

# PLANNING COMMITTEE REPORT



# ISLINGTON

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	P2014/3494/FUL
Application type	Full Planning Application
Ward	Tollington
Listed building	None
Conservation Area	Opposite Mercers Road / Tavistock Terrace CA
Development Plan Context	<ul style="list-style-type: none"><li>- Nag's Head &amp; Upper Holloway Road Core Strategy Key Area</li><li>- Upper Holloway Local Shopping Area</li><li>- Within 100 of TfL Road Network</li><li>- Within 50m of Conservation Area</li></ul>
Licensing Implications	The proposed gym could require a special treatments license
Site Address	640-648 & 650 Holloway Road, London N19 3NU
Proposal	<p>Demolition of the existing buildings and erection of a five storey building (plus basement) fronting Holloway Road (Block 1) comprising retail space (Class A1) at ground floor, gym (Class D2) at basement level, 20 residential units (Class C3) on the upper floors; four storey building to the rear of 660-652 Holloway Road (Block 2) comprising 11 residential units (Class C3); four storey building to the rear of 636-634 Holloway Road (Block 3) comprising 9 residential units (Class C3); and associated landscaping and play space.</p> <p>NB: amendments were made during the assessment of this application which included: changes to the unit mix and tenure and internal layouts; reduction in the height of Block 2 and repositioning of windows; reduction in the size of the basement and the ground floor retail unit; revised provision of communal amenity space and landscaping.</p>

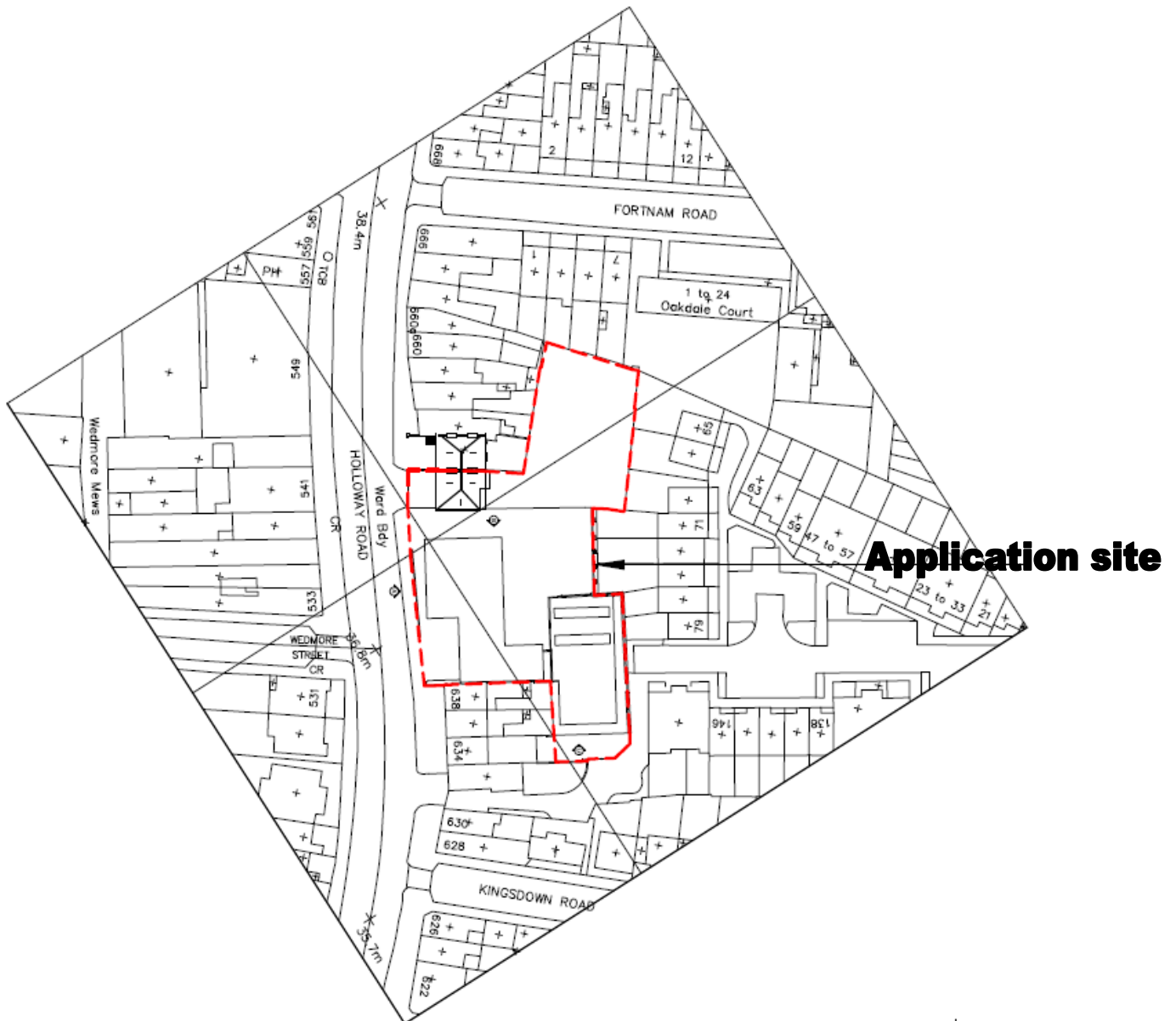
Case Officer	Ben Le Mare
Applicant	Junction Road Motor Company (London)
Agent	CgMs

## RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

**SITE PLAN (SITE OUTLINED IN RED)**



**PHOTOS OF SITE/STREET**



**Photo 1: Aerial view from West**



**Photo 2: Aerial view from North**



**Photo 3: Aerial view from South**



**Photo 4: Aerial view from East**



Photos 5, 6: View of garage forecourt & rear of 640-650 Holloway Road from garage workshop building



Photos 7, 8: Pedestrian route from Holloway Road to Kiver Street



Photo 9: View from Kiver Street to rear of the site / Photo 10: Rear of MOT garage & 632-638 Holloway Road

## **1. SUMMARY**

- 1.1 The application proposes the demolition of the existing petrol filling station and single storey MOT / vehicle repair garage at 640-648 Holloway Road (approx. 426sqm), and demolition of the existing two storey vehicle repair garage to the rear of 650 Holloway Road.
- 1.2 The redevelopment of the whole site would provide a mixed-use scheme, through the erection of three separate buildings, comprising: Block 1 - a five storey over basement building fronting Holloway Road at 640-648 Holloway Road; Block 2 - a four storey building to the rear of 640-648 Holloway Road; and Block 3 - a four storey building to the rear of 650 Holloway Road. Block 1 is a mixed use building providing a gym (Class D2) at basement level, retail (Class A1) floorspace at ground floor and 20 residential units on the upper floors. Blocks 2 & 3 would be wholly residential providing 11 and 9 residential units respectively.
- 1.3 During the determination of the application a number of changes were made to the scheme in response to concerns raised by neighbouring residents, Members, Design Review Panel and officers. These related to design/layout, neighbouring amenity and the affordable housing offer.
- 1.4 Following the submission of amended plans the development would provide 40 residential units comprising 6 x 1-bedroom units, 24 x 2-bedroom units, 6 x 3-bedroom units and 4 x 4-bedroom units, together with 332sqm of retail floorspace (including ancillary storage) and a 512sqm gym.
- 1.5 The onsite affordable housing offer accompanying the submission was zero (with a £100,000 commuted sum). This offer has since been increased to deliver to 11 dwellings within Block 2 (which equates to 28% by units or 34% by habitable rooms) - with 8 units as social rent and 3 units as shared ownership (70%/30% by units and 83%/17% by habitable rooms). This offer is supported by financial viability information which has been independently reviewed.
- 1.6 The application has been considered with regard to the Development Plan and National Planning Policy Framework (NPPF) and the presumption in favour of sustainable development.
- 1.7 The main shortcomings of the development are the loss of employment floorspace and some loss of outlook and daylight/sunlight to existing and consented residential properties. These matters are however considered to have been outweighed by the public benefits of the proposal, namely the delivery of onsite affordable housing, security improvements to the pedestrian route between Holloway Road and Kiver Road and a significantly improved level of outlook and light to number of properties adjoining the northern section of the site.
- 1.8 The proposal is considered by officers to be acceptable in terms of land use, urban design, neighbour amenity, the quality of the proposed residential accommodation, dwelling mix, affordable housing, transportation and servicing, landscaping and trees, sustainability and energy, subject to conditions and to an appropriate Section 106 (s106) agreement, the Heads of Terms of which have been agreed with the applicant.
- 1.9 It is recommended that planning permission be granted.

## **2. SITE AND SURROUNDING**

- 2.1 The site is located on the east north side of Holloway Road (the A1) between the junctions with Kingsdown Road and Fortnam Road. The site area is approximately 0.276ha. The site comprises a petrol filling station and single storey MOT / vehicle repair garage at 640-648 Holloway Road, which are both currently in operation. The site also includes the adjacent 650 Holloway Road, which comprises a three storey plus mansard roof, end of terrace building fronting Holloway Road (comprising vehicular access to rear garage at ground floor level with four - part fitted out - residential units on the upper floors), with a vacant two storey vehicle repair garage (with double pitched roof) to the rear.
- 2.2 The site is located within the Nag's Head & Upper Holloway Road Key Area and the Upper Holloway Local Shopping Area. The site is also located between the Nag's Head and Archway Town Centres. The site is not within a designated conservation area but is however opposite the Mercers Road / Tavistock Terrace Conservation Area. The site has a Public Transport Accessibility Level (PTAL) rating of 5.
- 2.3 The surrounding area has a mixed character. Adjacent to the west of the site, fronting Holloway Road is a terrace of three and four storey properties comprising commercial accommodation at ground floor level with residential accommodation on the upper floors and rear of ground floor. Adjacent to the northwest of the site, fronting Fortnam Road is a terrace of three storey residential buildings and a four storey block of flats. Adjacent to the rear (north and northeast) of the site are two and three storey residential properties that front onto Kiver Road. Adjacent to the southeast of the site, fronting Holloway Road is a terrace of three storey properties comprising commercial accommodation at ground floor level with residential accommodation on the upper floors.
- 2.4 There is a public footpath to the east and northeast of the site that provides a pedestrian route between Kiver Road and Holloway Road. To the southwest of the site, on the opposite side of Holloway Road, is a terrace of two and three storey properties, comprising commercial accommodation at ground floor level with residential accommodation on the upper floors, and the junction of Holloway Road with Wedmore Street.

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

- 3.1 The application proposes the demolition of all the existing buildings and structures on the site - petrol filling station and single storey MOT / vehicle repair garage at 640-648 Holloway Road and the demolition of the existing two storey vehicle repair garage to the rear of 650 Holloway Road. The demolition works would also require the removal of the petrol tanks which are located underneath the existing garage forecourt.
- 3.2 The redevelopment of the whole site would provide a mixed-use scheme, through the erection of three separate buildings, comprising: Block 1 - a five storey over basement building fronting Holloway Road at 640-648 Holloway Road; Block 2 - a four storey building to the rear of 640-648 Holloway Road; and Block 3 - a four storey building to the rear of 650 Holloway Road.

- 3.3 Block 1 is a mixed use building providing a gym (Class D2) at basement level (512sqm), retail (Class A1) at ground floor (332sqm) and 20 residential units on the upper floors. Blocks 2 & 3 would provide 11 and 9 residential units respectively.
- 3.4 Servicing of the development would take place from an off-street service bay in front of Block 1. The service bay is directly accessed off Holloway Road and would utilise the existing dropped kerbs which currently serve the petrol station and MOT garage.
- 3.5 The scheme includes a private amenity space (322sqm) at the rear of Block 1 which would also incorporate play space (80sqm). This would be used by the future occupiers of the development.
- 3.6 During an assessment of this application a number of changes were made to the scheme in response to concerns raised by neighbouring residents, Members, Design Review Panel and officers in respect of land use, detailed design and layout, neighbouring amenity and the affordable housing offer.
- 3.7 The amendments to the scheme, which have been subject to a second round of public consultation, comprise:
- a) Reduction in floorspace of the basement (Class D2 – gym) and ground floor Class A1 retail floorspace of Block 1 from 804sqm to 512sqm and 766sqm to 332sqm respectively;
  - b) Relocation of plant room to basement of Block 1 with maintenance access from the ground floor;
  - c) Removal of the solid concrete course over the entrance to 650 Holloway Road for a gauged arch lintel detail;
  - d) Stall riser of Block 1 has been changed to an engineering brick
  - e) Reduction in height of Block 2 by 1050mm;
  - f) Window positions/proportions revised in Block 2;
  - g) Proposed reduction of existing boundary wall from approx 6m to 2.1m;
  - h) Revision to Block 3 to incorporate a projecting bay window to mitigate overlooking between Block 1 and Block 3;
  - i) Communal amenity / children's play space landscaping re-arranged;
  - j) Revisions to the forecourt/urban realm frontage including material treatment, seating, tree planting and low level planting;
- 3.8 Following the submission of amended plans the development would provide 40 residential units comprising 6 x 1-bedroom units, 24 x 2-bedroom units, 6 x 3-bedroom units and 4 x 4-bedroom units, together with 332sqm of retail floorspace (including ancillary storage) and a 512sqm gym.
- 3.9 The on-site affordable housing offer accompanying the initial submission was zero (with a £100,000 commuted sum). This offer has since been increased to deliver to 11 dwellings within Block 2 (which equates to 28% by units or 34% by habitable rooms), with 8 units to be provided as Social Rent and 3 units as Shared Ownership (83% Social Rent and 17% Shared Ownership by habitable rooms)

#### **4. PLANNING HISTORY**

- 4.1 The following previous planning applications relating to the application site are considered relevant to the proposals:



- Planning permission granted in January 2010 for 650 Holloway Road allowing the *'change of use of the currently vacant ground floor to the servicing and repair of motor vehicles (B2 use). Retention of upper floors for offices and storage.'* (ref: P091896)
- Planning permission granted in April 2011 for 650 Holloway Road allowing *'the conversion of the upper floors into 4 new residential units including a mansard roof extension.'* (ref: P110104). This permission has been implemented.

4.2 The following previous planning application relating to a neighbouring site (634-636 Holloway Road) is also of relevance:

- Planning permission granted in May 2013 for *'demolition of the existing 3 storey building comprising betting shop and 2 residential flats. Construction of new 4 storey building comprising Class A2 shop and 6 residential flats. Change of use of ground floor from existing betting shop to A2 use and residential'* (ref: P2012/0450/FUL). This permission is extant but has not yet been implemented and expires in May 2016.

#### Pre-application advice

4.3 The proposed development has been subject to on going pre-application discussions since June 2013. 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. A summary of pre-application response letter which was issued in on 31 July 2014 is provided below:

*'In summary, the principle of a mixed-use development at the site that provides residential accommodation is supported subject to provision of affordable housing to meet policy requirements.*

*The site is located between two Town Centres within an edge-of-centre location that is designated as Local Shopping Area. As the site is located outside of a Town Centre the proposed provision of A1 and D2 floorspace above 80sqm will need to be strongly justified.*

*Taking into account the site specific circumstances and detailed justification set out in the Commercial & Employment Land Market Report (produced by Strettons) that has been submitted, it is considered the loss of the existing employment floorspace could potentially in principle be appropriately justified, if it can be positively balanced against the benefits that an otherwise policy compliant mixed use development could bring.*

*Given the constrained nature of the rear of the site, there remain concerns with regards the impact of the proposed development on the amenity of neighbouring residential occupiers. The most significant concern is with regards the relationship of Block 3 with the rear of 632-634 Holloway Road. You are advised to re-visit this part of the scheme to explore how this relationship could be improved.*

*It would be necessary to provide a comprehensive BRE-based sunlight and daylight impact report to illustrate that the proposed development would not result in an unacceptable reduction in sunlight or daylight from any existing neighbouring residential properties, including units which have extant planning permission but have*

not yet been constructed / occupied at 350 Holloway Road and 634-636 Holloway Road.

The design approach and proposed materials are generally considered to be acceptable; however, you are advised to explore the further amendments to Blocks 1 and 3 as set out above.

The applicant is advised to revise the scheme in accordance with the above advice prior to making a full submission. If an application scheme was submitted based on the current details this would be unlikely to receive a favourable recommendation.'

## 5. CONSULTATION

### Public Consultation

- 5.1 Letters were sent to the occupants of 218 adjoining and nearby properties at Kiver Place, Holloway Road, Kingsdown Road, Fortnam Road & Wedmore Street. Site notices were displayed on 04/09/2014. The first period of public consultation closed on 02/10/2014.
- 5.2 Re-consultation: In response to the submission of revised plans and supporting information (including an updated daylight/sunlight report) the Council re-consulted on the application. Letters were sent to the same 218 properties and persons responding to the first consultation. A site notice was displayed also on the 12/02/2015. The public consultation of the application following this 21 day re-consultation period expired on the 05/03/2015.
- 5.3 At the time of the writing of this report a total of 10 responses had been received. Of these responses two objection letters were received during the second period of consultation in respect of the revised scheme.
- 5.4 The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

#### Land use

- The council should compulsory purchase the land and build affordable housing on the site as these are much needed within the borough.  
*Officer's comment: The site does not meet the criteria for being subject to a CPO.*

#### Urban Design

- The proposed five-storey development fronting Holloway Road would dominate the surrounding properties and be extremely at odds with the character of the area. **(para. 7.22 – 7.23)**
- Even with the recessed 5th floor, the building will dominate this part of Holloway Road and the neighbouring properties. The scheme should be revised to be in keeping with the height and roofline of the neighbouring properties on the terrace so as not to affect adversely the scale and character of this stretch of the road. **(para. 7.22 – 7.23)**
- The development should blend in with the area - particularly as it sits right on the edge of the Mercers Road/Tavistock Terrace Conservation Area. **(para. 7.22 – 7.23)**

- The garage at the moment provides some welcome 'breathing space' to the skyline of the road and the size of the proposed building would make the area feel quite oppressed. **(para. 7.22 – 7.23)**

#### Amenity

- Loss of daylight / sunlight to properties around the site. **(para. 7.43 – 7.69)**
- Loss of privacy by the inclusion of many of the flats in the development. **(para. )**
- The apartments will overlook rear gardens. **(para. 7.36 – 7.42)**
- The proposed windows would result in a loss of privacy of patients and staff using the dental surgery at 652 Holloway Road **(para. 7.36 – 7.42)**
- Increase noise disturbance from the future occupiers of the development, particularly when playing loud music with windows open in the summer months. **(para. 7.76)**

#### Waste

- The existing problem rubbish being dumped in the alleyway between Holloway Road and Kiver Road will be worsened by the development. **(para. 7.97)**

#### Transport / Highways

- The creation of 40 flats (housing potentially 140 people) would worsen the existing parking situation within the area. **(para. 7.121)**
- The access route being blocked for any length of time as a result of construction of the development will be a major issue for disabled residents accessing Holloway Road from the estate to the rear of the site

Officer's comment: *This is a matter which would be dealt with through the construction environmental management plan, secured by condition **(Condition 10)***

#### Landscaping / Biodiversity

- The buildings at 630-640 Holloway Road are fronted by a large screening tree. The proposed plans do not include anything similar that would help the new building to better blend in with the area so again this should be addressed. **(para. 7.129)**
- The landscaping plan should include more trees to balance and mask the building from the street as can be seen along the road further along. **(para. 7.129)**
- Concerns are raised over the loss of a maple tree. **(para. 7.129)**
- A family of red foxes lives at the back of the garage and concerns have been raised as to what will happen to them as a result of the proposed development.

Officer's comment: *The landscaping proposals for the scheme would significantly improve ecology and biodiversity across the site.*

#### External Consultees

- 5.5 Thames Water – No objection raised, the developer is required to make provisions for surface water drainage, water usage and sewage management (informatives) and provide a piling method statement to mitigate the impact on underground sewage. **(Condition 31)**
- 5.6 Transport for London – No objection to the proposals subject to ensuring that the front delivery layby is adequately managed **(Condition 16)** and the street trees are within BS 5837 guide lines. Further details of the new street tree have been requested through a clause in any s106.

The development is proposed to be car-free and adequate provisions are made for cycle parking which are in line with the Further Alterations to the London Plan.

A Construction Logistics Plan must also be secured by condition and agreed with the council and TfL prior to any works commencing. All construction works must subsequently be carried out in accordance with the approved plan. **(Condition 10)**

### **Internal Consultees**

- 5.7 Planning Policy Officer – The development would result in a loss of employment floorspace which is considered to have been justified through the submission of supporting information. The initial scheme was considered to be unacceptable by reason of the size of ground floor retail unit, however the amendments bring the size of unit more in line with that expected within a Local Shopping Area.
- 5.8 Design and Conservation Officer – The proposals are supported, particularly Block 1 which is considered to have full regard to the architectural language of the street frontage. Conditions should be imposed to ensure that the materials are of a high standard.
- 5.9 Acoustic Officer – Concerns have been raised in respect of the site's noisy location and the detrimental impact which this could have on the living conditions of the future occupiers of properties with rooms fronting Holloway Road. Matters relating to noise and land contamination would need to be addressed through planning conditions on any approval.
- 5.10 Transport Officer – No objection to provision of a servicing bay as this would allow for off-street servicing, however the case officer should seek the views from TfL as the site is located along a Red Route. The applicant should submit swept path analysis that demonstrates that adequate levels of space remain within this shared surface to accommodate pedestrians, including wheelchair users, alongside vehicles that are parked in the bay. Officers should require the following HoTs: car-free development, highways reinstatement, financial contribution towards upgrading the pedestrian route between Holloway Road and Kiver Road and visitor cycle parking within the vicinity of the site and a travel plan.
- 5.11 Licensing – As a gym is proposed in the basement there might be a requirement for a special treatment licence.
- 5.12 Tree Preservation / Landscape Officer – Support has been expressed for the amenity space at the rear of the site being re-designed. The tree and tree pit provision at the frontage of the site and the landscaping is acceptable in principle subject to the imposition of a landscaping condition and perhaps the change of species at the south where there may be space for a larger tree. The condition should also ensure that the quality and usability of open spaces within the development is maximised to enhance its setting within the immediate locality.
- 5.13 Sustainability officer – Support has been expressed for the level of green roofs which are proposed across the development and the amount of landscaping. The development also makes adequate provision for renewable energy. In terms of SuDS, the level of information is very minimal and no FRA has been submitted; the case officer should seek further advice from the council's Lead Local Flood Authority (LLFA) officer.
- 5.14 Lead Local Flood Authority (LLFA) officer – Raised some concerns over the lack of detail which accompanies the planning application submission to demonstrate how

surface water drainage would be dealt with. However it was felt that the proposed landscaped areas, green roofs and private gardens, together with the provision of suitably permeable hard surfacing will vastly improve the drainage across the site. Further information is required to be submitted through a condition. An agreement also needs to be in place to ensure that the landowner is responsible for managing the site's drainage systems in future.

- 5.15 Energy conservation officer – The revisions to the scheme's design has improved the proposed reduction in energy consumption. Whilst the 30% CO2 emissions reduction on the 2010 Building Regulations can't be achieved, the 27% achieved is appropriate in this instance. The development should however be required to make a carbon offset contribution of £55,528. The BREEAM 'excellent' ratings welcome. The proposal is considered to acceptable subject to conditions.
- 5.16 Access Officer – The 4 wheelchair accessible units should carried out in accordance with the submitted plans and all units should meet Lifetime Homes Standards. This should be secured through a planning condition. **(Condition's 12 & 13)**
- 5.17 Street Environment Division – The proposed arrangements for refuse storage and collection are considered appropriate.

### **Members' Pre-application Forum**

- 5.18 The application, incorporating some of the proposed amendments and the revised affordable housing offer, was presented to the Members' Pre-application Forum on 23/02/2014.

### **Design Review Panel**

- 5.19 Islington's Design Review Panel considered the proposed development at application stage on 09/09/2014. The panel's written comments (issued on 08/10/2014) are provided below and attached in full at **Appendix 3**:

- **Layout and massing:** The Panel expressed concerns over the overall density of the development, particularly in relation to the bulk and massing of Block 2.  
*Officer's comments: The density of the development of 500 hr/ha complies with the London Plan requirements for its location.*  
*The bulk and massing of Block 2 has been reduced since DRP through the submission of revised plans which lower its height by 1m. Block 2 now represents a considerable reduction in bulk and massing compared to the existing workshop building.*
- **Land use (retail unit):** The Panel expressed concern that the retail unit on the ground floor of Block 1 is negatively influencing the quality and amenity of the rest of the development. Panel members were concerned over the size and depth of the retail unit, which extends deep into the development and appears to be designed to accommodate a supermarket. Although the design allows for three smaller units, the Panel felt that these would be too long and narrow to function as individual shop units. The Panel raised concerns over a potential supermarket, including issues such placement of a loading bay and trolleys, and the impact on pedestrians. The quality of the public realm was not demonstrated to the panel in the documentation submitted/reviewed. The Panel questioned the location of the

plant room, the placement of chillers for a potential supermarket, and the mix of plant for the residential units, gym and supermarket. Panel members suggested that the development would benefit from a more shallow retail unit, which would allow for a courtyard at the heart of the development.

*Officer's comments: The basement and the ground floor of Block 1 have been reduced in size. As well as delivering a more acceptable size (332sqm) and depth of retail unit on the ground floor, the revisions also demonstrate a better layout of the rear courtyard as this would no longer be provided at raised level.*

- **Architectural treatment:** The Panel was generally positive about the principle of the proposed front elevation of Block 1, but had concerns about overheating and suggested the integration of passive shading, they also commented that the design of the back of Block 1 and the two other blocks to the rear could be made different from the front to make it more 'intimate' and 'less grand' and to better respond to the change in context/character of the rear part of the site. The Panel requested a statement on the design process and what alternative layouts had been considered. This should show how the site was analysed, its opportunities and constraints, and the evolution of the design responses.

*Officer's comments: The applicant has given some consideration to passive shading, however it was not considered to be feasible.*

*To ensure that Block 1 relates better to the context of the rear of the site the 'harder' perceived pre cast concrete finish has been omitted and an external grade English oak framing system is now proposed. This surface finish offers a 'softer' appearance with a fine surface grain and patina that varies and develops over its lifespan. Further details are however required through a planning condition to ensure that a high quality material and finish is delivered. A green wall is also proposed on the rear elevation of the block.*

*The redevelopment of the site is considered to lend itself to the layout which is currently proposed as it would ensure the delivery of private amenity space in the form of a central courtyard, which as a result of amendments to the ground floor of Block 1, is no longer at a raised level.*

- **Amenity:** The Panel raised concerns around the single aspect units and the bedrooms facing the front of Block 1, which would require mechanical ventilation and possibly air conditioning and advised that passive solutions should be sought.

*Officer's comment: The layout of Block 1 has been redesigned to ensure that there would be no single aspect units. All of the units within Block 1 would also have bedrooms looking onto the courtyard at the rear, as opposed to Holloway Road (as originally proposed).*

- **Impact on neighbouring amenity:** The Panel questioned the size of Block 2, in particular in relation to the boundary wall, and the degree to which neighbouring properties would suffer from overlooking. The Panel suggested that windows of Block 2 could be made smaller to prevent overlooking. There were concerns that the flats had limited outlook and that lower level units would not receive sufficient daylight. Panel members were heartened by the proposed lower wall around Block 3, but questioned whether ground-floor flats and their private spaces facing onto the back alley were appropriate. Different typologies were suggested to get front doors onto the street and create natural surveillance.

***Officer's comments:** The windows on the west side elevation of Block 2 have been redesigned to ensure there would be no direct overlooking. The proposed balcony on the west side elevation of Block 2 is required (by condition) to be screened to prevent any direct overlooking.*

*In terms of the amenity space for flats on the ground floor of Block 3, there would be no other suitable location for its provision other than fronting the alleyway. The occupiers of these units would also benefit from having shared amenity space on the second floor of the building and within the proposed courtyard area.*

- **Sustainability:** Questions were raised around the proposed Code Level for the development. The Panel requested solutions for balancing the heating and cooling across the development, including how excess heat generated from the gym and supermarket could be reused through the rest of development.

***Officer's comments:** Recent government legislation has effectively removed Code for Sustainable Homes standards, however since DRP the applicant's energy consultants have been liaising closely with the council's energy and sustainability officers to ensure that issues relating to heating and cooling have been adequately addressed.*

- **Access for loading:** The Panel questioned whether Transport for London (TfL) had been consulted on the proposed treatment of the frontage including layby on Holloway Road.

***Officer's comments:** TfL have been liaising with the developers and the council with regard to the proposed servicing bay at the front boundary of the site and associated surface treatment. The provision of a service bay is considered to represent a suitable arrangement for servicing the commercial and residential land uses, subject to the provision of bollards and a service and delivery management plan.*

## **6. RELEVANT POLICIES**

- 6.1 Details of all relevant policies and guidance notes are attached in **Appendix 2**. This report considers the proposal against the following planning policy documents.

### **National Policy and Guidance**

- 6.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 6.3 Since March 2014 planning practice guidance for England has been published online.
- 6.4 On the 28 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 VBC on this application.

- 6.5 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.
- 6.6 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.
- 6.7 The Council considers that the material consideration of the PPG should not outweigh the Development Plan, given the specific circumstances in Islington.
- 6.8 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**

- 6.9 The Development Plan comprises the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 6.10 Further Alterations to the London Plan (FLAP) were published in March 2015 and these have been considered in the assessment of this application.

### **Designations**

- 6.11 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011 and Development Management Policies 2013:
- |   |                                   |
|---|-----------------------------------|
| - Nag's Head & Upper Holloway Road Key Area | - Within 100 of TfL Road Network  |
| - Upper Holloway Local Shopping Area        | - Within 50m of Conservation Area |

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

- 6.12 The SPGs and/or SPDs considered relevant are listed in **Appendix 2**.

## **7. ASSESSMENT**

- 7.1 The main planning issues arising from this proposal relate to:

- Land use;
- Design, Conservation and Heritage Considerations;
- Neighbour amenity;
- Quality of residential accommodation
- Dwelling mix and affordable housing;
- Highways, transportation and pedestrian access;



- Trees, landscaping, SUDS and play space;
- Sustainability and energy;
- Planning obligations.

### **Land use**

7.2 The main land-use policy issues which need to be assessed relate to the loss of employment floorspace and the provision of new housing and commercial uses as part of a mixed use redevelopment of the site.

### **Loss of employment land**

7.3 The existing employment land on the site consists of the following:

- 640-648 Holloway Road single storey buildings currently occupied and used as petrol filling station and ancillary retail (sui generis) and an MOT testing centre/car repair workshop (Class B2) (497sqm – excluding petrol filling station forecourt);
- 650 Holloway Road, currently vacant but fitted as car repair workshop (Class B2) with ancillary offices (1,131sqm).

7.4 In the first instance it should be recognised that there is no policy protection for sui generis uses in terms of protecting employment land, but the B2 use (car repair garage/MOT centre) triggers the provisions of IDMP policy DM5.2. Part A of the policy states, *'proposals that would result 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.'* The policy then requires evidence of two years' vacancy during which there has been an unsuccessful effort to market the premises, but in exceptional cases related to site-specific circumstances, a robust 'market demand analysis' which supplements any vacancy evidence may be considered acceptable.

7.5 The Commercial and Employment Land Report (by Strettons Chartered Surveyors) which has been submitted in support of the application, sets out the particular circumstances of the site. Principally, the car repair workshops and petrol filling station provide functional accommodation for the existing occupiers, but the buildings are in poor external repair and nearing the end of their useful economic life.

7.6 The ground floor of 650 Holloway Road is vacant and the upper floor accommodation of the building has not been occupied for many years. Part of this building has also seen works commence for a conversion into residential accommodation (283sqm), although these have not been completed. The dilapidated condition of the building has been confirmed by an officer's site inspection.

7.7 The report by Strettons also provides particular justification of lack of likely future demand for B2 or B1 uses specific to this site, where there would be significant constraints on redevelopment for B uses given the proximity to existing residential uses and the access arrangements, which are considered to justify the use of market demand analysis in place of the full two years' marketing evidence.

7.8 Appendix 11 of the IDMP provides a list of elements that the council would expect in a market demand analysis. The submitted report provides commentary on all of these elements required by Appendix 11 in relation to market demand analysis:

- Business floorspace available in other similar properties within the market area
- Rental levels achieved for these properties
- Independent commentary on the current and likely future demand for floorspace within the market area, based on the above factors and other relevant considerations (e.g. wider analyses of current market demand, and up-to-date forecasts produced for the Mayor of London or Islington Council)

7.9 The report identifies that there is 218,650sqm of better appointed, configured and located accommodation than the application site within a three mile radius. The levels of available business space in the market place, and taking this in context with the dilapidated state of repair of the ancillary office/storage space, unsustainable levels of business for the existing petrol filling station and car repair workshops and the unsuitability for conversion into alternative commercial uses, the potential for future demand in commercial use is considered to be low.

7.10 In this case it is therefore considered that exceptional circumstances have been demonstrated in line with policy DM5.2A and the loss of the business floorspace can be accepted in this instance.

#### Provision of retail and leisure uses

7.11 The scheme originally proposed a single 766sqm retail space (A1) on the ground floor and 804sqm gym (D2) space at the basement level. In response to concerns raised by officers the provision of commercial floorspace was reduced to include 332sqm of retail floorspace and a 512.6sqm gym.

7.12 As set out in policy DM4.4A, applications for more than 80sqm of floorspace within 'A' and 'D2' use classes should be located within designated town centres; where suitable locations within town centres are not available, Local Shopping Areas or edge-of-centre sites should be chosen.

7.13 The site is located in a Local Shopping Area, between two town centres (Nag's Head and Archway). The site is considered to be 'edge of centre' for the purposes of retail policy. Retail is therefore a supported use at this location subject to policies DM4.4 (Promoting Islington's Town Centres) and DM4.6 (Local Shopping Areas). A retail and leisure statement has been produced to address the requirements of these policies. The key issues are:

- Sequential search for town centre sites, re: DM4.4 part A
- Whether the proposed retail unit and gym maintains an appropriate mix and balance of uses within the Local Shopping Area, re: DM4.6, part A

7.14 The retail statement has considered potential sites in town centre locations, and concludes that there are none of which are suitable or available. Where suitable locations within Town Centres are not available, Local Shopping Area sites should be chosen, therefore as a location for retail or leisure uses above 80sqm, this is an acceptable site in principle.

7.15 The Local Shopping Area, situated along a main road between two designated town centres, effectively provides one long corridor of town centre uses, and the strengthening of this corridor in terms of the retail and leisure offer is welcomed. As both an edge of centre location and within a designated Local Shopping Area, it is

accepted in this case that there are no sequentially preferable (i.e. town centre) sites that are both suitable and available for the gym use.

- 7.16 With regard to the appropriateness of a single large retail unit within a Local Shopping Area, the substantial reduction in the quantum of retail proposed alleviates some concerns which were expressed at pre-application stage and towards the originally submitted scheme design. Paragraph 6.4 of the retail statement states that there is demand for the retail either let singularly or sub-divided into two, and halving the size of the retail provision seems to respond to the results of the demand analysis. Accepting that there is a healthy supply of smaller sized retail space along the length of Holloway Road, provision of a single retail unit of 355sqm is considered to accord with DM4.6A as it would introduce an element of diversity into the Local Shopping Area.
- 7.17 Whilst the revised retail configuration at ground floor does not provide a small unit alongside a larger unit as would be encouraged by DM4.1A, the configuration could allow for potential for subdivision in the future. In view of the improvements to the overall scheme that have resulted from the reduction in the proposed retail quantum and the characteristics of the Local Shopping Area itself, on balance it is considered that a single medium sized retail unit at ground floor would be appropriate in this location.

#### Principle of new residential accommodation

- 7.18 The principle of new residential accommodation is acceptable as ICS policy CS12 seeks to meet and exceed the borough housing target which is set by the Mayor of London. The density of the development which is proposed for the site is 500 hr/ha and this is also supported as it represents the upper limits of the London Plan requirement sustainable residential quality (SRQ) density mix (200-700 hr/ha for sites with PTAL rating 4 to 6). The mix of units and tenure is given further consideration below.

#### Design, Conservation and Heritage Considerations

- 7.19 ICS policy CS3 (Nag's Head and Upper Holloway Road) seeks to secure improvements to the public realm, enhancing the environment for pedestrians and cyclists, de-cluttering the streetscape, making it more inclusive, attractive and safer. Policy CS3 also seeks to ensure the historic character of the area is protected and enhanced with high quality design required along Holloway Road. IDMP policy DM2.1 (Design) provides clear advice with respect to what is expected from a development in terms of its design. Further detailed design guidance is also provided within the Islington Urban Design Guide SPD.
- 7.20 It is proposed to demolish the existing petrol filling station and single storey MOT / vehicle repair garage at 640-648 Holloway Road. It is also proposed to demolish the existing two storey vehicle repair garage at the rear of 650 Holloway Road. The loss of all existing buildings on the site is supported as these possess very limited architectural quality.

#### Layout

- 7.21 The development proposals comprise the erection of three new blocks which are sited around a central amenity space. The proposed layout of the site is similar to the

existing situation in that Blocks 2 & 3 are to be sited over the footprint of the existing MOT/vehicle repair buildings to the north and south. Block 1 is proposed on the front of the petrol station forecourt and would provide a continuous frontage to the existing streetscene. This arrangement is considered to be appropriate in terms of the context of the site. An assessment of each block is provided below as their context relate to different settings around the application site. Specific issues raised by the DRP in relation to the layout have been responded previously.



**Proposed site layout**

### Block 1

- 7.22 Block 1 is a five storey over basement building fronting Holloway Road at 640-648 Holloway Road. On the Holloway Road elevation the building comprises four solid storeys (ground to third floor) of high quality London stock brickwork with a lightweight glass-clad setback fourth floor (5<sup>th</sup> storey). The ground floor of the building provides an active frontage in the two commercial uses. The rear elevation is solid brickwork with a glass clad fourth floor (not setback). There are balconies at first to fourth floor level.
- 7.23 Firstly, it should be noted that the design of this block has been significantly improved since the pre-application stage. Whilst the building at 5 storeys would be a storey higher than the adjoining buildings to the north and south, it is considered to be appropriate in terms of its setting along Holloway Road. The proposed top floor, through being set back from the front parapet by 1.5m and constructed from 'Reglit' style glazed vertical panels is considered to mitigate initial concerns regarding the

relationship of the building with the adjoining buildings. Furthermore, the articulation of the fenestration pattern includes full brick reveals adding depth and shadow which replicates that of the finer detailed buildings along the streetscene. The DRP raised no concerns about the height or front elevation of this block.

7.24 In respect of the rear elevation, this is characterised by full width recessed balconies (with galvanised steel balustrades and timber handrails) which offer a more ‘human’ character to reflect its setting within a residential courtyard. This addressed a suggestion raised by the DRP. As discussed above, the layout of the rear of the block has changed from being a raised podium to a ground level private amenity space for the future occupiers of the site. At ground floor level no fenestration is proposed as this is the rear wall of the proposed retail unit. To ensure that this elevation does not appear oppressive on the amenity space a steel cabling system with a planted green wall is proposed. **(Condition 18)**

7.25 Whilst officers support the height, scale, massing and detailed design of Block A, its success will depend upon the quality of the materials and the finish which is proposed. These details would be secured by a condition. **(Condition 3)**



**Block 1 – Holloway Road Elevation**



**Block 1 – Rear Elevation**

## Block 2

7.26 Block 2 is part four storey, part two storey building to the rear of 640-648 Holloway Road. The building is constructed with brickwork elevations including blue brickwork feature panels, sliding aluminium privacy screens for the windows, and blind windows

on the north elevation. The proposed building would replace the existing warehouse/garage workshop in the northern section of the site.

- 7.27 At the request of officers, the height of the block has been reduced to that of the pitched roofs of the existing building. This amendment combined with the width of the proposed building being 3.3m less than the existing building on the site currently results in an appropriate form of development in this part of the site, with regard to its relationship to adjoining buildings and residential amenity (discussed further below).



**Block 2 – Front and side elevations**

### Block 3

- 7.28 Block 3 is a four storey building to the rear of 632 – 636 Holloway Road. The building would be constructed with predominantly facing brickwork with a set back, glass clad upper floor. This building is larger in terms of height, bulk and massing compared to the single storey garage building it would replace. The existing building is approximately 6.3m high, whereas the proposed building is approximately 11.4m high. However, the building is considered to relate approximately to its context, in between 632 – 636 Holloway and 148-158 (even) Kiver Road, through having a setback 4<sup>th</sup> floor which is finished with 'Reglit' style glazed vertical panels.
- 7.29 In detailed design terms, the curved corner on the bend in the footpath is considered to an attractive feature of the new building. The angled/scooped reveal detail to the high quality windows with bronze anodised aluminium finish is also supported. The choice of facing materials proposed for this block replicate those across the other two blocks and is therefore appropriate.
- 7.30 The block proposes bedrooms and living rooms which would directly look onto the footpath and thereby offering increased natural surveillance and public safety of this area, but with defensible space also provided.



**Block 3 – Front elevation**



**Block 3 – Front and side elevations**

### Summary

- 7.31 As stated above, the layout of the buildings within the site are considered to be appropriate given its relationship and contextual height to context with adjoining buildings. The amenity space at ground level is acceptable as this offers a physical separation between the blocks.
- 7.32 In terms of Block 1, this responds well to the streetscene by having a fourth floor which is both setback and glazed. The proposed fenestration pattern has regard to adjoining buildings. Blocks 2 & 3 are proposed in tight backland locations in close proximity to neighbouring residential properties to the north, east and west. Given the constrained nature of the rear of the site, it was necessary to pay particular attention to the assessment of the impact of the proposed height, bulk and massing of Blocks 2 & 3, both on the character of the surrounding townscape and on the amenity of neighbouring occupiers.
- 7.33 A detailed model was provided at the pre-application meeting to allow a comparison of the existing and proposed situation. Based on an assessment of the model, taking into account the height, bulk and massing of the existing buildings at the site and neighbouring buildings, it is considered that the proposed height, bulk and massing of Blocks 2 & 3 would not be out of character with the surrounding townscape context.
- 7.34 To ensure that the development achieves a quality of design, further details of the proposed materials are required to be submitted through a planning condition.  
**(Condition 3)**

## Neighbouring amenity

- 7.35 The Development Plan has policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. IDMP policy DM2.1 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook. These matters are given careful consideration below.

### Overlooking / Privacy

- 7.36 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.
- 7.37 Firstly considering Block 1, there would be no resulting overlooking between existing residential dwellings in the area and the balconies and windows serving the new units within this building. Initial concerns were raised by officers with regard to a loss of privacy between the future occupiers of Blocks 1 and 3. This issue has however been addressed by redesigning and re-positioning the affected windows.
- 7.38 In terms of the northern part of the site, the existing situation is such that the upper floors of the garage workshop which serve vacant offices have a row of windows at first/second floor level that look directly onto the rear of Nos. 65-71 Kiver Road (east of the site) and No.652-666 Holloway Road (west of the site).
- 7.39 Turning firstly to No.65-71 Kiver Road, the current distance between windows on the existing building (serving ancillary office accommodation) is 12m. To address this issue Block 2 has been set in by approx. 4.5m from the boundary. The resulting distance between windows the serving habitable rooms is therefore 16.5m, which whilst being 1.5m less than the required 18m distance, would represent an improvement based on the existing situation. There is however a balcony proposed for Flat 5 on the first floor of block which requires its southeast projection to be obscurely glazed to ensure there is no direct overlooking into the windows of No.65 Kiver Road, the details of which should be secured through a condition.
- 7.40 In respect of No.652-666, the existing distance between directly facing windows is as low as 6m, which would be increased to 10m. At the request of officers, the new windows on the new west elevation of Block 2 have been redesigned (with sections being obscurely glazed) to ensure that there would be no loss of privacy. **(Condition 7)**



- 7.41 Block 3 requires some secondary windows serving kitchens/living areas and bathrooms on the east and west elevations at upper floor levels to be obscurely glazed to ensure there is no overlooking between windows of No.632-634 Holloway Road (existing (12m away) and approved under P2012/0450/FUL (7m away)) and Nos. 75-77 Kiver Road (10m away). The terrace serving Flat 5 in the block requires a privacy screen along the side elevation and area of the flat roof with communal amenity space would also need to be demarked for access only. **(Condition 34)**
- 7.42 The layout and treatment of the development is acknowledged as having been carefully considered to prevent overlooking and protect the privacy of residents of nearby properties and occupants of the development. Where necessary, privacy screens and obscure glazing would be secured through planning conditions to further mitigate any impacts. **(Conditions 7 & 8)**

#### Daylight and Sunlight

- 7.43 The application was submitted with a daylight/sunlight assessment prepared by Twenty 16 Design. In response to concerns raised by officers in respect to the quality of this assessment, the applicants instructed Waldrams to undertake a revised study. Officers are satisfied that this revised study has been carried out to acceptable standard and has full regard 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'.
- 7.44 A number of the representations received raised concerns and objections to the scheme in relation to the impact of the proposed development on sunlight and daylight loss to neighbouring residential units.
- 7.45 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).*

- 7.46 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.
- 7.47 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.*

- 7.48 The BRE guidelines also advise that the spaces such as gardens, parks and playing fields, children's playgrounds should be tested for the availability of sunlight. For gardens and open spaces at least half of the amenity area should receive at least two hours of sunlight on 21 March (Spring Equinox).
- 7.49 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.
- 7.50 The application site is located within an accessible London 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.
- 7.51 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.

#### Analysis of the test results

- 7.52 Residential dwellings within the following properties have been considered for the purposes of daylight and sunlight impacts as a result of the proposed development.
- 5 Fortnam Road (improve)
  - 65-67 Kiver Road (improve)
  - 69-79 (odd) Kiver Road
  - 1-3 Kingsdown Road (pass)
  - 148-158 (even) Kiver Road
  - 533-539 (odd) Holloway Road
  - 630c Holloway Road
  - 632 Holloway Road
  - 634-638 (even) Holloway Road
  - 652-660a Holloway Road (improve)
- 7.53 In addition, the report provides shadow diagrams of the existing and proposed private amenity spaces around the site.
- 7.54 The following paragraphs summarise and comment on the results from the submitted daylight/sunlight report and subsequent addendum.

*5 Fortnam Road, 65-67 Kiver Road, 652-660a Holloway Road & 1-3 Kingsdown Road*

- 7.55 According to the figures which have been prepared all of the windows and rooms tested would at 5 Fortnam Road, 65-67 Kiver Road and 652-660a Holloway Road see an improvement in VSC, Daylight Distribution, APSH and WPSH from the existing situation. This is attributed to the scale and massing of Block 2 being less than the existing garage workshop building.
- 7.56 At 1-3 Kingsdown Road, all 14 windows and habitable rooms would comfortably pass the VSC and Daylight Distribution tests respectively. As the windows do not face within 90 degrees of due south there is no requirement for sunlight to be tested.

*69-79 (odd) Kiver Road*

- 7.57 In terms of daylight, 31 of 32 windows pass the VSC test. The only window that fails is recognised as serving a bathroom (non-habitable room) at 79 Kiver Road. The loss in this instance is very marginal (22%) but in any event does not require testing according to local policies. In terms of Daylight Distribution, 25 out of 26 rooms tested would pass. The ground floor kitchen of No.79 would fail the test; however the loss is minimal (24%) in this instance.
- 7.58 The APSH and WPSH figures are equally as good, with every window tested receiving over 25% during the summer (figures between 31% & 75%) and 5% in winter (between 5% and 26% - the majority being within the upper range).

*148-158 (even) Kiver Road*

- 7.59 The VSC figures for windows on the west side elevation of 148-158 (fronting Block 3) show that 6 out of 9 windows tested would fail. However, by reviewing sales particulars (prepared by Rightmove) all of these windows that fail either serve a bathroom or small kitchen areas which are served by a large front window. Whilst the rooms also fail the Daylight Distribution test (losses between 24% and 71% – averaging 50%), they would experience acceptable levels of sunlight under both the APSH and WPSH test.

*533-539 (odd) Holloway Road, 630c Holloway Road & 632 Holloway Road*

- 7.60 According to VOA records and a site inspection of 533-539 (odd) Holloway Road shows that these properties have commercial uses on the ground floor and residential accommodation above. No.630c Holloway Road is solely in residential use as is No.632 Holloway Road. All of the windows and habitable rooms comfortably pass the VSC, Daylight Distribution and ADF tests. In terms of sunlight none of the windows face within 90 of due south and therefore don't require testing.

*634-636 (even) Holloway Road*

- 7.61 As identified above in the planning history section, 634-636 Holloway Road has an extant 2013 planning permission for the demolition of existing buildings and the construction of a new 4 storey building comprising a shop and six residential flats. The updated daylight/sunlight report therefore includes an assessment of both the existing situation and the consented scheme.
- 7.62 In terms of the existing situation, all 10 windows comfortably pass the VSC test. With regard to Daylight Distribution, 7 out of 8 rooms tested all pass and the room that does fail is positioned on the ground floor, experiencing a loss of 32.15%. Given the overgrown nature of the site with shrubs and trees and the lack of information on the existing floorplans submitted as part of the 2013 permission it hasn't been possible to

identify the use of this room. In terms of sunlight none of the windows face within 90 degrees of south and therefore do not require testing.

- 7.63 With regard to the 2013 permission, 7 out of 9 windows tested all pass the VSC test. The two windows that do fail would both serve bedrooms on the first floor and experience marginal losses of 24% and 26%. All of the rooms would however pass the Daylight Distribution test.
- 7.64 In terms of sunlight, the proposed ground floor living window faces within 90 degrees of south. The readings for this window are 11% APSH and 0% WPSH, which is a shortcoming of the proposals.

#### *638 Holloway Road*

- 7.65 In respect of daylight, both windows which are identified as serving habitable rooms (on first and second floor) would receive slightly less VSC than the level recommended, experiencing losses of 29% and 27%. However, both rooms would score very well on the Daylight Distribution test (scores of 98.77% and 98.95%) and would therefore remain well lit.
- 7.66 There are no habitable windows facing within 90 degrees of south.

#### *Private amenity spaces*

- 7.67 The submitted assessment shows that 2 out of 11 gardens which required testing would experience a minor reduction in lit area. In percentage terms these are very low – no more than 2% of the total area – less 20% of the area receiving at least two hours sunlight on Equinox. In summary, at least 50% of the amenity space in these gardens would continue to receive at least 2 hours of sunshine at the Equinox.
- 7.68 In seven instances there would be gains in the amount of lit area of amenity spaces, up to as much as 33%.

#### Daylight/sunlight test summary

- 7.69 The assessment shows that the development would result in some substantial gains in daylight for surrounding properties. Whilst there are losses of daylight to some windows serving habitable rooms the scheme is considered to respond exceedingly well to its urban context and any impacts outside of BRE guidelines, are minimal and relatively isolated.

#### Outlook/Loss of View

- 7.70 The impact of a development on outlook is 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.
- 7.71 It was initially considered that Block 1 could have an impact on the outlook of the upper floor window of No.630 Holloway Road. However a visit to the site confirmed that whilst the rear projection and balcony would impede slightly on the outlook from this window it is not considered having a harmful impact on the enjoyment of this property.

- 7.72 As Block 2 is the same height as the existing garage workshop building, but with a reduced massing and bulk it is considered to improve the outlook of the residents around the northern section of the site (1-7 Fortnam Road, 65-71 Kiver Road, 652-660a Holloway Road).
- 7.73 The main impact of the development in terms of outlook is Block 3. Whilst the footprint of this building would be less than the existing MOT garage, its height would be increased from 6.5m to 11.4m. Whilst there would be some impact on the outlook from 79 Kiver Road, it is the bedroom windows on the rear elevation of the approved scheme at 632-634 Holloway Road (ref: P2012/0450/FUL) that would be affected the most. By measuring off the submitted plans, which includes an outline of the new extensions at No.632-634, the distance between the existing bedroom windows and the new building would be approximately 7m. Officers are of the view that there would be a loss of outlook to these windows if the consented scheme at 632-634 Holloway Road is built out. That being said, the window at both the first and second floors would have the majority its view towards the south of Block 3. Furthermore, all of properties at No.632-634 would benefit from having decent sized living/dining rooms which look out onto Holloway Road, so it would only be bedroom windows that are affected.
- 7.74 Whilst the identified loss of outlook to Nos.632-634 is clearly a shortcoming of the application it needs to be balanced in the context of the scheme's wider benefits.

#### Noise / disturbance

- 7.75 The application proposes a significant area of new plant in the basement of the buildings for the commercial and residential uses. It is considered appropriate that the plant shall be 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. This requirement would be secured through an appropriately worded condition. **(Condition 9)**
- 7.76 Concerns have been raised by the local residents in respect of the noise which the new residential dwellings would generate, however this would be considerably less than if businesses were operating from the existing garage building to the rear of No.650 Holloway. Normal residential occupation is not considered to generate noise nuisance.

#### Construction Impacts

- 7.77 In the interest of protecting neighbouring residential amenity during the construction phase of the development; (having consideration to impacts such as noise and dust) the applicant has agreed to comply with the Council's Code of Construction Practice. Compliance has been secured as part of a S106 agreement together with a payment towards the monitoring of the construction site to ensure its neighbourliness. This payment is considered 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. Conditions also require the submission of a method statement construction logistics plan, that should also address the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) during the construction phase. **(Condition 10)**

## Quality of the residential accommodation

- 7.78 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/Amenity Space

- 7.79 All 40 residential units either meet or exceed the minimum unit sizes as expressed in Table 3.2 of policy DM3.4. The submitted sections of the buildings show attainment of the minimum floor to ceiling height of 2.6 metres.
- 7.80 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'*. The policy in part C states that the minimum requirement for private outdoor space is 15sqm on ground floors and 5sqm on upper floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors. A minimum amount of 30sqm is required for family housing which is three bedroom residential units and above.
- 7.81 Out of 40 units, 32 units (80%) have private amenity space in the form of either gardens or balconies. Of these 32 units, 25 units (78%) either meet or exceed the required provision of private amenity space. This figure does not take into consideration the provision of 322sqm shared outdoor amenity space in middle of the site and a 41.3sqm shared terrace on the roof of Block 3.
- 7.82 In terms of Block 1, the provision of amenity space for 1-bed and 2-bed units (18 units) all comfortably exceed the council's required standards. The two 3-bed units would each have 11.8sqm, which does fall short of the 30sqm policy requirement. Both these units would however have access to the communal amenity space.
- 7.83 With regard to Block 2, all of the three ground floor units are provided with an acceptable amount of garden space. A total of 5 out of 8 flats on the upper floors of the block would have private amenity space, albeit not strictly policy compliant for the unit sizes. However, the level of provision is appropriate in this instance given the constrained nature of this and need to minimise overlooking, part of the site together with the proposed communal amenity space.
- 7.84 Block 3 provides 5 out of 9 units with private amenity space. All of the units would however have access to the shared terrace at second floor level. The level of provision is acceptable given the existing relationship of buildings adjoining this part of the site

### Aspect/Daylight Provision

- 7.85 Policy DM3.4 part D states that *'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'*. Initial concerns in respect of four single aspect units being proposed on the Holloway Road frontage in Block 1 have been addressed. The scheme now proposes two single aspect units (5% of total units across the site) in Block 2. Whilst these units are single aspect they benefit from being located on the first floor of the block, have long floorplates, room sizes which exceed minimum space standards and south facing balconies.

- 7.86 The submitted daylight/sunlight assessment shows that 131 out of 142 (92%) habitable rooms within the scheme either achieve or almost achieve the required ADF levels. The main short falls appear to be in the proposed bedrooms, which require lower levels of light than living rooms or large family kitchens. Turning to APSH & WPSH, 32 out of 38 living rooms (82%) meet BRE Guidelines, which is acceptable given the tight urban grain of the area.

#### Overlooking/Privacy

- 7.87 Initial concerns were raised by officers that there would be an element of overlooking between the balconies on the rear of Block 1 and windows serving habitable rooms (bedrooms) within Block 3. These windows have re-designed to ensure that this situation has been addressed. There is however windows on the west and east elevations of Block 3 (indicated on the proposed floorplans) which should be obscurely glazed through a planning condition. **(Condition 8)**
- 7.88 To ensure there is no loss of privacy between the private amenity spaces on the ground floor of Block 2, boundary fences to a height of at least 1.6m should be required through a planning condition. **(Condition 6)**

#### Noise disturbance

- 7.89 The site is located within a very noisy location by fronting Holloway Road. The submitted noise report finds that the daytime LAeq is 73dBA and night time is 72dBA. This would be in Noise Exposure Category D of the now withdrawn PPG24 where development is normally unacceptable (although now contained in IDMP).
- 7.90 As discussed above, the layout of Block 1 has been revised to ensure that all of the units are dual aspect. Furthermore, none of the units have bedrooms which front Holloway Road. The proposals can therefore be supported subject to conditions requiring very high specification of glazing and sound insulation and noise control measures which shall achieve the council's noise targets **(Condition 36)**
- 7.91 As there is a gym in the basement, a retail unit on the ground floor and residential on the upper floors details of a scheme for sound insulation between the proposed uses in Block 1 shall be required through a condition **(Condition 11)**. Furthermore, it is considered appropriate to impose conditions on the delivery/servicing times to protect the amenity of the future occupiers of Block 1 and the adjoining dwellings. **(Condition 28)**
- 7.92 In light of the new permitted development rights, which allow for greater flexibility within the A use class, and in the interests of protecting the amenity of the future occupiers of Block 1, officers consider that it is appropriate to condition the use of the ground floor as class A1 retail. **(Condition 35)**

#### Access

- 7.93 Proposals for residential development need to respond to London Plan Policy 3.8 and 7.2 which require for all new housing to be built to 'The Lifetime Homes' standard and to achieve the highest standards of accessible and inclusive design. ICS policy CS12 requires for all housing to comply with 'flexible homes' standards as set out within the Accessible Housing SPD. All the residential units are proposed to be 'Lifetime Homes' compliant and would be Islington's Flexible Homes standards and permission would be suitably conditioned to ensure that this is the case. **(Condition 12)**

- 7.94 The revised plans demonstrate the inclusion four wheelchair units - two 2-bed units in Block 1 (Flats 1 & 8) and one 2-bed unit and one 3-bed unit (Flats 1 & 4) within Block 2. As such 10% of the proposed new dwellings would be wheelchair housing which would be secured through a condition. **(Condition 13)**
- 7.95 The development also incorporates disabled two disabled parking bays along Kingsdown Road which should be secured through a clause in the s106 agreement. The provision of accessible cycle parking, level access across the site, wheelchair accessible toilet facilities for the commercial as well as inclusively designed landscaping would be required through a planning condition to ensure that the development suitably meets inclusive design principles. **(Condition 14 & 18)**

### Refuse

- 7.96 The application proposes two internal refuse stores for the residential buildings within Block 1 which would be shared with Blocks 2 & 3. These stores both accessed via the two residential entrances into the site and would provide 2 x 1280ltr Eurobins and 2 x 1280ltr recycling Eurobins for Blocks 1 & 2 (northern store) and 3 x 1280ltr Eurobins and 2 x 1280ltr recycling Eurobins for Blocks 1 & 3 (southern store). Both stores would have a level access and are within 20m of the residential cores and the collection point on the Holloway Road. The provision of these refuse stores should be secured through a condition. **(Condition 15)**
- 7.97 Concerns have been raised by local residents that the scheme could result in there being an increase in the amount of rubbish being dumped in the alleyway between Holloway Road and Kiver Road. Officers are however satisfied that the scheme makes adequate provisions for the future occupiers of the development to dispose of their waste. Furthermore, as there the new residential dwellings in Block 3 have windows and amenity areas fronting the alleyway there could be less dumping of waste as result of the increase of natural surveillance.

### Dwelling mix

- 7.98 ICS policy CS12 states that residential developments will provide a range of unit types, sizes and affordable housing to help meet Islington's housing needs and creating communities. IDMP policy DM3.1 further seeks market tenure housing to comprise 10% x 1 bed, 75% x 2 bed and 15% x 3 bed units.
- 7.99 In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development. The revised scheme consists of 40 residential units with 11 affordable units (28% by units and 34% by habitable rooms) provided as 8 Social Rent and 3 Shared Ownership for a 73%-27% split (83% and 17% by habitable rooms), in line with the tenure split set out in CS12G. Within the market and affordable tenures, the housing size mix broadly accords with that set out in Table 3.1 of the IDMP document and is supported.

	Market			Social Rent			Shared Ownership		
	Units	% of tenure	Target %	Units	% of tenure	Target %	Units	% of tenure	Target %
1b	4	14	10	0	0	0	2	67	65
2b	21	72	75	2	25	20	1	33	35
3b	4	14	15	2	25	30	0	0	0



4b	0	0	0	4	50	50	0	0	0
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### **Affordable housing and Financial Viability**

- 7.100 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”*.
- 7.101 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”.
- 7.102 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.
- 7.103 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.
- 7.104 The Council appointed BPS Chartered Surveyors (“BPS”) to undertake a review of financial viability for this scheme. The assessment sought to determine the deliverability and viability of the proposed scheme.
- 7.105 As stated above, the initial affordable housing offer was zero (0%) onsite with £100,000 contribution. The submitted viability assessment was heavily scrutinised by BPS and council officers. The main issues of contention related to the Existing Use

Value (EUV) and a lack of robust evidence and transparency of the figures which were submitted by the applicant's consultants.

- 7.106 The applicant was advised to update the calculations in their viability assessment and significantly increase its affordable housing offer. The affordable housing offer now stands at 11 dwellings within Block 2 which equates to 28% by units or 34% by habitable rooms - 8 units (2 x beds, 2 x 3 beds and 4 x 4 beds) are proposed as social rent and 3 units (2 x 1-beds and 1 x 2-bed) as shared ownership.
- 7.107 Below provides an account on how some of the viability assumptions were considered. Given the detailed and comprehensive way that the BPS report deals with financial viability it is not attempted to summarise that report here, so a redacted copy of the BPS report is provided in **Appendix 4**.
- 7.108 The concept of viability testing is to determine the potential amount of planning obligations that can be sought before the return to the landowner and developer falls below a "competitive return". Firstly, a Residual Land Valuation (RLV) is calculated to ascertain the amount that can be paid for the site. This is calculated from the total value of the completed proposed development minus any development costs. Secondly, a Benchmark Land Value is established (based on the EUV of the current site), which is the measure against which the RLV is compared with to determine whether the scheme is viable. The site currently comprises a petrol station, workshops and four 2-bed flats, and the calculation of the EUV has been based on all these elements.
- 7.109 In establishing the EUV, a number of considerations were made. The petrol station valuation was based on actual sales of fuel, the shop sales and valeting services having regard to their pricing structures and the profit margins. The council understands that the information relating to the turnover of the business that has been reviewed by BPS are from the current trading accounts of the petrol station. It was previously noted that the fuel sales operated at a very high margin compared to the competition. The business model of a high profit margin has now been appropriately reflected in the latest valuation in a number of ways. For example there is a reduced volume of fuel sales being adopted, and the risks of the current levels of turnover have also been taken into account by changes made to the yield in the latest appraisal.
- 7.110 Moreover, for the purposes of further evaluating the petrol station element, BPS also helpfully undertook an additional 'sense-checking' exercise. They considered a hypothetical development scenario to establish the land value of the petrol station element through an alternative methodology. This scenario replicated retail and residential accommodation typical to the adjoining properties, and this resulted in a value that was similar to the valuation of the petrol station element, and ensured that the appraisal presented by the applicant to be appropriate.
- 7.111 In addition, the workshops and four existing flats have been appropriately valued based on comparable evidence of similar properties in the area, with adjustments being made for their location, quality, condition and age etc.
- 7.112 Council officers and BPS have also reviewed all other assumptions such as sales values, build costs, profit, and fees, which make up the latest appraisal. They have been considered to be reasonable. The latest appraisal adopted the majority of assumptions previously suggested by BPS and council officers. This includes: the petrol station EUV being derived from current trading accounts only, the adoption of an

increased yield for the petrol station element, the reduction in value of the residential units currently existing on the site, and amendments to the landowner premium.

- 7.113 As a result of these changes, the initial EUV including petrol station, workshops and flats have been appropriately reduced from the initial appraisal, and this provided the basis for the affordable housing offer of 28% by units and 34% by habitable rooms.
- 7.114 It is recommended that the viability of the scheme will be subject to a review mechanism which would require the submission of an updated viability appraisal if the development has not been substantially implemented within 18 months of the grant of planning consent. The Islington residential market has experienced significant changes in recent years. An updated assessment will enable the viability of the scheme to be reconsidered in the event that the scheme is delayed to ensure that the proposals are based on an assessment of viability that is accurate at the point of delivery. The review will also help to ensure that the scheme provides the maximum reasonable level of affordable housing in line with Development Plan policy. The applicants have confirmed in writing that they agreed to this clause.

### **Highways, transport and pedestrian access**

- 7.115 The site is located on Holloway Road, part of the Transport for London Road Network, and was therefore referred to Transport for London, the highway authority for Holloway Road. It is well located in relation to public transport and walking/cycling routes. Four bus routes serve this part of Holloway Road (17, 43, 271 and 263), and the site is walking distance from Upper Holloway Overground Station (260 metres) and Archway Underground Station – Northern Line (720 metres).
- 7.116 The site has a PTAL rating of 5 (very good) which means that travel by public transport to the site by residents, visitors and employees is highly accessible.

### **Servicing, deliveries and refuse collection**

- 7.117 Policy DM8.6 part A requires delivery and servicing to be provided off-street, particularly for commercial developments over 200sqm gross floor area. To ensure proposed delivery and servicing arrangements are acceptable the following is required:
- i) It must be demonstrated that servicing and delivery vehicles can enter and exit the site in forward gear.*
  - ii) Details shall be submitted to establish the delivery and servicing needs of developments.*
  - iii) Delivery and servicing bays are required to be strictly controlled, clearly signed and only used for the specific agreed purpose.*
- 7.118 In line with policy DM8.6, an on-site servicing bay is included within the site's boundaries alongside Holloway Road. The bay will be accessed from Holloway Road from two existing crossovers, which allows vehicles to enter and exit in forward gear. The on-site service bay should be able to accommodate the delivery/servicing needs of both the commercial and residential elements of development which is supported. Furthermore, TfL have raised no objection to the servicing bay subject to bollards being in place to ensure that there is no issue with it being used for off-street parking. Details of the bollards design and positioning should be secured through a planning condition. **(Condition 33)**

7.119 A delivery and service management plan for the proposed retail unit has been submitted in draft form. This includes information about the types and sizes of vehicles, expected delivery times, design of delivery areas and analysis using auto-track. As the service bay appears to only accommodate sufficient space for one servicing vehicle at a time, the applicant should include details of a booking system within the servicing and delivery management plan. **(Condition 16)**

7.120 As stated earlier in this report, adequate refuse storage for the residential uses is proposed within Block 1. At the request of officers the building now also includes a separate waste storage for the commercial unit and gym which are both accessed directly off Holloway Road. This is considered to be appropriate and in accordance with policy. **(Condition 15)**

#### Vehicle Parking

7.121 In line with policy CS10 part H, all new development must be car free. The scheme does not propose any on-site parking for the new residential units or the commercial floorspace, which is in line with policy DM8.5 part A, which states that *“no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair-accessible parking.”* As this should be a car free development, the site occupiers and visitors should not be able to obtain parking permits, except where wheelchair accessible parking is required. Removal of car parking rights should be included as part of the s106 agreement.

7.122 Wheelchair accessible parking should be required on-street where practical. The applicant has identified Kingsdown Road as being able to provide two wheelchair parking spaces within the locality. The cost of this provision should be secured by a s106 agreement to enable the Council to install the accessible parking spaces.

#### Cycle Parking

7.123 The provision of secure, sheltered and appropriately located cycle parking facilities (for staff, residents and visitors) will be expected in accordance with policy DM8.4 (Walking and cycling). This includes one cycle parking space per 60sqm for A1 retail, one space per 80sqm for Class D2 and one space per residential bedroom.

7.124 The scheme proposes 124 cycle parking spaces to serve all uses within the development - 78 spaces in the residential entrance to Block 1 & 2, 36 within a store in the landscaped courtyard between Block 1 and Block 2 and 10 on the pavement in front of Block 1. The scheme includes 4 disabled bays in connection with the wheelchair accessible units. This level of provision is welcome and will meet Islington's standards set out within Appendix 6 of IDMP and should be secured through condition. **(Condition 17)**

#### Impacts on the on-street network

7.125 The proposed building line is set back from the kerb edge. This is welcomed, as it provides more space for pedestrians (including around the pedestrian crossing) and creates space to install visitor cycle parking on the footway. The works to pave the forecourt should be in line with Islington's Streetbook SPD. These works have been discussed with TfL and recommend that the forecourt to be paved in the same materials as the public pavement (with the property boundary marked with brass studs). **(Condition 18)**

- 7.126 In line with the applicant's proposed service bay, the cross-overs currently in place for access and egress to the petrol station, will need be removed with new shorter crossovers in place and the pavement reinstated. These works should be carried out by the highway authority through a s278/s106 agreement by TfL.
- 7.127 The applicant points out in the Design & Access Statement that residential Block 3 would uplift the existing pedestrian route from Holloway Road to Kiver Road, which is a welcomed public benefit of the scheme. The scheme would provide improved natural surveillance, security lighting and paving.
- 7.128 As the development would provide for more than 50 new residents, a Travel Plan which sets out measures to promote sustainable transport (to achieve a shift to the most sustainable forms of transport: walking and cycling), should be required through the s106 agreement.

**Trees, landscaping, SUDS, play space and contaminated land**

- 7.129 The existing site comprises mainly of commercial buildings and hardstanding in the form of a garage forecourt and associated vehicle parking area. Along the front boundary of the site is an existing street tree (Norway Maple) which is of good quality and has townscape benefits. This tree is proposed to be retained and protected in accordance with the arboricultural report that accompanied this submission (**Condition 32**). In discussions with the council and TfL the scheme would provide an additional three trees in tree pits and some low level plating with evergreen shrubs and hardy species of wildflowers which are appropriate.
- 7.130 To the rear of Block 1, the scheme proposes to create a 322sqm area of amenity space for the future occupiers of the site. This space would provide significant amenity and visual benefits and a separation buffer between the blocks. Since the application submission, this area has been amended from being a raised podium to ground level space. A combination of soft and hard landscaping has been proposed with various species of trees and plants. Seating areas are also proposed in various locations around the space. Officers support the principles which have been put forwarded but further information should be secured through a planning condition. (**Condition 18**)
- 7.131 In terms of the children's play space, this space is suitably overlooked and secure within the development. The design of the play space would be directed towards younger children with the provision of soft resin bonded flooring with planted oak pergola shading, seating areas and play equipment.

7.132 Policy DM3.6 part A states that '*all major residential developments are required to make provision for play, based on anticipated child yield. Provision shall be 5sqm of private/informal play space per child (including semi-private outdoor space, private outdoor space and gardens suitable for play).*' Based on the GLA's online calculator, the scheme gives rise to the following child yield:

Age Group	Child Yield
Under 5s	6
5 to 11	9
Over 12s	7
Total	23

- 7.133 The development would result in a need for 75sqm of on-site provision in order to meet the needs of children under 12's. The level of provision by the scheme therefore adequately meets this need and further details of the play space shall be required through a condition (**Condition 29**). In terms of the children over 12, there are a number of nearby parks and green spaces, (namely, Whittington Park, Cornwallis Adventure Playground and youth play project) within 300-500m walk from the site via pedestrian crossing and signal controlled junctions. The provision of play space for over 12's is considered to be met within the local area.
- 7.134 The scheme proposes green roofs on all of the flat roofs across the development which is supported as these will add improved biodiversity for the area and reduce surface water runoff. A green wall and climbers are proposed on the rear of the Block 1 to assist with 'greening up' the amenity space by masking a blank façade.
- 7.135 In terms of Sustainable Urban Drainage Systems (SUDS), the submission provides limited information on how these would be delivered. As discussed above, the scheme incorporates new private gardens, soft landscaping, planters, green walls and green roofs, as well as permeable paving; this will assist with surface water drainage and represent an improvement on the existing situation. In accordance with the recently published Ministerial Statement, the council's Lead Local Flood Authority (LLFA) officer was consulted on the proposals. The LLFA officer supports the measures proposed but requires significantly more information on matters such as run-off (pre and post development), catchment areas, water storage (existing and proposed) and water quality arrangements to be submitted and agreed via a planning condition (**Condition 20**). It is considered this should be a pre-commencement condition, to be addressed prior to works starting on-site. Furthermore, they have requested a clause in the s106 agreement which requires for the owner of the site to be responsible for ongoing maintenance of the drainage systems put in place. The applicant has confirmed that they agreed to this clause.
- 7.136 The scheme is considered to offer very good ecological and amenity benefits through the provision of appropriate levels of landscaping, trees (both protecting the existing and new planting) and play space. Further details of this should however be required through planning conditions and clauses in a s106 agreement. (**Condition's 18 - 21**)
- 7.137 As the site is currently used as petrol station and servicing garage the submission includes a desktop land contamination report. Unsurprisingly, given the existing and previous uses and the introduction of receptors to potentially form a pollution linkage, the report highlights the need for a full site investigation with sampling. The developer would need to carry out a full contaminated land assessment to inform the remediation strategy. Further information is therefore required through a condition. (**Condition 26**)

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

#### **Sustainability**

- 7.138 ICS policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard. The scheme would reach BREEAM 'Excellent' for the commercial (scoring 70.8% for the gym and retail units) and Code for Sustainable Homes level 4 (scoring 68%) for the residential units in line with policy. The Government has recently removed the Code for Sustainable Homes programme and therefore a condition is not recommended to secure this

7.139 IDMP policy DM6.5 requires the maximisation of provision of green roofs and requires major developments to use all available roof space for green roofs (subject to other planning considerations). As discussed above, scheme includes the provision of green roofs on various levels throughout the development, which total an area of approximately 608sqm.

7.140 In accordance with policy DM7.4, part E the council requires 10% value of materials to be derived from recycled/reused content. The application does not provide any information on how this would be achieved and therefore the submission of a green procurement plan should be required.

7.141 In light of the above, conditions are recommended to ensure:

- commercial floorspace is constructed to achieve BREEAM 'excellent' (**Condition 24**).
- water use target is met (**Condition 19**)
- provision of green roofs and walls (**Condition's 18 & 21**)
- provision of SUDS strategy (**Condition 20**)
- materials and construction – 10% from recycled and reuse content (**Condition 3**)

#### Energy

7.142 In response to concerns which have been raised by the council, and to reflect the changes to the scheme, revisions to the Energy Statement (undertaken by Twenty16 Design) were submitted. This report has been reviewed by the council's energy officer and is discussed below.

7.143 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.

7.144 Based on the revisions made to the design, the predicted CO<sub>2</sub> emissions have been reduced to 60.36t/yr. This now represents an improvement of 27% 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 Photovoltaic array. As per the above, the required offset payment is now £55,528 and would have been secured through a clause in a s106 agreement.

7.145 The applicant has undertaken thermal modelling of the scheme which assesses any risk of overheating, based on current and future summer temperatures. The applicant concludes that although the CIBSE thresholds would be exceeded under certain circumstances in specific areas the development looks like it should generally cope well with future overheating risks. The energy officers agree with this view on the matter.

7.146 The development is to provide 100% low-energy lighting throughout, which is supported.

7.147 IDMP policy DM7.1 part E requires applications for major developments to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy. The applicant has provided a draft GPP, which is welcome, however a final GPP should be secured through a clause in a s106 agreement.

7.148 Photovoltaic panels to the roof of the Block 2 are also proposed by the applicant and details of these should be required through a condition. **(Condition 22)**

### **Planning Obligations**

7.149 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 (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.

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

- Onsite delivery of affordable housing – 28% with 8 SR units and 3 SO units;
- Repair and re-instatement of footways and highways (subject to conditions surveys) following redevelopment of the site;
- Compliance with Code of Employment and Training including delivery of three work placements during the construction phase of the development, lasting a minimum of 13 weeks;
- Contribution of £55,528 towards offsetting any projected residual CO2 emissions from the development, but this could be subject to change;
- Compliance with the Code of Local Procurement;
- Compliance with the Code of Construction Practice, plus monitoring fee (£3,800);
- Removal of residents ability to obtain on-street residents car parking permits;
- Travel Plan;
- Provision of two wheelchair parking bays;
- Ongoing maintenance of SuDS by the owner of the site;
- Street tree planting along the Holloway Road frontage;
- Green Performance Plan;
- Council's legal fees in preparing the s106 and officer's fees for the monitoring and implementation of the s106.
- S278 Agreement with TfL to amend (shorten) the existing ingress and egress crossovers to Holloway Road.

7.151 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) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule, 2012. CIL will be payable to the London Borough of Islington after the planning consent has been implemented.



## **National Planning Policy Framework**

- 7.152 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing, provide for economic growth and require good design from new development to achieve good planning.
- 7.153 In the final balance of planning considerations officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

## **8. SUMMARY AND CONCLUSION**

### **Summary**

- 8.1 The application proposes the demolition of the existing petrol filling station and single storey MOT / vehicle repair garage at 640-648 Holloway Road (approx. 426sqm), and demolition of the existing two storey vehicle repair garage to the rear of 650 Holloway Road (approx. 1131sqm – including front ground floor).
- 8.2 The redevelopment of the whole site would provide a mixed-use scheme, through the erection of three separate buildings, comprising: Block 1 - a five storey over basement building fronting Holloway Road at 640-648 Holloway Road; Block 2 - a four storey building to the rear of 640-648 Holloway Road; and Block 3 - a four storey building to the rear of 650 Holloway Road. Block 1 is a mixed use building providing a gym (Class D2) at basement level, retail (Class A1) floorspace at ground floor and 20 residential units on the upper floors. Blocks 2 & 3 would be wholly residential providing 20 residential units.
- 8.3 During the determination of the application a number of changes were made to the scheme in response to concerns raised by neighbouring residents, Members, Design Review Panel and officers. These related to design/layout, neighbouring amenity and the affordable housing offer.
- 8.4 Following the submission of amended plans the development would provide 40 residential units comprising 6 x 1-bedroom units, 24 x 2-bedroom units, 6 x 3-bedroom units and 4 x 4-bedroom units, together with 332sqm of retail floorspace (including ancillary storage) and a 512sqm gym.
- 8.5 The onsite affordable housing offer accompanying the submission was initially zero (0%) with a £100,000 commuted sum. This offer has since been increased to deliver to 11 dwellings within Block 2 (which equates to 28% by units or 34% by habitable rooms) - with 8 units as social rent and 3 units as shared ownership (70%/30% by dwellings and 83%/17% by habitable rooms). This offer is supported by financial viability information which has been independently reviewed.
- 8.6 The application has been considered with regard to the Development Plan and National Planning Policy Framework (NPPF) and the presumption in favour of sustainable development.
- 8.7 The main shortcomings of the development are the loss of employment floorspace and some impact on daylight and outlook to adjoining occupiers. These matters are

however considered to have been outweighed by the public benefits of the proposal, namely the delivery of onsite housing and affordable housing, security improvements to the pedestrian route between Holloway Road and Kiver Road and a significantly improved level of outlook and light to number of properties adjoining the northern section of the site.

- 8.8 The proposal is considered by officers to be acceptable in terms of land use, urban design, the quality of the proposed residential accommodation, dwelling mix, affordable housing, transportation and servicing, landscaping and trees, sustainability and energy, subject to conditions and to an appropriate s106 agreement, the Heads of Terms of which have been agreed with the applicant. Minor impacts to adjacent residential amenity are considered to be balanced against the above benefits of the scheme.

### **Conclusion**

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

# APPENDIX 1: RECOMMENDATIONS

## RECOMMENDATION A

That the Committee resolve to GRANT planning permission.

## RECOMMENDATION B

That planning permission be granted subject to a s106 agreement in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Team Leader, Major Applications.

1. On-site affordable housing delivery: 28% units - 8 Social Rent units and 3 Shared Ownership units (83% Social Rent and 17% Shared Ownership by habitable rooms). This would be subject to a review mechanism which would require the submission of an updated viability appraisal if the development has not been substantially implemented within 18 months of the grant of planning consent.
2. 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;
3. Compliance with the Code of Employment and Training;
4. Facilitation of three work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £15,000 (£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;
5. Compliance with the Code of Local Procurement;
6. Compliance with the Code of Construction Practice, including a monitoring fee of £4,933 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;
7. The provision of two assessable parking bays or a contribution of £6,000 towards bays or other accessible transport initiatives.
8. Removal of eligibility for residents' parking permits. Exceptions in accordance with the Council's parking policy statement;
9. S278 Agreement with TfL to amend (shorten) the existing ingress and egress crossovers to Holloway;
10. Three street trees and tree pits to be provided along the Holloway Road frontage;

11. Submission of a Travel Plan for Council approval 6 months from first occupation of the development (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD);
12. 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: £55,528.
13. Submission of a Green Performance Plan;
14. Ongoing maintenance of SUDS by the owner of the site;
15. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

That, should the **Section 106** Deed of Planning Obligation not be completed within the agreed timeframe set out the Planning Performance Agreement, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence the Team Leader, Major Applications, may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

## RECOMMENDATION C

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

### List of Conditions:

<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: JDD/HR-E1A (Existing Ground Floor Plan, First to Third Floor Plans, Roof Plan and Elevations)</p>

	<p>Proposed plans:  P772/200 REV L; 201 REV M; 202 REV L; 203 REV L; 204 REV L; 205 REV L; 206 REV L; 207 REV L; 208 REV K; 209 REV I; 210 REV I; 211 REV I; 212 REV I; 213 REV I; 214 REV I; 215 REV I; 216 REV G; 300 REV B; 301 REV B; 302 REV B; 303 REV B.</p> <p>Documents:  Design and Access Statement - REV L; Daylight and Sunlight Report by Waldrams (25/03/2015); Retail and Leisure Statement by CgMs (August 2014); Phase One Desk Study Report by Environmental Management Solutions (22 March 2014); Noise and Vibration Assessment by KP Acoustics (20 August 2014); Arboricultural Assessment by ACS (9 May 2014); Draft Travel Plan by YES Engineering (August 2014); Transport Assessment by YES Engineering (August 2014); Commercial and Employment Land Market Report by Strettons (April 2014); Planning Statement by CgMs (August 2014); Landscaping and Highway Details by MBA (18/03/2015); Noise Survey by KP Acoustics (23 January 2015); Overheating Analysis Report by The Energy Practice (20 March 2015); Energy Statement and CfSH Pre-Assessment by Twenty 16 Design (April 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>
<p><b>3</b></p>	<p><b>Materials and Samples (Details)</b></p>
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the 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) balustrading;</li> <li>e) roofing materials;</li> <li>f) any other materials to be used on the exterior of the development; and</li> <li>g) a Green Procurement Plan for sourcing the proposed materials.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</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>

<p><b>4</b></p>	<p><b>External pipes, cables and CCTV (Details)</b></p> <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>
<p><b>5</b></p>	<p><b>Security and Crime Prevention Measures (Details)</b></p> <p>CONDITION: The crime prevention details set out in the Design and Access Statement shall be carried out within the development hereby approved.</p> <p>Details of site-wide general security and crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The details shall relate to:</p> <ul style="list-style-type: none"> <li>a) CCTV;</li> <li>b) General lighting;</li> <li>c) security lighting;</li> <li>d) 24-hour security guard;</li> <li>e) Security of all entrance doors;</li> <li>f) Any other security features adopted on site.</li> </ul> <p>The details shall include the location and full specification of: all lamps; light levels/spill; cameras (detailing view paths); lamps and support structures. The general security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the any resulting general or security lighting and CCTV cameras are appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>
<p><b>6</b></p>	<p><b>Boundary Treatment (Details)</b></p> <p>CONDITION: Details of boundary treatments and privacy screens (minimum 1.6m high) shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure and that the development does not result in unacceptable overlooking.</p>

<p><b>7</b></p>	<p><b>Obscure Glazing – Block 2 (Details)</b></p> <p>CONDITION: Details of obscure glazing and privacy screening to the first, upper first and second floor windows on the west side elevation, and the balcony serving Flat 5, of Block 2 shall be submitted to and approved 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 and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting development does not give rise to any privacy or overlooking issues to 662 – 652 Holloway Road and 65 Kiver Road.</p>
<p><b>8</b></p>	<p><b>Obscure Glazing – Block 3 (Compliance)</b></p> <p>CONDITION: All windows shown as obscurely glazed on approved drawings P9772/202 REV L; P772/203 REV L and P772/204 REV L shall be obscurely glazed and installed prior to the residential occupation of the dwellings they relate to and maintained at all times thereafter.</p> <p>REASON: To ensure that the resulting development does not give rise to any privacy or overlooking issues to the future occupiers of Block 1 and the occupiers of Nos 77 and 79 Kiver Street.</p>
<p><b>9</b></p>	<p><b>Fixed Plant (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level Laeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest 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>REASON: To ensure that the development does not have an adverse impact on amenity.</p>
<p><b>10</b></p>	<p><b>Construction Management (Details)</b></p> <p>*CONDITION: A Construction Environmental Management Plan (CEMP) 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 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>

<p><b>11</b></p>	<p><b>Sound Insulation between uses (Details)</b></p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed A1 use and the residential use (C3) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on the relevant part of the development.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an adverse impact on amenity.</p>
<p><b>12</b></p>	<p><b>Lifetime homes (Compliance)</b></p> <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>
<p><b>13</b></p>	<p><b>Wheelchair Housing</b></p> <p>CONDITION: The four (4) wheelchair accessible dwellings of the development on approved drawings 772/300 REV B, 772/301 REV B, 772/302 REV B, 772/303 REV B, 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>
<p><b>14</b></p>	<p><b>Inclusive Design (Details)</b></p> <p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. Plans and details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>a) The accessibility of lift and stair cores;</li> <li>b) Accessible WCs and toilet facilities;</li> <li>c) Mobility scooters and accessible cycle storage;</li> <li>d) Refuge and management arrangements;</li> <li>e) Details of inclusive evacuation plan</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be retained as such thereafter.</p>



	REASON: In order to facilitate and promote inclusive and sustainable communities.
<b>15</b>	<b>Refuse and recycling (Compliance)</b>
	<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>16</b>	<b>Delivery and Servicing Plan</b>
	<p>CONDITION: A delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL), prior to the first occupation of the development. The plan shall include details of all servicing and delivery requirements of the site, waste and recycling collection and management against misuse.</p> <p>The development shall be carried out strictly in accordance with the details so approve</p> <p>REASON: In order to secure highway safety and free flow of traffic on Holloway Road, local residential amenity and mitigate the impacts of the development.</p>
<b>17</b>	<b>Cycle Parking</b>
	<p>CONDITION: The two bicycle storage areas shall be covered, secure and provide for no less than 110 cycle spaces and 4 accessible cycle spaces for the offices and residential units. The 10 cycle spaces for the visitors along Holloway Road 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>18</b>	<b>Landscaping (Details)</b>
	<p>*CONDITION: Prior to the commencement of the development hereby approved (including all preparatory work), details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:</p> <ol style="list-style-type: none"> <li>1) a scaled plan showing all landscape features to be retained and trees and plants to be planted;</li> <li>2) location, type and materials to be used for hard landscaping including specifications, where applicable for: <ol style="list-style-type: none"> <li>a) permeable paving;</li> <li>b) tree pits and soil depths;</li> <li>c) use within tree Root Protection Areas (RPAs);</li> </ol> </li> </ol>

	<p>d) levels across the site; e) design of inclusive landscape features;</p> <p>3) a schedule detailing sizes and numbers/densities of all proposed/new trees/plants;</p> <p>4) specifications for the green wall on the rear of Block 1;</p> <p>5) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and</p> <p>6) front forecourt paving to match public pavement.</p> <p>Unless required by a separate landscape management condition, all soft landscaping shall have a written three year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.</p> <p><b>Reason:</b> To maximise the quality and usability of open spaces within the development and that enhance its setting within the immediate locality to ensure an accessible, visitable development for all.</p>
<b>19</b>	<b>Water usage (Compliance)</b>
	<p>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>20</b>	<b>Drainage / SUDS (Details)</b>
	<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 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>
<b>21</b>	<b>Green Roofs</b>
	<p>CONDITION: Details of green/living roofs to the development hereby approved (illustrating increased coverage and potential for run-off attenuation or including</p>

	<p>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. The green/living roofs shall:</p> <p>a) form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</p> <p>b) cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and</p> <p>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. 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. 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.</p>
<b>22</b>	<b>Roof level structures (Details)</b>
	<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>23</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>- For each access core 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</li> </ul> <p>The development shall be constructed carried out strictly in accordance with the</p>

	<p>details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>24</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The development shall achieve a BREEAM New Construction rating (2011) of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>25</b>	<b>Energy Efficiency (Details)</b>
	<p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 27% on-site total C02 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 27% 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>26</b>	<b>Contamination (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>27</b>	<b>Gym use (Compliance)</b>
	<p>CONDITION: The Class D2 (Assembly and Leisure) floorspace shall be strictly limited to Gym uses only within Use Class D2. No planning permission is hereby granted for any other purposes within Use Class D2 of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2015 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: It is considered that the operation of any other D2 use in this location may have impacts, which should be subject of public consultation and a full planning application.</p>
<b>28</b>	<b>Loading / unloading hours (Compliance)</b>
	<p>CONDITION: Deliveries, collections, unloading, loading of the commercial uses shall only be between the following hours:</p> <ul style="list-style-type: none"> <li>- Monday to Saturday: 06:00 – 23:00</li> <li>- Sundays/Bank Holidays: 10:00 – 16:00</li> </ul> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>29</b>	<b>Play space (Details)</b>
	<p>CONDITION: Details of all play spaces including drawings and the specification of the proposed play equipment shall be submitted to and approved in writing by the Local Planning Authority prior to any 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, 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, safety and protecting neighbouring and future residential amenity and to ensure the development of an inclusive design.</p>
<b>30</b>	<b>Bird and Bat Boxes (Compliance)</b>
	<p>CONDITION: A least 4 (total) bird and bat nesting boxes / bricks 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</p>

	towards creation of habitats and valuable areas for biodiversity.
<b>31</b>	<b>Piling Method Statement (Details)</b>
	<p>CONDITION: No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: To ensure that works do not impact upon local underground water utility infrastructure, and to ensure that deformation of the ground by piling does not result in an increase in the risk of near-surface pollutants migrating to underlying aquifers. Previous industrial and/or 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.</p>
<b>32</b>	<b>Tree protection</b>
	<p>The Norway Maple Trees along Holloway (T4 and T5), as shown on approved Tree Protection Plan (drawing number TTPP01_Hr of the Arboricultural Assessment by ACS) are to be retained and protected in accordance with BS 5837 2012 – Trees in Relation to Demolition, Design and Construction by the erection of protective hoarding.</p> <p>The hoarding shall consist of a rigid, exterior grade ply high sterling board.</p> <p>For the duration of the demolition and construction work no access to this hoarded off area is to be permitted without the express written authority of the local planning authority.</p> <p>No materials, chemicals or noxious substances are to be stored or used within this hoarded off area. No plant, machinery, digging vehicles, to be allowed within the hoarded area or under the canopy spread of the tree, for the period of any demolition or construction activities on site.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
<b>33</b>	<b>Access bollards (Details)</b>
	<p>CONDITION: Details of the access controlled bollards proposed within the service yard shall be submitted to, approved in writing, by the local planning authority prior to any superstructure works commencing on site.</p> <p>The bollards are required to be installed prior occupation of the development and maintain in accordance with the approved details thereafter.</p> <p>REASON: In order to secure highway safety and free flow of traffic on Holloway Road, local residential amenity and mitigate the impacts of the development</p>

<b>34</b>	<b>Privacy Screen – Block 3</b>
	<p>CONDITION: A 1.8m privacy screen on the west side of the balcony serving Flat 5, as shown on approved drawing P9772/202 REV L, shall be installed prior to the residential occupation of the dwelling and maintained at all times thereafter.</p> <p>REASON: To ensure that the resulting development does not give rise to any privacy or overlooking issues to the occupiers of Nos 77 and 79 Kiver Street.</p>
<b>35</b>	<b>Retail use (compliance)</b>
	<p>CONDITION: The retail floorspace (Class A1) shall be strictly limited to retail uses only within Use Class A1. No planning permission is hereby granted for any other purposes within an A Use Class of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2015 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: It is considered that the operation of any other Class A use in this location may have impacts, which should be subject of public consultation and a full planning application.</p>
<b>36</b>	<b>Sound Insulation – High Noise (Details)</b>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p style="padding-left: 40px;">Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq,8\text{ hour}}</math> and 45 dB <math>L_{max\text{ (fast)}}</math>  Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq, 16\text{ hour}}</math>  Dining rooms (07.00 –23.00 hrs) 40 dB <math>L_{Aeq, 16\text{ hour}}</math></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>

**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.

2	<p><b>Definition of ‘Superstructure’ and ‘Practical Completion’</b></p> <p>A number of conditions attached to this permission have the time restrictions ‘prior to superstructure works commencing on site’ and/or ‘following practical completion’. The council considers the definition of ‘superstructure’ as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of ‘practical completion’ to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <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>
4	<p><b>Car-Free Development</b></p> <p>(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.</p>
5	<p><b>Water Infrastructure</b></p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
6	<p><b>Working in a Positive and Proactive Way</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council’s website.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p>



<b>7</b>	<b>Materials</b>
	<p>In addition to compliance with condition 3 materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>
<b>8</b>	<b>Groundwater</b>
	<p>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</p>
<b>9</b>	<b>Water main</b>
	<p>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.</p>
<b>10</b>	<b>Rollershutters</b>
	<p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>
<b>11</b>	<b>Construction management</b>
	<p>You are advised that condition 27 covers transport and environmental health issues and should include the following information:</p> <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 displays and facilities for public viewing, where appropriate;</li> <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> </ol>

	15. TV reception.
<b>12</b>	<b>Licencing</b>
	You are advised that the gym use (Class D2) hereby approved could require a special treatments licence.

## **APPENDIX 2: RELEVANT POLICIES**

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

### 1. **National Guidance**

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

### 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) Further Alterations to the London Plan (2015) - Spatial Development Strategy for Greater London**

### 1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

### 2 London's places

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

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.14 Areas for regeneration

Policy 2.18 Green infrastructure: the network of open and green spaces

### 3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

Policy 3.13 Affordable housing thresholds

Policy 3.15 Coordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.17 Health and social care facilities

### 4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and

### 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 5.5 Decentralised energy networks

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.13 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 5.20 Aggregates

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

### 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

### 7 London's living places and spaces

Policy 7.1 Building London's

offices  
Policy 4.7 Retail and town centre development  
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

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 7.12 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 7.18 Protecting local open space and addressing local deficiency  
Policy 7.19 Biodiversity and access to nature  
Policy 7.21 Trees and woodlands

## 8 Implementation, monitoring and review

Policy 8.1 Implementation  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy  
Policy 8.4 Monitoring and review for London

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

### Spatial Strategy

Policy CS3 (Nag's Head and Upper Holloway Road)  
Policy CS8 (Enhancing Islington's Character)

Policy CS13 (Employment Spaces)  
Policy CS14 (Retail and Services)  
Policy CS15 (Open Space and Green Infrastructure)  
Policy CS16 (Play Space)

### 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)

### Infrastructure and Implementation

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

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

### Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage
- DM2.4 Protected views
- DM2.7 Telecommunications and utilities

### Housing

- DM3.1 Mix of housing sizes
- DM3.2 Existing housing
- DM3.4 Housing standards
- DM3.5 Private outdoor space
- DM3.6 Play space
- DM3.7 Noise and vibration (residential uses)

### Shops, culture and services

- DM4.1 Maintaining and promoting small and independent shops
- DM4.3 Location and concentration of uses
- DM4.4 Promoting Islington's Town Centres
- DM4.6 Local shopping Areas
- DM4.7 Dispersed shops
- DM4.8 Shopfronts

### Employment

- DM5.1 New business floorspace
- DM5.2 Loss of existing business floorspace

### Health and open space

- DM6.1 Healthy development
- DM6.2 New and improved public open space
- DM6.4 Sport and recreation
- DM6.5 Landscaping, trees and biodiversity
- DM6.6 Flood prevention

### Energy and Environmental Standards

- DM7.1 Sustainable design and construction statements
- DM7.2 Energy efficiency and carbon reduction in minor schemes
- DM7.3 Decentralised energy networks
- DM7.4 Sustainable design standards
- DM7.5 Heating and cooling

### Transport

- DM8.1 Movement hierarchy
- DM8.2 Managing transport impacts
- DM8.3 Public transport
- DM8.4 Walking and cycling
- DM8.5 Vehicle parking
- DM8.6 Delivery and servicing for new developments

### Infrastructure

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

## **5. Designations**

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

- Nag's Head & Upper Holloway Road Key Area
- Upper Holloway Local Shopping Area
- Within 100 of TfL Road Network
- Core Strategy Key Area
- Within 50m of Conservation Area

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Development Plan**

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

### **London Plan**

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

## APPENDIX 3: Design Review Panel Comments

**CONFIDENTIAL**



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Our ref: **DRP/035**

Date: 09 October 2014

Dear Chris Hicks,

### ISLINGTON DESIGN REVIEW PANEL

RE: 640-650 Holloway Road, London N19 3NU (P2014/3494/FUL)

Thank you for coming to Islington's Design Review Panel meeting on 9 September 2014 for review of a proposed development scheme at the above address.

The proposed scheme under consideration was for demolition of the existing petrol filling station and single storey MOT / vehicle repair garage at 640-648 Holloway Road (approx. 426sqm); demolition of the existing two storey vehicle repair garage to the rear of 650 Holloway Road (approx. 1131sqm – including front ground floor); erection of three separate buildings, comprising: Block 1 - a five storey over basement mixed use building fronting Holloway Road; Block 2 - a four storey residential building to the rear of 640-648 Holloway Road; and Block 3 - a four storey residential building to the rear of 650 Holloway Road. Overall the development would provide 40 residential units comprising 4 x 4-bedroom units, 6 x 3-bedroom units, 18 x 2-bedroom units and 12 x 1-bedroom units, together with 991sqm of A1 retail floorspace (including ancillary storage) and an 804sqm D2 gym.

### Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (Chair), Jonathan Ward, Sarah Featherstone, Simon Carne, Steve Burr and Richard Brown on Tuesday 9 September 2014 including a site visit in the morning, followed by a presentation by the design team, question and answers session and deliberations in the afternoon at Islington's Laycock Building, Laycock Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

### Panel's observations

- **Layout and massing:** The Panel expressed concerns over the overall density of the development, particularly in relation to the bulk and massing of Block 2.



- **Land use (retail unit):** The Panel expressed concern that the retail unit on the ground floor of Block 1 is negatively influencing the quality and amenity of the rest of the development. Panel members were concerned over the size and depth of the retail unit, which extends deep into the development and appears to be designed to accommodate a supermarket. Although the design allows for three smaller units, the Panel felt that these would be too long and narrow to function as individual shop units. The Panel raised concerns over a potential supermarket, including issues such placement of a loading bay and trolleys, and the impact on pedestrians. The quality of the public realm was not demonstrated to the panel in the documentation submitted/reviewed. The Panel questioned the location of the plant room, the placement of chillers for a potential supermarket, and the mix of plant for the residential units, gym and supermarket. Panel members suggested that the development would benefit from a more shallow retail unit, which would allow for a courtyard at the heart of the development.
- **Architectural treatment:** The Panel was generally positive about the principle of the proposed front elevation of Block 1, but had concerns about overheating and suggested the integration of passive shading, they also commented that the design of the back of Block 1 and the two other blocks to the rear could be made different from the front to make it more 'intimate' and 'less grand' and to better respond to the change in context/character of the rear part of the site. The Panel requested a statement on the design process and what alternative layouts had been considered. This should show how the site was analysed, its opportunities and constraints, and the evolution of the design responses.
- **Amenity:** The Panel raised concerns around the single aspect units and the bedrooms facing the front of Block 1, which would require mechanical ventilation and possibly air conditioning and advised that passive solutions should be sought.
- **Impact on neighbouring amenity:** The Panel questioned the size of Block 2, in particular in relation to the boundary wall, and the degree to which neighbouring properties would suffer from overlooking. The Panel suggested that windows of Block 2 could be made smaller to prevent overlooking (missed this comment being made). There were concerns that the flats had limited outlook and that lower level units would not receive sufficient daylight. Panel members were heartened by the proposed lower wall on around Block 3, but questioned whether ground-floor flats and their private spaces facing onto the back alley were appropriate. Different typologies were suggested to get front doors onto the street and create natural surveillance.
- **Sustainability:** Questions were raised around the proposed Code Level for the development. The Panel requested solutions for balancing the heating and cooling across the development, including how excess heat generated from the gym and supermarket could be reused through the rest of development.
- **Access for loading:** The Panel questioned whether Transport for London had been consulted on the proposed treatment of the frontage including lay –by on Holloway Road.

### Summary

The Panel recognised that the proposal has developed in positive direction through the pre-application process. However, strong concerns were raised over the density of the development, particularly in relation to Block 2 and its impact on the amenity of neighbouring





properties. The Panel expressed concern over the proposed retail unit on the ground floor of Block 1, which it argued is negatively influencing the quality and amenity of the rest of the development.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

**Confidentiality**

Please note that as the scheme under review is currently the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lucy', written in a cursive style.

**Luciana Grave**  
Design Review Panel Coordinator/  
Design & Conservation Team Manager



## APPENDIX 4: BPS REVIEW OF VIABILITY REPORT

0640 - 648 & 650 Holloway Road, London, N19 3NU

Planning application Number: P2014/3494/FUL



8 January 2015

### Addendum

#### INTRODUCTION

- 1.1 BPS Chartered Surveyors has been appointed by the London Borough of Islington to review a viability submission provided by Turner Morum on behalf of Junction Road Motor Company (London) Ltd regarding the above planning application. We previously submitted a report on the viability of these proposals in our report of 27 October 2014.
- 1.2 This addendum has been prepared to reflect supplementary information provided by the applicant following circulation of our earlier report. The scheme has been amended in part to provide 40 residential units as well as a ground floor retail unit and a small basement gym facility. Of this total it is now proposed that 11 dwellings are included as affordable (which equates to 28% by units or 34% by habitable rooms) - with 3 units to be provided as Shared Ownership and 8 units as Social Rent. The previous submission concluded the scheme was in deficit even when providing all private housing but an offer of £100,000 was made in lieu of affordable housing. We have received a number of additional documents in support of this revised position, including:
  - a) An e-mail and revised appraisal dated 10 December 2014 prepared by Turner Morum
  - b) A schedule of changes to the proposed scheme dated 10 December 2014 prepared by Milan Babic Architects
  - c) Various Scheme plans and drawings also prepared by Milan Babic Architects
  - d) A revised schedule of accommodation dated 7 May 2013
- 1.3 We have subsequently received additional information from Turner Morum dated 19 December 2014 which updates and replaces the above and includes:
  - a) An updated valuation
  - b) An adjusted EUV calculation
  - c) Further supporting evidence
- 1.4 Our October report highlighted various issues with the earlier submission including:

- The need for detailed evidential justification of the existing use valuation by way of trading accounts. We would like to have seen an analysis as to why the current trading method of the petrol station was seen as unsustainable to merit the increase in turnover
- The method of applying the stamp duty costs and legal fees to the EUV and the justification for the adopted premium. We also required further information regarding the residential units currently on site and the costs of completion
- The omission of a full elemental cost plan for the proposed scheme
- The high development costs for the proposed scheme including the contingency cost assumptions
- The viability of the proposed basement and gym
- We stated that the approach taken by Strettons in valuing the retail space demonstrated a discount to market value to reflect its size and the assumption that one retailer would occupy the unit. We believe that there is an ability to readily subdivide this space
- The low rental value attributed to the gym space.

## 2.0 CONCLUSIONS AND RECOMMENDATIONS

- 2.1 The revised submission from Turner Morum has addressed many of the initial issues relating to the original submission.
- 2.2 Our previous report noted that the basis proposed for assessing the value of the petrol filling station was founded on an assumption of an alternative fuel pricing strategy which was assumed to raise sales to a level where the operator market would regard the operation as a going concern. We were of the view that in the absence of justification to support the ability to increase turnover in this way greater regard should have been taken of the current trading accounts when deriving an existing use valuation.
- 2.3 Turner Morum have sought to address this point through two methods, firstly to omit the proposed land owner premium of 15% and secondly to base the valuation of the EUV on current turnover for both fuel sales and the shop and have applied a 10% yield to the net margin. The net effect of these changes has been to reduce the EUV from just over £1,000,000 to £800,000, recognising that that additional value is generated from the workshops and residential elements in this calculation. We are now satisfied that this figure reflects actual rather than hypothesised income. We have also sought to “sense” check the value of the filling station and shop through comparison with our own residual value of the area occupied by the filling station and shop based on an assumption of development which replicates the form of retail and residential accommodation typically present in the adjoining properties and this generates a very similar figure as such we are now satisfied the EUV represents a realistic basis from which to benchmark the proposed scheme.

- 2.4 We remain of the view that the benefits of the proposed gym are unlikely to outweigh the associated development costs, however, we accept that the development of this space is a decision for the developer and that the appraisal should reflect its inclusion as it forms part of the application. Although rental and yield evidence for the gym space compiled by both Strettons and ourselves indicates the proposed value is low we are of the view that the valuation is within a range of acceptable values.
- 2.5 Turner Morum have now incorporated our opinion of value of the retail element into their appraisal, as such we do not dispute this aspect.
- 2.6 The appraisal has also taken into account our reservations regarding the proposed build costs through adopting the alternative costs proposed by our Cost Consultant. We still have not received an elemental cost plan as such our analysis of costs remains relatively headline as such an element of doubt about the costs must remain, however in that our estimates have been adopted we accept the proposed costs as reasonable.
- 2.7 Turner Morum have reduced the infrastructure and abnormal cost allowance for the proposed scheme from £[REDACTED] to £[REDACTED]. This adjustment appears intended to accommodate the concerns raised by Cost Consultant in our original report and includes a further allowance in respect of his concerns regarding the pricing of the substructure and renewables. No written justification or breakdown supporting this adjustment has been provided but its scale appears broadly commensurate with the scale of concerns identified by our Cost Consultant therefore we are broadly satisfied with this adjustment.
- 2.8 The latest appraisals now shows the scheme to be marginally in deficit to a figure of £490,000 effectively representing a developer return of 16% against a shortfall on profit target of 20%. Whilst this profit return is below the level sought it does reflect a level which appears deliverable and reflects the declining nature of the existing use and the potential for future growth in sales values. In conclusion therefore we are now satisfied that the proposed scheme would provide the maximum reasonable amount of affordable housing consistent with the viability of the scheme.

### 3.0 VIABILITY BENCHMARK

- 4.1 Turner Morum have now proposed a revised benchmark land value which contrasts with the previously proposed benchmark as follows

Element	Previously proposed	Currently proposed
Fuels sales & Shop	£[REDACTED]	£[REDACTED]
Workshops	£[REDACTED]	£[REDACTED]
Flats	£[REDACTED]	£[REDACTED]
Allowances	-£[REDACTED]	-£[REDACTED]
<b>Total</b>	£[REDACTED]	£[REDACTED]
<b>+Premium</b>	£[REDACTED]	£[REDACTED]

- 4.2 We previously noted that the existing use valuation of the site was in large part unsubstantiated by relevant evidence. Whilst it is recognised that the valuation of petrol filling stations is a specialist area, we regard it as essential to be provided with adequate evidential justification in support of the proposed valuation. Although some additional evidence has been provided the valuation remains largely unsubstantiated in respect of the filling station and shop elements of the EUV.
- 4.3 In the absence of this information we have sought to compare the value of the filling station and shop to the residual value of a hypothetical stand-alone development on this element of the site. The form of development adopted reflects the form and scale of retail and residential blocks of the neighbouring properties. We assumed a development of 15 residential units each containing two bedrooms with a similar floor area to the two bed units on the proposed scheme. We included the provision for 5 retail shops valued at a similar level as proposed in our initial report. The proposed costs mirror our original estimations. Our evaluation provided a land value of circa £1 [REDACTED] without making any deductions for planning obligations. By comparison the proposed value of the petrol station and forecourt area alone at £ [REDACTED] appears reasonable.
- 4.4 The capitalisation yield for the petrol station has been increased from 7% to 9% to reflect the risk involved in running an operation at the current level of turnover.
- 4.5 The omission of a premium reflects in our view the applicant's desire to redevelop this site. It is clear from Hunters original report that the business does not reflect a sales turnover which would make it appealing to investors as a going concern. Evidence of effort to renovate space and include residential flats are suggestive of a desire to maximise site value and the failure to complete these works provides further indication that the applicant is keen to upgrade and replace this current asset. Premiums should not be regarded as compulsory, and GLA Guidance<sup>1</sup> makes the following statement:
- "The 'EUV plus' approach incentivises a land owner to release their site for development, although the level of the premium will depend on site specific circumstances"*
- 4.6 Premiums are therefore in part a reflection of the site circumstances but also of the willingness of the landowner to bring forward the site for development. It should be noted that the applicant reserves the right to seek a premium should the current proposals be deemed unacceptable.
- 4.7 The valuation of the residential units currently on site has been reduced from £ [REDACTED] to £ [REDACTED] per unit on the basis of comparative sales evidence. We still have no information concerning the size and configuration of these units against which to test these assertions, however the values appear consistent with second hand flat sales in the local market.
- 4.8 In consequence of the changes now proposed, we are satisfied that the proposed benchmark of £ [REDACTED] is realistic.

---

<sup>1</sup> GLA Development Appraisal Toolkit Guidance notes 2014

## **5 COMMERCIAL D2 SPACE AND RETAIL A1 SPACE**

- 5.1 Our original report questioned the viability of the proposed basement and gym. We note that the proposed floor area has been reduced from 804 sq m to 583 sq m, however, our concerns remain about the net benefit its inclusion confers upon the scheme.
- 5.2 Our report outlined that the gym valuation was low when compared to the available evidence. We do however accept that the absence of an on street presence, windows and the presence of existing competing facilities is likely to limit the rental value of this space and the potential viability of any business operating from it. In consequence we regard the proposed valuation as falling within a reasonable range of values.
- 5.3 The proposed retail element has contracted from an initial proposed area of 991 sq m (10,667 991 sq ft) to 355 sq m (3,821 sq ft). Our earlier report highlighted the potential for this space to be suitable for a convenience store e.g. Tesco Extra. Although the scale has contracted we maintain this is a realistic possibility.
- 5.4 Turner Morum has accepted our recommendations concerning the yield and value figures attached to the retail space. The previous valuation reflected a rent of £135 per sq m (£████ psf) and a yield of █% and now reflects a rent of £██ per sqm (£████ psf) and a yield of █%. We are therefore of the view that the valuation of this element is realistic.

## **6 AFFORDABLE HOUSING VALUES**

- 6.1 The amended appraisal provided by Turner Morum allows for 27% affordable housing units. This comprises 6 social rent units formed of 6 x 2 bed flats and 2 x 3 bed flats. There is a further 3 shared ownership units comprising 2 x 1 bed flats and 1 x 2 bed flats.
- 6.2 The total value allocated to the social rent element is £████ reflecting a unit value of £████ per unit for the 2 beds and £████ for the three beds. The appraisal does not clearly identify the rent assumptions which underpin these values and we recommend that the Council clarifies this point should it be minded to approve this revised scheme.
- 6.3 The total value assigned to the shared ownership units is £████ reflecting average unit values of £████ or £████ per sqm (£██ psf). These values reflect the upper end of values we would anticipate for shared ownership but would in our view ensure compliance with the Mayoral income thresholds.
- 6.4 In conclusion we are of the view that the proposed value ascribed to the affordable element is reasonable.

## **7 BUILD COSTS**

- 7.1 Our original report recommended that the applicant prepare a detailed element cost plan for the scheme to ensure an accurate elemental benchmarking exercise could be undertaken. The applicant has not provided this. However the latest appraisals adopt the headline cost figures proposed by our Cost Consultant in his

review of the initial submission. Our previous report recommended supporting information should be provided to explain and justify the allowances made for abnormal costs such as those applied to the substructure. This has not been provided. Although a headline analysis does not provide an accurate view of likely costs compliance with our suggested headline rate suggests the approach is broadly reasonable.

- 7.2 Our original report queried the contingency allowance of 10% forming part of the overall costs for infrastructure and abnormals identified within the appraisal. Turner Morum has made the following comments which are self-explanatory:

*The infrastructure and abnormal costs are included based on an updated cost plan provided by CS2 Construction Consultants. In the BPS review of the original submission the BPS Quantity Surveyor found that the 10% contingency included in the abnormal cost schedule should be reduced to 5%. On discussion with Mr Carl Raven of CS2 (who provided the original schedule) he felt a 10% contingency was appropriate for this scheme considering the historic uses on site and it's central London location. However, for the purpose of this submission and attempt to reach an agreement, I have adjusted the cost schedule to reflect a 5% contingency as recommended by BPS.*

- 7.3 There is no reference to the view expressed by our Cost Consultant that the substructure figure appeared excessive and the need for further information regarding the inclusion of renewables. These aspects should ideally be addressed in order to determine a comprehensive opinion on the detailed costs of the scheme. However in that the appraisal now adopts the headline figures we proposed in our earlier report we are of the view that the costs now proposed are broadly realistic.

**BPS Chartered Surveyors**