

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
Town Hall
LONDON N1 1YA

PLANNING COMMITTEE		AGENDA ITEM: B3
Date:	6 February 2018	NON-EXEMPT

Application number	P2016/4533/FUL
Application type	Full Planning Application
Ward	Junction Ward
Listed building	Not listed
Conservation area	No
Development Plan Context	Archway Town Centre Article 4 Direction (Office to residential) Core Strategy Key Area (Archway) Archway Town Centre Adjacent to Strategic and Local Cycle Route Within 50m of a Conservation Area Within 100 m of a Strategic Road Network Road Within 100m of a TFL Road Network Adjacent to a Site of Importance for Nature Conservation (SINC) Adjacent to National Rail Owned Land
Licensing Implications	None
Site Address	724 Holloway Road, London, N19 3JD
Proposal	Demolition of existing building and construction of a part two, part six-storey mixed use building providing 1,802m ² of B1(a) office floorspace over basement, ground, first and second floors and 10 residential flats (three x 1-bedroom, six x 2-bedroom, one x 3-bedroom) above.

Case Officer	Peter Munnelly
Applicant	Mr C Freed
Agent	Mr M. Pender - PPM Planning Limited

1. RECOMMENDATION

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

1. the conditions set out in Appendix 1 (Recommendation B); and

2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 (Recommendation A).

2. SITE PLAN (site outlined in red)

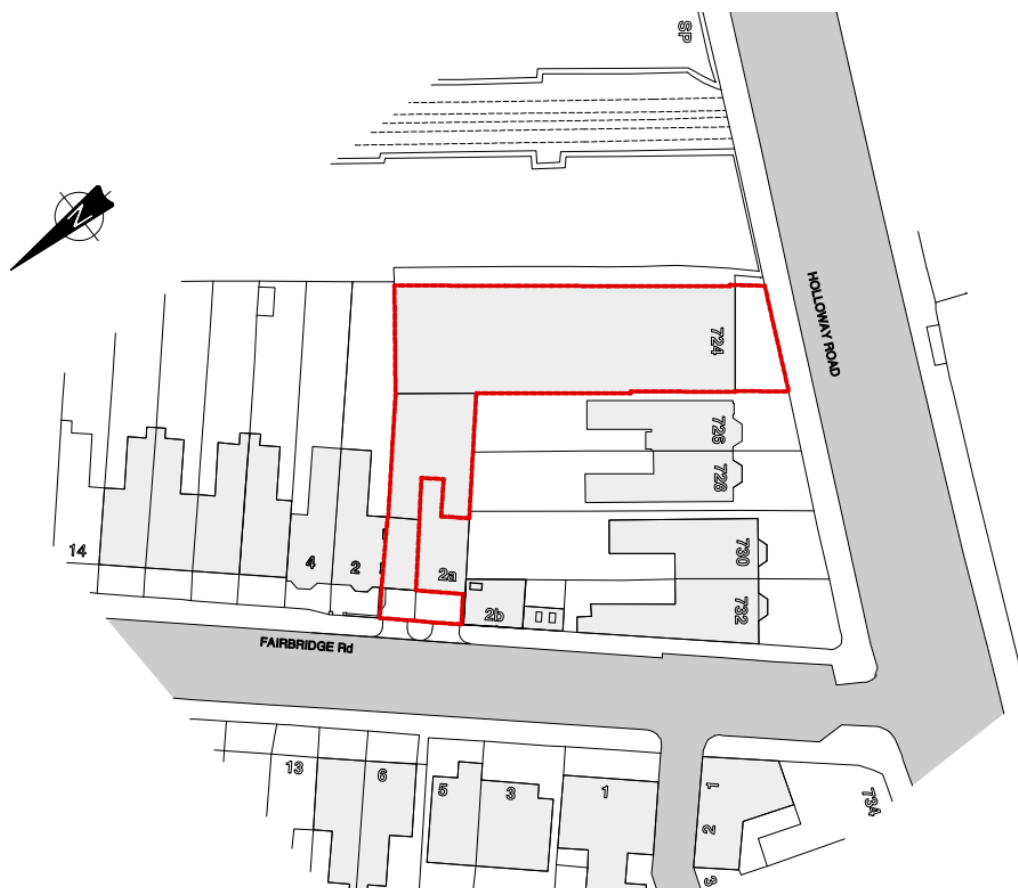


Fig. 1. Site Boundary

3. PHOTOS OF SITE/STREET



Fig 2: View from St John's Church



Fig. 3: View of site frontage from Holloway Road



Figure 4: Aerial view of rear of the site across Fairbridge Road

4. SUMMARY

- 4.1 The application seeks permission for the demolition of an existing three storey brick built Class B1/B8 use building and the erection of a part-two, part-six storey over basement mixed use building providing office floor space and 10 residential units on upper floors.
- 4.2 The L-shaped site has its main frontages facing Holloway Road and the adjacent railway lands. There is also access from nearby Fairbridge Road through a ground floor undercroft arrangement, this opening being part of 2a Fairbridge Road, a 5 storey mixed use building. A single storey section links the two separate arms of the site coverage. The site is located within Archway Town Centre and the replacement of a non-town centre Class B8 use with a substantial increase in Class B1 office floorspace, inclusive of SME workspace together with 10 new residential units is compliant with land use policy. Independently verified financial viability reviews have demonstrated that the provision of on-site affordable housing is not viable.
- 4.3 The proposal would have a similar 'warehouse' appearance to the existing building which has generous floor the ceiling heights although would benefit from a large basement and three additional floors. It is considered that any increased bulk of the proposed building compared to the existing site coverage and would not detract from the street-scene. Significantly, basement alterations aside, the above ground building envelope will be largely the same as that resolved to be granted Planning Permission by the Committee on the 19th April 2016. This was subject to a legal agreement which has yet to be completed.
- 4.4 It is considered the proposal in terms of sunlight/daylight, outlook and privacy would not have a significant impact on the residential amenities of neighbouring residential occupiers. Suitable conditions have been recommended to protect this existing amenity along with securing details with regard to materials, Sustainable Urban Drainage, sustainability features and other details as necessary to ensure the proposed development is acceptable.
- 4.5 The applicant proposes a reduction in total CO2 emissions of 20.2% and while this falls below the policy target reduction of 27% it is considered acceptable and to be the highest achievable reduction at the site. The development exceeds the London Plan on regulated emissions and to

mitigate against the remaining carbon dioxide emissions a financial contribution of £70,012 will be secured through legal agreement.

- 4.6 The proposal includes high performance building fabric, appropriate air tightness, 100% low energy efficient lighting and passive design measures resulting in a highly efficient and well-insulated building. Solar photovoltaic panel array and Air Source Heat Pumps are proposed and the proposed dwellings are to include sustainable measures that are equivalent to the former Code for Sustainable Homes Level 4, which is in accordance with policy. The Office element of the site is detailed to be BREEAM 'Excellent' and a condition (7) is recommended to secure this.
- 4.7 In terms of Highways and Transport the proposal does not include any on-site residential or commercial parking and servicing would take place from a dedicated bay on Fairbridge Road. The small and difficult to access vehicular forecourt off Holloway Road would be removed and in overall terms the arrangements are not considered to give rise to any highways safety impacts. Refuse collection would continue to take place on-street while there would be 19 cycle parking spaces associated with the residential element provided at ground floor and 23 spaces for the commercial floorspace spread over the main entrance and within individual commercial unit floorplates – the latter being secured by Condition 14.
- 4.8 All other matters relevant to planning are considered to be acceptable. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

5. SITE AND SURROUNDING

- 5.1 The current building on the application site was originally constructed by a tile roofing company in 1910 but has been heavily altered and modified over its lifetime. The building at three storeys in height (plus basement) has its main frontage onto Holloway Road, behind a small forecourt although its long south east elevation is clearly visible to those moving north on Holloway Road. Although three storeys, its generous floor to ceiling dimensions mean the building is broadly the same height as adjoining four storey buildings. The building has a secondary ground floor entrance from Fairbridge Road which runs off Holloway Road. This entrance is through an undercroft beneath an existing 5 storey mixed use (office/residential) building known as 2a Fairbridge Road. Adjacent to 2a is a recently built, 3 storey residential property known as 2b Fairbridge Road of contemporary design.
- 5.2 The application site sits on the north eastern side of Holloway Road immediately to the north west of railway lands that carry the London Overground (Barking – Gospel Oak). These lands are designated a Site of Important Nature Conservation. Across Holloway Road to the south west is St John's Church, which is Grade II* listed. The church gives its name to the eponymous St John's Grove Conservation Area whose north western boundary extends to Holloway Road. It was designated in 1990 (extended 2003). The immediate neighbouring buildings to the north and west of the application site are predominantly 3-4 storey Victorian residential properties, which have gradually been converted into flats.
- 5.3 Holloway Road (A1) is a main arterial road which is a designated TfL red route. It also a designated as a Strategic Cycle Route within Islington's Cycle Network. Fairbridge Road is designated a Local Cycle Route within the same hierarchy.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposed development would comprise the demolition of the existing building on the site and the construction of a part two, part six storey (plus basement) building comprising 1802 square metres of B1(a) floorspace, and 10 residential units (comprising 3 x 1 bedroom, 6 x 2 bedroom and 1 x 3 bedroom units). The six storey element (with its upper floor set back) would front Holloway Road whilst the two storey (plus basement) element would link into the existing 2a Fairbridge Road building. Access from Fairbridge Road would be to one single commercial unit (Unit 5) although the proposed on-street loading bay would be located in-front of this entrance.
- 6.2 The proposed building would be predominantly of a 'warehouse' style design, constructed from brick with crittal style windows, a set-back metal clad fifth floor and a further set back glass sixth floor. A two storey building would link the main body of the development to the ground floor entrance on Fairbridge Road. The enlarged basement would replace the existing basement feature taking in the the north west corner of the site and extending under the existing forecourt up to the footpath on Holloway Road.
- 6.3 The proposal does not include any on-site residential or commercial parking. An on-street loading/servicing bay is proposed on Fairbridge Road. This bay will be located at the point of the existing crossover in front of 2a Fairbridge Road which is proposed to be stopped up. The difficult to access vehicular forecourt off Holloway Road would be removed as part of the scheme and in overall terms the arrangements are not considered to give rise to any highways safety impacts. Refuse collection would continue to take place on-street. A total of 19 cycle on-site parking spaces are proposed to serve the residential element provided with 23 spaces for the commercial floorspace set across stands within the main entrance and within individual commercial units themselves.
- 6.4 The applicant proposes a reduction in total CO2 emissions of 20.2% set against the 2013 Building Regulations baseline. The development however exceeds the London Plan on regulated emissions and to mitigate against the remaining carbon dioxide emissions an offset contribution of £70,012 will be secured in any legal agreement.
- 6.5 An energy efficient and well-insulated building will result from use of high performance building fabric, appropriate air tightness, 100% low energy efficient lighting and passive design measures. A Solar photovoltaic panel array and Air Source Heat Pumps are proposed and the dwellings are to include sustainable measures that are equivalent to the former Code for Sustainable Homes Level 4, which is in accordance with policy. The Office element of the site is detailed to be BREEAM 'Excellent' and a condition (7) is recommended to secure this. CHP and communal heating were considered however the relatively small size of the development and low heat loads precluded such measures.
- 6.6 The scheme includes extensive areas of biodiverse green roof while the SUDs strategy has been reviewed and supported by the Lead Local Flood Authority subject to submission of maintenance details.
- 6.7 The scheme has been subject to a number of alterations:

Revision 1

- 6.8 The plans were amended to alter the internal arrangements and access ramps, and additional information addressing Highways, Access and Sustainability comments were submitted on 16th January 2017.

Revision 2

- 6.9 A further viability assessment was submitted on 17th January 2017 and additional details/plans relating to Ecology, Highways and Access and Inclusive Design were submitted on 1st and 2nd February 2017.

Revision 3

- 6.10 Further clarification on the Daylight and Sunlight report was submitted on 14th and 23rd February 2017.

Revision 4

- 6.11 Following concerns about quality of basement accommodation larger windows were introduced into the south east elevation, lightwells were introduced into the north east elevation both resulting in better ventilation and light conditions, linkages between lower ground and ground floor units were removed resulting in more consistent commercial floorplates with smaller SME units relocated to upper floors. The quantum of excavation has been reduced and the residential bike storage area moved to ground floor from basement to facilitate ease of use. These details were provided in July 2017.

7. RELEVANT HISTORY:

Planning Applications:

- 7.1 **P2015/4816/FUL** - Demolition of existing building and construction of a part two, part six-storey mixed use building providing 1423sqm of B1(a) office floorspace over basement, ground, first and second floors; and 7 residential flats (1 x 1 bedroom, 5 x 2 bedroom, 1 x 3 bedroom) above – **Resolution to Grant at Planning Committee on 19th April 2016** subject to Legal Agreement which has yet to be signed. As part of this legal agreement the maximum small sites affordable housing contribution of £350,000 was agreed to be paid.
- 7.2 **P2014/1974/PRA** - Prior Approval application for change of use of ground (part), first and second floors of existing B1[a] office to thirteen (13) residential units Class C3 [8 X 1-bedroom and 5 X 2-bedroom] - **Refused Permission** due to there being insufficient evidence to demonstrate that the building was primarily used for Class B1 office purposes (officers being of the view that the use was Class B8 storage).
- 7.3 **920875** - Erection of a rear first floor level extension of 37sqm - **Granted Conditional Permission** (11/11/1992).
- 7.4 **861610** - Change of use of part of the ground floor (rear) of existing office premises to provide staff and client dining facilities and recreational facilities - **Refused Permission** (16/02/1987).
- 7.5 **860456** - Change of use of front of ground floor from office to recreation facilities for staff and clients - **Granted Conditional Permission** (15/08/1986).
- 7.6 **821084** - Change of use from warehousing and wholesale use to offices and elevational alterations - **Granted Conditional Permission** (10/01/1983).

ENFORCEMENT:

- 7.7 None

PRE-APPLICATION ADVICE:

7.8 None

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 112 adjoining and nearby properties at Fairbridge Road, Marlborough Yard, Criterion Mews and Holloway Road on the 29th November 2016. A site notice and press advert were displayed on 1st December 2016. The public consultation on the application therefore expired on 22nd December 2016. However, it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report 2 responses had been received from the public (Upper Floors No.2 and No. 16 Fairbridge Road). The points raised are summarised below with reference to which sections of this report address those particular concerns:

- The proposal would result in an unacceptable loss of light to the neighbouring properties (paras. 10.53-10.98);
- The daylight/sunlight assessment should include calculations of light at other times of the year (paras. 10.53-10.98);
- The daylight sunlight report does not assess 4, 6 and 8 Fairbridge Road and the proposal would have a detrimental impact upon these properties (paras. 10.53-10.98);
- The submitted plans do not reflect the additions to the rear of properties, notably 4 and 6 Fairbridge Road (paras.10.53-10.98);
- The fifth floor terrace should not be used for recreation as it overlooks the gardens on the south side of Fairbridge Road (paras. 10.46);
- There is insufficient daylight to the basement level employment space (paras. 10.118); and
- The developer has redacted information (See Condition 2).

Internal Consultees

Planning Policy: (Viability & land use). The proposal complies with Council land use policies to maximise business use on a site within a Town Centre while the loss of Class B8 floorspace and replacement with Class B1 is not inconsistent with general land use policy objectives. An appropriate amount of workspace suitable for occupation by micro or small enterprises would appear to have been provided at first and second floor level. Islington Core Strategy policy CS12 is clear that sites capable of delivering 10 or more units' gross are required to provide the maximum viable level of on-site affordable housing, especially social rented housing, subject to a financial viability assessment.

Access and Inclusive Design: Details of how the mobility scooter storage space is accessible has not been provided and it would be beneficial to have a left handed and right handed transfer option to the first and second floor W.Cs.

Design and Conservation: The proposed demolition and reconstruction of the host property is considered to be acceptable in principle subject to fine details.

Energy and Energy efficiency: No objections subject to conditions and Carbon offsetting contribution.

Sustainability Officer: The SUDS proposed are acceptable subject to a condition relating to a management strategy being imposed. The Green Roofs are acceptable and a condition should be imposed relating to substrate depth and biodiversity quality of these.

Highways: No objection subject to TfL comments relating to Construction Management Plan relating to Holloway Road. Highways re-instatement should be secured in the legal agreement.

Public Protection (Noise): Did not object to previous application subject to conditions securing details in relation to plant noise, sound proofing between the residential and office uses and the submission of an Environmental Construction Management Plan.

Tree Preservation Officer: No objections. The tree protection measures within the submitted Arboricultural Method Statement are acceptable.

Refuse and Recycling: No response received.

Biodiversity and Nature Conservation: The recommendations in the ecological report should be adhered to during the development phase and following construction. Further details are required regarding bird/bat boxes and a bat survey is required.

External Consultees

8.3 **Transport for London (Road Network):** No objection in principle subject to conditions requiring details of demolition, delivery and servicing to be submitted. The applicant has provided TfL with an updated, draft Construction Management Plan which they offer no objection subject to potential further discussion in respect of the Holloway Road bus stop relocation, additional works to facilitate HGV access to site, Highway Licensing and a Section 278 Agreement. Previous concern raised regarding the lifts being of an insufficient size to allow bikes to be transported to the cycle store can now be discounted as the residential bike store is now at ground floor.

Thames Water: The proposal should include protection to the property to avoid backflow at a later date. No objection subject to conditions and informatives.

London Overground: No response received.

Network Rail: No objection subject to conditions and informative. Subsequent to this initial response it was noted that Network Rail had lodged objection to two other nearby schemes where there had been proposed basement digs of varying size. In light of this Network Rail was again consulted to confirm its position. The re-consultation has, to date, resulted in no further response.

Crime Prevention Officer: The design and layout are acceptable from a security perspective. It is recommended that a set of secondary communal doors are added to the residential part of the scheme and there is an opportunity to add post-boxes to the external door in the lobby.

London Fire and Emergency Planning: The Brigade is satisfied with the proposal.

Better Archway Forum: The residential cycle entrance is impractical. The lack of daylighting to the basement questions its use for anything other than storage. The awkwardness of the proposal indicates that either scheme has been ill thought through or that there are further plans for the site not detailed here.

Environment Agency: No response received.

Other Consultees

8.4 None

9. RELEVANT POLICIES

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

National Guidance

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

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

Development Plan

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

Designations

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

- Archway Town Centre

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Design
- Density
- Accessibility
- Landscaping, Trees and Biodiversity
- Neighbouring Amenities
- Quality of Residential Accommodation
- Quality of Office Accommodation

- Dwelling Mix
- Affordable Housing and Financial Viability
- Sustainability, Energy Efficiency and Renewable Energy
- Highway and Transportation
- Planning Obligations/Mitigation/CIL

Land-use

- 10.2 The site was the subject of a previous planning application (ref: P2015/4816/FUL) which was reported to Islington Planning Committee on 19th April 2016. Planning Committee resolved to grant planning permission subject to a legal agreement, however, at the time of writing this report the legal agreement had not yet been signed.
- 10.3 The application differs from the 2015 scheme presented to Committee by introducing an extensive basement floor (a small basement area currently exists) resulting in an increased amount of B1(a) floorspace. In effect this additional basement commercial floorspace allows three additional residential units to be provided at third floor level. Notwithstanding the basement feature, the scale and external envelope of the building from ground level remains unchanged from the 2015 application. It is therefore considered that the principle of the demolition of the existing building and its redevelopment to provide B1 and residential floorspace has therefore previously been considered acceptable. Notwithstanding this an assessment of the land use is set out below.

Office Use

- 10.4 The site lies within Archway Town Centre where part D of Policy DM4.4 states that *'the change of use of ground floor units from main town centre uses to other uses within town centres will generally be resisted'*. The lawful use of the ground floor of 724 Holloway Road is currently B8, which is not a main town centre use and is therefore not considered to be appropriate for the site's location. The proposed office use is classified within the Development Management Policy DM5.1 as being an appropriate main town centre use. The proposal therefore complies with this part of this policy and would aid the vitality of the Town Centre. Policy DM5.2 of the Development Management Policies resists the loss of Business floorspace but in this instance whilst there is a loss of B8 floorspace, there is an overall increase in B1 business floorspace. The table below highlights the changes in floorspace by type and quantum:

	B1(a)	B8	C3	Total
Existing GIA (sqm)	846	568	0	1414
April 2016 Committee scheme (sqm)	1673	0	453	2126
Proposed GIA (sqm)	1802	0	970	2772

Fig 5. Floorspace comparisons

- 10.5 The existing site comprises of 568 sqm of business (warehousing, B8 use) floorspace, and a further 846 sqm of office (B1(a)) floorspace. The proposed scheme would deliver 1,802 sqm of new high quality office floorspace at basement, ground, first, and second floor level. The existing office floorspace in the building is of a low quality and is in need of substantial improvement. As such, the continued use of the site for office space is consistent with policy.

- 10.6 Class B1(a) office space is defined within the Development Plan Chapter 5 Development Management Policies 2013 as a 'business' use. Core Strategy policy CS5 promotes the importance of the development of business floorspace to contribute to wider employment growth within the borough. Policy DM5.1 supports this position, encouraging the intensification, renewal and modernisation of existing business floorspace. Furthermore, B1 floorspace would support higher employment densities and thus create additional employment opportunities within the borough.
- 10.7 Policy DM5.1 requires that a scheme incorporates the maximum amount of business floorspace reasonably possible on the site. The proposal would result in an uplift of 388 sqm of business floorspace at the site, representing an approximately 21% increase in employment floorspace over the existing.
- 10.8 Affordable Workspace: Policy DM5.4 addresses the affordability and suitability of employment floorspace for small and micro enterprises. Part A states that "Within EGAs 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."
- 10.9 As set out in paragraph 5.25 of the DMP, the figure of 5% of gross floorspace should be taken as the starting point for provision. The space should either be provided as separate small units for SME businesses (affordable by virtue of their size) or let to the council as Head Leaseholder at a peppercorn rent for at least 10 years; (in such cases the council will then engage with approved workspace providers to manage the space and ensure it is occupied by target sectors).
- 10.10 In this instance the low value floorspace is replaced by B1(a) floorspace and will include 8 units (amounting to approximately 722 sqm) of B1(a) floorspace generally suitable for occupation by SME's across the ground first and second floors of the proposed building. It is considered that this more than re-provides the low value workspace as required by Policy DM5.4. These units would be suitable for occupation by SME's by nature of their size and design, rather than providing affordable workspace at a peppercorn rent. These units all measure 80 to 100 sqm and represent 40% of the total office space provided. This approach is supported by Policy DM5.4, which accepts a provision of SME units OR affordable workspace, unless it can be demonstrated to the Council that the site is not suitable for such. The SME units as defined on the proposed plans would be protected from amalgamation or subdivision by Condition 6.
- 10.11 Each of SME units would be independently accessible, with a lift and staircase giving level access. A communal reception area for all Units other than Unit 5 is accessed from the Holloway Road entrance (Unit 5 will have its own entrance off Fairbridge Road). Each unit will enjoy generous 3m floor to ceiling heights and natural light from windows (which mainly replicate in size and location fenestration to the existing building).
- 10.12 There is also a policy requirement for developments to provide jobs and training opportunities including on-site construction training during the construction phase of the development and training opportunities during the operational phase. These are to be secured as part of the accompanying legal agreement.

Residential Use

- 10.13 Paragraph 49 of the NPPF states that proposals for new housing 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.
- 10.14 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.
- 10.15 Notably Core Strategy Policy CS1(B) (Archway) encourages the use of underused land to meet the overall Borough housing target over the plan period. As a key policy area Archway will be expected to provide 800-1400 residential units over the lifetime of the Core Strategy and this proposal will help meet that target.
- 10.16 It is therefore the case that there is a policy presumption in favour of the delivery of new housing in this location, and the scheme would deliver 10 units which would contribute towards the Borough's targets.

Summary

The proposal would introduce a greater quantum of business floorspace at the site than currently exists, while also providing new residential use on upper floors. Both of these are considered to be appropriate and complementary uses to a town centre location such as this.

Design

- 10.17 Planning policies relevant to design are set out in chapter 7 of the London Plan, Policy CS9 and policies in chapter 2 of Islington's Development Management Policies.
- 10.18 The application site is located directly opposite the Grade II listed St Johns Church. Policy DM2.3 requires that new development within the setting of a listed building does not harm its significance.
- 10.19 The proposed retention of the overall design and general massing of the originally proposed building which Committee resolved to approve is considered to be acceptable. The proposed additions at roof level were revised down through the pre-application process from two additional storeys, to one storey with set-back second storey additions and were considered to be acceptable in the previous application.
- 10.20 The Council's Design and Conservation Team have reviewed the proposal and raise no objection, however further details of materials and balustrades are required, which will be sought under Condition 3.
- 10.21 The main bulk of the building is designed in the style of a Victorian warehouse, of which the original building on the site was an example. The proposed development take its cue from this style of architecture, with Crittal style windows, facing brickwork and recessed balconies which evoke the character of the recessed enclaves which would have been used for the winch and/or crane from street level. It is considered that the proposed design would echo the character of the area, especially with regard to its location adjacent to the railway. The contemporary addition at roof level would serve to distinctly contrast this style of vernacular and read as a new

addition, though it would be set-back from the street elevation and would not be prominent in views of the building.

- 10.22 It is considered that the increased bulk of the proposed building compared to what currently exists on the site would not detract from the street-scene, nor have any significant adverse effect on the setting of any nearby heritage assets, including the Grade II listed church located opposite. The site does not fall within a Conservation Area, but is located adjacent to the St John's Grove Conservation Area. However, for the reasons set out above the development would not detrimentally impact views into, out of and within the Conservation Area.
- 10.23 The proposed building respects the established front building line of the existing Victorian terraced properties to the north of the application site, and does not project any further forward than either 726 or 728 Holloway Road, which themselves are set back approximately 2 metres from no. 730 and 732 Holloway Road.
- 10.24 There have been a number of revisions both from the scheme put before Committee in 2016 and from the drawings that were originally submitted as part of this application. The changes largely relate to fenestration and the need to increase light to the basement and ground floor commercial space.
- 10.25 The proposed basement, although significantly larger than that resolved to be approved in the previous application at the site, would have only one obvious above ground manifestation. This would take the form of a covered glazed lightwell fronting onto Holloway Road, which would be incorporated into the hard landscaping. This would form a distinctive strip across the front of the site, albeit at a lower level than the pavement at Holloway Road. Subject to appropriate detailing in the landscaping (Condition 23), this feature is considered to be acceptable. The other manifestation is the enlargement of windows on the south east elevation at basement level. This increase has necessitated some additional excavation between the proposed building and the Network Rail lands. Because of this excavation however most of the enlargement will be difficult to discern from any point south of the site and the deepening of the 8 windows at this level is considered to cause no harm to the proposed design and appearance.
- 10.26 In addition to the above two lightwells have been introduced on the north east elevation. One of these is single storey in height and reveals itself in the form of two new windows on the north east elevation which directly face the garden of No. 2 Fairbridge Road. The windows are at a perpendicular angle to the direction of outlook from the rear of the house and there will be no direct overlooking from the office space due to the lightwell space. The other new lightwell will serve Commercial Unit 5 which is that space accessed from Fairbridge Road. Sited internally it will utilise a new skylight with the result that the change will only marginally alter the appearance of the building envelope in this location.
- 10.27 In summary and taking into account the 2016 resolution to approve the same building envelope and the above referred changes it is considered that the scale and design of the proposed building is appropriate to the site and would not detract from the character and appearance of the locality.

Density

- 10.28 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development proposes a total of 10 new residential dwellings comprised of 28 habitable rooms (hr) over a site area of approximately 0.0738 hectares.
- 10.29 The site has a public transport accessibility level (PTAL) of 6a (Excellent). In terms of the character of the area, this would be defined as 'Urban' by the London Plan. The London Plan for

areas of this PTAL rating identifies the suggested residential density range of 200-700 hr/ha or 70-260 u/ha.

- 10.30 The proposed development has a residential density of 379 hr/ha and 136 u/ha, both of which are within the density range of the London Plan policy.

Accessibility

- 10.31 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.

A new National Standard

- 10.32 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard.
- 10.33 Planners are only permitted to require (by condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given significant weight and inform the approach below.

Accessibility Assessment:

- 10.34 The proposal provides one (F2) wheelchair accessible unit (Category 3) amounting to 10% of the total number of units provided as measured by habitable rooms, which is in accordance with policy requirements. The other nine units are detailed to be Category 2 compliant and this is secured by condition (11).
- 10.35 The site has a dual lift core to the residential upper floors, a lift serving the office floor space, platform lifts within the commercial area accessed from Fairbridge Road and ramped access of an appropriate gradient onto Holloway Road. As such, the proposal would have step free access. Accessible W.Cs are provided on every floor of the commercial development and a mobility scooter charging and storage point has been provided for both the commercial and residential floorspace.
- 10.36 The plans detail that there are two wheelchair accessible parking bays on Fairbridge Road opposite the site, however, these are not related to the use of the site. The proposal generates a requirement for two additional wheelchair accessible parking bays to be provided. The legal agreement requires the applicant to provide a contribution towards the provision of accessible parking bays within the locality where this may be possible or to provide a contribution towards other accessible transport initiatives.
- 10.37 There are limited opportunities for providing a safe drop-off point on Holloway Road as this is a TfL Red Route, but the proposed loading bay on Fairbridge Road would provide a safe area for a drop-off and although not convenient it would ensure that wheelchair users would not need to cross a road.

Landscaping, Trees and Biodiversity

- 10.38 Policy DM6.5 states that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas, which expands on the aims of Core Strategy Policy CS15. Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation.
- 10.39 The proposal includes limited scope for landscaping, with only two external areas fronting the two entrances. The ability to provide soft landscaping in these two areas is further limited by the need to provide cycle storage, refuse storage and level access. Notwithstanding this the area fronting Holloway Road is detailed to include some hard and soft landscaping and a condition (23) is recommended requiring details of the landscaping to be submitted to and approved in writing by the Local Planning Authority.
- 10.40 The submitted Arboricultural Impact Assessment details four mature trees and a grouping of small trees within close proximity to the site. All but one of these trees are located upon the western side of the railway embankment, with one tree located within the rear garden of a property fronting Holloway Road. The development would not require the removal of any of these trees and the proposed tree protection and mitigation measures set out in the submitted Arboricultural Impact Assessment are sufficient.
- 10.41 The site adjoins the Upper Holloway Railway Cutting Site of Importance for Nature Conservation (SINC) to the east. The trees and vegetation upon the railway embankment immediately next to the site, which form the SINC, have recently been cleared with this area used for storage of materials in association with the strengthening works to the nearby road bridge being undertaken by Network Rail as the Statutory Undertaker. This is highly likely to have reduced the biodiversity within this part of the SINC, however protection of its potential to support habitat and wildlife is still considered appropriate.
- 10.42 The proposed building would have the same footprint as the existing building, albeit with three additional storeys, an enlarged basement and the provision of a lightwell on the south east side of the site. The proposal would include biodiverse green roofs, a green wall as well as bat and bird nesting boxes, which are secured by conditions (12 and 24). A condition (25) is recommended requiring a bat survey to be undertaken prior to any work (inclusive of demolition) being undertaken. This together with the tree protection measures detailed in the submitted Arboricultural Impact Assessment, and the condition (4) requiring a Construction and Environmental Management Plan to be submitted would ensure that the proposal would not detrimentally impact upon the SINC during or post development.

Neighbour Amenity

- 10.43 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook. This need to consider neighbouring residential amenity is also required by London Plan Policies 7.14 and 7.15.
- 10.44 Overlooking/Privacy: Policy identifies that *‘to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy’*. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For

instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.

- 10.45 The proposed development would in effect create an additional two storeys (increasing the height of the building from 12m as existing to 18m as proposed) over what is currently experienced at 724 Holloway Road. While the increase in height would be noticeable from the rear gardens of 726 – 732 Holloway Road, rear windows within these properties would retain adequate outlook to the north-west towards Fairbridge Road and the rear gardens of Nos.2a, 4 and 6 Fairbridge Road. This would be due to the lower two storey element of the scheme actually being lower in height than the current (part-single, part two storey) building which adjoins No.2a Fairbridge Road. Equally because of this proposed arrangement, the scheme could not be said to unduly worsen the sense of enclosure to the rear of these properties. Furthermore because of the oblique arrangement of windows to rear of 2A and 2B and 4 Fairbridge Road to development, officers are of the view that occupiers of these properties would not experience any significant increase in a sense of enclosure over what is currently experienced through the existing building.
- 10.46 The proposed windows to the north-west elevation of the proposal would either fall behind a balcony (with privacy screen) to the residential units at fifth floor level, be at oblique angles to the rear of the neighbouring properties fronting Holloway Road, or would be obscure glazed in order to ensure there would be no opportunity of overlooking or loss of privacy to neighbouring residential windows and gardens. On the boundary with 2 Fairbridge Road where the proposed building would face onto the gardens of Fairbridge Road, there is no access to the flat roof created by the set back at third floor for the occupiers of the residential units. At fourth floor level, the habitable room windows facing Fairbridge Road gardens are set back from the boundary and a privacy screen is utilised on the north west elevation of this flat (Flat 10) to negate any overlooking concerns to the rear of those adjoining properties on Holloway Road. On the fifth floor the terrace would also be set back on the boundary with Fairbridge Road with inaccessible green roof areas preventing overlooking of the same Holloway Road properties referred to above. A condition to secure these details, along with a requirement for the windows serving the office floorspace which overlook the rear garden of 726 Holloway Road to be permanently fixed shut is proposed under Condition 3 and Condition 16. The windows on the south east and south west elevations would face over a railway and busy road respectively and would not result in any overlooking.
- 10.47 Noise and Disturbance: The proposed development would be unlikely to cause any specific nuisance with regard to noise and disturbance to neighbouring occupiers given the existing use and as the proposed use as offices and residential are considered to be appropriate to and compatible with the existing residential neighbouring properties. Furthermore, the site makes use of the two existing entrances to the site for the office use, with the additional residential site users accessing the site from Holloway Road. It is not considered that the level of pedestrian activity that these arrangements would generate would give rise to any discernible increase in the level of noise, disturbance, litter or antisocial behaviour for local residents.
- 10.48 All servicing for the office development would be carried out using a proposed on-street loading bay on Fairbridge Road, which reduces the current reliance the inappropriately located servicing area off Holloway Road. A condition requiring the submission of details of servicing to be submitted once an end user/s is in place is recommended, this would ensure that servicing relating to the occupation of the units does not unduly impact on neighbouring residential amenity.
- 10.49 The proposed development would be internally lit in a similar fashion to the existing building, however a condition is recommended (18) to secure details of any external lighting in order to ensure there would be no impact on neighbouring residents with regard to light pollution.

- 10.50 Basement: The development would include extensive excavation works to create a basement under the majority of the building and extending below the open area fronting Holloway Road. The applicant has submitted a Structural Method Statement that details that the works can be completed without any adverse impact upon the structural stability of the neighbouring properties, other adjacent structures, adjoining land and gardens or the adjoining public highway. Officers have reviewed that Statement and are satisfied with its conclusions in this regard.
- 10.51 The construction of the building, and particularly the basement would involve piling to ensure that there is no damage to neighbouring sites, the railway cutting or nearby TfL structures due to ground movement. With regard to the railway cutting and TfL structures, conditions are recommended requiring details of piling to be submitted to and approved in writing by the Local Planning Authority in discussion with Network Rail and TfL.
- 10.52 A condition (4) is recommended requiring an overarching Construction and Environmental Management Plan to be submitted prior to commencement of the development to minimise disruption to surrounding streets and residential amenity.

Analysis of Sunlight and Daylight Losses for Neighbouring properties

- 10.53 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.54 BRE Guidelines (2011) paragraph 1.1 states:
- 10.55 *"People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by". Paragraph 1.6 states: "The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".*
- 10.56 BRE Guidance: Daylight to existing buildings
- 10.57 The BRE Guidelines stipulate that the diffuse daylighting of the existing building may be adversely affected if either:
- the VSC (Vertical Sky Component) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value (or reduced by more than 20%), known as "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 (or reduced by more than 20%), known as the "No Sky Line" (NSL) or "Daylight Distribution" (DD) test.
- 10.58 At paragraph 2.2.7 of the BRE Guidelines it states:

“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”

10.59 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.

10.60 At paragraph 2.2.8 the BRE Guidelines state:

“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.

10.61 Paragraph 2.2.11 states:

“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”

10.62 The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

10.63 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is:

“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”

10.64 Paragraphs 1.3.45 and 1.3.46 of the Mayor of London's Housing SPD state that:

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

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

experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.”

10.65 BRE Guidance: Sunlight to existing buildings

10.66 The BRE Guidelines state in relation to sunlight at paragraph 3.2.11:

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

10.67 This will be the case if the centre of the window:

- Receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual (winter) probable sunlight hours between 21 September and 21 March (WPSH) and;
- Receives less than 0.8 times its former sunlight hours (or a 20% reduction) during either period and;
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

10.68 The BRE Guidelines state at paragraph 3.16 in relation to orientation:

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

10.69 The Guidelines go on to state (paragraph 3.2.3):

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

10.70 BRE Guidance: Open spaces:

10.71 The Guidelines also state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include:

10.72 *“gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains”.*

10.73 At paragraph 3.3.17 the guidelines state:

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

recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”

10.75 BRE Guidance: New buildings

10.76 For new residential properties, paragraph 2.1.8 of the BRE guidance states:

“Daylight provision to new rooms may be checked using the average daylight factor (ADF). The ADF is a measure of the overall amount of daylight in a space.”

10.77 British Standard BS 8206-2 “Code of Practice for Daylighting” recommends the following minimum ADF levels for new housing:

- Bedrooms: 1% ADF
- Living Rooms: 1.5% ADF
- Kitchens: 2% ADF

10.78 The BRE guidelines also note at paragraphs 2.1.10 and 2.1.11 that where there are multiple windows, the ADF due to each one can be added together, and that interiors with very high ADFs (over 6%) sometimes have problems with summertime overheating or excessive heat loss in winter.

10.79 Residential dwellings at the following properties listed and detailed on the map below have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development:

- 1 – 3 (inclusive) Fairbridge Road; and
- 720 – 732 (even) Holloway Road.

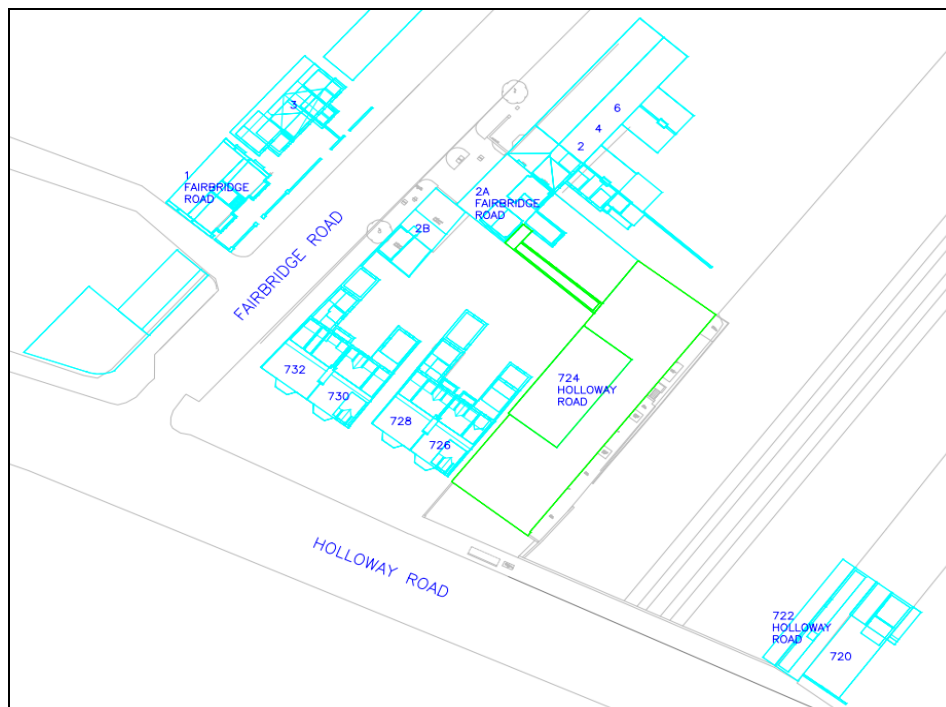


Figure 6. Adjoining properties assessed

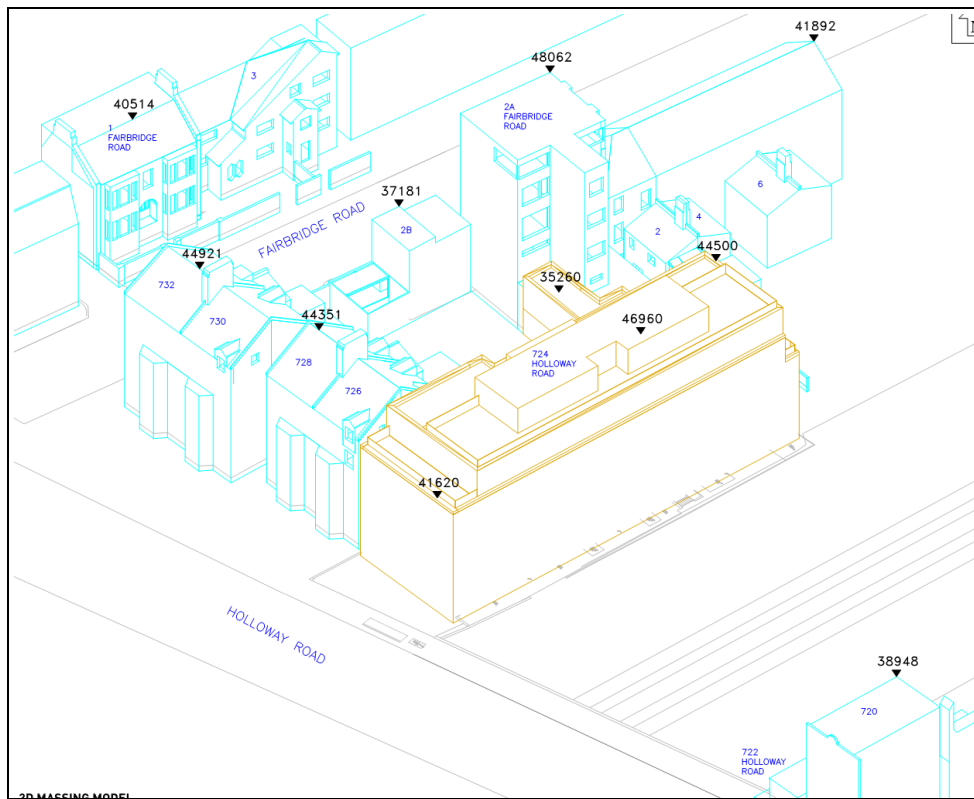


Figure 7. 3D Massing of Proposal and surrounds looking north.

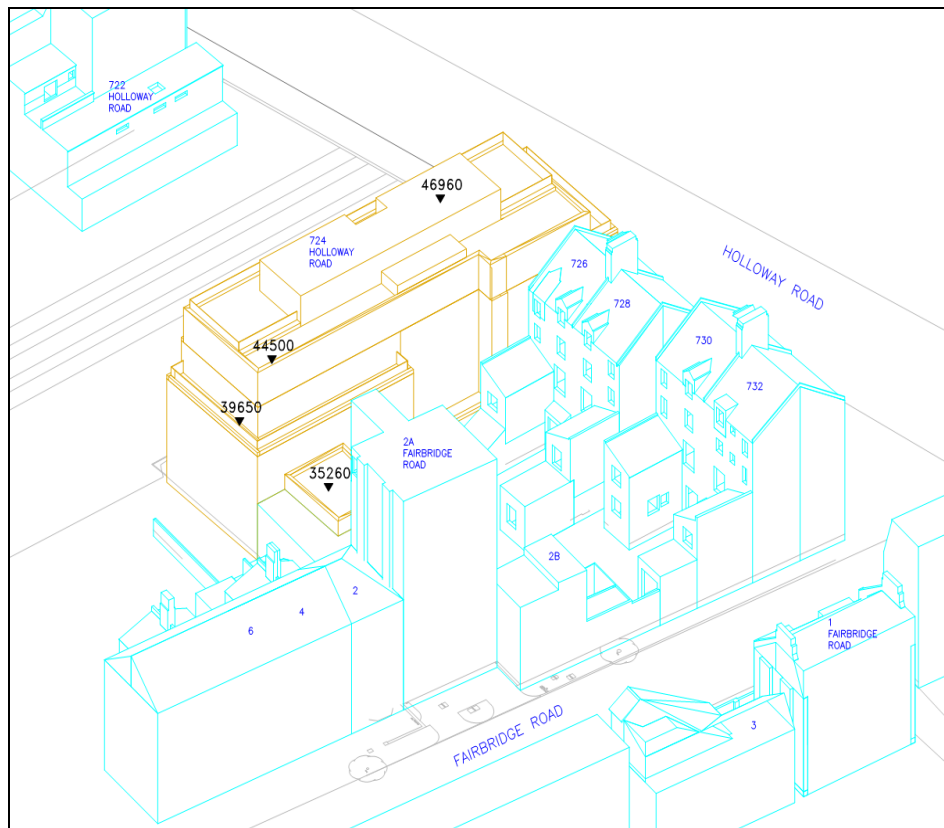


Figure 8. 3D Massing of Proposal and surrounds looking south

10.80 Daylight and Sunlight Assumptions for neighbouring Residential properties

- 10.81 Surrounding uses are a mix of residential and commercial with the majority being the former. Daylight testing was applied to residential properties in line with relevant design policies within Islington's Core Strategy and Development Management Policies Document.
- 10.82 Officers note the applicant's commentary as to where information on internal arrangements has been sourced (planning applications and estate agent detail). It is also noted that where information is not available from these sources, assumptions are based on external inspection and officers are satisfied that such assumptions are reasonably accurate.
- 10.83 There are no other unimplemented planning permissions within the area of study and for purposes of clarity 2A Fairbridge Road is a first floor flat within the four storey 1970's commercial building and 2B Fairbridge Road is the contemporary designed 3-storey dwelling located immediately to the west of this building. No. 2 Fairbridge Road is the first 3-storey Edwardian terraced building whose rear garden abuts the site. Numbers 726-732 Holloway Road are a mix of flats and maisonettes whilst No.722 to the south of the railway cutting provides commercial and community uses at ground with residential use on its upper floors.

Assessment: Daylight to existing buildings

- 10.84 The proposed redevelopment would result in the potential for loss of daylight to neighbouring properties as referenced above. To demonstrate the impacts, a sunlight and daylight assessment was submitted with the application. This considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.
- 10.85 The daylight tests were applied to the above mentioned residential properties near to the site. A total of 100 windows facing the site were assessed. The Daylight Sunlight Report demonstrates that of this total 6 windows would suffer reductions in VSC. In most of these cases however the loss is mitigated by the fact that the windows are not the sole source of daylight to the rooms they serve. The following drawings and commentary detail where those windows are located and likely impacts.

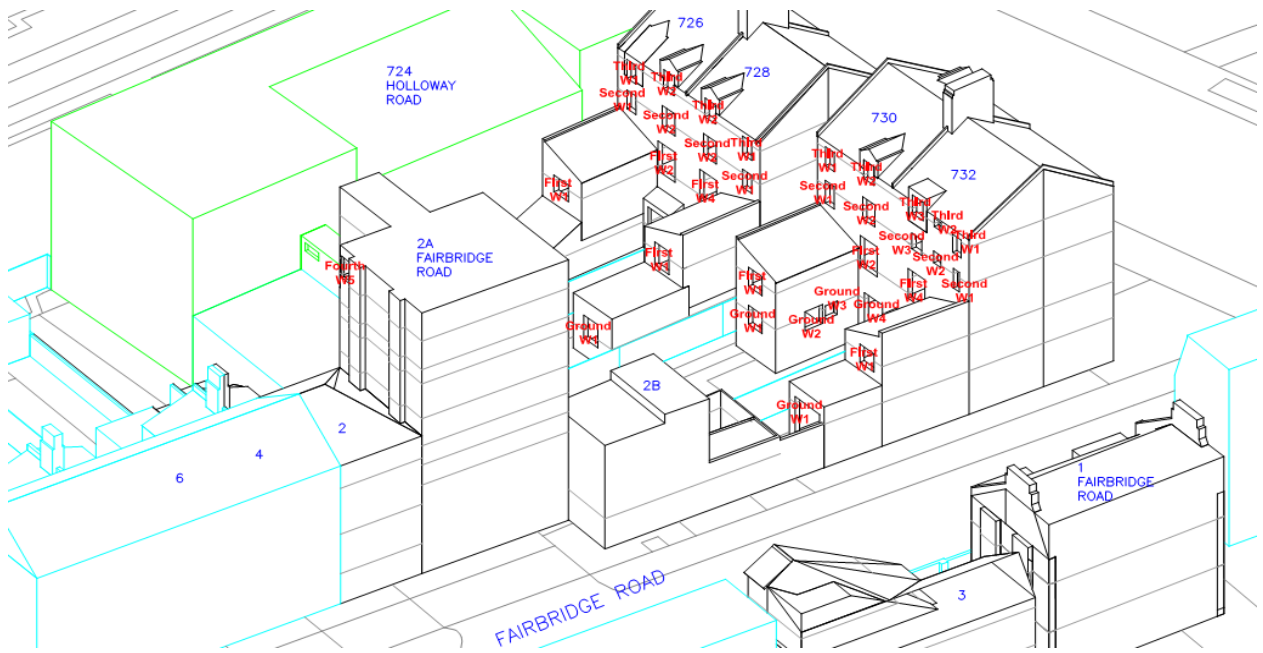


Figure 9. Windows of adjoining properties looking south west.

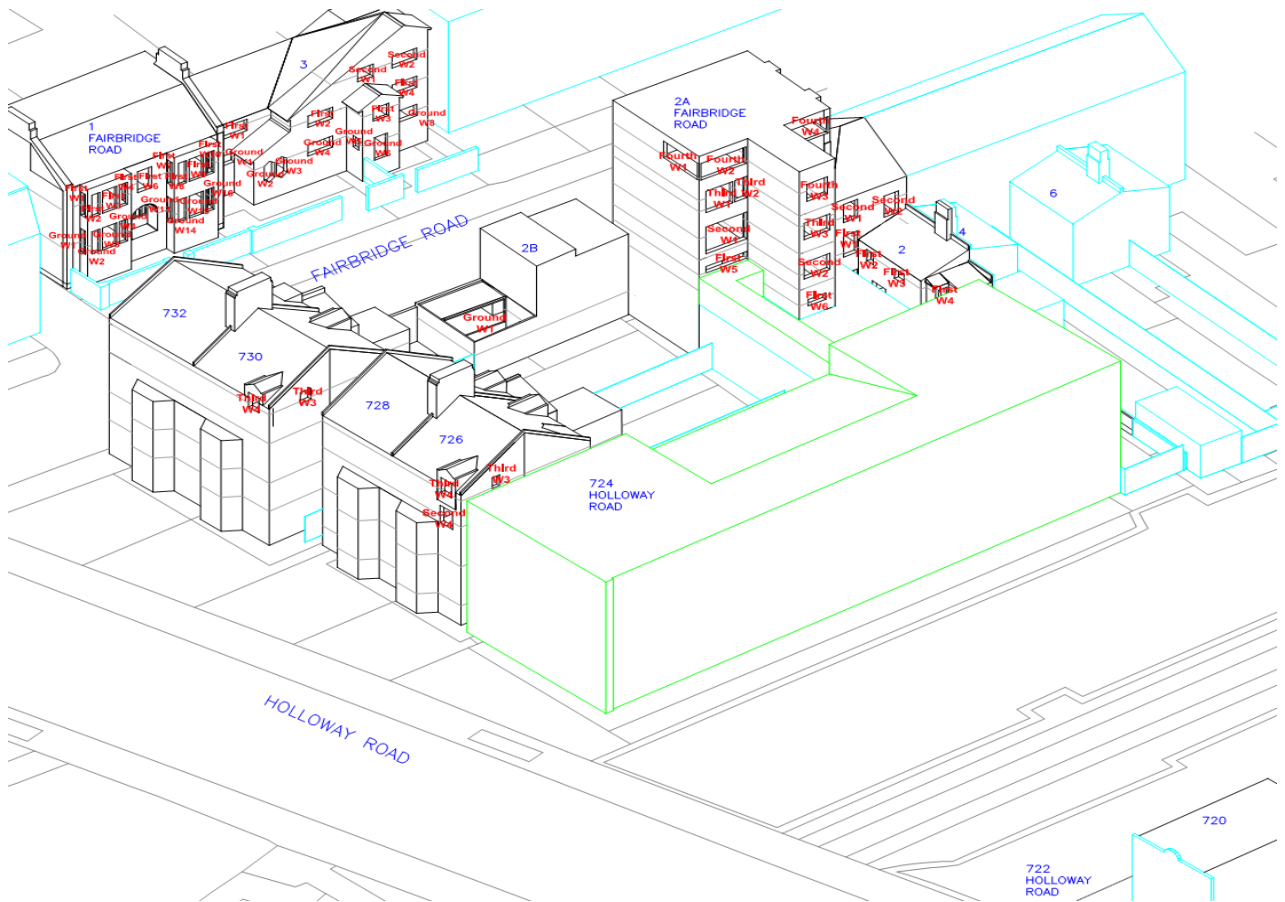


Figure 10. Windows of properties looking north east.

- 10.86 1-3 (Inclusive) Fairbridge Road With regard to Daylight Distribution, the assessment details that with one exception, all windows to these properties would not have reductions in excess of 20% and would therefore be in accordance with the BRE Guidelines. The one window which fails the Daylight Distribution Test is a ground floor window serving 2 Fairbridge Road. However, it fails by only 1%, which is considered to be a very small transgression and the effect would be negligible. The room modelled is small in scale (3.8 sqm), which results in the actual light reduction being small. This is in all probability a non-habitable room but was modelled and tested for completeness.
- 10.87 With regard to sunlight, two windows to the rear of 2 and 2A Fairbridge Road fail APSH tests, Room 2 at first floor level of 2 Fairbridge Road fails both summer and winter with Room 4 at first floor level of 2A Fairbridge Road failing only in winter. However, it is noted that it would only be these two windows, over two separate residential units which would fail the APSH test, and all the remaining windows of these properties will still have adequate access to sunlight, with two windows at No. 2 having improvements in sunlight levels. Therefore, it is considered that there will not be an unacceptable impact on the overall standard of accommodation to 2 or 2A Fairbridge Road.
- 10.88 720-730 (even) Holloway Road: The Daylight Sunlight Report details that two windows at 726 Holloway Road and four windows at 728 Holloway Road would have reductions in VSC in excess of 20%. However, the two windows at 726 Holloway Road (a second and third floor window) are both frosted and appear to serve bathrooms, which would not require testing. Notwithstanding this, these windows are located in rooms with two openings, the second of which in both cases have high levels of VSC. Two of the affected windows at 728 Holloway Road would have reductions of 30%, which in this context and due to one of these windows serving a room with two openings, is considered to be a lesser/minor infringement in an urban area. The two first floor windows affected within this property appear to serve a bathroom. The windows fall on the south-east elevation on an existing back addition, and currently face out over the rear of 726 Holloway Road. Each of these two windows would retain 65% of their existing VSC, and as there are two windows serving the same room it is considered that this would be acceptable in this case. While there would be reductions in VSC to other windows these would all be within BRE Guidelines.
- 10.89 With regard to Daylight Distribution, with one exception, all of the rooms would be in accordance with the BRE Guidelines. The one failing room would be a ground floor room in 728 Holloway Road. The room is to the side elevation of an existing back addition and while it is acknowledged that the room would substantially fail the BRE test (at 0.5 of its former value), the window in question already falls behind existing additions, extensions and the existing building at 724 Holloway Road.
- 10.90 With regard to annual sunlight, while a third floor window at 726 Holloway Road would have a reduction in sunlight of over 20%, this room is served by two windows, the second of which receives high levels of sunlight.
- 10.91 Four windows to the ground and first floor of 728 Holloway Road would fail APSH tests. The windows affected are the flank windows on the rear extensions that currently have limited sunlight availability because of their orientation and existing buildings. The front windows to 728 Holloway Road would continue to have access to sunlight well in excess of the BRE guidelines, and as such it is considered that the occupants would maintain adequate access to sunlight.
- 10.92 Additionally, four windows will have winter sunlight reduced. At 726 Holloway Road a window at second floor will marginally fail (reduction of 25%). There will be an increase in the reduction within a window at third floor however this is one of two windows to the same room with the other window suffering no loss of sunlight (see 10.88 above). Two windows at No. 2 and 2A

Fairbridge Road suffer winter sunlight loss however it can be noted that the same windows are not affected by significant daylight loss.

- 10.93 All other tested windows would be in accordance with the BRE Guidelines for sunlight.
- 10.94 It is noted that a representation has been received which questions why the properties at 4, 6 and 8 have not been tested and considers the daylight/sunlight model to not take account of extensions. The closest adjoining building, 2 Fairbridge Road has acceptable levels of daylight and sunlight and therefore there is no requirement to test the properties beyond this. The general layout of the further properties on the daylight/sunlight model is generally representative and acceptable.
- 10.95 Overshadowing: The BRE guidelines state that to appear adequately sunlit throughout the year at least half of an amenity space should receive at least 2 hours of sunlight on 21st March (the spring equinox, when day and night are roughly the same length of time). The gardens at 2 and 4 Fairbridge Road, and 732 and 726 Holloway Road would have no change to the level of sunlight received on the 21st March. The garden at 2A Fairbridge Road would experience a reduction in sunlight from 48% to 47%, which is not considered to be a significant reduction.
- 10.96 Only 40% of the garden at 730 Fairbridge Road currently receives sunlight on the 21st March and while the proposal would reduce this to 34%, this constitutes a change of 16%, which is in accordance with the BRE Guidelines.
- 10.97 The garden at 728 Holloway Road currently receives 33% sunlight on the 21st March and the proposal would reduce this to 13%, constituting a 71% change. Whilst this is a considerable percentage change, due to the existing low amount of sunlight any change is disproportionately high and the reduced area would still continue to be useable.
- 10.98 Daylight/Sunlight Summary: A comprehensive impact assessment of the proposed development on surrounding rooms and gardens in all nearby dwellings has taken place. Testing was in accordance with BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition 2011). The results of the assessment show good levels of adherence with only minor transgressions to all but one property. Room 2 within No.728 Holloway Road falls below BRE guidelines on daylight in regard to the two windows which serve it. The proposed level of light to this room is however consistent with side extensions and within an inner city context. As acknowledged by the BRE in their guidelines must be viewed flexibly and considering the wider adherence to the required standards of all other tested windows the infraction is considered acceptable.

Quality of Residential Accommodation

- 10.99 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, the residential space and design standards will be significantly increased from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards.
- 10.100 Unit Sizes: All of the proposed residential units comply with the minimum unit sizes of policy DM3.4.
- 10.101 Aspect and outlook: Nine of the 10 units would be dual aspect. Although unit F3 would have a single aspect, it constitutes a 1-bedroom unit and would have large window openings with a south east aspect, which is considered to be acceptable in this case.
- 10.102 With the exception of the bedroom serving unit F5 all of the units would have an acceptable outlook. The bedroom in unit F5 is detailed to have two obscurely glazed windows, which would

not provide any outlook. While the south west facing window would be required to be obscurely glazed (see 'Overlooking/Privacy' section below), the north west facing window would need to be partially unobscured to ensure there was an outlook to this room. As such, condition 16 requires details of obscure glazing to this unit to be submitted to ensure there is an appropriate outlook from this room and no unacceptable overlooking to the neighbouring properties.

10.103 Overlooking/Privacy: Unit F1 and F6 would each have a north west facing window within 9 metres of a window to a habitable room in unit F5. The plans detail the side window in unit F5 to be obscurely glazed and as such this would ensure there is no unacceptable mutual overlooking within the site. Furthermore, the residential units would not be overlooked by the surrounding properties.

10.104 Daylight/Sunlight: Policy DM3.4 requires all residential development to maximise natural light enabling direct sunlight to enter the main habitable rooms for a reasonable period of the day. The BRE Guidelines detail the level of light rooms should receive through the assessment of daylight and sunlight.

10.105 The submitted assessment of the proposed residential units tests the habitable rooms at third floor level. This assessment details that all but one habitable room at third floor level would exceed the BRE Guidelines, and in some cases significantly. Although one living room/kitchen/diner (F1) on the south west corner of the site would fall below the BRE Guidelines, the main opening to this room is set back from the building frontage to provide the minimum acceptable level of amenity space. Furthermore, the room has a deep layout, with the kitchen set to the rear, ensuring that the more readily used spaces have the greater access to daylight.

10.106 Although the submission does not include an assessment of the windows at fourth and fifth floor level, these floors have more openings and a greater elevation and would therefore receive greater levels of daylight. Furthermore, while an assessment of vertical sky component (VSC) has not been submitted for the proposed units, the ADF is a more reliable measurement of daylight.

10.107 The assessment of sunlight for the proposed new units details that of the five third floor level living rooms, three would receive sufficient sunlight (through a combination of windows and aspect), one would not require testing as it is not within 90 degrees of due south and one living/kitchen/dining room would have insufficient levels of annual sunlight. The living/kitchen/dining room which falls below the BRE Guidelines would actually receive sufficient levels of winter sunlight but fails to accord with guidance largely because of its set back to provide amenity space and the room has been laid out to maximise sunlight to the most used part of the room. In light of this and that the room would only fall marginally below the minimum standards, it is considered in this case to be acceptable.

10.108 Of the bedrooms at third floor level that require testing for sunlight two would fall below the BRE Guidelines. One again has a set back window from the façade to enable the provision of amenity space but would also receive high levels of daylight for a bedroom. Whilst the other bedroom would have a dual aspect, good levels of daylight and would have a window only marginally falling below the BRE Guidelines for sunlight.

10.109 The submitted daylight/sunlight assessment relates to the third floor of the development as this would have the least potential for daylight/sunlight and has set back windows and smaller window openings. When rising up through the building the access to daylight/sunlight would be improved. As such, it is considered in this case that the proposed new units would, on balance, receive acceptable levels of daylight and sunlight.

- 10.110 Amenity Space: Policy DM3.5 of the Development Management Policies identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. The minimum requirement for private outdoor space is 5 square metres on upper floors and 15 square metres on ground floor for 1-2 person dwellings. For each additional occupant, an extra 1 square metre is required on upper floors and 5 square metres on ground floor level with a minimum of 30 square metres for family housing (defined as 3 bed units and above). With the exception of unit F10 all of the units would have levels of amenity space in accordance with this policy.
- 10.111 Unit F10 is proposed to have a roof terrace measuring 22 sqm, which is 8 sqm below the minimum standards for a family unit. However, due to the site constraints, the provision of the amenity space as a single larger area set away from Holloway Road and the proximity of the site to a number of large open spaces such as Whittington Park, this is considered to be acceptable.
- 10.112 Noise: A condition (10) is recommended requiring all residential units to include sufficient sound insulation to meet British Standards and to protect from the adjacent railway line. Conditions (8 and 10) is also recommended regarding plant noise and ground borne noise from the railway.
- 10.113 Air quality and ventilation: Conditions are recommended that secure details of ventilation in order to protect the residential amenity of the future occupiers.
- 10.114 Refuse: Separate commercial and residential refuse stores are provided to the Holloway Road and Fairbridge Road entrances. The proposed location and capacity of the stores are in accordance with relevant guidance and are considered acceptable.
- 10.115 Play Space: The proposal would result in a child yield of 1, which requires 5 square metres of play space to be provided based on Islington's requirement of 5 square metres per child (including semi-private outdoor space, private outdoor space and gardens suitable for play). All of the units have a minimum of 5 sqm of amenity space which would therefore be sufficient.

Quality of Office Accommodation

- 10.116 The proposed office space would be divided up to form 13 different sized units. A number of the units, including those suitable for occupation by SME's are spread across two levels, resulting in some areas not benefitting from natural light or an outlook.
- 10.117 However, each of the units has at least one floor which benefits from natural light in the form of windows, lightwells or rooflights. Areas with restricted or no access to natural light would provide space suitable for storage or activities which do not normally require natural light.
- 10.118 Officers were initially concerned that the basement space would be wholly deficient in terms of natural light. This was because the space was single aspect with no direct light arrangement proposed. Initially an unsatisfactory internal lightwell arrangement was proposed. Further revisions to the scheme have resulted in the provision of an external lightwell across the railway lands elevation allowing deeper windows, the bases of which will extend into the basement space allowing direct light. Although the arrangement may still require the need for artificial light in some areas of the basement commercial units, the larger windows (which will face south) are considered a significant improvement on the original proposals.

Dwelling Mix

- 10.119 The scheme proposes a total of 10 residential units with an overall mix comprised of:

Dwelling Type	Private (No. units / %)	Policy DM3.1 Target Mix
One Bedroom	3 / 30%	10%
Two Bedroom	6 / 60%	75%
Three Bedroom	1 / 10 %	15%
Four Bedroom or more	0 / 0%	0%
TOTAL	10	100%

Figure 11. Dwelling Mix

10.120 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes to meet the needs in the borough, including maximising the proportion of family accommodation. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy DM3.1 of the Development Management Policies.

10.121 The dwelling mix has an over provision of 1 bedroom units and a generally acceptable level of 2 and 3 bedroom units.

10.122 Although the proposal includes the provision of only one family unit, regard has to be given to the constraints of the site and characteristics of the development. As the residential units are at upper floor level the provision of suitable amenity space would be restricted by the available space and design implications of providing adequately sized amenity space, as shown by unit F10 of the proposal. This would be further exacerbated were the amalgamation of one bed units be explored.

10.123 For the reasons set out above it is considered that on balance, the proposed dwelling mix is acceptable in this instance.

Affordable Housing and Financial Viability

10.124 London Plan policies 3.9 (mixed and balanced communities), 3.12 (negotiating affordable housing) and 3.13 (affordable housing thresholds) seek to provide a more balanced mix of tenures in all parts of London and that the maximum reasonable amount of affordable housing should be sought for all planning applications. Policy CS12 (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 over the threshold set above, taking account of the overall borough wide strategic target. It is expected that many sites will deliver at least 50% of units as affordable, subject to a financial viability assessment, the availability of public subsidy and individual circumstances on the site.
- delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing'

- ensuring affordable housing units are designed to a high quality and be fully integrated within the overall scheme.

10.125 The submitted Planning Statement, Affordable Housing Statement and initial financial viability assessment (dated November 2016) approached the provision of affordable housing as an off-site contribution, contrary to the aims of Islington Core Strategy Policy CS12. The submitted justification for this is the assumption that the proposal falls within the definition set out in the National Planning Policy Guidance for Planning Obligations (paragraph 031) and Written Ministerial Statement (WMS) whereby it constituted a 'small scale' development as it comprises 10-units or less.

10.126 Islington Core Strategy policy CS12 is clear that sites capable of delivering 10 or more units gross are required to provide the maximum viable level of on-site affordable housing, especially social rented housing, subject to a financial viability assessment.

10.127 Although the initial submission asserts that in light of guidance in the NPPG and WMS, financial contributions should not be sought from small sites, the applicant, acknowledging the 2016 7-unit scheme (which Committee resolved to approve and which delivered a £350,000 small sites contribution) offered a 'commuted sum' payment of £60,000. This offer was made notwithstanding a financial viability assessment submitted which concluded that a 10-unit open market scheme would incur a small deficit of £130,620. The £60,000 contribution was made on the basis that the applicant was confident that residential market values in this location would continue to (slowly) increase and the development would therefore achieve a small surplus at that point sales commence.

10.128 The Council appointed its external viability consultants (BPS Chartered Surveyors) to undertake a review of the financial viability information. Following a number of revisions and clarifications regarding S106 and CIL contributions, BPS were in agreement with the inputs, assumptions and findings of the applicant's viability assessment.

10.129 Although the scheme fails to provide a development surplus on a market-housing only basis, for transparency and clarity officers requested that the applicant model the provision of 10% and 30% on-site affordable housing. The assessment assumed the affordable units to be shared ownership due to 'issues of practicality' in delivery affordable rental units in a single block of flats. The conclusion of the assessment was that the provision of 10% and 30% affordable units at the site would result in deficits of £315,000 and £815,000 respectively demonstrating that the provision of any on-site affordable housing would put result in significant deficit and prevent deliverability of the scheme. These viability scenarios have again been reviewed both by BPS and the Council's own Chartered Surveyors and found to be realistic.

10.130 In looking at both the 7 unit and 10 unit schemes the problematical conclusion is that a scheme with more residential units would actually deliver less of an affordable housing contribution. A significant factor in this anomalous situation is the cost of the basement excavation associated with the 10-unit scheme. The applicant has acknowledged this rather incongruous situation and has also noted the Council's policy priorities in terms of delivering affordable housing across the borough. As a result, there has been an acceptance that in the very least a comparable affordable contribution to that achieved on the 7-unit scheme would need to be achieved.

10.131 The developer has therefore agreed to reduce target profit levels (maintaining a figure which the NPPF assumes to be reasonable) allowing a contribution of £350,000 to be generated as a commuted sum. The viability appraisal demonstrating how this figure has been achieved has again been reviewed by the Council's in-house Surveyors and found to be relatively robust.

10.132 Officers are satisfied that currently no affordable housing could be delivered on-site and that the maximum reasonable financial contribution has been achieved, the significantly enhanced offer matching that agreed in 2016 for the 7-unit scheme.

10.133 A S106 clause is provided that the agreed offer is supplemented by a further viability review mechanism to be set in place at a time once sales have commenced and that an increased financial contribution towards the provision of affordable housing may be paid to the council, to be determined in accordance with the SPD, in the event that analysis reveals any such potential. In accordance with the NPPF and the Islington Development Viability SPD the applicant has signed a Statutory Declaration to confirm that all Viability assessments are a true and fair reflection of the viability of the development and that they consider the scheme as proposed to be deliverable based on this information.

Sustainability, Energy Efficiency and Renewable Energy

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

10.135 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013, unless it can be demonstrated that such provision is not feasible. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Typically all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock (CS10).

10.136 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.

10.137 Carbon Emissions: The applicant proposes a reduction in total CO₂ emissions of 20.2%, compared to a 2013 Building Regulations baseline. While this falls below the policy target reduction of 27%, the Council's Energy Officer has reviewed the overall strategy and considers this to be the highest achievable reduction at the site. Notwithstanding this, the development exceeds the London Plan policy requirement of 35% reduction on regulated emissions. In order to mitigate against the remaining carbon dioxide emissions generated by the development a financial contribution of £70,012 will be secured in the legal agreement.

- 10.138 Efficiency: The proposal would include high performance building fabric, appropriate air tightness, 100% low energy efficient lighting and passive design measures. This would result in a highly sustainable building in terms of emissions.
- 10.139 Heating and shared heating networks: Policy DM7.3 of the Development Management Policies document identifies that major development should connect to a Shared Heating Network linking neighbouring development and existing buildings, unless it can be demonstrated that this is not reasonably possible. There is no network within 500 metres of the site, the site does not fall into an opportunity area as identified in the London Plan and there are no opportunities for a shared network in the vicinity. In such cases, policy 5.6 of the London Plan and Islington's Environmental Design SPD set out that a site wide CHP should be provided, or where not feasible then a communal heating (and cooling where relevant) system should be installed.
- 10.140 CHP and communal heating have also been considered at the site but are considered unfeasible due to the small size of the development and the low heat loads. Individual condensing combination gas boilers have however been specified for the residential units and an Air Source Heat Pump for space heating and electric heaters for hot water in the non-residential units. Mechanical ventilation is specified for both parts of the development and active cooling for the non-residential area. However, the applicant has confirmed that low temperature, insulated pipework is to be installed that would allow future connection to a district heating network. This provision has been assessed by the Council's Energy Conservation Officer and is considered to be acceptable in this case. The legal agreement and condition 17 secure the implementation of the proposal, inclusive of its future proofed design, in accordance with the submitted Energy Strategy.
- 10.141 Renewables: The proposal includes the provision of a solar photovoltaic panel array on the roof of the development and Air Source Heat Pumps. This is supported as it maximises the potential of a green sustainable form of energy.
- 10.142 Overheating and Cooling: The Thermal Modelling Report shows how passive strategies to reduce the risk of overheating have been followed before mechanical ventilation and a variable refrigerant system (VRF) are specified. The installation of comfort cooling in the non-residential area is justified due to the failure of some units to meet overheating criteria under current climate conditions and others being close to failure. The overheating modelling and cooling hierarchy is acceptable.
- 10.143 Sustainability: The proposed dwellings are all detailed to include sustainable measures that are equivalent to the former Code for Sustainable Homes Level 4, which is in accordance with policy. The Office element of the site is detailed to be BREEAM 'Excellent' and a condition (7) is recommended to secure this.
- 10.144 Green Performance Plan: This is secured in the legal agreement.
- 10.145 Sustainable Urban Drainage: The SUDS strategy has been reviewed and accepted by the Lead Local Flood Authority subject to maintenance details being approved. The details are secured by condition (Condition 20) and the responsibility of maintenance placed on the applicant.
- 10.146 Green Roofs and Water Usage: The proposal includes extensive biodiverse green roofs and a green wall which are secured by condition 12. The water usage of the proposal is secured by condition 26.
- 10.147 Basement: The Council's Sustainability Officer has assessed the submitted details relating to ground water and flooding and considers the proposed basement to be in accordance with the requirements of the Islington Basement Development SPD (2016).

10.148 The energy and sustainability measures proposed are, on balance, considered to be acceptable, and accord with London Plan and Islington Policies.

Highways and Transportation

10.149 The site has a Public Transport Accessibility Level (PTAL) of 6a, which is 'Excellent'. The site is located in close vicinity to a number of bus routes, Upper Holloway Overground Station and Archway Underground Station.

10.150 Public Transport Implications: Although the proposal would result in a greater number of site users. However, due to the excellent level of accessibility at the site and the provision of cycle parking, the proposal would not detrimentally impact upon the surrounding transport infrastructure. A Travel Plan is secured in the legal agreement.

10.151 Vehicle Parking: The site does not currently include any formal parking arrangements and no parking is proposed within the site as part of the application. Residential occupiers of the new units would not be eligible to attain on-street car parking permits for the surrounding Controlled Parking Zone (CPZ) in the interests of promoting the use of more sustainable forms of transport and tackling congestion and overburdened parking infrastructure and this is secured in the legal agreement. The exceptions to this would be where, in accordance with Council parking policy, future persons occupying the residential development are currently living in residential properties within Islington prior to moving into the development and they have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. These residents are able to transfer their existing permits to their new homes. Residents who are 'blue badge' (disabled parking permit) will also be able to park in the CPZ.

10.152 Delivery and Servicing Arrangements: The existing site includes a small external forecourt fronting Holloway Road, which has previously been used to service the building. However, Holloway Road is a Red Route, and the forecourt is partially blocked by a bus stop. The forecourt itself has extremely limited space for vehicles to manoeuvre, turn around and exit in forward gear, and additionally requires ramped access to allow for step-free access, further restricting the available space. The proposed development would be serviced from a proposed on-street loading bay on Fairbridge Road. The bay would be adjacent to an existing nominal vehicular entrance to the application site where there is currently a crossover. While an on-street servicing arrangement is not ideal, it is considered that due to the location of the application site and the restrictions on Holloway Road it would be acceptable in this instance. The crossover would be stopped up and a designated loading bay space clearly marked. Transport for London and the Council's own Highways Officers have accepted this arrangement and it is not considered that, given the relatively low number of deliveries associated with the uses on the site, this would give rise to any highways safety impacts.

10.153 Concerning the hours of delivery, a condition is recommended requiring details of the proposed Delivery/Servicing Plan, including hours, frequency, location and size of vehicles to be submitted to and approved in writing by the Local Planning Authority.

10.154 Refuse collection would continue to take place on-street, as is currently the case.

10.155 Cycle Parking: In accordance with Appendix 6 of the Development Management Policies 2013 the proposal would provide 19 cycle parking spaces (inclusive of an accessible cycle parking space) for the residential element of the proposal. The 18 standard spaces would be in one room at ground floor level (having been moved from the basement in an earlier iteration of the scheme).

10.156 The proposed office element of the scheme would see 4 covered cycle stands (providing 8 spaces) to the front of the property onto Holloway Road and an accessible cycle space within

the main entrance. Appendix 6 of the Development Management Policy would require 23 cycle parking spaces for the quantum of floorspace proposed. It is considered there is sufficient space within the proposed commercial units to provide any shortfall in the overall cycle parking. It is often now the case that employers prefer to keep medium to high value bicycles within internal office/studio space and an area could be set aside in each unit to allow the scheme to meet the 23 space requirement. As such, a condition (14) is recommended requiring details of all cycle parking provision to be submitted to and approved in writing by the Local Planning Authority.

10.157 Construction: The legal agreement secures the repair and re-instatement of the footways and highways adjoining the development; and that the development would be constructed in compliance with the Code of Construction Practice and secures a monitoring fee. Condition 4 secures details of a Construction and Environmental Management Plan to be submitted prior to commencement of development to minimise disruption to surrounding streets and residential amenity.

Planning Obligations/Mitigations/CIL

10.158 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.

10.159 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.

10.160 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant onsite accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.

10.161 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.

10.162 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments.

10.163 The agreement will include the following agreed heads of terms:

- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units. Reasonable fees of consultant appointed by the council to be paid for by the applicant. In

the event of an improvement in viability, an increased financial contribution towards the provision of affordable housing to be paid to the council, to be determined in accordance with the SPD and capped at the equivalent of the council's affordable housing target;

- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;
- Compliance with Code of Employment and Training including delivery of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/2015). If these placements are not provided, LBI will request a fee of £5,000;
- Compliance with the Code of Local Procurement;
- Contribution of £2954 towards employment and training for local residents;
- Compliance with the Code of Construction Practice, including a monitoring fee of £1388, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- Car free residential units – removal of future residents rights to obtain an on street parking permit;
- The provision of two additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £4000;
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD);
- The wheelchair accessible unit shall be required to be marketed as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by the unit and the specific qualities and capacity of the wheelchair accessible unit in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development;
- CO2 offset contribution of £70,012;
- Green Performance Plan;
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

10.164 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community

Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted CIL Charging Schedule 2012 and the Islington adopted CIL Charging Schedule 2014 and is likely to be £87,701.81 for the Mayoral CIL and £143,189.62 for the Islington CIL. This will be payable to the London Borough of Islington after the planning consent has been implemented. The payments would be chargeable on implementation of the private housing.

Other

- 10.165 Representation has been received which states that the developer has redacted information. The submitted documents and plans are available in full on the Council's website and the proposal has been assessed on the basis of the documents/plans submitted.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 A summary of the proposal and its acceptability is provided at paragraphs 4.1 – 4.5 of this report.

Conclusion

- 11.2 It is recommended that planning permission be granted subject to conditions and a s106 agreement securing the heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Off-Site affordable housing contribution of £350,000.
- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units. Reasonable fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, to be determined in accordance with the SPD and capped at the equivalent of the council's affordable housing target;
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;
- Compliance with Code of Employment and Training including delivery of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/2015). If these placements are not provided, LBI will request a fee of £5,000;
- Compliance with the Code of Local Procurement;
- Contribution of £2954 towards employment and training for local residents;
- Compliance with the Code of Construction Practice, including a monitoring fee of £1388, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- Car free residential units – removal of future residents' rights to obtain an on street parking permit;
- The provision of two additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £4000;
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD);
- The wheelchair accessible unit shall be required to be marketed as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by the unit and the specific qualities and capacity of the wheelchair accessible unit in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development;

- CO2 offset contribution of £70,012;
- Green Performance Plan;
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future;
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

That, should the Section 106 Deed of Planning Obligation not be completed within the timescale agreed within the Planning Performance Agreement, 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 the heads of terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>HRH-01, HRH-E3, HRH-E4, HRH-E5, HRH-02, HRH-03, HRH-04 Rev C HRH-05 Rev C, HRH-06 Rev C, HRH-07 Rev C, HRH-08 Rev C, HRH-09 Rev C HRH-10 Rev A, HRH-11 Rev A, HRH-12 Rev A, HRH-13 Rev B, HRH-14 Rev B, Outline Construction Logistics Plan (June 2017), BREEM 2014 Pre-assessment Report (23 Nov 2016), Ecology Report (6 February 2017), Energy Strategy Report (14 Nov 2016 & 16 Jan 2017), Sustainability Statement (14 Nov 2016 & 13 Feb 2017), Arboricultural Impact Assessment (7 Oct 2016), Air Quality Assessment (6 October 2016), Green Performance Plan 916 Nov 2016), Viability Study (November 2016), Viability Update (16 June 2107), Flood Risk Assessment (Oct 2106), Sunlight/Daylight Report (23 Oct 2015),</p>

	<p>Sunlight/Daylight letter (13 Feb 2017), Noise & Vibration Assessment (22 Jun 2015), Transport Statement (1 Sep 2016), Design and Access Statement (8 Nov 2016)</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (Details)</p> <p>CONDITION: Details including drawings at scale 1:20 and samples of all facing materials used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on the development. The details and samples shall include but not be limited to the following:</p> <ul style="list-style-type: none"> a) Facing brickwork(s); sample panels of proposed brickwork to be used showing the colour, texture, bond, and pointing; b) cladding materials and glazing; c) Windows, including materials, profile, reveal depth (minimum 150mm) and detailing; d) Entrance doors and balustrades; e) Privacy screen of at least 1.7m in height to the fifth floor residential balcony overlooking the rear gardens of 726 – 732 Holloway Road and no.2 Fairbridge Road; f) Any other materials used; g) A green procurement plan for sourcing the proposed materials. <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to ensure that the resulting appearance and construction of the development is of an acceptably high standard, so as to preserve and enhance the character and appearance of the surrounding townscape.</p>
4	<p>Demolition, Environmental and Construction Management and Logistics Plan (Details)</p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Demolition, Environmental and Construction Logistics and Management Plan has been submitted to the Local Planning Authority and approved in writing. This</p> <ul style="list-style-type: none"> a) Proposed access routes for construction traffic; vehicular numbers and type b) Permitted hours of access for construction; c) Proposed on-site management measures to ensure that movement of vehicles in and out of the site is safe (and in forward gear); d) Using freight operators who can demonstrate their commitment to best practice - for example, members of our Freight Operator Recognition Scheme (FORS) e) Consolidating deliveries so fewer journeys are needed; f) Using sustainable delivery methods; h) Details of the methods to be used and the measures to be undertaken to control the emission of noise arising from demolition and construction works; and noise, air quality including dust, smoke and odour, vibration, and TV reception <p>The report shall assess impacts during the construction phases of the development on the road network, nearby residents and other occupiers together with means of</p>

	<p>mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the details so approved at all times and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential amenity, highway safety, the free flow of traffic on the surrounding highway network, and to mitigate the impacts of the development.</p>
5	External pipes, cables and CCTV (Details)
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard.</p>
6	Affordable Workspace (Compliance/Details)
	<p>CONDITION: The business accommodation suitable for occupation by micro and small enterprises detailed on drawings HRH/02 Rev A, HRH/03 Rev B and HRH/04 Rev A shall be laid out in accordance with those approved drawings and retained as such permanently thereafter. The micro and small enterprise units shall not be amalgamated with other micro and small units at the site or with the remainder of the office space and shall each be let to a single occupant. Any space that is not provided as physically separate units and is larger than 90sqm requires details to be submitted, prior to occupation, demonstrating how the floorspace meets the needs of small or micro enterprises through its design, management and/or potential lease terms.</p> <p>REASON: In the interests of ensuring that the proposed development contributes to a mixed and flexible employment base and specifically supports the ability of small and medium enterprises to find suitable small (and by virtue of it being small) affordable workspace in the borough.</p>
7	BREEAM (Compliance)
	<p>CONDITION: The development shall achieve a BREEAM Office rating (2014) of no less than 'Excellent' for the office accommodation.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
8	Fixed Plant (Compliance)
	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is</p>

	provided.
9	Sound Insulation between uses (Details)
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office use (B1a use class) and the residential use (C3) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on the relevant part of the development.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an adverse impact on amenity.</p>
10	Sound Insulation from External Sources (Details)
	<p>CONDITION: Prior to superstructure works commencing on site a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>Groundborne noise shall not exceed 40dB LAmax,Slow as measured in the centre of any residential room.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the future residents of the development do not experience unacceptable levels of noise from the railway or adjacent road network.</p>
11	Inclusive Design (Compliance)
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 9 (nine) of the residential units shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 1 (one) of the units shall be constructed to meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).</p> <p>A total of 1 x 2-bed unit shall be provided to Category 3 standards and shall be fully fitted out and ready for a wheelchair user at handover.</p> <p>A total of 3 x 1-bed, 5 x 2-bed and 1 x 3-bed units shall be provided to Category 2 standards.</p>

	<p>Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by Local Planning Authority prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
12	Green Biodiversity Roofs and Wall (Details)
	<p>CONDITION: Notwithstanding the details hereby approved, prior to commencement of the development, details of the biodiversity green roofs and wall(s) shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>b) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum); and</p> <p>c) a maintenance plan for the green / biodiverse roofs/wall to cover the lifetime of the development.</p> <p>The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs/wall shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity and maximises the sustainable urban drainage (SUDs) benefits of the scheme in order to minimise the potential for increased flood risk as a result of the development.</p>
13	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to prevent unacceptable impacts on the functioning and amenity of the area.</p>
14	Cycle Parking (Details)
	<p>CONDITION: Notwithstanding the details hereby approved, prior to superstructure works commencing on site, details of the bicycle storage areas providing no less than 42 cycle parking spaces (19 for residential use and 23 for office use), shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>These spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p>

	<p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
15	<p>Delivery and Servicing Plan (Details)</p> <p>CONDITION: A delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The plan shall include details of all servicing for the development, from a loading bay fronting Fairbridge Road including hours, frequency, location (confirmation) and size of vehicles.</p> <p>The development shall be carried out strictly in accordance with the details so approved.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
16	<p>Obscure Glazing (Compliance/Details)</p> <p>CONDITION: Notwithstanding the hereby approved plans, prior to the first occupation of unit F5 of the development hereby approved details of obscure glazing to the third floor level, north west facing window of the bedroom in unit F5 shall be submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter.</p> <p>All windows at ground, first, second and fourth floor levels on the north east facing elevation of the building and the eastern most window at third floor level of the north east facing elevation shall be obscure glazed and permanently fixed shut, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of preventing direct overlooking and in addition to prevent undue noise disturbance to the residential properties in immediate proximity to the development site. This condition is considered necessary to protect the residential amenity of the Holloway Road properties.</p>
17	<p>Energy Efficiency (Details)</p> <p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 20.2% on-site total C02 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The revised energy strategy shall provide for no less than a 20.2% on-site total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and operational 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>

	REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.
18	Security & General Lighting (Details)
	<p>CONDITION: Details of general and any security outdoor lighting, including full specification of all luminaries, lamps and support structures and hours of use, shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and 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 interests of good design, protecting the setting of and character of the designated heritage assets, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
19	Use of flat roof for maintenance only (compliance)
	<p>CONDITION: Any flat roofs other than those shown on the plans hereby approved as terraces shall not be used except for the purposes of maintenance access.</p> <p>REASON: To protect the privacy of the adjoining occupiers.</p>
20	Sustainable Urban Drainage (Details)
	<p>CONDITION: Notwithstanding the plans submitted, details of a drainage strategy for a sustainable urban drainage system and its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume for the 1 in 100year storm plus 33% climate change allowance and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The drainage system shall be installed/operational prior to the first occupation of the development. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear maintenance plan for the system.</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: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
21	Ventilation (Details)
	<p>CONDITION: Prior to occupation of the residential units, full details of ventilation for the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the future residents of the development do not experience</p>

	overheating or poor quality air.
21	Piling - Thames Water (Details)
	<p>CONDITION: No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimize the potential for damage to subsurface sewage infrastructure and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water, Network Rail and Transport for London. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewage utility infrastructure and therefore information is required in order to ensure no such damage occurs.</p>
22	Piling Method Statement - Railway (Details)
	<p>CONDITION: No development may commence until detailed design and method statements (in consultation with Network Rail and London Underground) for all of the foundations, basement and ground floor structures, or for any other structure below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:</p> <ul style="list-style-type: none"> a) Provide details on all structures; b) Accommodate ground movement arising from the construction thereof; and c) Mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. <p>The works shall then be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p> <p>REASON: To ensure that the development does not impact on existing London Overground and Network Rail transport infrastructure.</p>
23	Holloway Road Forecourt Landscaping (Details)
	<p>CONDITION: Notwithstanding the drawings hereby approved, a landscaping plan for the forecourt fronting Holloway Road shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the site. The details shall include:</p> <ul style="list-style-type: none"> a) existing and proposed underground services and their relationship to both hard and soft landscaping; b) soft plantings: including grass and turf areas, shrub and herbaceous areas; c) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; d) Details of handrails to ramps in accordance with BS8300:2009; e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls, hedges and the feature metal gate to the community centre; f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and g) any other landscaping feature(s) forming part of the scheme.

	<p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping shall have a two-year maintenance / watering provision following planting and any 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 and sustainability, to ensure that a satisfactory standard of visual amenity is provided and maintained, and to facilitate and promote inclusive and sustainable communities.</p>
24	Bird and Bat Nesting Boxes (Details)
	<p>CONDITION: Details of bird and/or bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained 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>
25	Bat Survey (Details)
	<p>CONDITION: A Bat Survey shall be carried out prior to any works, including demolition and vegetation clearance, commencing on site. The survey should include an initial ground level inspection of all trees to be removed or requiring management to identify trees and other areas with features of potential value to roosting bats. The results of the survey, including any proposed actions or mitigation measures, should be submitted in the form of a method statement and approved in writing by the Local Planning Authority prior to any work commencing on site.</p> <p>REASON: To ensure the development does not create harm to wildlife, habitats and valuable areas for biodiversity.</p>
26	Water Usage (Compliance)
	<p>CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>

List of Informatives:

1	Positive Statement
	INFORMATIVE: To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's

	<p>website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	S106
	<p>INFORMATIVE: You are advised that this permission has been granted subject to the completion of a S106 legal agreement to secure agreed planning obligations.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</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 and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
4	Superstructure
	<p>INFORMATIVE: DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
5	Network Rail
	<p>INFORMATIVE: In order to ensure the safe operation of the railway, Network Rail reminds the applicants of their requirements to:</p> <p>Future maintenance: The development must ensure that any future maintenance can</p>

be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air space to facilitate works. The applicant / resident would need to receive approval for such works from the

Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land . No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage: No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials: All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding: Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed . The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling: Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the

commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing: In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting: Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration: The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping: Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebryna"

Not Permitted: Alder (Alnus Glutinosa), Aspen - Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

	As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from their website at www.networkrail.co.uk/aspx/1538.aspx .
6	Thames Water
	<p>INFORMATIVE: The applicants are reminded that Thames Water does not allow connections for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.</p> <p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provision of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203 577 9483 or by emailing wwgriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
7	Transport for London
	INFORMATIVE: Separate agreement(s) with TfL will or may be required in respect of the ultimate removal of the existing vehicle crossovers on Holloway Road, the proposed basement works and scaffolding and hoarding licenses and protection of London Overground services (and with Network Rail for the infrastructure itself).

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

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

2. Development Plan

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

A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

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

Policy 2.2 London and the wider metropolitan area

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.13 Affordable housing thresholds

Policy 3.16 Protection and enhancement of social infrastructure

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.12 Improving opportunities for all

5 London's response to climate change

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

Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
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

B) Islington Core Strategy 2011

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)

Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.6 Play space

DM3.7 Noise and vibration (residential uses)

Shops, cultures and services

DM4.4 Promoting Islington's Town Centres

Employment

DM5.1 New Business Floor space

DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

Employment

DM5.1 New Business Floor space

DM5.4 Size and affordability of workspace

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

3. Designations

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

- Archway Town Centre

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

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

London Plan

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

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