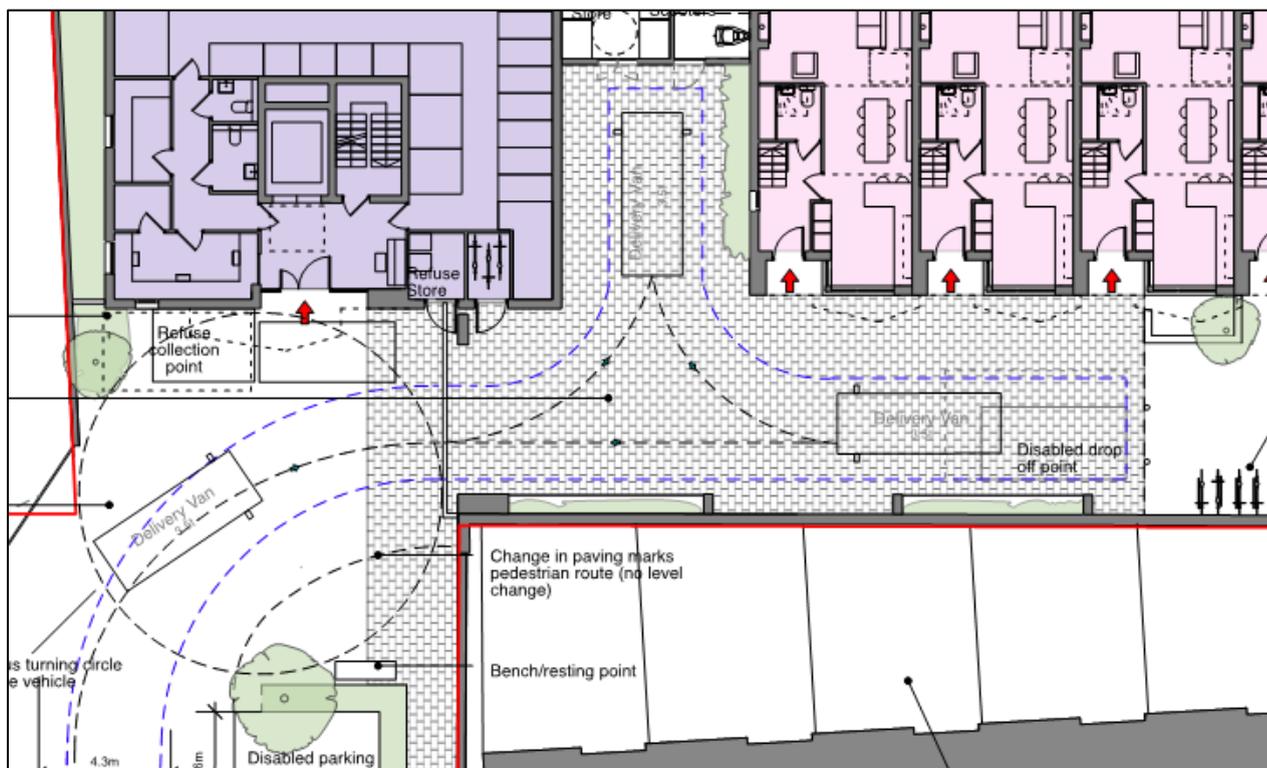


Fig 10.7 Site Layout with turning circle and additional turning head.

- 10.168 For refuse and recycling storage, there would be a communal bin store for the houses, and a separate integrated bin store for the self-storage warehouse. These would be located adjacent to the vehicle turning access and would result in a practical and convenient arrangement.
- 10.169 One of the current problems with Melody Lane is the lack of turning circle for refuse vehicles. The proposed vehicle turning arrangements would assist in providing a vehicle turning space for larger vehicles. This would at worst maintain the existing refuse access arrangements, and depending on the size of the refuse collection vehicles may potentially improve on the existing arrangements.

#### Construction impacts

- 10.170 A Construction Management Plan (CMP) was submitted, outlining measures and principles for good management of the construction process.
- 10.171 Neighbour objections were received to the proposed construction process, including for the proposed basement due to the additional construction period required. Several of these objections were made in light of amenity issues caused by the adjacent development at 58 Highbury Grove, which resulted in obstruction of the lane, damage, and unsociable activity.
- 10.172 Draft measures are outlined for minimisation of environmental and amenity impacts, and working hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays. These hours are in line with those permitted by the Islington Noise Service code of practice for construction sites.
- 10.173 As the CMP was drafted well in advance of construction works, this outlines headline impacts and intentions for minimisation of impacts, but does not include specific

information on vehicle movements, dates of deliveries, timescales, construction compound layouts etc. A condition (no.24) is therefore recommended to secure an expanded CMP detailing specific measures, and expanded to take account of other nearby developments, highway works, and notification of neighbours.

- 10.174 Any requirement for the repair and re-instatement of the footways and highways adjoining the development which arises from construction impacts, should be resourced by the applicant, and secured by a s.106 obligation. This is committed to in the application documents and the cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
- 10.175 Subject to compliance with an expanded construction management plan (and recommended condition 24), the proposal would be capable of avoiding unacceptable impacts to neighbour amenity, the wider environment, or the safe and efficient operation of the highway network.
- 10.176 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is also required to comply with the Council's code of construction practice. Compliance would need to be secured as part of a section 106 agreement together with a payment of £707 towards monitoring. This payment is considered an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project.

#### Highways and Transportation Summary

- 10.177 The application sets out adequate provision for on-site servicing, waste storage, blue badge parking, cycling, collections and deliveries, and includes a transport statement which sets out measures to promote sustainable modes of transport (to be expanded on through a Travel Plan). The proposal would be acceptable and would comply with Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM5.1, DM8.2, DM8.5 and 8.6; and the London Plan SPG Land for Industry and Transport (September 2012).

#### **Sustainability, Energy Efficiency and Renewable Energy**

- 10.178 Islington Core Strategy Policy CS10 seeks to minimise Islington's contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life. This requires all development to achieve the highest feasible sustainability standard, and a sustainability statement was submitted which follows the structure suggested by the Mayor of London's Supplementary Planning Guidance (SPG) Sustainable Design and Construction, and London Plan Policy 5.3.

#### Flooding, Water Consumption, and Sustainable Urban Drainage Systems (SUDS)

- 10.179 Policy DM6.6 expects all major development to include details to demonstrate that SUDs has been incorporated and will be properly maintained.
- 10.180 The existing drainage within the vicinity of the site is to the combined sewer for both surface water and foul water. The proposal includes soft SUDS measures (soft landscaping and permeable paving), and a water storage tank underneath the proposed hardstanding area.

- 10.181 The Council's sustainability officer has reviewed the proposed scheme and considers that there are opportunities for increased soft landscaping, permeable surfacing, SuDS tree pits and bioretention planters, which have not been maximised ahead of the technical solution (the storage tank). Condition 6 is recommended requiring additional passive SuDS measures to be incorporated into the external landscaping scheme. Subject to maximisation of further passive design measures, the SuDS measures are considered acceptable.
- 10.182 There would also be biodiverse roofs on the flat roofs of the proposed buildings which will provide an element of rainwater storage and slow drainage into the sewers. Condition 15 is recommended to ensure that the biodiverse roofs are provided.

#### Energy Efficiency, CO2 Emissions, and Renewable Energy

- 10.183 London Plan Policy 5.2B sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. Islington Policy CS10 A and Section 2 of the Environmental Design SPD require that onsite total CO2 reduction targets (both regulated and unregulated) against Building Regulations 2010 are reduced by 40% where connection to a Decentralised Energy Network (DEN) is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to reductions of 39% where connection to a DEN is possible, and 27% where not possible.
- 10.184 The proposal would achieve a 51% reduction in regulated CO2 emissions against Building Regulations 2013, exceeding with the London Plan target of 40%; and a 37% reduction in unregulated and regulated CO2 emissions against Building Regulations 2013 exceeding the Council's target of 27% (where no DEN connection is possible). Condition 16 is recommended to ensure compliance with the energy reduction measures set out in the Sustainable Design statement.
- 10.185 London Plan Policy 5.6B sets out a hierarchy for energy systems for major development proposals, prioritising connection to existing heating or cooling networks; over a site wide CHP network and communal heating and cooling. Islington Policy DM7.3B states "*all major developments within 500 metres of an existing or planned DEN.... are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.*" The proposal does not intend to provide a CHP and there are no DENs within 500m. However, an obligation is recommended within the s.106 agreement to safeguard future connection to the warehouse if it becomes available and is feasible in future, and condition 17 is recommended requiring provision for individual connections to a future DEN by the individual houses.
- 10.186 Policy DM 7.4A states "Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding". 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." The proposal would comply with the relevant criteria to achieve an "Excellent" rating, and condition 18 is recommended to secure this.

- 10.187 In accordance with the Council's zero carbon policy, the council's Environmental Design SPD states that "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement."
- 10.188 The proposed works would minimise carbon emissions arising from the building. Following the reductions of CO2 and in accordance with the Council's carbon-neutral policy, a CO2 offset contribution of £25,347 is required to mitigate the carbon emissions of the development, which is to be secured through the s.106 agreement.

#### Building Fabric

- 10.189 In accordance with Islington Policies CS10 and DM7.4, details on the materials selection based on lifecycle assessment for all major material components of the design should be provided e.g. brick, structure, steel, cladding, concrete etc. These details were not supplied with the application, so a green procurement plan is recommended to be required by a planning condition (no.4).

#### Contamination

- 10.190 Paragraphs 120-122 of the NPPF state that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Planning decisions need to consider whether the site is suitable for its new use taking account of ground conditions and natural hazards or former activities such as pollution arising from previous uses; and in doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land. London Plan Policy 5.21 states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination. Proposals should include an assessment of existing ground conditions and identify appropriate remedial measures for any contaminated land prior to development commencing.
- 10.191 The existing building is located on land which was historically in industrial, thus contaminating uses. The potential contaminating uses on adjacent sites are identified as leather works, radio and television factory, depot, garage services, printers, dry cleaners, scientific instrument works, glass works, bus & coach operators & stations, cosmetic manufacturers, shopfitting works, garage, electrical goods sales & manufactures & wholesalers.
- 10.192 The Council's environmental health officer has considered the proposal and in order to avoid exposing workers to contamination risks, condition 25 is recommended to require investigation, and remediation and monitoring if required.

#### Sustainability Summary

- 10.193 The proposal is considered acceptable when considered against the development plan policies relating to sustainable design.

10.194 No overall objection is raised on sustainability grounds, and as set out above, it is recommended that the relevant sustainability requirements are secured by planning conditions and s.106 obligations.

### **Fire Safety and Emergency Access**

10.195 Part B of the London Plan policy 7.13 states that development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire.

10.196 The details of the development's Fire Strategy are ultimately controlled through Building Regulations and not dealt with via the planning process. However, planning impacts may arise as a consequence of the fire strategy and it is therefore prudent to consider this at planning application stage.

10.197 Concerns were raised by neighbours over the width of the entrance to Melody Lane potentially preventing access for fire engines. It should be noted that fire engines vary in size, and in the event the access way is not wide enough for an engine, the Brigade would still be able to reach the site utilising multiple, connected hoses. The gated access to Melody Lane is 2.8m wide, and sufficient for a standard 2.3m wide fire engine. The gate has an FB key override which allows access to emergency service vehicles. Although additional manoeuvring spaces would be desirable, the lane is accessible to Fire Engines, and the same access gate currently serves the existing houses.

10.198 In order to comply with the building regulations, a Fire Strategy needs to be approved by the approved inspector, and if the distance from the street is considered to result in increased risks, this can be mitigated by sprinkler systems.

10.199 Condition 24 requires details of a construction management plan, and includes the requirement for a vehicle access route from Highbury Grove to all residential and business units within Melody Lane to be retained unobstructed for the duration of the development process.

10.200 An informative (no.10) has also been included in the recommendation to remind the applicant of the need to consider a detailed fire strategy at an early stage, and recommending the incorporation of sprinkler systems to mitigate any delays caused by the restricted access.

10.201 The London Fire and Emergency Planning Authority was consulted on the proposed development, and responded raising no objection.

10.202 In line with the London Plan the proposal is not considered to introduce any significant risks or obstacles to Building Regulations compliance (including those which may have consequences relating to planning issues) and the application is considered acceptable in this respect.

### **Basement Development**

10.203 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method

Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E).

- 10.204 The proposal includes excavation to provide a 2-storey basement beneath the detached warehouse building with a depth of 5.5m. This would be set away from the site boundaries and the proposed houses. It is noted that the surrounding properties generally do not have basements, and that there are large residential gardens adjacent to the site.
- 10.205 A Basement Impact Assessment was submitted with the application, prepared by three engineers in compliance with the qualification requirements in the Basement Development SPD. This highlighted several potential implications of the basement construction, and recommendations as to how these can be dealt with.
- 10.206 The submitted report notes that there are no flood risk zones within 1km, and no record of foul sewer flooding.
- 10.207 The report identifies several initial unknowns which were verified by a ground investigation which was carried out in December 2015 and January 2016. This found that after 5 weeks groundwater rose to and settled at 2.31-1.96m below ground level. The basement therefore needs to be designed to withstand water ingress.
- 10.208 The use of conventional spread foundations is proposed, with piled foundations if considered necessary following further investigation of ground conditions.
- 10.209 It is unknown whether the site is above an aquifer (although no concerns were raised by Thames Water), or whether groundwater will be encountered during investigations. The Basement Impact Assessment recommends that further intrusive investigation is carried out prior to construction in order to inform the foundation design. A ground movement assessment was also carried out to inform the Basement Impact Assessment which concludes that any potential ground movements will be addressed through the proper design and construction of mitigation measures during the works.
- 10.210 There is an underground foul sewer pipe which would need to be rerouted to accommodate the proposed works. Confirmation has been received from Thames Water that this can be done. No objections were raised by Thames Water.
- 10.211 The Basement Impact Assessment demonstrates that the proposed excavation can be constructed without unacceptable planning impacts on the surrounding land. The structural and detailed design of the basement are matters to be dealt with by the Building Regulations.
- 10.212 Subject to a condition (no.22) requiring the proposed basement to be constructed in accordance with the SMS (in addition to the provisions of the Construction and Environmental Management Plan secured by condition 24 and the Code of Construction Practice secured by the s.106 agreement) no objection is raised to the planning implications of the proposed basement excavation.

### **Planning Obligations and CIL**

- 10.213 If the application is approved and the development is implemented, a liability to pay the Islington Community Infrastructure Levy (CIL) and Mayor of London CIL will arise. CIL is

intended to consolidate financial contributions towards the development's local infrastructure impacts, and additional separate contributions should not be sought towards the same infrastructure unless there is an exceptional and demonstrable need as a direct result of the proposed development.

- 10.214 Any further planning obligations which are not covered by the CIL payment should be sought through a legal agreement under s.106 of the Town and Country Planning Act, (1990, amended) and need to comply with the statutory tests set out in the NPPF and CIL Regulations 2010 (amended) to avoid unjustified double counting.
- 10.215 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.
- 10.216 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended, secured by a s.106 agreement.
- Affordable housing contribution of £350,000
  - Permit free residential units
  - The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
  - Compliance with the Code of Employment and Training
  - Compliance with the Council's Code of Local Procurement
  - 1 construction training placement (or if it can be demonstrated that this is not possible, a £5,000 contribution towards placements elsewhere).
  - Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £707.
  - Carbon Offsetting payment of £25,347
  - Safeguarded DEN connection for the B8 warehouse unit, and a feasibility study into connection to a local energy network for the B8 warehouse unit on first replacement of the heating and energy plant, if technically and economically viable.
  - Submission of, and compliance with, a Green Performance Plan
  - Approval and compliance with a draft full travel plan to be submitted to the Council for approval prior to occupation; a full travel plan to be submitted to the Council for approval within 6 months of first occupation (including a full travel survey); and a travel plan update to be submitted to the Council for approval three years after first occupation.
  - The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

## **11. SUMMARY AND CONCLUSION**

- 11.1 As set out in the above assessment, the proposal has been assessed against the development plan and the comments made by residents and consultees.
- 11.2 Consequently, it is considered that the proposed development would comply with the relevant national, London Plan, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents).
- 11.3 It is recommended that planning permission is granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

## **APPENDIX 1 – RECOMMENDATIONS**

### **RECOMMENDATION A**

That planning permission be granted subject to the prior completion of a Deed of 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:

- Affordable housing contribution of £350,000
- Permit free residential units
- The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.
- Compliance with the Code of Employment and Training
- Compliance with the Council's Code of Local Procurement
- 1 construction training placement (or if it can be demonstrated that this is not possible, a £5,000 contribution towards placements elsewhere).
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £707.
- Carbon Offsetting payment of £25,347
- Safeguarded DEN connection for the B8 warehouse unit, and a feasibility study into connection to a local energy network for the B8 warehouse unit on first replacement of the heating and energy plant, if technically and economically viable.
- Submission of, and compliance with, a Green Performance Plan
- Approval and compliance with a draft full travel plan to be submitted to the Council for approval prior to occupation; a full travel plan to be submitted to the Council for approval within 6 months of first occupation (including a full travel survey); and a travel plan update to be submitted to the Council for approval three years after first occupation.
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 2 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

report to Committee.

## RECOMMENDATION B

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

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended.</p>
<b>2</b>	<b>Approved Drawings and Documents (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved documents and plans:</p> <p>PP_01 A Existing Location Plan; PP_02 A Existing Site Plan; PP_03 A Existing Ground Floor Plan; PP_04 A Existing First (Mezzanine) Floor Plan; PP_10 A Existing West Elevation; PP_11 A Existing East Elevation; PP_12 A Existing North Elevation; PP_13 A Existing South Elevation; PP_14 A Existing West Elevation; PP_15 A Existing East Elevation; PP_16 A Existing North Elevation; PP_17 A Existing South Elevation; PP_20 A Proposed Location Plan; PP_21 A Proposed Site Plan; PP_22 A Proposed Ground Floor Plan; PP_23 A Proposed Basement Plan -01; PP_24 A Proposed Basement Plan -02; PP_25 A Proposed 1st Floor Plan; PP_26 A Proposed 2nd Floor Plan; PP_27 A Proposed Roof Plan; PP_28 A Typical House Plan; PP_30 A Proposed West Elevation; PP_31 A Proposed East Elevation; PP_32 A Proposed North Elevation; PP_33 A Proposed South Elevation; PP_34 A Proposed South Elevation Storage Building; PP_35 A Proposed Mews Houses North Elevation; PP_36 A Proposed Section A-A; PP_37 A Proposed West Elevation (Boundary Wall); PP_40 A Proposed Section A-A, Measures to prevent overlooking; PP_41 A Proposed Details of Timber Screen to Western Boundary; PP_46 A Proposed West Elevation; PP_47 A Proposed East Elevation; PP_48 A Proposed North Elevation; PP_49 A Proposed South Elevation; PP_50 A Proposed South Elevation Storage Building;</p>

	<p>PP_51 A Proposed Mews Houses North Elevation;  PP_52 A Section A-A;  PP_53 A Proposed West Elevation (Boundary Wall);  Page_03 RevA Service Vehicle Access Ground Floor Plan;  Bird and Bat Box Plan (Innovation Group);  16525/PL10 Proposed Boundary Treatment;  Planning Statement FS/2908 (Pearson Associates, April 2017);  Economic Regeneration Statement (Pearson Associates, 10 April 2017);  Market Demand Analysis Summary (Julian Cowie Architects);  Green Performance Plan 24817 (Price and Myers, 30 March 2017);  Energy Strategy Report 24817 (Price and Myers, 26 July 2017);  BREEAM 2014 Pre-Assessment Report 24817 v1 (Price and Myers, 13 December 2016);  Below Ground Drainage and SuDS Report Feasibility Study 24817 rev.06 (Price and Myers, August 2016);  Thermal Modelling Report for overheating assessment 24817 (Price &amp; Myers, 05 April 2017);  Sustainability Statement 24817 (Price and Myers, 28 March 2017);  Access to and use of buildings for disabled people Revision A (Julian Cowie Architects, April 2017);  Arboricultural Impact Assessment D2611151728 v4 (Innovation Group, 31st March 2017);  Transport Statement P2955 v6.0 (Stilwell Partnership, March 2017);  Site Waste Management Plan Revision A (April 2017);  Stage 1/2 Road Safety Audit P3119 v2.0 (Stilwell Partnership, March 2017);  Daylight and Sunlight Study (Neighbouring Properties) (Right of Light Consulting, 30 March 2017);  Appendix 2 Addendum - Additional Sunlight to Windows Results;  Daylight and Sunlight Study (Within Development) (Right of Light Consulting, 29 March 2017);  Structural Feasibility Study for a new build commercial building 16525/ML/mf (Halstead Associates, March 2016);  Proposed Boundary Treatments 16525 (Halstead Associates, 08/12/16);  Basement Impact Assessment 15/24595-2 (Site Analytical Services Ltd, March 2017);  Extended Phase 1 Habitat Survey E2611151723 version 2 (Innovation Group, 09/12/2016);  Noise Report of Michael Sugiura Project Ref: 467/16 (Michael Sugiura, March 2017);  Report on a Phase 1 Risk Assessment Ref: 15/24595-1 (Site Analytical Services, January 2016);  Construction Management Plan Revision C (Mecsa, 27.03.2017);  Air Quality Assessment (Air Quality Consultants, August 2017).</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Materials and Details (Approval of Details)</b></p> <p>CONDITION: Unless otherwise approved in writing by the Local Planning Authority, the following external facing materials shall be used for the hereby approved development, details and samples of which were submitted with the planning application:</p> <ul style="list-style-type: none"> <li>a) The external brickwork shall be St Ives Cream Rustica by Wienerberger.</li> <li>b) The brickwork mortar shall be light buff white and recessed.</li> </ul>

	<p>c) External coping shall be natural stone in “natural buff.”  d) External metal cladding shall be Copper, Nordic Brown Light by Aurubis.</p> <p>Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>e) Details of external joinery, which for the window frames shall be anodized aluminium;</li> <li>f) soffits, cills and reveals (and details of how these will be designed to avoid watermarks or staining to the surfaces below), the undersides of any projecting elements, and junctions of external materials including expansion gaps</li> <li>g) roof materials and edge details;</li> <li>h) rainwater goods (including locations, fixings, material and colour);</li> <li>i) details and location of all soil, vent and waste pipes which shall (except for the termination) be constructed within the building;</li> <li>j) details of any other pipes, equipment or devices to be installed externally external surfaces of the building including meter boxes, service connection access, aerials and satellite dishes;</li> <li>k) any other materials to be used (including any alternatives to the materials specified in parts a-d of this condition).</li> </ul> <p>No additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved. The development shall be carried out strictly in accordance with the details and samples as approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: 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>
<b>4</b>	<b>Green Procurement Plan (Approval of Details)</b>
	<p>CONDITION: Prior to the commencement of superstructure works, unless otherwise agreed in writing by the Local Planning Authority, a green procurement plan for sourcing the proposed materials shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to minimise the environmental impacts of the development.</p>
<b>5</b>	<b>*Tree protection (Approval of Details)</b>
	<p>CONDITION: No works or development shall take place until a scheme of arboricultural protection measures including supervision and monitoring has been submitted to and approved in writing by the local planning authority.</p> <p>The scheme of protection and supervision shall be carried out as approved and will be administered by a qualified Arboriculturist instructed by the applicant.</p> <p>REASON: In the interest of protecting retained and proposed tree health, biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>

<p><b>6</b></p>	<p><b>Landscaping</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved development. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) a scaled plan showing vegetation to be retained and plants to be planted;</li> <li>b) specification to ensure successful establishment and survival of new planting.</li> <li>c) a schedule detailing sizes, species and numbers of all new trees/plants;</li> <li>d) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>e) hard landscaping: including surface treatments, permeability of hard surfaces, kerbs, edges, ridge and flexible paving, unit paving, furniture, modular soil systems, steps and if applicable synthetic surfaces;</li> <li>f) a plan showing gradients and step free access suitable for wheelchair users to the entrances of the buildings;</li> <li>g) details as to how the landscaping design and materials would result in maximum passive on-site sustainable urban drainage (SUDS);</li> <li>h) any other landscaping features forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first available planting season following the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<p><b>7</b></p>	<p><b>Boundary Treatments</b></p> <p>Details and samples of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the boundary treatments. The details shall include information on the proposed materials, design, structure and dimensions of all walls, fences, screen walls, barriers, rails, retaining walls and hedges.</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>
<p><b>8</b></p>	<p><b>Secured by Design</b></p> <p>CONDITION: Notwithstanding the plans hereby approved the residential units shall not be occupied until secured by design certification has been achieved, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of securing secure and safe development.</p>

<b>9</b>	<b>Inclusive Design (compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design.</p> <p>Unless otherwise approved in writing by the Local Planning Authority and prior to the occupation of the residential units, the residential units shall be constructed to comply with building regulation M4 (2) (accessible and adaptable dwellings) and shall include provision so that the ground and first floors are adaptable for use equivalent to a 'wheelchair user dwelling' as defined by building regulation Part M4 (3).</p> <p>The following facilities shall be installed as shown on the approved plans prior to the occupation of the residential units:</p> <ul style="list-style-type: none"> <li>a) 4 mobility scooter charging points</li> <li>b) 2 external benches</li> <li>c) A "knock out" floor panel suitable for the installation of a platform lift between ground and first floor at each residential unit</li> <li>d) A floor drain suitable for the provision of a Building Regulations Part M4 (3) bathroom or shower room at ground floor level at each residential unit</li> </ul> <p>The following facilities shall be installed within the retail accommodation prior to the occupation of the B8 self-storage unit:</p> <ul style="list-style-type: none"> <li>e) At least one wheelchair accessible WC</li> </ul> <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 order to facilitate and promote inclusive and sustainable communities.</p>
<b>10</b>	<b>Hours of Operation (Compliance)</b>
	<p>CONDITION: The B8 self-storage warehouse hereby approved shall not operate outside the hours of:</p> <p>08:30 - 20:00 (Monday - Saturday) No opening on Sundays or Bank Holidays</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>11</b>	<b>Noise from fixed plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest residential window, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure an adequate level of internal amenity is provided for future residents, and to protect the amenities of the neighbouring occupiers from the proposed mechanical plant.</p>

<p><b>12</b></p>	<p><b>No use of flat roofs</b></p> <p>The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected</p>
<p><b>13</b></p>	<p><b>External lighting</b></p> <p>CONDITION: Full details of external lighting across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, and hours of operation. The details submitted shall demonstrate that the proposed lighting would not result in increased light pollution, harm to visual amenity, or harm to the safe operation of the highway.</p> <p>The external lighting 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 general or security lighting is appropriately designed and located, to avoid light pollution, harm to visual amenity, and harm to the safe operation of the highway.</p>
<p><b>14</b></p>	<p><b>Bird and bat boxes (Compliance)</b></p> <p>CONDITION: 2 bat boxes, 4 sparrow terraces and 1 bird nesting box shall be installed prior to the first occupation of the approved residential units in accordance with the approved bat and bird box plan (by Innovation Group Environmental Services) and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<p><b>15</b></p>	<p><b>Biodiverse roofs</b></p> <p>CONDITION: Notwithstanding the hereby approved details, a biodiverse roof shall be installed on all flat roofs over the approved houses and B8 self-storage warehouse prior to first occupation unless a feasibility assessment and alternative biodiverse/green roof plan is submitted to and approved in writing by the Local Planning Authority.</p> <p>The biodiverse roof(s) shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) planted/seeded with an agreed 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).</li> </ul> <p>The biodiverse (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiverse roof(s) shall be carried out strictly in accordance with the details so</p>

	<p>approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity</p>
<b>16</b>	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: The energy efficiency measures as outlined within the approved Sustainable Design and Construction Statement 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 Strategy, a revised Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.</p> <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>
<b>17</b>	<b>District Heat/Energy Network Connection (Approval of Details)</b>
	<p>CONDITION: Prior to the commencement of superstructure works at the hereby approved residential units, plans shall be submitted to and approved in writing by the Local Planning Authority demonstrating how the residential units would be designed to be able to connect to a future district heat and/or energy network. The development shall be constructed in accordance with the approved details.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>18</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>19</b>	<b>Stage 3 Safety Audit (Approval of details)</b>
	<p>Prior to the occupation of the hereby approved units, a Highway Safety audit (Stage 3) relating to the area of Melody Lane within the site boundary (as shown within the red line boundary on the site plan) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of ensuring safe access to the approved development.</p>
<b>20</b>	<b>Wheelchair Parking Provision (Compliance)</b>
	<p>CONDITION: The wheelchair parking spaces shown on the hereby approved plans, shall be provided prior to the first occupation of the development, and maintained as such thereafter. The wheelchair parking spaces shall be accessible by blue badge</p>

	<p>holders, including those at the hereby approved residential units.</p> <p>REASON: To ensure inclusive and accessible design.</p>
<b>21</b>	<p><b>Cycle Parking Provision (Compliance)</b></p> <p>CONDITION: The cycle storage areas and facilities shown on the hereby approved plans, shall be provided prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>22</b>	<p><b>Basement (Approval of Details)</b></p> <p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement unless otherwise agreed in writing.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design approved within the Structural Method Statement and a Building Control body.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
<b>23</b>	<p><b>Air Quality (Approval of Details)</b></p> <p>CONDITION: Notwithstanding the approved details, prior to the commencement of superstructure works on the development hereby permitted, a site report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be implemented completed prior to occupation of the development and shall be permanently maintained thereafter</p> <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy in the compilation of the report.</p> <p>REASON: To protect the amenities of the future occupants and to avoid harm to health arising from exposure to poor air quality.</p>
<b>24</b>	<p><b>*CEMP</b></p> <p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The Method of Demolition and Construction Statement shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing,</li> </ul>

- loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
  - e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
  - f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
  - h) Details of any proposed external illumination and/or floodlighting during construction;
  - i) Details of measures taken to prevent noise disturbance to surrounding residents;
  - j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
  - k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
  - l) Details as to how safe and convenient vehicle access will be maintained for all existing units accessed via Melody Lane at all times, including emergency service vehicles;
  - m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
  - n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
  - o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.

The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.

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.

REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.

**25 \*Contamination (Approval of Details)**

Prior to the commencement of development (including demolition) the following

	<p>assessment shall be submitted to and approved in writing by the Local Planning Authority (in response to the NPPF and in accordance with CLR11 and BS10175:2011).</p> <p>a) A land contamination investigation (including intrusive investigation).</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To avoid unacceptable risk to health arising from contamination.</p>
<b>26</b>	<b>Removal of PD rights (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved B8 floorspace shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the borough.</p>
<b>27</b>	<b>Obscured Glazing</b>
	<p>None of the hereby approved units shall be occupied until all west (front) elevation windows at second floor level within 1.8m of finished floor level have been obscure glazed and either fixed shut or with 150mm opening restrictors.</p> <p>The development shall be maintained as such thereafter.</p> <p>REASON: To safeguard the amenities of the adjoining residential units.</p>
<b>28</b>	<b>Non Road Mobile Machinery (Compliance)</b>
	<p>CONDITION: An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <a href="https://nrmm.london/user-nrmm/register">https://nrmm.london/user-nrmm/register</a> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p>

REASON: To comply with the requirements of the NPPF (2012), Policy 7.14 of the London Plan (2016) and to minimise air pollution.

**List of Informatives:**

1	<b>S106</b>
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<b>Superstructure</b>
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. 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:  <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b></p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>

<b>4</b>	<b>Car-Free Development</b>
	INFORMATIVE: (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.
<b>5</b>	<b>Roller Shutters</b>
	The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.
<b>6.</b>	<b>Roof top plant</b>
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
<b>7</b>	<b>Construction works</b>
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
<b>8</b>	<b>Thames Water</b>
	<p>Your attention is drawn to informatives and advice included in Thames Water's comments of 24th April 2017.</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site</p>

	<p>storage. When it is proposed to connect to a combined 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 Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.</p>
<p><b>9</b></p>	<p><b>Highways Requirements</b></p>
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing.</p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing.</p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within</p>

	<p>contractual agreements with Islington Council’s Highways contractors.</p> <p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO’s) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington’s public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a></p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</p> <p>Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
<b>10</b>	<b>Fire Safety</b>
	<p>It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings.</p> <p>It is recommended that a fire strategy is developed at an early stage in consultation with the emergency services and including compliance with part B5 of the Building Regulations. In particular, consideration should be made to installing sprinkler systems to mitigate delays caused by the restricted access to the site for emergency vehicles.</p> <p>Islington’s Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Andrew Marx on 020 7527 2045 or by email on <a href="mailto:andrew.marx@islington.gov.uk">andrew.marx@islington.gov.uk</a>.</p>

## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies and guidance notes relevant to the determination of the 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 2016, Islington's Core Strategy 2011, Islington's Development Management Policies 2013, the Finsbury Local Plan 2013 and Islington's Site Allocations 2013. The following policies of the Development Plan are considered relevant to this 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 2.9 Inner London

Policy 2.18 Green Infrastructure

##### **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 3.7 Large Residential Developments

Policy 3.8 Housing Choice

Policy 3.9 Mixed and Balanced Communities

Policy 3.10 Definition of Affordable Housing

Policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

Policy 3.13 Affordable Housing Thresholds

Policy 3.16 Protection and enhancement of social infrastructure

##### **4 London's economy**

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development

Policy 4.4 Managing Industrial Land and Premises

Policy 4.10 New and emerging sectors

Policy 4.12 Improving opportunities for all

##### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising emissions

Policy 5.3 Sustainable design & 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 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste net self-sufficiency  
Policy 5.17 Waste capacity  
Policy 5.18 Construction, excavation and demolition waste  
Policy 5.19 Hazardous Waste  
Policy 5.20 Aggregates  
Policy 5.21 Contaminated land

## **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 connectivity  
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure  
Policy 6.7 Better streets and surface transport  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.13 Parking

## **B) Islington Core Strategy 2011**

Policy CS 8 (Islington's Character)  
Policy CS9 (Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS11 (Waste)  
Policy CS12 (Housing)  
Policy CS13 (Employment Space)

## **7 London's living places and spaces**

Policy 7.1 Lifetime neighbourhoods  
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  
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

## **C) Development Management Policies June 2013**

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage  
DM3.1 Mix of housing sizes  
DM3.4 Housing Standards  
DM3.5 Private outdoor space  
DM3.5 Play space

DM3.7 Noise and vibration (residential uses)  
DM5.1 New business floorspace  
DM5.2 Loss of existing business floorspace  
DM5.4 Size and affordability of workspace  
DM6.1 Healthy development  
DM6.2 New and improved public open space  
DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention  
DM7.1 Sustainable design and construction  
DM7.3 Decentralised energy networks  
DM7.4 Sustainable design standards  
DM7.5 Heating and cooling  
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  
DM9.1 Infrastructure  
DM9.2 Planning obligations  
DM9.3 Implementation

### **3 Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

#### **Islington Local Development Plan**

- Environmental Design SPD
- Inclusive Design in Islington SPD
- Inclusive Landscape Design SPD
- Planning Obligations (Section 106) SPD
- Streetbook SPD
- Islington Urban Design Guide

#### **London Plan**

- Accessible London: Achieving an Inclusive Environment SPG
- The Control of Dust and Emissions During Construction and Demolition SPG
- Planning for Equality & Diversity SPG
- Shaping Neighbourhoods – Character and Context SPG
- Sustainable Design and Construction SPG
- London Planning Statement (May 2014)
- Central Activities Zone SPG
- London View Management Framework SPG
- Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG
- Social Infrastructure (May 2015)
- Playspace and Informal recreation SPG
- Affordable Housing and Viability SPG