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## AGENDA FOR THE PLANNING COMMITTEE

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Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber - Town Hall on **10 March 2016 at 7.30 pm.**

**John Lynch**  
**Head of Democratic Services**

Enquiries to : Zoe Crane  
Tel : 020 7527 3044  
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Despatched : 2 March 2016

**Welcome:**

Members of the public are welcome to attend this meeting.

**Consideration of Planning Applications** – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**

Committee Membership

Councillor Khan (Chair)  
Councillor Fletcher (Vice-Chair)  
Councillor Klute (Vice-Chair)  
Councillor Chowdhury  
Councillor Convery  
Councillor Nicholls  
Councillor Picknell  
Councillor Poyser  
Councillor Spall  
Councillor Donovan


Wards

- Bunhill;  
- St George's;  
- St Peter's;  
- Barnsbury;  
- Caledonian;  
- Junction;  
- St Mary's;  
- Hillrise;  
- Hillrise;  
- Clerkenwell;

Substitute Members

Councillor Diner  
Councillor Kay  
Councillor A Perry  
Councillor Wayne  
- Canonbury;  
- Mildmay;  
- St Peter's;  
- Canonbury;

Quorum: 3 councillors



<b>A. Formal Matters</b>	<b>Page</b>
1. Introductions	
2. Apologies for Absence	
3. Declarations of Substitute Members	
4. Declarations of Interest	

If you have a **Disclosable Pecuniary Interest\*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

**\*(a)Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

**(c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

**(d) Land** - Any beneficial interest in land which is within the council's area.

**(e) Licences-** Any licence to occupy land in the council's area for a month or longer.

**(f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

**(g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business	
6. Minutes of Previous Meeting	1 - 4
<b>B. Consideration of Planning Applications</b>	<b>Page</b>
1. 7-8 Wakley Street and 328 City Road, London, EC1V 7QE	7 - 92
2. 798-804 Holloway Road, London, N19 3JH	93 - 166

**C. Consideration of other planning matters**

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**D. Urgent non-exempt items (if any)**

Any non-exempt items which the Chair agrees should be considered urgent by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**Date of Next Meeting:** Planning Committee, 19 April 2016

**Please note all committee agendas, reports and minutes are available on the council's website:**

**[www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)**

## **PROCEDURES FOR PLANNING COMMITTEE**

### **Planning Committee Membership**

The Planning Committee consists of ten locally elected members of the council who will decide on the applications for planning permission.

### **Order of Agenda**

The Chair of the Planning Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

### **Consideration of the Application**

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

### **What Are Relevant Planning Objections?**

The Planning Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

**For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Zoe Crane on 020 7527 3044. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**

**COMMITTEE AGENDA**

**1 7-8 Wakley Street and 328 City Road London EC1V 7QE**

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**2 798-804 Holloway Road London N19 3JH**

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**1 7-8 Wakley Street and 328 City Road London EC1V 7QE**

**Ward:** Bunhill

**Proposed Development:** Demolition of existing buildings and erection of buildings of 1 to 5 storeys (plus lower ground floor level) to provide 26 residential units and office accommodation with associated refuse and cycle storage [departure from the Development Plan]. This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); section 73. - RE-CONSULTATION due to the submission of amended plans removing the top floor, reducing the number of residential units from 33 to 26 and increasing the quantum of B1 floor space from 1092 square metres (GIA) to 2038 square metres.

**Application Number:** P2014/3572/FUL

**Application Type:** Full Planning Application

**Case Officer:** Victor Grayson

**Name of Applicant:** National childrens Bureau(NCB) London Square Development

**Recommendation:**

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**2 798-804 Holloway Road London N19 3JH**

**Ward:** Junction

**Proposed Development:** Demolition of existing building and redevelopment of the site to provide a part two, part four, part five storey mixed use building (plus basement) comprising 598 sq.m A1 retail floorspace at ground floor and basement level and no.13 (C3) residential units at first to fourth floors (6 x 1 beds, 5 x 2 beds, 2 x 3 bed), with associated amenity space and cycle storage

**Application Number:** P2015/4343/FUL

**Application Type:** Full Planning Application

**Case Officer:** Amanda Peck

**Name of Applicant:** C/O Metropolis

**Recommendation:**

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## PLANNING COMMITTEE REPORT

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

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	<b>10<sup>th</sup> March 2016</b>	

Application number	P2014/3572/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	n/a, but several in relatively close proximity
Conservation area	Duncan Terrace/Colebrooke Row Conservation Area (part of site)
Development Plan Context	Bunhill and Clerkenwell key area Central Activities Zone Employment Priority Area (General) Within 100m of Transport for London Road Network Within 50m of New River Conservation Area Adjacent to Site Allocation BC48 – Angel Gate (to the east)
Licensing Implications	n/a
Site Address	7-8 Wakley Street and 328 City Road London EC1V 7QE
Proposal	Demolition of existing buildings and erection of buildings of 1 to 5 storeys (plus lower ground floor level) to provide 26 residential units and office accommodation with associated refuse and cycle storage.

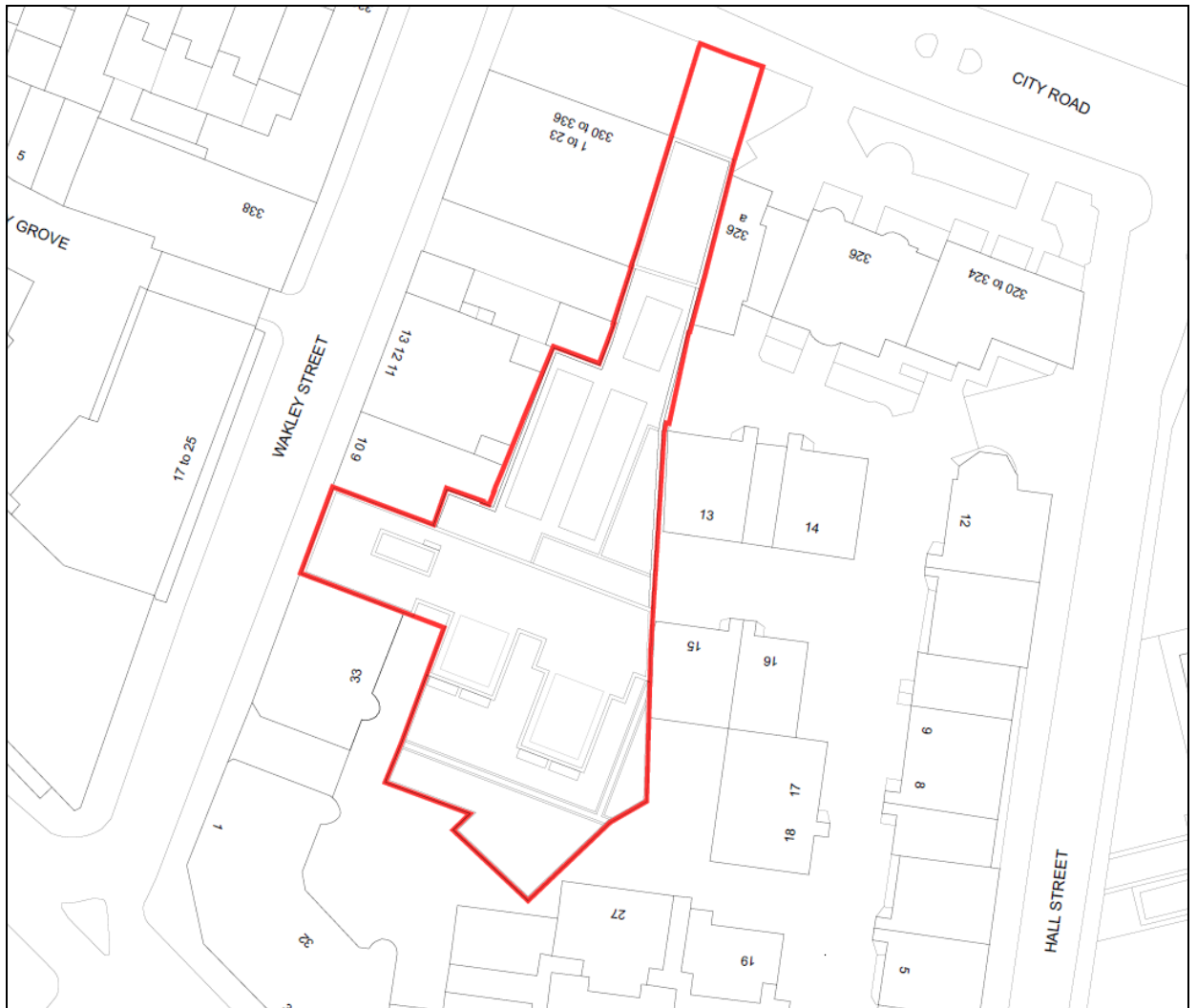
Case Officer	Victor Grayson
Applicant	National Children's Bureau (NCB) and London Square
Agent	Quod

## 1 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 (Recommendation A).

## 2 SITE PLAN (SITE OUTLINED IN RED)





3 PHOTOS OF SITE/STREET



Photograph 1: Aerial view of site and surroundings



Photograph 2: Wakley Street frontage



Photograph 3: City Road frontage

#### 4 SUMMARY

- 4.1 The application site is currently occupied by the co-applicant the National Children's Bureau (NCB), however parts of the existing buildings are disused. The site is within the Central Activities Zone and an Employment Priority Area (General). Part of the site (328 City Road) is within the Duncan Terrace / Colbrooke Row Conservation Area.
- 4.2 The applicant proposes the demolition of all buildings on site, and the erection of a two-storey building (ground and lower ground floor) with 5-storey frontages to Wakley Street and City Road. The proposed development would accommodate 2,038sqm GIA

business floorspace in 2 units, 1 of which would be occupied by the NCB. The upper storeys would accommodate 26 residential units, 4 of which would be for social rent.

- 4.3 The redevelopment of the site is welcomed in principle, and the application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 4.4 The proposal is considered largely acceptable in terms of land use, transportation and servicing, the quality of the residential accommodation, sustainability and energy, subject to conditions and an appropriate Section 106 agreement.
- 4.5 The proposed affordable housing offer is 16.4% based on habitable rooms or 15.4% based on units. The applicant has submitted evidence to demonstrate that the proposed development could not support a higher provision. This has been assessed by the council's independent viability consultant BPS, and is accepted. The applicant has agreed to an advanced stage review of the development's viability, meaning upon the sale of 75% of the private residential units the development's viability would be tested to ascertain whether further affordable housing (in the form of financial contributions) could be delivered.
- 4.6 The demolition of 328 City Road is regrettable, however given the limited value of this heritage asset, the public benefits of the proposed development, and the quality of the proposed replacement building, it is considered that the proposed demolition is acceptable.
- 4.7 The proposed development would cause adverse impacts to certain neighbouring residential properties in relation to natural light and outlook, however the weight to be given to these impacts is limited, and refusal of permission on these grounds is not recommended.
- 4.8 Appropriate Section 106 Heads of Terms have been agreed with the applicant.
- 4.9 The benefits of the proposed development (including the re-use of an underused site, the replacement of the existing floorspace with business floorspace of a better quality, housing delivery and the reduction of impermeable surfaces) are noted, and have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development (which include neighbour amenity impacts, limited accessibility in parts of the development, and the loss of 328 City Road). On balance, it is recommended that permission be granted.

## **5 SITE AND SURROUNDINGS**

- 5.1 The application site is 0.16 hectares in size, has an irregular shape and has limited street frontages. An existing 3-storey office building fronts Wakley Street. Behind this is a 1- and 2-storey office building covering the majority of the site. The site includes 328 City Road, which presents 6 storeys (including lower ground floor) to the street. The existing floorspace totals 2,037sqm GIA (1,422sqm NIA), in office (B1a) use.
- 5.2 The northern part of the site (328 City Road) is within the Duncan Terrace / Colebrooke Row Conservation Area. The site does not include any listed buildings, however the buildings at 320-326 City Road immediately to the east of the site boundary are Grade II listed.

- 5.3 Most surrounding buildings, including all of the Angel Gate development to the south and east of the application site, are in office use. There are, however, residential properties along the north and west boundaries of the site at 9 Wakley Street (identified as 9-10 Wakley Street on some maps and in some application documents), 14 Wakley Street and Angel Point (330-336 City Road). Other residential buildings nearby include 319 City Road and Langdon Court to the north.
- 5.4 City Road is a busy TfL-controlled red route lined with buildings between 3 and 6 storeys in height. Wakley Street is a 1-way street (also a red route) leading from City Road to Goswell Road, with loading bays on its east side and buildings between 3 and 7 storeys in height. 328 City Road currently has a steep forecourt, sloping into the site from the back of the pavement.
- 5.5 The site is located within the Central Activities Zone (CAZ) and an Employment Priority Area (General). The Angel Gate development adjoining the application site is the subject of Site Allocation BC48, which is allocated for predominantly business floor space with some residential.
- 5.6 The application site has no trees or significant areas of soft landscaping, however a mature London Plan tree stands close to the site in the grounds of 326a City Road, and there are trees close to the site boundaries within the grounds of the Angel Gate development.

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

- 6.1 The applicant proposes the demolition of the site's existing buildings, and the erection of a building of 1 to 5 storeys (plus a lower ground floor level) with a 5-storey frontage to Wakley Street (block B) and a 5-storey frontage to City Road (block A). Blocks A and B would be connected at lower ground and ground floor level by the 2-storey part of the proposed building. Elevations within the site would be 2 to 6 storeys (including lower ground floor level) in height.
- 6.2 The development would comprise residential and business uses, with associated cycle parking and waste storage. A total of 26 residential units would be provided in the following unit size mix:
- 22 private units (5x 1-bedroom and 17x 2-bedroom units); and
  - 4 social rent units (4x 2-bedroom units).
- 6.3 The affordable housing element would be equivalent to 16.4% based on habitable rooms or 15.4% based on units.
- 6.4 Two wheelchair accessible units (private tenure) are proposed in block B at ground level.
- 6.5 A total of 2,038sqm GIA (1,706sqm NIA) of business floorspace is proposed across 2 units. The unit accessed from City Road (unit C.1) would be occupied by the National Children's Bureau and would comprise 1,071sqm GIA (874sqm NIA) at lower ground and ground floor level. The smaller unit (C.2) would be accessed from a separate entrance on Wakley Street and would measure 967sqm GIA (832sqm NIA) in size, provided mostly at lower ground floor level with a small amount of floorspace at ground floor level adjacent to the site's east boundary.

- 6.6 No on-site car parking is proposed. Space for the parking of a total of 109 cycles is proposed in 4 cycle stores at lower ground floor level (68 for residential, 41 for commercial).

### **Revision 1**

- 6.7 The amendments received on 09/09/2015 increased the quantum of business floorspace proposed, which reduced the number of residential units to 30 (from 33). In connection with this increase, an amendment was made to the massing at lower ground floor level at the south end of the site, so that the lower ground floor would extend southwards into what was previously identified as a communal garden / play area (for use by residents).
- 6.8 An updated schedule of accommodation and drawings were submitted with the amendments.

### **Revision 2**

- 6.9 The plans were further amended on 26 and 30/11/2015 to remove the top (fifth) floor from the proposed Wakley Street building (block B), which reduced the number of residential units to 26 (from 30). A further increase in the quantum of proposed B1 floorspace – from 1,092sqm (GIA) to 2,038sqm (GIA) – was also made.
- 6.10 A further updated schedule of accommodation and drawings were submitted with the amendments.

### **Revision 3**

- 6.11 The plans were amended on 14/12/2015 to relocate a proposed condenser unit to another part of the roof of the proposed Wakley Street building.

### **Supporting information**

- 6.12 Amended Viability Statements (dated 03/09/2015 and 15/12/2015) and a letter from the applicant (dated 26/01/2016, with a revised Development Appraisal appended) were submitted, as was a revised daylight/sunlight assessment (dated 26/11/2015), corrected APSH tables (received 14/01/2016), Overshadowing Assessments (dated 15/01/2016) and an Energy Statement (dated October 2015, but refers to the current 26-unit scheme, and received 30/11/2015), all updated to reflect the above amendments.

## **7 RELEVANT HISTORY**

### **Planning Applications**

- 7.1 Planning permission granted 02/11/1987 for alterations to and refurbishment of the front elevation at 7-8 Wakley Street. Ref: 871674.

### **Enforcement**

- 7.2 None relevant.

## **Pre-application Advice**

7.3 The council issued pre-application advice letters on 24/01/2014 and 11/07/2014, and advice was provided by officers in various emails at pre-application stage, and verbally at meetings. The main points included in the advice of 24/01/2014 were:

- Loss of office floorspace unacceptable. Disuse, inaccessibility and inefficiency of floorspace would not be accepted as justification for loss.
- Not appropriate to include retail, leisure or other non-business uses at this site.
- New accommodation should be suitable for micro and small enterprises, and affordable workspace.
- No objection to demolition of Wakley Street building.
- 328 City Road is a handsome early 20<sup>th</sup>-century building which makes a positive contribution to the conservation area. Its demolition would not be accepted. There is scope for extension, restoration and improvement.
- Parish boundary stone should not be removed, and should remain visible following redevelopment.
- 6-storey massing from Wakley Street to the Angel Gate boundary is acceptable, subject to daylight and sunlight analysis.
- 2-storey massing is acceptable, subject to neighbour amenity impacts.
- Roof plant should be accommodated within the building envelope.
- Off-site provision of affordable housing is contrary to policy.
- Proposed unit size mix unacceptable.
- Majority of residential units would be single-aspect which is contrary to policy, but which could be addressed through a deck access arrangement.
- Revolving door should be deleted from proposals. Two lifts should serve wheelchair-accessible residential units above ground floor level.
- Development would be car-free, in compliance with policy. Parking provision for staff and residents would be necessary.
- Green roofs will be required.
- Further information required regarding neighbour amenity, quality of residential accommodation, inclusive design, energy and sustainability, highways and transportation, and waste storage.

7.4 The main points included in the advice of 11/07/2014 were:

- Loss of office floorspace (now greater than previously proposed) unacceptable. The submitted market analysis information does not provide a convincing justification for the loss.
- Convincing case for demolition of 328 City Road has not been made.
- Proposed Wakley Street and City Road buildings need not have the same elevational treatment.
- Relocation of parish boundary stone could be acceptable, if it remains on the parish boundary.
- Proposed affordable housing provision (4 social rent units, equivalent to 12%) is low. Financial viability information has not yet demonstrated this is the maximum reasonably achievable.
- Proposed unit size mix remains unacceptable.
- Single-aspect units are still proposed. Other information is required regarding the size and quality of the residential units.

- Wheelchair accessible/adaptable units have not been proposed across all tenures, the 4 residential units to City Road would not have lift access, and a revolving door is shown on the lower ground floor plan – these aspects of the proposal are contrary to policy.
- Cycle parking is shown at lower ground floor level, but should be provided at ground floor.
- Further information required regarding quality of residential accommodation, energy, overheating, and waste storage.

## 8 CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 399 adjoining and nearby properties at Angel Gate, City Road, Elia Mews, Elia Street, Frederick's Row, Goswell Road, Hall Street, Nelson Place, Sidney Grove and Wakley Street on 05/09/2014. A site notice and press advertisement were displayed on 11/09/2014. Following the receipt of amended plans (Revision 2), all neighbouring properties were re-consulted on 11/12/2015 and a site notice and press advertisement were displayed on 17/12/2015. The public consultation period expired on 07/01/2016, however it is the council's practice to continue to consider representations made up until the date of a decision.
- 8.2 Objections to the proposed development from (or representing) a total of 11 unique addresses have been received from the public with regard to the application following the council's consultation. Of these, objections from (or representing) 10 addresses were received following the council's initial consultation, and 6 were received following the council's reconsultation. In addition, a query from 1 neighbour property was received, expressing neither objection nor support.
- 8.3 The issues raised following the council's initial consultation can be summarised as follows (paragraph numbers refer to where the matter is addressed in this report):
- The proposal is excessive and extreme. Overly-intensive development on a backland site. Proposal would overwhelm existing buildings fronting Wakley Street (**paragraph 10.29**);
  - Massing and height inappropriate to a backland site. 6-storey building between the existing buildings would make the space look tight, cramped and unfriendly. Contrived design (**paragraph 10.29**);
  - Proposal inappropriate to this principally office environment (**paragraphs 10.16 and 10.108**);
  - Potential damage to neighbouring property (**paragraphs 10.173 and 10.205**);
  - Noise, dust, dirt and disruption (**paragraphs 10.108 to 10.110**);
  - Loss of views from Angel Point and Edward House (**paragraphs 10.92 to 10.94 and 10.100**);
  - Loss of privacy at Angel Point, Edward House and flats at Wakley Street (**paragraphs 10.104 to 10.106**);
  - Oppressive and overbearing effect of development on, and loss of outlook from, flats at 9 Wakley Street (**paragraphs 10.94 to 10.99**);
  - Loss of natural light to Angel Point, Edward House, 11-13 Wakley Street and flats at 9 Wakley Street. Daylight/sunlight assessment does not consider non-residential premises or daylight/sunlight impacts on outdoor terraces at 9 Wakley Street (**paragraphs 10.73, 10.79 to 10.82, 10.85 to 10.86 and 10.89 to 10.91**);

- Only 12% affordable housing would be provided, below the council's 50% requirement (**paragraphs 10.147 to 10.153 and 10.158**);
- Damage to adjoining property values (**paragraph 10.204**);
- A number of proposed residential units would not receive adequate natural light in accordance with BRE guidance (**paragraphs 10.119 to 10.124**);
- Proposal would prejudice the future redevelopment of Angel Gate (site allocation BC48). Proposal relies on natural light from and outlook into Angel Gate, impacting the development potential of Angel Gate (**paragraphs 10.16 and 10.136**); and
- A comprehensive scheme incorporating the application site and Angel Gate would allow the optimisation of the 2 sites, would enable increased massing and flexibility of layout, would deliver a higher quantum of development with less detrimental impact on neighbours, and could incorporate more dual aspect units, high quality employment space, residential units and affordable housing. Approval of proposed development would undermine council's objectives for Angel Gate site (**paragraph 10.203**).

8.4 The issues raised following the council's reconsultation can be summarised as follows:

- Proposal does not incorporate the maximum amount of business floorspace reasonably possible on the site, does not prioritise employment development, and no market demand assessment has been submitted (**paragraph 10.8**);
- Proposed commercial component is unfettered commercial office floorspace and does not comply with planning policy. Proposal should include additional commercial uses, floorspace suitable for micro and small enterprises, and affordable workspace (**paragraphs 10.9 to 10.11**);
- Proposal would alter fabric of the area, represents cramming and overdevelopment, and allows little space for landscaping (**paragraphs 10.29 and 10.168**);
- Noise, vibration, debris, dirt and disruption during demolition. Noise when completed. Some local residents work nights (**paragraphs 10.108 to 10.110**);
- Condition relating to asbestos should be applied (**paragraph 10.191**);
- Loss of privacy, including at Angel Point (**paragraphs 10.104 to 10.106**);
- Loss of natural light to Angel Point, flats at 9 Wakley Street and 326a City Road. Applicant's latest report does not consider impact of overshadowing upon fourth floor of 9 Wakley Street, which is illuminated via glazing at roof terrace level. Loss of sunlight quality – in terms of heat and brightness – is not measured. Impact on sunlight at winter solstice is not considered. Impact of overshadowing caused by rooftop installations is not considered. Daylight/sunlight assessment does not consider non-residential premises. Sunlight report incorrectly allocates windows to flats in Angel Point and has amended existing winter APSH figures. Dark apartments can adversely affect mental health (**paragraphs 10.73, 10.79 to 10.82, 10.85 to 10.86 and 10.89 to 10.91**);
- Overbearing impact of north wall of development upon, and loss of outlook from, 9 Wakley Street (**paragraphs 10.94 to 10.99**);
- Affordable housing provision is low compared with other schemes (**paragraphs 10.147 to 10.153 and 10.158**);
- Damage to adjoining property values (**paragraph 10.204**);
- Proposal is inefficient, fails to optimised development potential of the site, and would prejudice optimisation of development potential of Angel Gate (site allocation BC48) and application site and Angel Gate together (**paragraphs 10.16 and 10.136**);



- A comprehensive scheme incorporating the application site and Angel Gate may provide more residential dwellings, better quality residential accommodation, more affordable units, more space for jobs, affordable workspace for small and starter businesses, and enhanced standards of daylight, sunlight, privacy and other amenities. Owners of Angel Gate may be able to temporarily accommodate the NCB during construction (paragraph **10.203**); and
- Should permission be granted, hours of operation, unloading and parking (for construction vehicles and staff) should be controlled (**paragraphs 10.16, 10.181, 10.183 and 10.186 to 10.187**).

### **Applicant's Consultation**

- 8.5 The applicant appointed a public affairs company (Four Communications) in April 2014 to carry out community and stakeholder consultation in relation to the emerging proposals. The consultation process included the sending of letters to over 1,000 local residents and businesses, and a 2-day public consultation exhibition (10 and 11/07/2014), where completed questionnaires were collected from attendees. Throughout the consultation process a telephone number, email and freepost address were provided. Meetings were held with the commercial agent of Angel Gate, the owner of Flat 5, 9 Wakley Street, and the freeholder of 9 Wakley Street.
- 8.6 The applicant's submission details that during the exhibition 11 people (2 residents, 4 businesses and 5 staff) attended. At the time of writing the Statement of Community Involvement, 7 completed questionnaires had been received by the applicant. However, full details of these responses have not been submitted. The applicant's Statement of Community Involvement summarises consultee responses as follows:
- Nearly all consultees welcome the redevelopment;
  - There is a clear consensus that the building is no longer fit for purpose;
  - Consultees were in support of a mix of private and affordable housing;
  - Car-free development is right for the site; and
  - There is concern that staff will lose the site's existing outdoor space and consultees requested access to the proposed private communal garden.

### **External Consultees**

- 8.7 Environment Agency (commented 15/12/2015) – Recommend the requirements of the NPPF and NPPG be followed. In previous comments (18/09/2014), the EA advised that planning permission could be granted subject to conditions (37 and 38).
- 8.8 Historic England (Archaeology – commented 13/01/2015 as English Heritage) – Recommend approval of the Historic Environment Assessment. There is sufficient information to establish that the development is not likely to cause harm to archaeological remains. The archaeological interest of the site should be conserved through a condition (11).
- 8.9 Historic England (Historic Buildings and Areas – commented 15/09/2015) – The application should be determined in accordance with national and local policy guidance, and on the basis of the council's specialist conservation advice.
- 8.10 London Fire and Emergency Planning Authority (commented 07/01/2016) – There should be fire brigade access to the perimeter of the building(s) and sufficient water mains in the vicinity. Sprinklers should be installed.

- 8.11 London Underground (commented 21/12/2015) – No objection in principle, however there are constraints applicable to this site which is close to underground tunnels and infrastructure. Condition (25) recommended relating to foundations and piling.
- 8.12 Thames Water (commented 14/12/2015) – Developer is responsible for making proper provision for drainage. No objection in relation to sewerage and water infrastructure capacity. Recommend condition (25) requiring details of impact piling method statement, and an informative.
- 8.13 Transport for London (TfL) (commented 22/09/2014) – Car free development is supported and residents should be made ineligible for local parking permits. Proposed cycle parking spaces are welcomed – all should be conveniently and safely located, and shower and changing facilities should be provided for the proposed offices. A Delivery and Servicing Plan would need to be submitted for approval prior to occupation (condition 31). A Construction Management Plan and Construction Logistics Plan must be submitted prior to commencement, and this should be conditioned (29). No construction vehicles should load or unload on the Transport for London Road Network at any time. A workplace travel plan should be secured through a Section 106 agreement. A Section 278 agreement with TfL is required to renew the footways along the City Road and Wakley Street frontages. Excavation of the basement requires structural approval of TfL to ensure TfL's highway asset is not compromised (condition 23).
- 8.14 Further comment 12/02/2016 – Highway reinstatement should cover the site's entire frontages on Wakley Street and City Road.

### **Internal Consultees**

- 8.15 Design and Conservation Officer (commented 26/02/2016) – No objections to design (including massing and elevational treatment) of the Wakley Street building (block B). The 5-storey elevation would sit comfortably next to its immediate neighbours, and would not harm the character or appearance of the nearby New River Conservation Area.
- 8.16 The demolition of 328 City Road is regrettable, and would cause some harm to the significance of the conservation area due to the existing building's contribution to the character and understanding of the historic development of the area. However, it is accepted that the existing building makes a limited positive contribution to the significance of the conservation area due to its age, alterations and the immediate context. For this reason, it could be argued that its loss would cause less than substantial harm to the conservation area, therefore NPPF paragraph 134 applies.
- 8.17 The quality of the design of the replacement building at 328 City Road (block A) has improved during the life of the application, with the amendments made to the front entrance, forecourt, fenestration and cornice detail. The duality of the fenestration to this elevation would be relieved by the fluting proposed to the window openings. The quality of the design of block A weighs positively in the balance of considerations necessary under NPPF paragraph 134. Nevertheless, other public benefits should be weighed against the demolition to justify it.
- 8.18 Due to its design and materials, proposed block A would sit comfortably within the Duncan Terrace / Colebrooke Row Conservation Area, and would not harm the significance of the listed buildings at 320-326 City Road.

- 8.19 The proposed relocation of the parish boundary stone to another position on the historic parish boundary is acceptable.
- 8.20 The proposed materials are considered acceptable, subject to details and samples being submitted at conditions stage.
- 8.21 Conditions relating to materials, rooftop plant, window reveals, the cornice detail of block A, the parish boundary stone, and the plinth and enclosure to the City Road forecourt are recommended (conditions 3, 5, 6, 7, 9 and 18).
- 8.22 Energy Conservation Officer (commented 06 and 12/01/2016) – Carbon dioxide offset requirement will be £72,620. Applicant's preferred strategy (of providing infrastructure to connect to a decentralised energy network, and a communal heating system supported by on-site combined heat and power) is supported. Bunhill network will come within 500m of the application site by the end of 2016, and officers will provide the applicant with information regarding connection viability. Details of future-proofing of the development for future connection are required. Although no comfort cooling is proposed, clarification regarding the proposed heating and cooling systems is required. Details of any dynamic thermal modelling should be provided (condition 28).
- 8.23 Housing Development and Regeneration Manager (commented 10/02/2016) – 2-bedroom social rent units are welcomed, as long as they are 2-bed/4-person units, and not 2-bed/3-person units.
- 8.24 Inclusive Design Officer (commented 16/10/2014) – The 4 social housing units would not be visitable by anyone unable to use stairs. The wheelchair accessible units are only served by 1 lift – more than 1 lift is required. No wheelchair accessible units are proposed in the affordable element or in a range of unit sizes. Ramps with gradients of 1:16 should be a maximum of 6m in length. Accessible cycle parking is welcome, and space for storage / charging facilities for mobility scooters should be shown on the drawings. Changing facilities should be accessible to all potential users (condition 14). Any fob access and security controls should meet the needs of any disable person that may use them. Any glazed doors and panels will need manifestations for safety. New offices will need to fully comply with the Building Regulations.
- 8.25 Licensing Manager (commented 11/09/2014) – No objection.
- 8.26 Public Protection (commented 21/10/2014 and 11/11/2015) – No objection subject to conditions (33, 34, 35, 36, 37 and 38).
- 8.27 Street Environment Manager (commented 15/10/2014) – No objection.
- 8.28 Sustainability Officer (commented 13/02/2015) – Commitment to reduce the notional baseline water efficiency performance level by 50% is supported. Greywater usage commitment supported. Commitment to target 66% of materials credits under BREEAM is supported. Approach to materials use is supported. Developer should sign up to the Considerate Constructors Scheme and should comply with Islington's Code of Construction Practice. A Green Performance Plan has been submitted with the application – this is generally acceptable as a draft, however more specific performance targets and indicators will need to be established through a full GPP to be secured via a Section 106 agreement.
- 8.29 Further comment 17/02/2016 – Applicant has addressed previous comments regarding BREEAM and the Code for Sustainable Homes. The applicant's BREEAM

commitments should be secured by condition (26) and the Code for Sustainable Homes assessments should be included in the approved documents. Previous comments regarding waste have been addressed. The extent of the green roofs need to be agreed at application stage, and should occupy the maximum area available. The proposed green roof area is not the maximum possible, and amended roof plans or justification should be provided. Applicant is required to address sustainable urban drainage policies (London Plan policy 5.13 and Development Management Policy 6.6) at application stage.

- 8.30 Tree Preservation Officer (commented 05/11/2014) – There are currently no trees on site and no meaningful landscaping. There is limited scope for impacts on existing off-site trees, and limited potential for landscaping. The proposed landscaping scheme is indicative and a landscaping scheme should be conditioned (18). Facilitation pruning to the off-site trees can be managed by condition (19).

### **Other Consultees**

- 8.31 Baroness Massey of Darwen (Member of the House of Lords and Chair of the All Party Parliamentary Group for Children) and Baroness Tyler of Enfield (Member of the House of Lords and President of the National Children's Bureau) have both registered representations of support for the proposal. The points made are in these representations are set out below:

- The National Children's Bureau (NCB) is an established presence in Islington, employing over 150 staff, many of whom live locally. It works extensively with many other charities and providers in the immediate vicinity contributing to policy development for children and young people.
- The current offices are no longer fit for purpose, with poor quality office and meeting spaces, becoming increasingly expensive to maintain. NCB is committed to staying in the area in accommodation which supports the work it does and enables the charity to further develop its reach and impact.
- NCB conclude that its current headquarters provide an opportunity to build new homes and retain the existing jobs in a new and fit for purpose office building.
- Alongside its development partner London Square, NCB will deliver:
  - New Headquarters – inclusive of 103 work spaces which is fully accessible to the many young people who use the facility;
  - Homes at social rent;
  - Wheelchair accessible flats;
  - High quality homes with private amenity space;
  - A communal garden; and
  - Car-free development.

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

- 8.32 An earlier iteration of the proposals was presented to the Members' Pre-application Forum on 24/03/2014.

## **9 RELEVANT POLICIES**

- 9.1 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following Development Plan documents:

## **National Guidance**

- 9.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.4 Under the Ministerial Statement of 18/12/2014, 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 local planning authorities will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).
- 9.5 On 01/10/2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via:
- Written Ministerial Statement issued 25/03/2015
  - Deregulation Act 2015 (amendments to the Building Act 1984) – to enable “optional requirements”; and
  - Deregulation Act given Royal Assent 26/03/2015

## **Development Plan**

- 9.6 The Development Plan comprises the London Plan 2015 (Consolidated with Alterations since 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.
- 9.7 In 2015 the Mayor of London published proposed Minor Alterations to the London Plan (MALP), which have weight as a material consideration relevant to this application.

## **Designations**

- 9.8 The site has the following designations under the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Bunhill and Clerkenwell key area
  - Central Activities Zone
  - Employment Priority Area (General)
  - Duncan Terrace / Colebrooke Row Conservation Area (part of site)
  - Within 100m of Transport for London Road Network
  - Within 50m of New River Conservation Area

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

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

## **Environmental Impact Assessment**

- 9.10 The applicant team did not submit a request for an Environmental Impact Assessment (EIA) scoping opinion, however the general characteristics of the site and the proposed development are not considered to fall within Schedule 1 or 2 development as set out in the Environmental Impact Assessment Regulations (2011). In particular, the site is significantly less than 0.5 hectares in size and it is not in a sensitive area as defined by the Regulations (nor is it considered appropriate in this case to bring other, local designations into consideration as allowed for under paragraph 032 (ref: 4-032-20140306) of the NPPG). As such, the proposal is not considered to be EIA development, however no formal decision has been made to this effect.

## **10 ASSESSMENT**

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

- Principle of development
- Land use
- Design and conservation
- Inclusive design
- Neighbour amenity
- Quality of residential accommodation
- Dwelling mix
- Affordable housing and financial viability
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Contaminated land and air quality
- Planning obligations

### **Principle of Development**

- 10.2 The site's existing buildings are under-used, inefficient, and offer very poor accessibility to people with disabilities. Redevelopment of the site is considered acceptable in principle, as it provides an opportunity to reprovide business floorspace to a better standard than currently exists, to provide residential accommodation, and to use this relatively central and accessible site more efficiently. These are benefits of the proposed development which weigh positively in the balance of planning considerations relevant to this application.
- 10.3 The above in-principle position regarding redevelopment of the site accords with the National Planning Policy Framework's presumption in favour of sustainable development.

### **Land Use**

#### *Employment floorspace*

- 10.4 All parts of the site are, or were most recently, used by the National Children's Bureau (NCB). Existing floorspace totals 2,037sqm GIA (1,422sqm NIA). The applicant's application form states that only B1(a) floorspace currently exists on site, and this accords with officers' observations during site visits. It is understood that other uses

carried out on site (relating to the NCB's direct work with children, and the NCB's library) are ancillary to the primary business use of the site.

- 10.5 No site allocation applies to the application site, however it is located within the Central Activities Zone (CAZ) and an Employment Priority Area (General).
- 10.6 Planning policies relevant to this site safeguard existing employment floorspace, and generally encourage office development. The supporting text of London Plan policy 4.2 identifies a need for significant increases in office floorspace in the years to 2031. Part B of policy CS13 of Islington's Core Strategy 2011 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business provision will be encouraged. Part Aii of policy BC8 in the Finsbury Local Plan 2013 states that within Employment Priority Areas (General and Offices), proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
- 10.7 It is again noted that the site's existing buildings offer poor quality, inaccessible business floorspace, and that parts of the existing buildings are disused.
- 10.8 The proposal would provide 2,038sqm GIA of business floorspace across the lower ground and ground floors of the proposed development, which represents an uplift of 1sqm GIA. While this uplift in GIA floorspace is minimal, the proposal would provide a higher quality, more accessible and more flexible employment space than the existing building currently offers, and due to a more efficient layout it would result in an uplift of 284sqm NIA floorspace. While the site is physically capable of accommodating a higher proportion of business floorspace (and London's improved office market suggests there would be demand for such space), in accordance with part D of policy BC8 of the Finsbury Local Plan 2011 and London Plan policy 4.3 (which encourage mixed use development within the CAZ), the proposal includes the provision of 26 residential units. Considering this together with the applicant's financial viability information which states that the scheme would achieve a deficit, the proposed quantum of office floorspace provision is considered to be the maximum reasonably possible at this site, and officers are of the view that the proposed development strikes the right balance between employment and residential floorspace provision. Given these conclusions, and given that no loss of business floorspace is now proposed, it is not considered necessary to require the applicant to submit a further business floorspace market demand assessment (which would normally be required in accordance with paragraph 11.1.3 of the Finsbury Local Plan), nor is it considered necessary to require an update to the applicant's Commercial Floorspace Assessment (dated September 2014), which was written in support of a previously-proposed loss of business floorspace at this site.
- 10.9 Part B of policy BC8 of the Finsbury Local Plan states that in the Employment Priority Area (General), the employment floorspace component of a development proposal should not be unfettered commercial office uses, but must – where appropriate – include retail or leisure uses at ground floor level, along with a proportion of non-B1(a) business or business-related floorspace, and/or office or retail floorspace that may be suitable for accommodation by micro and small enterprises, and/or affordable workspace. However, given the character of these parts of City Road and Wakley Street, and the constraints of the site (in particular, its limited street frontages), it is not considered appropriate to secure non-B1(a) uses at this site. Notwithstanding this conclusion, it is noted that Appendix 1 of the submitted Design and Access Statement includes floorplans illustrating how part of the proposed business floorspace could be

put to alternative uses such as a GP's surgery, a learning/training centre, and a gym, although it must be noted that for some of these uses further planning permissions would need to be secured.

- 10.10 The applicant's submission does not clarify how the proposed business floorspace would be suitable for occupation by micro and small enterprises by virtue of its size and design, and floor plans 6330 D4100 rev 04 and D4149 rev 04 do not show parts of the proposed business floorspace divided into units of 90sqm (GIA) or smaller. It is noted, however, that parts of unit C.2 could be subdivided to provide suitable accommodation for micro and small enterprises without the quality (including natural lighting) of the remaining business floorspace being compromised, although no separate street entrance or core could be provided due to the constraints of the site. To ensure the development would comply with part Bii of policy BC8 of the Finsbury Local Plan, condition 17 is recommended, requiring the submission of floorplans showing 5% of the business floorspace subdivided to provide accommodation for such enterprises.
- 10.11 No affordable workspace is proposed. Given the financial viability of the proposed development (considered later in this report), and the limited proposed uplift in commercial floorspace, it is not considered appropriate to require and formally secure affordable workspace in this instance. As confirmed by the applicant on 14/01/2015, as part of its arrangements with London Square the NCB would rent offices within the development at a discounted rate of £25/sqft for a period of 15 years, subject to reviews every 5 years. Although significantly discounted and intended to benefit a voluntary sector organisation, this is not considered to be affordable workspace of the sort required (and defined) by relevant planning policies and guidance, it would not be offered for a 10 year period at a peppercorn rate (as set out under Development Management Policy DM5.4) with the council taking the head lease, and the public benefit of the NCB taking this space has not been quantified. The proposed lease arrangement, therefore, does not weigh positively in the balance of planning considerations relevant to this application.
- 10.12 Part I of policy BC8 of the Finsbury Local Plan requires new business floorspace to be designed to allow for future flexibility for a range of uses, including future subdivision and/or amalgamation for a range of business accommodation, and should provide full separation of business and residential floorspace. The proposed business floor space would be divided into 2 separately-accessed units but could be amalgamated in future if required, while each of the units have open floor plans and adequate floor-to-ceiling heights, allowing for a flexible fit out, shared use of space and subdivision. The residential and business uses would have separate entrances and adequate separation in accordance with policy.
- 10.13 Paragraph 6.7 of the submitted Planning Statement states that the NCB currently employs 108 full- and part-time staff on site (83 FTE), and that the proposed development would not result in the net loss of NCB jobs, but would provide capacity to expand to 125 (99 FTE). These assertions were made before the proposed quantum of business floorspace was increased – under the current proposal the overall employment potential of the business floorspace would be 142, based on the HCA's ratio of 1 employee per 12sqm NIA of offices.

#### *Residential use*

- 10.14 Policy CS12 of the Islington Core Strategy 2011 encourages the provision of new housing of good quality to meet ~~existing~~ <sup>Page 20</sup> and pressing housing needs, particularly



affordability and inclusivity needs. With regard to the provision of residential accommodation as part of the proposed development (as required by London Plan policy 4.3 and Finsbury Local Plan policy BC8 (part D)), proposals that would result in a net increase of office floorspace should provide at least 20% of the total net increase in office floorspace as housing.

- 10.15 With a total uplift in business floorspace of 1sqm (GIA) in the proposed development, the proposed 2,511sqm (GIA) of residential floorspace more than meets this requirement.
- 10.16 Notwithstanding this policy requirement, subject to the residential quality considerations set out later in this report, the introduction of residential use to this site is considered acceptable in principle. Residential use is normally compatible with adjacent B1(a) office floorspace, and the hours of use of office floorspace do not normally need to be restricted for neighbour amenity reasons. Representatives of the owners of the Angel Gate development have objected to the proposed development (most recently on 04/02/2016), on the grounds that it would restrict the development potential of Angel Gate, which is the subject of Site Allocation BC48. These objections refer specifically to the amenities of the proposed residential accommodation being reliant on the current layout of Angel Gate. These matters are considered later in this report, however in terms of land use it is considered that the introduction of a residential use to the application site would not unacceptably prejudice the future development of land to the south and east.

#### *Other land use considerations*

- 10.17 The application site is within Flood Zone 1 (and has a low probability of flooding), is less than 1 hectare in size, and is not within a Local Flood Risk Zone. The applicant was not required to submit a Flood Risk Assessment with the application. Sustainable urban drainage is considered in the Sustainability section of this report.

#### *Conclusion*

- 10.18 The proposal would replace the site's existing substandard, poor quality office accommodation at the site with a greater quantum and quality of useable business floor space, and would introduce additional residential accommodation, inclusive of affordable housing. As such, it is considered that the proposal is acceptable in land use terms.

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

- 10.19 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design and conservation are set out in chapter 7 of the London Plan. Policies CS8, CS9 and CS10 in Islington's Core Strategy, and policies in chapter 2 of Islington's Development Management Policies, are also relevant. Historic England's Historic Environment Good Practice Advice in Planning Note 3 (The Setting of Heritage Assets), the council's Urban Design Guide SPD and Conservation Area Design Guidelines for the Duncan Terrace / Colebrooke Row Conservation Area, and the Mayor of London's Character and Context SPG are also relevant to the consideration of the current application.

### *Site and surroundings*

- 10.20 The northern part of the site (328 City Road) is within a sensitive location, as it is within the Duncan Terrace / Colebrooke Row Conservation Area. It is close to a row of listed buildings at 320-326 City Road (listed by Historic England under the single address "326, City Road"), a locally listed building at 14 Wakley Street (identified in some documents as 14-15 Wakley Street) and fronts a major thoroughfare (City Road). The site presents other challenges, given its irregular shape and neighbouring residential properties close to its boundaries.

### *Demolition of existing buildings*

- 10.21 On 01/10/2013, under the Enterprise and Regulatory Reform Act 2013, the need for Conservation Area Consent for the demolition of unlisted buildings in conservation areas was removed. Such works now require planning permission.
- 10.22 The existing building fronting Wakley Street has some historic interest particularly in its rear elevation. However, it is not located within a conservation area and its interest is very limited, therefore its demolition is considered acceptable. The 1- and 2-storey office accommodation behind it has no historic or architectural interest and there is therefore no objection to its demolition.
- 10.23 328 City Road is a non-designated heritage asset which lies within the conservation area (which itself is a designated heritage asset) and is highly visible in views from City Road and Nelson Terrace. Although significantly altered at lower ground and upper ground floor levels, it is a relatively handsome early 20<sup>th</sup> century building which makes a positive contribution to the conservation area.
- 10.24 Part E of Development Management Policy DM2.3 confirms that non-designated heritage assets should be identified early in the design process for any development proposal which may impact on their significance, and the council encourages their retention, repair and re-use. Part B of the policy states that the council will require the retention of all buildings and structures which make a positive contribution to the significance of a conservation area.
- 10.25 The demolition of 328 City Road would result in some harm to the significance of the conservation area, and would be contrary to policy DM2.3, however in this case it must be noted that the positive contribution made by the existing building is limited by the fact it has been significantly altered, and does not reflect the prevailing character, appearance and age of other buildings in the Duncan Terrace / Colbrooke Row Conservation Area. Given these limitations to the existing building's contribution, its loss would cause significant, but less than substantial, harm to the conservation area, therefore paragraph 134 of the NPPF applies. This states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Having regard to paragraph 134, officers are of the view that while the demolition of 328 City Road would be regrettable, its loss could be accepted if a suitable high quality replacement is secured as part of a scheme that brought with it sufficient public benefit. This matter is considered further as part of the final balance of planning considerations set out under the Conclusions section of this report.

### *Heights and massing*

- 10.26 London Plan policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed or as a 'hook' for site planning and design".
- 10.27 At the local level, policy CS9 of Islington's Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing.
- 10.28 The context of the site must be noted. Buildings on Wakley Street vary in height from 3 to 6 storeys. 7-8 Wakley Street itself is flanked by a 5-storey building (9 Wakley Street) and a 4-storey (plus attic storey) building (Edward House, part of the Angel Gate development). On the site's City Road frontage, 328 City Road is flanked by a 3-storey listed building (326a City Road) and a 4-storey (plus lower ground floor and attic storey) residential building at 330-336 City Road (Angel Point). Given this context, modest, low or medium-scaled development would be appropriate for this site.
- 10.29 5-storey frontages are proposed to both Wakley Street (Block B) and City Road (Block A). It is considered that the east elevation of the new building at 328 City Road – although prominent and over 1 storey taller than the listed building at 326a City Road – would not appear unduly obtrusive or overdominant in views from street level, and it is noted that the proposed height in would be similar to the building to be demolished. The 5 storeys proposed to Wakley Street would sit comfortably next to their immediate neighbours, and would replace a 3-storey building that underuses its site. The 5 storeys (plus lower ground floor level) proposed within the site would not exceed the heights found on the edges of the block formed by City Road, Hall Street, Goswell Road and Wakley Street, therefore the pattern of heights normally found in perimeter block layouts (where the block's tallest elements are found at its edges) would not be disrupted. Notwithstanding the amenity impacts discussed later in this report, it is considered that the proposed heights demonstrate sufficient sensitivity to the site's context.

### *Architecture and elevations*

- 10.30 London Plan policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm,

and should comprise details that complement, not necessarily replicate, the local character.

- 10.31 Other policies are also relevant to architecture, including London Plan policy 7.4 (relating to local character) and Core Strategy policy CS9, which states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. This Core Strategy policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of facades. Finally, part G of policy CS9 notes that high quality contemporary design can respond to relevant challenges as well as traditional architecture, and that innovative design is welcomed.
- 10.32 Policies in chapter 2 of the Development Management Policies document are relevant to architecture and detailed design. In particular, policy DM2.1 states that all forms of development are required to be of high quality. Further guidance is provided in section 2.3 of Islington's Urban Design Guide SPD.



Image 1: proposed City Road elevation



Image 2: proposed Wakley Street elevation

- 10.33 Proposed front elevations to both City Road and Wakley Street would generally respect the existing front building lines of both streets.
- 10.34 The proposed elevational treatment to Wakley Street would be of brick and would feature recessed (or inset) balconies. Images included in the submitted Design and Access Statement appear to indicate reveals to the proposed windows which would

ensure adequate relief to the elevation, however for the avoidance of doubt a condition, requiring minimum reveal depths of 200mm, is recommended (condition 6). The proposed residential entrance to the Wakley Street elevation would have a lobby with a large window, providing some interest and activation to the street. The proposed entrance to the commercial unit C.2 would comprise a door with no window. While it is regrettable that no commercial floorspace is proposed at ground floor level directly behind the Wakley Street frontage, it is accepted that there is no scope to provide this, given that this narrow elevation must accommodate commercial and residential entrances, as well as a third door providing access to a bin store, lift and fire escape.

- 10.35 The proposed elevational treatment to City Road would be very similar to that proposed at Wakley Street. While using the same materials and elevational features in both parts of the site is not absolutely necessary, no objection needs to be raised to this approach. At pre-application stage and during the life of the current application, officers encouraged the applicant team to explore alternative designs for the City Road elevation, and in particular its entrance, roof termination and façade articulation. In the latest images of the proposed elevation (set out in Formation Architects' "Façade Studies" document dated 07/05/2015) the applicant proposed a simple elevational treatment, decorated with fluting formed by angled brickwork in each window opening. The same fluting is proposed at cornice level to the publicly-visible front and east elevations, giving the building an appropriate termination. The previously-proposed canopy to the City Road entrance has been deleted from the proposals, which enables the stone-clad ground floor to appear less squat. Glazing to the proposed ground floor NCB lobby would help activate and add interest to the elevation. Although officers had some remaining concerns regarding the duality of the elevation, caused by 2 columns of windows arranged either side of a central vertical, the fluting proposed to the window openings would help to relieve what could otherwise be a monotonous, regimented elevational treatment.
- 10.36 It is recommended that details of the proposed cornice be required by condition 7, and – as with the Wakley Street elevation – minimum window reveal depths of 100mm are required by recommended condition 6.
- 10.37 Elevations within the site would be of a similar design as those proposed to Wakley Street and City Road. Some elevations, including the south-facing elevations of blocks A and B, would have larger window openings and doors providing access to balconies. The north-facing elevation of block B would have few windows, however the expanse of brickwork would be relieved through the use of fluting.
- 10.38 328 City Road currently has a steep forecourt which slopes down into the site from the back of the pavement to the existing building's lower ground floor level. Properties either side of 328 City Road do not have similarly sloped forecourts, therefore its loss is considered acceptable. The applicant proposes to excavate this forecourt to provide cycle and bin storage, with a new 1:16 gradient ramp up to the new building's ground floor entrance. The ramp would be surfaced with granite, and an enclosure to the east of the ramp is proposed – this would have steel railings and would surround a ground-level bin store and steps leading down to cycle and bin stores at lower ground floor level. A short plinth is proposed beside the enclosure, to which the property's address signage would be fixed. Given the potential impact of this plinth and enclosure on the public realm and the character and appearance of the Duncan Terrace / Colbrooke Row Conservation Area, recommended conditions 3 and 18 require the submission of detailed drawings of these features, as well as details and samples of their materials.

- 10.39 Paragraph 2.6.4 of the council's Urban Design Guide states that roof structures that are not an integral part of the building (such as plant) should be located within the building, rather than at roof level. The majority of the proposed development's plant would be located within the new building fronting Wakley Street, at lower ground floor level. Although the applicant proposes a condenser unit to the roof of the new building at 7-8 Wakley Street, the proposed mounting of a single unit in this location (set back from the building edges and therefore not visible from street level) is considered acceptable. The proposed plant enclosure to the rear of 9 Wakley Street, above the roof of the development's 2-storey element, is similarly considered acceptable in design terms, subject to details of its appearance being submitted pursuant to recommended condition 5.

#### *Materials*

- 10.40 Grey brick would be used throughout the development. Subject to approval of a specific manufacturer and brick at conditions stage, this is considered an appropriate material for the site, including for the site's more sensitive City Road elevation within the Duncan Terrace / Colebrooke Row Conservation Area.
- 10.41 Bronze mesh is proposed to window openings, stone cladding and powder-coated metal (in grey) is proposed to the City Road entrance, bronze-finished doors are proposed to Wakley Street at ground floor level, and pre-cast copings (in white or grey) are proposed to all buildings. Within the site, glass balustrades are proposed to balconies. Subject to approval of specific materials at conditions stage, this subdued palette of materials is considered appropriate for this site.
- 10.42 A condition (3), requiring the submission of a Green Procurement Plan to demonstrate how the procurement of materials for the proposed development would promote sustainability, is considered necessary.

#### *Impacts on heritage assets*

- 10.43 Policy DM2.3 states that harm to the significance of Islington's conservation areas will not be permitted unless there is a clear and convincing justification. Section 12 of the National Planning Policy Framework, London Plan policy 7.8 and Core Strategy policy CS9 are also relevant.
- 10.44 The height, design and materials of the proposed building at 328 City Road are considered appropriate in the way they would relate to – and would not detract from the significance of – the statutory listed buildings at 320-326 City Road.
- 10.45 Notwithstanding the loss of the existing building at 328 City Road, the impact of its replacement building on the Duncan Terrace / Colebrooke Row Conservation Area would also be limited, given its appropriate height and materials. These aspects of the proposed design, together with its vertical emphasis, would ensure the development would complement its historic context to the north and west.
- 10.46 The application site is within 50m of the New River Conservation Area, however only the proposed Wakley Street elevation would be seen from this conservation area from an oblique angle, and this elevation's size, design and position in relation to the conservation area boundary would not cause harm to this designated heritage asset.
- 10.47 The locally-listed building at 14 Wakley Street has a rear yard between its rear elevation and the application site boundary. Given the limited massing proposed to the

rear of this heritage asset, and the intervening buildings between its front elevation and the proposed new frontage to Wakley Street, it is considered that the significance of 14 Wakley Street would not be adversely affected by the proposed development.

- 10.48 A parish boundary stone dated 1852 currently exists on site. This is set into the boundary wall between the application site and the Angel Gate development, and is visible in a meeting room in the existing 1- and 2-storey office building. The applicant proposes to relocate it to the boundary wall between 326a and 328 City Road, in a more accessible location (albeit not visible from the pavement) along the historic parish boundary. The relocation of this heritage asset is considered acceptable, subject to the approval of a method statement relating to its removal, any necessary repair, and reinstallation. Recommended condition 9 secures such a method statement.
- 10.49 The application site is not within an Archaeological Priority Area. Notwithstanding this, the submitted Historic Environment Assessment considers the archaeological potential of the site, and recommends archaeological monitoring (and possible investigation) during works. A condition related to archaeology (condition 11) is recommended in the light of comments received from Historic England.

### **Density**

- 10.50 London Plan policy 3.4 states that – taking into account local context and character, design principles set out elsewhere in the London Plan, and public transport capacity – development should optimise (which does not necessarily mean “maximise”) housing output for different types of location within the relevant density range set out in Table 3.2. Paragraph 7.21 of the London Plan notes that building form and layout should have regard to the density and character of surrounding development. Part D of policy CS12 in Islington’s Core Strategy requires development to follow and to not exceed the densities set out in the London Plan.
- 10.51 With a Public Transport Accessibility Level (PTAL) of 6a, and having regard to the character of the area, the application site has a “central” setting category (as set out in London Plan policy 3.4 and the accompanying Table 3.2), where a residential density of 650 to 1100 habitable rooms per hectare is appropriate. However, in assessing density paragraph 3.28 of the London Plan must be noted, where it states that the ranges set out in Table 3.2 should not be applied mechanistically. Local context and other considerations should be taken into account when considering the acceptability of a specific proposal.
- 10.52 With 73 habitable rooms proposed in 26 residential units in a site of 0.16 hectares, the proposed development would achieve a density of 163 units per hectare and 456 habitable rooms per hectare. However, this does not take into account the fact that a mixed-use development is proposed, and that a significant part of the site would be occupied by non-residential uses. Had all of the proposed development’s 4,549sqm (GIA) of floorspace been proposed for residential use accommodating 132 habitable rooms in 47 units, a density of 294 units per hectare and 825 habitable rooms per hectare would have been achieved. This density is considered to be high, but it is within the range suggested in the London Plan, and – subject to neighbour amenity impacts and other considerations set out in this report – is appropriate for such a central, accessible site.

## **Inclusive Design**

- 10.53 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.
- 10.54 The residential component of the proposal must be assessed with regard to London Plan policy 3.5, which requires new residential developments to meet the changing needs of Londoners over their lifetimes, and policy 3.8 which requires all new housing to be built to Lifetime Homes standards, and 10% of new housing to be wheelchair accessible or easily adaptable. Islington's Core Strategy policy CS12 (part H) requires all new housing to comply with "flexible homes" standards (as set out in the Inclusive Design in Islington SPD), with at least 10% wheelchair housing provided as part of all new developments. Islington's Development Management Policy DM3.4 clarifies that this 10% is to be calculated against the number of habitable rooms, and that the accommodation is to be wheelchair accessible or easily adaptable for residents who are wheelchair users. It adds that the wheelchair accessible units should be provided across all tenures and unit sizes.
- 10.55 The recent Housing Standards Review was followed by the Deregulation Act 2015 which was given Royal Assent on 26/03/2015 and came into force on 01/10/2015. The Act introduced a new National Standard for Housing Design as an enhancement of Part M of the Building Regulations which is enforced by Building Control or an Approved Inspector. The new National Standard is broken down into 3 categories: Category 1 (Visitable Dwellings), Category 2 (Accessible and Adaptable Dwellings, similar but not identical to Lifetime Homes) and Category 3 (Wheelchair Accessible dwellings, similar to Islington's wheelchair accessible housing standard).
- 10.56 As a result of the changes introduced in the Deregulation Act, the council is no longer able to insist that developers meet its own Inclusive Design SPD standards for accessible housing. The council now cannot apply Islington's flexible housing standards nor local wheelchair housing standards through its planning duties. The council as local planning authority must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for the last 25 years.
- 10.57 The council as local planning authority is only permitted to require (by condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing, i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, proposes to reframe London Plan policy 3.8 (Housing Choice) to require that 90% of new housing be built to Category 2 and 10% to Category 3, and has produced evidence of that need across London. As part of this assessment, these emerging revised London Plan policies are given weight and inform the approach set out below.
- 10.58 The Deregulation Act did not delete Islington's abovementioned planning policies. Following passing of the Act, elements of the Inclusive Design in Islington SPD remain relevant to the proposal.



### *Residential units assessment*

- 10.59 The applicant has confirmed that all of the proposed residential units have been designed to meet Lifetime Homes standards.
- 10.60 The proposed development would provide 2 wheelchair-accessible units (Category 3) within block B (units B.G.1 and B.G.2, both of private tenure) amounting to 7.7% of the total number of units (or 6.8% by habitable room). This falls below the emerging 10% standard, and is a shortcoming that must weigh negatively in the balance of planning considerations, although the weight to be attached to this matter is limited by the fact that, in order to provide more wheelchair-accessible units in block B, a second lift would need to be provided which in turn would result in a development of fewer habitable rooms.
- 10.61 Proposed block A includes no lift and as such none of the proposed social rent units would be wheelchair accessible. This is another shortcoming of the proposed development, however, due to the narrow width of block A, the provision of a lift would require the removal of a habitable room to each of the proposed units, and would result in an overprovision of 1 bedroom units where much-needed 2-bedroom social rent units are currently proposed. Block A could not be redesigned to be larger (to accommodate 1 or 2 lifts) without compromising neighbour amenity, the quality of the residential units, and/or the character and appearance of the Duncan Terrace / Colbrooke Row Conservation Area. A reconfiguration of block A to provide duplex units would also result in fewer habitable rooms, and would not be an appropriate solution to the identified inclusive design problem. Due to the exceptional circumstance relevant to this site, it is recommended that the lack of lift access to these 4 units be accepted.
- 10.62 The submission of the application preceded the New National Standard for Housing detailed above. An appropriate condition (13) is recommended to secure provision of an appropriate proportion of the accommodation as Category 2 and 3 units. For the reasons set out in the above assessment of the proposed residential accommodation, the proposed 4 social rent units could not achieve Category 2 or 3, therefore recommended condition 13 refers only to the private accommodation in block A, requiring 20 units to achieve Category 2 and 2 units to achieve Category 3.

### *Business floorspace assessment*

- 10.63 The proposed business floorspace would have level access to each floor, except in commercial unit C.2 where 3 ground floor rooms would be accessed from that unit's main lower ground floor space. This is regrettable, however as only a relatively small part of the proposed development's commercial floorspace would have limited access, it is not recommended that permission be refused on these grounds.
- 10.64 Accessible WCs are proposed, and – according to Section AA on drawing 6330 D4200 rev 04 – the 1:16 gradient ramp proposed to the City Road entrance would be less than 6m in length in accordance with the Inclusive Design in Islington SPG.
- 10.65 The proposed commercial unit accessed from City Road is intended to be used by the NCB. Given the NCB's work with vulnerable children, a "Changing Places" WC would normally be expected to be provided on site (as referred to on page 20 of the Inclusive Design in Islington SPD), and notwithstanding the fact that any office tenant (other than the NCB) could occupy the new building, it is noted there is indeed sufficient space for the provision of a "Changing Places" WC in unit C.1 should this be required.

- 10.66 Recommended condition 14 requires the submission of details relevant to inclusive design, to ensure the proposed business floorspace would comply with relevant planning policies and the relevant parts of the Inclusive Design in Islington SPD, including the requirements and guidance related to scooter charging / storage, glazing manifestations and changing rooms, which were referred to in the Inclusive Design Officer's comments.

*Accessible parking*

- 10.67 No accessible parking is proposed on-site. This is considered acceptable, given the site's constraints, and in particular its narrow street frontages which need to accommodate several personnel doors. Off-site, on-street provision would instead be appropriate, however it is noted that the streets surrounding the application site are TfL-controlled red routes, and there may be limited scope for on-street provision within 75m of the development's dwelling entrances. Recommended condition 15 requires the submission of a survey to ascertain where such spaces could be provided. Should on-street provision not be possible, a financial contribution towards accessible transport initiatives can be accepted.

**Neighbour Amenity**

- 10.68 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.69 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part Bb) states that development proposals should minimise the existing and potential adverse impacts of noise.
- 10.70 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. These considerations apply to the amenities of existing residents, and of future residents of proposed developments. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).
- 10.71 Residential properties close to the application site include 9 Wakley Street, 14 Wakley Street and 330-336 City Road. Other residential buildings nearby include 319 City Road and Langdon Court to the north.

*Daylight and sunlight*

- 10.72 An updated analysis of the proposed development's impacts upon natural light received by occupants of neighbouring properties is provided in the applicant's Daylight and Sunlight report (GIA, 26/11/2015) and corrected APSH tables (GIA, received 14/01/2016).

10.73 As is customary, the applicant's information does not provide a detailed assessment of natural light impacts upon non-residential properties, does not discuss the heat and brightness of natural light received by neighbouring properties, and does not assess sunlight levels at the time of the winter solstice. The impacts of rooftop installations upon natural light have not been explicitly assessed by the applicant – this is likely to be because such impacts would be minor, and because the details of rooftop installations are not normally finalised at application stage (recommend condition 5 requires details of such installations to be submitted later). Errors in the applicant's submissions highlighted by neighbouring residents either do not materially affect the assessment's findings (in the case of the incorrect allocation of windows to flats in Angel Point) or have been corrected in the APSH tables received on 14/01/2016. The submitted Daylight and Sunlight report assesses impacts upon the following neighbouring residential properties:

- 9 Wakley Street
- 14 Wakley Street
- 330-336 City Road (Angel Point)
- 319 City Road
- 1-36 Langdon Court, City Road

10.74 The applicant's chosen methodology follows guidance provided in the Building Research Establishment's "Site Planning for Daylight and Sunlight" document (2011), and uses 3 tests to assess natural light impacts, namely the Vertical Sky Component (VSC), Daylight Distribution (DD), and Annual Probable Sunlight Hours (APSH) tests.

10.75 When using the BRE guidance to assist in the assessment of daylight and sunlight impacts, paragraph 1.6 of the BRE guidance must be noted. This confirms that:

*"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".*

10.76 A relatively recent appeal decision (ref: APP/V5570/A/13/2195285) must, however, be noted. This decision, dated 15/01/2014 and related to a major site not far from Wakley Street at Pentonville Road, acknowledged that BRE guidance should be applied flexibly in central locations, and noted the appellant's assertion that there are schemes elsewhere in London that have been granted planning permission without adherence to the BRE numerical guidelines. The Inspector concluded, however, that in the absence of alternative targets for access to daylight and sunlight for such a central location, the BRE guidance should be referred to, and the appeal decision generally indicates that closely adhering to BRE guidance is appropriate to ensure neighbour amenity is protected (paragraphs 14, 27 and 28 of the appeal decision must be noted).

#### *Daylight*

10.77 With regard to daylight, the BRE guidance notes that where VSC figures are greater than 27%, enough daylight should still be reaching the window of the existing building.

If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. Of note, the 0.8 figure is often expressed as a percentage in VSC analysis, such that a reduction of up to 20% would comply with this part of the BRE guidance if the 27% figure is also met.

- 10.78 In situations where post-development VSC figures fail to comply with the levels suggested by the BRE, a further test can be carried out to measure the overall amount of daylight in a room. This is the Daylight Distribution (No Sky Line, or NSL) test. BRE guidance state that if the NSL moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit. The 0.8 figure is often expressed as a percentage in NSL analysis, such that a reduction of up to 20% would be acceptable.
- 10.79 The applicant's updated Daylight and Sunlight report (GIA, 26/11/2015) notes that, for the 6 residential units at 9 Wakley Street, 13 of the 18 assessed windows (8 to the rear elevation, 10 to the front) would meet BRE guidance for VSC. Four windows were predicted to have reductions in VSC between 21.4% and 26.7%, with 1 of these windows also predicted to experience a reduction in NSL of 27%. Reductions of between 20% to 30% are generally considered to be a lesser or minor infringement in dense urban areas such as this, and as such it is recommended that these impacts be accepted. For 1 window at 9 Wakley Street a VSC reduction of 35% is predicted – this would affect a rear study / guest bedroom (where BRE guidance states that daylight is of less importance) in a dual aspect, duplex unit (Flat 5) with a good level of amenity overall, and it is also recommended that this impact to 1 window be accepted.
- 10.80 South-facing glazing (including a glazed door) providing access to the roof terrace at Flat 5 would experience a reduction in VSC of 26.8% – again, this is considered to be an acceptable infringement at this particular site, and although this glazing provides light to a stairwell and part of the fourth floor of this building, the room the stairwell leads from has large west-facing windows that would continue to receive good levels of daylight.
- 10.81 Regarding 14 Wakley Street, the applicant's report predicts VSC losses within BRE guidelines. A ground floor bedroom is predicted to experience a 21% reduction in NSL, however as previously noted the BRE guidance states that daylight is less important to a bedroom and a VSC reduction of 21% is considered to be a lesser or minor infringement in such a location.
- 10.82 For 330-336 City Road (Angel Point), the applicant's report predicts that 1 of the 36 assessed windows would have a reduction in VSC of 25% and 8 rooms would have a reduction in NSL of over 20%, contrary to BRE guidance. Of these 8, 3 would be reduced by between 20% and 30%, 3 between 30% and 40%, and 2 over 40%. The applicant argues that, on balance given the high level of VSC compliance at the rear of this building, these losses can be considered to be minor. A ground floor living room would experience a reduction in NSL of 58.67% and a reduction in VSC of 25%. The reduction in VSC is considered to be a lesser or minor infringement and the window serving this room is formed of large glazed doors, which the VSC test does not take into account. Furthermore, the presence of balconies above some windows at 330-336 City Road impacts upon the level of daylight achievable – comparison with an adjacent ground floor window (that is not located beneath a balcony) confirms that existing and proposed VSC figures are significantly lower for the overhung windows. For example,

ground floor window W6/2899 (which is overhung) would see a VSC reduction from 12% to 9% (a 25% reduction), whereas the adjacent window W5/2899 (which is not overhung) would see a VSC reduction from 16.5% to 15% (a 9.1% reduction).



Photograph 4: view north from Angel Gate

- 10.83 For 319 City Road and Langdon Court, to the north of the application site, VSC reductions within the BRE's guidance, and no NSL reductions, are predicted.

### *Sunlight*

- 10.84 With regard to sunlight, the applicant has used the APSH test to ascertain whether the centre of adjacent windows (facing within 90° of due south) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21st September and 21st March. If the available sunlight hours are both less than these amounts and less than 0.8 times their former value, occupants will notice a loss of sunlight.
- 10.85 The deletion of the top (fifth) floor from block B (Revision 2) has significantly improved the proposed development in terms of its impacts upon neighbouring residential properties.
- 10.86 For the 6 residential units at 9 Wakley Street, 16 rooms have been assessed for APSH. Eight of these rooms would achieve BRE compliance. Of the other 8 rooms, 6 are predicted to experience a reduction in winter sunlight to 0%. Four of the 8 rooms would achieve more than 25% total sunlight, thus meeting the BRE's target, while the other 4 rooms would achieve total APSH levels of between 17% and 22%. The applicant notes that this residential property has windows directly facing the application site, in close proximity to the site boundary. In this context, argues the applicant, it is likely that any alteration in massing would result in BRE transgressions. Although officers do not fully accept this argument, given that the application site and 9 Wakley Street are located in a densely-developed part of the borough, it is accepted that some

failures against BRE guidance can be accepted, and it is not recommended that planning permission be refused on these grounds, particularly as the relevant neighbouring property is very well naturally lit for such an urban location.

- 10.87 For 14 Wakley Street, 330-336 City Road, 319 City Road and Langdon Court, no APSH failures (against BRE guidance, total and winter) are predicted.

#### *Overshadowing*

- 10.88 At paragraph 3.3.7 of the BRE guidance it is suggested that at least 50% of amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March, and that a 2 hours sun contour can be plotted on plans to illustrate a development's impact.
- 10.89 Given concerns expressed by neighbouring residents regarding losses of natural light to outdoor amenity spaces, officers requested overshadowing analysis from the applicant. The submitted Overshadowing Assessments report (GIA, dated 15/01/2016) provides this analysis.
- 10.90 The applicant's report predicts that 86.45% of the roof terraces at 9 Wakley Street (used by the occupants of Flats 5 and 6) currently receive at least 2 hours of sunlight on 21<sup>st</sup> March, and that this would be reduced to 61.88%, post development. This analysis does not appear to take into account the fact that the roof area is divided into 2 terraces (separated by a fence which would cause overshadowing of the terrace used by Flat 6, in both the existing and future scenarios), and does not provide separate percentages for both terraces. The analysis is, however, nonetheless useful, in that it illustrates (both in terms of percentages, and on plan) the overshadowing impact of the proposed development. It clearly predicts and illustrates a significant overshadowing of the roof terrace of Flat 5. This is regrettable, however it is considered that the unusually high level of amenity provided by this roof terrace (and the high level of amenity enjoyed by the residents of Flat 5) limits the negative weight to be attached to this shortcoming. The roof terrace of Flat 6 would not experience significant additional overshadowing caused by the proposed development, according to the applicant's report.
- 10.91 The applicant's report also assess overshadowing impacts upon the outdoor amenity spaces of 14 Wakley Street. A reduction from 15.78% to 11.16% (for the area receiving at least 2 hours of sunlight on 21<sup>st</sup> March) is predicted, however this appears to include an area of the building's highest roof which does not appear to be used for amenity purposes. The actual amenity areas at 14 Wakley Street are understood to be smaller than those analysed by the applicant, and the increase in overshadowing is therefore likely to be less pronounced. On this basis, refusal of permission is not recommended on these grounds.

#### *Outlook*

- 10.92 Outlook – the visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces – can be affected by the close siting of another building or structure, which – depending on its proximity, size and appearance – can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property, particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.

- 10.93 Proposed block A would replace an existing building on City Road of comparable scale and mass, and would project out to align with the rear elevation of the existing building at 330-336 City Road (Angel Point). Although the balconies in the rear elevation of block A would project marginally beyond the rear elevation of 330-336 City Road, this would be minimal and the balcony edges (and their screens, required by recommended condition 12) would be set away from the windows of this neighbouring residential property. Block A would be set a significant distance from the residential properties to the north on the opposite side of City Road, and the outlook from these neighbouring properties would not be adversely affected.
- 10.94 The proposed two-storey part of the proposed development would replace the existing part single-, part two-storey building. The proposal would have a flat roof set approximately 0.85m higher than the existing single-storey elements, and approximately 1.9m lower than the existing two-storey elements, with a saw-tooth rooflight projecting 0.8m above the flat roof. Although there would be an increase in height of the single-storey element compared to the existing situation, due to the existing 2-storey element not being rebuilt to its current height the single-storey element of the proposal would represent a visual reduction in height and mass when viewed from the residential properties at 9 Wakley Street. The rear yard at 14 Wakley Street would be more enclosed by the proposed development, however it is considered that this impact would not be so great as to warrant refusal of planning permission.
- 10.95 Drawings D4101 rev 03 and D4500 rev 04 show a rooftop plant enclosure located 3.95m from a first floor rear residential window at 9 Wakley Street. However, the plant enclosure would be only 1m in height, and would have a minimal height of 0.2m above the window cill of this neighbouring property. It is noted again that properties in 9 Wakley Street would benefit from generally more expansive views over the proposed 2-storey element due to the removal of the 2-storey parts of the existing building.
- 10.96 The proposal would replace an existing 3-storey building on Wakley Street with a 5-storey building. The new building would project 1.9m beyond the setback front elevations at third and fourth floor levels at 9 Wakley Street, however this forward projection would not significantly reduce outlook from the adjacent balcony and windows, and there are sound design reasons for not similarly setting back the upper storeys of the proposed building – to do so would repeat an unfortunate interruption to the main front building line on this side of Wakley Street.
- 10.97 Within the application site the rear wing of block B would extend some 25m beyond the nearest rear elevation of the neighbouring residential property at 9 Wakley Street. This adjacent rear elevation features windows serving habitable rooms at first, second, third and fourth floors. The outlook from these windows would be adversely affected by the development, as the 25m deep, 4-storey north elevation of block B would replace the 5m deep, 2-storey side elevation of the existing building, which is currently seen to the right (the southeast) when residents of Flats 1, 3 and 5 at 9 Wakley Street look out of their rear windows. This impact would be partly ameliorated by the relief and fenestration proposed to this north elevation (it would not be blank), the presence of the blank north wall of the existing building, the fact that the affected flats are dual aspect, the fact that outlook from these windows towards the north and east would remain largely unobstructed, and the removal of the 2-storey parts of the existing building, however the impact upon these neighbouring properties must nonetheless weigh negatively in the balance of considerations relevant to this planning application.

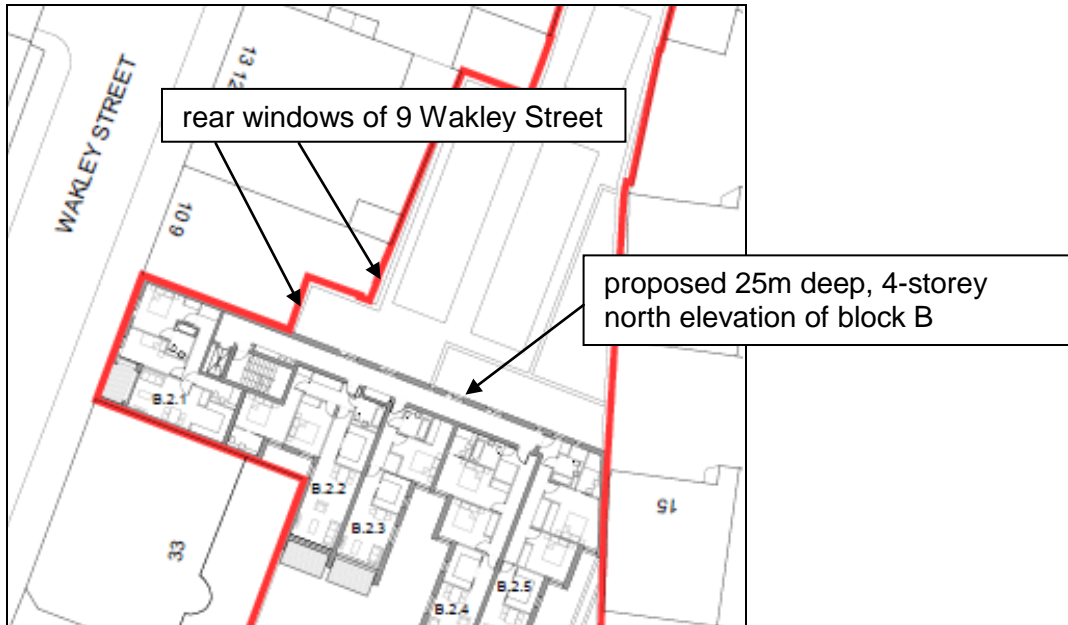
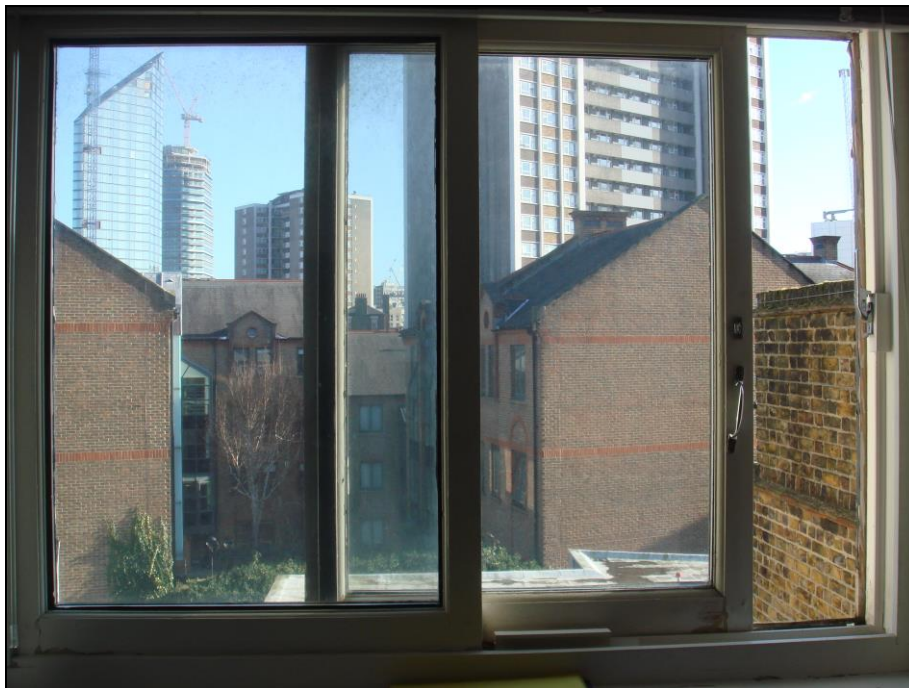


Image 3: extract from drawing 6330 D4102 rev 03 illustrating relationship between north elevation of block B and rear windows of 9 Wakley Street



Photograph 5: view from rear third floor study / guest bedroom window at Flat 5, 9 Wakley Street

- 10.98 An existing roof terrace (effectively at fifth floor level) at Flat 5, 9 Wakley Street currently benefits from an expansive outlook over Wakley Street, and over the existing 2- and 3-storey buildings that occupy the application site. Views from this roof terrace to the north are partly obstructed by the building's roof-level structure and screening. This outdoor amenity space would be flanked along its southern edge by the north elevation of block B, with the blank part of this new elevation standing approximately 2.8m taller than the surface of the roof terrace. This would result in a loss of amenity to the roof terrace, which is only slightly ameliorated by the fact that outlook towards the south is already partly limited by the tall gable end of Edward House, located 10m away from the terrace. It is noted, **Page 36** that the existing roof terrace gives Flat 5 (a



dual aspect unit spread over 2 storeys) an unusually high level of amenity, and that outlook from the roof terrace over the street and eastwards would still be unobstructed. Although the height, depth and proximity of the north wall of block B would certainly reduce outlook from the roof terrace, overall Flat 5 would continue to benefit from a good level of amenity.

- 10.99 The roof terrace of Flat 5 is accessed via a roof-level structure which features large south-facing windows and a glazed door, providing access from and light to the living space on the fourth floor below. Although the fifth floor of the proposal would be visible when using the staircase and in upward views from part of the fourth floor of Flat 5, the main outlook from the habitable fourth floor living space of this residential unit would not be adversely affected by the proposed development.
- 10.100 Outlook from the office buildings surrounding the application site would not be significantly affected by the proposed development, and in any case the amenities of such non-residential uses are not normally afforded the same level of protection as that appropriate to residential properties. To the east, 13 and 15 Angel Gate present blank elevations to the application site, and the windows of 27 and 33 Angel Gate are far enough away from the proposed block B to not be significantly affected in terms of outlook. Outlook from offices at 11-13 Wakley Street and 326a City Road would not be significantly affected due to the limited increase in the height of the proposed 2-storey part of the development, compared with the heights of the site's existing buildings.
- 10.101 In summary, the proposed development would not be overbearing or lead to an unacceptable sense of enclosure for neighbouring occupiers, except – to an extent – in relation to 9 Wakley Street, where the impacts identified above must weigh negatively in the balance of planning considerations.

#### *Privacy*

- 10.102 Paragraph 2.14 of Islington's Development Management Policies states that "To protect privacy for residential development and existing residential properties, there should be a minimum distance of 18m 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 must be given to the nature of views between habitable rooms – for instance, where views between habitable rooms would be oblique as a result of angles or height differences between windows, there may be no harm.
- 10.103 Paragraph 2.3.30 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's more recent Development Management Policies, and there remains a need to ensure that the proposed development maintains adequate levels of privacy for neighbouring residents.
- 10.104 The residential windows and amenity spaces in the proposed City Road (block A) and Wakley Street (block B) elevations would face buildings on the opposite side of the public highway (including non-residential buildings) and would not result in unacceptable overlooking. The rear-facing windows and balconies in the rear

elevation of block A would not directly face any existing residential windows. Oblique overlooking of the rear windows of 9 Wakley Street would be over a significant distance of approximately 30m, and would be limited by the rear wing of 11-13 Wakley Street. Overlooking of the rear windows of 14 Wakley Street would be similarly oblique. This overlooking, and that of the ground-level rear yard at 14 Wakley Street (which would occur over a distance of less than 18m), would not add significantly to the overlooking already caused by the many rear windows and balconies of 330-336 City Road. The rear balconies to block A would be located in close proximity to the projecting balconies serving the residential properties at 330-336 City Road, however the slight set back of the proposed rear walls of the balconies, and the erection of screening on the western edges of the balconies (required by recommended condition 12) would sufficiently ameliorate this impact.

- 10.105 Although the proposed development would have several windows in the north elevation of block B, with the exception of the 2 easternmost windows (at first to fourth floor levels, serving a private entrance hall/corridor and a bathroom), these would serve a communal corridor and would be set at an oblique angle to the nearest residential windows at 9 Wakley Street, albeit as near as 5m from these neighbouring windows. The 2 easternmost windows would be far enough away from residential neighbours to not result in any unacceptable overlooking. The windows on the south and east elevation of block B would look back towards office buildings and would therefore not result in unacceptable overlooking. Recommended condition 20 restricts the use of the roofs of the proposed development as outdoor amenity spaces for residents, to ensure existing residential amenity is protected.
- 10.106 The proposed business floorspace would be located at ground and lower ground floors and would not result in any unacceptable overlooking.

#### *Noise*

- 10.107 The application site is located in an area subject to traffic noise, and a mix of commercial and residential uses located in close proximity to one another.
- 10.108 Although the proposed development would intensify the use of the site, the proposed residential use of part of the site is not considered inappropriate in terms of the noise and activity that would be introduced to the neighbourhood, and the continued business use of the rest of the site is similarly considered appropriate, given the limited noise outbreak normally associated with such uses.
- 10.109 The proposed development includes rooftop plant in relatively close proximity to residential uses, although a proposed condenser unit was relocated away from the common boundary shared with 9 Wakley Street in amendments made on 14/12/2015. A condition is recommended relating to the provision of appropriate noise control measures (condition 35), to ensure that plant would not lead to unacceptable disturbance to neighbouring occupiers.

#### *Other environmental impacts*

- 10.110 Representations have been received raising concerns regarding potential disturbance and environmental impacts during construction. A condition (condition 30) is recommended requiring the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) to address noise, dust and other potential environmental impacts. The Section 106 agreement referred to in

Appendix A would ensure that construction is carried out in compliance with the Code of Construction Practice. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

#### *Neighbour amenity summary*

- 10.111 The cumulative impacts caused by the proposed development must also be considered. Where a neighbouring property is predicted to lose natural light, that impact may be compounded or more acutely felt if the same property would also lose (or has limited) outlook, for example.
- 10.112 Regard must also be had, however, to the application site's central, dense location, where it is reasonable to assume expectations of unusually high levels of amenity would be lower than in less dense, suburban areas. In this context, and given the need to ensure efficient and optimised use of accessible sites, it is considered that some infringements of standards and requirements set out in relevant planning policies and guidance could be accepted. This reduces the weight to be attached to the proposed development's adverse impacts identified above.
- 10.113 Given the above assessment, while it is noted that these adverse impacts must weigh negatively in the balance of planning considerations, it is not considered that they – either individually or cumulatively – are so significant as to warrant refusal of permission on neighbour amenity grounds.

#### **Quality of Residential Accommodation**

- 10.114 The National Planning Policy Framework's relevant core planning principle (that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings) is again noted. London Plan policies relevant to the quality of residential accommodation include 3.5, 7.1 and 7.15. Core Strategy policy CS12 (part A) and policy DM2.1 (part A) in the Development Management Policies document confirm that developments should provide a good level of amenity, including in terms of noise, fumes, privacy, outlook and natural light. Policy DM3.4 sets out detailed requirements for new residential accommodation. The Mayor of London's Housing SPG and the London Housing Design Guide (Interim Edition) are also relevant.

#### *Residential unit and room sizes*

- 10.115 All of the proposed residential units comply with the minimum unit and room sizes as expressed within policy DM3.4 and the associated Tables 3.2 and 3.3, and the Government's nationally described space standard.

#### *Aspect and outlook*

- 10.116 Part D of policy DM3.4 states that "new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated".
- 10.117 All of the proposed social rent units in block A would benefit from true dual aspect (i.e., windows on opposite elevations, looking out onto different spaces), which is welcomed. Of the 22 proposed private units proposed in block B, 4 would benefit from true dual aspect, 14 would have windows on elevations perpendicular to each other (and would therefore meet the Mayor of London's definition of dual aspect, despite all the windows

looking out onto what is essentially the same outdoor space between block B and Angel Gate), and 4 units would have windows facing Wakley Street together with recessed (or inset) outdoor balconies overlooking the highway. Officers have suggested to the applicant that the north wall of block B be opened up to provide deck access, which could have enabled many of the private units to experience some of the benefits of true dual aspect (such as natural cross-ventilation), however this advice has not been followed. Although this aspect of the proposed development adds some negative weight to the balance of planning considerations, it is noted that the provision of a secondary opening (on a perpendicular external wall) to each unit would undoubtedly improve the units' amenity, while all of the units would have adequate and in many cases generous floor areas with efficient layouts, and would be served by large floor-to-ceiling height windows which together with the proposed balconies would provide a reasonably good level of outlook. Furthermore, 12 of these units would have a southern aspect, while 4 units would have western aspects. Single-aspect units that do not face north are less of a concern, and it is not recommended that permission be refused due to the number of proposed units not achieving dual aspect.

### *Daylight and sunlight*

- 10.118 Policy DM3.4 requires all residential development to maximise natural light, enabling direct sunlight to enter the main habitable rooms for a reasonable period of the day. The BRE's guidance, in Appendix C, details the level of light rooms should receive through the assessment of Daylight Distribution (No Sky Line, or NSL) and Average Daylight Factor (ADF), as well as sunlight (Annual Probable Sunlight Hours, or APSH). Paragraph C4 of the BRE guidance refers to recommended ADF scores of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 10.119 All of the rooms proposed in block A (comprising 4 social rent units) would have good levels of daylight, in excess of minimum standards. With regard to sunlight, all of the tested windows (those within 90° of due south) would exceed minimum levels of winter sunlight. However, according to the applicant's pre-amendment information, a first floor and a second floor window would fall below the BRE guidance for annual sunlight levels. The figures for these windows, however, are impacted by the location of these rooms below large projecting balconies, and are in any case out of date – the deletion of the top (fifth) floor from block B (Revision 2) would have improved the amount of annual sunlight reaching these windows. It is also noted that the impacted rooms (if they are indeed still impacted) would open onto good sized private amenity spaces, with a southerly and relatively open aspect. The amenity spaces themselves would receive good levels of sunlight. The rooms behind the balconies would have an efficient layout with the most frequently used areas (in daytime) located closest to the windows.
- 10.120 With regard to block B (comprising 22 private units), 18 of the 61 rooms tested fall short of the BRE guidance for ADF. However, 14 of these rooms are bedrooms where the BRE guidance states that daylight is of less importance. Block B has been designed with most of the proposed living rooms located at the ends of the block's projecting wings, and with most of the proposed bedrooms in the recesses in between. This would ensure that those rooms requiring greater levels of daylight are located to maximise daylight receipt.
- 10.121 Of the 4 living rooms that would fail the ADF test, 2 are south-facing rooms with an efficient layout. They would open onto private amenity space and would achieve good NSL scores. The 2 other ADF-failing living rooms would have west-facing windows with

inset balconies which impact upon the level of daylight received by the windows. However, the inset balconies are integral to the design of this elevation and the proposed units in which these rooms are located have an efficient layout and generous floor area larger than minimal requirements, which worsens Daylight Distribution at the rear of these rooms but provides some mitigation in terms of the spaciousness of the proposed living arrangements.

- 10.122 With regard to the levels of sunlight received by units in block B, of the windows tested only 1 main window serving a living room is predicted to receive insufficient levels of winter sunlight due to its location at a lower level with a projecting balcony above. However, 10 of the main windows serving living rooms would receive substandard levels of annual sunlight. Notwithstanding this, the living spaces have been located to the most southerly projections of the proposed development to ensure that they receive the maximum available sunlight. The predicted sunlight figures are impacted by the location of these rooms below large projecting balconies within a dense urban context. The impacted rooms would open onto private amenity spaces which would receive good levels of sunlight, they would have a southern outlook, and the rooms would have an efficient layout with the most frequently used areas (in daytime) located closest to the windows.
- 10.123 Due to their location within the recesses of block B a number of side windows to the living rooms would also fail the annual (but not the winter) sunlight test – it is understood that 4 such windows fail, however the precise number of failures has not been provided by the applicant, and coloured 3D images of block B have been provided instead. These windows, however, are secondary. While the bedrooms at the back of the recesses have not been tested for sunlight, these windows are unlikely to comply with the BRE's APSH guidance, however this guidance states that spaces requiring greater sunlight, such as living rooms, should be located where the most sunlight is available, and the applicant has adopted this approach.
- 10.124 Taking into account the points set out above, and in particular the location of the site in this relatively dense, inner urban area, it is considered that the proposed residential units would be provided with acceptable levels of amenity for future occupiers.

#### *Privacy*

- 10.125 Due to its design and distance from existing and proposed neighbouring residential windows, block A raises no concerns in terms of the level of privacy it would provide for its residents, provided that recommended condition 12 is applied – this would help protect the privacy of future residents, as well as existing neighbours. In block B, the windows in the proposed development have been laid out to ensure there would be no mutual overlooking between habitable rooms either side of the recess (between units B.1.3 and B.1.4, for example, at first floor level). Some oblique glimpsed views may be shared between habitable room windows and balconies, however these shortcomings are not considered significant enough to warrant refusal of permission or the application of conditions requiring mitigation.
- 10.126 While the surrounding office buildings would be afforded some views back towards the windows and amenity spaces serving the proposed residential units of block B, during normal office hours the new residential units are less likely to be occupied. Furthermore, the proposed windows and amenity spaces would be set a sufficient distance from and/or at oblique angles to the existing neighbouring buildings to ensure that the proposed development is not significantly overlooked.

### *Amenity space*

- 10.127 Development Management Policy DM3.5 states that all new residential development and conversions will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. Part C of the policy states that the minimum requirement for private outdoor space is 5sqm on upper floors and 15sqm on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors and an extra 5sqm on ground floors up to a minimum of 30sqm for family housing (3-bedroom residential units and above).
- 10.128 All the proposed private units would have private patios or balconies. Units B.G.1 and B.G.2 would meet the higher standard set for ground floor units under policy DM3.5, and the other 20 private units would also meet the standard for upper floor provision, with balconies of 6sqm and 7sqm proposed. Together with the communal amenity space proposed at ground floor level (outside unit B.G.1, on the south side of block B) there is considered to be more than sufficient provision of amenity space for the proposed private units. This level of provision is not always achieved in such dense, inner urban locations, and is welcome.
- 10.129 Unit type floor plans (with annotated balcony sizes) have not been provided for the proposed social rent units in block A, however comparison with the policy-compliant balconies of block B indicates their outdoor amenity spaces would be of an adequate size. It is also noted that they would be south-facing, and that their depths could not be increased without adversely affecting the amenities of existing neighbouring properties (particularly the privacy of flats at 330-336 City Road), and reducing the amount of natural light reaching the rear windows of the floor below.
- 10.130 Given the size of the proposed development, the provision of new on-site open space is not required under Development Management Policy DM6.2.

### *Playspace*

- 10.131 The proposal would result in a child yield of approximately 6, which requires 30sqm of play space to be provided, based on Islington's requirement of 5sqm per child (including semi-private outdoor space, private outdoor space and gardens suitable for play) as set out under Development Management Policy DM3.6. The communal amenity space proposed at ground floor level on the south side of block B is annotated as a "play area" on drawing 6330 D4200 rev 04, and is large enough to meet and exceed this requirement, although this space is likely to only be used by occupants of the private units. Space for children's play can additionally be provided in the private patios and balconies elsewhere in the development.

### *Noise and vibration*

- 10.132 The residential element of the proposed development would either directly front onto, or would be located in close proximity to, City Road, Wakley Street and/or Goswell Road which are subject to heavy traffic levels. A condition is recommended relating to the provision of appropriate sound insulation (condition 36) to ensure that future occupiers would not be subject to unacceptable levels of noise.

### *Air quality*

10.133 The entire borough has been designated by the council as an Air Quality Management Area. The ground and first floors of the proposed would be exposed to nitrogen dioxide levels exceeding the council's objectives and as such mechanical ventilation would be required. However, due to the high levels of noise exposure at the site, mechanical ventilation would also be required to all other floors. Recommended condition 34 secures measures to minimise residents' exposure to air pollution.

### *Refuse and recycling*

10.134 Both the proposed residential cores would each be served by a dedicated refuse store, separate to those to be provided for the proposed commercial floorspace.

### *Other residential quality matters*

10.135 The number of units to be served by each core, floor-to-ceiling heights, and proposed routes to residents' homes from entrances are considered acceptable, and the proposed design would not be inherently problematic in terms of security for residents.

10.136 It is noted that the amenities of some of the proposed residential units would benefit from the current layout and massing of the Angel Gate development, particularly in relation to outlook and natural light. Representatives of the owners of Angel Gate have objected on these grounds, arguing that this reliance on the current layout would prejudice and limit the development potential of the adjacent allocated site (BC48). These concerns are noted, however it is considered that a sufficiently dense and efficient layout could be possible at the Angel Gate site without causing a significant loss of amenity to the residential units currently proposed. This, together with the need to optimise development of sites, and the small number of proposed residential units that would benefit from the current layout of Angel Gate, indicate that planning permission should not be withheld on the grounds that the development potential of an adjacent site would be prejudiced.

### **Dwelling Mix**

10.137 Policy CS12 (part E) requires developments to provide a range of unit sizes to meet needs in the borough, and maximise the proportion of family accommodation in both affordable and market housing. In the Development Management Policies document, paragraph 3.14 (which supports policy DM3.1) states that developments should provide for a mix of unit sizes in accordance with Table 3.1, which sets out the following required unit size/tenure mix:

<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed+</b>
Market	10%	75%	15%	0%
Intermediate	65%	35%	0%	0%
Social Rented	0%	20%	30%	50%

10.138 The unit size/tenure mix proposed by the applicant following the amendments made during the life of the application is as follows:

<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Market	5 (22.7%)	17 (77.3%)	0 (0%)	0 (0%)
Social Rented	0 (0%)	4 (100%)	0 (0%)	0 (0%)

10.139 The above mix does not closely match the requirements of Table 3.1, however in this location, and due to the constraints of this particular site, the provision of family-sized units is not considered essential. The proposed provision of 2-bedroom private units would be close to the target requirement. The provision of all of the social rented units as 2-bedroom flats is considered acceptable given the comments of the council's Housing Development and Regeneration Manager, and given that 3 of the 4 social rent units would be 2-bedroom/4-person flats.

### **Affordable Housing and Financial Viability**

#### *Planning policy*

- 10.140 Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 173 states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 10.141 The London Plan under policy 3.11 sets a strategic Londonwide goal to maximise affordable housing provision, and states that boroughs should set their own overall target for the amount of affordable housing provision needed over the plan period. Policy 3.12 confirms that sites should provide the maximum reasonable amount of affordable housing which can be achieved, having regard to current and future requirements for affordable housing at local and regional levels, affordable housing targets, the need to encourage residential development, the promotion of mixed and balanced communities, the size and type of affordable housing needed in particular locations, the specific circumstances of individual sites, resources available to find affordable housing, and the priority to be accorded to the provision of affordable family housing.
- 10.142 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, having regard to relevant considerations. It adds that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ("contingent obligations"), and other scheme requirements.
- 10.143 Policy 2011 in the London Plan sets out a preference for 60% of affordable housing provisions to be for social and affordable rent and 40% for intermediate rent or sale, however Core Strategy policy CS12 (part G) sets out a required 70% social housing / 30% intermediate housing split.



10.144 Paragraph 3.74 of the London Plan states that affordable housing provision is normally required on-site.

10.145 Core Strategy 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% intermediate housing.

*Proposed affordable housing offer*

10.146 The proposed affordable housing offer would deliver 4x 2-bedroom social rent units. This affordable housing element would be equivalent to 16.4% based on habitable rooms or 15.4% based on units. The tenure split within the affordable element would be 100% social housing / 0% intermediate housing. Paragraph 4.12 of the applicant's Planning Statement confirms that Family Mosaic would become the registered provider for the proposed affordable housing. This is confirmed by Family Mosaic themselves, in a letter dated 02/09/2014 appended to the applicant's Affordable Housing Statement.

10.147 The proposed affordable housing offer is significantly below the council's strategic target of 50%. The proposed tenure split is not compliant with the requirements of Core Strategy policy CS12 (part G).

10.148 In support of the proposed affordable housing offer, the applicant submitted various documents including a Viability Statement dated 15/12/2015 which reflected the unit numbers and floorspace of the development currently under consideration. This statement found the proposed development would result in a significant deficit, and that the 4 proposed social rent units represented the maximum reasonable affordable housing provision achievable. The council's financial viability consultant, BPS, examined the applicant's appraisals and related documents, and issued reports dated 11/11/2014, 06/02/2015 and 21/10/2015. In the last of these reports, BPS agreed that the 4 social rent units represented the maximum level of affordable housing that could be provided by the proposed development.

10.149 Officers raised concerns over the deliverability of the 4 social rent units, given that the proposed development was shown to be in deficit. As noted with a recent proposal for development at Caledonian Road (ref: P2015/3989/FUL, considered at the Planning Committee's meeting of 19/01/2016), in the balance of planning considerations, significant positive weight cannot be given to an affordable housing offer which was not demonstrated to be deliverable. These concerns were amplified by a recent appeal decision in LB Southwark (ref: APP/A5840/S/15/3121484, allowed on 24/11/2015, relating to land at 2-2A Crystal Palace Road, East Dulwich, London, SE22 9HB) where planning permission had been granted for a development that included affordable

housing (despite being shown to be in deficit), and where an application under Section 106BA and an appeal under Section 106BC were lodged soon after permission had been granted. The Inspector determined that the scheme could not viably deliver any affordable housing, and the obligation to provide affordable housing was removed.

- 10.150 In response to these concerns, the applicant confirmed that a lower profit level would be accepted in the event that development did not achieve viability. Officers asked for the applicant's assurances regarding the development's profit level to be reflected in an updated viability appraisal. In response, the applicant submitted an updated appraisal, attached to their letter of 26/01/2016. This includes revised profit assumptions, a near-break-even position (in fact, a deficit of £238,000) in relation to viability, and confirmation that delivery will be progressed on the basis of the profit level stated in the updated appraisal.
- 10.151 This approach to profit and viability is considered reasonable and provides adequate assurance that the 4 social rent units would be delivered. This is supported by Family Mosaic's agreement to become the registered provider for these social rent units.
- 10.152 The applicant has also repeatedly assured officers that no application under Section 106BA would be submitted after permission was granted, and has gone as far as stating that "there is no basis on which a Section 106BA application could, or would, be successfully progressed for this scheme", however the council cannot prevent such an application from being submitted.
- 10.153 BPS have also been asked to review the applicant's updated appraisal attached to their letter of 26/01/2016. BPS's report, dated 24/02/2016 is attached, unredacted, to this report at Appendix 3. The conclusions of this report are summarised as follows:
- The proposed development cannot viably deliver any additional affordable housing.
  - The applicant's agreement to an advanced stage viability review will provide greater certainty and the potential for an additional affordable housing contribution in the event that economic conditions improve further and a surplus is generated.
  - A benchmark land value of £4,920,404 is reasonable.
  - An upward adjustment of residential sales values may be appropriate, as suggested by the Land Registry House Price Index, however the resulting gains would be cancelled out by recent increases in build costs.
  - All other costs in the applicant's appraisal are considered appropriate.
  - There is no evidence to counter the applicant's claim that office rents in this location have remained stagnant since October 2015.
  - Affordable housing values in the applicant's appraisal are reasonable.
- 10.154 Although the proposed tenure split within the affordable housing element does not comply with planning policy, given the small on-site provision proposed, it is accepted that social rent should be prioritised.
- 10.155 Notwithstanding the inclusive design concern highlighted earlier in this report, the quality of the proposed affordable housing – relative to that of the proposed private housing – is considered acceptable. Although the 4 social rent units would face the heavily trafficked City Road, this impact is ameliorated and balanced by the proposed setting back of block A from the highway, and the dual aspect and good levels of outlook from the 4 units. Recommended conditions would ensure adequate levels of

amenity (in relation to noise and air quality) are maintained for these units. In terms of design, the proposed development would be “tenure blind”.

#### *Viability review*

- 10.156 With regard to viability review, paragraph 3.75 of the London Plan states that when determining applications for housing developments, boroughs need to take account of economic uncertainties, and in respect of schemes presently anticipated to deliver low levels of affordable housing, viability reappraisals may be used to ensure that maximum public benefit is secured over the period of the development. Paragraph 4.4.42 of the Mayor of London’s Housing SPG (2012) states that, for schemes with a shorter development term (than large, phased developments), consideration should be given to using short-term permissions or to using Section 106 clauses to trigger a review of viability, if a scheme is not substantially complete by a certain date.
- 10.157 The council’s approach to viability review mechanisms is set out in section 7 of Islington’s Development Viability SPD. At paragraph 7.5 it confirms that viability review mechanisms will be required through Section 106 agreements on all major residential / mixed use applications which do not meet the strategic affordable housing target, and for all major applications where policy requirements are not met in full at the time permission is granted. The purpose of such reviews is to determine whether greater compliance with the Development Plan can be achieved. Paragraphs 7.11 and 7.26 state that, for all schemes requiring a review, a review will be required at an advanced stage of development (an “advanced stage review”), to ensure that the assessment of viability is based on up-to-date and accurate viability evidence.
- 10.158 The applicant has agreed to an advanced stage review (to be triggered by the sale of 75% of the development’s private residential units), and this is referred to in the recommended Section 106 Heads of Terms. The fees of the viability consultant appointed by the council would be paid for by the applicant. In the event that the submitted evidence demonstrates an improvement in the development’s viability, a financial contribution towards the provision of affordable housing would be paid to the council, capped at the equivalent of the council’s affordable housing target.

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

- 10.159 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 10.160 The council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Carbon dioxide calculations must include unregulated, as well as regulated, emissions, in accordance with Islington’s policies.
- 10.161 Islington’s Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations, unless it can be demonstrated that such

provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a DEN, and connection is required if a major development site is within 500m of an existing or a planned future DEN.

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

#### *Carbon dioxide emissions*

- 10.163 The applicant's updated Energy Statement (Greengage, October 2015) sets out a preferred strategy of providing infrastructure to enable connection to a decentralised energy network, and a communal heating system supported by on-site combined heat and power (CHP). This, together with measures including low U-values, high levels of airtightness, photovoltaic cells, and no comfort cooling, would result in the development achieving a 35% saving of carbon dioxide emissions compared with the 2013 Building Regulations. This falls short of the 39% required by Core Strategy policy CS10, but is considered acceptable given the comments of the Energy Conservation Officer and the constraints of the site.
- 10.164 Remaining carbon dioxide emissions would need to be offset with a payment of £72,620. It is recommended that this be included in a Section 106 agreement associated with any permission granted for the proposed development.
- 10.165 The Bunhill decentralised energy network (DEN) is due to come within 500m of the application site by the end of 2016, and officers are currently preparing information for the applicant regarding the viability of connection. It is recommended that connection to the network be required if technically and economically viable. If not, details of future-proofing for future connection will be required. It is recommended that these matters be addressed and secured via the necessary Section 106 agreement.
- 10.166 In accordance with a request from the Energy Conservation Officer, it is recommended that details of dynamic thermal modelling of the proposed development be required by condition (condition 28).

#### *Sustainability*

- 10.167 The applicant proposes various measures in relation to sustainability and relevant planning policies, including brown roofs, measures relating to water efficiency and greywater usage, and sustainable design and use of materials. Many of these

measures are supported and welcomed. Conditions securing the approval of a Green Procurement Plan, the development's achievement of BREEAM "Excellent", the provision of composting facilities, and relating to water consumption, are recommended (conditions 3, 26, 32 and 22). It is also recommended that the applicant be required (via a Section 106 agreement) to sign up to Islington's Code of Construction Practice.

- 10.168 The submitted roof plan shows limited areas of brown roofs proposed to block B. These would enable a small reduction in the extent of the site covered by impermeable surfaces, however green roofs would be preferable, and it is not accepted that living roofs (be they brown or green) cannot be provided on other parts of the development, including the roof of block A and beneath the areas to be fitted with a photovoltaic array. A condition (condition 20) is recommended, requiring the maximisation of green roof provision, and requiring the green roofs to meet the council's standard requirements as set out in Islington's Environmental Design SPD. There is otherwise little scope for significant landscaping as part of the proposed development, although some soft planting is proposed to the forecourt of block A, and recommended condition 18 requires the submission of details of a landscaping scheme.
- 10.169 The application site has no trees, however a mature London Plane tree stands close to the site in the grounds of 326a City Road, and there are trees close to the site boundaries within the grounds of the Angel Gate development. These trees partly overhang the application site, therefore facilitation pruning may be required in connection with the proposed development. Recommended condition 19 requires details of such pruning.
- 10.170 The submission lacks detail regarding sustainable urban drainage. Development Management Policy DM6.6 requires major developments to incorporate Sustainable Urban Drainage Systems (SUDS), and must be designed to reduce flow to a "greenfield rate" of run-off (8 litres/second/hectare) where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare. A condition, requiring details of measures to ensure compliance with the requirements of policy DM6.6 is recommended (condition 21).
- 10.171 Measures to increase the site's currently-limited biodiversity interest, including to the installation of bird and bat boxes, are secured by recommended condition 18.
- 10.172 A Green Performance Plan (GPP) has been submitted with the application. This is considered to be acceptable as a draft, however more specific performance targets and indicators will need to be established through a full GPP to be secured via a Section 106 agreement.
- 10.173 The submission of the application predates the council's adoption of its Basement Development SPD. The proposed development includes excavation at basement level. Recommended conditions 23 and 24 secure the submission of details explaining how the proposed development would comply with the requirements of the SPD. London Underground have also requested that details of piling and foundation works be secured, and condition 25 is recommended accordingly.

### **Highways and Transportation**

- 10.174 Policies relevant to highways and transportation are set out in section 4 of the NPPF and chapter 6 of the London Plan. Page 49 Core Strategy policy CS10 encourages

sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Detailed transport policies are set out in chapter 8 of Islington's Development Management Policies.

#### *Existing conditions*

- 10.175 Both City Road and Wakley Street are busy TfL-controlled red routes. Wakley Street is a one-way street, with traffic moving from north to south. A pedestrian crossing exists close to the site, outside 326 City Road. There are loading bays along the east side of Wakley Street.
- 10.176 The application site has a Public Transport Accessibility Level (PTAL) of 6a. It is within less than 500m walking distance of Angel underground station, and City Road is served by 5 bus routes. Bus and cycle lanes are marked along stretches of City Road.
- 10.177 Dropped kerbs exist directly outside both 7-8 Wakley Street and 328 City Road. The sloped forecourt outside 328 City Road can be used for temporary parking of servicing vehicles, and 7-8 Wakley Street is serviced from the street.

#### *Trip generation, parking and cycle parking*

- 10.178 The applicant's Transport Assessment details the transportation and highways implications of the proposed development.
- 10.179 The applicant's consultant did not assess trip generation for the business floorspace to be occupied by the NCB, as the consultant assumed that the number of employees would not change and that the NCB's continued occupancy would not generate any additional trips following development. No updated trip generation data, taking into account the business floorspace added to the scheme, was submitted following the amendment of the proposals. While updated information would have been useful, given the relatively small increase in business floorspace now proposed (1sqm GIA, 284sqm NIA), and the overall employment potential of the business floorspace (142 jobs, based on the HCA's ratio of 1 employee per 12sqm NIA of offices), it is not considered necessary to require detailed trip generation information at this stage. Given existing conditions around the site, the site's public transport accessibility, and the applicant's proposals for on-site cycle parking (and no on-site car parking), it is considered that the majority of trips to and from the proposed business floorspace would involve sustainable modes of transport. It is further considered that the proposed business floorspace would have little, if any, additional adverse impact on local highways and public transport.
- 10.180 Residential trip generation data was, however, provided when the proposed development included 33 residential units. The applicant's consultant predicted that 32 two-way trips would be generated in the morning peak period (14 on foot, 9 by train or underground, 6 by bus, 3 by bicycle and 1 by taxi) and 30 in the evening peak period (13 on foot, 7 by train or underground, and 2 by bicycle). This level of trip generation (and the lower level generated by the 26 residential units now proposed) is not considered to be significant or unsustainable.
- 10.181 The proposed development would be car-free in accordance with Core Strategy policy CS10 and Development Management Policy DM8.5.
- 10.182 Accessible parking is discussed earlier in this report.

- 10.183 An appropriate clause in the necessary Section 106 agreement would prevent residents of the proposed development from being eligible for Controlled Parking Zone (CPZ) permits, however it must be noted that residents moving into the new homes would be eligible for a CPZ permit if they have already held an Islington CPZ permit for a period of at least a year.
- 10.184 Space for the parking of a total of 109 cycles is proposed in 4 cycle stores at lower ground floor level. 21 commercial and 8 residential cycle parking spaces would be accessed from City Road, while 20 commercial and 60 residential spaces would be accessed from Wakley Street. This provision exceeds the standards set out at Appendix 6 of the Development Management Policies, and it is recommended this provision be secured by condition, and the size of the proposed cycle stores ensures that capacity for tricycles, trailers and bicycles for people with disabilities can be accommodated. Although cycle parking should normally be provided at ground floor level, it is accepted that the site's narrow street frontages and limited space at its ground floor entrances means provision has to be made at lower ground floor level. Paragraph 6.80 of the submitted Planning Statement confirms that end-of-trip facilities would be provided for the proposed business floorspace.
- 10.185 A draft Travel Plan has been provided at Appendix C of the submitted Transport Assessment. This would encourage the use of more sustainable modes of transport. It is recommended that a requirement for a detailed, updated travel plan be included in a Section 106 agreement associated with any permission granted for the proposed development.

#### *Servicing*

- 10.186 The site would continue to be serviced from the existing loading bays on Wakley Street. The applicant's consultant predicts a total of 1 servicing trip per day in relation to the proposed residential accommodation, with no deliveries expected during the peak hours. Given that both City Road and Wakley Street are heavily trafficked, and given the lack of information submitted by the applicant in relation to the servicing of the proposed business floorspace, it is recommended that the submission, approval and implementation of a Delivery and Servicing Management Plan (DSMP) be secured by condition (31).
- 10.187 It is further recommended that a Demolition and Construction Management and Logistics Plan (DCMLP) be secured by condition (29).

#### *Other highways considerations*

- 10.188 It is likely that footway and highway reinstatement works would be necessary following completion of the proposed development. The highways directly outside the site are TfL-controlled, and TfL have requested that the developer be required to enter into a Section 278 agreement with TfL in relation to these works. This matter is referred to in the recommended Section 106 Heads of Terms.
- 10.189 The quality of the existing pedestrian environment surrounding the application site has been assessed by the applicant's consultant using PERS methodology, and the findings are set out the submitted Transport Assessment. Although the consultant generally found the pedestrian environment to be positive, some deficiencies were noted, and these findings could inform future decisions as to where CIL moneys associated with the proposed development could be spent.

### **Contaminated Land and Air Quality**

- 10.190 Given the potentially contaminating historic uses of the application site, the site's location within Source Protection Zone 2, and the introduction of residential accommodation which would bring new receptors to the site, provisions relating to contamination would be necessary as per the applicant's own Phase 1 Environmental Assessment. Appropriate conditions (37 and 38) are recommended.
- 10.191 Representatives of the owners of Angel Gate have requested that a condition relating to asbestos be applied. The applicant's Phase 1 Environmental Assessment (AP Geotechnics, 23 July 2014) recommends the analysis of soil and groundwater samples for asbestos contamination, and recommended conditions 37 and 38 would secure the provisions set out in this assessment. The removal of any asbestos from the application site's existing buildings would need to comply with the Control of Asbestos Regulations 2012. A condition of planning permission would duplicate these controls and would therefore not need to be applied by the council.
- 10.192 As previously noted, the whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition (condition 30). This would ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.

### **Planning Obligations, Community Infrastructure Levy and Local Finance Considerations**

#### *Community Infrastructure Levy*

- 10.193 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing. The affordable housing is exempt from CIL payments.
- 10.194 Officers have advised the applicant that, although the use of part of the development as offices by the NCB qualifies as a charitable use, the "chargeable development" as a whole will not be used "wholly or mainly for charitable purposes", and the proposed development is not eligible for CIL charitable relief.
- 10.195 Islington CIL of £499,218.14, and Mayoral CIL of £139,134.45, would be payable in relation to the proposed development.



### *Section 106 agreement*

10.196 Prior to and following the amendment of the proposals, officers advised the applicant that a Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- On-site provision of affordable housing – the development will be required to provide 4 social housing units.
- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of updated viability information at an advanced stage of the development process on sale of 75% of private residential units. Fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, capped at the equivalent of the council's affordable housing target, to be determined in accordance with the SPD.
- Prevention of wasted housing supply. All dwellings required to be fully furnished and equipped for use as a home, and not to be left unoccupied for any continuous period of 3 consecutive months or more (plus other requirements as per the Islington Preventing Wasted Housing Supply Supplementary Planning Document, 2015). The applicant agrees to include these obligations in sales and marketing information and in any head lease or subleases that may be granted.
- Section 278 agreement to be entered into with TfL for the repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by TfL, paid for by the applicant and the work carried out by TfL (unless otherwise advised in writing by TfL). Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 2 work placements. Each placement must last a minimum of 26 weeks. The council's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/2015). If these placements are not provided, a fee of £10,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £4,638, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 3 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £6,000.
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £72,620.

- Connection to a local energy network (Bunhill heat network), if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan.
- Submission of a draft full Travel Plan for council approval prior to occupation, and of a full Travel Plan for council approval 6 months from first occupation of the development or phase (provision of Travel Plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

10.197 All payments to the council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

10.198 On 05/02/2016 the applicant's agent agreed to the drafting of a Section 106 agreement based on the above Heads of Terms.

### **National Planning Policy Framework**

10.199 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land, promoting mixed-use development and achieving high quality design. With the recommended conditions and Section 106 agreement, the proposed development would largely address the NPPF's core principle related to addressing climate change. The proposal is not considered to be compliant or fully compliant in relation to the principles relating to meeting housing needs and achieving a good standard of amenity for existing occupants.

10.200 In the final balance of planning considerations set out below, officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

### **Other Matters**

10.201 Consideration has been given to the work of the co-applicant (the NCB), the public benefit of that work, and the extent to which that work (and that public benefit) is linked to the current proposal. The applicant has submitted a series of documents, the most recent version of which was received on 11/03/2015, explaining the work of the NCB, and highlighting that some of this work is carried out in Islington.

10.202 The applicant has, however, confirmed (most recently at a meeting on 07/05/2015) that although the NCB would function better if it remained at the application site, it could in fact operate from another location. Furthermore, the submissions of the NCB do not quantify the public benefit resulting from the NCB remaining on site (compared with the benefits that would be achieved anyway, were the NCB to operate from another location). Therefore, while it is accepted that the work of the NCB is of public benefit, and that some of the NCB's projects benefit residents of Islington, given that there

appears to be no clear, unique and quantifiable link between that public benefit and the current proposal, little weight can be given to the beneficial work of the NCB in the balance of planning considerations relevant to this application.

- 10.203 It is again noted that representatives of the owners of Angel Gate have objected to the proposed development. One aspect of this objection relates to the combined development potential of the application site and the allocated site BC48 – the objector has suggested that a greater quantum of development, possibly including a greater affordable housing provision, could be achieved if the 2 sites were developed together. While a different layout could certainly be achieved across the combined sites, it cannot be confirmed at this stage that the indicative scheme prepared by the objector’s architect would be policy compliant and acceptable, and no financial viability information has been submitted to confirm that a greater quantum of affordable housing could be delivered. Furthermore, there is no guarantee as to when the Angel Gate site may come forward for redevelopment. It would be inappropriate to withhold planning permission for the current proposal on the basis of speculation as to how and when this adjacent site might be developed.
- 10.204 The impact of the proposed development upon adjacent property values is not a material planning consideration, and planning permission cannot be withheld on these grounds.
- 10.205 Any damage to neighbouring properties during demolition and construction work is primarily a civil matter to be resolved by the parties involved, however recommended condition 23 requires the submission of a Structural Method Statement in relation to basement works, and recommended condition 29 requires the submission of a Demolition and Construction Management and Logistics Plan. These should ensure the developer gives consideration to the risk of damage to neighbouring property.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The benefits of the proposed development must be noted. These include the re-use of an underused site, the replacement of the existing floorspace with a higher quality, more accessible and more flexible employment space (and an uplift of 284sqm NIA floorspace), the delivery of a quantum of much-needed housing (including 16.4% affordable housing), and the reduction of impermeable surfaces (and improved natural drainage). CIL contributions towards transport and other infrastructure, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area. Work placements would also be secured through a Section 106 agreement. It is also noted that the commercial element of the proposed development is not entirely speculative – much of the floorspace would be occupied from the outset by the NCB, with a 15-year rental agreement (subject to reviews) already in place.
- 11.2 These benefits must, however, be weighed against the shortcomings of the proposed development, the material harm that the proposed development would cause, and the development’s non-compliance with development plan policies. Officers’ primary concerns relate to the impacts of the proposed development upon the amenities of neighbouring properties, non-compliance with inclusive design policies and guidance (in some parts of the development), and the loss of 328 City Road (although, applying

paragraph 134 of the NPPF and having regard to the public benefits of the proposed development, it is accepted that this heritage asset can be demolished).

- 11.3 The benefits and shortcomings of the proposed development are noted in the context of a 16.4% affordable housing offer, however it is accepted that the proposed development cannot provide a greater quantum of affordable housing, and it is noted that the applicant has agreed to an advanced stage review of the development's viability.
- 11.4 The comments made by residents, neighbouring businesses and supporters have been considered, as have responses from consultee bodies.
- 11.5 It must be noted that the statutory starting point in the council's assessment of planning applications is to assess them against all relevant Development Plan policies and other material considerations, then to determine them in accordance with the plan as a whole unless material considerations indicate otherwise.
- 11.6 In this case, the benefits of the proposed development (as amended) have been given due consideration, and are considered to outweigh those shortcomings of the development which cannot be adequately mitigated through the use of conditions and the provisions of a Section 106 agreement.
- 11.7 In conclusion, given the proposed development's adequate level of compliance with planning policies (including those of the NPPF and the London Plan), it is recommended that planning permission be granted.

### **Conclusion**

- 11.8 It is recommended that planning permission be granted subject to conditions and Section 106 agreement Heads of Terms as set out in Appendix 1 – RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- On-site provision of affordable housing – the development will be required to provide 4 social housing units.
- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of updated viability information at an advanced stage of the development process on sale of 75% of private residential units. Fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, capped at the equivalent of the council's affordable housing target, to be determined in accordance with the SPD.
- Prevention of wasted housing supply. All dwellings required to be fully furnished and equipped for use as a home, and not to be left unoccupied for any continuous period of 3 consecutive months or more (plus other requirements as per the Islington Preventing Wasted Housing Supply Supplementary Planning Document, 2015). The applicant agrees to include these obligations in sales and marketing information and in any head lease or subleases that may be granted.
- Section 278 agreement to be entered into with TfL for the repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by TfL, paid for by the applicant and the work carried out by TfL (unless otherwise advised in writing by TfL). Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 2 work placements. Each placement must last a minimum of 26 weeks. The council's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/2015). If these placements are not provided, a fee of £10,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £4,638, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 3 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £6,000.

- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £72,620.
- Connection to a local energy network (Bunhill heat network), if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan.
- Submission of a draft full Travel Plan for council approval prior to occupation, and of a full Travel Plan for council approval 6 months from first occupation of the development or phase (provision of Travel Plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

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

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 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 and documents list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p>

Planning Statement (Quod, September 2014)  
Design and Access Statement (Formation Architects, 2 September 2014)  
Transport Assessment (WSP, 2 September 2014)  
Commercial Floorspace Assessment (Quod, September 2014)  
Affordable Housing Statement (Quod, 2 September 2014)  
Internal Daylight and Sunlight Report (GIA, 7 August 2014)  
Heritage Appraisal (KMHeritage, August 2014)  
Historic Environment Assessment (MOLA, November 2014)  
Noise Assessment (Entran, 18 August 2014)  
Air Quality Assessment (Entran, 18 August 2014)  
Phase 1 Environmental Assessment (AP Geotechnics, 23 July 2014)  
Arboricultural Impact Assessment (Greengage, July 2014)  
Sustainability Assessment (Greengage, July 2014)  
Green Performance Plan (Greengage, received 26 November 2014)  
Code for Sustainable Homes Pre-Certification Report (Greengage, July 2014)  
BREEAM Pre-Certification Report (Greengage, July 2014)  
Statement of Community Involvement (Four Communications, September 2014)  
Financial Appraisal Supporting Statement (Quod, 2 September 2014)

all as amended by:

6330 D4000 rev 04  
6330 D4001 rev 04  
6330 D4100 rev 04  
6330 D4101 rev 03  
6330 D4102 rev 03  
6330 D4105 rev 05  
6330 D4149 rev 04  
6330 D4200 rev 04  
6330 D4500 rev 04  
6330 D4501 rev 04  
6330 D4502 rev 03  
6330 D4503 rev 04  
6330 D4504 rev 05  
6330 D4505 rev 05  
6330 D4506 rev 01  
6330 D4700 rev 03  
6330 D4701 rev 03  
6330 D4702 rev 04  
6330 D4710 rev 04  
6330 D4711 rev 04  
6330 D4712 rev 04  
6330 D4713 rev 04  
6330 D4720 rev 03  
6330 D4721 rev 05  
6330 D4722 rev 04  
Summary of areas (6330-D4900 rev 03)  
Breakdown of areas (6330-D4901 rev 03)  
Daylight and Sunlight report (GIA, 26 November 2015) as amended by corrected  
APSH tables (GIA, received 14 January 2016)  
Overshadowing Assessments (GIA, 15 January 2016)  
Energy Assessment (Greengage, October 2015)  
Viability Statement (Quod, 3 September 2015)

	<p>Viability Statement (Quod, 15 December 2015) Letter from Claire Dickinson (Quod, 26 January 2016) and appended revised Development Appraisal</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and samples (Details)</b>
	<p>CONDITION: A Green Procurement Plan for sourcing the materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The materials shall be procured and the development shall be carried out strictly in accordance with the Green Procurement Plan so approved.</p> <p>Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure 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 (including details of the edge and seams/gap treatments, method(s) of fixing, and any profiling);</li> <li>d) windows, doors and balustrades;</li> <li>e) roofing materials; and</li> <li>f) any other materials to be used on the exterior of the development.</li> </ul> <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 and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.</p>
<b>4</b>	<b>Balconies – unauthorised alterations (Compliance)</b>
	<p>CONDITION: No bamboo screening or other items shall be fixed to the glass balustrades of the balconies and patios unless approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>5</b>	<b>Roof-level structures (Details)</b>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs,</p>



	<p>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 streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>6</b>	<b>Window and door reveals (Compliance)</b>
	<p>CONDITION: All windows and doors shall be set within reveals no less than 200mm deep unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, to ensure sufficient articulation in the elevations, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>7</b>	<b>City Road cornice (Details)</b>
	<p>CONDITION: Details of the cornice to the City Road elevation (block A) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</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: To ensure that the resulting appearance and construction of the development is to a high standard and contributes positively to the significance of heritage assets, and to ensure that the development is in accordance with policies 3.5, 7.4, 7.6, 7.8 and 7.9 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013.</p>
<b>8</b>	<b>External pipes, cables and CCTV (Compliance and Details)</b>
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p>

	<p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2015, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>9</b>	<b>Parish boundary stone (Details)</b>
	<p>CONDITION: A method statement for the removal, any necessary repair, and reinstallation of the parish boundary stone (identified at paragraph 2.20 of the Heritage Appraisal (KMHeritage, August 2014) and shown on drawing 6330 D4200 rev 04) shall be submitted to an approved in writing by the Local Planning Authority prior to any works commencing.</p> <p>The development shall be carried out strictly in accordance with the method statement so approved.</p> <p>REASON: To ensure the heritage asset is appropriately conserved in accordance with policies 7.8 and 7.9 of the London Plan 2015 and policy DM2.3 of Islington's Development Management Policies 2013.</p>
<b>10</b>	<b>Security and general lighting (Details)</b>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill in accordance with policies 7.3, 7.5, 7.13 and 7.19 of the London Plan 2015, policies CS9, CS10 and CS15 of Islington's Core Strategy 2011, policies DM2.1 and DM6.5 of Islington's Development Management Policies 2013.</p>
<b>11</b>	<b>Archaeology (Details)</b>
	<p>CONDITION: No development other than demolition shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the Local Planning Authority.</p> <p>If heritage assets of archaeological interest are identified by the evaluation, before development (other than demolition to existing ground level) commences the applicant (or their heirs or successors in title) shall secure the implementation of a</p>

	<p>programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>No development or demolition shall take place other than in accordance with the approved Written Scheme of Investigation.</p> <p>The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.</p> <p>REASON: Heritage assets of archaeological interest may survive on the site and it is appropriate to secure archaeological investigation in accordance with section 12 of the National Planning Policy Framework, policy CS9 of Islington’s Core Strategy 2011 and policy DM2.3 of Islington’s Development Management Policies 2013.</p>
<b>12</b>	<b>Privacy screening to block A (Details)</b>
	<p>CONDITION: Details of screening or other design solution to prevent overlooking of neighbouring properties at 330-336 City Road and 14 Wakley Street from the rear balconies of block A 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 and samples so approved prior to first occupation, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To prevent overlooking of and loss of privacy to neighbouring residential properties, to ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policy 7.6 of the London Plan 2015, policies CS9, CS10 and CS12 of Islington’s Core Strategy 2011, and policy DM2.1 of Islington’s Development Management Policies 2013.</p>
<b>13</b>	<b>Wheelchair-accessible/adaptable units (Details)</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 20 of the private residential units hereby approved shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 “Accessible and adaptable dwellings” M4 (2) and 2 units shall be constructed to the meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 “Wheelchair user dwellings” M4 (3).</p> <p>Building Regulations Approved Plans and Decision Advice Notices, confirming that these requirements will be achieved, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works beginning on site.</p> <p>The Category 3 units shall be provided prior to the first occupation of the block within which they are located, 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 secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, and to ensure the development is of an inclusive design in accordance with policies 3.8 and 7.2 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policies DM2.2 and DM3.4 of Islington's Development Management Policies 2013.</p>
<b>14</b>	<p><b>Inclusive design – business floorspace (Details)</b></p> <p>CONDITION: Details including floorplans, sections and elevations of all business floorspace at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall include:</p> <ul style="list-style-type: none"> <li>• accessible WC provision;</li> <li>• public entrances including sections showing level access, door furniture and manifestations to glazing;</li> <li>• space for the storage and charging of mobility scooters;</li> <li>• details of accessible changing facilities for staff; and</li> <li>• details of how the development would comply with the relevant parts of the Inclusive Design in Islington SPD</li> </ul> <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: To ensure the development is of an inclusive design in accordance with policy 7.2 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.2 of Islington's Development Management Policies 2013.</p>
<b>15</b>	<p><b>Disabled parking bays (Details)</b></p> <p>CONDITION: A survey identifying appropriate and available locations for additional disabled parking bays within the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure adequate provision of parking for residents with disabilities in accordance with policy DM8.5 of Islington's Development Management Policies 2013.</p>
<b>16</b>	<p><b>Cycle parking (Compliance)</b></p> <p>CONDITION: The bicycle storage areas, which shall be secure and provide for no less than 109 bicycle spaces (and additional space for accessible parking, the parking of trailers or tricycles, and the parking and charging of mobility scooters) shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policy 6.9 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011, and policy DM8.4 of Islington's Development Management Policies 2013.</p>

<p><b>17</b></p>	<p><b>Micro and small enterprises (Details)</b></p> <p>CONDITION: Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall confirm that no less than 5% of the development's business floorspace shall be suitable for occupation by micro and small enterprises.</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: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises in accordance with policy BC8 of the Finsbury Local Plan 2013.</p>
<p><b>18</b></p>	<p><b>Landscaping and biodiversity (Details)</b></p> <p>CONDITION: Details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>• Soft planting, including details of any grass and turf areas, shrub and herbaceous areas;</li> <li>• Sufficient specification to ensure successful establishment and survival of new planting;</li> <li>• Enclosures, including types, dimensions and treatments of any walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>• Hard landscaping, including ground surfaces (including those to be used directly outside the bin stores), kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and synthetic surfaces;</li> <li>• Any demarcation of pedestrian, vehicular and pedestrian space within the areas of hard landscaping;</li> <li>• Existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>• Confirmation that the landscaping scheme has been designed in accordance with Islington's Inclusive Landscape Design SPD Jan 2010 and Streetbook SPD Oct 2012;</li> <li>• Bat and bird nesting boxes / bricks and any other measures intended to improve and maximise on-site biodiversity;</li> <li>• Details of how the landscaping scheme includes and integrates other measures to enhance biodiversity and sustainable urban drainage solutions and has been designed in accordance with Development Management Policy DM6.6 and London Plan policy 5.13;</li> <li>• A Landscaping Management Plan describing how the landscaping would be maintained and managed following implementation;</li> <li>• Any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping so approved shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a maintenance/watering provision following planting and any trees or shrubs which die, become severely damaged or diseased within 5 years of planting shall be replaced with the same species or an</p>

	<p>approved alternative and to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details (including the Landscape Management Plan) so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainability, to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to ensure the development is of an inclusive design, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies 3.5, 5.3, 5.10, 5.11, 5.13, 7.2, 7.4, 7.5, 7.19 and 7.21 of the London Plan 2015, policies CS9, CS10, CS12 and CS15 of the Islington Core Strategy 2011 and policies DM2.1, DM2.2, DM2.3, DM6.2, DM6.5 and DM6.6 of Islington's Development Management Policies 2013.</p>
<b>19</b>	<b>Tree pruning (Details)</b>
	<p>CONDITION: Details of all proposed construction facilitation pruning shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The development shall be carried out strictly in accordance with the details so approved and in accordance with BS3998:2010.</p> <p>REASON: To ensure the retention of, and to avoid damage to, the retained trees on land adjacent to the site that represent an important visual amenity to the locality and to ensure compliance with policy 7.21 of the London Plan 2015, policy CS15 of the Islington Core Strategy 2011 and policy DM6.5 of Islington's Development Management Policies 2013.</p>
<b>20</b>	<b>Green roofs (Details and Compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green roofs to the development hereby approved (including details of the extent of green roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The green roofs shall:</p> <ul style="list-style-type: none"> <li>• form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</li> <li>• cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and</li> <li>• be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.</li> </ul> <p>An explanation as to why any areas of roof would not be covered with green roofs shall be included with the above details. Green roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>No roofs, including the green roofs, shall be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall</p>

	<p>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, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced in accordance with policies 5.3, 5.10, 5.11, 5.13 and 7.19 of the London Plan 2015, policies CS10 and CS15 of Islington's Core Strategy 2011, and policies DM2.1, DM6.5, DM6.6 and DM7.1 of Islington's Development Management Policies 2013.</p>
<b>21</b>	<b>Sustainable urban drainage (Details)</b>
	<p>CONDITION: Prior to any works commencing on site a drainage strategy including full justification for any non-compliance with the requirements of Development Management Policy DM6.6 and London Plan policy 5.13, and confirmation that best endeavours have been made to comply with these policies, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the drainage strategy 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 achieves appropriate surface water run-off rates in accordance with policy 5.13 of the London Plan 2015 and policy DM6.6 of Islington's Development Management Policies 2013.</p>
<b>22</b>	<b>Water consumption (Compliance)</b>
	<p>CONDITION: The residential part of the development hereby approved shall be designed to achieve a water use target of no more than 110 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>The above water use target shall apply to all tenures within the development hereby approved.</p> <p>REASON: To ensure the sustainable use of water in accordance with policy 5.15 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011 and policy DM7.4 of Islington's Development Management Policies 2013.</p>
<b>23</b>	<b>Basement – Structural Method Statement (Details)</b>
	<p>CONDITION: Prior to commencement of development a Structural Method Statement, prepared by a Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E), shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Underground.</p> <p>The statement shall be in line with the requirements of Chapter 6 (Site investigations to inform design) and appendix B of Islington's Basement Development SPD 2016.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
<b>24</b>	<b>Basement – inspection and monitoring (Compliance)</b>
	<p>CONDITION: The certifying professional that endorsed the Structural Method</p>

	<p>Statement (or a suitably qualified person with relevant experience) shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design approved within the Structural Method Statement and a Building Control body.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
<b>25</b>	<b>Piling and foundations (Details)</b>
	<p>CONDITION: No development shall commence until a piling and foundations design and method statement (relating to all foundations, basements and ground floor structures and any other structures below ground level, and detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including accommodation of existing London Underground structures and measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to an approved in writing by the Local Planning Authority in consultation with Thames Water and London Underground.</p> <p>The development shall be carried out in accordance with the details so approved.</p> <p>REASON: Works are proposed in close proximity to underground sewerage utility infrastructure.</p>
<b>26</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve a BREEAM (2011) New Construction Scheme rating of no less than "Excellent".</p> <p>REASON: In the interests of sustainable development and addressing climate change in accordance with policies 5.2 and 5.3 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011 and policy DM7.4 of Islington's Development Management Policies 2013.</p>
<b>27</b>	<b>Energy/carbon dioxide reduction (Compliance)</b>
	<p>CONDITION: The proposed measures relevant to energy as set out in the Energy Assessment (Greengage, October 2015) hereby approved which shall together provide for no less than a 35% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013 shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met in accordance with policies 5.2, 5.3 and 5.7 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policies DM7.1 and DM7.3 of Islington's Development Management Policies 2013.</p>
<b>28</b>	<b>Dynamic thermal modelling (Details)</b>
	<p>CONDITION: Prior to any works commencing on site a dynamic thermal modelling analysis shall be submitted to and approved in writing by the Local Planning</p>



	<p>Authority. The analysis and any necessary amendments to the design of the development hereby approved shall include modelling to demonstrate how overheating of the development shall be prevented.</p> <p>REASON: To ensure that the effects of climate change on the development hereby approved are suitably mitigated and to ensure the future residents of the development do not experience overheating in accordance with policy 5.9 of the London Plan 2015, policy CS10 of the Islington Core Strategy 2011, and policy DM7.5 of Islington's Development Management Policies 2013.</p>
<b>29</b>	<b>Demolition and Construction Management and Logistics Plan (Details)</b>
	<p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management and Logistics Plan (DCMLP) has been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London.</p> <p>The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 6.3 and 6.14 of the London Plan 2015 and policy DM8.6 of Islington's Development Management Policies 2013.</p>
<b>30</b>	<b>Construction Environmental Management Plan (Details)</b>
	<p>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. 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. 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 and local amenity, and air quality, in accordance with policies 7.14 and 7.15 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>31</b>	<b>Delivery and Servicing Management Plan and Waste Management Plan (Details)</b>
	<p>CONDITION: A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p>

	<p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 5.16, 6.3 and 6.14 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011, and policies DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
<b>32</b>	<b>Waste storage (Compliance)</b>
	<p>CONDITION: The dedicated refuse/recycling stores, which shall incorporate facilities for the recycling of food/compostable waste hereby approved shall be provided prior to first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided in accordance with policy 5.16 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>33</b>	<b>Air quality – Combined Heat and Power (CHP) (Details)</b>
	<p>CONDITION: No superstructure works shall be carried out unless and until details and specifications of the Combined Heat and Power (CHP) facility have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>• The make and model of the system and details of the additional abatement technology that has been investigated for fitment to reduce air pollution emissions.</li> <li>• A life cycle analysis showing a net benefit to carbon emissions from the plant.</li> <li>• The type, height and location of the flue/chimney (including calculations details regarding the height of the flue/chimney).</li> <li>• Certification for use of the flue/chimney in a smoke control area.</li> <li>• Information on the fuel, fuel feed system, the fuel supply chain and the arrangements that have been investigated to secure fuel. Fuel usage shall be monitored for 3 years from the first operation of the plant. Details of fuel usage shall be forwarded to the Local Planning Authority annually, the first report to be forwarded 1 year after the commencement of operation of the plant.</li> <li>• A breakdown of emissions factors of nitrogen oxides (NOx), particulates and any other harmful emissions from the gas fired CHP and details of any mitigation measures to reduce emissions to an acceptable level.</li> <li>• An assessment of the impact of the emissions to ground level concentrations and any additional impact to surrounding buildings/ structure.</li> </ul> <p>The approved CHP facility and associated plant shall be installed in strict accordance with the agreed details and operate to the satisfaction of the Local Planning Authority prior to occupation of the development and shall be permanently maintained thereafter.</p>

	<p>REASON: The site is within an Air Quality Management Area where development is required to be designed to mitigate the impact of poor air quality to within acceptable limits in accordance with policy 7.14 of the London Plan 2015 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
<b>34</b>	<p><b>Air quality – residents' exposure (Details)</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, prior to the commencement of works except in relation to demolition, a report detailing measures to minimise the exposure of the development's future occupiers to air pollution shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the measures 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 residents' exposure to pollution is minimised in accordance with policy 7.14 of the London Plan 2015 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
<b>35</b>	<p><b>Plant noise (Compliance and Details)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq,T}</math> arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90,Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>A report to demonstrate compliance with the above requirements and prepared by an appropriately experienced and qualified professional shall be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the scheme and report so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations in accordance with policy in accordance with policy 7.15 of the London Plan 2015, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>36</b>	<p><b>Sound insulation (Details)</b></p> <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> <ul style="list-style-type: none"> <li>• Bedrooms (23.00-07.00 hrs) 30 dB LAeq, 8 hour and 45 dB Lmax (fast);</li> <li>• Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour; and</li> </ul>

	<ul style="list-style-type: none"> <li>• Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</li> </ul> <p>Full particulars and details of a scheme for sound insulation between the proposed business floorspace and residential use of the development shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures so approved 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 secure an appropriate internal residential environment and to protect the amenities of the occupiers of the residential accommodation in accordance with policy 7.15 of the London Plan 2015, policy CS12 of Islington’s Core Strategy 2011 and policy DM2.1 of Islington’s Development Management Policies 2013.</p>
<b>37</b>	<b>Site contamination (Details)</b>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 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 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 carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2015 and policy DM6.1 of Islington’s Development Management Policies 2013.</p>
<b>38</b>	<b>Site contamination – unsuspected contamination (Details)</b>
	<p>CONDITION: If during development contamination not previously identified is found to be present at the site no further development shall be carried out (unless</p>

	<p>otherwise agreed in writing with the Local Planning Authority) until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: 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 carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2015 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
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**List of Informatives:**

<b>1</b>	<p><b>Section 106 Agreement</b></p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<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>
<b>3</b>	<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 London Borough of Islington's Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London 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 important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>

<b>4</b>	<b>Site contamination</b>
	The verification report required under condition 37 shall demonstrate completion of the works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
<b>5</b>	<b>Sustainable Sourcing of Materials</b>
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE’s Green Guide Specification.
<b>6</b>	<b>Thames Water, Environment Agency and LFEPA</b>
	Your attention is drawn to informatives and advice included in Thames Water’s comments of 14/12/2015, the Environment Agency’s comments of 15/12/2015, and the London Fire and Emergency Planning Authority’s comments of 07/01/2016.
<b>7</b>	<b>Archaeology</b>
	Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development activity (other than demolition) occurs.
<b>8</b>	<b>Blocks A and B</b>
	For the avoidance of doubt, “block A” is the 5-storey (plus lower ground floor) building fronting City Road hereby approved, and “block B” is the 5-storey (plus lower ground floor) building fronting Wakley Street hereby approved.

## APPENDIX 2 – RELEVANT POLICIES

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

### 1 National Guidance

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

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

### 2 Development Plan

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

#### A) **The London Plan 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 2.9 Inner London

Policy 2.10 Central Activities Zone – Strategic Priorities

Policy 2.11 Central Activities Zone – Strategic Functions

Policy 2.12 Central Activities Zone – Predominantly Local Activities

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 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.18 Construction, excavation and demolition waste

Policy 5.20 Aggregates

Policy 5.21 Contaminated land

##### **6 London's transport**

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking

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 Co-ordination of housing development and investment  
Policy 3.16 Protection and enhancement of social infrastructure

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

Policy 4.1 Developing London's economy  
Policy 4.2 Offices  
Policy 4.3 Mixed use development and offices  
Policy 4.10 New and emerging economic sectors  
Policy 4.12 Improving opportunities for all

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

Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy

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

Policy 7.1 Lifetime neighbourhoods  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.9 Heritage-led regeneration  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate 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  
Policy 7.24 Blue ribbon network

#### **8 Implementation, monitoring and review**

Policy 8.1 Implementation  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

In 2015 the Mayor of London published proposed Minor Alterations to the London Plan (MALP).

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

#### **Spatial Strategy**

Policy CS7 (Bunhill and Clerkenwell)  
Policy CS8 (Enhancing Islington's Character)

#### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)

Policy CS11 (Waste)  
Policy CS12 (Meeting the Housing Challenge)  
Policy CS13 (Employment Spaces)  
Policy CS16 (Play Space)

#### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

### **C) Islington's Development Management Policies June 2013**

#### **Design and Heritage**

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage

#### **Energy and Environmental Standards**

DM7.1 Sustainable design and construction statements  
DM7.3 Decentralised energy networks  
DM7.4 Sustainable design standards



**Housing**

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

**Employment**

- DM5.4 Size and affordability of workspace

**Health and open space**

- DM6.1 Healthy development
- DM6.5 Landscaping, trees and biodiversity
- DM6.6 Flood prevention

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

**D) Finsbury Local Plan June 2013**

- BC8 Achieving a balanced mix of uses
- BC9 Tall buildings and contextual considerations for building heights
- BC10 Implementation

**3 Designations**

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

<b>Islington Local Plan</b>	<b>London Plan</b>
Bunhill and Clerkenwell key area Employment Priority Area (General) Duncan Terrace/Colebrooke Row Conservation Area (part of site) Within 100m of Transport for London Road Network Within 50m of New River Conservation Area Adjacent to Site Allocation BC48 – Angel Gate	Central Activities Zone

**4 Supplementary Planning Guidance (SPG) / Documents (SPD)**

The following SPGs and SPDs are relevant:

**Islington Local Plan**

- Basement Development SPD
- Conservation Area Design Guidelines (Duncan Terrace / Colebrooke Row Conservation Area)
- Development Viability SPD

**London Plan**

- Accessible London: Achieving an Inclusive Environment SPG
- The Control of Dust and Emissions During Construction and Demolition

- Environmental Design SPD
- Inclusive Design in Islington SPD
- Inclusive Landscape Design SPD
- Planning Obligations (Section 106) SPD
- Preventing Waste Housing Supply SPD
- Streetbook SPD
- Urban Design Guide SPD
- Housing SPG
- Planning for Equality and Diversity in London SPG
- Shaping Neighbourhoods – Character and Context SPG
- Shaping Neighbourhoods – Play and Informal Recreation SPG
- Social Infrastructure SPG
- Sustainable Design and Construction SPG
- Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG

## APPENDIX 3 – INDEPENDENT VIABILITY APPRAISAL

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## 7-8 Wakley Street and 328 City Road

### Update Viability Review

24th February 2016

#### Introduction

- 1.1 We have been instructed by the London Borough of Islington ('the Council') to provide a viability review in respect of the latest revisions that have been made to the proposed scheme at 7-8 Wakley Street and 328 City Road (planning application reference P2014/3572/FUL).
- 1.2 We were previously instructed to review a viability assessment prepared by Quod on behalf of the joint applicants, the National Children's Bureau (NCB) and London Square Development. Following our viability reviews dated October 2014 and April 2015, the scheme has been altered twice, and we have reviewed these changes in order to test their impact on viability and on the level of affordable housing the scheme can deliver. We provided an update review in August 2015, which dealt with the following key changes to the scheme (detailed in Quod's September 2015 report) and discussed how these impacted on viability:
  - Reduction of 3 residential units to the private block
  - Increased lower ground floor area, and therefore an increase in ground floor slab, contiguous piling, internal finishes, and M&E
  - Additional skylight to the rear of the lower ground floor offices
  - External area to the lower ground floor office
  - Inclusion of lift to the office space
- 1.3 A December 2015 report by Quod details the further changes that have been made to the scheme since their September 2015 report:
  - Residential units reduced from 30 to 26
  - Private units reduced from 26 to 22
  - Affordable housing unchanged at 4 units
  - Office floorspace increased from 1,686 to 2,038 sqm (GIA)
- 1.4 Subsequently, Quod provided a 26th January 2016 letter, which showed in a revised appraisal that the scheme is close to a break even position which demonstrated that the scheme is deliverable, and Quod confirmed that the joint applicants are willing to proceed with the scheme based on present market conditions.

## Updated viability results & BPS updated conclusions

- 1.5 Quod's December 2015 appraisal showed a residual value of £2,877,944. This contrasted with the £3,884,185 shown in the September 2015 Quod appraisal. This reduction was primarily due to the fall in private residential floorspace, which results in a £3.46m loss of revenue, while the increase in office rents (due to the increased floor area) is lower, at £1.80m.
- 1.6 Quod's latest appraisal includes four affordable housing units and shows a financial deficit of £238,000, which is very close to a break-even position. This break even position is achieved in part by the joint applicants' willingness to proceed with the scheme on the basis of a lower profit target than was adopted in their earlier appraisals. The joint applicants are still offering to deliver four affordable housing units, and we remain of the view that the scheme cannot viably deliver any additional affordable housing.
- 1.7 The applicant has agreed to review of viability at an advanced stage of development, in line with the Council's Development Viability SPD. The review will reassess viability at the point at which values and build costs are realised, thus providing greater certainty and the potential for an additional affordable housing contribution in the event that economic conditions improve further and a surplus is generated.
- 1.8 In our previous reports, we estimated a benchmark land value of £4,920,404, based upon an existing use valuation (EUV) of the existing office building. This benchmark was then adopted by Quod in their revised viability assessment and is included in their December 2015 appraisal. This benchmark has remained unchanged from that which was previously agreed and we remain of the view that this is a reasonable figure.
- 1.9 We would not increase the benchmark land value from the £4.92m that we proposed in our last report (dated August 2015), as the specialist office agency Strettons have confirmed that the office rents in this location have remained stagnant since then, therefore there is no reason to make an upward adjustment to the rents that are applied in the site's existing use valuation.
- 1.10 The total financial deficit in the December 2015 appraisal is £2,042,460, when the £2,877,944 residual value is compared against this £4,920,404 benchmark. This appraisal included a 20% profit on private housing revenues (GDV), 15% on commercial revenues, and 6% on affordable revenues. In the latest appraisal, Quod have reduced the profit to the point at which a break-even position is reached. The revised profits are:
- 15% Profit on Cost for private housing
  - 15% Profit on Cost for affordable housing (increased from 6% on revenues)
  - Nil Profit applied to the office unit that is pre-let to NCB
  - 15% Profit on Cost for the speculative office unit
- 1.11 The nil profit on the pre-let unit recognises the minimal risk associated with delivering this unit, as the tenant has already been secured and the rent has been agreed. The Profit on Cost of 15% for the private housing equates to 8.7% on GDV. This lower profit allowance shows the joint applicant's willingness to proceed with the scheme at this level of profit, which reflects the specific circumstances of this development, which has the benefit of a pre-let and is in a location in which pre-sales of private residential units is common. Furthermore, the appraisal includes a relatively high build costs contingency, which we do not dispute is appropriate, but we do note that this acts to further mitigate the risk of the scheme.

- 1.12 The National Planning Practice Guidance (NPPG) states that profit requirements in residual valuations will vary significantly from scheme to scheme, to reflect “*the size and risk profile of the development and the risks to the project*”. This approach is consistent with the Council’s Development Viability SPD which states:
- “Developers must receive a competitive return for a scheme to proceed and also a level of profit that is sufficient for finance to be secured. The appropriate level of developer profit will vary from scheme to scheme. This is determined by a range of factors including property market conditions and development’s risk profile. The lower the scheme’s risk profile, the lower the level of required profit and vice versa.*”
- 1.13 This SPD suggests that due in large part to improvements to the economy over recent years, “*Profit expectations for private residential / commercial components are.....now likely to fall within a range of 15-20% on Gross Development Costs (GDC)*”.
- 1.14 The Council has corresponded with the joint applicant to set out its concern over a potential S106 BA challenge, in which the joint applicants would seek to reduce the level on affordable housing provision on grounds of viability. In response, the joint applicants have confirmed that they have no intention to challenge under this measure, and have consequently provided an appraisal showing that the scheme can be delivered under current market conditions.
- 1.15 We have considered whether the proposed offices’ rents should be increased to reflect market growth since the rents were last estimated by Stretton. Taking the 4% growth for the City of London over the 4 months since October 2015, and applying this in the appraisal, gives a £435,000 increase in office values, thus a substantial increase to the residual value. However, an increase to the rents applied in the proposed scheme’s appraisal could in turn legitimately lead to a rise in the existing offices’ rents, and thereby an increase to the benchmark land value - thus negating the impact that this rise in rents would have on overall scheme viability. Strettons have, however, informed us that the ‘rental tone’ for this area has remained stagnant since around October, and we have no reason to dispute this.
- 1.16 We suggest that an upward adjustment to the sales values may be appropriate. Increasing this by 2.3% (as suggested by the Land Registry House Price Index) gives £1,014 per sqft, and £366,000 higher total private residential values. We do not have the most current inflation data, as the House Price Index data stops at December 2015, so potentially a further increase could be made to move values up to present day (late February 2016) levels.
- 1.17 The build costs have been reduced by £123,954, to £13,489,674. Faithful & Gould have prepared an updated cost plan. The proportion of office floorspace has increased and the residential floorspace has decreased. The costs rates have been slightly adjusted as a result of these changes, which have a minimal impact on overall costs.
- 1.18 The build costs in the appraisal were updated in November 2015, therefore it is appropriate to update the costs to reflect recent inflation. The tender price index (TPI) has only increased by 0.7% (277 to 279) from Q4 2015 to Q1 2016. However, there has been a substantial increase in the location factor for Islington, which based on the latest Location Factor of 132, shows a £854,000 increase in the base build cost.
- 1.19 In view of the substantial increase in build costs resulting from recent tender price inflation, this cancels out gains resulting from our suggested increase in residential values. Whilst there has been a substantial increase in build costs (shown by increased

TPI and location factor) for Islington, there has also been an increase in private residential values. The residential growth figures for the last circa. 3 months are not available, but extrapolating the previous 3 months' 2.3% growth gives a 4.6% overall increase, and a £760,000 growth in revenues.

- 1.20 All other cost items in the appraisal, including the percentage rate of professional fees, remain at the same rate as in the September 2014 appraisal, therefore in our view these remain appropriate.

#### **Office values**

- 1.21 The proposed building now has 516 sqm (NIA) of office space on the ground floor and 1,190 sqm (NIA) on the lower ground. Before this latest revision to the scheme, the office floor areas were 422 sqm (NIA) on the ground and 1,001 sqm (NIA) on the lower ground. The proportion of the office space that is at lower ground floor level has remained largely unchanged (albeit with a minor increase, from 29.7% to 30.2%). This is important to consider, given that the lower ground floor cannot achieve as high rents as the ground floor.

- 1.22 We have considered market changes since the previous appraisal, in order to ensure that the rent and yield applied in the appraisal are appropriate. The rent remains unchanged since the September 2015 Quod appraisal, at £35 per sqft. This rent was recommended by Strettons in a note dated October 2015 (in Appendix Two of Quod's December 2015 report). Since then there has been a substantial upward shift in office rents in many parts of London. We have had regard to the trend shown by Knight Frank for the City, which shows a year-on-year rise of 12%, or 4% over a 4 month period. Therefore it is necessary to consider whether changes in the market over the 4 months since Stretton's appraisal should lead to an increase in the rent of £35 per sqft. We have requested further comments from Quod and Strettons, and they have subsequently informed us that there has been no increase in the 'rental tone' for this location, which is within the City Fringe. Consequentially, they do not consider it necessary to factor in any increase in rents to the October 2015 rent estimate. This period from October 2015 to the present day, follows a period of strong rent growth in this area which has now plateaued. Strettons refer to the large increases in office supply that is forecast for the next 2-3 years, which is affecting rents in tertiary locations such as this, and is likely to result in prospective tenants requiring larger incentives (including rent free periods).

- 1.23 The yield applied in the appraisal is 5.5%. This is the same yield as was applied in the September 2015 Quod appraisal, and we remain of the view that this is a realistic yield.

- 1.24 An 18 month rent free period has been applied, which is the same as in the September 2015 appraisal. We remain of the view that this is reasonable.

#### **Benchmark Land Value**

- 1.25 In our last Addendum report (April 2015), we calculated a benchmark land value of £4,920,404. This figure incorporated a 15% landowner premium. All of the inputs had been agreed following detailed discussions between BPS and Strettons, including in respect of rents and yields. As we have stated above, Strettons have informed us that the 'rental tone' for this area has remained stagnant since around October, and we have no reason to dispute this. Therefore we would not recommend any changes to this existing use valuation.

#### **Residential values**



- 1.26 The private units had an average value of £992 per sqft in the December 2015 Quod appraisal. This compares to the £991 per sqft in the September 2015 Quod appraisal, which we concluded was a realistic estimate. Currell have provided an updated pricing schedule. In our previous reports, we agreed that the sales values applied were realistic, based on analysis of comparable residential schemes in this locality.
- 1.27 The Land Registry House Price Index shows a 2.3% increase in sale values from September 2015 to December 2015 (the latest month for which data is available). The Currell advice dates from 12th August. Consequentially we suggest that an upward adjustment of the sales values may be appropriate. Increasing this by 2.3% gives £1,014 per sqft, and £366,000 higher total private residential values.
- 1.28 Currell have not provided a commentary or justification for their limited uplift in values in the updated pricing schedule. In the absence of further justification, we consider the House Price Index to be the most suitable way to update values.

#### **Affordable housing values**

- 1.29 Affordable housing values remain at £140 per sqft, which remains unchanged from the September 2015 appraisal. Taking into account the impact of the summer 2015 Budget, which has resulted in continued uncertainty amongst Registered Providers, we would not expect to see an increase in affordable housing values over the period since the September 2015 appraisal. We therefore maintain that the values are reasonable.

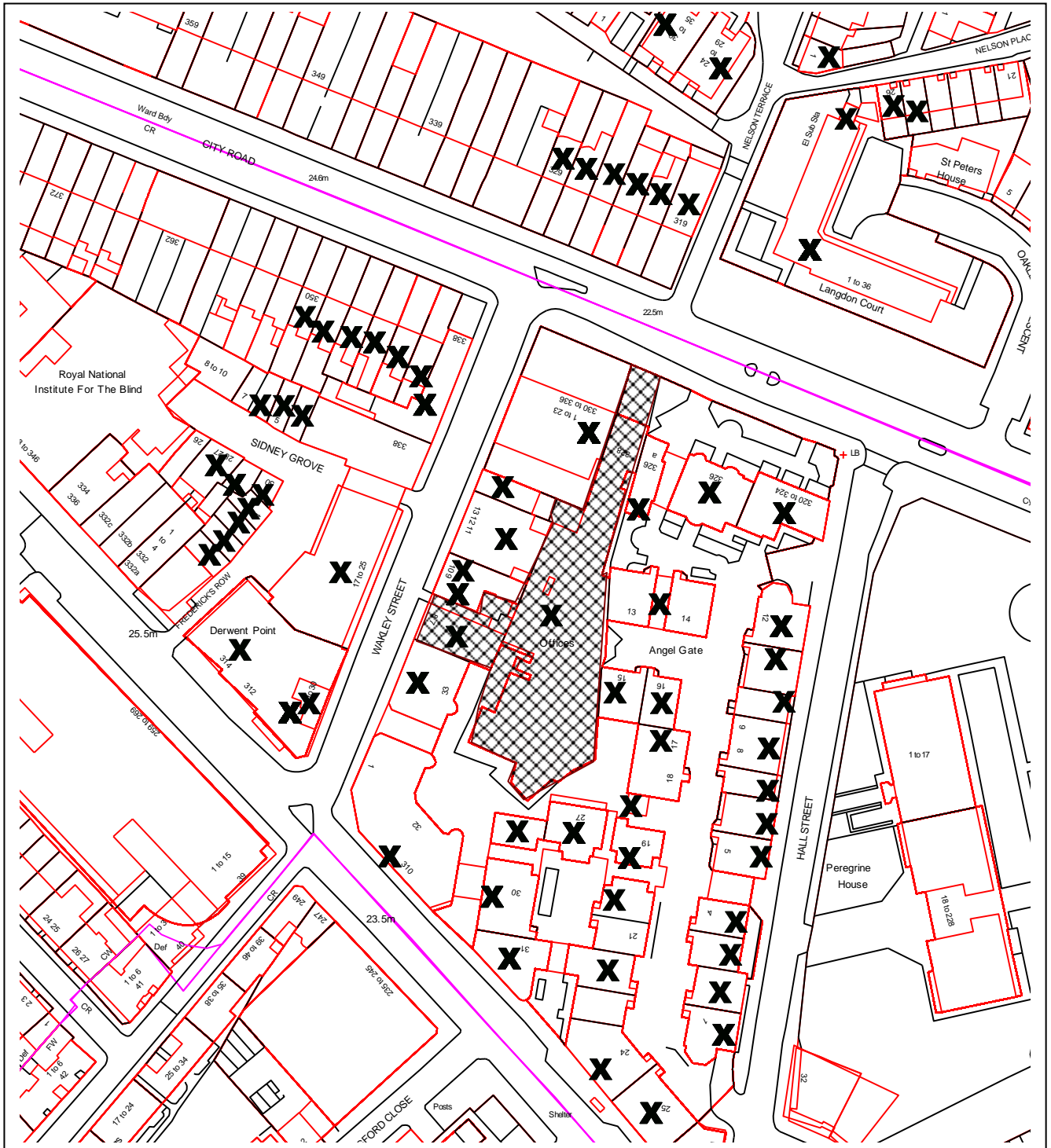
#### **Build costs**

- 1.30 The build costs have been reduced by £123,954 to £13,489,674. Faithful & Gould have prepared an updated cost plan. The proportion of office floorspace has increased and the residential floorspace has decreased.
- 1.31 The rate per sqft for the private residential floor space has increased from £2,124 per sqm to £2,228 per sqm. This is a 4.9% increase. The office cost rate has actually gone down, from £2,307 per sqm to £2,117.36, which we assume results from the increase in overall office floor area which may lead to more costs efficiency for the office element of the scheme. In any case, these changes have a minimal impact on overall costs.
- 1.32 The latest cost plan update by Faithful & Gould is dated November 2015, therefore it could be appropriate to update the costs to reflect recent inflation, but this has not been done by Quod. The tender price index has only increased by 0.7% (277 to 279) from Q4 2015 to Q1 2016. However, there has been a large increase in the location factor for Islington:
- On the 9th November 2015 the Location Factor was 125.
  - On the 22nd February it was 137
  - On the 19th February update it was 132. This is the latest data that we have access to.
- 1.33 Increasing the location factor from 125 to 137, when combined with TPI inflation, leads to a 10% increase in costs. This would add £1.35m of base build costs to the Quod appraisal, together with concomitant increases to professional fees, land finance and contingency - all of which are calculated as a percentage of the base build cost. With the last Location Factor of 132, the increase in base build costs is £854,000.
- 1.34 It is apparent that the Location Factor is highly volatile, which reflects the relatively small sample size that it is calculated upon and thereby the tendency for it to be

skewed by individual schemes or a succession of schemes that differ from the average for the Borough. Therefore short-term variations in this Location Factor should be treated with caution, although the general trend towards relative increases in Central London build costs (primarily due to labour shortage in London relative to other parts of the country) is a more reliable and well-evidenced trend.

**BPS Chartered Surveyors**

# Islington SE GIS Print Template



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P2014/3572/FUL

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## PLANNING COMMITTEE REPORT

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO:</b>	
<b>Date:</b> 10 March 2016		

Application number	P2015/4343/FUL
Application type	Full Planning Application
Ward	Junction
Listed building	No
Conservation area	No
Development Plan Context	Archway Core Strategy Key Area, Archway Town Centre, Archway Primary Retail Frontage
Licensing Implications	Require a licence if sale of alcohol or special treatments such as beauty, nail bars etc.
Site Address	798-804 Holloway Road, London N19 3JH
Proposal	Demolition of existing building and redevelopment of the site to provide a part two, part four, part five storey mixed use building (plus basement) comprising 598 sq.m A1 retail floorspace at ground floor and basement level and no.13 (C3) residential units at first to fourth floors (6 x 1 beds, 5 x 2 beds, 2 x 3 bed), with associated amenity space and cycle storage

Case Officer	Amanda Peck
Applicant	c/o Metropolis Planning and Design
Agent	Metropolis Planning and Design

### 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 black)**



**PHOTOS OF SITE/STREET**



**Aerial photograph**



**Holloway Road frontage**



**Giesbach Road frontage**



**Adjacent properties on Giesbach Road**

**1. SUMMARY**

- 1.1 The application site is located on the north eastern side of Holloway Road in a prominent corner location where Giesbach Road joins Holloway Road. The proposal is for the demolition of the existing building and redevelopment of the site to provide a building with

five storeys to the corner stepping down to four storeys on Holloway Road and four and then two storeys on Giesbach Road. To the ground and basement floors 598sqm of A1 retail floorspace is proposed with frontages to Holloway Road and part of Giesbach Road (291sqm at basement and 303sqm at ground floor levels). A total of 13 residential units are proposed with 6 x 1, 5 x 2 and 2 x 3 bedroom units which would be accessed via Giesbach Road. Cycle parking is provided at basement level and refuse storage is provided by the residential entrance at ground floor level. This application follows an approval at appeal for the erection of a four storey building on the site, with 345m<sup>2</sup> of A1 retail floorspace and 9 x residential units (P2014/3815/FUL).

- 1.2 The originally submitted financial viability assessment was based on incorrect floorspace figures and the Alternative Use Value (AUV – being the value attributed to the allowed appeal scheme) needed to be adjusted. An addendum financial viability report was therefore submitted by the applicant and the affordable housing offer was reduced from 3 units to 2 units (1 x1b and 1 x2b shared ownership units). During the course of the application the proposed design has been changed with the top floor parapet reduced in height. Further information has also been submitted with an additional CGI showing the Giesbach Road elevation and relationship with no 2 Giesbach Road. The basement and ground floor plans have been amended to relocate internal stairs towards the rear of the unit and remove internal lightwells that were originally proposed adjacent to the shopfront windows. The wheelchair accessible unit layout has also been amended.
- 1.3 The main issues concern the increased height and amended design when compared to the approved (appeal) scheme. The key reason for refusal of the previous application (which was approved at appeal) related to the amenity impact on the adjacent property at 2 Giesbach Road and specifically on the existing rooflight at the property. The current proposal, whilst being taller than the approved scheme, is set back further from no 2 Giesbach Road and it is considered that there will not be an adverse material impact on residential amenity to neighbouring properties in terms of loss of light, loss of privacy, sense of enclosure, overlooking or noise as a result of the proposed development.
- 1.4 The proposal would introduce a building of a good quality design with an appropriate scale and which successfully references the surrounding context. The proposed retail and residential uses are acceptable and in line with policy. The proposal is now classed as a ‘major’ application with 13 residential units and different affordable housing policies apply when compared to the approved (appeal) ‘minor’ scheme which proposed 9 residential units (the previous scheme was subject to the small sites financial contribution). The financial viability appraisals submitted with the application have been subject to an independent review, and the provision of 2 shared ownership units on site along with a financial contribution of £85,289 is considered to represent the maximum reasonable amount of affordable housing that can be secured on site (with a S106 legal agreement).
- 1.5 The quality of the proposed residential accommodation is considered acceptable as is the dwelling mix. Sustainability measures are proposed and secured by a number of conditions and S106 heads of terms and the remaining CO<sub>2</sub> emissions are agreed to be off-set with a financial contribution of £40,739. Residential occupiers of the new units would not be eligible to obtain on-street car parking permits, a Servicing Management Plan has been submitted and secured by condition with restrictions on the size of vehicles that can use surrounding residential streets and a condition is recommended restricting the hours that servicing can take place. The scheme is considered not to have any undue impact on nearby residential properties or the area in general in terms of transport/servicing.
- 1.6 The application has been considered with regard to the Development Plan and National

Planning Policy Framework (NPPF) and the NPPG and Ministerial Statement dated 28<sup>th</sup> November 2014, including the presumption in favour of sustainable development. The comments made by residents and consultee bodies have been considered.

- 1.7 The proposal is considered to be acceptable and is recommended for approval subject to conditions and a Section 106 (S106) agreement to secure the necessary mitigation alongside CIL payments.

## **2. SITE AND SURROUNDING**

- 2.1 The application site is located on the north eastern side of Holloway Road in a prominent corner location where Giesbach Road joins Holloway Road. The site is bound by Holloway Road to the southwest, Giesbach Road to the northwest, No.2 Giesbach Road to the northeast, and No.796 Holloway Road to the southeast. The existing buildings are three storeys in height and extend across four commercial units to Holloway Road. To Giesbach Road the existing buildings are two storeys in height with a secondary access and frontage.
- 2.2 The site is within the Archway Town Centre and is part of the designated primary retail frontage, with the adjacent properties on Holloway Road forming part of the secondary retail frontage. The site is within the Archway Development Framework Area. The buildings are not listed and the site is not located within a Conservation Area.
- 2.3 The surrounding area is mixed in character and appearance with a strong prevalence of commercial units, predominantly fast food outlets in the immediate vicinity, at ground floor with residential units above along Holloway Road. Giesbach Road and other secondary roads feeding off Holloway Road comprise residential use.
- 2.4 The site adjoins the Archway Gyratory and it has long been an aspiration of the Council and TfL to remove this and improve the area. Consultation was carried out by TfL in November and December 2014 regarding the proposal to remove the gyratory and replace it with a two way road network along with a new shared cycle/pedestrian public space adjacent to the Junction Tavern and the Archway Tower. TfL are currently considering changes to the proposal to include additional segregated cycle routes and widen footways. Their aim is to agree a final design, seek relevant approvals and begin construction in Spring 2016. With regard to this site the northern part of Holloway Road will narrow with more pedestrian space on the opposite side of the road outside the pub, but essentially the road network and location of bus stops remain as existing. Segregated cycle lanes are proposed on either side of this part of Holloway Road.

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

- 3.1 The proposal is for the demolition of the existing building and redevelopment of the site to provide a building with five storeys to the corner stepping down to four storeys on Holloway Road and four and then two storeys on Giesbach Road. To the ground and basement floors 598sqm of A1 retail floorspace is proposed with frontages to Holloway Road and part of Giesbach Road (291sqm at basement and 303sqm at ground floor levels). A total of 13 residential units are proposed with 6 x 1, 5 x 2 and 2 x 3 bedroom units which would be accessed via Giesbach Road. Cycle parking is provided in the basement and refuse storage is provided by the residential entrance at ground floor level.

### **Revisions**

- The originally submitted financial viability assessment was based on incorrect floorspace figures and the Alternative Use Value (AUV – being the value attributed to



the allowed appeal scheme) needed to be adjusted. An addendum financial viability report was therefore submitted by the applicant and the affordable housing offer was reduced from 3 units to 2 units (1 x1b and 1 x2b shared ownership units).

- The top floor parapet has been reduced in height from 0.9m thick to 0.5m thick.
- Further information has been submitted with an additional CGI showing the Giesbach Road elevation and relationship with 2 Giesbach Road.
- The basement and ground floor plans have been amended to relocate internal stairs towards the rear of the unit and remove internal lightwells that were originally proposed adjacent to the shopfront windows.
- The wheelchair accessible unit layout has been amended.

3.2 The current proposal differs from the previous appeal approval for the site in that it is one storey higher to Holloway Road and the corner, provides 4 additional residential units, includes a basement with an increased amount of retail floorspace and the building has been reduced in height at the boundary with 2 Giesbach Road. The main elevations from the appeal scheme are reproduced below for information.



**Giesbach Road elevation (as approved at appeal P2015/3815/FUL)**



**Holloway Road elevation (as approved at appeal P2015/3815/FUL)**

#### 4. RELEVANT HISTORY:

##### 4.1 Planning applications

- P2015/1681/FUL- Demolition of existing buildings and redevelopment of the site to provide a part three, part six storey mixed use building comprising 337sqm A1 retail floorspace at ground floor and no.13 (C3) residential units at first second, third and fourth floors (6x 1-bed, 4x 2-beds 3x 3-bed), with associated amenity space and cycle storage. **Withdrawn by Agent** on 23 October 2015 (following feedback from DRP).
- P2014/3815/FUL - Demolition of existing buildings and redevelopment of the site to provide a four storey, mixed use building comprising 345m2 of A1 retail floorspace and 9 x (C3) residential units at first, second and third floors (4 x 1 bedroom units; 4 x 2 bedroom units and 1 x 3 bedroom units) with associated amenity space and cycle

storage. Refused by the Council on 12 March 2015 and **Allowed at Appeal** on 9 November 2015.

- P2014/2101/FUL – Demolition of existing buildings and redevelopment of the site to provide a four storey mixed use building comprising 345sqm A1 retail floorspace at ground floor and 9 (C3) residential units at first, second and third floors (4 x 1beds, 4 x 2 beds, 1 x 3 bed), with associated amenity space and cycle storage. **Withdrawn by Agent** on 5 August 2014.

#### 4.2 Pre application advice

- Q2014/3220/MIN – a pre-application meeting was held on the 2 September 2014 for a proposed 4 storey scheme. It was advised that there were detailed design changes required to the shopfront and proposed materials.
- Q2014/0552/MJR - Pre-application advice was provided in July 2014 for a proposed 6 storey scheme (ground + 5 storeys). It was advised that the proposed building was too tall.

4.3 Islington's **Design Review Panel** considered the proposed development soon after application P2015/1681/FUL was submitted on 9 June 2015 (when a 6 storey building was proposed). The Panel's pre-application stage written comments (issued on 25 June 2015) are appended as Appendix 3 to this report for completeness, and in summary these were as follows:

- Massing - The Panel recognised that a good case had been made for a taller building on the corner making a positive contribution to the Archway gyratory regeneration proposals. However the Panel were not convinced about the relationship of the proposed building to the neighbouring terraces and recommended that further options should be explored in terms of the overall massing and how to resolve the relationship with neighbouring buildings. The Panel recognised that the stepping up to a taller corner building could be successful but the composition should be simpler and the junction of the two facades needed to be resolved more comfortably. Officer comment: The scheme has been amended and is now 1 storey lower at 5 storeys.
- Elevations - The Panel felt that the elevations included too many elements and that the end result appeared overly mannered. In particular, the Panel questioned how the two elevations met at the corner and recommended that a design which addressed and turned the corner more positively should be explored. Panel members suggested that the building should have its own identity rather than being broken up into elements and that a simpler and more powerful design should be found that better reflected the prominent site. The Panel also recommended that the building should better reflect the local context of Holloway Road and Giesbach Road. Officer comment: The elevations have been changed and there is a simpler composition now to both elevations with a curved façade to the corner.
- Roof - The Panel felt that the roof was problematic. It appeared too heavy and unrelated to the rest of the building and it had a very uncomfortable relationship to the set back on Holloway Road and to the corner. Panel members suggested that the roof should either be re-designed as a separate element or removed. Officer comment: The top storey has now been designed as a separate element with a simple glazed design.

## 5. CONSULTATION

### Public Consultation

5.1 Letters were sent to occupants of 167 adjoining and nearby properties on 12/11/15. A site notice and press advert were displayed on 19/11/15. The public consultation of the application therefore expired on 10/12/15, however it is the Council's practice to continue

to consider representations made up until the date of a decision.

5.2 At the time of the writing of this report a total of 13 responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

#### Principle

- While the previous scheme was approved on appeal, there are serious doubts about the validity of that decision, not least because it was contrary to more than 30 material policies which have not been referred to in the inspector's decision. This scheme would be contrary to the same policies and is therefore still unsuitable for the site (**see paragraph 8.43**)
- This application is far preferable to the previously approved application, even though it will still have an impact on residents (**see paras 8.43**);

#### Design

- The design is not in keeping with the quiet residential road at Giesbach Road and does not improve the character of Holloway Road (**see paras. 8.16 and 8.17**);
- The proposal is too big and is over development (**see paras 8.14 and 8.15**);
- Ugly proposal (**see paras. 8.16 and 8.17**);
- This scheme is even higher than the approved scheme and creates even more of an interruption to the existing street frontage (**see paras. 8.14 and 8.15**);
- Request that the scheme is reduced in height by 1 storey and that the penthouse section is set back from Giesbach Road and Holloway Road (**see para. 8.14**);
- The CGIs include obstructions at the boundary with 2 Giesbach Road with trees, vans and street furniture so it is difficult to assess the proposal (**officer comment**: This has now been submitted and is shown after paragraph 8.13);

#### Residential

- Archway has excessive number of small apartments built on the main road (**see para. 8.29**);
- The developers are trying to build 13 residential units without the required contribution to affordable housing (**see paras 8.20-8.27**);
- The housing remains rather poor quality – outdoor space is on to the highly polluted Holloway Road where pollution levels are permanently above permitted EU levels (**see paras 8.33-8.36**);

#### Amenity

- The new building would cut out much of the direct sunlight to properties on Giesbach Road (**see para. 8.52**);
- The daylight and sunlight report considers only the effect on light to the first floor accommodation at 2 Giesbach Road. The roof light (SP04 in the daylight and sunlight report) is the only window to the ground floor room and this impact has been omitted from the report (**see para. 8.52**);
- There would be an overshadowing impact on the PV panels on the roof at 2 Giesbach Road (**see paras 8.55-8.57**);
- Proposed windows would look directly onto properties on Giesbach Road and reduce privacy (**see paras 8.38 and 8.59**);
- The existing first floor terrace at 2 Giesbach Road has been omitted from the plans. The kitchen window of the proposed flat 3.3 would directly overlook this terrace and the kitchen window of proposed flat 2.3 would have a partial view (**see para. 8.38**);
- The proposed building would block the view from windows and front doors to properties on Giesbach Road and create a sense of enclosure (**see para. 8.45**);
- The previous application was refused by Committee because of the sense of enclosure created within the main first floor living space of 2 Giesbach Road. We clearly demonstrated to Committee on their site visit that the proposal would fill the entire window frame and the Inspector asserted that there would only be a 'glimpse' of the

brick wall. The Inspector failed to take up our written invitation to visit the site property and was unable to accurately assess the reality. The applicant states that the new design “removes the view of the boundary wall that was the cause of the previous refusal” but the view would still be entirely of a brick wall because although the wall has been moved a few metres away it is now one storey higher. Lowering the height of the building by one storey would ameliorate this problem and the overlooking issue above **(see paras. 8.43 and 8.45);**

- Increasing the height will have a negative effect on light and feel of local area **(see paras 8.14-8.15);**
- Additional rubbish to be collected which would be on the street and be a health risk **(see para. 8.70);**
- Construction impact of the scheme and the cumulative impact with other ongoing construction works in Archway **(see para. 8.74);**

#### Retail

- Islington has a ‘smaller stores’ policy and Archway does not need another large store **(see paras. 8.4-8.5);**
- Archway does not need another supermarket **(see paras 8.4-8.5);**
- It features cramped retail at ground level **(officer comment:** The ground floor area is 291sqm);

#### Traffic

- Under the previous application LBI suggested that all construction servicing takes place from Holloway Road but the applicant indicates that TfL do not find this acceptable **(see para. 8.74);**
- Traffic problems with deliveries at the corner of the A1 and noise from night-time deliveries. The previous retail use had minimal deliveries during the daytime. The size of the unit looks suitable for a supermarket or large shop with lots of round the clock deliveries **(see para. 8.70);**
- Traffic problems with deliveries using Giesbach Road **(see para. 8.70);**
- Impact on parking pressure from new residents and large shop **(see paras 8.71-8.72);**
- The existing emergency vehicle turning head on Giesbach Road needs to be kept clear and will be blocked with large lorries **(officer comment;** there are no changes proposed to this turning head);
- There will be an increased traffic impact from this scheme because of the proposed excavation of the basement, increased number of residential units and size of the shop unit **(see paras 8.70-8.76);**
- Request traffic controls for demolition excavation with no works traffic via Giesbach Road **(see para. 8.74);**
- Request that loading/unloading is not allowed via the residential streets of Giesbach, Boothby and Elthorne Roads **(see para. 8.70);**

#### Basement

- The NPPF requires a structural method statement to be submitted with all basement proposals. **(Officer comment:** the new basement SPD requires this and it appears that the resident’s have confused this with the NPPF **(See para. 8.62);**
- The adjacent building is a Victorian Sorting Office constructed without foundations and with a small front basement and excavation will have significant implications for drainage arrangements and stabilisation of the clay base **(see para. 8.62);**
- Request a condition requiring a completion inspection by LBIs own building control section **(see para. 8.62);**
- The proposed basement appears too large and creates a very large retail unit **(see para. 8.6).**

### 5.3 Local groups

**Better Archway Forum** (two sets of comments received which have been merged)

- The new application for all its harmful impact, contrary to policy and guidance, is potentially preferable to the one allowed by the Appeal.
- The site is within the Contextual Area and outside the Core Site of the Archway SPD which requires that “New development should take into account the scale, height and massing of neighbouring buildings either new or old” and “In particular the existing scale of Archway Close should be respected”, this being closer than the Core Site to the application premises (**see para. 8.14**);
- The proposal sits opposite locally listed buildings, facing the Conservation Area in St John’s Way, Archway Close and at the corner of Junction Road which is integral to that Conservation Area. The Conservation Area has been designated incrementally as threats were foreseen, not yet including Giesbach Road or this part of Holloway Road though these are of equal merit (**see para. 8.14**);
- Affordable housing  
There are 13 new dwellings of which 50% should be provided as affordable housing on site. The application wrongly states there to be 4 existing dwellings on site. The Valuation Office website shows none of the premises as residential but all as “shop and premises” for at least ten years, already pre-existing ten years ago when re-valued in 2005. The applicants have to go back to 1948 to find four dwellings occupied, and 39 years (to 1976) to find the last single occupant on the Electoral Roll. This means that the existing Lawful Use throughout is Retail Use Class A1. The proposal is thus for a net increase of 13 dwellings (**see para. 8.2**);
- Retail provision  
The Archway SPD requires that “any proposed retail will need to meet the objective of encouraging sustainable modes of transport and as such should be car free with no single large unit dominating the unit mix”. The applicants should to amend the proposal. This will also allow the drawings correctly to show the retail frontage stepping down between units. The range of goods and services available from local independent shops is frequently quoted as one of the strengths of the area (**see para. 8.4-8.5**);
- Construction traffic  
If approved, we would ask that not only all deliveries for the retail unit but also all construction traffic should be prevented from using through the inappropriate approach along Boothby and Giesbach Roads (**see paras. 8.70 and 8.74**);
- Internal housing layouts  
The open balconies will be of little use and little used for outdoor amenity where directly exposed to the noise and other pollution of the Holloway Road. The two-bedroom four-person units have room for only four at table contrary to the LBI Development Management *Policy DM3.4 Housing standards A* (**see paras. 8.37 and 8.39**);
- Before any determination we do suggest that further information may be requested from the applicants, not least:
  - a) In accordance with the NPPF a structural method statement, especially given the extent of excavation in close proximity to existing adjoining buildings and given the applicants’ report of local detachment of front wall from the party wall to 796 Holloway road (**Officer comment:** conditions 7 and 8 are recommended);
  - b) Daylighting etc. study of all neighbouring habitable rooms including the ground floor room lit by the roof window at 2 Giesbach road not considered by the planning inspector (**see paras. 8.43 and 8.52**);
  - c) Presentation more clearly showing the proposed transition of north-east elevation of the proposals via the former sorting office from the high street scale at the Holloway road junction to the domestic scale of Giesbach road (**Officer comment:** This has now been submitted and is shown after paragraph 8.13);
  - d) Adjustment to omit or to mitigate the effect of the additional storey to the earlier design being higher than advised by the archway SPD or by the LBI urban design

guide (*see paras. 8.14-8.15*);

- On any approval we suggest that necessary conditions should include:
  - 1) Affordable housing should be provided on site in blind tenure and in policy proportion of all of the dwellings proposed. (**Officer comment:** a head of term is recommended in the legal agreement);
  - 2) To accord with the archway SPD, no single retail unit should ever dominate the area (*see paras. 8.4-8.5*);
  - 3) Given the extent of excavation in close proximity to existing adjoining buildings a completion certificate should be obtained from a local authority building control (LABC) inspector. I have in Islington seen shoddy work approved by non-LABC inspectors (*see para. 8.62*);
  - 4) All construction traffic and following occupation all service traffic to commercial units to avoid the local residential access streets of Giesbach road and Boothby road (*see paras. 8.70 and 8.74*).

### **External Consultees**

#### **5.4 Transport for London**

- Transport for London (TfL) has reviewed the application which has frontage to the TfL Road Network (TLRN). Furthermore there is a proposed scheme to change vehicle circulation flow and better accommodate pedestrians/cyclists at the Archway Gyratory. Subject to approval, works at this stage are expected to commence in March 2016.
- Servicing is primarily proposed via Giesbach Road (including refuse collection) which is supported by TfL. A Delivery and Service Plan (DSP) should be secured by planning condition and ensure that servicing from the TLRN is minimised.
- TfL would also expect that a Construction and Logistics Plan (CLP) be secured by condition. A CLP should address any timing implications with TfL's scheme and avoid or mitigate any adverse impacts on the TLRN generally. The applicant should also be reminded that no works can occur on the TLRN without the prior approval of TfL, including any works from the TLRN.
- The development is car free which is supported by TfL. Residents should be exempt from applying for parking permits and this should be secured as part of a Section 106 agreement.
- TfL would also expect that cycle parking accords with London Plan (2015) standards. This includes long stay and short provision, in addition to cyclists changing facilities for staff of the commercial activities proposed on site. A total of 40 cycle spaces need to be provided to the site. To provide a breakdown of these figures; 18 for the proposed retail activity (3 long stay; 15 short stay) and 20 for the residents.

### **Internal Consultees**

#### **5.5 Policy Officer**

- The principle of development for residential-led mixed use is acceptable.
- Affordable housing should be provided on site as there is no justification for a financial contribution.

#### **5.6 Housing Officer**

- Affordable housing should be provided on site as there is no justification for a financial contribution.

#### **5.7 Access Officer**

- Entrance gate should have an opening weight not exceeding 30N. As the entrance corridor and lift are at 90 degrees to the entrance courtyard a mirror or CCTV should be installed.
- Platform lift between basement and ground floor is unacceptable and does not accord

with building regulations, even if public access is not required.

- Disability scooter parking required.
- Safe drop off is required.
- Layout of the wheelchair accessible needs amending.
- There is a requirement for second lift within the scheme.
- Space on street for wheelchair accessible parking bay should be secured with a S106 legal agreement.

#### 5.8 **Design and Conservation Officer**

- There has been consistent advice that a building any higher than four-storeys would harm the townscape. The best solution for this site in terms of townscape is a four-storey building with the upper floor set back, as has been approved at appeal.
- However, should the proposed fifth floor be further set back and more lightweight in appearance (removing the bulky brick parapet) then the harm would be so reduced that you might consider that public benefits weigh in its favour.
- Brick should be yellow stock not pink/red

#### 5.9 **Energy Conservation Officer**

First comments

- Further evidence required regarding the proposed unregulated and total CO2 emission reduction and the offset payment.
- Consideration of approaches to further reduce emissions needed.
- BREEAM assessment required.
- Overheating analysis required.
- Further clarification required regarding communal heating viability and future proofing the site.
- Clarification of current heating proposals for the commercial area needed

Second comments

- Clarification has been received regarding unregulated and total CO2 emission reductions and confirm that the offset payment should be £40,739.
- Revised Energy Strategy received and improvements to reduce emissions are included.
- Overheating analysis has been submitted and the baseline assumptions are reasonable. A need for artificial cooling has been identified in the retail unit and this is acceptable.
- Clarification provided to the applicant on future proofing requirements and these have been incorporated in the revised energy statement and should be secured with a S106 legal agreement.

#### 5.10 **Public Protection**

The Pollution team object to the proposal. If permission is granted due to other planning policy considerations, then the following conditions should be applied to any permission:

- Mechanical ventilation will be required throughout and full details of ventilation for the residential accommodation should be submitted.
- Sound insulation and noise control measures shall be submitted.
- It's not known whether any further plant is required and any new plant should be conditioned to protect the amenity of the new and nearby residential:
- It is possible that the retail unit will be used as a mini supermarket type shop with long opening hours and roll cages of stock coming back and forth. To protect the residential amenity for the occupants of the new flats from noise transfer from the commercial below, sound insulation details should be submitted.
- Hours of operation condition restricting use of the retail unit so as not to impact

residential amenity.

- Hours of operation restriction regarding deliveries only between the hours of 08:00 and 20:00 Monday to Saturday and not at all on Sundays or Bank Holidays.
- A Construction Environmental Management Plan 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.

## 6. RELEVANT POLICIES

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

### **National Guidance**

- 6.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 planning practice guidance for England has been published online.
- 6.2 Under the Ministerial Statement of 18 December 2014, 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).
- 6.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
  - Deregulation Bill received Royal Assent 26th March 2015

### **Development Plan**

- 6.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington's 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.

### **Planning Advice Note/Planning Brief**

- 6.5 A document entitled 'Regeneration proposals for Archway' was adopted by the Council's Executive on 5 July 2011. These proposals outline the Council's desire to overcome some of the barriers to physical regeneration, strengthen the local economy and improve the vitality of the town centre. Funding allocations for various regeneration projects were agreed within this document (none of which directly relate to the application site).
- 6.6 Archway Development Framework SPD (adopted 2007). The Core Strategy at paragraph 2.2.1 states that this SPD will remain in place after the adoption of the Core Strategy and that the document adds detail to the Core Strategy Site Allocation (CS1). The site is not within the core area of this document but falls within the 'contextual area'. Development within the wider contextual area should take into consideration the guidance and the following key development principles where "proposals impact upon the regeneration of



Archway and its role as a district centre”:

- Delivery of a beacon sustainable development – delivery of a truly sustainable community and thus contribute to environmental, economic and social sustainability.
- The creation of high quality public spaces to provide an environment where people can visit, shop, relax while providing links to the surrounding areas and uses in Archway. It states that new buildings away from the Archway Tower should generally remain in the height range of 4-5 storeys with scope to rise to 6-8 storeys to mark junctions or gateways where appropriate.
- Delivery of a mixed use development to build upon Archway’s strengths as a district centre and enhance this role.
- The improvement of the pedestrian environment to provide a safe environment and improve the pedestrian links through to the adjoining areas.

### **Designations**

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

#### **Islington Local Plan**

Archway Town Centre  
Archway Core Strategy key area  
Primary Retail frontage  
Within 50m St John’s Grove Conservation Area

#### **London Plan**

Holloway Road TLRN

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

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

## **7. ENVIRONMENTAL IMPACT ASSESSMENT**

- 7.1 No EIA screening/ scoping opinion was requested by the applicant. The development does not fall within ‘Schedule 1’ and is not within a sensitive area (SSSI, AONB, World Heritage Site). It does not fall within Schedule 2 (being an urban development project on a site smaller than the 5ha or 150 dwelling threshold). Using the criteria and thresholds for Schedule 2 schemes (characteristics of development, location of development and characteristics of the potential impact), it is considered that the scheme would not constitute a ‘major development’ of more than local importance, be within an ‘environmentally sensitive location’ or ‘create any unusual or hazardous effects’ pursuant to the selection criteria of Schedule 3 of the EIA 2011 Regulations.

## **8. ASSESSMENT**

- 8.1 The main issues arising from this proposal relate to:
- Land use
  - Design and Appearance
  - Affordable Housing and Financial Viability
  - Quality of residential accommodation and dwelling mix
  - Amenity impacts
  - Accessibility
  - Highways and transportation
  - Sustainability, Energy Efficiency and Renewable Energy

### **Land-use**

- 8.2 The site is located within the Archway Core Strategy Key Area, Archway Town Centre and Archway Primary Retail Frontage. The proposal seeks to re-provide 598sqm of A1 retail floorspace at ground and basement levels and a total of 13 residential units above. The

ground floor was most recently operated by 'Thomas Bros', a hardware retail store in A1 use (now vacant). For the previous planning application it was accepted that the upper floors were historically in residential use (4. units) along with storage and office space ancillary to the retail use. It actually appears that the residential use ceased in the 1970s and the upper floors were used entirely for ancillary storage and office use. This is confirmed by the forms submitted with the application, business rates records and council tax records.

- 8.3 Core Strategy (2011) policy CS 14 supports the hierarchy of town centres with two 'major' town centres at Angel and Nag's Head and two district centres at Archway and Finsbury Park. Development Management Policies (2013) DM4.4 seeks to maintain and enhance the retail and service function of Islington's Town Centres (which includes Archway). Applications for more than 80sqm of A1 retail use should be located within designated Town Centres in the first instance. The change of use of ground floor units from main town centre uses to other uses within town centres will generally be resisted. Policy DM4.5 states that within Primary frontages proposals to change the use of existing retail premises will not normally be permitted and the supporting text to this policy states that retail should remain the principal and dominant land use within primary retail frontages. The retail use at ground and basement floors is therefore in accordance with policy DM4.4 and the proposal will maintain a continuous retail frontage in accordance with policy DM4.5.
- 8.4 Policy CS 14 includes a requirement in part D for major retail developments to provide smaller retail units. Policy DM4.1 part A ii) requires retail developments which include more than 2,500sqm (GIA) to provide 10% of the floorspace as small retail units. With the provision of 598sqm of A1 retail use these policies are not applicable.
- 8.5 Policy DM4.1 part B prevents the amalgamation of individual A1 retail shop units, where the intensification of use would have material impacts and requires proposals for the redevelopment of small shop units to incorporate adequate re-provision of small units to compensate for any loss. Whilst the application site was constructed as 4 individual shop units they were amalgamated in the 1980s and have been used as a single large retail unit and therefore these policies are not applicable.
- 8.6 Objections have been received regarding the size of the retail unit and the impact on the amenities and traffic of the surrounding area. The previous retail unit included a retail sales area to a large part of the ground floor (approximately 300sqm) with ancillary storage and offices to the rear of the ground floor and the upper floors. The entire building was effectively in use as retail floorspace and it could have all been used as sales area without the need for planning permission (approximately 1,063sqm total with 43sqm basement, 425sqm ground floor, 425sqm at first floor and 170sqm at second floor). The proposal has a total retail floorspace of 594sqm (303sqm at ground floor and 291sqm at basement level) and as such, there is an overall reduction in the amount of retail floorspace at the site, with a smaller retail area at ground floor level (to accommodate the residential entrance core). Condition 3 has been recommended to ensure that the unit remains in retail use and that planning permission would be required for any other uses. This is because permitted development rights currently allow the change of use of a retail unit to a variety of uses including A3 restaurant, A4 takeaway and betting shops and there could be amenity impacts from any of these uses.



8.7 Core Strategy Policy CS 12 (Meeting the Housing Challenge) encourages residential development in the borough, with a range of unit sizes and tenures including affordable housing. The principle of residential use at the site is acceptable. The surrounding area is mixed in use, with residential use along Giesbach Road and the upper floors along most of Holloway Road (please also see paras. 8.28-8.40).

**Design and Appearance**

8.8 The site is surrounded by buildings along Holloway Road of a generally consistent building height and detailing at three storeys, with a taller 6 storey corner building to Elthorne Road and Holloway Road.

8.9 Policy DM2.1 requires high quality, inclusive design for all developments. The Islington Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonises with their setting. New buildings should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.

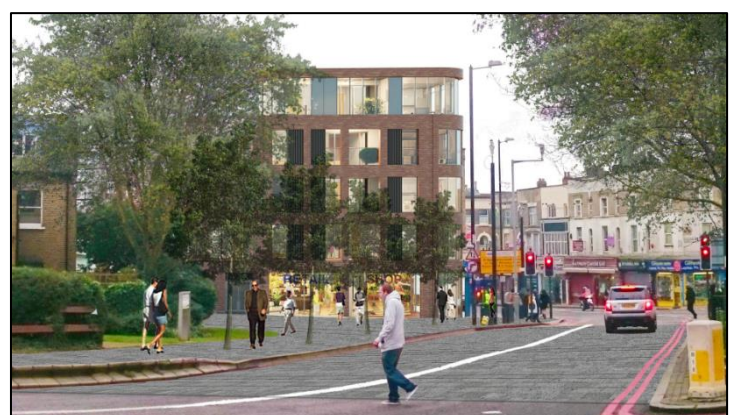
8.10 The Archway Development Framework lists key development principles for the area, which includes the contextual area within which this site sits. The second of these relate to the creation of high quality public spaces and, whilst the associated massing diagram only

shows the core area, states that new buildings away from the Archway Tower should generally remain in the height range of 4-5 storeys with scope to rise to 6-8 storeys to mark junctions or gateways where appropriate.

- 8.11 The site adjoins the Archway Gyratory and as part of the proposals by TfL to remove the gyratory a new hard landscaped public space is to be created adjacent to the Junction Tavern and the Archway Tower. The application site will be visible from this new public space but will not actually front onto the space. The northern part of Holloway Road will narrow with more pedestrian space on the opposite side of the road outside the pub, but essentially the road network and location of bus stops remain as existing. Segregated cycle lanes are proposed on either side of this part of Holloway Road.
- 8.12 The building is not located within a conservation area and there is no policy basis for its retention as the buildings are not locally or statutorily listed. The demolition of the building is therefore not resisted.
- 8.13 The scheme has been subject to pre-application advice in September 2014 and a Design Review Panel (DRP) assessment in June 2015. The proposal has been revised since the most recent DRP review, with a reduction in height by one storey and a more simplified design is now proposed. The DRP comments are addressed in detail at paragraph 4.3. During the course of this application the roof addition has also been amended with a reduction in the parapet height at top floor level (from 0.9m thick to 0.5m thick)



Holloway Road elevation and view



Corner views from north



Giesbach Road elevation



Giesbach Road CGI and view

Height

8.14 The proposed five storey building steps up from the adjacent buildings by two storeys with the top floor having a smaller footprint to the lower floors to both elevations and having a more lightweight, glazed appearance. The design officer has advised that the top floor should be set back from the corner as well and the parapet height reduced in order for it to be more lightweight in appearance. The applicant has amended the parapet thickness, but has not set back the top floor from the corner. This proposal is one storey lower than the scheme reviewed by the DRP and it is considered that further setting back the top storey would not minimise its visibility due to the long views up and down Holloway Road. The height and positioning of the top floor are considered appropriate and acceptable. Objections have been raised regarding the proposed height, design, and impact on the streetscene with requests that the building is reduced in height by one storey. It is considered that the smaller top floor does have a more lightweight appearance than the lower floors without a set back or removal of a storey being necessary. On this corner site, which will become more prominent once the new hard landscaped square has been provided as part of the gyratory improvements, a taller building stepping up to 5 storeys is considered appropriate.

8.15 The building height steps down towards the residential properties along Giesbach Road at 4 storeys and 2 storeys. The building is also set back from the street here to enable the provision of the entrance to the residential units and a courtyard housing the refuse bins and landscaping. These provide a sympathetic height adjacent to the converted sorting office building at 2-4 Giesbach Road.

Elevation design

8.16 Consistent fenestration patterns are a part of the character and appearance of the locality. The proposed building is considered to sit comfortably within its context taking influence

from the adjoining three storey building along this section of Holloway Road.

- 8.17 The ground floor retail unit is predominantly glazed along both frontages with pilasters dividing up the shopfront. This breaks up the ground floor frontage and ties in with the shopfront size along the rest of Holloway Road. The design of the shopfront openings is intended to allow for signage to be incorporated within the opening either behind the glazing or integral to the glazing system. Condition 11 is proposed preventing obscure glazing in order to ensure that an active frontage is provided within this primary retail frontage. Informative 6 is also recommended reminding the applicant that separate planning consent is required for any roller shutters.

#### Materials

- 8.18 The building is proposed to be finished in red brick with grey framed shopfronts and windows. The roof extension would be glazed to provide a lightweight and contemporary addition. The material palette is generally acceptable however the Design and Conservation Officer has recommended that the brick should be yellow stock and not red. Whilst condition 9 is recommended requiring the submission of all materials, including the main brick it is considered that the use of red brick is acceptable in this context. The taller existing building to the next corner of Holloway Road and Elthorne Road is also a redbrick building and it is considered that this approach is also appropriate on this site. A number of balconies are proposed to provide private amenity space to each of the residential units. Details of balustrade and glazing treatment will be secured by condition 9.
- 8.19 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2015, CS 1 and CS 9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013 and the Urban Design Guide.

#### Affordable Housing and Financial Viability

- 8.20 London Plan policies 3.9 (mixed and balanced communities), 3.12 (negotiating affordable housing) and 3.13 (affordable housing thresholds) seek to provide a more balanced mix of tenures in all parts of London and that the maximum reasonable amount of affordable housing should be sought for all planning applications. Policy CS 12 (G) states that Islington will meet its housing challenge to provide more affordable homes by:
- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
  - requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
  - seeking the maximum reasonable amount of affordable housing, especially Social Rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
  - delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing'
- 8.21 The previously approved appeal scheme was for 9 residential units in total and therefore the small sites contribution was applicable, with a S106 securing a financial contribution of £250,000 (note it was secured at this level as the presence of 4 existing residential units on site was accepted at that time).
- 8.22 A financial viability assessment was originally submitted with the application that proposed *either* the provision of 3 shared ownership units on site (2 x 1b, 1 x 2b) *or* a financial contribution of £469,000 towards the offsite provision of affordable units. This original

assessment was based on an Alternative Use Value (AUV) being the 'value' of the valid appeal scheme permission (valid until 9 November 2018 and concluded that the on site provision of affordable housing would be £74,000 in deficit. The use of an AUV is in line with the Development Viability SPD, January 2016, as there is a valid planning permission for an alternative scheme on site. This original assessment was however, based on incorrect floorspace for the approved scheme and therefore the AUV needed to be adjusted. An addendum viability report was submitted on 18 January 2016 and this concluded that the provision of *either* 2 shared ownership units on site (1 x 1b and 1 x 2b) plus a remaining financial contribution of £85,289 *or* a financial contribution of £366,000 was viable.

- 8.23 Independent Financial Viability Review: The Council appointed BPS Chartered Surveyors to undertake a review of both financial viability appraisals for this scheme (the original submission and the addendum). The reviews sought to determine the deliverability and viability of the proposed scheme and are attached at Appendix 4.
- 8.24 BPS have reviewed the inputs and assumptions in the original appraisal and the addendum. They have accepted that the AUV is a realistic assessment of the likely residual value arising from the delivery of the appeal permission. BPS also reviewed the submitted cost plan and are of the opinion that costs are set at a realistic market level and are adequately justified. BPS accept the proposed values for the AUV scheme and the proposed scheme except for the value of the top floor 3 bed unit and they have therefore suggested that the value of this unit is increased. They have also suggested that the value of the retail space is increased. The assumptions that BPS have made regarding the affordable housing values accord with the values included in the financial viability appraisal. The changes recommended by BPS mean that they consider the scheme to be more viable than the applicant, as follows:
- For the originally submitted viability appraisal BPS considers that *either* a financial contribution of £515,940 *or* the provision of 3 shared ownership units on site (plus a contribution of £6,337) would be viable
  - For the addendum viability appraisal BPS considers that *either* a financial contribution of £366,000 *or* the provision of 2 shared ownership units on site (plus a contribution of £85,289) would be viable.
- 8.25 The acceptance of an off-site financial contribution on a site where on-site affordable housing provision is triggered and is possible and viable would be contrary to policy CS 12. Only if there is a real affordability issue with shared ownership units would a cash contribution be considered by the Council and this is not applicable on this site. The applicant has included assumptions in their viability assessment regarding the shared ownership units that the average sale prices would be £440,417 for a 1 bed unit and £587,000 for a 2 bed unit, that a 25% equity sale would be possible and that there would be a 1.5% rent on the unsold equity. These assumptions have been tested by BPS and they have accepted the sales values as being reasonable. Housing and Policy Officers are also satisfied that, with these assumptions, the units would be affordable to residents within the Mayor's income bracket range (£71,000 for one and two bedroom units). The assumptions are also in line with Council owned schemes that are providing shared ownership units. Policy officers have also confirmed that a financial contribution of £366,000 would not provide more units overall as this could not realistically provide more than 1 social rent unit on another site. The 2 shared ownership units would be 1 x 2b and 1 x 1b flats at first floor level and equates to an affordable housing offer at 15% by unit numbers and 14% by habitable room numbers.
- 8.26 In conclusion, the provision of 2 shared ownership units on site (1 x 2b and 1 x 1b flats)

with a common core shared with private tenure units, along with a financial contribution of £85,289 is considered acceptable and represents the maximum reasonable amount of affordable housing that can be secured on site and this can be secured with a S106 legal agreement (with a minimum initial equity share of 25% and a maximum 2.5% rent on the unsold equity).

8.27 Viability Review Mechanism: In line with the recently adopted Development Viability SPD a head of term is recommended in the S106 legal agreement requiring a financial viability review mechanism towards the end of the construction process (on sale of 75% of private residential units). Essentially, an updated Financial Viability Assessment would be required to be assessed and agreed by the Council. Any uplift in the viability of the development would be secured to provide an additional financial contribution capped at the equivalent of the Council’s affordable housing target (50%).

**Dwelling Mix and Quality of Resulting Residential Accommodation**

8.28 Core Strategy Policy CS 12 (Meeting the Housing Challenge) encourages residential development in the borough, with a range of unit sizes and tenures including affordable housing. Part E requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. Policy DM3.1 parts A. and B state that all sites should provide a good mix of housing sizes and the housing mix required on all residential developments will be based on Islington’s Local Housing Needs Assessment, (or any updated assessment prepared by or on behalf of the council). The current Housing Needs Assessment seeks the housing size mix (by habitable rooms) that is indicated alongside the proposed mix table below (referenced as policy DM3.1 target).

8.29 This planning application proposes a total of 13 residential units of which 11 would be for market sale and 2 units would be affordable units (both shared ownership units). The proposal is set out below, with a comparison to the policy target:

Dwelling Type	Social Rent	Policy DM3.1 Target	Inter-mediate	Policy DM3.1 target	Private	Policy DM3.1 Target
Studio	0	0	0	0	0	0
One Bedroom (2 person)	0	0	1 (50%)	65%	5 (45%)	10%
Two Bedroom (3 and 4 person)	0	20%	1 (50%)	35%	4 (36%)	75%
Three Bedroom (4, 5 and 6 person)	0	30%	0	0	2 (18%)	15%
4 bedrooms or more	0	50%	0	0	0	0
<b>TOTAL</b>	<b>0</b>		<b>2</b>		<b>11</b>	

8.30 There are no social rented units proposed and the Housing Needs and Strategy Team have confirmed that this is acceptable given the size of the scheme, the provision of shared ownership units on site and having regard to financial viability. There is an identified strong demand for 1 bed intermediate units and the scheme provides this. There is an identified strong demand for 2 bed units within the market tenure and the scheme provides this, although there is a higher proportion of 1 bed units as opposed to 2 bed units.

8.31 The National Planning Policy Framework acknowledges the importance of planning



positively for high quality and inclusive design for all development, and requires the boroughs to deliver a wide choice of quality homes. The London Plan (2015) recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality. Policy DM3.4 states that all new housing developments are required to provide accommodation of adequate size and layout with consideration of aspect, outlook, noise, ventilation, privacy and light; functional and useable play, amenity and garden space; sufficient space for storage and utility purposes; built to accessible standards.

- 8.32 Policy DM3.4 part D sets out that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'. The policy then goes on to state that 'for sites where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room'. Most of the proposed units are dual aspect with two single aspect units at second and third floor. The floor level has reduced in size from the approved scheme at second floor level in order to pull the building away from the boundary with 2 Giesbach Road and on balance this is considered acceptable.
- 8.33 A Noise Assessment has been submitted that identifies the front of the site as being within the old PPG24 and Policy DM3.7 noise category C (daytime) and D (nighttime), the side elevation being within noise category C (daytime and nighttime) and the rear of the site being within categories A (daytime) and B (daytime). Whilst these categories are not referred to in the NPPG they are relevant to policy DM3.7. For sites within Category C guidance advises that planning permission should not normally be granted, but where it is because there are no alternative, quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. For sites within Category D planning permission should normally be refused.
- 8.34 The Noise Assessment concludes that the site falls within the 'upper limit' of noise category C and mitigation measures include high performance laminated double glazing or secondary glazing. The Pollution Officer is of the view that the site is within noise category C because the noise measurements were taken during the Easter school holidays with lighter traffic levels and because the two unattended monitoring positions were at the quieter side and rear façade with only short attended monitoring at the noisier Holloway Road façade. They have advised that the windows to the units would need to be closed in order for minimum internal noise levels to be achieved (with mechanical ventilation), that balconies would be subject to high noise levels and that the noise report acknowledges that it could be difficult for the balcony doors to provide the sound insulation specification required. The Pollution Officer has therefore objected to the proposal and requested a number of conditions, should permission be granted. Whilst the high noise levels are acknowledged permission has been granted on this site for residential units under the same policy regime and most buildings to this part of Holloway Road have existing residential units located to the upper floors. A number of conditions are recommended regarding noise levels within the units (condition 19), design of any plant (condition 20), and plant noise report (condition 18).
- 8.35 To protect the amenity for future occupants from noise transfer from the commercial below a condition is recommended regarding sound insulation between the commercial unit and residential units above (condition 21). Conditions are also recommended regarding hours of operation for the retail unit and for deliveries to the unit (condition 27 and 28).

#### Air quality

- 8.36 The Pollution Officer has advised that they disagree with the submitted Air Quality report,

which concludes that mechanical ventilation is only required to units at first and second floor levels, and have advised that mechanical ventilation will be required throughout because of the issues with noise outlined above. They have therefore requested a condition requiring the submission of further details on this (condition 22).

8.37 Flat sizes – Policy DM3.4 details minimum space standards for all new residential developments with sufficient storage, separate kitchens and sufficient floor to ceiling heights. The submitted sections of all of the residential units show attainment of the minimum floor to ceiling height of 2.6 metres. The proposed residential units all meet the required internal space standards and are therefore in compliance with local and national standards: the one bedroom units being between 50sqm and 55sqm (against a policy requirement of 50sqm), the two bedroom units being between 70sqm and 74sqm (against a policy requirement of 70sqm) and the three bedroom units being 91sqm (5 person unit) and 129sqm (6 person unit) (against a policy requirement of 86sqm and 95sqm). The 6 person 3 bedroom unit is approximately 34sqm larger than the policy requirement but this unit is on the top floor and it is not possible to utilise this extra space with the provision of another unit as the top floor would need to increase in size to accommodate this (the provision of a studio unit would not be encouraged and a 1 bedroom unit would need to be 50sqm in size).

#### Overlooking

8.38 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’. There are some instances where there are distances of below 18m between proposed windows and existing residential units and obscure glazing will therefore be required to the proposed units as follows:

- The south easterly, side elevation of the proposed building will face onto the rear elevations of No’s 796-792 Holloway Road, with proposed windows at first, second and third floor levels serving 8 bedrooms and 1 kitchen. There is a recent approval, under construction for a rear extension at 794 Holloway Road for a first floor extension with new windows to the elevation facing the application site serving a large kitchen/dining room. There is also an existing roof terrace at second floor level at 794 Holloway Road. The windows and roof terrace are approximately 8m from the proposed side elevation and to minimise any overlooking a condition is recommended requiring all windows at first, second and third floor levels to this elevation to be obscure glazed and with restricted in their ability to be fully opened (condition 4).
- The first floor roof terrace at 2 Giesbach Road is approximately 10.5m away from 3 windows to the rear elevation at first, second and third floor levels serving kitchens. The applicant has confirmed that the existing parapet wall to the terrace (the party wall with the application site) will be retained and submitted amended plans showing this. The retention of this wall will prevent any overlooking between the rear elevation of the site and the existing terrace.

8.39 Amenity space - Policy DM3.5 part A identifies that ‘all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens’. Part C of the policy states that the minimum requirement for private outdoor space is 5sqm on upper floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors. Outdoor amenity space has been provided for each of the units in the form of balconies of between 5 and 7sqm (with the three bedroom unit having 2 balconies of 5sqm and 7sqm). In this location on the Holloway Road the quality of the external spaces will be limited because of noise and air quality issues so larger spaces would not be encouraged, it is also difficult to provide the balconies to the rear without causing overlooking issues with

adjacent properties. In this urban location the proposed amenity space is therefore considered acceptable.

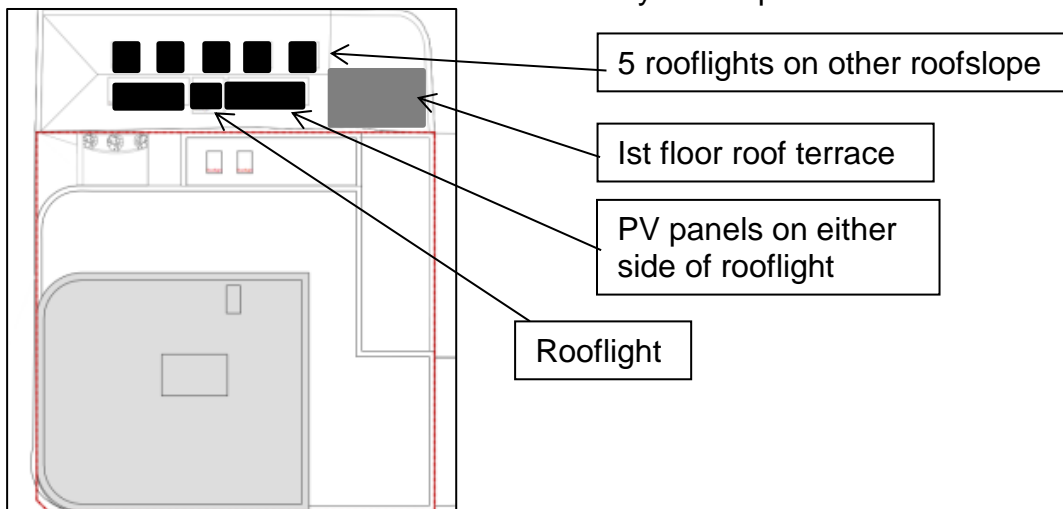
8.40 In conclusion, despite the site being located on the busy Holloway Road and experiencing high noise levels and poor air quality, on balance an acceptable standard of accommodation is provided with generously sized units with acceptable levels of daylight/sunlight and amenity space and some obscure glazing required.

### **Neighbouring Amenity**

8.41 London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of, in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 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.

8.42 The site is bounded by residential units on Giesbach Road to the north west, on the upper floors of properties on Holloway Road to the south east and is opposite residential units on the upper floors of properties on the opposite side of Holloway Road. The surrounding area is mixed in character and use with predominately commercial units at ground floor and residential above along Holloway Road and residential use along the surrounding secondary roads such as Giesbach Road.

8.43 Units 2, 4 and 4a Giesbach Road were formerly a Royal Mail sorting depot that has been converted to three residential units. No 2 is the unit adjacent to the application site with a common boundary of just under 10metres in length to the rear of the application site. It has a pitched roof with the south west slope (including rooflights and PV panels) facing the application site, as well as a first floor roof terrace to the rear of the property. The previous application was refused because of the amenity impacts on this rooflight; specifically because the scale, bulk and height of the development and its proximity to the rooflight was considered to result in an undue sense of enclosure at 2 Giesbach Road. The daylight and sunlight test submitted with the previous application showed that this rooflight, as well as 4 other windows on adjacent properties, passed the BRE guidelines and daylight/sunlight and overlooking impacts were not part of the reason for refusal. The appeal was allowed on 9 November 2015 and the Inspector's conclusions are included in the assessment below. It should be noted that the 6 week Judicial Review period into this decision has passed and the residents and BAF have confirmed that they have not requested a JR, but have instead raised questions to the Inspectorate as to why a site visit to no 2 Giesbach Road was not carried out by the Inspector.



Roof plan showing application site and 2 Giesbach Road (current proposal)

### Outlook

- 8.44 The Inspectors concluded that *“there would be points where the side wall of the proposed development would be seen through the rooflight, However, I also consider that these glimpses would not normally be particularly obtrusive in terms of their effects on the occupants of No. 2. In these circumstances, I agree with the appellants that it is extremely doubtful that the limited views of the proposed development that would result could produce the sense of enclosure that the occupants of No.2 fear.”* and *“...there has not been forward, to my mind, nearly enough convincing evidence that the proposed development would produce material harm to the living conditions of the occupants of 2 Giesbach Road to breach the terms of Policy DM2.1 or justify the dismissal of the appeal.”*
- 8.45 Objection has also been raised that the amended development results in a loss of outlook to residential properties at Giesbach Road as, although the building has been set away from the boundary at first floor level it increases in height to the main bulk of the building. The Inspector did not visit 2 Giesbach Road when making the decision for the previous appeal and the residents have therefore queried the conclusion regarding there being ‘glimpses’ and ‘limited views’ of the approved building. The proposed building is the lower at the shared boundary than existing and as previously approved at appeal. The case officer visited 2 Giesbach Road and viewed a mock-up of the height of the approved scheme and the proposed scheme and the potential view through the rooflight. When at first floor level looking directly up into the rooflight the approved and proposed building will be clearly visible. When viewed from the ground floor, from the stairwell and further into the first floor dining/kitchen/lounge the view will be less marked and it is considered that there will be limited views from most of the property. It is therefore considered that any view of the building through rooflight SP04 will not have an unacceptable impact on the overall standard of accommodation to this property.

### Sunlight and Daylight

- 8.46 In the previous appeal decision the Inspector noted that the reason for refusal made no reference to the loss of daylight and sunlight and concluded that this was not therefore an issue. Concern has been raised by local residents regarding loss of light to surrounding residential properties on Giesbach Road, both at the adjacent property and on the opposite side of the road. A series of shadow diagrams have also been submitted by the adjoining neighbour at No. 2 Giesbach Road along with the analysis of the impact upon their PV solar panels.
- 8.47 A daylight and sunlight study has been submitted in support of this application, with 5 windows being tested at residential properties on Giesbach Road and Holloway Road (referenced SP01 – SP05). The windows tested were the ground floor front elevation bay window at No. 1 Giesbach Road (SP01), first floor rear elevation window at 796 Holloway Road (SP02), first floor front elevation window at 667-679 Holloway Road (SP03), rooflight (SP04), and first floor rear elevation patio door (SP05) at No. 2 Giesbach Road.
- 8.48 The daylight/sunlight assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. 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’.
- 8.49 **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 daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.

- 8.50 **Sunlight:** the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. 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; and*

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

- 8.51 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given 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.

### **Sunlight and daylight losses for affected properties analysis**

- 8.52 The daylight/sunlight report concludes that the proposal is acceptable because there is no impact on adjoining residential units in terms of overshadowing. Officers have assessed the results of the Daylight/Sunlight report and agree with this conclusion. The results are discussed below:

#### **Daylight**

- Windows/patio doors SP01, 02, 03 and 05 all meet the VSC criteria with results of retained VSC levels of 30%, 29%, 31% and 32% and reductions of only 6.2%, 3.4%, 6.1% and 3.1%
- The VSC and NSL tests are not readily applied to rooflight SP04 as it is not on a vertical plane. The daylight/sunlight report has concluded because there is no obstruction to the rooflight within a 25 degree angle then the VSC and NSL tests will be met.
- The applicant has submitted a drawing showing that for the previously approved appeal scheme there was an angle of 95 degrees of clear sky from the rooflight and that as the current scheme is further way from the boundary with this property the angle increases to 100 degrees and there is a greater amount of clear sky visible from the rooflight. Whilst this is not a recognised BRE test they are confirming that the building is further away from the boundary with no 2 Giesbach Road and there will be less of an impact on the rooflight. See below for a more detailed assessment of this.

#### **Sunlight**

- Sunlight provision to windows SP02 and SP03 is not an issue since these windows face north and therefore do not need to be tested.
- Window SP01 meets the BRE criteria with results of 55% APSH and 12% WSPH.
- Whilst the daylight/sunlight report does not give the specific result for patio door SP05 it confirms that the result is more than window SP01 and is therefore more than 55% APSH and 12% WSPH
- The APSH and WSPH tests are not readily applied to rooflight SP04 as it is not on a

vertical plane. The daylight/sunlight report has concluded because there is no obstruction to the rooflight within a 25 degree angle then the APSH and WSPH tests will be met.

### **Overall daylight/sunlight impact to 2 Giesbach Road**

- In understanding the impact upon rooflight SP04 it is important to note that 2 Giesbach Road has a combination of windows and rooflights serving the open plan first floor dining/kitchen/lounge and stairwell. Rooflight SP04, patio door SP05, four rooflights on the other roofslope and a rear elevation bay window all serve this open plan room and stairwell.
- The rooflight also serves a double height ground floor space. This ground floor space is part of the larger open plan ground floor area that is also served by patio doors to the rear elevation serving a ground floor terrace. At the time of the officer site visit the ground floor had been divided with curtains to create two rooms with a separate area at the base of the stairwell that was in use as a music room. Even though this room is directly underneath rooflight SP04, it also receives light from the rooflights on the other roofslope.
- The overall daylight/sunlight to this room is therefore considered to be above average and any impact on rooflight SP04 will not have an unacceptable impact on the overall standard of accommodation to this property.

**Photos of 2 Giesbach Road (further images will be shown in the presentation to Planning Committee)**



**Rooflight SP04**



**Rooflight SP04 and other rooflights**

- 8.53 The adjoining neighbour has submitted a series of shadow diagrams illustrating how the sunlight currently moves across the roof slope and compares the shadows cast currently and the potential patterns if the development was approved. Whilst it is acknowledged that there is likely to be more shadows cast by the proposed building, based on the BRE Analysis discussed above, the windows will not be so adversely affected to warrant the refusal of the scheme.
- 8.54 In conclusion, the result of the BRE analysis shows that all windows SP01, 02, 03 and 05 meet the BRE guidelines for daylight and sunlight provision. Whilst rooflight SP04 cannot similarly be tested the proposed scheme is further way from this rooflight, with a greater angle and will therefore have less impact than the approved scheme. Taken with the other

rooflights and windows that serve the ground and first floor it is considered that there will not be an unacceptable impact on the overall standard of accommodation to 2 Giesbach Road.

#### Impact upon PV Solar Panels

- 8.55 Policy DM2.1 requires that developments must 'not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole' (Part A xi). Paragraph 2.16 of the supporting text details the considerations for this, including those relating to impacts on renewable or low carbon energy supply by detrimentally overshadowing solar panels, as well as amenity impacts.
- 8.56 The Council did not include the impact on these Pv panels as a reason for refusal of the appeal scheme. The Inspector did however consider this issue and concluded "*....criterion xi) of Policy DM2.1 is clear that development should not unduly prejudice the satisfactory development of adjacent land. That the occupants of 2 Giesbach Road may have installed Pv panels in a position where they were dependent on light across land in another ownership and might be compromised by future development cannot, in my view, carry weight against the proposal before me.*"
- 8.57 The Inspectors' decision was clear that the installation of the Pv panels at 2 Giesbach Road had prejudiced the development of the adjoining site (the application site) and that the location of the Pv solar panels in situ should not be a reason to refuse the redevelopment of the adjoining site (the application site). Furthermore this scheme is not considered to worsen the relationship to this roofslope when compared to the appeal scheme.

#### Privacy, Overlooking

- 8.58 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 (living rooms and bedrooms, sometimes kitchens if they are large dining kitchens but excluding bathrooms and staircases). This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 8.59 There are not considered to be any overlooking issues to properties surrounding the site, if suitable mitigation measures are provided, because:
- As outlined in paragraph 8.38 obscure glazing is required by condition 4 to the rear south eastern elevation and the party wall with 2 Giesbach Road is to be retained to prevent overlooking to 792-796 Holloway Road and 2 Giesbach Road;
  - The front elevation with windows and balconies faces onto Holloway Road and the existing buildings opposite are across a public highway; and
  - There are no buildings directly opposite the new windows and balconies to the side elevation of the proposed building on Giesbach Road.

#### Noise

- 8.60 The demolition and construction periods are generally responsible for the most disruptive impacts affecting residential amenity and this issue has been raised by objectors. Conditions requiring the submission of a Construction & Demolition Logistics Plan (No 5), A Construction Environmental Management Plan (No 6) and an informative advising of restriction to hours for 'noisy' works (No 7) have been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction.

8.61 As outlined in paragraph 8.39 balconies are proposed, however given their relatively small size and the distance away from existing residential units, it is considered that there will not be any noise or disturbance issues from these balconies or terraces.

#### Basement

8.62 The Better Archway Forum (BAF) and local residents have requested that a Structural Method Statement be submitted because of concerns regarding the basement excavation and the impact on adjacent buildings. They have also requested that LBI's Building Control Service is used to inspect the basement works on site. The Basement Development SPD was adopted in January 2016 and covers additional information that will need to be submitted with applications that include basements (a Structural Method Statement). The application was submitted prior to the adoption of the SPD and it was therefore not a validation requirement that a Structural Method Statement be provided. Given the size of the basement and the local interest a condition is therefore recommended requiring the submission of a Structural Method Statement before work commences on site, in line with Appendix B of the SPD (condition 7). It is not possible to require the applicant to use LBI's Building Control service to inspect the work on site but condition 8 is recommended requiring that the certified professional endorsing the SMS is retained for the duration of construction.

8.63 In conclusion, there is not considered to be any adverse material impact on residential amenity to neighbouring properties in terms of loss of light, loss of privacy, sense of enclosure, overlooking or noise as a result of the proposed development, subject to the conditions set out in this report.

#### Accessibility

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

#### A new National Standard

8.65 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.

8.66 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, the London Plan policy is given weight and informs the approach below.

#### Accessibility Assessment:

8.67 The applicant has submitted a Design and Access Statement and has outlined how inclusive design has been considered, including that each floor of the proposed building will have level access from the street. There is access to a central lift which serves basement, ground, first, second and third floors and 1 x category 3 unit is provided.

8.68 Whilst the site has a PTAL rating of 6a, Archway Station is, and will remain for the foreseeable future, inaccessible and therefore it is important to provide complementary



measures such as blue badge parking, safe drop off, storage and charging for mobility scooters and accessible cycle parking. The applicant has confirmed that there is space in the basement cycle storage area for a mobility scooter and mobility tricycle space. There are outstanding questions from the Access Officer with regard to the proposed platform lift between ground and basement level and the need for an additional lift to access the residential units. Condition 14 requires that access to the basement floor complies with part M of the Building Regulations as a platform lift is not acceptable. It has not been possible to provide a second lift to the residential units because of the relatively small size of the site and a stair climbing lift is proposed instead and this is secured with condition 14.

### **Highways and Transportation**

- 8.69 The site has a Public Transport Accessibility Level (PTAL) of 6a, which is 'excellent' and is located in close vicinity to Archway Station and various bus routes.

### **Servicing and refuse**

- 8.70 Local residents are concerned about the number and size of vehicles using Giesbach Road and other residential streets as a result of demolition, construction and general servicing of the development. The Servicing Management Plan (SMP) states that there are two areas available for on street servicing; Holloway Road (which is a red route), where there is a loading bay to the south of the site which allows loading/unloading for a maximum of 20 minutes between 10am and 4pm and Giesbach Road, where there is a single yellow line fronting the site which is currently used by the previous occupant (Thomas Bros) for servicing/loading/unloading (with a legal agreement from LBI). It is not clear what the legal agreement is that the applicant is referring to, but loading/unloading is allowed on a single yellow line for 40 minutes. The proposal is to continue using the Giesbach Road loading area for residential servicing and deliveries. These deliveries will be predominantly cars or vans and the weekly refuse collection will be an extension of the existing collection that takes place from Giesbach Road (a refuse bin enclosure is provided on site by the main entrance for the new residential units). Holloway Road is proposed to be used for retail servicing and the SMP states that delivery drivers will be asked to avoid network peak hours of 8-9am and 5-6pm. The appeal permission included a condition requiring the submission of a Delivery Servicing Plan and restricting the size of vehicles allowed to use Giesbach Road as being no larger than 'transit size'. The additional 4 residential units and retail floorspace (approx 200sqm) over and above the appeal permission is not considered to create any significant increase in deliveries/servicing when compared to the appeal scheme and this condition is therefore recommended again (condition 26). The proposed development could generate fewer deliveries than the previous use as the overall retail floorspace is reducing, but this depends on the type of retail occupier.

### **Vehicle parking**

- 8.71 Local residents have raised concerns regarding potential increased competition for existing on street spaces created by the additional residents. The majority of Giesbach Road is designated as residents parking between 8:30-6:30 Monday to Friday and 8:30-1:30 Saturdays. The development would be car free, as required by Core Strategy Policy CS10 and as per a S106 head of term, which restricts future of occupiers of the residential units from obtaining parking permits. The policy allows for existing residents with a parking permit that return to a site after a development has been completed the ability to retain their residential permits, but this is very limited and is unlikely to be relevant here. This will ensure that there is no undue impact or increased demand for existing on street parking.
- 8.72 Objections have also been raised about increased parking as a result of a retail unit at the site. There is no designated parking proposed as part of this application and users of the

retail unit would use existing parking spaces and/or public transport, as the customers for the previous retail use did and as per the surrounding retail units. Apart from the residents bays to the majority of Giesbach Road there is one short stay pay and display car parking bay adjacent to the site along with motorcycle parking that could be used by customers of the retail unit (8:30-6:30 Monday to Friday and 8:30-1:30 Saturdays). The rest of the turning head on Giesbach Road has double yellow lines and parking is therefore not allowed there. It is considered that there is no undue impact or increased demand for existing on street parking from retail customers or staff.

#### Cycle parking

- 8.73 Cycle storage is provided at basement level with 22 stacked cycle racks. In order to comply with the requirements set out in Appendix 6 of the Development Management Policies, 22 cycle spaces are required for the residential units (1 space per bedroom) with 10 cycle spaces required for the retail unit (1 space per 60sqm of retail space). There are existing public sheffield cycle stands at the end of Giesbach Road accommodating 8 spaces. Given the relatively small size of the retail unit, the fact that a larger retail unit is already on site and the location of these existing spaces the overall number of stands and their location is considered to meet the policy requirements

#### Construction impact

- 8.74 Objections have been raised regarding the proposed development exacerbating the already high level of construction traffic and works within the Archway area. The applicant has submitted a draft Construction Management Plan, which includes the following:
- Construction traffic arrangements will need to address the highway restrictions on Holloway Road and minimise the impact on residential streets. A detailed plan for each stage of the development will be required with the participation with the contractor at pre construction stage and condition 5 requires this.
  - A detailed Site Waste Management Plan will be prepared and agreed with the Council prior to commencement of development.
  - Loading and unloading will be restricted to certain times of the day to avoid congestion.
  - The works will adhere to the relevant LBI codes of practice during demolition and construction.
- 8.75 In addition condition 5 requires the submission of a Demolition and Construction Logistics plan to cover potential transport issues, condition 6 requires the submission of a Construction and Environment Management Plan to cover environmental health issues and a S106 Head of term secures compliance with the Code of Construction Practice (and a monitoring fee). Conditions 7 and 8 also relates to the basement construction and an informative advising of the restriction to hours for 'noisy' works (No 7) have been included.
- 8.76 In conclusion, there is not considered to be any adverse highways or transportation impact in terms of loss of servicing, car parking, cycle parking and construction impact, subject to the conditions set out in this report.

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

#### Sustainability

- 8.77 All major developments should achieve the highest feasible level of nationally recognised sustainable building standard (in Islington's case this is considered to be Code for Sustainable Homes (CFsH) level 4 and BREEAM Excellent or equivalent). This is set out in Core Strategy policy CS10 and Development Management policy DM7.4.
- 8.78 Under the Ministerial Statement of 25 March 2015, the government has closed down the

CfSH standard. Unlike many other Local Authorities whose only sustainability requirements are to achieve minimum levels of the Code, Islington have a separate layer of policies that run in parallel to the former Code requirements (that require an 'or equivalent' sustainability standard to be achieved). Some of these additional policies cross over with elements covered by the CfSH. Most applicants continue to demonstrate compliance with these policies with the submission of a CfSH assessment. This applicant has instead submitted a Sustainability Statement, which follows the Mayor's Sustainable Design and Construction SPG) assessing the relevant policies as follows (which is an acceptable approach):

- Sustainable design standards during design, construction and operation of the development of homes (Policies CS10, DM6.5, DM7.1, DM7.2, DM7.3, DM 7.4 DM7.5). These policies require best practice in terms of
  - Passive design and energy efficiency (DM7.2 and DM7.5) – The applicant has proposed high standard U-values and has increased the air permeability calculation as the application has progressed;
  - Material use, low impact sourcing and whole lifecycle costing (DM7.4) – Previously the requirement was that 50% of the CfSH materials credits are achieved and the SPG requirement remains with a minimum of 10% of the total value of materials used should be derived from recycled and reused content. The applicant has confirmed that this minimum 10% target will be achieved and this is to be secured by the green procurement plan in condition 3).
  - Waste minimisation (DM7.4) – The applicant has confirmed that construction and demolition waste will be minimised by using the waste hierarchy.
  - Water efficiency (CS10) - The applicant has designed the scheme to meet the London Plan target of 105l/p/day, which is now supported due to the recent changes and this is to be secured by condition 33).
  - Renewable and low carbon technology (DM7.1) – The proposal includes the provision of Air Source Heat Pumps and PV panels (secured with condition 12).
  - Sustainable drainage rainwater harvesting (DM6.6) – Water metres will be included to all residential units. Greywater recycling was discounted because of site constraints including space availability. Rainwater collection was not deemed appropriate because there is very little planting that requires watering. Please see paragraph 8.80 below.
  - Urban greening, biodiversity (DM6.5) – Buildings cover the entire existing site and there is no existing green infrastructure. The proposal includes a small entrance courtyard with planting. Green roof details are secured with condition 31).
  - Operational sustainability (DM7.1) – the applicant has confirmed that a home user guide will be provided to all dwellings and the service spaces will be sized and located to allow future proofing for climate change adaptation. A draft Green Performance Plan has also been submitted.

8.79 Development proposals should protect the existing ecology and make the fullest contribution to enhancing biodiversity (CS10, DM6.5) e.g. by maximising the inclusion of green roofs, ecological landscaping, greening of facades and artificial nesting sites. 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). The scheme does not include any green roofs but there does not appear to be any reason why one cannot be provided on site and therefore condition 31 is required to ensure that green roofs have been explored and maximised). All roofs should be biodiversity based extensive substrate roofs with a minimum substrate depth of 80-150mm.

8.80 Government legislation has recently changed with regards to sustainable urban drainage SUDs (6 April 2015) and the expectation is that where appropriate, SUDs should be

provided for all major developments following consultation with the lead Local Flood Authority. Policy DM6.6 expects all major development to include details to demonstrate that SUDs has been incorporated and this new legislation gives additional weight to this as well as introducing the issue of maintenance of the SUDs system. The applicant has confirmed that because the proposal is for a constrained site that is almost entirely covered by buildings SUDs measures cannot feasibly be incorporated on site and that the existing surface water run off rate will not be exceeded. This is not considered acceptable as SUDs measures such as basement attenuation tanks could be provided. Condition 32 is therefore recommended requiring SUDs details to be submitted.

#### Energy Efficiency and Renewable Energy

- 8.81 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 30% saving compared with Building Regulations 2010 and 39% compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible.
- 8.82 The GLA's guidance on preparing energy assessments (April 2014) states, that the Mayor will apply a 35% carbon reduction target beyond Part L 2013 of the Building Regulations - this is deemed to be broadly equivalent to the 40% target beyond Part L 2010 of the Building Regulations, as specified in Policy 5.2 of the London Plan for 2013-2016.
- 8.83 The Energy Strategy (dated 13/10/15) and the document responding to the Energy Officer's comments (dated 11/01/16) states that a 31.9% reduction in CO2 emissions (based on 2010 Building Regulations baseline) can be achieved with a Carbon offset financial contribution of £40,739 which will be secured with a S106 head of term. The proposal includes the use of Solar PVs for the residential renewable energy (35 panels) which will be secured with condition 12 and air source heat pumps for the commercial. The Council's Energy Officer has confirmed that this is in line with policy.
- 8.84 Policy DM7.3 requires all major developments to be designed to be able to connect to a District Energy Network (DEN), and connection is required if a major development site is within 500 metres of an existing or a planned future DEN. The policy goes on to state that where connection to a DEN is not possible developments should connect to a Shared Heat Network (SHN). There is no DEN or SHN available within the 500m policy threshold. The applicant has also confirmed that the system will be future proofed for connection to a local heat network. The Council's Energy Officer has confirmed that this is in line with Policy and this will be secured with a S106 legal agreement.
- 8.85 London Plan policy 5.6a requires development to evaluate the feasibility of CHP systems and examine opportunities to extend the system beyond the site boundary. The Energy Strategy has evaluated potential for a connection to Archway Leisure Centre CHP system and concludes that this is unviable due to the cost involved and complexities of the pipe route passing under Holloway Road and close to Archway station. The Council's Energy Officer has confirmed that based on the likely heat loads they would not expect an on site CHP system to be installed.

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

### considerations

- 8.86 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.
- 8.87 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.
- 8.88 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 8.89 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.
- 8.90 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.
- 8.91 The agreement will include the following agreed heads of terms:
- On site provision of 2 shared ownership affordable housing units (1 x 1b and 1 x 2b) with a minimum initial equity share of 25% and a maximum 2.5% rent on the unsold equity;
  - Financial contribution of £85,289 towards the provision of affordable housing;
  - Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units. Reasonable fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, to be determined in accordance with the SPD and capped at the equivalent of the council's affordable housing target
  - CO2 offset contribution of £40,739;
  - Car free residential units – removal of future residents rights to obtain an on street

parking permit

- Future proof on site heating and power solution so that the development can be connected to a local energy network if a viable opportunity arises in the future.
- The provision of 1 additional accessible parking bay or a contribution towards bays or other accessible transport initiatives of £2,000.
- Compliance with Code of Employment and Training including delivery of 1 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £1,300 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.
- Green Performance Plan.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

8.92 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted CIL Charging Schedule 2012 and the Islington adopted CIL Charging Schedule 2014 and is likely to be £39,898.39 for the Mayoral CIL and £152,203.26 for the Islington CIL. This will be payable to the London Borough of Islington after the planning consent has been implemented. The affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

## **9. SUMMARY AND CONCLUSION**

### **Summary**

9.1 In accordance with the above assessment the comments made by residents and consultee bodies have been taken into account and it is considered that the proposed development is consistent with national policies and the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents.

9.2 The proposal is considered to be acceptable in terms of land use, urban design, the quality of the proposed residential accommodation, dwelling mix, affordable housing and sustainability/energy and is considered not to have any undue impact on nearby residential properties or the area in general in terms of amenity or transport/servicing. Conditions are recommended and a Section 106 (S106) agreement, the Heads of Terms of which have been agreed with the applicant.

### **Conclusion**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

- On site provision of 2 shared ownership affordable housing units (1 x 1b and 1 x 2b) with a minimum initial equity share of 25% and a maximum 2.5% rent on the unsold equity;
- Financial contribution of £85,289 towards the provision of affordable housing;
- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units. Reasonable fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, to be determined in accordance with the SPD and capped at the equivalent of the council's affordable housing target
- CO2 offset contribution of £40,739;
- Car free residential units– removal of future residents rights to obtain an on street parking permit
- Future proof on site heating and power solution so that the development can be connected to a local energy network if a viable opportunity arises in the future.
- The provision of 1 additional accessible parking bay or a contribution towards bays or other accessible transport initiatives of £2,000.
- Compliance with Code of Employment and Training including delivery of 1 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £1.300 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.
- Green Performance Plan.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

That, should the **Section 106** Deed of Planning Obligation not be completed within 24 weeks (in line with the PPA) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

## RECOMMENDATION B

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

### List of Conditions:

1	<p><b>Commencement</b></p> <p>The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p><b>Approved plans list</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>1338-D1000-rev 00; -D1099-rev 00;-D1100-rev 00; -D1101-rev 00; -D1102-rev 00; -D1700-rev 00; -D1701-rev 00; -D1702-rev 00; -D1703-rev 00; -D10099-rev 06; -D10100-rev 05; -D10101-rev 05; -D10102-rev 02; -D10103-rev 02; -D10104-rev 03; -D10106-rev 00; -D10200-rev 00; -D10201-rev00; -D10700-rev 02; -D10701-rev 02; -D10702-rev 02; -D10703-rev 02; -D10750-rev 00; -D10751-rev 02; -D10752-rev 01; -D10250-rev 02; -D10800-rev 02; -D10801-rev 03; -D10803-rev 01; -D10804-rev 04; -D10805-rev 04; -D10806-rev 01; -D10807-rev 01; Affordable Housing Statement prepared by Metropolis Planning and Design dated 30/10/15; Acoustic Assessment A9760-RO5-JT prepared by Bickerdike Allen Partners dated 13th August 2015; Air Quality Assessment J2193/1/F3 prepared by Air Quality Consultants dated October 2015; Service Management Plan prepared by Yes Engineering Group dated October 2015; Waste Management Plan prepared by Metropolis Planning and Design dated 07/10/15; Construction Management Plan prepared by Metropolis Planning and Design dated 27/10/15; Design and Access Statement prepared by Metropolis Planning and Design dated September 2015; Planning Statement prepared by Metropolis Planning and Design dated 07/10/15; Health Impact Assessment Metropolis Planning and Design dated 07/10/15; Sustainability Statement Metropolis Green dated 28/08/2015; Draft Green Performance Plan Metropolis Green dated 28/08/2015; Energy Strategy prepared by Metropolis Green dated 15/10/2015; Thermal Comfort Report prepared by Metropolis Green dated 08/01/2016; Daylight and Sunlight Assessment DJ/1015-01-01(4) prepared by Jessop Associates dated 13th July 2015; Sunlight and Daylight – response to comments undated; Privacy and Overlooking note undated.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>



3	<p><b>Removal of Permitted Development rights (Compliance)</b></p> <p>CONDITION: Notwithstanding the provisions of Classes C, D, G, J or M of Part 3 or Class D, E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the ground floor retail floorspace shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS 14 of the Islington Core Strategy (2011), policies DM4.1, DM4.2, DM4.3, DM4.4, DM4.12 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013)</p>
4	<p><b>Windows Obscured and Fixed Shut / Angled as Shown on Plans (Compliance)</b></p> <p>CONDITION: All of the following windows shown on approved drawings 1388-D10751 rev 02 and 1388-D10702 rev 02 shall be permanently obscure glazed and fixed shut up to a height of 1.1m above the floor of the room in which the windows are installed prior to the first occupation of the development:</p> <ul style="list-style-type: none"> <li>• South eastern elevation bedroom and kitchen windows to unit 1.3 at first floor level;</li> <li>• South eastern elevation bedroom window to unit 1.2 at first floor level;</li> <li>• South eastern elevation bedroom windows to unit 2.4 at second floor level;</li> <li>• South eastern elevation bedroom window to unit 2.3 at second floor level;</li> <li>• South eastern elevation bedroom windows to unit 3.4 at third floor level;</li> <li>• South eastern elevation bedroom window to unit 3.3 at third floor level;</li> </ul> <p>All obscurely glazed windows shall be restricted in their ability to open fully, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
5	<p><b>Construction and Demolition Logistics Plan (Details)</b></p> <p>*CONDITION: A report assessing the planned demolition and construction vehicle routes and access to the site including addressing 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 (in consultation with TfL) prior to any works commencing on site.</p> <p>The report shall assess the impacts during the demolition and construction phases of the development on the Transport for London controlled Holloway Road, nearby residential amenity 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 order to secure highway safety and free flow of traffic on Holloway Road,</p>

	local residential amenity and mitigate the impacts of the development.
6	<p><b>Construction Environmental Management Plan (CEMP) (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. 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. The report shall also secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
7	<p><b>Basement (details)</b></p> <p>*CONDITION: Prior to commencement of development a Structural Method Statement, prepared by a Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E), shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The statement shall be in line with the requirements of appendix B of the Basement Development SPD, 2016.</p> <p>Reason: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
8	<p><b>Basement (Compliance)</b></p> <p>CONDITION: The certifying professional that endorsed the Structural Method Statement (or a suitably qualified person with relevant experience) shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design approved within the Structural Method Statement and a Building Control body.</p> <p>Reason: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
9	<p><b>Materials</b></p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) window and door treatment including finned window detail (including sections and reveals);</li> <li>c) balustrading treatment (including sections);</li> <li>d) balcony screening;</li> <li>e) timber deck to residential courtyard;</li> <li>f) stone capping detail;</li> <li>g) opaque glazed panel to rooftop extension;</li> <li>h) grey painted metal entrance gates;</li> </ol>

	<p>i) any other materials to be used.</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 securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
10	<p><b>Details of Ground floor Elevations (Details)</b></p> <p>CONDITION: Full details of the design and treatment of the shopfronts to both ground floor elevations 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: doors, sections, elevational and threshold treatments, all to be shown in context and to a scale of 1:50.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The approved design/treatments shall be provided prior to the first occupation of the part of the development to which they form part.</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 of design.</p>
11	<p><b>No Obscuring of Shopfronts (Compliance)</b></p> <p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
12	<p><b>Photovoltaic panels (details)</b></p> <p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>- Location;</li> <li>- Area of panels; and</li> <li>- Design (including angle of panels and elevation plans).</li> </ul> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</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 of design.</p>
13	<p><b>Pipes</b></p> <p>CONDITION: Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.</p>

	<p>Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
14	<p><b>Access (compliance)</b></p> <p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install</p> <ul style="list-style-type: none"> <li>a) Access to the basement level that complies with Part M of the Building Regulations and is not a platform lift;</li> <li>b) A stair climbing lift or second lift; and</li> <li>c) Accessible disability scooter and tricycle storage.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
15	<p><b>Wheelchair housing (compliance)</b></p> <p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 12 of the residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 1 x 1b unit shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 'Wheelchair user dwellings' (3).</p> <p>Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved shall be submitted to an approved in writing by the Local Planning Authority prior to any superstructure works beginning on site. The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable, adaptable and wheelchair accessible homes appropriate to meet diverse and changing needs, in accordance with London Plan policy 3.8.</p>
16	<p><b>Cycle Parking Provision (Compliance)</b></p> <p>CONDITION: The bicycle storage area(s) shown on drawing no. 1338-D7099-rev02 hereby approved, shall be secure and provide for no less than 17 bicycle spaces and 1 disability tricycle space and 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>
17	<p><b>Waste Management</b></p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no.1338-D10100-rev 05 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are</p>

	adhered to.
18	<b>Noise (details)</b>
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 19. The report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and any noise mitigation measures shall be installed before commencement of the uses hereby permitted and permanently retained thereafter.</p> <p>REASON: To protect the amenities of the neighbouring occupiers.</p>
19	<b>Sound Insulation and Noise Control Measures</b>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be implemented prior to the first occupation to ensure the following internal noise targets (in line with BS 8233:1999):</p> <ul style="list-style-type: none"> <li>- Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq}</math>, and 45 dB <math>L_{max}</math> (fast)</li> <li>- Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq}</math>,</li> <li>- Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB <math>L_{Aeq}</math></li> </ul> <p>The sound insulation and noise control measures 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 secure an appropriate internal residential environment due to the noise levels on Holloway Road and commercial use at ground floor level</p>
20	<b>Plant Noise and Fixed Plant</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> 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 <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment.</p>
21	<b>Sound Insulation</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed retail and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</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</p>

	<p>of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment.</p>
22	<p><b>Air Quality (details)</b></p> <p>CONDITION: Before commencement any superstructure works commencing on site, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:</p> <ul style="list-style-type: none"> <li>• The area within the boundary of the site, which may exceed relevant national air quality objectives.</li> <li>• Specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives.</li> <li>• Identify areas of potential exposure</li> <li>• Detail how the development will reduce its impact on local air pollution.</li> </ul> <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy in the compilation of the report.</p> <p>REASON: To protect the amenities of the future occupants.</p>
23	<p><b>Lift Shaft Insulation</b></p> <p>CONDITION: Prior to the first occupation of the residential accommodation hereby approved sound insulation shall be installed to the lift shaft sufficient to ensure that the noise level within the dwellings does not exceed NR25(Leq) 23:00 - 07:00 (bedrooms) and NR30 (Leq. 1hr) 07:00 - 23:00 (living rooms) and a level of +5NR on those levels for the hours of 07:00 - 23:00.</p> <p>REASON: To secure an appropriate future residential environment.</p>
24	<p><b>Lift Installation</b></p> <p>CONDITION: The lift serving all floors of the proposed development hereby approved shall be installed and operational prior to the first occupation of the residential dwellings hereby approved.</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 adequate access is provided to the residential units at all floors.</p>
25	<p><b>Ventilation</b></p> <p>*CONDITION: Prior to commencement of the relevant part of the development, full details of ventilation for the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter</p> <p>REASON: To secure an appropriate future residential environment.</p>
26	<p><b>Delivery and servicing plan</b></p> <p>*CONDITION: A Delivery and Servicing plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.</p>

	<p>No vehicles larger than transit size are to use Giesbach Road. All vehicles above this size/weight are to use the loading bay provided on Holloway Road (to the south of the site by approx. 15m). It should be noted that loading is only permitted between the hours of 10am-4pm.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
27	<p><b>Hours of Operation</b></p> <p>CONDITION: The ground and basement floor A1 retail floorspace hereby approved shall not operate outside the hours of:</p> <p>07:30 - 23:00 (Monday - Friday)  09:00 - 23:00 (Saturday)  09:30 - 22:00 (Sundays and Bank Holidays)</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
28	<p><b>Deliveries, collections and loading</b></p> <p>CONDITION: Deliveries, collections, unloading, loading along Giesbach Road associated with the ground floor use shall only be between the following hours:</p> <p>Monday to Saturday - (08:00 - 20:00)  Sundays/Bank Holidays - not at all</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic</p>
29	<p><b>BREEAM (compliance)</b></p> <p>CONDITION: The retail development shall achieve 'Excellent' under BREEAM New Construction (2011).</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
30	<p><b>Energy Strategy (compliance/details)</b></p> <p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a total 31.9% (regulated and unregulated) on-site CO2 emissions 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 total of 31.9% (regulated and unregulated) on site CO2 emissions 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 CO2 emission reduction targets are met.</p>
31	<p><b>Green and Brown Roofs (Details)</b></p>
	<p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be maximised and be :</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
32	<p><b>Sustainable Urban Drainage System (SUDS) (details)</b></p>
	<p>CONDITION: Details of a detailed drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <ul style="list-style-type: none"> <li>i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</li> <li>ii. include a timetable for its implementation; and</li> <li>iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.</li> </ul> <p>The drainage system shall be installed/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: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>



33	<b>Water Use (Compliance)</b>
	<p>CONDITION: The development shall be designed to achieve a water use target of no more than 105litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>

**List of Informatives:**

1	<b>S106</b>
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<b>Superstructure</b>
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b></p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<b>Car-Free Development</b>
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5	<b>Roller Shutters</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>
6.	<p><b>Roof top plant</b></p> <p>The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.</p>
7	<p><b>Construction works</b></p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
8	<p><b>Thames Water</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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.</p>
9	<p><b>Highways Requirements</b></p> <p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p>

Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk).

Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact [highways.maintenance@islington.gov.uk](mailto:highways.maintenance@islington.gov.uk) Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.

Temporary crossover licenses to be acquired from [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk). Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.

Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO’s) to be borne by developer.

All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington’s public lighting at cost to the developer. Contact [streetlights@islington.gov.uk](mailto:streetlights@islington.gov.uk)

Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.

Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980

Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

## APPENDIX 2: RELEVANT POLICIES

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

### 1 **National Guidance**

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

### 2. **Development Plan**

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

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

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **2 London's places**

Policy 2.9 Inner London

##### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.7 Large residential developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

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

Policy 3.13 Affordable housing thresholds

Policy 3.14 Existing housing

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

##### **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 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking

Policy 3.15 Coordination of housing development and investment  
Policy 3.16 Protection and enhancement of social infrastructure

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

Policy 4.1 Developing London's economy  
Policy 4.7 Retail and town centre development  
Policy 4.8 Supporting a successful and diverse retail sector  
Policy 4.9 Small shops

#### **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 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy

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

Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.13 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

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

#### **Spatial Strategy**

Policy CS 1 Archway  
Policy CS 8 (Enhancing Islington's Character)

Policy CS 14 (Retail and Services)  
Policy CS 15 (Open Space and Green Infrastructure)  
Policy CS 16 (Play Space)

#### **Strategic Policies**

Policy CS 9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS 10 (Sustainable Design)  
Policy CS 11 (Waste)  
Policy CS 12 (Meeting the Housing Challenge)

#### **Infrastructure and Implementation**

Policy CS 18 (Delivery and Infrastructure)  
Policy CS 19 (Health Impact Assessments)  
Policy CS 20 (Partnership Working)

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

#### **Design and Heritage**

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage

#### **Health and open space**

DM6.1 Healthy development  
DM6.2 New and improved public open space  
DM6.6 Flood prevention

#### **Housing**

DM3.1 Mix of housing sizes  
DM3.2 Existing housing  
DM3.4 Housing standards  
DM3.5 Private outdoor space

#### **Energy and Environmental Standards**

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

DM3.6 Play space  
DM3.7 Noise and vibration (residential use)  
DM3.8 Sheltered housing and care homes

**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  
DM4.5 Primary and Secondary Frontages  
DM4.8 Shopfronts

DM7.4 Sustainable design standards  
DM7.5 Heating and cooling

**Transport**

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

**Infrastructure**

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

3. **Planning Advice Note/Planning Brief**

- 3.1 A document entitled 'Regeneration proposals for Archway' was adopted by the Council's Executive on 5 July 2011. These proposals outline the Council's desire to overcome some of the barriers to physical regeneration, strengthen the local economy and improve the vitality of the town centre. Funding allocations for various regeneration projects were agreed within this document (none of which directly relate to the application site).
- 3.2 Archway Development Framework SPD (adopted 2007). The Core Strategy at paragraph 2.2.1 states that this SPD will remain in place after the adoption of the Core Strategy and that the document adds detail to the Core Strategy Site Allocation (CS1). The site is not within the core area of this document but falls within the 'contextual area'. Development within the wider contextual area should take into consideration the guidance and the following key objectives:
- Delivery of a beacon sustainable development – delivery of a truly sustainable community and thus contribute to environmental, economic and social sustainability.
  - Delivery of a mixed use development to build upon Archway's strengths as a district centre and enhance this role.
  - The improvement of the pedestrian environment to provide a safe environment and improve the pedestrian links through to the adjoining areas.
  - The creation of high quality public spaces to provide an environment where people can visit, shop, relax while providing links to the surrounding areas and uses in Archway;
    - Microclimate – minimise wind impact due to down draught;
    - This document states that priority for planning obligations within Archway will be focussed towards improvements to the public realm and local employment.

4. **Designations**

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

**Islington Local Plan**  
Primary Retail Frontage  
Archway Town Centre

**London Plan**  
None relevant

5. **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

**Islington Local Development Plan**

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

**London Plan**

- Accessible London: Achieving an Inclusive Environment SPG (and Draft SPG)
- The Control of Dust and Emissions During Construction and Demolition SPG
- Housing SPG
- London Housing Design Guide (Interim Edition)
- Planning for Equality and Diversity in London SPG
- Shaping Neighbourhoods – Character and Context SPG
- Shaping Neighbourhoods – Play and Informal Recreation SPG
- Draft Social Infrastructure SPG
- Sustainable Design and Construction SPG

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Our ref: DRP/64

Date: 25 June 2015

ATT: Greg Cooper  
Metropolis  
4 Underwood Row  
London  
N1 7LQ

Dear Greg Cooper,

**ISLINGTON DESIGN REVIEW PANEL**

**RE: 798-804 Holloway Road in connection with P2015/1681/FUL**

Thank you for attending Islington's Design Review Panel meeting on 9 June 2015 for an assessment of the above scheme. The proposed scheme under consideration is for the demolition of the existing buildings and redevelopment of the site to provide a part three, part six storey mixed use building comprising 337 sqm A1 retail floor space at ground floor and 13 residential (C3) residential units at first, second, third and fourth floors (6x 1-bed, 4x 2-beds, 3x 3-bed), with associated amenity space and cycle storage (officer's description).

**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 Richard Portchmouth (chair), David Leech, Tim Ronalds, Charles Thomson, Ben Gibson and Dorian Crone on 9 June 2015 including a site visit and a presentation from the design team followed by a question and answers session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

**Panel's observations**

Massing

The Panel recognised that a good case had been made for a taller building on the corner making a positive contribution to the Archway gyratory regeneration proposals. However the Panel were not convinced about the relationship of the proposed building to the neighbouring terraces and recommended that further options should be explored in terms of the overall massing and how to resolve the relationship with neighbouring buildings. The Panel recognised that the stepping up to a taller corner building could be successful but the composition should be simpler and the junction of the two facades needed to be resolved more comfortably.

The Panel suggested that a physical model might help inform the composition and design resolution.

Elevations



The Panel felt that the elevations included too many elements and that the end result appeared overly mannered. In particular, the Panel questioned how the two elevations met at the corner and recommended that a design which addressed and turned the corner more positively should be explored. Panel members suggested that the building should have its own identity rather than being broken up into elements and that a simpler and more powerful design should be found that better reflected the prominent site. The Panel also recommended that the building should better reflect the local context of Holloway Road and Giesbach Road.

The Panel commented that the shop front and fascia treatments required more detailed resolution in relation to their Holloway Road context.

A further view of the elevation from Windermere Street was requested.

### Roof

The Panel felt that the roof was problematic. It appeared too heavy and unrelated to the rest of the building and it had a very uncomfortable relationship to the set back on Holloway Road and to the corner. Panel members suggested that the roof should either be re-designed as a separate element or removed.

### **Summary**

The Panel found much to commend the scheme with regard to the response to the changing urban context for the Archway regeneration proposals and the layout of the apartments. The Panel welcomed the proposal for a taller building on the corner site, but recommended that the overall massing could be better resolved. Panel members recommended that a simpler design for the elevations should be found to create a building with a strong identity in its own right. The Panel recommended that the roof of the building should be re-designed or removed and the design of the shop fronts required more detailed resolution.

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 since the scheme is at planning application stage, 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,

**Luciana Grave**



Design Review Panel Coordinator  
Design & Conservation Team Manager

798 - 804 Holloway Road, London, N19 3JH

Application Ref: 2015/4343/FUL



Independent Review of Assessment of Economic Viability

18 December 2015

## 1.0 Introduction

- 1.1. BPS Chartered Surveyors has been instructed by The London Borough of Islington ('the Council') to review a viability assessment prepared by Affordable Housing Solutions Ltd ('AHS') on behalf of TPS Brighton Developments Ltd ('the applicant') in respect of the 798-804 Holloway Road, London, N19 3JH.
- 1.2. The site is located at the northern end of Holloway Road close to the Archway Gyratory and has excellent transport links being about a minutes' walk for Archway underground station as well being close to the local bus stop which offers services towards central London. The site measure approximately 0.11 Acres.
- 1.3. The application is for the;  
  
*'Demolition of existing building and redevelopment of the site to provide a part three, part six storey mixed use building comprising 598 sq.m A1 retail floorspace at ground floor and basement level and no.13 (C3) residential units at first to fourth floors (6 x 1 beds, 5 x 2 beds, 2 x 3 beds), with associated amenity space and cycle storage.'*
- 1.4. The applicant has proposed the scheme provided 3 units of affordable housing of shared ownership tenure. An alternative option of an in lieu payment in the sum of £469,000 has also been proposed.
- 1.5. The viability assessment seeks to demonstrate that the payment in lieu offered of £469,000 is the maximum sum payable and that the onsite provision of 3 shared ownership units would result in a development deficit when tested against the proposed benchmark land value for the site. Benchmark is based on an alternative use value for the site reflecting an extant consent granted appeal.
- 1.6. Our review has sought to scrutinise the costs and value assumptions that have been applied in the AHS viability appraisal in order to determine whether the current affordable housing offer represents the maximum that can reasonably be delivered given the viability of the proposed development.

## 2.0 Conclusion and Recommendations

- 2.1. Based upon the findings of our review we are of the opinion that on site affordable provision of three shared ownership units would represent the maximum contribution viable from this scheme. The applicant suggests an in lieu contribution would be preferable and proposes payment of the sum of £469,000. We are of the opinion this figure could be increased to £515,940.
- 2.2. The benchmark land value proposed is based upon an Alternative Use Value (AUV) of a consent recently granted at appeal. The residual value of this scheme is £1,684,000. Having reviewed the inputs and assumptions we accept this sum is a realistic assessment of the likely residual value arising from delivery of this consent.
- 2.3. The costs plans produced by Ian Thomson & Co Limited have been reviewed by our Cost Consultant, Neil Powling, who is of the opinion that they are set at a realistic market level. We have reviewed the additional cost items included in the appraisal and these also appear adequately justified, the majority being based on GLA toolkit defaults.
- 2.4. Private sales values for the proposed and AUV schemes have been provided by Colliers International and having reviewed the available evidence they provide together with our own research, we are of the opinion that the proposed sales values are reflective of current market values for both the AUV scheme and the proposed scheme. However we do question the value except for the top floor three bed unit in the proposed scheme. The proposed value of this unit has been heavily discounted due to its larger size with an asking value some £1,294 per m<sup>2</sup> (£120 per ft<sup>2</sup>) lower than the equivalent unit in the AUV scheme although we note that it is 26m<sup>2</sup> larger. We have suggested increasing that value of this unit to £850,000 which reflects a rate of £6,589 m<sup>2</sup> (£612 per ft<sup>2</sup>).
- 2.5. Affordable Housing values have not been provided by AHS as they state that an affordable housing contribution is 'the most practical and prudent route' although it should be noted that they have provided an appraisal assessing the impact of onsite provision in the form of shared ownership units. We have assessed the value of the 3 affordable units in our appraisal at a rate of £3,444 per m<sup>2</sup> (£320 per ft<sup>2</sup>) based on a 25% equity sale and 1.5% rent on the unsold equity. These assumptions appear to broadly equate to the value adopted by AHS.
- 2.6. The retail space has been valued at a rate of £269 per m<sup>2</sup> (£25 per ft<sup>2</sup>) on the ground floor space and £161 per m<sup>2</sup> (£15 per ft<sup>2</sup>) on the basement space. This gives a blended overall rate of £191 per m<sup>2</sup> (£17.70 per ft<sup>2</sup>). Given the evident similarities we are of the opinion that the capitalisation rate should be 5.25% as per the AUV scheme. This rate reflects the trading benefits of the site discussed by Colliers and the fact that the proposed scheme would result in an increased sales area at ground floor level with storage potentially moved to the less valuable basement level. This results in an increase in the retail investment value from £2.07 million to £2.17 million before costs.
- 2.7. Capitalised ground rental income has been included at the same rate across both the proposed and AUV scheme and we accept that the rent levels and yields applied appear reasonable.

- 2.8. The table set out below highlights the net impact on viability of the changes suggested above when compared to the AHS scheme. It is clear however that the provision of 3 onsite shared ownership units would still represent the maximum reasonable level of onsite affordable that can be delivered by this scheme.

Appraisal	Residual Value	Benchmark	Surplus/(Deficit)
AHS 0% Affordable on site	£2,153,000	£1,684,000	£469,000
AHS 23% On site AH	£1,610,000	£1,684,000	(£74,000)
BPS 0% Affordable on site	£2,199,940	£1,684,000	£515,940
BPS 23% On site AH	£1,690,337	£1,684,000	£6,337

- 2.9. Given the configuration of the proposed building it would appear unlikely that rented tenure units could be delivered as the units are all required to be accessed through a shared service core given the use of the ground floor for retail purposes. There common service charge entailed would potentially impact on affordability of the units and loss of Registered Provider interest in taking on these units.

### 3.0 Planning Policy Context

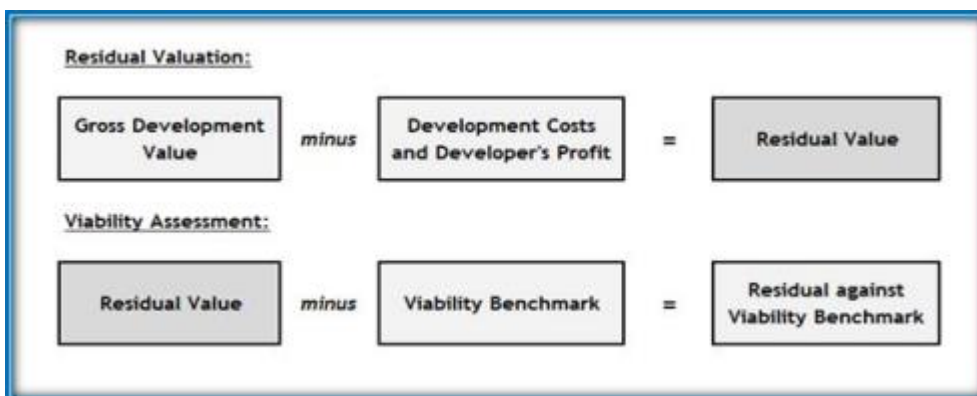
- 3.1. We have had reference to national planning policy guidance including the National Planning Policy Framework. We have also had regard to the regional planning policy context including the London Plan Further Amendments 2015.
- 3.2. Islington Core Strategy Policy CS12 requires the maximum reasonable level of affordable housing that can be achieved with a target of 50% of new housing to be affordable.
- 3.3. CS12 requires a tenure split of 70% social rent and 30% intermediate tenure. CS12 also includes the requirement that affordable housing units are designed to a high quality with the Development Management Policies encouraging design to be 'tenure blind'.
- 3.4. We have also had due regard to the Council's emerging SPD in respect of Planning viability.

### 4.0 Planning History

- 4.1. 2014/3815/FUL - *'Demolition of existing buildings and redevelopment of the site to provide a part three, part four storey mixed use building comprising 345 sq.m A1 retail floorsapce at ground floor and no. 9 (C3) residential units at first second and third floors, with associated amenity space and cycle storage.'*
- 4.2. The application was initially refused but was granted consent at appeal after the upper stories were reconfigured as the original application was deemed to have an 'unacceptably harmful impact on the amenities of neighbouring property'.
- 4.3. The above application forms the basis for the AUV and we have discussed it further in section 6 of this report.

## 5.0 Principles of Viability Assessment

- 5.1. Assessment of viability for planning purposes is based on the principle that if a proposed scheme cannot generate a value that equals or exceeds the current site value, it will not proceed. Financial viability for planning purposes is defined by the RICS Guidance as an “objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project.” This reflects the NPPF principle that in order to ensure viability, developments should provide competitive returns to a willing land owner and willing developer to enable them to be deliverable.
- 5.2. A fundamental issue in considering viability assessments is whether an otherwise viable development is made unviable by the extent of planning obligations or other requirements.
- 5.3. Existing Use Value has been generally recognised by many LPA’s and the GLA as the standard recognised basis for establishing viability as it clearly defines the uplift arising from the grant of the planning consent sought and is currently referred to as the preferred basis for benchmarking schemes in the Council’s recently adopted planning policies.
- 5.4. RICS Guidance<sup>1</sup> suggests that “the site value benchmark should equate to the market value subject to the following assumption: that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan”. The purpose of a viability appraisal is to assess the extent of planning obligations while also having regard to the prevailing property market.
- 5.5. In this context it is highly relevant to consider the degree to which planning policy has been reflected in the land transactions promoted and whether they are themselves considered to represent market value as distinct from overbids.
- 5.6. Viability appraisals work to derive a residual value to indicate viability. This approach can be represented by the simple formula set out below:



- 5.7. Development costs include elements such as planning obligations, professional fees, finance charges and contingencies as well as the necessary level of ‘return’ that

<sup>1</sup> RICS, Financial Viability in Planning, 1st Edition Guidance Note, August 2012

would be required to ensure developers are capable of obtaining an appropriate market risk adjusted return for delivering the proposed development.

- 5.8. Residual appraisals are used either to assess a return from the proposed project (where the cost of acquiring the site is an appraisal input) or to establish a residual land value after taking account of the level or return (profit) required.
- 5.9. A scheme's residual value is then compared to the site value benchmark figure and if the residual value equals or exceeds this benchmark then the scheme can be said to be viable. It is therefore important in assessing viability for the site value benchmark ("base value") to be set at a figure which can be substantiated.

## **6.0 Viability Benchmark**

- 6.1. The Viability Benchmark Sum (VBS) is based upon an Alternative Use Value (AUV) derived from an extant consent. The appraisal supplied by AHS states that the AUV is based on P/2014/2101/FUL this application was never determined as it was withdrawn by the applicant. It would therefore appear that the AUV is instead based upon application 2015/3815/FUL which was recently granted consent at appeal. The Council's grounds for refusal related primarily to the impact on neighbouring properties.
- 6.2. For the purpose of the AUV the plans have been revised to address the refusal points. The development value of the AUV scheme has been prepared by Colliers International with the costs being estimated by Ian Thomson & Co Ltd.

- 6.3. Permission was sought for the;

*'Demolition of existing buildings and redevelopment of the site to provide a part three, part four storey mixed use building comprising 345 sq.m A1 retail floorspace at ground floor and no.9 (C3) residential units at first second and third floors (4x 1 beds, 4x 2 beds, 1x 3 bed), with associated amenity space and cycle storage.'*

- 6.4. We have examined the assumptions applied in the appraisal supplied in order to determine whether or not the benchmark figure is reasonable.

### *Build Costs*

- 6.5. The costs have been reviewed by our Cost Consultant and he is of the opinion that they are indeed reasonable.
- 6.6. The assumptions applied in terms of other costs applied in the toolkit appraisal are assumed to be broadly in-line with those set out in section 7.0 of this report which we have deemed acceptable.

### *Residential Values*

- 6.7. The AUV scheme contains 9 residential units with the following averages based upon the updated floor plans:

Type	Count	Average Area m <sup>2</sup> (ft <sup>2</sup> )	Average Price	Average £/m <sup>2</sup> (ft <sup>2</sup> )
1 Bed	4	50.75 (546)	£436,250	£8,596 (£799)
2 Bed	4	74.25 (799)	£600,000	£8,081 (£751)
3 Bed	1	103 (1,109)	£795,000	£7,718 (£717)

- 6.8. We have analysed sales values further in section 8.0 of this report and given that these values are in line with those of the proposed scheme we are of the opinion that they are indeed reasonable.

#### *Ground Rents*

- 6.9. The ground rents have again been calculated on the same basis as the proposed scheme as discussed in section 10.0 of this report. We are of the opinion that the values applied are indeed reasonable.

#### *Retail Values*

- 6.10. The AUV scheme includes 345 m<sup>2</sup> (3713 ft<sup>2</sup>) of retail floorspace at ground floor level which has been valued on the same basis as the floorspace in proposed scheme except for the capitalisation yield which is 5.25%. We discuss retail values further in section 11 but in short we are of the opinion that they are reasonable.
- 6.11. On the whole it would appear that the values and assumptions used for the AUV appraisal are indeed reasonable.

### **7.0 Proposed Scheme Costs**

- 7.1. Our Cost Consultant, Neil Powling, has reviewed the Thomson & Co Ltd Cost Estimate for the proposed scheme. A summary of Neil's conclusions are set out below:

*Our adjusted benchmark yields an adjusted rate of £2,217/m<sup>2</sup> compared to the Applicant's £2,150/m<sup>2</sup>. We are therefore satisfied that the Applicant's estimated costs are reasonable.*

*The pricing of the Alternative scheme is broadly consistent with the Proposed Scheme; the adjusted benchmark is £2,176/m<sup>2</sup> compared to the Applicants £2,124/m<sup>2</sup>. We are satisfied that the estimated costs of the Alternative scheme are reasonable.*

- 7.2. Professional Fees have been included at a rate of 12% of total construction costs which reflects the upper end of the usually accepted scale.
- 7.3. A profit target of 20% of private residential revenues represents a generally accepted norm. In our appraisals we have provided for a lesser profit of 6% in assessing the on-site affordable housing option.
- 7.4. Development finance costs are based on an interest rate of 6.75% which is realistic given current market conditions.

- 7.5. The total S106 and CIL contributions have been estimated at £186,200 with a £44,000 S106 payment and £142,000 towards Mayoral and Borough CIL. This overall figure reduces to £134,900 for the on-site option due to affordable housing relief.
- 7.6. Marketing Costs of 3% of sales values have been applied in the appraisal and we agree that this figure is reasonable and consistent with the allowance we would expect for this scale of project.
- 7.7. Purchaser Costs of 5.8% have been applied to the land value benchmark which reflects a standard market assumption in this respect.

## 8.0 Residential Sales Values

- 8.1. Private residential sales values have been estimated by Colliers International. The average floor areas of the units and the average values assumed for the all private scheme are as follows:

Type	Count	Average Area m <sup>2</sup> (ft <sup>2</sup> )	Average Value	Average £/m
1 Bed	6	51 (551)	£440,417	£8,610 (£800)
2 Bed	5	73 (782)	£587,000	£8,083 (£751)
3 Bed	2	109 (1,175)	£751,250	£6,979 (£649)

- 8.2. Colliers International (Colliers) has based their pricing approach on analysis of a number of market transactions and the asking prices of nearby new build schemes. We discuss the sales evidence provided by Colliers in further detail below.
- 8.3. The Joinery is a Family Mosaic development approximately half a mile to the north east of the subject site and includes Ruskin Court and Hardy Court. Two units are currently under offer on this scheme. Quoting prices show average rates of £6,883 per m<sup>2</sup> (£639 per ft<sup>2</sup>) at Ruskin Court and £7,540 per m<sup>2</sup> (£718 per ft<sup>2</sup>) at Hardy Court. The specification of these units appears to be quite high. The subject site is in a superior location being close to the Underground and major bus routes, so could potentially command higher values with an appropriate specification.

Name	Beds	Date	Price	Area m <sup>2</sup> (ft <sup>2</sup> )	£/m <sup>2</sup> (ft <sup>2</sup> )
6 Ruskin Court, N19	2	Available	£530,000	80 (861)	£6,626 (£616)
18 Ruskin Court, N19	2	U/O	£545,000	76 (818)	£7,172 (£666)
9 Ruskin Court, N19	3	U/O	£555,000	81 (872)	£6,851 (£636)
9 Hardy Court, N19	2	Available	£505,000	66 (708)	£7,652 (£713)
12 Hardy Court, N19	2	Available	£520,000	70 (720)	£7,429 (£722)

- 8.4. The Harper Building on Holloway Road is just over a mile to the northwest of the subject site next to Holloway Road Underground station. The building was converted from office space under permitted development rights and has been refurbished to a reasonably high standard. Its proximity to the underground station is similar to the subject site. There are 7 units currently listed as available or under offer with 1 bed units having an average asking price of £9,464 per m<sup>2</sup> (£879 per ft<sup>2</sup>) and 2 bed unit having an average price of £9,032 per m<sup>2</sup> (£831 per ft<sup>2</sup>). The listed prices per unit are as follows:



Flat Number	Beds	Date	Price	Area m <sup>2</sup> (ft <sup>2</sup> )	£/m <sup>2</sup> (ft <sup>2</sup> )
1	1	U/O	£465,000	52 (563)	£8,890 (£826)2
3	1	U/O	£440,000	46 (490)	£9,666 (£898)
6	1	U/O	£445,000	45 (487)	£9,836 (£914)1
2	2	Available	£655,000	74 (793)	£8,891 (£826)
4	2	Available	£515,000	55 (592)	£9,364 (£870)7
5	2	U/O	£645,000	72 (778)	£8,924 (£829)
9	2	U/O	£670,000	75 (806)	£8,948 (£831)3

8.5. Whittington House is another recent development that has been carried out under permitted development rights. The building is not far from the subject site being a little over 100 meters along Holloway Road. However given that this development was completed under permitted development rights and consequently the external façade of the building has changed little and still reflects a 1960's concrete framed office building. There are currently two units available with the following asking prices:

Beds	Asking Price	Area m <sup>2</sup> (ft <sup>2</sup> )	£/m <sup>2</sup> (ft <sup>2</sup> )
1	£410,000	50 (540)	£8,173 (£759)
2	£575,000	71 (760)	£8,144 (£757)

8.6. Spectrum Court is situated to the southeast of the subject site, just off Holloway Road. The units here are in generally good condition with the building itself being built in 2002. The unit values below reflect the relative age of the property and its location, which is less sought after when compared to the other evidence provided.

	Beds	Price	Area	Area	£ per m	£ per ft
2 Spectrum Court	2	699,950	101	1084	6950	646
4 Spectrum Court	2	670,000	73	788	9152	850
5 Spectrum Court	2	670,000	73	788	9152	850
<b>Average</b>		<b>679,983</b>	<b>82</b>	<b>887</b>	<b>8,418</b>	<b>782</b>

8.7. In addition to the information provided by Colliers we have also identified additional transactional evidence. It should be noted that some of the sales are relatively historic dating from 2014.

Unit	Beds	Sale Date	Sale/Asking Price	Area m <sup>2</sup> (ft <sup>2</sup> )	£/m <sup>2</sup> (ft <sup>2</sup> )
Flat 3	1	07/11/14	£360,000	50 (538)	£7,200 (£669)
Flat 14	2	07/08/15	£772,500	91 (980)	£8,489 (£789)
Flat 7	2	25/04/14	£570,000	88 (947)	£6,477 (£602)
Flat 11	2	28/07/14	£528,000	78 (840)	£6,769 (£629)
Flat 8	2	03/07/15	£502,500	78 (840)	£6,442 (£599)
<b>Average</b>	-	-		-	<b>£7,044 (£654)</b>
Flat 2	2	Available	£699,950	101 (1,084)	£6,950 (£646)
Flat 4	2	Available	£670,000	73 (788)	£9,152 (£850)

Flat 5	2	Available	£670,000	73 (788)	£9,152 (£850)
Average	-	-	-	-	£8,418 (£782)

- 8.8. The Barratt Homes development at Queensland Terrace is in relatively close proximity to The Harper Building and is in-between Holloway Road and Drayton Park Stations. There are currently a number of one and two bedroom units listed for sale or under offer and we note that asking prices per m<sup>2</sup> would appear to be higher than the proposed scheme reflecting provision of private balconies and that the scheme also has a residents gym. The average asking prices are as follows:

No. of Bedrooms	Area m <sup>2</sup> (ft <sup>2</sup> )	Asking Price	£ per m <sup>2</sup> (ft <sup>2</sup> )
1 Bedroom	46 (490)	£466,188	£10,244 (£952)
2 Bedrooms	80 (860)	£671,667	£8,489 (£789)

- 8.9. Lotus Mews on Sussex Way is a development of eight three bedroom mews houses all available at £850,000. This development is located to the east of the subject site and indicates the upper end of new build prices for houses although it should be noted that the houses have relatively small floorplates and have a joint kitchen/diner/lounge room.
- 8.10. Details of a number of second hand sales have also been provided by Colliers at prices ranging from £6,780 to £10,440 per m<sup>2</sup> (£630 to £970 per ft<sup>2</sup>) for one bedroom units and from £6,458 to £8,342 per m<sup>2</sup> (£600 to £775 per ft<sup>2</sup>) for 2 beds. In the case of both one and two bedroom units the higher values per m<sup>2</sup> reflect the quality of space available with some units situated in period conversions benefitting from private rear gardens which would help generate higher sales values.
- 8.11. We have also considered the development at 400 Caledonian Road which is situated next to Caledonian Road & Barnsbury overground station. The development comprises 25 new homes and some commercial space. There are a number of one, two and three bedroom units listed and we summarise the average prices for the units below:

No. of Bedrooms	Area m <sup>2</sup> (ft <sup>2</sup> )	Asking Price	£ per m <sup>2</sup> (ft <sup>2</sup> )
1 Bedroom	53.9 (580)	£424,250	£7,887 (£733)
2 Bedrooms	67.8 (730)	£542,700	£8,033 (£746)
3 Bedrooms	97.7 (1,052)	£780,000	£7,983 (£742)

- 8.12. Consider the available evidence it would appear that the residential values applied are generally reasonable and in line with available evidence provided and our own research.
- 8.13. We do however disagree with the approach taken to pricing the top floor unit in the proposed scheme. The three bed unit has been discounted by some 15% in comparison with the AUV scheme. We appreciate that there is a size difference of approximately 26m<sup>2</sup> between the respective units but view the proposed difference in unit price of just £32,500 between the two units as insufficient to reflect the benefit available from the additional floor area. The unit in the proposed scheme has larger bedrooms which could all be considered as double bedrooms and benefits from three bathrooms as opposed to the AUV units two. The layout of the living

space is also greatly improved in the proposed scheme. As such we would suggest increasing the value of the three bed top floor unit to £850,000.

## 9.0 Affordable Housing

- 9.1. One of the proposed options is for the provision of three shared ownership units at first floor level. The residual value of the scheme with on-site affordable housing is stated as being £1.63 million which is below the benchmark land value. There would appear to be no commentary within the AHS report as to the assumptions used to assess the affordable housing values.
- 9.2. We have assumed a value of £320 per ft<sup>2</sup> based upon 25% and 1.5% rent on the unsold equity. These assumptions would appear to generate a valley which broadly equates to the net difference in GDV identified by AHS.

## 10.0 Ground Rents

- 10.1. Ground rents have been assumed at £300 for the one bed units, £350 for two beds and £400 for three beds. This has been capitalised at a rate of 5% with purchasers costs of 1.8% deducted. The total investment value is therefore £85,000.

## 11.0 Retail

- 11.1. The proposed scheme includes approximately 598 m<sup>2</sup> (6,437 ft<sup>2</sup>) of commercial floorspace. The space is split over the ground and lower ground floors.
- 11.2. The rental levels that have been applied by Colliers are £269 per m<sup>2</sup> (£25 per ft<sup>2</sup>) on the ground floor space and £161 per m<sup>2</sup> (£15 per ft<sup>2</sup>) on the basement space. This gives a blended overall rate of £191 per m<sup>2</sup> (£17.70 per ft<sup>2</sup>). The following comparable evidence reflects lettings that include both basement and ground floor space and as such illustrate blended rates.

Address	Deal Date	Area m <sup>2</sup> (ft <sup>2</sup> )	Rent	£ per m <sup>2</sup> (ft <sup>2</sup> )
6 Archway Rd, N19	01/09/15	113 (1,218)	£24,000	£212 (£19.70)
627-635 Holloway Rd, N19	08/04/15	518 (5,574)	£102,500	£198 (£18.39)
298 Holloway Rd, N7	01/03/15	246 (2,653)	£36,000	£146 (£13.57)
8 Campdale Rd, N7	02/02/15	56 (600)	£13,500	£242 (£22.50)

- 11.3. We have also considered the following units which are currently available for rent the local area which again are for basement and ground floor space.

Address	Area m <sup>2</sup> (ft <sup>2</sup> )	£ per m <sup>2</sup> (ft <sup>2</sup> )	Asking Rent
34 Junction Rd, N19	221 (2,378)	£317 (£29.44)	£70,000
693 Holloway Rd, N19	102 (1,098)	£142 (£13.21)	£14,500
267 Seven Sisters Rd, N4	123 (1,325)	£195 (£18.11)	£24,000
187 Seven Sisters Rd, N4	112 (1,204)	£228 (£21.18)	£25,500
506 Holloway Rd, N7	136 (1,465)	£184 (£17.06)	£25,000
296 Holloway Rd, N7	249 (2,680)	£125 (£11.64)	£31,200

- 11.4. Both the recent lettings and current listings in the local area would suggest that the rents applied in the appraisal are in line with the available market evidence.
- 11.5. The capitalisation yield applied to the estimated rental income is 5.5%. CBRE research<sup>2</sup> would suggest prime shop yields of 2.86% in central London and 5.27% in suburban London. The prominent corner location of this site, close to the transport links, is a positive aspect that would lend itself to a convenience store as suggested by Colliers. We agreed in section 6 of this report that the yield applied for the AUV retail space of 5.25%. Colliers argue that the size and configuration of the AUV scheme would be more appealing to occupiers than for the proposed scheme. We are of the view this consideration would be most apparent in the rent assumptions and note the rates adopted for both AUV and proposed are identical in respect of the ground floor rates with the basement space heavily discounted in respect of the proposed scheme. We see little likelihood of tenanted investments selling for different yields given the likely tenant would be a convenience store with the value being largely covenant driven. We have therefore applied 5.25% to both appraisals.
- 11.6. An allowance for purchaser costs of 5.8% has been included and we agree that this is a reasonable and commonly accepted assumption.
- 11.7. We are of the opinion that the commercial space is undervalued for the proposed scheme and the yield should be 5.25% instead of the 5.5% stated.

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<sup>2</sup> CBRE, Marketview: UK Prime Rent and Yields, Q3 2015

# Project: 798-804 Holloway Road, N19 3JH

2015/4343

## Independent Review of Assessment of Economic Viability

### Interim Draft Report Appendix A Cost Report

#### 1 SUMMARY

- 1.1 Our adjusted benchmark yields an adjusted rate of £2,217/m<sup>2</sup> compared to the Applicant's £2,150/m<sup>2</sup>. We are therefore satisfied that the Applicant's estimated costs are reasonable.
- 1.2 The pricing of the Alternative scheme is broadly consistent with the Proposed Scheme; the adjusted benchmark is £2,176/m<sup>2</sup> compared to the Applicants £2,124/m<sup>2</sup>. We are satisfied that the estimated costs of the Alternative scheme are reasonable.
- 1.3 There is insufficient information in the FVR relating to the Construction Costs Toolkit Appraisal for us to verify that the costs in the cost plan have been accurately included in the Appraisal.

#### 2 METHODOLOGY

- 2.1 The objective of the review of the construction cost element of the assessment of economic viability is to benchmark the applicant costs against RICS Building Cost Information Service (BCIS) average costs. We use BCIS costs for benchmarking because it is a national and independent database. Many companies prefer to benchmark against their own data which they often treat as confidential. Whilst this is understandable as an internal exercise, in our view it is insufficiently robust as a tool for assessing viability compared to benchmarking against BCIS.
- 2.2 BCIS average costs are provided at mean, median and upper quartile rates (as well as lowest, lower quartile and highest rates). We generally use mean or upper quartile for benchmarking depending on the quality of the scheme. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to 40 years. We generally consider both default and maximum 5 year average prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.
- 2.3 BCIS average prices are also available on an overall £ per sqm and for new build work (but not for rehabilitation/ conversion) on an elemental £ per sqm basis. We generally consider both. A comparison of the applicants elemental costing compared to BCIS elemental benchmark costs provides a useful insight into any

differences in cost. For example: planning and site location requirements may result in a higher than normal cost of external wall and window elements.

- 2.4 If the application scheme is for the conversion, rehabilitation or refurbishment of an existing building, greater difficulty results in checking that the costs are reasonable, and the benchmarking exercise must be undertaken with caution. The elemental split is not available from the BCIS database for rehabilitation work; the new build split may be used instead as a check for some, but certainly not all, elements. Works to existing buildings vary greatly from one building project to the next. Verification of costs is helped greatly if the cost plan is itemised in reasonable detail thus describing the content and extent of works proposed.
- 2.5 BCIS costs are available on a quarterly basis - the most recent quarters use forecast figures, the older quarters are firm. If any estimates require adjustment on a time basis we use the BCIS all-in Tender Price Index (TPI).
- 2.6 BCIS average costs are available for different categories of buildings such as flats, houses, offices, shops, hotels, schools etc. The Applicant's cost plan should keep the estimates for different categories separate to assist more accurate benchmarking.
- 2.7 To undertake the benchmarking we require a cost plan prepared by the applicant; for preference in reasonable detail. Ideally the cost plan should be prepared in BCIS elements. We usually have to undertake some degree of analysis and rearrangement before the applicant's elemental costs can be compared to BCIS elemental benchmark figures. If a further level of detail is available showing the build-up to the elemental totals it facilitates the review of specification and cost allowances in determining adjustments to benchmark levels. An example might be fittings that show an allowance for kitchen fittings, bedroom wardrobes etc that is in excess of a normal benchmark allowance.
- 2.8 To assist in reviewing the estimate we require drawings and (if available) specifications. Also any other reports that may have a bearing on the costs. These are often listed as having being used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available on the planning website.
- 2.9 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs do not include these. Nor do elemental costs include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs. We consider the Applicants detailed cost plan to determine what, if any, abnormal and other costs can properly be considered as reasonable. We prepare an adjusted benchmark figure allowing for any costs which we consider can reasonably be taken into account before reaching a conclusion on the applicant's cost estimate.

### 3 GENERAL REVIEW

- 3.1 We have been provided with and relied upon the Financial Viability Report (FVR) dated September 2015 prepared by Affordable Housing Solutions including its appendices and in particular Appendix 4: the Proposed Scheme Cost Plan and Appendix 5: the Alternative Use Cost Plan. Both Cost Plans are prepared by Ian Thomson & Co Ltd and dated September 2015. We have assumed the base date of the costs to be 3Q2015.

- 3.2 We have also downloaded files from the planning web site - principally drawings and the Design & Access Statement.
- 3.3 The cost plan is in broadly elemental format although the sequence and collection of items does not follow BCIS format. The cost plan does not give a GIA nor can one be readily extracted from the details of the cost plan. We have relied upon the Architects schedules for the GIAs used in our analyses that are for the Proposed Scheme: commercial area 598m<sup>2</sup> residential area 1,172m<sup>2</sup>; Alternative Scheme commercial area 350m<sup>2</sup> residential area 858m<sup>2</sup>.
- 3.4 The Proposed Scheme is for £3,805,000 (£2,150/m<sup>2</sup>) and the alternative scheme £2,565,000 (£2,124/m<sup>2</sup>). The allowance for preliminaries equates to 7.35% which is low compared to current tender levels. The 5% allowance for contingencies is reasonable. There is no separate provision for overheads and profit (OHP) and these are presumably allowed for in the body of the estimate.
- 3.5 We have extracted both cost plans into BCIS elemental format: refer to our attached file "Elemental analysis and BCIS benchmarking". The analysis of the Alternative Scheme has been pasted into the elemental analysis of the Proposed Scheme for comparison purposes.
- 3.6 We have downloaded current BCIS data for benchmarking purposes including a Location Factor of 131 that has been applied in our benchmarking calculations.
- 3.7 The estimate does not distinguish between commercial and residential costs, and we have therefore calculated a blended rate for benchmarking as the table below.
- 3.8
- | <i>Blended calculation</i> | m <sup>2</sup> | %     | BCIS £/m <sup>2</sup> | Blended £/m <sup>2</sup> |
|----------------------------|----------------|-------|-----------------------|--------------------------|
| Flats                      | 1,172          | 66.2% | 2,104                 | 1,393                    |
| Commercial                 | 598            | 33.8% | 985                   | 333                      |
|                            | <u>1,770</u>   |       | Blended rate          | <u>1,726</u>             |
- 3.9 Our adjusted benchmark yields an adjusted rate of £2,217/m<sup>2</sup> compared to the Applicant's £2,150/m<sup>2</sup>. We are therefore satisfied that the Applicant's estimated costs are reasonable.
- 3.10 The pricing of the Alternative scheme is broadly consistent with the Proposed Scheme; the adjusted benchmark is £2,176/m<sup>2</sup> compared to the Applicants £2,124/m<sup>2</sup>. We are satisfied that the estimated costs of the Alternative scheme are reasonable.
- 3.11 There is insufficient information in the FVR relating to the Construction Costs Toolkit Appraisal for us to verify that the costs in the cost plan have been accurately included in the Appraisal.

BPS Chartered Surveyors  
Date: 27<sup>th</sup> November 2015

798-804 Holloway Road, N19 3JH

Elemental analysis & BCIS benchmarking - Application scheme

GIA commercial m <sup>2</sup>	598	350
GIA residential m <sup>2</sup>	1,172	858
GIA TOTAL m <sup>2</sup>	1,770	<u>1,208</u>

	£	LF100		LF131		ALT scheme t	
		£/m <sup>2</sup>	£/m <sup>2</sup>	£/m <sup>2</sup>	£/m <sup>2</sup>	£/m <sup>2</sup>	to compare
<b>Demolitions</b>	<b>140,000</b>	<b>79</b>				<b>93</b>	<b>112,000</b>
<b>1 Substructure</b>	<b>424,000</b>	<b>240</b>	<b>118</b>	<b>155</b>		<b>161</b>	<b>194,000</b>
2A Frame	250,000	141	144	189		132	160,000
2B Upper Floors	76,000	43	75	98		46	56,100
2C Roof	112,000	63	70	92		90	108,400
2D Stairs	80,000	45	24	31		33	40,000
2E External Walls	247,400	140	179	234		139	168,100
2F Windows & External Doors	228,000	129	75	98		97	117,000
2G Internal Walls & Partitions	126,100	71	54	71		75	90,600
2H Internal Doors	42,800	24	47	62		25	30,200
<b>2 Superstructure</b>	<b>1,162,300</b>	<b>657</b>	<b>668</b>	<b>875</b>		<b>638</b>	<b>770,400</b>
3A Wall Finishes	158,700	90	54	71		91	110,400
3B Floor Finishes	171,700	97	51	67		103	124,600
3C Ceiling Finishes	62,500	35	32	42		38	46,000
<b>3 Internal Finishes</b>	<b>392,900</b>	<b>222</b>	<b>137</b>	<b>179</b>		<b>233</b>	<b>281,000</b>
<b>4 Fittings</b>	<b>215,800</b>	<b>122</b>	<b>55</b>	<b>72</b>		<b>116</b>	<b>140,600</b>
5A Sanitary Appliances	86,000	49	22	29		50	60,000
5B Services Equipment (kitchen, laundry)			15	20			
5C Disposal Installations	15,000	8	11	14		10	12,000
5D Water Installations	295,000	167	28	37		161	195,000
5E Heat Source			21	28			
5F Space Heating & Air Treatment			95	124			
5G Ventilating Systems			21	28			
5H Electrical Installations (power, lighting, emergency lighting)	200,000	113	80	105		113	137,000
5I Gas Installations			5	7			
5J Lift Installations	50,000	28	36	47		33	40,000
5K Protective Installations (fire fighting, sprinklers, lightning protection)	10,000	6	12	16		7	8,000
5L Communication Installations (burglar, panic alarm, fire alarm, cctv, door entry, public address, data cabling, tv/satellite, telecommunication systems)	27,000	15	28	37		15	18,000
5M Special Installations - (window cleaning, BMS, medical gas)			27	35			
5N BWIC with Services	50,000	28	8	10		36	43,000
5O Builders Profit % Attendance on Services			3	4			
<b>5 Services</b>	<b>733,000</b>	<b>414</b>	<b>412</b>	<b>540</b>		<b>425</b>	<b>513,000</b>
<b>PVs &amp; sustainability</b>	<b>50,000</b>	<b>28</b>				<b>33</b>	<b>40,000</b>
6A Site Works	118,000	67				80	97,000
6B Drainage	80,000	45				62	75,000
6C External Services	59,000	33				37	45,000
6D Minor Building Works							
<b>6 External Works</b>	<b>257,000</b>	<b>145</b>				<b>180</b>	<b>217,000</b>
<b>SUB TOTAL</b>	<b>3,375,000</b>	<b>1,907</b>	<b>1,390</b>	<b>1,821</b>		<b>1,878</b>	<b>2,268,000</b>
<b>7 Preliminaries 7.35%</b>	<b>248,000</b>	<b>140</b>		<b>219</b>		<b>145</b>	<b>175,000</b>
<b>Overheads &amp; Profit</b>							
<b>SUB TOTAL</b>	<b>3,623,000</b>	<b>2,047</b>		<b>2,039</b>		<b>2,023</b>	<b>2,443,000</b>
Price & Design Risk							
Contingencies	182,000	103				101	122,000
<b>TOTAL</b>	<b>3,805,000</b>	<b>2,150</b>				<b>2,124</b>	<b>2,565,000</b>
Benchmarking - blended rate		1,726					1,726
Add demolitions	79					93	
Add external works	145					180	
Add additional cost of substructure	85					6	
Add additional cost of fittings	50					44	
	359					323	
Add prelims	26	386				24	346
		2,111					2,072
Add contingencies		106					104
Total adjusted benchmark		2,217					2,176



798 - 804 Holloway Road, London, N19 3JH

Application Ref: 2015/4343/FUL



## Addendum Review of Assessment of Economic Viability

29 January 2016

### 1.0 Introduction

- 1.1. BPS Chartered Surveyors has been instructed by The London Borough of Islington ('the Council') to review a viability assessment prepared by Affordable Housing Solutions Ltd ('AHS') on behalf of TPS Brighton Developments Ltd ('the applicant') in respect of the 798-804 Holloway Road, London, N19 3JH.
- 1.2. The site is located at the northern end of Holloway Road close to the Archway Gyratory and has excellent transport links being about a minutes' walk from Archway underground station and close to local bus stops which offer services towards central London. The site has an area of approximately 0.11 Acres.
- 1.3. The application is for the;  
  
*'Demolition of existing building and redevelopment of the site to provide a part three, part six storey mixed use building comprising 598 sq.m A1 retail floorspace at ground floor and basement level and no.13 (C3) residential units at first to fourth floors (6 x 1 beds, 5 x 2 beds, 2 x 3 beds), with associated amenity space and cycle storage.'*
- 1.4. The applicant has proposed to provide 2 units of affordable housing of shared ownership tenure. An alternative option of an in lieu payment in the sum of £366,000 has also been proposed.
- 1.5. The viability assessment seeks to demonstrate that the payment in lieu offered of £366,000 represents the maximum sum which can be viably supported and that the onsite provision of 2 shared ownership units would result in a net deficit when tested against the proposed benchmark land value for the site. The proposed benchmark land value is based on an alternative use value for the site reflecting an extant consent recently granted at appeal.
- 1.6. Our review has sought to scrutinise the cost and value assumptions that have been applied in the AHS viability appraisal in order to determine whether the current affordable housing actually represents the maximum that can reasonably be delivered given the viability of the proposed development.
- 1.7. This addendum should be read in conjunction with our previous report dated 18 December 2015.

## 2.0 Conclusion and Recommendations

- 2.1. Based upon the findings of our review we are of the opinion that on site affordable provision of three shared ownership units would represent the maximum contribution viable from this scheme. The applicant suggests an in lieu contribution would be preferable and proposes payment of the sum of £366,000. We are of the opinion this figure could be marginally increased to £413,000
- 2.2. The benchmark land value proposed is based upon an Alternative Use Value (AUV) reflecting consent recently granted at appeal. This has been updated from the applicant's previous report and shows the proposed residential floorspace increasing from 602.8 m<sup>2</sup> to 624 m<sup>2</sup> from their earlier AUV appraisal. The residual value of the updated AUV scheme is £1,787,000. Having reviewed the inputs and assumptions we accept this sum is a realistic assessment of the likely residual value arising from delivery of this consent.
- 2.3. The changes in sales values made in respect of the AUV scheme are appropriate but it is unclear whether the build costs have been appropriately increased in line with the increase in floor area. The updated residential unit schedule has the NSA increasing to 624m<sup>2</sup> from 602.8m<sup>2</sup> yet the residential GIA has not increased, remaining at 857.9m<sup>2</sup> apparently regardless of the increase in floor area, of approximately 20m<sup>2</sup>, at second floor level. The costs have however increased from £2,268,000 to £2,288,000 suggesting that the additional space would be constructed at a rate of £1,000 per m<sup>2</sup>. This compares to our benchmarked rate of £1,726m<sup>2</sup> before addition of preliminaries, external costs, demolition, added substructure costs and added fixtures and fittings. This comparison suggests the added cost allowance is insufficient.
- 2.4. The costs plans produced by Ian Thomson & Co Limited have been reviewed by our Cost Consultant, Neil Powling, who is of the opinion that they are set at a realistic market level. We have reviewed the additional cost items included in the appraisal and these also appear adequately justified, the majority being based on GLA toolkit defaults.
- 2.5. Private sales values for the proposed and AUV schemes have been provided by Colliers International and having reviewed the available evidence they provide, together with our own research, we are of the opinion that the proposed sales values are reflective of current market values for both the AUV scheme and the proposed scheme. However, we do question the value adopted in respect of the top floor three bed unit in the proposed scheme. The proposed value of this unit has been heavily discounted due to its larger size with an asking value some £1,294 per m<sup>2</sup> (£120 per ft<sup>2</sup>) lower than the equivalent unit in the AUV scheme although we note that it is 26m<sup>2</sup> larger. We have suggested increasing that value of this unit to £850,000 which reflects a rate of £6,589 m<sup>2</sup> (£612 per ft<sup>2</sup>).
- 2.6. Affordable Housing values have not been provided by AHS as they state that an affordable housing contribution is 'the most practical and prudent route' although it should be noted that they have provided an appraisal assessing the impact of onsite provision in the form of shared ownership units. We have assessed the value of the 3 affordable units in our appraisal at a rate of £3,444 per m<sup>2</sup> (£320 per ft<sup>2</sup>) based on a 25% equity sale and 1.5% rent on the unsold equity. These assumptions appear to broadly equate to the value adopted by AHS.

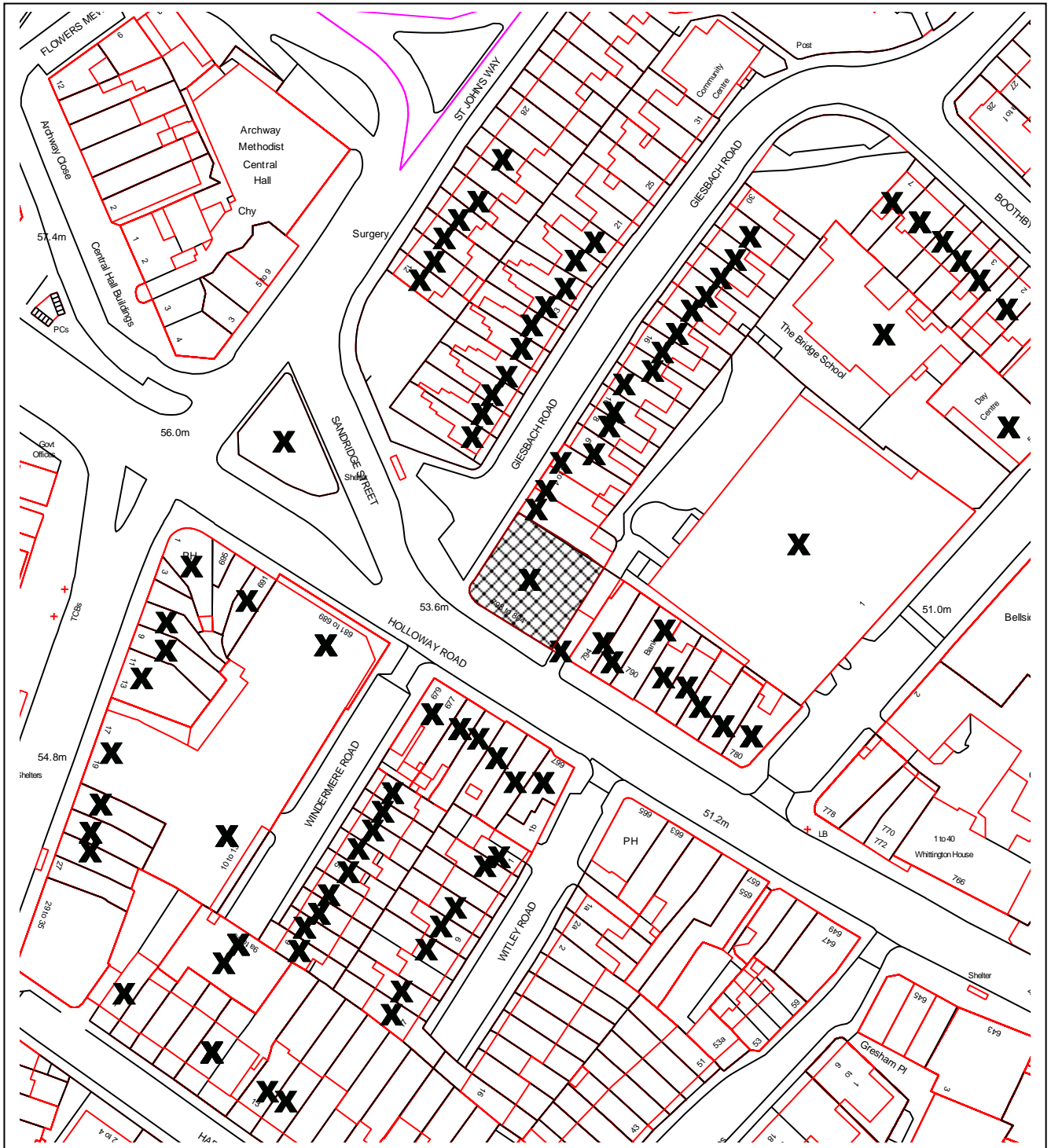
- 2.7. The retail space has been valued at a rate of £269 per m<sup>2</sup> (£25 per ft<sup>2</sup>) on the ground floor space and £161 per m<sup>2</sup> (£15 per ft<sup>2</sup>) on the basement space. This gives a blended overall rate of £191 per m<sup>2</sup> (£17.70 per ft<sup>2</sup>). Given the evident similarities we are of the opinion that the capitalisation rate should be 5.25% as per the AUV scheme. This rate reflects the trading benefits of the site discussed by Colliers and the fact that the proposed scheme would result in an increased sales area at ground floor level with storage potentially moved to the less valuable basement level. This results in an increase in the retail investment value from £2.07 million to £2.17 million before costs.
- 2.8. Capitalised ground rental income has been included at the same rate across both the proposed and AUV scheme and we accept that the rent levels and yields applied appear reasonable.
- 2.9. The table set out below highlights the net impact on viability of the changes suggested above when compared to the AHS scheme. It is clear however that the provision of 2 onsite shared ownership units would still represent the maximum reasonable level of onsite affordable that can be delivered by this scheme.

Appraisal	Residual Value	Benchmark	Surplus/(Deficit)
AHS 0% Affordable on site	£2,153,000	£1,787,000	£366,000
AHS 15% On site AH	£1,792,000	£1,787,000	£5,000
BPS 0% Affordable on site	£2,199,940	£1,787,000	£412,940
BPS 15% On site AH	£1,872,289	£1,787,000	£85,289
BPS 23% On Site AH	£1,690,337	£1,787,000	(£96,663)

- 2.10. It should be noted that when applying the changes set out in our previous report the 15% scheme generates a surplus of £85,289. We are of the opinion that this should be made available as a financial contribution in addition to the two on-site units.
- 2.11. Given the configuration of the proposed building it would appear unlikely that rented tenure units could be delivered as the units are all required to be accessed through a shared service core given the use of the ground floor for retail purposes. There common service charge entailed would potentially impact on affordability of the units and loss of Registered Provider interest in taking on these units.

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