



ISLINGTON

PLANNING COMMITTEE

2 April 2019

SECOND DESPATCH

Please find enclosed the following items:

Item 1 43-53 Brewery Road, N7 9QH - Addendum

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PLANNING COMMITTEE REPORT ADDENDUM

PLANNING COMMITTEE		AGENDA ITEM NO:	
Date:	2 April 2019		

Application number	P2018/0136/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	N/A
Conservation area	No
Development Plan Context	Kings Cross Key Area Local Cycle Routes Local View from Dartmouth Park Hill Vale Royal & Brewery Road Locally Significant Industrial Site
Licensing Implications	N/A
Site Address	43 - 53 Brewery Road, London, N7 9QH
Proposal	Replacement and extension of rear portion of building at ground and first floors, creation of larger loading bay at ground floor facing Brandon Road, extension of building at second, third and partial fourth and fifth floors, re-cladding of front and rear elevations and provision of lift run and plant on roof, in association with use of building for Class B8 (self-storage) purposes

Case Officer	Stefan Kukula
Applicant	A&A Self-Storage Ltd
Agent	Jon Dingle Ltd

1. OBJECTION FOLLOWING PUBLICATION OF THE COMMITTEE REPORT

1.1 An objection has been received following the publication of the Planning Committee report which is summarised as follows:

- Para. 10.40 of the officer’s report states that, ‘*It should be noted that the NSL test is just one component of the daylight/sunlight assessment. Despite the NSL failures the proposal would still pass (or be impacted with only a minor infringement) in terms of the VSC test.*’ – this suggests that even if the window fails the NSL test, if it passes the VSC test then this doesn’t constitute a transgression of BRE guidelines – if this is the case then this is a gross error.

- The High Court Judgement of *Guerry v Hammersmith and Fulham and Newco* 8915 (Case no CO/1353/2018 dated 01 Nov 2018) makes clear that both the VSC test and the NSL test must be passed in order for daylight impacts to be BRE compliant.
- The assessment demonstrates existing VSC levels in excess of 27% for 7 of the 18 windows at Simla Court (albeit only marginally with a maximum of 29.4%) - if the proposed development goes ahead none of the windows will experience a VSC of over 27%.
- The officer's report has omitted results for 3 first floor rooms and 1 second floor room which fail to comply with the BRE Guidance – why is this? (*Officer note – the report had identified the worst affected rooms – however, the full assessment results for Simla Court are provided below*)
- The VSC for 5 first floor windows at Simla Court currently exceeds 27% and will fall below 27% following the proposed development whilst 3 of these windows will experience a loss of VSC in excess of 20%.
- Para 10.37 on page 25 of the officer's report states that transgressions of BRE guidelines of up to 30% loss in VSC have been accepted by Islington in the past but that does not necessarily mean this should become the norm.
- Transgressions should be measured against the BRE Guidelines and not the fact that Islington has allowed transgressions of up to 30%.
- Transgressions involving losses of over 30% daylight are significant and accepting such losses could lead to greater losses being accepted in the future.
- Para 10.38 states that there would be NSL losses of 42.5%, 44.4% and 51.9% but argues that the losses are acceptable because the retained light would be comparable to the existing levels of light in the ground floor flats – these transgressions are excessive when considered against the BRE Guidelines.

1.2 The remainder of this addendum to the committee report provides a response and additional commentary in view of the above comments.

1.3 The VSC and NSL assessment results for Simla Court are presented in full below. The NSL room area data for Simla Court and 248-250 York Way has been updated from the committee report to correct a conversion error (the percentage reductions were presented correctly and are unchanged). Instances where there will be a loss of daylight in excess of the BRE guidelines are indicated in bold.

Room/ Window	Vertical Sky Component			No Skyline (Daylight Distribution)			
	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Simla Court (126 Brewery Road)							
Ground Floor R1 / W1	15.7	15.6	0.1	9.0	3.1	3.1	0.0
Ground Floor R2 / W2	25.5	20.9	18.0	9.7	6.0	5.0	16.1
Ground Floor R2 / W3	25.5	20.7	18.6				
Ground Floor R3 / W4	25.3	20.0	20.7	8.7	5.0	3.8	23.8
Ground Floor R4 / W5	24.8	19.1	23.2	13.1	6.9	5.6	18.3
Ground Floor R5 / W6	23.5	17.5	25.5	13.5	7.0	5.3	20.5
First Floor R1 / W1	19.7	19.7	0.1	9.0	3.3	3.3	0.0
First Floor R2 / W2	29.4	24.2	17.7	9.7	8.1	6.4	21.1
First Floor R2 / W3	29.3	23.9	18.3				
First Floor R3 / W4	29.1	23.1	20.6	8.7	6.9	4.6	33.2
First Floor R4 / W5	28.8	22.2	23.1	13.1	9.5	7.0	26.6
First Floor R5 / W6	28.4	21.2	25.6	13.5	9.1	6.2	31.7
Second Floor R1 / W1	16.5	16.5	0.0	9.0	3.5	3.5	0.0
Second Floor R2 / W2	27.7	22.2	20.0	9.7	9.3	6.9	25.8
Second Floor R2 / W3	27.7	21.9	20.8				

Second Floor R3 / W4	25.8	19.3	25.0	8.7	8.4	4.8	42.5
Second Floor R4 / W5	25.5	18.3	28.1	13.1	12.9	7.2	44.4
Second Floor R5 / W6	25.2	17.3	31.3	13.5	13.1	6.3	51.9
248-250 York Way							
First Floor R2 / W3	17.6	16.4	6.7	10.9	4.3	2.1	52.3

1.4 Paragraph 10.21 of the committee report states that *'The BRE Guidelines stipulate that... the diffuse daylighting of the existing building may be adversely affected if **either**:*

- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.*
- *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value." (No Sky Line / Daylight Distribution).'*

1.5 The report is therefore clear that diffuse daylighting would be adversely affected if there is a transgression in respect of either the VSC or the NSL method of assessment. The Hammersmith and Fulham judgement referred to by the objector involved the quashing of a planning permission following a judicial review because the decision makers had taken a sequential approach in applying the VSC and NSL tests. The VSC and NSL tests are not intended to be applied sequentially.

1.6 Members will be aware that the BRE Guidelines should be interpreted having regard to the densely built up urban character of much of the borough. Paragraph 10.20 of the committee report noted that the BRE Guidelines state, inter alia, that the advice *'should be interpreted flexibly since natural lighting is only one of many factors in site layout design.'*

1.7 The losses of daylight identified through the VSC method of assessment, whilst exceeding the BRE recommendations in a number of cases, are considered acceptable having regard to the built up urban context of the site, the extent of the reductions in VSC and the retained levels of VSC.

1.8 In carrying out the assessment of impacts on adjoining properties in terms of NSL, despite attempts to access those adjoining properties no residents responded to grant access. In this regard, a worst case scenario of room usage (all assumed as habitable) and room layouts has been assumed. This includes being single aspect and relatively deep in relation to the architectural design of the buildings.

1.9 The NSL method of assessment identifies significant reductions of daylight to several rooms. It should be noted that the affected rooms to the second floor of Simla House presently have unusually high levels of daylight distribution given the urban context of the block. The proposed development would increase the height of 43-53 Brewery Road by around 6m, which represents a relatively minor increase in height. The committee report identifies that the retained levels of NSL to the second floor rooms would be at a level which is comparable to ground floor rooms within the same block, and by this measure may be considered acceptable.