

# PLANNING COMMITTEE REPORT

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

<b>PLANNING COMMITTEE</b>	
<b>Date:</b>	23 April 2015

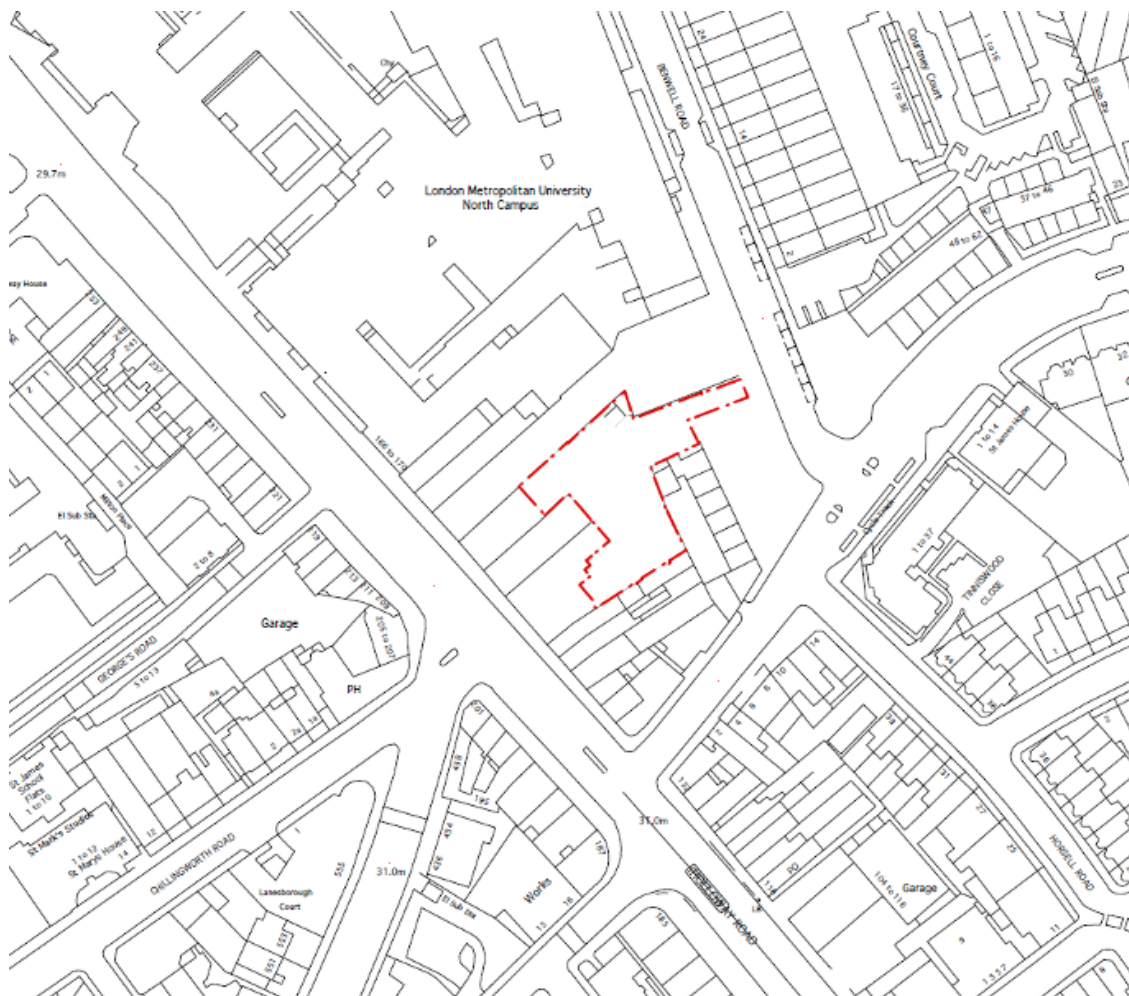
Application number	P2014/1909/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	No
Conservation area	Yes – St Mary Magdalene Conservation Area
Development Plan Context	- Site Allocation HC4 - St Mary Magdalene Conservation Area - Ring Cross Archaeological Priority Area - Local Shopping Centre: Holloway Road - Core Strategy Key Area 4
Licensing Implications	None
Site Address	11-13 Benwell Road, London N7 7BL
Proposal	Demolition of existing vacant warehouse buildings and redevelopment of the site comprising the erection of a 5 storey building fronting Benwell Road (Block A) creating 3 residential units (2 x 1-beds & 1 x 3-bed) and 6 storey L shaped building (Block B) creating 466sqm of office space (Class B1) at ground floor and 22 residential units on the upper floors (5 x 1-beds, 16 x 2-beds) with cycle storage, refuse/recycling facilities and landscaping.

Case Officer	Ben Le Mare
Applicant	Aitch Group
Planning Agent	Nathaniel Litchfield Partners

## 1. BACKGROUND

- 1.1 The application is now the subject of an appeal against non-determination. The appeal was submitted to the Planning Inspectorate on 24<sup>th</sup> March 2015. Attached in **Appendix 1** to this report are the applicant's grounds of appeal.
- 1.2 The Committee is therefore being asked for a resolution as to what their decision would have been had the Council still retained its decision making powers (as they had before the appeal was lodged). This will enable officers to prepare written statements for submission to the Planning Inspectorate.
- 1.3 If the Planning Committee is minded to GRANT planning permission, then set out in **Appendix 2** is a list of s106 heads of terms and a list of planning conditions that would be necessary and appropriate to attach to any permission, or be sought as part of any Statement of Common Ground.
- 1.4 If the Planning Committee would have been minded to refuse the application then officers would suggest that the grounds for refusal be provided at Committee and the detailed wording of any reasons for refusal be delegated to officers.

## 2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET



Photo 1: Aerial view of site & surroundings.



Photo 2: Benwell Road Frontage



Photo 3: Courtyard and the building's front



Photo 4: Undercroft Parking



Photo 5: View south across the roof

#### 4. SUMMARY

- 4.1 The existing warehouse building is in a derelict state following a five year period of being squatted. In 2011 planning permission was secured for the change of use of the existing warehouse building, including erection of part single, part 2-storey roof extension and erection of a 6-storey infill building fronting Benwell Road to provide for 21 residential units, 588sqm business (Class B1) floor space. It is understood that this scheme was not implemented on the basis that it would have required the retention of the existing building, which has structural problems.
- 4.2 This planning application proposes the demolition of the existing building on the site and the erection of two buildings (5 storey infill building fronting Benwell Road and a 6 storey central building) which would provide a total of 25 residential units and 466sqm of B1 employment floorspace in two ground floor commercial units. The courtyard in between the buildings would be landscaped.
- 4.3 The proposals have been subject to ongoing discussions with officers at both pre-application and application stages since January 2014. During the consideration of this application the scheme has been amended in response to concerns raised by officers and local residents relating to the development's impact on the historic character of the conservation area and adjoining residential amenity. Notably, these included an increased set back of the top floor, changes to the dwelling mix and repositioning/reduction in the size of balconies and windows.
- 4.4 As required by the Site Allocation a mixed-use development is supported in this location. The residential and commercial floorspace proposed would be of a good standard of design and layout.
- 4.5 The existing building is considered to be of some positive value as a building of its type and as part of the historic development of the area, therefore contributing to the

character and appearance of the conservation area. Its loss is considered to cause less than substantial harm. The applicant has submitted a heritage statement which identifies the building as being of limited architectural value in a poor state of repair. The findings of this report are accepted by the council. The replacement building however needs to be of a high quality design with good quality materials and construction to justify its loss.

- 4.6 The development is considered to be of an appropriate standard of design and appearance for the conservation area. The scheme was amended to increase the set back of the top storey; however the rear of Block B would be visible from public view points along Holloway Road and Chillingworth Road which is a shortcoming.
- 4.7 In terms of impact on residential amenity, privacy, outlook and noise nuisance, mitigation measures would be required through condition. There would be a loss of light to windows serving habitable rooms, particularly north facing single aspect units at first and second level within 154-156 Holloway Road which is a shortcoming of the scheme. Whilst this scheme is taller than previous schemes at this site, the building is set further away.
- 4.8 The proposed residential density is appropriate given the site's location, its context and the quality of the proposal's design. The proposed dwelling mix for the market units is considered to respond well to the council's policy requirements.
- 4.9 The affordable housing offer has been independently reviewed by BSP Chartered Surveyors. The scheme currently offers 24% (by units) and 26% by habitable rooms with a split of 50% social rented (SR) units (three units) and 50% shared ownership (SO) units (three units). By habitable rooms the tenure split is also 50% (eight rooms) social rented and 50% (eight rooms) shared ownership. This fails to comply with the council's policy requirement of 70% SR and 30% SO units (by habitable rooms).
- 4.10 A financial viability assessment has been submitted and is considered to justify the provision of this level of affordable housing, following a thorough independent review. The affordable housing offer is considered to be the maximum reasonable amount the site can deliver having regard to site specific constraints and viability implications.
- 4.11 The resulting residential accommodation is considered to be of an appropriate standard, quality and amenity given the constraints of the site.
- 4.12 The development provides for habitats in the form of a green roof and landscaped communal central courtyard. The sustainability and energy measures would need to be secured through conditions.
- 4.13 Subject to planning conditions, CIL and the s106, the scheme is not considered to adversely impact on the existing surrounding street network nor adversely impact upon on-street parking spaces.
- 4.14 Consideration has been given to the objections made regarding the impact on residential amenity of nearby properties and also regarding: the height, scale, appearance, density of the development, together with its impact on development potential of surrounding properties.
- 4.15 The application has been considered in the context of the Development Plan and National Planning Policy Framework (NPPF) and the presumption in favour of

sustainable development and bringing derelict sites back into active use. Additionally the NPPG as updated has also been considered in the assessment of the application.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is of an irregular shape, covers an area approximately equal to 1,300sqm (0.13ha) and benefits from a narrow street frontage to Benwell Road – the vast majority of the application site forms a backland site and is enclosed by existing neighbouring buildings.
- 5.2 The site contains a large part 3, part 4-storey industrial building which occupies the northern and southern portions of the site and faces onto a central courtyard. The existing building is vacant, nearing dereliction and has a history of being squatted. It is accessed solely from a narrow vehicular access from Benwell Road, which terminates within the central courtyard. The access route is part oversailed by existing accommodation of no. 1-9 Benwell Road (supported by stilts), which has created an undercroft. An existing residential entrance/door to 1-9 Benwell Road exists beneath, and is accessed via the undercroft.
- 5.3 The main body of the site falls within the St Mary Magdalene Conservation Area, however the narrowest portion of the vehicle access is not. The existing buildings are not listed nor are there any listed buildings which adjoin, or within close proximity to, the site. No. 148-152 Holloway Road, which adjoins the south western boundary of the site is noted on the Council's register of locally listed buildings. The roof of No.148-152 has an unauthorised two storey roof extension which is subject to ongoing enforcement action.
- 5.4 The surrounding area comprises a varied mixture of uses and building types. Holloway Road to the south west displays a strong commercial character and nos. 144 to 164 which adjoin the site range in heights from part single, part 3-storey (nos. 154-158) to 4-storeys (no. 148-152).
- 5.5 The existing buildings on site are visible above the parapets of nos. 154-158. Benwell Road, displays no particularly strong character and shows a mixture of building styles, heights and uses. No. 1-9 Benwell Road, a modern red-brick / glazed residential building is situated south (and part over) the vehicle access of the site. No.15-21 Benwell Road is in commercial/business use at ground floor level with residential use above. This building runs the full length of the site's northern boundary from Benwell Road to Holloway Road. Drayton Park Mews adjoins the southern and eastern boundaries of the site and contains seven 3-storey dwellings accessed by a private mews-road; nos. 1 and 2 Drayton Park Mews have windows on their boundary overlooking the site.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The planning application proposes to demolish the existing vacant warehouse buildings and redevelop the site to provide a mixed-use scheme over two separate blocks.
- 6.2 Block A fronting Benwell Road is proposed to be 5 storeys in height and comprises 3 residential units (2 x 1-beds & 1 x 3-bed). Block B, which is located at the rear of the site would be 6 storeys in height and comprises 466sqm of employment floorspace

space (Class B1) at ground floor and 22 residential units on the upper floors (6 x 1-beds, 16 x 2-beds).

6.3 The development includes a landscaped courtyard between the two blocks which would be used solely by the residential and commercial occupiers of the development. The scheme also includes areas of green roofs and PV panels.

6.4 Of the 25 dwellings created the affordable housing offer is 24%, providing three (3) social rented units in Block A and three (3) shared ownership units on the first floor of Block B. The level of provision was based on financial viability outcomes and the constraints of the site layout.

#### Scheme Amendments

6.5 The application has been amended to address a number of concerns relating to design, housing mix and standard of accommodation/access, amenity and cycle parking. The main changes to the proposals include:

- *Increased set back of the top floor of Block B;*
- *Revised mix of units (more 2-beds) and the creation of more dual aspect apartments;*
- *Revised floor layouts and access arrangements;*
- *Removal / repositioning of balconies and windows;*
- *Improvements to cycle storage facilities.*

## **7. RELEVANT PLANNING HISTORY:**

### The application site (11-13 Benwell Road)

7.1 In 2006 planning permission was refused for '*conversion and extension to provide mixed use development of 37 flats (23 x 1 bed and 14 x 2 bed) and 627 sqm of B1 floor space*'. This application was refused for 10 reasons and subsequently appealed. The appeal was dismissed and the appeal decision upheld six (6) of the reasons for refusal relating to the following issues:

- prejudicial impact on development of Holloway Road (prejudicial impact only, height was not considered contentious);
- failure to meet adopted space standards for residential accommodation;
- unacceptable standard of residential amenity;
- undue overlooking of resulting and existing residential windows;
- failure to provide a safe and secure development;
- insufficient cycle parking provision;

7.2 In January 2011 planning permission was granted (ref: P090106) for '*change of use of existing warehouse building including erection of part single, part 2-storey roof extension and erection of a 6-storey infill building fronting Benwell Road to provide for 21 residential units, 588sqm business (Class B1) floor space; together with the provision of a disabled car parking space, cycle provision, refuse/recycling enclosures, landscaping and associated works.*' The consent expired on 25/01/2014.

### 146 -152 Holloway Road



- 7.3 In September 2014 planning permission was refused for '*retention of mansard roof extension to create 4 additional rooms for use in association with the existing hotel/bed & breakfast located over first, second and third floors at the above property*' (ref: P2014/2586/FUL) The mansard was refused consent by reason of its unacceptable scale, height, bulk and overall design and four inappropriately positioned windows fronting onto Holloway Road harming the significance of a locally listed building, streetscene and surrounding St Mary Magdalene Conservation Area. The Council is currently pursuing enforcement action to secure the removal of the mansard extension.

158 Holloway Road

- 7.4 In February 2015 planning permission was refused for '*part demolition of existing retail building and construction of part four and part five storey building to provide ground floor and basement retail use (A1), the creation of 7 flats (1 x studio, 3 x 1 bedroom and 3 x 2 bedrooms) and alterations to shopfront (ref: P122112 & P122368)*'. The scheme was refused 25/02/2015 by reason of its inappropriate design, the provision of substandard residential accommodation and omission of step-free access.

**Pre-application advice**

- 7.5 The proposed development was subject to pre-application discussions since January 2014. A number of amendments have been made to the plans in this process, affecting the design of the proposals in response to officer comment including the Design and Conservation officer.

**8. CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of 270 adjoining and nearby properties at Holloway Road, Benwell Road, Hartnoll House, Georges Road, Tinniswood Close, Hornsell Road, Drayton Park Mews and Courtney Road on 24/06/2014. Site notices and a press advert were displayed on 03/07/2014. The first period of public consultation closed on 24/07/2014.
- 8.2 Re-consultation (14-Day): In response to the submission of revised plans and supporting information the Council re-consulted on the application. Letters were sent to the same 270 properties and persons responding to the first consultation notification on 20/10/2014. A site notice was displayed on the 21/10/2014. The public consultation expired on the 04/11/2014. One (1) additional response was received from a resident of Tinniswood Close who raised comments already summarised below.
- 8.3 At the time of the writing of this report a total of 5 responses had been received with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- The proposed building by reason of its height and scale would have a harmful impact on the character and appearance of the conservation area and the setting of locally listed building (**para. 10.41 – 10.43**);
  - There would be an unsuitable density for the site, resulting in cramped living conditions (**para. 10.80 – 10.85**);

- Loss of daylight / sunlight to flats at 154/156 Holloway Road (**para. 10.69 – 10.72**);
- Loss of privacy resulting from the balconies and windows which are proposed (**para. 10.47 – 10.51**);
- Increased parking pressures in the area (**para. 10.93 – 10.94**);
- Noise and disturbance from construction works (**para. 10.78 – 10.79**).

### **External Consultees**

- 8.4 English Heritage (GLASS) – Require for a Written Scheme of Investigation to be secured through condition to establish if any medieval remains survive on the site.
- 8.5 Transport for London – Given the proximity of the TLRN a Construction Logistics Plan (CLP) should be submitted by condition in order to reduce the impact of construction on the road network.
- 8.6 London and Middlesex Archaeology Society (LAMAS) – As the site has previous approvals the scheme appears carefully considered in terms of the character and appearance of the surrounding area.

### **Internal Consultees**

- 8.7 Acoustic Officer – The site is relatively shielded from road noise although any new residents will be affected by noise from Arsenal games and fans accessing and exiting the stadium. Any permission should therefore be subject to a condition requiring a scheme for sound insulation and noise control measures. In terms of the plant which is proposed, this should be subject to a condition requiring that the council's noise levels are not exceeded. The officer also recommends that given the previous use of the site a land contamination investigation should be carried out through a condition.
- 8.8 Access Officer – Many of the measures which have been provided comply with the council's Inclusive Design SPD. However, significant concerns have been raised that flats within Block A are not lift accessible or have any accommodation at entrance level - this is contrary to planning guidance.
- 8.9 Design and Conservation Officer – The existing building is considered to be of some value to the character and appearance of the conservation area even given its location within a closed site. The loss of the building is considered to cause less than substantial harm, however given the council's assertion that it does make some contribution there should be some form of public benefit from any scheme as set out in paragraph 134 of the NPPF.

At the request of officers the top storey has been set back in order to reduce visibility of the building from within the conservation area. Whilst it is noted that an effort has been made to address earlier concerns, glimpses of the building would still remain over the top of buildings on the main street frontages surrounding the site. It is considered that this still demonstrates that the building on the backland site is not subservient as would normally be expected. Officers are therefore expected to balance the merits of the scheme in the context of this shortfall in urban design.

- 8.10 Transport Officer – The development has been improved following the submission of revised plans showing an increase in the provision of cycle parking spaces from 48 to 54 spaces. If the council are minded to approve the development then it should be subject to a condition requiring the submission of a service and delivery management plan and a legal agreement requiring all the new residential units to be car-free and the provision of two disabled parking bays.
- 8.11 Ecology Officer – Findings of the ecological assessment are considered to be sound and thorough. The officer recommends conditions requiring the submission of a landscape management plan and details of bat and bird boxes.
- 8.12 Energy Conservation Officer – The revisions to the scheme’s design has improved the proposed reduction in energy consumption. The 30% CO2 emissions reduction on the 2010 Building Regulations cannot be achieved (19.8% is achieved). The development should however be required to make a carbon offset contribution of £54,896. The proposal should be subject to conditions if approved.
- 8.13 Sustainability Officer – Should the council be minded to approve the application then conditions requiring further information regarding green roofs, SUDS, waste management should be appended. The water target is also required to be met through a condition.
- 8.14 Tree Preservation / Landscape Officer – Neither the development nor its construction would harm existing trees around the site. Details of landscaping should however be secured through a condition.
- 8.15 Street Environment Division – The proposed arrangements for refuse storage and collection are considered appropriate.
- 8.16 Local Lead Flood Authority (LLFA) officer – Insufficient information has been provided by the applicant to demonstrate how surface water drainage would be dealt with by the development. Furthermore, the owner should be required to commit to maintaining the SUDS measures which are proposed. An undertaking within the legal agreement would be sought.

## 9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in **Appendix 3**. This report considers the proposal against the following Development Plan documents.

### National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 On the 28<sup>th</sup> November 2014, a Ministerial Statement and revision to the Planning Practice Guidance (PPG) were published, which seeks to offer a vacant building credit (VBC) whereby the developer would be offered a financial credit equivalent to

the existing gross floorspace of relevant vacant buildings when the LPA calculates any affordable housing contribution which would be sought. The applicant has not sought to apply VCB to this scheme.

- 9.4 In considering the relevance of the changes to the PPG in light of the NPPF requirement to meet the full objectively assessed needs for market and affordable housing, the Council is mindful that the NPPF sets out the government's national planning policy.
- 9.5 Furthermore, planning legislation (Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004) provides that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.6 Under the Ministerial Statement of 18 December 2015, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

### **Development Plan**

- 9.7 The Development Plan is comprised of the London Plan (FALP) 2015, 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 3** to this report.

### **Designations**

- 9.8 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011 and Development Management Policies 2013 and Site Allocations DPD (2013).

- Site Allocation HC4 – 11-13 Benwell Road
- St Mary Magdalene Conservation Area
- Ring Cross Archaeological Priority Area
- Local Shopping Centre: Holloway Road
- Core Strategy Key Area 4

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

- 9.9 The SPGs and/or SPDs considered relevant are listed in **Appendix 3**.

## **10. ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:

- Land-use;
- Dwelling mix and affordable housing;
- Design, conservation and heritage;
- Impact on neighbouring residential amenity;
- Quality of employment floorspace and residential accommodation;
- Transport and Highways;

- Sustainability and energy conservation;
- Other issues: landscaping/trees contaminated land and archaeology.

### Land-use

10.2 The site has an established use for business / light industrial purposes (Class B1 use) and the existing part 3, part 4-storey industrial building provides for a total floorspace equal to approximately 2499sqm. The existing building is vacant and as a consequence the building has fallen into disrepair. It is noted as having a history of abuse by squatters.

10.3 The site is allocated in Islington's Site Allocations DPD (ref: HC4). The allocation reads as follows:

*'Mixed use redevelopment / conversion providing business (B class) and residential uses including infill development above the entrance on the Benwell Road building.*

*This would facilitate the reinstatement of employment use on the site and provide regenerative benefits for the local area. An element of residential use would also help to meet identified need in the borough.*

*Amenity space should be included. A better development and improved access may be possible if site assembly included adjacent industrial sites.'*

10.4 The proposal contains two separate elements:

- the erection of an infill building fronting Benwell Road (Block A), which would consist of a 4-storey building (providing 3 residential units) over 2-storey undercroft providing vehicle and pedestrian access into the site beyond and cycle parking.
- the demolition of the existing building and the erection of a 6 storey building (Block B) and a change of use from wholly business / light industrial use (B1a / B1c) to mixed-use residential / business accommodation (C3 / B1). The resulting building would provide for two ground floor (separate) business units of 159.6sqm and 306.4sqm respectively (466sqm in total). At upper levels the proposals would deliver 22 residential units.

10.5 The balance of residential/business accommodation proposed which retains the entirety of the ground floor of the main building in business use is considered to generally accord with the site allocation requirement for provision of business and residential uses.

### Business Accommodation

10.6 The proposed development would reduce the existing (B1) business/light industrial accommodation from 2,499sqm to 466sqm – a reduction of approximately 2,033sqm. Policy DM5.2 of Islington's Development Management Policies (IDMP) states that proposals resulting in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace.

- 10.7 The applicant has provided supporting information from a local letting agent (Christo & Co) detailing that they have actively marketed the site for 5 years through advertising in local and national publications, on websites, emailing details to potentially interested parties. Sales boards were also on the property and a number of informal tenders were received. The property has not been in commercial use for most of the 5 years which provides an indication of the lack of demand for this type/quality of employment floorspace in the area.
- 10.8 Additionally, the previous planning permission for this site was not implemented and has since lapsed. That permission granted a slightly greater amount of business floorspace and slightly fewer (4) residential units.
- 10.9 The reduction of the existing business accommodation on this site was approved in the previous appealed application and whilst policies have changed since then, the site has not been developed despite permissions being secured on two separate occasions (including in the 2011 planning consent).
- 10.10 Although the existing buildings on the site were originally built for business purposes (c.1920) and the site could be considered to be adequately suited to business use, the site allocation recognises that in this backland location with very limited opportunity for a street presence there are '*constraints posed by the physical boundaries and limited access to the site*'. The proposed reduction of 2,033sqm of business floorspace is therefore not objectionable in this particular instance given that the proposals are judged to accord with the site allocation and given that the site has been actively marketed for a 5 year period.
- 10.11 The specific site constraints are considered to present exceptional circumstances whereby the proposed reduction of business floorspace is acceptable.
- 10.12 The resulting (B1) business/office accommodation would be of sizes and layouts which would cater for a broad range of (B1) business/office purposes. Proposed floor to ceiling heights would be of a suitable 3m (minimum) clearance and the units would be serviced from within the proposed central courtyard. It is noted that the accommodation would have roof lights, high windows / wide opening doors. The provision of the roof lights is required to maintain an acceptable standard of resulting accommodation and would be required through a condition. The proposed business/office accommodation has been design for a range of B1 occupiers.

### **Dwelling mix and affordable housing**

#### Dwelling mix

- 10.13 Islington Core Strategy (ICS) policy CS12 (Meeting the housing challenge) requires provision of a range of unit sizes within individual schemes in order to meet the needs within the borough. The overall mix of dwellings should respond to the identified need as highlighted by the Islington Housing Needs Survey 2008, which is also illustrated within IDMP policy DM3.1 (Mix of housing sizes) and Table 3.1 in the IDMP document (reproduced below).

Tenure	1 bed	2 bed	3 bed	4 bed	Total
Market - Private Sale	10%	75%	15%	0%	100%
Shared Ownership	65%	35%	0%	0%	100%

Social Rented	0%	20%	30%	50%	100%
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- 10.14 During the consideration of the application the dwelling mix was amended at the request of officers to remove five 3B/5P units between first and third floors within Block B and replace them with 2B/4P units. This was required as the dwelling mix for market units was a long way off meeting the above requirement (Table 3.1).
- 10.15 The revised scheme consists of 25 residential units, with 19 market units, 3 social rented units and 3 shared ownership units. Firstly, considering the market units, the proposed mix is 4 x 1-beds (22%) and 14 x 2-beds (77%) which are broadly in line with policy, having particular regard to the particular constraints of the site and the characteristics of the development, and need to minimise outdoor amenity space to limit potential for overlooking adjoining residential properties.
- 10.16 In terms of the shared ownership units, 1 x 1-bed (33.4%) and 2 x 2-beds (66%) are proposed on the first floor of the building and would be accessed directly off the lift / staircore. All of the social rented units are proposed in Block A and would comprise 2 x 1-beds (66.6%) and 1 x 3-beds (33.4%). The level of provision and the mix of units provided for both the shared ownership and social rented units are not in accordance with policy CS12. However, this is attributed to the low number of units being proposed within the scheme, the constrained nature of the site and the competing priorities of the scheme design (i.e. an additional residential core would further reduce the B1 floorspace) and additionally the affordable housing offer (discussed below).

*Affordable housing and viability*

- 10.17 Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 173 states that to ensure viability, *“the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”*.
- 10.18 London Plan policy 3.12 states that the “maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. It adds that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation (‘contingent obligations’), and other scheme requirements”.
- 10.19 ICS policy CS12 (part G) states that Islington will meet its housing challenge, to provide more affordable homes by:
- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
  - requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to

provide financial contribution towards affordable housing provision elsewhere in the borough.

- seeking the maximum reasonable amount of affordable housing, especially Social Rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
- delivering an affordable housing tenure split of 70% social housing and 30% shared ownership housing.

- 10.20 The London Plan Housing SPG (2012) requires that for schemes with a shorter development term, consideration should be given using s106 clauses to trigger a review of viability, if a scheme is not substantially complete by a certain date. These approaches are intended to support effective and equitable implementation of planning policy while also providing flexibility to address viability concerns such as those arising from market uncertainty.
- 10.21 **Current affordable housing offer:** The scheme proposes 24% out of the total 25 units as affordable housing – 3 social rented units (2 x 1-beds and 1 x 3-bed) and 3 shared ownership units (1 x 1-bed and 2 x 2-beds). This equals 26% by habitable rooms.
- 10.22 The 50% (by units and by habitable rooms) split of shared ownership to social rented units is contrary to planning policy, but the applicants have indicated that this is as a result of the constrained nature of the site. The offer has been increased since the time of submission which at that stage offered 16% (by units).
- 10.23 The Council appointed BPS Chartered Surveyors to undertake a review of financial viability for this scheme. The assessment sought to determine the deliverability and viability of the proposed scheme.
- 10.24 An initial draft viability response was prepared by BPS and sent to the applicant in September 2014. This requested a response to various questions that BPS had after reviewing the applicant's information, particularly in relation to the Existing Use Value (EUV) for the site and the build costs of the development. BPS were therefore unconvinced that the development would at that stage (with a 16% affordable housing offer by units) deliver the maximum amount of affordable housing from the scheme.
- 10.25 In response to these concerns and the request for further information discussions took place between BPS, BNP Paribas (applicant's consultant) and council officers. BNPP submitted further information in relation to build costs and with respect of the EUV. This was reviewed by BPS and the offer was discussed at length with the council. BPS issued their addendum viability report on the 9 March 2015. Given the detailed and comprehensive way that the report deals with financial viability it is not attempted to summarise the report within this section of the report so a redacted copy is provided in **Appendix 4**.
- 10.26 Value of Shared Ownership Units: In reviewing the affordable housing offer and the report published by BPS it has been identified that the shared ownership values adopted in the appraisal do not appear overly high - particularly the 2-bedroom units. It appears that BNPP originally applied a lower value per sq ft for the 3-bed shared ownership unit which contributed to the blended £356 per sq ft value of the shared ownership unit, but did not amend this when changing the 3 bed unit to a 2 bed unit, which would have brought the blended rate up.



- 10.27 Prior to the submission of an appeal against non-determination, a meeting was held on 17 March 2015 between officers and the applicant to discuss, amongst other matters, measures by which the affordable housing proposals would be secured through clauses in a s106 agreement. These included the following:
- The shared ownership units should have their future value fixed to that applied / entered in the viability assessment.
  - The viability of the scheme should be subject to a review mechanism, requiring the submission of an updated viability appraisal in the event of delay of implementation.
- 10.28 Further to this meeting, a conversation took place between the case officer and the applicant to discuss the possibility of switching all of the shared ownership units to 1-bedroom units to better reflect the policy mix that is sought and due to affordability concerns in relation to 2-bedroom shared ownership units in the borough. The applicant appeared amenable to accommodate this request. However, following submission of the appeal no further discussions have taken place on the matter.
- 10.29 At this point in time no formal agreement to include a review mechanism as part of heads of terms has been given by the applicant. In the context of this site, officers consider that should superstructure works be achieved within 18 months of the grant of planning permission, then no review mechanism should apply. However in the event that superstructure works have not been achieved by this time a review mechanism should be required.
- 10.30 Additionally, whilst no formal agreement has been provided from the applicant, in relation to securing the value of the shared ownership units within the legal agreement, in the event that changes to the shared ownership mix are not achieved, then securing the value within a s106 head of term will also be pursued as part of s106 negotiations leading into appeal preparation.
- 10.31 In summary, the Council's independent viability consultants have concluded that the 24% affordable housing offer represents the maximum reasonable amount of affordable housing that this scheme could afford to deliver. Whilst the tenure split does not accord with adopted planning policy, securing additional social rent units would require Block B (which has a single access core) to be shared by three different tenure types, which officers recognise could cause management problems and high service charges. The tenure split therefore recognises this constraint of the site.

### **Design, Conservation and Heritage Considerations**

- 10.32 The application site is located within the St Mary Magdalene Conservation Area and adjoins a Locally Listed Building (148-152 Holloway Road). The site is not within any strategic or local viewing corridors. Islington's Conservation Area Design Guidelines state under section 6.7, that *'the Council wishes to retain all statutory and locally listed buildings together with all other 18th and 19th century buildings in the area, and will only grant conservation area consent for their removal where there are special circumstances or where the proposal would preserve or enhance the character or appearance of the conservation area'*.

10.33 The proposed redevelopment comprised of two buildings; the erection of a new infill building which would straddle the pedestrian accessway (Block A) and the erection of an L shaped building (Block B) following the demolition of the existing warehouse building.

*Demolition*

10.34 The existing building on site was to be retained within the 2011 scheme. The loss of the commercial/industrial building needs to be considered in terms of the NPPF, local policy and guidance. It does appear to be of early–mid 20th Century construction in brick with crittall style metal framed windows. The applicant has submitted a heritage statement and has assessed the building as being of limited architectural value in a poor state of repair. Whilst the building is within an enclosed site; it is considered to have historic value as a building of its type and as part of the historic development of the area, therefore contributing to the character and appearance of the conservation area.

10.35 The applicant has put forward an argument to justify its loss. Nevertheless given the Council's assertion that it does make some limited positive contribution, its loss is considered to cause less than substantial harm to the character and appearance of the conservation area. There should be some form of recognised public benefit from any development scheme as set out in the NPPF section 134 in order to justify its loss. As part of the justification for loss of the existing building, it is imperative to have a high quality design of replacement building with good quality materials and construction.

*Site layout*

10.36 The majority of the site is screened from public view points, however, through being located within a designated conservation area careful consideration needs to be given to the design of new development to ensure that it can conserve and enhance the character and appearance of the area.

10.37 At present the existing site benefits from a narrow vehicular accessway from Benwell Road which terminates in an open courtyard. Due to the constraints of the site in terms of its physical boundaries and also sensitivities of some neighbouring properties, the proposed development alters little of the existing layout. The existing footprint of the industrial building is roughly maintained and a courtyard area (410sqm) with playground (33sqm) is proposed in front. A vehicular access is maintained through the undercroft of 1-9 Benwell Road – this is required for access to the existing substation. The new infill building (Block A) is grounded by a stair core and cycle parking area and provides level pedestrian access into the courtyard and Block B to the rear.



**Proposed site layout**

*Block A*

- 10.38 The new block would infill an existing gap in the building line between 1-9 & 15-21 Benwell Road. A similar design of building in this location was granted under the 2011 planning permission. This current proposal is considered to respond well to its context in terms of its height, scale and in the use of materials. The rear projection of the block has been reduced compared to the 2011 scheme and now lines up with the rear of No.1-9 Benwell. This elevation would not be visible from public view points. This design accords with the site allocation.



**Block A – Front Elevation**



**Block A – Rear Elevation**

*Block B*

- 10.39 The proposed building is in a backland site and although there is a substantial building in existence, any replacement building is required to be subservient to the perimeter buildings in height and mass and should not as a rule rise above them.
- 10.40 In terms of architectural quality, the front elevation of Block B is considered to be appropriate for its setting within an enclosed courtyard, with limited visibility.

Furthermore, the proposed fenestration pattern, redesigned balconies and the use of brick is considered suitable in this instance. Turning to the rear elevation of the building, a covered walkway is proposed along most of the façade. Officers raised some concerns in terms of its visual appearance and the impact which it would have on amenity.

- 10.41 The main area of concern from a conservation perspective relates to the top storey of Block B, which would be visible from outside the site (shown in the submitted Townscape and Visual Impact Assessment). As set out in the planning history section above (para. 7.3), the adjoining Locally Listed Building (146-152 Holloway Road) has an existing two storey mansard, which is unauthorised and subject to enforcement action. Consideration therefore needs to be given to the future situation whereby the additional second storey of the roof extension of No.146-152 could be removed, as required by an enforcement notice. This would add prominence to Block B when viewed from Chillingworth Road, Liverpool Road and Holloway Road.
- 10.42 During the determination of this application Block B has been modified at the request of officers following concerns being raised in respect of the height of the top floor. The revised scheme demonstrates a 1.5m set back of the top floor (from the rear elevation wall) which is considered to reduce, but not eradicate its visibility from surrounding streetscenes and the wider conservation area. Should a reason for refusal be considered in this regard, it would need to demonstrate that harm is caused. It is worth pointing out however that the west side of Holloway Road is not characterised by a uniform townscape or consistent roofscape, rather the buildings seen in the foreground and to the rear in these views form a somewhat irregular amalgamation of facades, roofs and structures (see photo below). However, the visibility of the top floor of Block B is clearly a shortfall of the development which needs to be weighed up in the wider benefits of the scheme.
- 10.43 To ensure that any lift over-runs, flues/extracts, plant or photovoltaic panels and window cleaning apparatus do not have a harmful impact on the surrounding area further details of these structures/appliances would have been required through a condition.



**Photo taken from Chillingworth Road of the uniform array of buildings forming the setting of Block B**



Indicative view from Chillingworth Road of the existing situation and the rear of Block B



Block B – Front Elevation



Block B – Rear Elevation

### *Summary*

- 10.44 The loss of the existing building has been considered with regard to the council's guidance and the NPPG. The applicant has submitted a heritage statement and has assessed the building as being of limited architectural value in a poor state of repair. As part of the justification for loss of the existing building, it is imperative to have a high quality design of replacement building with high standard of material and construction.
- 10.45 In terms of the scheme itself, the design of the proposed buildings are considered of appropriate architectural quality for the conservation area. Modifications to Block B, including increasing the set back of the top floor have helped to reduce, but not eradicate, the visual impact of the new building on the character and appearance of the conservation area when viewed from outside of the site. This shortfall in the scheme however needs to be balanced in terms of what the wider scheme would be delivering.

### **Neighbouring Amenity**

- 10.46 The site is adjoined by both residential and non-residential properties. The Development Plan contains adopted policy that seeks to safeguard the amenity (habitable rooms only) of adjoining residential properties; no adopted policies exist that seek to safeguard the amenity of neighbouring commercial properties. Consequently this section examines the impact of the proposed development on existing habitable rooms of neighbouring residential properties.

### **Overlooking / Privacy**

- 10.47 Policy DM2.1 identifies that *'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'*. 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. Habitable rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, or similar spaces are excluded from this definition. However, service/utility/store rooms larger than 8sqm within single dwellings will normally be considered as habitable rooms.
- 10.48 The existing building has windows on the rear which directly overlook the rear of properties that front onto Holloway Road. The layout and treatment of the proposed development is acknowledged as having been considered to minimise potential for overlooking and attempt to protect the privacy of residents of nearby properties and occupants of the development.
- 10.49 Block A (social rent units) has balconies and windows on the rear that would face directly into the application site. There would be no loss of privacy experienced by neighbouring residents as result of this building, given that no privacy is currently experienced. Furthermore, the separation distance would be 23m between the proposed blocks.

- 10.50 The rear of the site where Block B would be situated is very constrained in terms of its relationship to neighbouring buildings. During the determination of the application the scheme has been amended to reposition, resize and remove balconies and windows in order to address privacy concerns which were raised by local residents and officers. There would have been overlooking across a distance of less than 14 metres from bedroom windows and landing windows serving Unit's B.1.5, B.2.5, B.3.5, and B.4.5 towards 154-156b Holloway Road. In order to protect the privacy of No's 154-156 Holloway Road, these would need to be obscurely glazed to a height of 1.8m above floor level. It is not good practice to obscurely glaze windows serving habitable rooms; however, given the constrained nature of this site, this is a possible design solution. With regard to proposed balconies, privacy screens would need to be installed along the sides of balconies serving Unit's B.1.3, B.2.3, B.3.3 and B.5.2 in order to prevent any direct overlooking.
- 10.51 Concerns have been raised by officers in relation to the proposed covered walkway along the rear elevation of Block B resulting in a loss of privacy. A curtain walling, which would be constructed from a perforated zinc material, is proposed which could mitigate any potential overlooking, however further details of would have be secured through condition.

#### Daylight and Sunlight

- 10.52 The application has been submitted with a daylight/sunlight assessment prepared by Waldrams, which has been carried out with reference to the 2011 Building Research Establishment (BRE) guidelines. The supporting text to Policy DM2.1 identifies that the BRE '*provides guidance on sunlight layout planning to achieve good sun lighting and day lighting*'.
- 10.53 The submitted assessment was amended to reflect the changes which have been made to the scheme, namely the set back to the top floor of Block B.
- 10.54 Some representations received raised concerns and objections to the scheme in relation to the impact of the proposed development on sunlight and daylight receipt / loss to neighbouring residential units.
- 10.55 Daylight the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:
- The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or*
- The area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).*
- 10.56 Average Daylight Factor (ADF) is another daylight measurement which requires 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. It should be noted that this test is normally applicable to *proposed* residential units, but in some cases is used as supplementary information (rather than key assessment criteria) to provide a clearer picture regarding impacts upon existing properties.

10.57 Sunlight the BRE Guidelines confirm that windows which do not enjoy an orientation within 90 degrees of due south do not warrant assessment. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

*In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*

10.58 Where these guidelines are exceeded then daylighting and/or sunlighting may be adversely affected. The BRE Guidelines provides numerical guidelines, the document though emphasizes that advice given here is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or 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.

10.59 The application site is located within an accessible location, where the potential of sites and density should, according to policy, be maximised where possible. Urban design considerations are also important when applying the guidance quoted above.

10.60 It is widely acknowledged that daylight and sunlight are fundamental to the provision of a good quality living environment and for this reason people expect good natural lighting in their homes. Daylight makes an interior look more attractive and interesting as well as to provide light to work or read by. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.

#### Daylight and sunlight Losses for Affected Properties Analysis

10.61 Residential dwellings within the following properties have been considered for the purposes of daylight and / or sunlight impacts as a result of the proposed development:

- 1-9 Benwell Road;
- 15-21 Benwell Road (upper floors only);
- 1-7 Drayton Park Mews;
- 1 Drayton Park;
- 142-144 Holloway Road (upper floors only);
- 154-156 Holloway Road;

10.62 It has been established through a review of the most recent planning application (P2014/2586/FUL) that No.146-152 Holloway Road is providing hotel / bed & breakfast accommodation. There are no required standards under BRE guidelines for daylight or sunlight serving these rooms.

#### *1-9 Benwell Road*

10.63 In terms of daylight, 32 out of 42 windows pass the VSC test. However, the ten (10) windows that fail serve either bathrooms or kitchens – this has been gleamed from



reviewing the floorplans from Islington's planning records. These windows are also compromised by an overhanging decked access

10.64 All of the rooms, with one exception (either a bathroom or a kitchen - which would lose 26% of its daylight compared with the recommended pass of 20%), achieve the required Daylight Distribution levels.

10.65 With regard to sunlight, 88% of windows face within due 90 degrees due south meet the required guidelines for APSH (annual) either retaining at least 25% or not being reduced by more than 20% its former value. The windows which don't meet the requirements are identified as serving non-habitable rooms and technically don't require further testing. In terms of WPSH (winter), of the 27 rooms tested 2 serving habitable rooms receive less than the prescribed 5% (each scoring 4%).

*15-21 Benwell Road (upper floors only);*

10.66 The ground floor and first floors of this building are in commercial use with residential on the second and third floors. In respect of daylight, 12 out of 14 windows serving habitable rooms would pass the VSC test – the two failing windows would experience losses of 21% and 24%. All rooms served by these windows however pass the Daylight Distribution test.

10.67 All of the windows that were tested for sunlight, with the exception of two (above each other on second and third floors), pass the test for both ASPH and WSPH. The failures of these windows are 20% for APSH and 2% and 3% for WPSH. The window that fails both annually and in winter is not recognised as serving living rooms or kitchens where there is a greater expectation for more sunlight.

*140, 142-144 Holloway Road, 1-7 Drayton Park Mews & 1 Drayton Park*

10.68 All of the windows serving residential dwellings are meet the required BRE tests for daylight (VSC and Daylight Distribution) and sunlight (APSH), where required.

*154-156 Holloway Road*

10.69 This building is in commercial use on the ground floor with six residential flats above and to the rear. Based on the floorplans approved under a previous planning application there are four (4) flats from ground to third floor which have windows serving habitable rooms either looking directly onto, or facing into a lightwell (ground floor flat), facing towards the application site.

10.70 In respect of daylight, 11 of the 12 windows fail the VSC test. One window at ground floor level passes the test. The losses range between 26% and 47% (in one case). The average loss is 34%. It should however be noted that the VSC figures for this scheme represent a minor improvement from the 2011 consented scheme.

10.71 In considering the Daylight Distribution figures, rooms within the flats at ground and third floor levels pass this test and will remain well lit. The first and second floor rooms fail to meet the BRE guidelines for Daylight Distribution, experiencing losses of 77%, 77%, 63% and 73% (serving both living rooms and bedrooms). It should be noted that the daylight/sunlight assessment approved under the 2011 consent did not include any calculations for daylight distribution.

10.72 None of these windows are required to be tested for sunlight.

### *Summary*

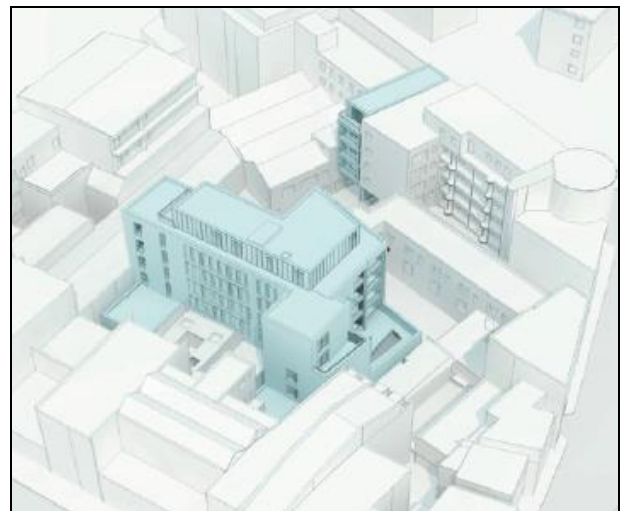
- 10.73 The proposed development is in general considered to perform well when considered with regard to its constrained urban context in terms of both daylight and sunlight. The most notable impacts would be on the daylight to two living room windows at first and second level within 154-156 Holloway Road – a building which has northwest facing single aspect units on first to third floors. This is identified as a shortfall of the scheme and would need to be balanced in considering the wider benefits of the scheme.

### Outlook / sense of enclosure

- 10.74 The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings and uses.
- 10.75 In terms of Block A, this is located within an existing small gap between two buildings. The rear of this building would be visible from the residential windows on the rear of 15-21 Benwell Road. As there are no new buildings proposed within the middle of the central courtyard there would be no obstruction of the existing rear facing windows of nos. 1 or 2 Drayton Park Mews.
- 10.76 The main impact of the scheme would however result from Block B as the urban grain towards the rear of the site is much tighter. In terms of the existing building, it is located fairly close to, and in some cases right on the rear boundary of the site. The new building, at upper floor levels has been set back from this boundary when compared to the existing building. The existing relationship with No.146-152 Holloway Road is acknowledged as being improved. In terms of the front of Block B, the outlook of No.1-7 Drayton Park Mews would change, but officers consider that this is not considered to significantly reduce the enjoyment of their properties. The images below show the setting of the existing building and that of Block A and Block B as a comparison.



**Existing building / situation**



**Proposed buildings / situation**

### Noise

- 10.77 The plant is proposed to be located within the ground floor of Block B. In the interest of maintaining a suitable residential environment a condition would be required which

limits the noise emissions from any fixed plant to a rating level of at least 5dB(A) below the background noise level LAF90 Tbg measured or predicted at 1m from the facade of the nearest noise sensitive premises, in accordance with Appendix 10 of the IDMP. A condition would also be required to limit servicing of the ground floor business units to between 8am and 10pm on any day.

### Construction Impacts

- 10.78 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is required to comply with the Council's Code of Construction Practice. Compliance would need to be secured as part of a s106 agreement together with a payment towards the monitoring of the site to ensure its neighbourliness. This payment is considered to be an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project. The submission of a method statement for the construction phase and a construction logistics plan would also be required.
- 10.79 To further address any concerns over noise and disturbance resulting from the construction of the development, a planning condition would be required to secure details to address the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception).

### Quality of Resulting Residential Accommodation

- 10.80 ICS 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. IDMP policy DM3.4 sets out the detail of these housing standards.

### Unit Sizes

- 10.81 All of the proposed residential units comply with and in many cases exceed, the minimum unit sizes as expressed within policy DM3.4 and the London Plan. The submitted sectional drawings of Blocks A & B show attainment of the minimum floor to ceiling height of 2.6 metres for the residential units.

### Aspect/Daylight Provision

- 10.82 A total of 17 units out of a total of 25 residential units are true dual aspect (68%), four (4) units are part-dual aspect (i.e. they have kitchen window fronting a shared covered and enclosed walkway) and four (4) units (all 1b2p) are single aspect. None of the single aspect units are north facing.
- 10.83 In terms of daylight provision, 44 out of 68 (66%) - within the buildings would meet the BRE Guidelines in terms of ADF for internal daylighting. Of the 24 rooms that fall below the required level recommended, 7 rooms are in units within which over half of the habitable rooms pass the ADF test. It should also be noted that 8 of the 24 rooms are bedrooms which require lower levels of light than living rooms. Of the living rooms/kitchen/dining rooms which fail to meet the guidelines all are located below a balcony which offers another form of daylight/sunlight amenity.

- 10.84 Given the constrained nature of the site and the requirement to provide amenity space for the new units (balconies), the development is considered on balance to be acceptable in terms of daylighting.

#### Amenity Space

- 10.85 IDMP policy DM3.5 Part A identifies that *'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'*. Part C of the policy then states that the minimum requirement for private outdoor space is 5sqm on upper floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required. All of the proposed units within both blocks are provided with a policy compliant amount of private outdoor amenity space in the form of projecting and inset balconies or terraces.

#### Overlooking/Noise

- 10.86 The layout of residential units and window placement / design ensures that there would not be undue overlooking between proposed residential units.
- 10.87 The new residential units are located above the B1 commercial floorspace and to ensure that these meet the council's noise targets sound insulation should be installed prior to their occupation.

#### Access

- 10.88 As the development proposes more than ten units there is a requirement for the provision of two wheelchair accessible units. The design of the development has also given consideration to Islington's Inclusive Design SPD and the proposed measures shown within the submitted drawings should be undertaken. These measures would be required through planning conditions.
- 10.89 The main area of concern relates to the fact that the upper floors of Block A (accommodating two 1-bedroom flats and a 3-bedroom duplex) are not lift accessible and have no living accommodation at entrance level. Block A is an infill building and because of this is required to have residential units with long floorplates. The insertion of a lift and associated circulation into the Block could result in the creation of substandard units in respect of floor layout and dwelling size. These units represent only 12% of the total number of units within the development. The lack of provision of a lift is recognised as a shortcoming which needs to be considered in the balance of the schemes wider benefits.

#### Highways and Transportation

- 10.90 The site as existing benefits from a central courtyard that, if the building were occupied, would be the location for dedicated servicing, informal car-parking and general vehicular circulation. The only access to the site, both vehicular and pedestrian is via the existing accessway leading from Benwell Road.
- 10.91 The site has an 'excellent' Public Transport Accessibility Level (PTAL = 6a) and is located within 'Zone E' Controlled Parking Zone (CPZ). Holloway underground station is located approximately 350m from the site, and four bus services pass nearby the site at Holloway Road. The London Borough of Islington is the Highway

Authority for Benwell Road. The site is located adjacent to the A1 Holloway Road, which forms part of the Transport for London Road Network (TLRN).

- 10.92 A transport statement has been submitted in support of the scheme and concludes that the scheme constitutes a highly sustainable development, which with its limited trip generation will have little relative impact on the highly accessible local public transport network and the capacity of pedestrian facilities. Transport for London has considered the scheme and raised no objections subject to the inclusion of a condition, which required the provision of a Construction Logistics Plan.

#### Vehicle Parking

- 10.93 Other than the disabled parking bays, the scheme proposes no on or off-street car parking bays for any of the residential flats or employment floorspace created and therefore constitutes a car-free development. Car-free developments can be defined as development with no car-parking facilities for residential or visitors other than that are required to meet the needs of disabled people. In line with Council policy the rights of future residents to apply for CPZ parking permits would be dealt with through a clause in the s106 agreement. This would also address objections raised by local residents concerned about parking pressures in the area.
- 10.94 In connection with the two wheelchair accessible units, the development proposes two disabled parking bays on the opposite side of Benwell Road to the application site. These would need to be secured through a clause in a s106 agreement.

#### Cycle Parking

- 10.95 IDMP policy DM6.4 Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. The development is required to provide one space per bedroom and one space per 80sqm of B1 (offices).
- 10.96 The application has been revised to include 54 cycle parking spaces. These are located in two areas; one in Block A alongside the pedestrian entrance into the courtyard comprising 16 spaces, and another in Block B of 38 spaces. An additional six spaces are proposed for visitors to both the residential and commercial uses and these would have been secured through a condition.

#### Service, deliveries and refuse

- 10.97 IDMP policy DM8.6 Part A states that for commercial developments over 200sqm, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in a forward gear (demonstrated by a swept path analysis).
- 10.98 The submitted transport statement suggests that on-site servicing is not possible, however swept paths have been provided which show that a vehicle can manoeuvre on site to enter and exit the site in forward gear. The proposed layout of the site enables vehicles to enter through an existing access through the undercroft of the adjoining building (1-9 Benwell Road) – this is required to be kept open for maintenance of the substation and not for servicing of the new commercial units.

- 10.99 The applicant however seeks to carry out servicing of the uses on-street – in front Block A. Whilst this is contrary to policy DM8.6 Part A, and a shortcoming of the proposals, by having servicing along Benwell Road it will enable the courtyard to take on a residential / pedestrian friendly environment and provide a safe environment for children to use the play facilities which are being provided. Furthermore, the commercial units have the size of floorplates that would not result in significant number of vehicle movements.
- 10.100 Despite being requested by officers, a delivery / servicing plan has not been provided by the applicant. Such a plan would be required through a planning condition to ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.
- 10.101 The proposal includes the provision of a large refuse enclosure within the courtyard of the site. The Council's Street Environment department have been consulted on the proposal and consider that the refuse storage integrate with existing vehicle collection strategies in this area. The provisions of waste storage facilities would be required prior to first occupation of the development.

### **Sustainability, energy efficiency and renewable energy**

- 10.102 ISC policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard. The scheme would (as submitted) achieve Code for Sustainable Homes level 4 (with a score of 69.29%) for the residential units in line with policy. As under 500sqm of commercial floorspace would be provided by the scheme, there is no requirement for a full BREEAM pre-assessment. However, the applicant has indicated in their submitted pre-assessment that the development is currently expected to achieve a rating of 'Very Good' (with a projected rating of 59.46%). However no conditions are recommended in this regard given that a BREEAM assessment is not required by policy and given that the Code for Sustainable Homes scheme has been closed by the Government (26 March 2015). Separate conditions to secure aspects of the Code are recommended in its place.
- 10.103 London Plan policy 5.9 and ICS policy CS10 requires proposals to reduce potential for overheating to occur and reduce reliance on air conditioning. The applicant has confirmed that the risk of overheating as a result of the design of the building is slight and that no active (non-inert) cooling measures are proposed. The scheme incorporates design measures to ensure passive cooling can be provided.
- 10.104 London Plan policies 5.10 and 5.11, ICS policy CS10 and IDMP policy DM6.5 promote urban greening and enhancing biodiversity. The scheme provides for 343.7sqm of green roof across the development, which is supported and should be secured by condition. Furthermore, the scheme would also provide PV panels on both Blocks A & B roof spaces with 158.7sqm proposed.
- 10.105 In accordance with recently published Ministerial Statement, the Council's Local Lead Flood Authority (LLFA) officer was consulted on the proposals. The Flood Risk Assessment provided demonstrates no significant flood risk for the development, as well as scopes the potential for SUDs to be incorporated on site. The inclusion of tanked raingardens and permeable paving in addition to the green roofs already proposed should be committed to via a drainage plan and accompanying details. The integration of raised planters should also be explored.

- 10.106 Whilst the principles have been set out in the FRA, insufficient detail and commitment is provided to neither satisfy policy DM6.6 nor address the requirements of the LLFA who is now a statutory consultee. Therefore additional information is required (as run-off (pre and post development), catchment areas, water storage (existing and proposed) and water quality arrangements)) and should be secured via a condition. The LLFA officer has requested a clause in the s106 agreement which requires for the owner of the site to be responsible for ongoing maintenance drainage systems in place. This is required to be secured through a clause in a s106 agreement.
- 10.107 In terms of water efficiency, the submitted sustainability statement states that development would keep this below 95 litres per person per day through the use of a portable source. This target would need to be secured through a condition.
- 10.108 Turning to energy, all development is required to demonstrate that it has minimised on-site 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) CO<sub>2</sub> emissions reduction of at least 30% relative to total emissions from a building which complies with Building Regulations 2010, 40% where connection to a Decentralised Heating Network is possible). Currently there are no Decentralised Heating Networks which the scheme could connect to. The London Heat Map does however identify the site as being within an area which presents the potential for such heating networks in the future.
- 10.109 Based on the revisions made to the design, the predicted CO<sub>2</sub> emissions have been reduced to 59.67 t/yr. This now represents an improvement of 19.8% on a target 2010 Building Regulations total emissions target. This falls short of the 30% improvement target. It is however not considered feasible to increase the size of the PV array. As per the above, the required offset payment is now £54,896 and would have been secured through a clause in a s106 agreement.
- 10.110 Turning to energy efficiency, the U-values quoted in the SAP example are consistent across the development, these are as follows: walls = 0.18, roof = 0.15, floors = 0.15 and glazing & doors = 1.4. These proposed U-values are generally good, though small further improvements may be targeted. The proposed air tightness is 5m<sup>3</sup>/m<sup>2</sup>/hr @ 50Pa and mechanical ventilation is not specified. Officers also support the specification of 100% low energy lighting and the proposed lighting controls.
- 10.111 In terms of heating and hot water systems, the application proposes oversized radiators, to allow lower flow and return temperatures and the reservation of plant room space for a future heat exchanger.

### **Other Matters**

#### **Ecology, landscaping and playspace**

- 10.112 The scheme proposes a landscaped courtyard, including playspace and the green roofs on the flat roofs of Block B.
- 10.113 The amount of existing biodiversity value is minimal. however an area of ivy is located on the west elevation of the building and the assessment makes clear that this has potential for nesting birds. A condition would therefore have been required for three bird/bat nesting boxes. In terms of the green roof provision, further details of the

specifications would be required through a condition to maximise both ecology and drainage benefits they would offer the development.

10.114 The landscaped courtyard of the development is identified as being very shaded, and any plants that are to be provided would have to be very shade tolerant in order to thrive. The submitted landscaping plan shows raised planters, with evergreen plants being the dominant feature. The scheme also seeks to introduce strong scented plants to enhance the sensory experience associated with the scheme. In terms of trees, 16-18cm girth, small leaf and light canopy species would be planted to maximise the amount of light within the space. Turning to the area playspace within the courtyard, this is proposed to have an area of approximately 33sqm, however no additional information on what this would include has been provided. Both landscaping measures and the playspace would have been required through a condition.

#### Land contamination

10.115 The site is on the council's contaminated land database due to previous land uses. The desktop study infers that the site will be wholly covered with hard standing. However, the study neglects to state that a playground and other green areas are proposed. Further information would have been required through a condition, including assessment and mitigation to address any contamination that may be found through further investigations.

#### Archaeology

10.116 The site is situated within an Archaeological Priority Area and has the potential for remains of the medieval and post-medieval periods. The applicants' submitted study concludes that as the development requires the demolition of existing buildings it is considered likely to have an archaeological impact. A programme of archaeological work, in accordance with a written scheme for investigation, should be submitted to and approved by the council prior to development commencing in the event of support.

#### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

10.117 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.

10.118 The Government's Ministerial Statements and NPPG have been considered in the preparation of this list of heads of terms.

10.119 Any s106 agreement would have included the following agreed heads of terms:

- Onsite Affordable Housing provision and an agreed set of measures to ensure its delivery;
- Financial viability review mechanisms including securing the value of shared ownership units in accordance with the applicant's financial viability assessment and conclusions and to address affordability concerns within the borough;
- SUDS maintenance strategy;



- Repair and re-instatement of footways and highways (subject to conditions surveys);
- Compliance with Code of Employment and Training including delivery of 2 work placements during the construction phase of the development, lasting a minimum of 13 weeks;
- Contribution towards marking out of accessible parking bays;
- Contribution towards offsetting any projected residual CO2 emissions from the development;
- Compliance with the Code of Local Procurement;
- Compliance with the Code of Construction Practice, plus monitoring fee (£3,800);
- Removal of rights to obtain Car Parking Permits
- Green Performance Plan
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.
- Local Level Travel Plan

10.120 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) would be chargeable on this application. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule, 2012.

10.121 The London Borough of Islington's CIL was adopted in 1<sup>st</sup> September 2014. This is estimated at £310,700.

## **11. SUMMARY**

### **Summary**

11.1 A summary of this proposal is set out at paragraphs 4.1 to 4.15 of this report.

# APPENDIX 1 – APPELLANTS GROUNDS OF APPEAL

## 6.0 Grounds of Appeal

- 6.1 The appeal is made on the grounds of non-determination. Islington has failed to determine the application despite the extended programme for determination in the PPA. The application has slipped from the agenda of successive planning committee meetings and the determination has become protracted and delayed. Consequently, while officers have indicated they support the development in principle, the applicant has taken a view to lodge an appeal on the basis of non-determination.

## Planning Considerations

### Land Use Mix

- 6.2 Officers have confirmed that the existing buildings and spaces at the site are of poor quality and design and that their demolition is acceptable. The redevelopment of the site will yield a significant quantitative and qualitative enhancement in employment and will consolidate and strengthen the local economy. In parallel, the scheme will deliver a wide range of high quality new homes, contributing meaningfully to acute strategic and local housing need. As such, the proposal is in accordance with the relevant land use policies; the site is allocated in the Council's Site Allocations DPD for mixed use development, containing residential units and commercial floorspace.

### Dwelling Mix and Tenure

- 6.3 The proposed development will provide 25 new homes, in a mix of one, two and three bedroom homes. A good dwelling mix is provided by the proposed scheme, with a proportion being family sized. The proposed dwelling mix has been derived having regard to local and borough wide objectives and as such it is considered that the proposal complies with London Plan Policy 3.8, Islington Core Strategy Policy CS12 and Islington's Development Management Policy DM3.1.
- 6.4 Following detailed discussions between the appellant's and Islington's viability consultants, the applicant agreed to provide six affordable housing units within the scheme (three x social rented and three x intermediate units). This equates to 24% affordable housing provision. This is a negotiated position agreed with Officers from Islington and the Council's viability consultant. The appellant will revisit affordable housing matters during the appeal process. This will be addressed subsequently in evidence.

### Residential Quality

- 6.5 In accordance with London Plan Policy 3.5, Core Strategy Policy CS12 and Development Management Policy DM3.4, the development will provide a high quality of residential accommodation. All the dwellings have been designed to meet and exceed the minimum space standards set out in the London Plan

and Development Management Policy DM3.4. Adequate play and amenity space will also be provided, in line with Development Management Policy DM14.

6.6 The proposed development has been designed in accordance with London Plan Policy 3.8(B)(d) and Islington Coe Strategy which require development to provide a minimum of 10% provision of wheelchair accessible homes. The balance of units also complies with Lifetime Homes Standards in accordance with London Plan Policy 3.8(B)(d). The proposed commercial accommodation and all servicing areas have been designed to be fully accessible and embrace the principles of inclusive design.

6.7 The proposed development is therefore acceptable in terms of residential quality and will provide an equitable and inclusive environment for all occupants.

### **Residential Amenity**

6.8 The proposed development's layout, scale and height have been sensitively designed to avoid unacceptable effects on the residential amenity experienced within existing and prospective residential accommodation. The application has been revised to address matters raised by Officers with regards to the development's residential amenity effects; Officers have since confirmed that there are no overriding issues associated with residential amenity.

### **Privacy and Overlooking**

6.9 The physical constraints of the site, and the associated issues of privacy and overlooking, have been overcome through sensitive layout, manipulating window sizes, angles and positions and the use of visual screening solutions.

6.10 Officers have confirmed that the amended scheme will not result in overlooking issues at existing properties on Holloway Road and will not inhibit or constrain the prospective future redevelopment of No. 158 Holloway Road.

### **Daylight and Sunlight**

6.11 The updated Daylight and Sunlight Assessment (submitted on 20 January 2015) demonstrates that the development will not cause any materially unacceptable effects on neighbouring properties. The reductions in ambient daylight (VSC) and the interior daylight levels (ADF) at the windows and within the rooms of Nos. 154-156 Holloway Road will be modest and the residual levels consistent with expectations of natural light in an urban environment. On this basis and taking account of the inbuilt flexibility of the BRE guidance, the development's daylight and sunlight effects are reasonable and acceptable in the context of relevant policy and guidance.

### **Townscape and Urban Design**

- 6.12 The scale and detailing of the proposed development has been designed to respond to the context and character of the immediate surroundings. The proposal would deliver a high quality addition to the area, replacing the contextually insensitive existing building, and will read as a sensitive integrated feature into the townscape. The scheme will not detract from the special qualities of the St Mary Magdalene Conservation Area and will not harm the setting of the locally listed building at 148-152 Holloway Road.
- 6.13 For these reasons we conclude that the proposal will preserve and enhance its heritage setting and contribute to the wider townscape.

### **Sustainability**

- 6.14 The proposed development is inherently sustainable, embodying the principles of environmental, social and economic sustainability which are central to the NPPF. It makes optimal use of an accessible brownfield urban site, has been designed in accordance with local and strategic sustainability objectives, and will be car-free.
- 6.15 The proposed residential units have been designed to meet Code for Sustainable Homes Level 4 and the commercial units BREEAM 'Very Good'.
- 6.16 The development therefore embraces local and strategic sustainability and energy objectives and is consistent with the requirements of Development Management Policies DM7.2 and DM7.4 in this regard.

## APPENDIX 2 – Heads of terms, conditions & informatives

### List of heads of terms

As the application is now the subject of an appeal against non-determination, the following measures are considered relevant to secure in order to mitigate the impacts of the development. These would form the basis of a s106 agreement if agreed by the appellants and presented to the Planning Inspectorate in support of the Council's Statements. If not agreed by the appellants, officers will prepare responses to justify any terms not agreed and will form part of the appeal discussions and evidence presented to the Planning Inspectorate (delegated authority is requested to be given to the Service Director, Planning and Development / Head of Service – Development Management or, in their absence the Team Leader, Major Applications, 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:

1. On-site Affordable housing, including:
  - Financial viability review mechanism – requiring reassessment of viability in the event that the development has not reached superstructure phase at the date 18 months after grant of planning permission.
  - Secure the value of the shared ownership units within the legal agreement, in accordance with the BNPP report, or updated report (in the event a review mechanism is triggered and an updated viability report is required).
2. The Lead Local Floodrisk Authority (officer) (a newly created statutory consultee) has requested that the owner of the site be responsible for ongoing maintenance of all drainage systems in place. This includes the green roofs, permeable paving and any further items that are approved as part of planning conditions also requested by the LLFA.
3. 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. Condition surveys may be required.
4. Compliance with the Code of Employment and Training.
5. Facilitation of 2 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £10,000 (£5,000 per placement not provided) to be paid to LBI. Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
6. Compliance with the Code of Local Procurement.
7. Compliance with the Code of Construction Practice, including a monitoring fee of £2,966 and submission of a 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. The response document is required to consider cumulative impacts of any other developments occurring in the area at the same time and also include a post construction photographic survey of adjoining buildings.

8. Payment towards employment and training for local residents of a commuted sum of £5,825
9. The provision of two accessible on street parking bays or a contribution towards bays or other accessible transport initiatives of £8,000.
10. Removal of eligibility for residents' on street parking permits. Exceptions in accordance with the Council's parking policy statement.
11. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £54,896.40.
12. Submission of a draft Local Level Travel Plan for Council approval prior to occupation and of a Local Level 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).12. Submission of a Green Performance Plan
13. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

**List of Conditions:**

As the application is now the subject of an appeal against non-determination, the following conditions are required recommended to be sought by the Council in preparing their appeal case (whatever determination is made by the Planning Committee) in order to mitigate the impacts of the development:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Existing Plans: 3278/ PL-000; 3278/ PL-000; 3278/ PL-001; 3278/ PL-002; 3278/ PL-003; 3278/ PL-004;</p> <p>Proposed Plans: 3278/ PL-101 (Rev. B); 3278/ PL-102 (Rev. B); 3278/ PL-103 (Rev. B); 3278/ PL-104 (Rev. B); 3278/ PL-105 (Rev. B); 3278/ PL-106 (Rev. A); 3278/ PL-107 (Rev. A); 3278/ PL-110 (Rev. B); 3278/ PL-111 (Rev. A); 3278/ PL-112 (Rev. B); 3278/ PL-113 (Rev. A); 3278/ PL-114 (Rev. A); 1 3278/ AL(20)001; 2 3278/ AL(20)002; 14.079-S-100; T330-004;</p>

	<p>Documents:  Daylight and Sunlight Report by Waldrams (14 November 2014); Draft Construction Management Plan by Ardent Consulting Engineers (May 2014); Marketing Letter from Christo&amp;Co (16 June 2014); Sustainable Design Statement by Ingleton Wood (2 June 2014); Draft Green Performance Plan by Ingleton Wood (6 June 2014); Flood Risk Statement by Ardent Consulting Engineers (May 2014); Draft Travel Plan by Ardent Consulting Engineers (April 2014); Transport Statement by Ardent Consulting Engineers (April 2014); Geo-Environmental Desk Based Study by JOMAS (November 2013); Geo-Environmental and Geotechnical Ground Investigation by JOMAS (April 2014); Structural Appraisal of Existing Building by Barrett Mahony (22 April 2014); Ecology Assessment by PJ Ecology (January 2014); Design and Access Statement by Stock Woolstencroft (9 May 2014); BREEAM Pre-Assessment Report by Ingleton Wood (15 April 2014); Energy Strategy Report Revision A by Ingleton Wood (11 August 2014); Code for Sustainable Homes Pre-Assessment by Ingleton Wood (April 2014); Archaeological Desk-Based Assessment by Heritage Collective (January 2014); Noise &amp; Air Quality Assessment by Acoustic Air (April 2014); Heritage, Townscape and Visual Impact Assessment by NLP (January 2015); Townscape and Visual Impact Assessment by NLP (January 2015); Letter from NLP (dated 17 October 2014); Letter from NLP (dated 16 January 2015);</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Rooflights provided (Compliance)</b>
	<p>CONDITION: Rooflights which serve the ground floor business accommodation shown on the approved plans shall be provided prior to the first occupation of that accommodation and maintained as such thereafter.</p> <p>REASON: The rooflights ensure the provision of natural light to the rear elements of the business accommodation. The omission of the rooflights is likely to reduce the usability and therefore viability of those units.</p>
<b>4</b>	<b>Materials (Details)</b>
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any construction works commencing. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork, bond and mortar courses;</li> <li>b) metal cladding, panels, frames and architectural metalwork (including details of seams, gaps, and any profiling);</li> <li>c) windows and doors;</li> <li>d) entrance gate fronting Benwell Road;</li> <li>e) roofing materials;</li> <li>f) curtain walling (perforated zinc) for residential walkway;</li> <li>g) any other materials to be used on the exterior of the development; and</li> <li>h) a Green Procurement Plan for sourcing the proposed materials.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of</p>

	<p>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.</p> <p>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 the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>5</b>	<b>External pipes, cables and CCTV (Details)</b>
	<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>
<b>6</b>	<b>Lighting (Details)</b>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) for the courtyard and the wider development 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, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
<b>7</b>	<b>Obscure glazing (Compliance)</b>
	<p>CONDITION: Windows serving the bedrooms and landings of Unit's B.1.5, B.2.5, B.3.5, and B.4.5 as shown on the approved drawings PL-102 Rev B, PL-103 Rev A, PL-104 Rev B, PL-105 Rev B shall be obscurely glazed to a height of 1.8m above finished floor level and installed prior to the first occupation of the particular dwellings they relate to and maintained at all times thereafter.</p> <p>REASON: To protect the residential amenities of neighbouring occupiers, in particular to prevent overlooking of 154-156 Holloway Road where distances of less than 18m exist (to address policy DM2.1 of the Development Management</p>



	Policies (2013).
<b>8</b>	<b>Privacy screens (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of privacy screens to balconies serving Unit's B.1.3, B.2.3, B.3.3 and B.5.2 as shown on the approved drawings PL-102 Rev B, PL-103 Rev A, PL-104 Rev B, PL-106 Rev A shall be submitted to, approved in writing by the Local Planning Authority and installed prior to occupation of respective dwelling.</p> <p>The agreed treatment/solution shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: Without an appropriate treatment/solution the flats which are located at right-angles to each other and which face the central courtyard would suffer from mutual oblique overlooking to the detriment of their privacy</p>
<b>9</b>	<b>Plant Noise (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level Laeq Tr arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, 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 undue adverse impact on nearby residential amenity or business operations</p>
<b>10</b>	<b>Sound insulation (Details)</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed commercial use (Class B) and the residential use (Class C3) of the Block B 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>
<b>11</b>	<b>Construction Management (Details)</b>
	*CONDITION: A Construction Environmental Management Plan (CEMP)

	<p>assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.</p> <p>The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The report shall also secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
<b>12</b>	<b>Noise Levels (Compliance)</b>
	<p>CONDITION : For all the approved residential units sound insulation and noise control measures shall be used to achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast)  Living Rooms (07.00-23.00 hrs) 35 dB LAeq,  Kitchens, bathrooms, WC compartments and utility rooms  (07.00 –23.00 hrs) 45 dB LAeq</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 there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>13</b>	<b>Wheelchair accessible housing (Compliance)</b>
	<p>CONDITION: The two (2) wheelchair accessible dwellings of the development in the approved documents (units B.1.3 and B.2.3) shall be provided and fitted out prior to the first occupation of the development.</p> <p>REASON: To secure provision of the appropriate number of wheelchair accessible units in a timely fashion and to: address the backlog of and current unmet accommodation needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families.</p>
<b>14</b>	<b>Accessible Homes Standard (Compliance)</b>

	<p>CONDITION: The residential dwellings hereby approved within the development, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
<b>15</b>	<b>Inclusive Design (Compliance)</b>
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this, the development shall provide the following in accordance with the approved drawings and ensure the delivery of the following provisions:</p> <ul style="list-style-type: none"> <li>- The passenger lift serving the dwellings shall be installed and operational prior to the first occupation of residential dwellings accessible from that access core.</li> <li>- step free access to all commercial and residential accommodation in Block B</li> </ul> <p>The development shall be constructed carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>16</b>	<b>Cycle Parking (Compliance)</b>
	<p>CONDITION: The two bicycle storage areas shall be covered, secure and provide for no less than 54 cycle spaces for the offices and residential units. The 6 cycle spaces for the visitors shown on the approved plans shall also be provided.</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>
<b>17</b>	<b>Delivery / Service Plan (Details)</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>All deliveries / collections / visits from service vehicles to the two business units hereby approved shall only take place between the hours of:</p> <ul style="list-style-type: none"> <li>- Monday to Saturday - (08:00 - 22:00)</li> <li>- Sundays/Bank Holidays - not at all</li> </ul>

	<p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
<b>18</b>	<p><b>Refuse/Recycling Provided (Compliance)</b></p> <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.</p>
<b>19</b>	<p><b>Green/Brown Biodiversity Roofs (Details)</b></p> <p>CONDITION: Details of green/living roofs to the development hereby approved (illustrating increased coverage and potential for run-off attenuation or including details and justification of the maximum extent of green/living roofs) and the species to be planted/seeded shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing.</p> <p>The green/living roofs shall:</p> <ul style="list-style-type: none"> <li>a) form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</li> <li>b) cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and</li> <li>c) be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. An explanation as to why any areas of roof would not be covered with green/living roofs shall be included with the above details. Green/living roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</li> </ul> <p>The green/living roofs 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 development shall be carried out strictly in accordance with the details 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: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity as well as maximises the contribution the green roofs make to the sustainable urban drainage strategy for the site.</p>
<b>20</b>	<p><b>Landscaping (Details)</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The detailed landscaping scheme shall include the following:</p> <ul style="list-style-type: none"> <li>a) soft planting, including species, root containment, any tree pits, and topsoil</li> </ul>

	<p>depths;</p> <p>b) hard landscaping: including ground surfaces, kerbs, edges, tactile and flexible paving, furniture, and any steps;</p> <p>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</p> <p>d) any enclosures, including types, dimensions and treatments of walls, fences, barriers, rails, retaining walls and hedges;</p> <p>e) any demarcation of pedestrian, vehicular and pedestrian space within the areas of hard landscaping;</p> <p>f) details of how sustainable urban drainage measures have been integrated into the landscaping scheme;</p> <p>g) play equipment or features for the central courtyard; and</p> <p>h) any other landscaping features forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained, including amenity for families with young children.</p>
<b>21</b>	<b>Nesting Boxes (Compliance)</b>
	<p>CONDITION: At least 3 nesting boxes / bricks for birds or bats shall be provided within the development, installed prior to the first occupation of the building to which they form part and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>22</b>	<b>Water (Compliance)</b>
	<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>
<b>23</b>	<b>Energy Efficiency (Compliance)</b>
	<p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 19.8% on-site total CO2 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2010.</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. The revised energy strategy shall provide for no less than a 19.8% on-site total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2010.</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> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the C02 emission reduction targets are met.</p>
<b>24</b>	<b>Contaminated land (Details)</b>
	<p>*CONDITION: Prior to the commencement of development the following assessment shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).”</p> <p>REASON: Previous commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>
<b>25</b>	<b>Archaeological report (Details)</b>
	<p>*CONDITION: No development shall take place unless and until the applicant, their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved by the Local Planning Authority (in consultation with English Heritage).</p>

	<p>REASON: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.</p>
<b>26</b>	<p><b>Roof-level structures (Details)</b></p> <p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding area.</p>
<b>27</b>	<p><b>Demolition and Construction Logistics Plan (Details)</b></p> <p>CONDITION: No demolition shall take place until a Demolition and Construction Logistics Plan (DCLP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The report shall detail the logistics issues arising from the development and the measures in place to deal with these; assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers; together with means of mitigating any identified impacts. The impacts assessed should include, but not be limited to, noise, air quality including dust, smoke and odour and vibration</p> <p>The development shall be carried out strictly in accordance with the approved Plan throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development</p> <p>REASON: In order to ensure that the development works do not adversely impact on neighbouring residential amenity or public safety.</p>
<b>28</b>	<p><b>Drainage / SuDS (Details)</b></p> <p>CONDITION: Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with Thames Water. The information shall include details of the sustainable urban drainage system (SUDS) and its maintenance.</p> <p>No discharge of foul or surface water from the site shall be accepted into the</p>

	<p>public system until the drainage works referred to in the strategy have been completed.</p> <p>REASON: In order to ensure the sustainable management of water and flood prevention, to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.</p>
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**List of Informatives:**

<b>1</b>	<b>Section 106 Agreement</b>
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>2</b>	<b>Definition of ‘Superstructure’ and ‘Practical Completion’</b>
	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.
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b> These conditions are identified with an ‘asterix’ * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these identified pre-commencement conditions have been discharged/complied with.</p>
<b>4</b>	<b>Car-Free Development</b>
	(Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people or other exemption under the Council Parking Policy Statement.



<b>5</b>	<b>Water Infrastructure</b>
	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.
<b>6</b>	<b>Working in a Positive and Proactive Way</b>
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.  The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.
<b>7</b>	<b>Materials</b>
	In addition to compliance with condition 3 materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.
<b>8</b>	<b>Groundwater</b>
	Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing <a href="mailto:wwqriskmanagement@thameswater.co.uk">wwqriskmanagement@thameswater.co.uk</a> . Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a> . Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991
<b>9</b>	<b>Water main</b>
	There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.
<b>10</b>	<b>Construction management</b>
	You are advised that condition 27 covers transport and environmental health issues and should include the following information:  <ol style="list-style-type: none"> <li>1. identification of construction vehicle routes;</li> <li>2. how construction related traffic would turn into and exit the site;</li> <li>3. details of banksmen to be used during construction works;</li> <li>4. the method of demolition and removal of material from the site;</li> <li>5. the parking of vehicles of site operatives and visitors;</li> <li>6. loading and unloading of plant and materials;</li> <li>7. storage of plant and materials used in constructing the development;</li> <li>8. the erection and maintenance of security hoarding including decorative</li> </ol>

	<p>displays and facilities for public viewing, where appropriate;</p> <ol style="list-style-type: none"><li>9. wheel washing facilities;</li><li>10. measures to control the emission of dust and dirt during construction;</li><li>11. a scheme for recycling/disposing of waste resulting from demolition and construction works;</li><li>12. noise;</li><li>13. air quality including dust, smoke and odour;</li><li>14. vibration; and</li><li>15. TV reception.</li></ol>
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## **APPENDIX 3: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

The Development Plan is comprised of the London Plan 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 (Further Alterations to the London Plan)**

<p>1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London</p> <p>2 London's places Policy 2.1 London in its global, European and United Kingdom context Policy 2.2 London and the wider metropolitan area Policy 2.5 Sub-regions Policy 2.9 Inner London Policy 2.13 Opportunity areas and intensification areas Policy 2.18 Green infrastructure: the network of open and green spaces</p> <p>3 London's people Policy 3.1 Ensuring equal life chances for all Policy 3.2 Improving health and addressing health inequalities Policy 3.3 Increasing housing supply Policy 3.4 Optimising housing potential Policy 3.5 Quality and design of housing developments Policy 3.6 Children and young people's play and informal recreation facilities Policy 3.7 Large residential developments Policy 3.8 Housing choice Policy 3.9 Mixed and balanced communities Policy 3.10 Definition of affordable housing Policy 3.11 Affordable housing targets Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes Policy 3.13 Affordable housing thresholds Policy 3.14 Existing housing Policy 3.15 Coordination of housing development and investment Policy 3.17 Health and social care facilities Policy 3.18 Education facilities</p> <p>4 London's economy Policy 4.1 Developing London's economy Policy 4.3 Mixed use development and offices Policy 4.4 Managing industrial land and premises Policy 4.8 Supporting a successful and diverse retail sector Policy 4.9 Small shops Policy 4.10 New and emerging economic sectors Policy 4.11 Encouraging a connected economy Policy 4.12 Improving opportunities for all</p> <p>5 London's response to climate change Policy 5.1 Climate change mitigation Policy 5.2 Minimising carbon dioxide emissions Policy 5.3 Sustainable design and construction Policy 5.4 Retrofitting Policy 5.5 Decentralised energy networks Policy 5.6 Decentralised energy in development proposals Policy 5.7 Renewable energy Policy 5.8 Innovative energy technologies Policy 5.9 Overheating and cooling Policy 5.10 Urban greening Policy 5.11 Green roofs and development site environs</p>	<p>Policy 5.12 Flood risk management Policy 5.13 Sustainable drainage Policy 5.14 Water quality and wastewater infrastructure Policy 5.15 Water use and supplies Policy 5.16 Waste self-sufficiency Policy 5.17 Waste capacity Policy 5.18 Construction, excavation and demolition waste Policy 5.19 Hazardous waste Policy 5.20 Aggregates Policy 5.21 Contaminated land Policy 5.22 Hazardous substances and installations</p> <p>6 London's transport Policy 6.1 Strategic approach Policy 6.2 Providing public transport capacity and safeguarding land for transport Policy 6.3 Assessing effects of development on transport capacity Policy 6.4 Enhancing London's transport connectivity Policy 6.5 Funding Crossrail and other strategically important transport infrastructure Policy 6.7 Better streets and surface transport Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing traffic flow and tackling congestion Policy 6.12 Road network capacity Policy 6.13 Parking Policy 6.15 Strategic rail freight interchanges</p> <p>7 London's living places and spaces Policy 7.1 Building London's neighbourhoods and communities Policy 7.2 An inclusive environment Policy 7.3 Designing out crime Policy 7.4 Local character Policy 7.5 Public realm Policy 7.6 Architecture Policy 7.8 Heritage assets and archaeology Policy 7.9 Heritage-led regeneration Policy 7.10 World Heritage Sites Policy 7.11 London View Management Framework Policy 7.12 Implementing the London View Management Framework Policy 7.13 Safety, security and resilience to emergency Policy 7.14 Improving air quality Policy 7.15 Reducing noise and enhancing soundscapes Policy 7.16 Green Belt Policy 7.17 Metropolitan Open Land Policy 7.18 Protecting local open space and addressing local deficiency Policy 7.19 Biodiversity and access to nature</p> <p>8 Implementation, monitoring and review Policy 8.1 Implementation Policy 8.2 Planning obligations Policy 8.3 Community infrastructure levy Policy 8.4 Monitoring and review for London</p>
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## B) Islington Core Strategy 2011

<p>Spatial Strategy Policy CS8 (Enhancing Islington's Character)</p> <p>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)</p>	<p>Policy CS15 (Open Space and Green Infrastructure) Policy CS16 (Play Space) Policy CS17 (Sports and Recreation Provision)</p> <p>Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure) Policy CS19 (Health Impact Assessments) Policy CS20 (Partnership Working)</p>
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## C) Development Management Policies June 2013

<p><u>Design and Heritage</u> DM2.1 Design DM2.2 Inclusive Design DM2.3 Heritage</p> <p><u>Housing</u> DM3.1 Mix of housing sizes DM3.2 Existing housing DM3.3 Residential conversions and extensions DM3.4 Housing standards DM3.5 Private outdoor space DM3.6 Play space DM3.7 Noise and vibration (residential uses)</p> <p><u>Employment</u> DM5.1 New business floorspace DM5.2 Loss of existing business floorspace DM5.4 Size and affordability of workspace</p> <p><u>Health and open space</u> DM6.1 Healthy development DM6.2 New and improved public open space</p>	<p>DM6.3 Protecting open space DM6.5 Landscaping, trees and biodiversity DM6.6 Flood prevention</p> <p><u>Energy and Environmental Standards</u> DM7.1 Sustainable design and construction statements DM7.2 Energy efficiency and carbon reduction in minor schemes DM7.3 Decentralised energy networks DM7.4 Sustainable design standards DM7.5 Heating and cooling</p> <p><u>Transport</u> 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</p> <p><u>Infrastructure</u> DM9.1 Infrastructure DM9.2 Planning obligations DM9.3 Implementation</p>
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## E) Site Allocations June 2013

SA1 Proposals within allocated sites  
HC4 11-13 Benwell Road

### 5. Designations

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

- Site Allocation HC4
- St Mary Magdalene Conservation Area
- Ring Cross Archaeological Priority Area
- Local Shopping Centre: Holloway Road
- Core Strategy Key Area 4

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

The following SPGs and/or SPDs are relevant:

- | <b>Islington Local Development Plan</b> | <b>London Plan</b>  |
|---|---|
| - Environmental Design                  | - Accessible London: Achieving and Inclusive Environment                |
| - Small Sites Contribution              | - Housing   |
| - Accessible Housing in Islington       | - Sustainable Design & Construction                                     |
| - Conservation Area Design Guidelines   | - Providing for Children and Young Peoples Play and Informal Recreation |
| - Inclusive Landscape Design            | - Planning for Equality and Diversity in London                         |
| - Planning Obligations and S106         |   |
| - Urban Design Guide                    |   |

## APPENDIX 4: Redacted Viability Report



11-13 Benwell Road, London, N7 7BL

Independent Review of Assessment of Economic Viability

ADDENDUM REPORT - 9th March 2015

Planning reference: P/2014/1909/FUL

### 1.0 INTRODUCTION

- 1.1 We were instructed by Islington Borough Council to review a viability assessment by BNP Paribas that was prepared on behalf of the applicant (11-13 Benwell Road LLP), in respect of a proposed residential-led development on land at 11-13 Benwell Road.
- 1.2 This addendum report is supplemental to our 10th September 2014 review of viability, and follows our 26th January 2015 update report. In this addendum we discuss a 5th March 2014 letter from BNP which reflects further proposed changes to the scheme's appraisal, arising in part as a response to our previous assessments.
- 1.3 Please refer to our earlier report dated 26th January 2015 which provides details of the earlier changes that were made to the appraisal, including cost and sales value inflation, and changes to incorporate some of our suggestions concerning other the appraisal inputs.

### 2.0 SUMMARY OF UPDATE FINDINGS

- 2.1 There has been a succession of proposed EUV Valuations which are summarised in the table below:

Source	Date	Valuation	Premium %	Total Benchmark
Strettons	May 2014	£ [REDACTED]	20%	£ [REDACTED]
BNP	November 2014	£ [REDACTED]	20%	£ [REDACTED]
BNP	January 2014	£ [REDACTED]	20%	£ [REDACTED]
BPS	November 2014	£ [REDACTED]	20%	£ [REDACTED]
BNP 'midpoint'	March 2015	£ [REDACTED]	20%	£ [REDACTED]

- 2.2 It can be seen that BNP have reduced the suggested benchmark on two occasions. Following our November 2014 Addendum Report, BNP made further changes to the existing use valuation resulting in a reduction of £170,000 to reach their current

proposed figure of £ [REDACTED] although this remains some £350,000 above the figure we have proposed.

- 2.3 BNP's latest letter (5th March 2015) has compared the residual values of the four Options against a benchmark of £ [REDACTED] m which represents the mid-point between our estimated benchmark figure of £ [REDACTED] m figure and their figure of £ [REDACTED] m. We consider this midpoint to be an acceptable compromise position which recognises that there is a degree of subjectivity and potential ambiguity in assessing the relevant impact of estimated voids, rent-free periods, and void costs such as service charges, which are the focus of our difference in value.
- 2.4 Following further discussions between our Quantity Surveyor, Neil Powling, and the applicant's Cost Consultant, a consensus position has been reached in the form of an agreed cost total of £ [REDACTED] (inclusive of contingency). This represents a substantial reduction from the £ [REDACTED] figure that was included in the previous (19th January 2015) appraisal. This reduction has been incorporated into the residual valuations (Option 1-4) shown below:

Table 1: Scheme viability results (using mid-point benchmark)

Option	Scheme surplus
One (24% affordable)	£5,512
Two (19% affordable)	£165,151
Three (15% affordable)	£276,046
Option 4 (12% affordable)	£325,908

- 2.5 In view of the 24% affordable housing provision option being viable utilising the revised cost and mid-point benchmark assumptions, we conclude that Option One (24% provision comprising 6 affordable units, of which 3 are shared ownership and 3 rented) appears to be a viable option generating only a negligible surplus of £5,512.
- 2.6 In their latest correspondence BNP had advised that the applicant was proposing option 2 reflecting 19% affordable housing. We have advised BNP that option 1 is in our view viable based on their proposed mid-point benchmark and that we considered option 1 represents the maximum reasonable contribution from this scheme.
- 2.7 For the sake of clarity, we would regard option 2 as delivering less affordable housing than could viability be supported by the proposed scheme.
- 2.8 BNP have now confirmed that the applicant is willing to offer Option 1 (6 units) which we accept maximises affordable housing provision for this scheme.

### **3.0 EUV VALUATION - FURTHER COMMENTS**

- 3.1 The differences in the respective valuation opinions reflects our view that the EUV should provide for estimated service charge shortfalls and an allowance of a 6 month rent free period following an agreed 9 months void allowance. BNP has allowed a total period of 9 months to reflect void allowance and tenant letting incentives. A further allowance has been made for empty rates charges over this period.
- 3.2 We have considered BNP's latest EUV appraisal and maintain that it is reasonable in our view to anticipate additional costs associated with vacant space beyond simply empty rates liabilities such as security, maintenance, common services, insurance,



management costs etc. We are also of the opinion than an extended void period would also be justified. We do however accept that there may be a range of opinion on the scale of these additional costs.

#### **4.0 CHANGES TO SCHEME**

4.1 At the time of our November report we undertook an appraisal based on 15% affordable housing provision and allowing for our proposed benchmark of £■■■■m, the scheme generated an apparent £500,000 surplus. This situation changed following the recent scheme alterations. We were provided with a further report from BNP dated 21st January 2015. The latest changes to the scheme are as follows:

- Commercial floor area has been reduced by 14.1 sq m(151 sq ft);
- Overall Net saleable residential floor area has been reduced by 65.3 sq m (703 sq ft);
- Five 3 bed flats have been reduced in size to become 2 bed flats;
- Total habitable rooms reduced from 73 to 68; and
- Reduction in balcony/terrace area from top floor units - unit B:5:1 reduced from 51.9 sq m to 10 sq m and unit B:5:2 reduced from 20 sq m to 9 sq m.

4.2 It is evident that all these changes have a negative impact upon scheme viability.

**BPS Chartered Surveyors  
9th March 2015**