



---

AGENDA FOR THE PLANNING SUB COMMITTEE A

---

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **9 May 2017 at 7.30 pm.**

**Lesley Seary**  
**Chief Executive**

Enquiries to : Ola Adeoye  
Tel : 020 7527 3044  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 27 April 2017

**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).**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Klute (Chair)	- St Peter's;	Councillor Caluori	- Mildmay;
Councillor Nicholls (Vice-Chair)	-	Councillor Chowdhury	- Barnsbury;
Junction;		Councillor Donovan	- Clerkenwell;
Councillor Convery	- Caledonian;	Councillor Gantly	- Highbury East;
Councillor O'Halloran	- Caledonian;	Councillor Fletcher	- St George's;
Councillor Poyser	- Hillrise;	Councillor Kay	- Mildmay;
		Councillor Khan	- Bunhill;
		Councillor Picknell	- St Mary's;
		Councillor Ward	- St George's;
		Councillor Wayne	- Canonbury;
		Councillor Webbe	- Bunhill;

Quorum: 3 councillors



<b>A.</b>	<b>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	1 - 4
6.	Minutes of Previous Meeting	5 - 12
<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	19 SOUTHCOTE ROAD, ISLINGTON, LONDON,N19 5BJ	13 - 30

2.	270 HOLLOWAY ROAD, LONDON, N7 6NE	31 - 64
3.	798-804 HOLLOWAY ROAD, LONDON, N19 3JH	65 - 110
4.	BARNARD PARK, COPENHAGEN STREET, ISLINGTON, LONDON, N1 ONL	111 - 150
5.	LAND TO CORNER OF CALEDONIAN ROAD AND STANMORE STEET, 229 CALEDONIAN ROAD, LONDON, N1 0NH	151 - 170
6.	THE ALBAN BUILDING, REAR OF 71-73 UPPER STREET, 1 ST ALBAN'S PLACE, LONDON, N1 0NX	171 - 214

**C. Consideration of other planning matters** **Page**

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

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

**E. Exclusion of press and public**

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**F. Confidential/exempt items** **Page**

**G. Urgent exempt items (if any)**

Any exempt items which the Chair agrees should be considered urgently 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 Sub Committee A, 3 July 2017.

**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 SUB-COMMITTEES**

### **Planning Sub-Committee Membership**

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

### **Order of Agenda**

The Chair of the Planning Sub-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 Sub-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 Sub-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 Sub-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 Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Ola Adeoye 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 19 Southcote Road**  
Islington  
London  
N19 5BJ

---

**2 270 Holloway Road**  
LONDON  
N7 6NE

---

**3 798-804 Holloway Road**  
LONDON  
N19 3JH

---

**4 Barnard Park**  
Copenhagen Street  
Islington  
London  
N1 0NL

---

**5 Land to corner of Caledonian Road and Stanmore Street, 229 Caledonian Road**  
London N1 0NH

---

**6 The Alban Building**  
Rear of 71-73 Upper Street  
1 St Alban's Place  
London  
N1 0NX

---

---

**1 19 Southcote Road**  
Islington  
London  
N19 5BJ

**Ward:** St. Georges

**Proposed Development:** FURTHER RECONSULTATION: REVISED DRAWINGS: Erection of a single storey ground floor rear infill extension with sloping roof and alteration to fenestration on rear elevation.

**Application Number:** P2016/3953/FUL

**Application Type:** Full Planning (Householder)

**Case Officer:** Thomas Broomhall

**Name of Applicant:** Mr & Mrs Nicolao

**Recommendation:**

---

**2 270 Holloway Road  
LONDON  
N7 6NE**

---

**Ward:** Highbury West

**Proposed Development:** Demolition of existing building and construction of five storey mixed-use building comprising a ground floor cafe/ restaurant (A3) and four 2-bedroom flats (C3) including associated residential cycle parking, private amenity space to first floor flat at rear and communal terrace at roof level.

**Application Number:** P2016/1602/FUL

**Application Type:** Full Planning Application

**Case Officer:** Duncan Ayles

**Name of Applicant:** Mr Landes Land

**Recommendation:**

---

**3 798-804 Holloway Road  
LONDON  
N19 3JH**

---

**Ward:** Junction

**Proposed Development:** Demolition of existing building and redevelopment of the site to provide a part four, part five storey mixed use building comprising 598 sq.m A1 retail floorspace at ground floor and basement level, 310 sq m B1 office floorspace at first floor level, and no. 9 (C3) residential units at second to fourth floors (4 x 1 beds, 4 x 2 beds, 1 x 3 bed), with associated amenity space and cycle storage.

**Application Number:** P2016/4529/FUL

**Application Type:** Full Planning Application

**Case Officer:** Jan Slominski

**Name of Applicant:** Mr C/O Metropolis Planning and Design C/O Metropolis Planning and Design

**Recommendation:**

---

**4 Barnard Park  
Copenhagen Street  
Islington  
London  
N1 0NL**

---

**Ward:** Barnsbury

**Proposed Development:** Refurbishment of east side of Barnard Park including improvements to football pitch, planting, turfed areas and re-design and layout of pathways. AMENDED DOCUMENTS SUBMITTED - illustrating additional fencing around the informal 'central green area' and supplementary information to support the proposed Barnard Park scheme inclusive of the proposed 7-a-side, 3G astro turf football pitch.

**Application Number:** P2016/1109/FUL

**Application Type:** Full Planning Application

**Case Officer:** Krystyna Williams

**Name of Applicant:** Ms Kate Lynch

**Recommendation:**

---

**5 Land to corner of Caledonian Road and Stanmore Street, 229 Caledonian Road London N1  
0NH**

---

**Ward:** Caledonian

**Proposed Development:** Installation of freestanding internally illuminated advertisement display panel (6 sheet) on the pavement outside the Cally Pool and Gym, on the corner of Caledonian Road and Stanmore Street

**Application Number:** P2015/4848/ADV

**Application Type:** Advertisement Consent

**Case Officer:** David Nip

**Name of Applicant:** J Foster Architects

**Recommendation:**

---

## 6 The Alban Building

Rear of 71-73 Upper Street

1 St Alban's Place

London

N1 0NX

---

**Ward:** St. Marys

**Proposed Development:** Demolition of existing single storey workshop and the construction of a three storey building comprising of light industrial (Class B1) floorspace at the lower ground/basement level and part of ground and first floor level, with 3 x 2 bedroom residential apartments (Class C3) on the ground, first and second floors with associated works (RECONSULTATION: submission of amended drawings to remove the proposed green wall to front and rear elevations, change the proposed bin store at ground floor to business floorspace, details of position of potential lift for residential units)

**Application Number:** P2016/2659/FUL

**Application Type:** Full Planning Application

**Case Officer:** Daniel Jeffries

**Name of Applicant:** Grays Road Investments Ltd. - Mr Simcha Green

**Recommendation:**

---

This page is intentionally left blank

London Borough of Islington

## **Planning Sub Committee A - 21 March 2017**

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 21 March 2017 at 7.30 pm.

**Present:**           **Councillors:**       Martin Klute (Chair), Paul Convery, Una O'Halloran, David Poyser and Nick Ward.

### **Councillor Martin Klute in the Chair**

#### **256        INTRODUCTIONS (Item 1)**

Councillor Klute welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

#### **257        APOLOGIES FOR ABSENCE (Item 2)**

Apologies were received from Councillor Nicholls.

#### **258        DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**

Councillor Ward substituted for Councillor Nicholls.

#### **259        DECLARATIONS OF INTEREST (Item 4)**

Councillor Convery declared a personal interest in item 6 as a Council appointed Governor of the Kate Greenaway Nursery School.

#### **260        ORDER OF BUSINESS (Item 5)**

The Chair informed the meeting that Item 7, Land rear of 6 Shaftesbury Road, N19 had been withdrawn from the agenda.

The Chair informed the meeting that, based on the level of public interest, the items on the agenda will be taken in the following order, B2, B4, B6, B3, B1, B5 and B8.

#### **261        MINUTES OF PREVIOUS MEETING (Item 6)**

##### **RESOLVED:**

That the minutes of the meeting held on 30 January 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

#### **262        1 KINGSLAND PASSAGE, ISLINGTON, LONDON, E8 2BB (Item B1)**

External alterations comprising 360.2 sqm (GIA) of additional office floorspace (Use Class B1a) including part infill of the existing cycle yard, as a result of part four storey and part single storey extensions, with roof extension above, to the front/east elevation of the building to extend the building, with landscaping and disabled parking facilities, and other associated works. Internal refurbishments to the existing building including two storey infill of void on south elevation, alterations to the plant and ventilation system and installation of a wheelchair accessible lift to all floors.

(Planning application number: P2016/4155/FUL)

The planning officer reported that the following drawings were mistakenly omitted from condition 2:- An updated Design and Access Statement which is dated 23/01/2017, a visuals drawing (drawing no. 1518-ST-XX-XX-VS-A-9001/Rev.A5) and an existing tree site plan (drawing no. TCP\_1KINGSLNDPSG\_1/Rev.A).

The planning officer also reported that, at paragraph 10.51 of the report, tree 1 should be referred to as being of moderate value and tree 5 should be referred to as low value.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

**263**

**13 TUFNELL PARK ROAD, LONDON, N7 0PG (Item B2)**

FULL: Erection of a single storey rear extension including removal of a section of the rear wall and internal alterations; installation of replacement double glazed timber sash windows to the front and rear elevations.

LBC: Erection of a single storey rear extension including removal of a section of the rear wall and internal alterations; installation of replacement double glazed timber sash windows to the front and rear elevations.

(Planning application number: P2016/4693/FUL and P2016/4766/LBC)

The planning officer reported that an arboricultural statement, a method statement and an amended heritage statement had been submitted and placed online within the last two days. The Sub-Committee considered that they could not take these into account as they had not had sufficient time to study them.

The planning officer reported that an additional condition was proposed to place fencing around the tree for protection.

In the discussion the following points were made:

- The terrace was listed in its entirety and when making their decision the Sub-Committee should consider the effect of the extension on the whole of the terrace.
- The property formed part of the listed terrace and was in a conservation area. Both the conservation area and the listed terrace were designated heritage assets.
- Concern was raised regarding the disruption of the form plan with the lowering of the floor level by 15cms and the erection of a partition wall.
- Concern that the extension was over half the width of the host building and the parapet line gave the appearance of the extension being over half the height.
- It was considered that the flat roof design of the extension did not reflect the heritage status of the Georgian building and the old bricks used in construction and the double glazed timber sash windows would not replicate the original form.

Councillor Nick Ward proposed a motion to refuse the application which was seconded by Councillor David Poyser and carried.

**RESOLVED:**

That planning permission and listed building consent be refused for reasons of scale, rhythm, massing and design and a failure to preserve a heritage asset. Reasons for refusal to be delegated to officers in consultation with the Chair.

264

**33-41 DALLINGTON STREET & 2-6 NORTHBURGH STREET ISLINGTON LONDON EC1V 0BB (Item B3)**

Section 73 application to vary Condition 2 (Drawings and Details) of application Ref. P2013/4399/S73 dated 13 March 2014. The amendments are: Reduction of the size of the approved addition at fifth floor roof level and use of the remainder of flat roof area (where the roof addition previously extended to the corner of Dallington Street and Pardon Street) as a terrace enclosed within 2.1m high obscurely glazed privacy screens. (Planning application number: P2015/2533/S73)

In the discussion the following points were made:

- It was noted that the terrace would provide an outdoor amenity space for office workers.
- Regarding concerns about noise being generated by users of the roof terrace, Members noted that, although this was not a planning consideration, a condition had been attached limiting the hours of use of the terrace and in instances where neighbouring residents experience noise disturbances, this should be reported to the Council's Noise team.
- The Sub-Committee was satisfied that the proposed privacy screens would minimise overlooking onto neighbouring properties.
- Concerns regarding the illegal use of other terraced areas should be referred to the planning enforcement team.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1.

265

**CANONBURY PRIMARY SCHOOL, CANONBURY ROAD, ISLINGTON, LONDON, N1 2UT (Item B4)**

Redevelopment of existing external play area comprising the creation of a 3G artificial grass pitch (APG); installation of ball stop fencing and associated roof netting to the APG perimeter including installation of an artificial (flood) lighting system.

(Planning application number: P2016/2862/FUL)

Councillor Convery stated that paragraph 8.2 on page 95 of the report was incorrect. He stated that he was satisfied that he had not stated that he had support of the scheme.

The planning officer stated that references to Colebrooke Mews in the report should read Colebeck Mews.

In the discussion the following points were made:

- The Sub-Committee noted that the pitch was currently in use.
- Hours of use proposed in the report were in line with recent planning approvals.

## Planning Sub Committee A - 21 March 2017

- The external play area was not currently a community asset but the hours proposed after 4pm during the week and at the weekend would allow use by the community. It was considered that local residents were more concerned with the community use element of the application.
- In response to noise concerns, it was noted that a noise management plan was conditioned which proposed that there be a person on-site and anti-vibration washers were to be fitted to posts.
- New floodlights were to be installed to replace the existing lights. These were targeted luminaires which could be specifically directed onto specific areas.
- Members acknowledged that there was a demand for play areas in the borough.

Councillor Convery proposed a motion to allow the operating hours on Sunday to be in line with the hours of operation on a Saturday. This was seconded by Councillor Ward and carried.

Councillor Klute proposed a motion for the community use element of the application to be time limited to one year from implementation of use. This was seconded by Councillor O'Halloran and carried.

### **RESOLVED:**

That planning permission be granted subject to the prior completion of a Directors Service Level Agreement securing the heads of terms as set out in Appendix 1 of the officer report, conditions and informative as detailed in the report, amendment to condition 5 to reflect use on a Sunday and an additional condition limiting the community use element to one year. The exact wording to be delegated to officers in consultation with the Chair of Planning Committee.

266

### **HORNSEY LANE ESTATE - CAROLINE MARTYN HOUSE, ENID STACEY HOUSE, MARY MCARTHUR HOUSE AND KEIR HARDIE HOUSE, HAZELLVILLE ROAD, LONDON, N19 (Item B5)**

Replacement of existing single glazed timber/plastic coated windows with double glazed UPVC windows.

(Planning application number P2015/0890/FUL)

In the discussion the following points were made:

- The Sub-Committee noted that the application had been deferred to investigate slimmer uPVC window frames.
- Members were shown a slimmer window profile which reduced the thickness of the previously proposed uPVC window frames.
- In response to a question, Members were advised that, following re-consultation, no additional objections had been received and one additional resident was in support of the scheme.

### **RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report

**267** **KATE GREENAWAY NURSERY SCHOOL, TREATY STREET, LONDON N1 0UH (Item B6)**

Erection of 2 no. single storey rear extensions for use as a classroom and an office. .

(Planning application number: P2016/3709/FUL)

In the discussion the following points were made:

- The nursery proposed to increase the number of children by up to 27 pupils. It was expected that these places would be offered to the local community and it was therefore assumed that children would not need to be driven to the nursery.
- The Sub-Committee noted the concerns regarding the increase in traffic generated from the pick-up and drop off for pupils. It was noted that a barrier outside a neighbouring block of flats and the Headteacher advised that they could ensure this barrier remained locked.
- It was noted that the updating of a travel plan would be included as an informative in order to mitigate potential traffic impact.
- Concerns were expressed regarding liaison with local residents and the Sub-Committee stressed to the school that they improve on communications with all residents and not just with those residents who had young children.
- There was a need to increase the number of nursery places in Islington and it was noted that if any harm could be offset by the public good then this was a material consideration.

**RESOLVED:**

- 1) That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.
- 2) The Sub-Committee requested that the school liaise better with local residents.

**268** **LAND REAR OF 6 SHAFTESBURY ROAD, LONDON, N19 (Item B7)**

This item was not considered at this meeting as it had been withdrawn prior to the meeting.

**269** **PARKS BUILDING, ST JAMES'S CHURCH, 51 CLERKENWELL CLOSE, LONDON, EC1R 0EA (Item B8)**

FULL: Application for the permanent change of use of the Parks Building at St James's Church Park, Clerkenwell, which is currently operating as a coffee and food outlet Use Class A1 on a temporary basis (Temporary change of use granted 29/10/2013).

Advert: Display of signage to the front and rear of shutters to three elevations of the Parks Hut in connection with Full Planning Application ref: P2017/0072/FUL

(Planning application number: P2017/0072/FUL and P2017/0140/ADV)

In the discussion the following points were made:

- A temporary change of use had been granted for three years and no complaints had been received during this time.

**Planning Sub Committee A - 21 March 2017**

**RESOLVED:**

That planning permission and advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

The meeting ended at 22.35pm

**CHAIR**

**270**      **WORDING DELEGATED TO OFFICERS**

**13 Tufnell Park Road, N7 0PG (Item B2)**

**Reason for Refusal - P2016/4766/LBC**

The proposed single storey rear extension, by reason of its excessive scale and mass and inappropriate design, which fails to acknowledge the proportions, scale and rhythm of the elements of the host building, and proposes a flat roof and modern rooflight, would harm the significance of the Grade II listed terrace at 11- 21 Tufnell Park Road. The proposed alterations to the historic plan form would also harm the significance of the host building. The introduction of structural steelwork bridging the two distinct elements of the building would also harm the historic significance. As such the proposed works would adversely affect the special architectural and historic interest of the heritage assets, contrary to Policy 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework 2012, Policy 7.8 (Sustaining and enhancing the significance of heritage assets) of the London Plan 2016, Policy CS9 (Protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011 and Policy DM2.3 (Heritage) of Islington's Development Management Policies 2013.

**Reasons for Refusal – P2016/4693/FUL**

The proposed single storey rear extension, by reason of its excessive scale and mass and inappropriate design, which fails to acknowledge the proportions, scale and rhythm of the elements of the host building, and proposes a flat roof and modern rooflight, would detract from the special character of the host Grade II listed terrace and would neither preserve nor enhance the appearance of the Mercers Road/ Tavistock Terrace Conservation Area, contrary to policy 7.6 of the London Plan 2016, policies CS8 (Enhancing Islington's Character) and CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of the Core Strategy 2011; policies DM2.1 and DM2.3 of the Development Management policies 2013, the Mercers Road/ Tavistock Terrace Conservation Area Design Guidelines and the Islington Urban Design Guidelines 2017.

**Canonbury Primary School, Canonbury Road, N1 2UT (Item B4)**

**Condition 4 – Hours of Operation**

CONDITION: The proposed all-weather ball pitch shall operate only between the hours of 09:00-18:00 Monday to Friday, 10:00-18:00 Saturdays and not at all on Sundays or Bank Holidays, and shall be for school use only.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

**Condition 5 - Floodlights**

CONDITION: The floodlights shall not be operated outside of the allowed hours of operation of the pitch.

Usage within the allowed hours shall be controlled by a photocell detector and timer switch.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

**Limited Consent Period – Temporary Use and Hours of Operation**

CONDITION: The Community Use of the proposed all-weather ball pitch hereby approved is granted only for a limited period of 12 calendar months from the date of commencement of the use. The applicant shall notify the Local Planning Authority of the commencement date of the use in writing, and the temporary use shall cease on or before 12 calendar months from that date.

During the time limited 12 month period the community use of the football pitch shall operate only between the hours of 18:00 – 20:30 Monday to Friday and 10:00 – 18:00 Saturday and Sundays excluding bank holidays.

REASON: In order to allow the monitoring of the impact of the use on the surrounding area the Local Planning Authority considers it appropriate to grant permission for a limited use period only.

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department

<b>PLANNING SUB-COMMITTEE A</b>		<b>AGENDA ITEM :B1</b>
Date:	9 <sup>th</sup> May 2017	NON-EXEMPT

Application number	P2016/3953/FUL
Application type	Full Planning Application
Ward	St George's Ward
Listed building	Not listed
Conservation area	Tufnell Park Conservation Area
Development Plan Context	Tufnell Park Conservation Area Article 4(2) Tufnell Park Major Cycle Route Local cycle routes Site within 100m of a SRN Road
Licensing Implications	None
Site Address	19 Southcote Road, Islington, London, N19 5BJ
Proposal	Erection of a single storey lower ground floor rear infill extension with sloping roof finish and alteration to an existing rear lower ground floor window.

Case Officer	Thomas Broomhall
Applicant	Mr & Mrs Nicolao
Agent	Robert Perrin - Johnperrin & Sons Ltd

### 1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

Location of Site



Image 1: Aerial view of the site from directly above the site



Image 2: View of rear elevation



Image 3: View of boundary wall between no.19 and no. 21 Southcote Road



Image 4: View towards rear windows of the neighbouring property at no. 21 Southcote Road



Image 5: View towards application site from side elevation of no. 21 Southcote Road

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the erection of a single storey lower ground floor rear infill extension with sloping roof and alterations to the existing fenestration on the rear elevation. The application is brought to committee because of the number of objections received.
- 4.2 The issues arising from the application are the impact of the proposals on the character and appearance of the host building, adjoining terrace and the Tufnell Park Conservation Area; and the impact on the amenities of the adjoining and surrounding residential properties.
- 4.3 The impact of the proposal on the character and appearance of the host building, terrace of residential properties and surrounding Conservation Area is considered to be acceptable as the mass, height, scale, depth and proportions of the proposed single storey rear infill extension are considered to remain subordinate to, and to preserve the scale and integrity of the original three storey building. The impact on the amenities of the adjoining and surrounding properties is considered to be acceptable as the additional height, bulk and massing is considered to be minimal in the existing context of the site without having an unacceptably harmful impact.
- 4.4 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.

## 5. SITE AND SURROUNDING

- 5.1 The application site is a lower ground floor flat within a two storey over lower ground floor residential property that is in use as two residential flats, within a terrace row of similar properties. The property has an existing three storey rear projection. The property is within the Tufnell Park Conservation Area however it is not listed. The surrounding area is predominantly residential in character.

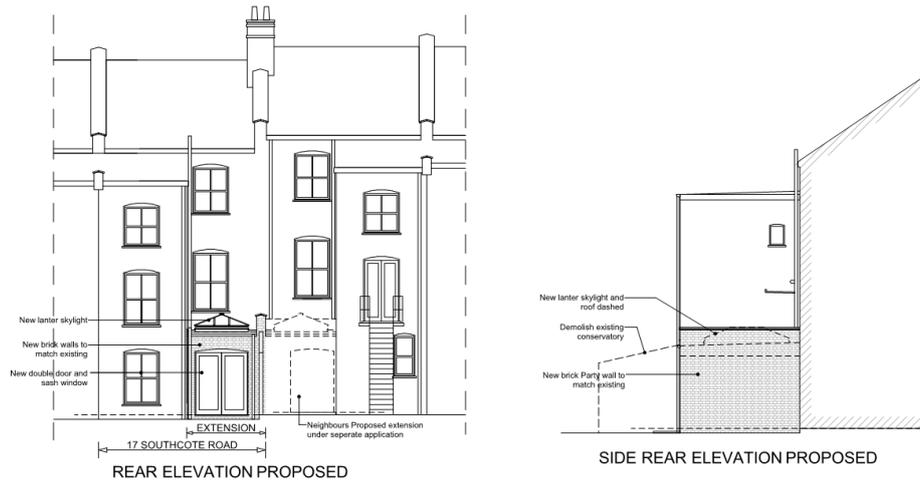
## 6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the erection of a single storey lower ground floor rear infill extension with sloping roof, and alterations to an existing rear ground floor window.
- 6.2 The proposed extension would extend at the lower ground floor level of the property to a depth of 3.7 metres and width of 2.5 metres to infill and align with the depth of the existing three storey rear projection. The single storey rear extension would have a height of 2.5 metres adjoining the boundary with no. 21 Southcote Road and rises away from the boundary wall to a maximum height of 3.8 metres where it adjoins with the rear projection of the host dwelling, 2.7 metres away from the boundary line. The proposed extension would incorporate UPVC double glazed doors opening into the rear garden.
- 6.3 The proposal includes the installation of a new double glazed timber sash window on the rear elevation of the existing rear projection at lower ground floor level which would match the fenestration elsewhere on the building. The window would have proportions of 0.9 metres in width and 1.3 metres in height and would be upvc finished rear door.

## 7. RELEVANT HISTORY:

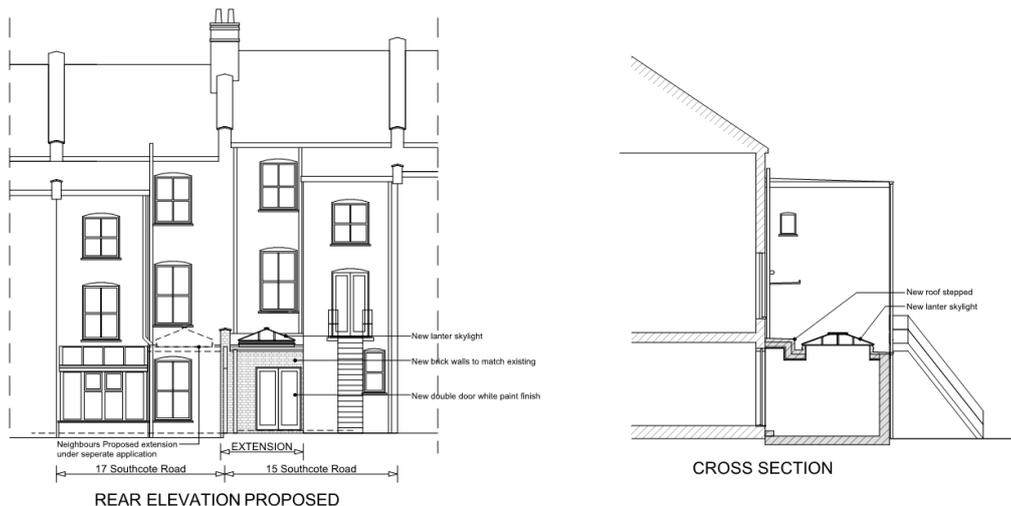
### PLANNING APPLICATIONS:

- 7.1 20/10/2009 Planning Permission (Ref: P091729) granted for *erection of single storey rear extension, redesign and recladding of existing roof extension plus replacement of front boundary treatment, installation of green roofs and timber-framed windows to front and rear elevations of existing dwellinghouse* at 9, Southcote Road, Islington, London, N19 5BJ.
- 7.2 03/03/2015 Planning Permission (Ref: P2015/0334/FUL) granted for *Removal of existing rear conservatory and erection of a new single storey rear infill extension* at 17 Southcote Road London N19 5BJ.



Approved rear extension at 17 Southcote Road

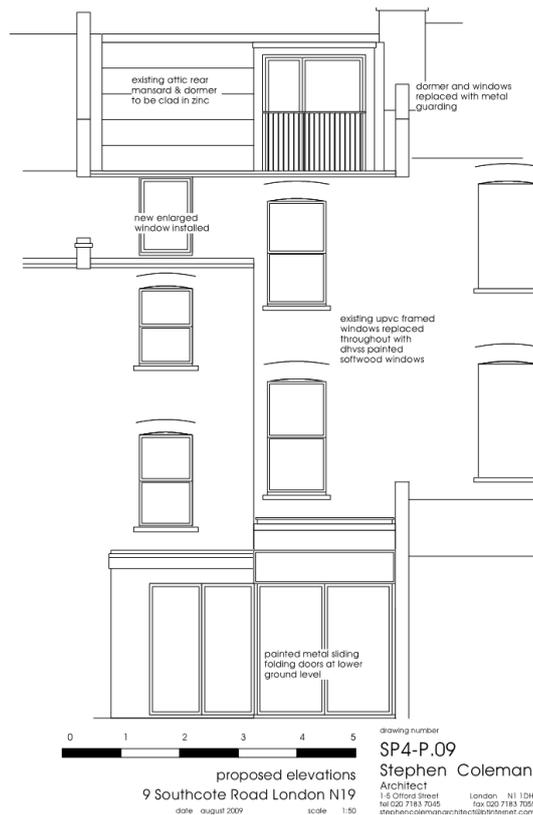
- 7.3 20/04/2015 Planning Permission (Ref: P2014/5065/FUL) granted for *Single Storey Rear Extension* at Flat A 15 Southcote Road London N19 5BJ.



Approved rear extension at 15 Southcote Road

- 7.4 12/12/2016 Planning Permission (ref: P2016/3949/FUL) granted for *Loft conversion incorporating roof lights to the front roof slope and rear dormer extension. Alteration to rear fenestration* at 19 Southcote Road, Islington, London, N19 5BJ.

- 7.5 20/10/2009 Planning permission(refP091729)granted for the erection of single storey rear extension, redesign and recladding of existing roof extension plus replacement of front boundary treatment, installation of green roofs and timber-framed windows to front and rear elevations of existing dwelling house at 9 Southcote Road, Islington.



Approved rear extension at 9 Southcote Road.

**ENFORCEMENT:**

7.5 None.

**PRE-APPLICATION ADVICE:**

7.6 None.

**8. CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on Southcote Road and Tufnell Park Road. A site notice and press notice were also displayed on 24 January 2017. The public consultation on the application ended on 16 February 2017.
- 8.2 A second period of public consultation took place on 8 February 2017 following the proposed drawings being uploaded to the website to ensure the application had been fully advertised. This ended on the 9 March 2017.
- 8.3 A third period of public consultation took place on 20 March 2017 following revisions to the design of the scheme to include a sloping roof. This ended on the 3 April 2017.
- 8.4 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report a total of 15 objections in total 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 in brackets):

- Impact on no. 21 in terms of loss of daylight and sunlight, loss of outlook, loss of privacy, increase in enclosure, loss of view of skyline, overbearing and dominating effect (See paragraphs 10.15-10.27)

- Overshadowing to outdoor space of no. 21 (See paragraph 10.27)

- Excessive height and depth of the extension (See paragraph 10.17)

- Party wall agreement (See paragraph 10.28)

### **Internal Consultees**

8.5 Design and Conservation – No objection.

### **Interested Parties**

8.7 Councillor Satnam Gill – Supports the objection from no. 21 Southcote Road

## **9. 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 Policy and Guidance**

9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **Development Plan**

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

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

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

### **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Design and Conservation
- Neighbouring amenity
- Other matters

#### **Design and Conservation**

10.2 The application proposes the erection of a single storey lower ground floor rear infill extension with a sloping roof profile/finish and alterations to the fenestration on the rear elevation.

10.3 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.

10.4 Section 5.134 of the Islington Urban Design Guide (IUDG) sets out the following:

*Rear extensions must be subordinate to the original building; extensions should be no higher than one full storey below eaves to ensure they are sufficiently subordinate to the main building. For this reason and also in order to respect the rhythm of the terrace, full width rear extensions higher than one storey, or half width rear extensions higher than two storeys, will normally be resisted, unless it can be shown that no harm will be caused to the character of the building and the wider area.*

10.5 The Tufnell Park Conservation Area Design Guidelines (CADG) sets out the following with regards to rear extensions:

*Full width rear extensions higher than one storey or half width rear extensions higher than two storeys, will not normally be permitted, unless it can be shown that no harm will be caused to the character of the area.*

*In order to preserve the scale and integrity of the existing buildings it is important that rear extensions are subordinate to the mass and height of the main building. Rear extensions will be permitted on their merits and only where the scale, design and materials to be used are in keeping with the existing property and where all other planning standards are met.*

*Where permitted, rear extensions should conform with the main building in terms of scale, design and materials.*

*In considering applications for extensions, the Council will normally require the use of traditional materials. For new development, materials should be sympathetic to the character of the area, in terms of form, colour and texture.*

- 10.6 The mass, height, scale, depth and proportions of the proposed single storey rear infill extension are considered to remain subordinate to, and to preserve the scale and integrity of the original three storey building and its wider terrace setting.

Consideration has been given to the extent of the proposed increase to the footprint of the dwelling and the impact on the character of the modest rear garden and the property's dense urban setting. The proposed extension is considered to balance the increase in built form with retaining sufficient private outdoor amenity space at the rear of the property. The rear garden to be retained would still amount to 30 square metres.

- 10.7 It is noted that single storey rear infill extensions of a similar scale to that proposed, exist on the adjoining and adjacent properties within the terrace including at no's 17, 15 and 9 Southcote Road. There are also a number of additions which extend beyond the original rear projections without any consistency or uniformity in this regard. As a result the proposed extension is of a similar scale to the pattern of development in the immediate built context.

- 10.8 During the course of the application the design of the proposal has been revised to address concerns over the impact on neighbouring amenity which will be considered later in this report. The design has been revised from a flat roof with protruding roof light to a sloping roof with a reduction in height adjoining the boundary wall. The scale of the proposed development at lower ground floor level, is considered to be in proportion to the three storey host building. The sloping roof design is considered to be acceptable in order to ensure minimal amenity impacts whilst remaining sufficiently sympathetic to the host building in accordance with design guidance and policies DM2.1 and DM2.3.

- 10.9 The appearance and use of materials (including brickwork to match existing, timber sliding sash window at lower ground floor and French doors at lower ground floor level) are considered to be appropriate to the rear elevation of the host building.

- 10.10 Each application is assessed on its own merits, in accordance with the relevant planning policies, based on an assessment of the impact of each proposal and the constraints of each site. Officers must be able to demonstrate that the extension would cause a discernible visual harm to the character and appearance of the host dwelling, adjoining terrace or surrounding conservation area in order to justify refusal of the application on this basis. It is considered by officers that there is no visual harm caused by the proposal in this instance.

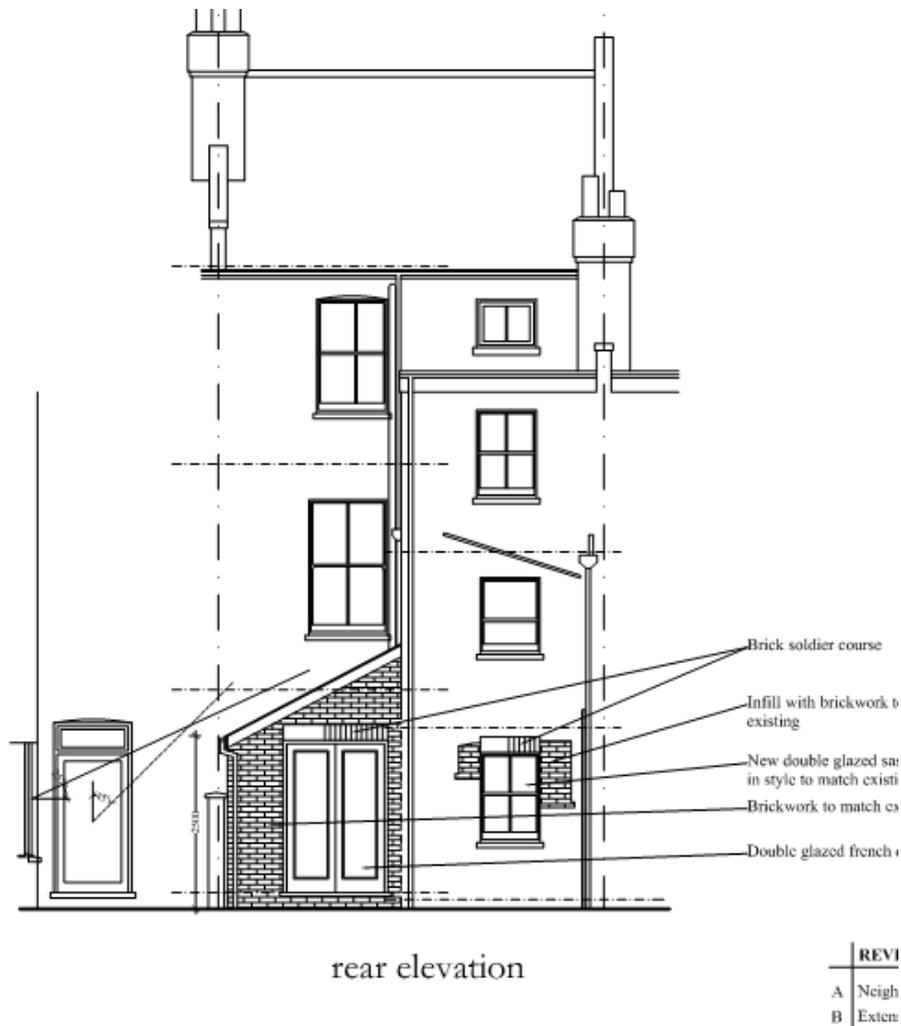
- 10.11 The proposal is therefore considered to be consistent with the aims of Council objectives on design and in accordance with Islington Development Management Policies DM2.1 and DM2.3, and guidance contained within the Islington Urban Design Guide (2017) and the Tufnell Park Conservation Area Design Guidelines (2002).

#### **Neighbouring Amenity**

- 10.12 The proposal is for a single storey lower ground floor rear infill extension with sloping roof and alterations to the existing fenestration at rear lower ground floor level.

- 10.13 Part X of Policy DM2.1 requires new development 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.
- 10.14 Particular consideration has been given to the design of the proposed rear extension and the potential impact on the nearest windows on the rear and side elevation of no. 21 at lower ground floor level which sits adjacent to the proposed extension.
- 10.15 During the course of the application, the submitted scheme has been revised to align with the depth of the existing rear projection. It has also been lowered in height adjoining the boundary wall with no. 21 Southcote Road by 0.7 metres through the use of a sloping roof (increasing in height away from the boundary wall).
- 10.16 The proposed rear extension would adjoin the boundary wall rather than being built directly upon the party wall. The boundary wall currently has a height of 1.5 metres. It is noted that there would be an increase in height of 1.0m adjacent to the boundary as a result of the rear extension rising to a total height of 2.5 metres.
- 10.17 Consideration has been given to the impact of the increase in height and massing adjacent to the boundary wall, the depth of the extension, and the existing relationship between the two properties. The existing three storey rear projection to no. 19 is an original feature replicated along the rear of the terrace and sits 2.7 metres from the boundary line between the two properties. This results in a less than satisfactory standard of amenity at the lower ground floor of no. 21 Southcote Road in terms of levels of daylight, outlook and aspect. As result, whilst it is accepted that there would be an impact on the rear windows of no. 21, given the existing situation, the additional height, bulk and massing would sit well below and is much smaller scale than the existing bulk and massing. The impact on the outlook and perceived sense of enclosure of no. 21 is therefore considered to be minimal in the existing context of the site, and would not result in sufficient loss of amenity in this regard, as to sustain the refusal of the application on this basis and is therefore considered to be acceptable.
- 10.18 Daylight and Sunlight: The Council has assessed the proposals 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'. During the course of the assessment of the application and following public consultation additional information in relation to the impact on neighbouring amenity has been provided. Drawings indicating the BRE 45 Degree Approach and 25 degree rule on the nearest windows on the rear and side elevations of no. 21 have been included on the submitted drawings.
- 10.19 Daylight: The BRE Guidelines for existing buildings stipulate that a significant amount of light is likely to be blocked if the centre of the window lies within the 45 degree angle on both plan and elevation. The impact of an extension should not be noticeable if it would sit below a line drawn at a 45 degree angle from the centre of the nearest window perpendicular to the extension in either plan or elevation.
- 10.20 With regards to windows on existing buildings which face the extension, the BRE guidelines require the extension to pass a minimum of a 25 degree angle from the angle to the horizontal subtended by the new development at the level of the centre of the lowest window.

10.21 The submitted drawings indicate that the existing glazed door on the rear elevation to no. 21 would pass the 45 degree approach set out by the BRE guidelines in elevation. The drawings also indicate that the windows on the side elevation to no. 21 facing the extension would pass the BRE 25 degree rule in elevation (see image below).



Proposed rear elevation showing 45 degree and 25 degree sightlines in elevation from the rear windows of 21 Southcote Road towards 19 Southcote Road.

10.22 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 purposes. The nearest windows on the rear elevation of no. 21 are within 90 degrees due north and therefore does not warrant assessment in this regard.

10.23 The increase in height and massing is not considered to result in any discernible loss of daylight on the existing situation following compliance with the above tests. The rear elevation is within 90 degrees of due north so there will be no impact on sunlight receipt to the rear windows of 21 Southcote Road. In summary the impact of the proposals on the levels of daylight and sunlight to no. 21 are considered to not be so materially harmed as to justify refusal of the application on this basis.

- 10.24 The proposed windows to the rear elevation only overlook the garden and given the existing fences and hedges on the rear boundary there is no material potential for an increase in overlooking from the proposed extension. The proposed windows in the sloping roof would be well above 1.7 metres from finished floor level and therefore there would not be any opportunity for an increase in overlooking obliquely looking upwards towards the rear elevations of 21 Southcote Road to any materially harmful degree.
- 10.25 In summary the overall impact of the proposals is not considered to result in an unacceptably harmful impact on the adjoining and adjacent properties in terms of loss of outlook, daylight, sunlight, or increase in sense of enclosure or overlooking. Therefore the proposals are considered to be acceptable in accordance with policy DM2.1 of the Islington Development Management Policies.
- 10.26 Throughout the assessment of the application, the impact of the proposed single storey rear infill extension on the amenities of no. 21 has been carefully considered, and has been found to be acceptable. The proposed extension is therefore considered to accord with policy DM2.1 of the Islington Development Management Policies.
- 10.27 An objection has been received expressing concern over the overshadowing to the outdoor space at the rear of no. 21. It is accepted that there will be an impact on the outlook and quality of the outdoor space at the rear of no. 21. However consideration is given to the dense urban location and enclosure levels, and the small scale of the increase in height and the depth adjacent to the boundary. The overall height and sloping roof finish of the proposed extension along the common boundary are considered to be acceptable and would create a subservient and proportionate addition to the host dwelling and wider terrace in this case. As a result, the impact of the extension is considered to not lead to such a material impact on this outdoor space as to justify the refusal of the application on this basis.

### **Other Matters**

- 10.28 Comments have been received concerning party wall matters. However party wall matters are not a material planning consideration and are dealt with by separate Party Wall legalisation.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.4 of this report.
- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

- 11.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Block Plan, 2702/1, 2702/2, 2702/3C, 2702/4 &amp; Conservation and Design and Access Statement</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>
<b>3</b>	<b>MATERIALS (COMPLIANCE):</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. 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>

#### List of Informatives:

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in accordance with the NPPF.</p>

## **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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

Policy 7.4 Local Character  
Policy 7.6 Architecture

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

##### Strategic Policies

Policy CS 8 – Enhancing Islington’s character  
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

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

Policy DM2.1 – Design  
Policy DM2.3 - Heritage  
Policy DM7.1 - Sustainable design and construction  
Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes  
Policy DM7.4 – Sustainable Design Standards

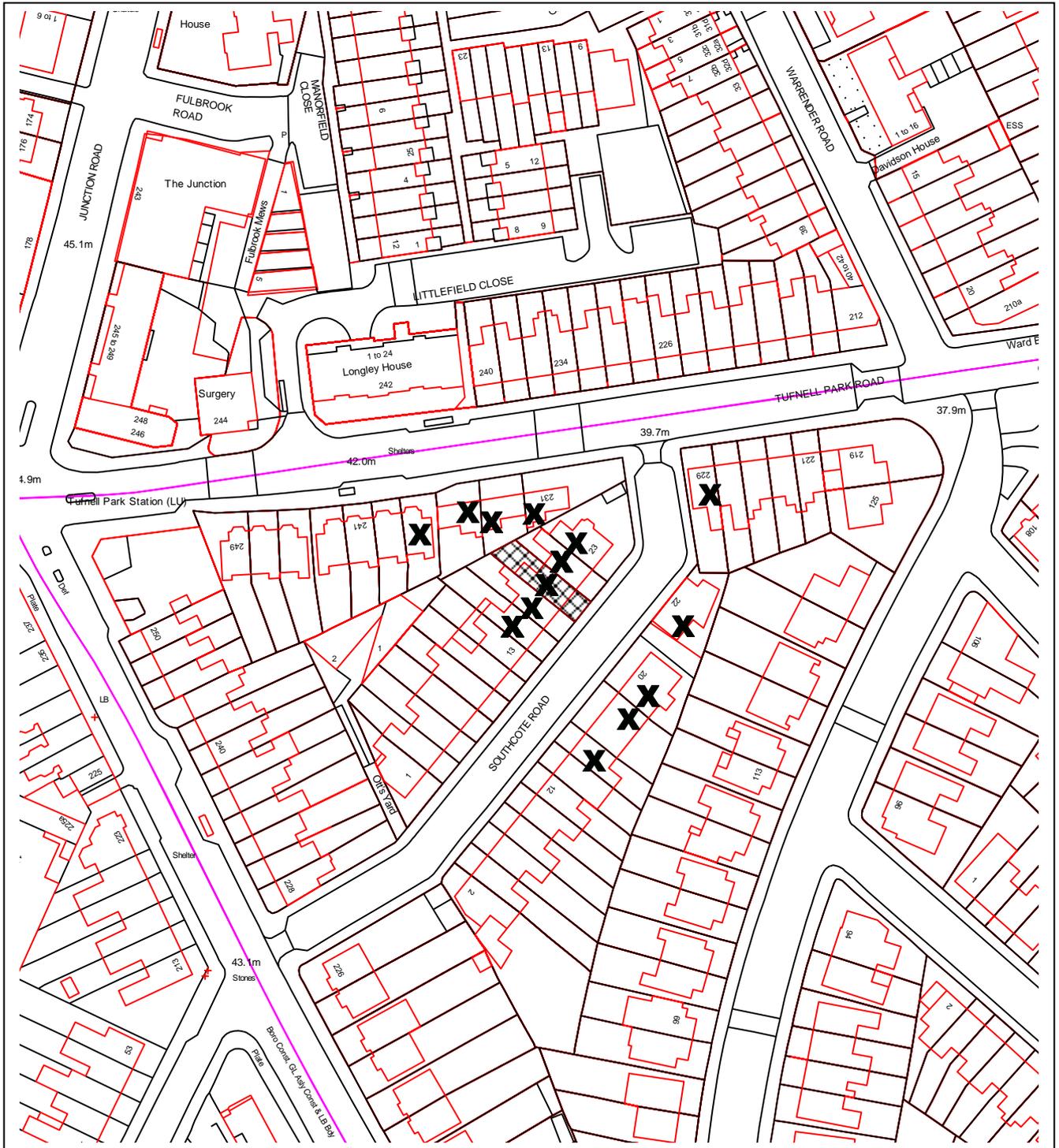
### **3. Designations**

Tufnell Park Conservation Area

### **4. SPD/SPGS**

Tufnell Park Conservation Area Design Guide 2002  
Urban Design Guide 2017  
Environmental Design SPD 2012

# Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.  
P2016/3953/FUL

This page is intentionally left blank

1

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM: B2</b>
<b>Date:</b>	9 <sup>th</sup> May 2017	<b>NON-EXEMPT</b>

Application number	P2016/1602/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	<ul style="list-style-type: none"> <li>- Nags Head and Upper Holloway Key Area</li> <li>- Strategic Cycle Route</li> <li>- Alexandra Palace Protected Vista</li> <li>- Secondary Retail Frontage</li> <li>- Nags Head Town Centre</li> </ul>
Licensing Implications	None
Site Address	270 Holloway Road, London, N7 6NE
Proposal	Demolition of existing building and construction of a five storey mixed-use building comprising a ground floor cafe/ restaurant (A3) and four 2-bedroom flats (C3) including associated residential cycle parking and private amenity space to first floor flat at the rear with roof level solar pv panels and rear flue to the rear elevation.

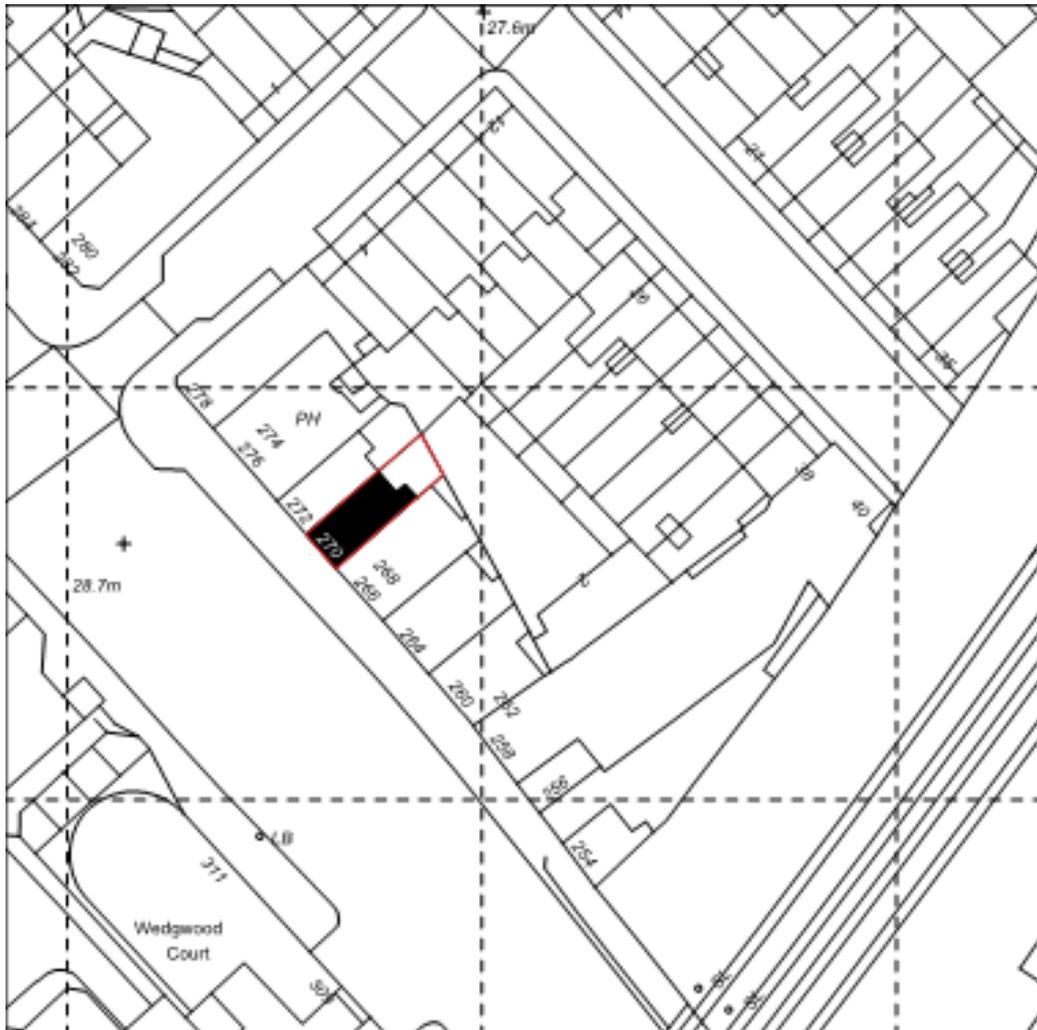
Case Officer	Duncan Ayles
Applicant	Landes Land
Agent	Dominic Mckenzie

### 1. RECOMMENDATION

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

1. The conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Image1: Photograph from the front of the site.



Image 2: Aerial View showing the rear of the site.



Image 3: Aerial view of the site and surrounding built form.



Image 4: Photograph showing rear of 268 Holloway Road.



Image 5: Rear of 272 Holloway Road

### 3. Proposal

- 3.1 The application seeks consent for the demolition of an existing four storey mixed use building comprising a ground floor A3 café use, and a single 5 bedroom residential unit that is located across the first, second and third floor levels. The proposal is to redevelop the site to include the erection of a five storey building comprising a ground floor café with four self-contained residential flats above. The proposed development is considered to be acceptable in land use grounds, and provides residential accommodation of a high standard in accordance with policy. The site is situated on a prominent location on a busy arterial road, and it is considered that the proposal is a high quality contextual design that meets relevant design policies and guidance.
- 3.2 The application includes details of a flue to the rear elevation. The proposed flue would be located on the rear elevation and would project one metre above the eaves of the building. Some details have been provided within an energy report, but the applicant has not provided a full specification for all elements of the flue and extraction system.
- 3.3 Objections have been received from a number of nearby properties, raising issues including the loss of daylight, sunlight, outlook and privacy. The applicant has submitted a daylight and sunlight report in support of the application, and it is considered that the scheme would generate an acceptable impact on neighbour amenity grounds, and strikes an appropriate balance between safeguarding adjoining residents neighbour amenity levels and townscape considerations.

- 3.4 The applicant has submitted a viability report and quantity surveyor's report to justify the failure to make a contribution toward affordable housing. The reports have been assessed by the Council's external viability surveyor, external quantity surveyor and internal viability officer who have all confirmed that the lack of an affordable housing contribution is justified in this instance due to the high build costs which stem from the constrained nature of the site.
- 3.5 The application is also considered to be acceptable in terms of highway and transportation issues, sustainability, the housing mix proposed, and in terms of the impact on neighbour amenity and on trees. As a result, it is recommended that the application is approved subject to conditions.

#### **4. SITE AND SURROUNDING**

- 4.1 The application site is located at 270 Holloway Road, and currently comprises a single five bedroom residential unit (C3) over a café (A3). The application property is believed to be late Georgian or early Victorian, but is not locally or nationally listed nor situated in a conservation area.
- 4.2 The application site is located on a busy arterial road, immediately to the north-west of the Harper Building, an imposing five storey building which has recently been converted into retail and restaurants at ground floor level with flats at first, second, third and fourth floor level. The application site and the adjoining buildings are smaller in scale, and are between two and four storeys in height. The application site, and the adjoining building at 272 Holloway Road, is set to the back of the predominant building line formed by the adjacent Harper Building and the former public House at 272 Holloway Road, which contains fenestration on its side elevation at first and second floor level.
- 4.3 The application site is located on Holloway Road, within an area that has undergone a significant process of change in recent years. On the opposite side of Holloway Road the Ramsay Scout Centre is a seven storey mixed use development comprising a community use at ground floor level with flats above, and to the south-east another eight storey mixed use building comprising retail and café uses with residential flats above.

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

- 5.1 The application seeks consent for the demolition of the existing four storey building at the site comprising a café unit with a residential/HMO unit above, and its replacement with a larger mixed use building comprising an A3 unit with four residential flats at first, second, third and fourth floor level. The new building will comprise an A3 restaurant/café unit at ground floor level, with a floor area of 68 square metres, representing a 20 square metre uplift from the existing. At ground floor level, the proposed building covers the whole of the development site, extending to meet a single storey building immediately to the rear of the site.
- 5.2 The proposed development includes four two bedroom residential flats at first, second, third and fourth floor levels. The flats are dual aspect, and have a floor area of 61 square metres. The flats are accessed via a single stair and lift core on the southern side within the building. At ground floor level, 6 wall mounted cycle storage stands are provided for the flats and two boxes for the storage of folding bicycles. The first floor flat would include a private roof terrace accessed immediately from the flat, and a 2.4 metre high privacy screen would be provided on the southern side of the terrace.

- 5.3 The proposed building has height of 14.4 metres to its parapet, and the balustrade to the roof terrace has a height of 15.5 metres. The proposed rear projection has a height of 3.4 metres, and this extends to the rear of the plot. The rear façade of the building will contain an extract flue for the ground floor A3 unit.
- 5.4 The proposed development will be constructed in brick, and comprise a flat roof. The front elevation includes two arched elements across the ground and first floor levels. Three windows are provided to the first, second and third floor levels. The parapet of the proposal is in line with the parapet to the adjoining Harper Building at 272 Holloway Road. The top of the fascia panel is in line with the top of the fascia of the adjacent 272 Holloway Road.
- 5.5 The roof of the proposal incorporates a green roof and 17 solar pv panels, alongside a maintenance access to the roof, the roof of the lift shaft and a small maintenance access area.

### **Amendments**

- 5.6 During the assessment of the application, amendments were made to the scheme to reduce the height of the proposed building to match the adjacent building at 268 Holloway Road, and to show a privacy screen on the rear roof terrace. The plans were also amended to accurately show the location of windows on neighbouring properties, and the internal layout of adjacent properties.
- 5.7 Amendments were made to the design of the front elevation including to remove Juliet balconies from the front elevation and to alter the fenestration arrangement to provide a hierarchy of fenestration. A roof terrace was removed from the proposed buildings main flat roof slope, and this was replaced with a biodiverse roof.

## **6. RELEVANT HISTORY:**

### **Planning Applications:**

- 6.1 **P02153:** Certificate of lawfulness (existing) for use of the ground floor premises as a cafe (use class a3): **APPROVED**

### **ENFORCEMENT:**

- 6.2 None

### **PRE-APPLICATION ADVICE:**

- 6.3 **Q2015/2051/MIN:** Pre-Application advice was given on a scheme for the redevelopment of the site to re-provide the existing A3 use with five two bedroom residential flats. Advice was given to the effect that the scheme was acceptable in land use terms, but that the top floor would need to be removed from the scheme. It was noted that the amenity impact of the scheme would need to be justified given potential impacts on neighbouring properties through a daylight and sunlight report. Due to the relationship with the immediately adjacent property at 272 Holloway Road, it was also noted that it would be preferable for the site to be redeveloped as part of a larger scheme including no. 272 Holloway Road, with both properties demolished and replaced with properties in line with the established building line.

## 7. CONSULTATION

### Public Consultation

7.1 Letters were sent to occupants of 236 nearby and neighbouring properties on Holloway Road, Jackson Road and Dunford Road on the 13<sup>th</sup> May 2016. The original public consultation of the application therefore expired on the 7<sup>th</sup> July 2016. Amended plans were received on the 8<sup>th</sup> July 2016, 6<sup>th</sup> January 2016 and 12<sup>th</sup> April 2017. A 14 day reconsultation was undertaken on the 3<sup>rd</sup> April 2017 and this expired on the 17<sup>th</sup> April. No additional responses were received from the recent second round of consultation. The amendments made to the scheme following the last reconsultation comprised the removal of a roof terrace and therefore did not require reconsultation. A total of four objections were received in response to the original consultation, raising the following issues:

-Design and impact on the appearance of the Harper Building (9.8-9.14)

-Impact on the Amenity of Neighbouring properties including in terms of the loss of daylight, sunlight and outlook. (9.17-9.34)

-that the daylight and sunlight report submitted is inadequate (9.19-9.26)

-that the building is overbearing (9.6-9.14)

-noise and disturbance from the roof terrace. **Officers Comment:** The roof terrace to the main roof slope that was the subject of this objections has now been removed from the scheme & 9.32)

-Loss of privacy and overlooking (9.31)

7.2 Two objections were received in response to the reconsultation from neighbouring properties. These objections reiterated the previous points and did not raise any new issues.

### External Consultees

7.3 **Transport for London:** The application site is located on the A1, which forms part of the Transport for London Road Network. The site is car free which is welcome, but only six cycle parking spaces are proposed which does not meet the 8 spaces required by the London Plan. A construction management plan should be secured by condition on any consent.

### Internal Consultees

7.4 **Inclusive Design:** The new dwellings meet category 2 criteria within the new National Housing Standards, and the provision of a lift is welcome. However, the application does not include details of transport facilities for disabled residents for whom public transport is inaccessible. The common staircase is a utility stair rather than a general access stair, and a full general access stair with lower treads should be provided.

7.5 **HMO Licensing:** The property does not have a license to be used as an HMO, although it is located within the Holloway Road additional licensing area. It appears from Council tax records that the property has been occupied by more than four people which indicate some form of HMO use.

- 7.6 **Design and Conservation:** The final scheme is considered to be a significant improvement and is broadly acceptable. The front elevation now shows a hierarchy of fenestration to the windows on the front elevation, with the top floor windows reduced in size, and the removal of the Juliet balconies and roof terrace is welcome. The proportions of the arched features is not completely successful but this would not justify the refusal of the application.
- 7.7 **Viability Officer:** Adam's Integra has made a detailed assessment of the viability of the project, and they raised concerns regarding the build costs. However, the build costs have now been considered by an independent quantity surveyors' company Anderson Bourne, who have confirmed that the build costs are reasonable. We accept Adam's Integra's conclusions that the scheme cannot make a contribution toward affordable housing.
- 7.8 **Updated comment 27/01/2017:** Adams Integras advice is sound, and as we agreed to consult Anderson Bourne on costs and as the conclusion of the two reports is that the scheme is in deficit we cannot insist on an affordable housing contribution in this case.
- 7.9 **Tree Officer:** The applicant has not provided a tree report with the application, but it is clear that the trees in the rear yard would fall under categories C or U under BS:5837:2012, and therefore are not a constraint to development. The trees are not of a landscape or environmental significance, not protected, and I do not believe we could successfully prevent the removal of the trees. The loss of the trees could be mitigated, however.
- 7.10 **Acoustic Officer:** The application should be approved subject to approval of details application for the kitchen extracts any other plant serving the café. Conditions are also required to provide for sound insulation due to the high noise levels on Holloway Road and the relationship between the café and residential flats.
- 7.11 **Updated Comment 30/03/2017:** The applicant has provided additional information regarding the flue system within their energy report. The noise output of the flue varies significantly at different speeds.
- 7.12 **Sustainability officer:** The loss of the trees and planting capacity at the site is not justified and a green roof is not appropriate mitigation. The proposal is likely to give rise to increased water run-off, and the provision of a compliant green roof with additional water storage could be one solution the applicant should consider, but this would not fully mitigate against the loss of the open space.
- 7.13 The commitments within the energy statement, including a 19% reduction in CO2 versus BR2013 is acceptable and should be conditioned. Water efficiency should also be secured via condition.
- 7.14 **Environmental Health:** The scheme proposes electrostatic and ultra violet light filtration, which is welcome but they confirm that the final scheme is to be confirmed follow review of tenant cooking type. This is not acceptable as we would look for specific plant at planning state. The application also does not refer to pre grease filters which would usually be the norm.

#### **Other Consultees**

- 7.15 **Adams' Integra (Viability Consultant):** The applicant has provided a viability assessment with high build costs and while this is supported by a Quantity Surveyor's report, the Council should have the QS report assessed by an independent QS. Following the additional justification provided by the applicant the sales value, existing use value and professional fees and other inputs are reasonable.

7.16 When the viability of the scheme is modelled with the revised build costs as per those agreed with the independent viability consultants, the scheme would be unable to provide an affordable housing payment due to the high build costs which results in the scheme providing a deficit of £180,000. The scheme could therefore only provide a contribution if the profit level was reduced below 12%.

7.17 **Anderson Bourne (Independent Quantity Surveyor):**

7.18 The build costs for the apartment is fair and cannot be criticised. The preliminary costs for the scheme are high but these are justified by the constraints to the site and difficult access. The applicant has entered the fit out costs of the restaurant element into the viability appraisal. This is not justified as the fit out for a restaurant is usually borne by the occupant. The changes to the scheme including the removal of the roof terrace and replacement with a green roof would not significantly alter the build costs.

7.19 **Officer's Comment:** The fit out costs were excluded from Adams Integra's viability appraisal in line with the Anderson Bourne advice.

## 8. 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

8.1 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.

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

### Development Plan

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

### Designations

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

- Nags Head and Upper Holloway Key Area
- Strategic Cycle Route
- Alexandra Palace Protected Vista
- Secondary Retail Frontage
- Nags Head Town Centre

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

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

### **9. ASSESSMENT**

9.1 The main issues arising from this proposal relate to:

- Land use
- Housing Mix
- Design, Conservation and Heritage Considerations (including Archaeology)
- Landscaping
- Neighbouring Amenity
- Highways and Transport
- Refuse collection and storage

#### **Land-use**

- 9.2 The lawful use of the ground floor of the property is an A3 café use, confirmed under application P021563 approved in 2002, and is currently occupied by the euro café. The site is located within a designated Town Centre and within a secondary retail frontage. The application proposes to re-provide the existing A3 use within the new building (and the applicants have advised that the existing occupant will occupy this unit). Policy DM 4.4 of the DM Policies confirms that applications should maintain and enhance the retail and service function of Islington's Town Centres. The re-provided A3 use would include an uplift in floorspace from 48 to 68 square metres, but the A3 unit would remain appropriate in scale to the character of the retail frontage and Town Centre. As a result, the ground floor element of the development is considered to be acceptable in land use terms, and is in accordance with DM 4.4 C, (i), (ii) and (iii).
- 9.3 There is no planning history for the upper floor of the property or any applications submitted for a House of Multiple Occupation to the Council's licensing team, and at the time of the site visit the site was being used in some form of House of Multiple Occupancy use. The property is a five bedroom property, and the rooms are relatively small, with the largest top floor bedrooms having a restricted head height within the current mansard roof. On this basis, it is likely that rooms have been occupied by single persons, which would mean that the house is occupied by 5 people and the current use of the site would fall under the small scale C3 (c) residential use allowing a group of up to 6 people living together as a single household. Therefore it is accepted that there is one residential unit on the site at present in land use terms.
- 9.4 Policy DM 3.9 C and D of the Development Management Policies aims to protect House of Multiple Occupation, and requires proposals leading to the loss of HMOs to provide accommodation to meet acute needs. However, the supporting text (paragraph 3.100) to the policy confirms, within paragraph 3.10, that because permitted development rights allow for changes between use classes C3 and C4, HMOs within use class C4 will not be subject to policy DM 3.9. As a result, the loss of the existing use of the upper floors, which being a C4 use HMO, is not considered contrary to DM 3.9 C of the DM Policies 2013.
- 9.5 The application proposes to increase the number of residential units at the site. The site is not located within a designated employment priority area, and many properties within the area comprise residential uses at upper floor level. As such, the proposed residential units are considered to be acceptable in terms of land use.

## Design

- 9.6 Policy DM 2.1 of the Development Management Policies 2013 requires all new development to be of a high quality, to efficiently use the site, respect and reinforce local distinctiveness and create a positive sense of place. Detailed design guidance is set out within the Islington Urban Design Guide SPD (2017).
- 9.7 The existing building on the site is a four storey residential property comprising a café at ground floor level and a residential use above. The existing property is believed to date from the late Georgian or early Victorian period, although it has been heavily altered over the years. The site is not situated in a conservation area, and the building is not locally or nationally listed. Although the loss of the existing building on the site is regrettable, as it is a reminder of an earlier phase in Holloway Road's development, the loss of the existing building on site is considered to be acceptable subject to a high quality replacement being provided.
- 9.8 The proposed building is a five storey mixed use building in brick, comprising an A3 café / restaurant unit at ground floor level with four residential flats at upper floors. The proposed building matches the parapet height of the adjacent building to the south at 268 Holloway Road, and while the building would be higher than the adjacent buildings to the north at 272-276 Holloway Road, the overall scale of development would be in accordance with DM 2.1 (vii) in terms of its relationship to the existing building heights within its immediate and wider context.
- 9.9 The existing building at the site is recessed behind the predominant building line formed by the front of 268 Holloway Road and 274 Holloway Road, alongside the immediate neighbour at 272 Holloway Road which is also set back to the same distance. The proposed building would be brought forward to match the building line formed by 272 and 268 Holloway Road. The Islington Urban Design Guide emphasises the importance of established and coherent building lines, and it is considered that this alteration would be of a significant benefit in townscape terms as it would result in a more consistent and coherent building line in accordance with the Islington Urban Design Guide.
- 9.10 The Islington Urban Design Guide confirms that materials should be robust and contextual, and it is proposed that a pale red brick would be used on the upper part of the façade with a glazed shopfront at ground floor level. The materials proposed are considered to be adequately contextual, responding to brick buildings within the immediate and wider context of the application site, including historic and more contemporary buildings. A condition can be imposed to require samples of the facing materials to ensure they are of a high standard in accordance with policy.
- 9.11 Following concerns raised by the Design and Conservation officer, the applicant has made a number of alterations to the front elevation, including to align the fascia panel above the ground floor unit to match with no 272 Holloway Road, to remove the roof terrace from the scheme and to reduce the size of the windows on the top floor to create a sense of hierarchy of the fenestration.
- 9.12 The scheme now provides a clear sense of hierarchy to the fenestration on the front elevation, as the windows to the upper floor are smaller than the second and third floor windows. This ensures that the proposed development relates to its immediate context and accords with the guidance in section 5.94 of the Islington Urban Design Guide 2017. The elevational treatment of the front is now considered to be acceptable and in accordance with DM 2.1 of the DM Policies 2013.

- 9.13 The flat roof of the scheme will comprise a bio-diverse roof and 7 solar panels, alongside an access hatch for maintenance. The lift comprises a small overrun that projects 50 cm above the parapet line. This feature is set back 8.8 metres from the front of the building and as such would not be visible from street level. A condition is recommended to require the applicant to provide all details of roof top structures, including the solar panels to ensure that the panels are laid flush and therefore would not be visible from street level.
- 9.14 Overall, the design of the scheme is considered to be acceptable. Following amendments to the scheme the proposal is considered to be high quality and relate to its immediate context in terms of its elevational treatments. The scheme also provides a major townscape benefit by responding to the established building line by bringing forward the front elevation to align with the Harper Building to the south of the site. The proposal is therefore considered to be in accordance with policies CS 7 and CS8 of the Core Strategy, DM 2.1 of the DM Policies 2013 and the Islington Urban Design Guide SPD.

**Housing Mix**

- 9.15 Policy DM 3.1 of the DM Policies 2013 relates to the housing mix of new residential schemes. Table 3.1 sets out a required mix for new housing but the supporting text to the policy DM 3.1 confirms that the policy is designed to be informative to minor schemes only. Tables showing the housing size mix under table 3.1 and that proposed in this application are set out below.

<b>Tenure</b>	<b>1 bed</b>	<b>2 Bed</b>	<b>3-Bed</b>	<b>4-Bed More</b>	<b>or</b>	<b>Total</b>
Housing Mix for Market Housing set out in policy	10%	75%	15%	0%		100%
Housing Mix within Application Scheme	0%	100%	0%	0%		100%

- 9.16 As shown on the table above, the scheme provides 100% two bedroom units, which is greater than the 75% set out in the policy, and the scheme also does not provide any one bedroom or 3- bed flats. However, as the policy confirms that the mix is informative for minor schemes, the housing mix is considered to be acceptable given the constraints of the application site, busy town centre location and the relatively small scale of the scheme.

**Neighbouring Amenity**

- 9.17 The application site is located in close proximity to a number of residential flats, and policy DM 2.1 requires all new development to protect the amenity of all nearby and neighbouring properties in terms of the loss of daylight, sunlight, outlook, privacy and overlooking. The application is supported by a sunlight and daylight report, and the application drawings show the internal layout and windows on neighbouring properties. Objections have been received from a number of neighbouring properties regarding the impact on the amenity of neighbouring properties, including the neighbours at 272 and 274 Holloway Road, and from residents on the opposite side of Holloway Road.

9.18 The neighbouring buildings impacted upon by the scheme include the Harper Building immediately to the south of the site, 272 Holloway Road which comprises a doctor's surgery at first floor level with flats at first, second and third floor level, and the first and second floor flats to 272 Holloway Road.

Loss of Daylight and Sunlight

9.19 The application is supported by a full daylight and sunlight report prepared by Nathaniel Lichfield and Partners, and further details have been provided in response to concerns raised by officers and neighbours. The only part of the scheme that projects to the rear of the adjacent building at 268 Holloway Road is the single storey café element. The proposed rear elevation drawing submitted demonstrates that this element would be adjacent to the ground floor restaurant/café use within the neighbouring building, and that the privacy screen to the rear roof terrace would be lower than the mid-point of the adjacent window. The proposed privacy balustrade would therefore pass the 45 degree rule test when applied in elevation although it would be broken in plan, and as a result the proposal would not lead to any material loss of daylight to residential windows in this property.

9.20 The Daylight and Sunlight report submitted also considers the impact on other nearby and neighbouring properties, including 272 Holloway Road, 317-321 Holloway Road, 2 Jackson Road and 26a-26b Dunford Road. The report found that only three windows tested did not accord with the daylight tests set out within the Building Research Establishment Document: Site Layout Planning for Daylight and Sunlight.

9.21 The report submitted found that the proposal would lead to a reduction in daylight to three windows on the front façade of 272 Holloway Road in excess of the BRE criteria. The three affected windows at the first, second and third floors on the right hand side of the front elevation (marked as w2 on the figure below) would retain 0.7, 0.71 and 0.74 times their previous level as a result of the development. The applicant has shown the layout of the first, second and third floor flats within this property and the loss of daylight would be to the main living space at the front of the property. The loss of daylight to the main living space is less than ideal, but the daylight report demonstrates that the loss of daylight would only be slightly greater than is allowed by the BRE criteria and that the living spaces includes second windows that would not experience a loss in excess of the BRE criteria which are marked as windows W1 in the diagram below. Finally, the loss of daylight to these windows is as a direct result of the alteration to the building line which is considered to be a major townscape benefit to the scheme, and therefore this element is considered to be acceptable.



Existing front windows to 272 Holloway Road

- 9.22 The daylight report submitted demonstrates that the loss of daylight to the windows on the rear façade of 272 Holloway Road at first, second and third floor levels, is within the BRE criteria and therefore would not lead to any material harm in planning terms.
- 9.23 The impact of the proposal on the daylight received by the flank windows of 274 Holloway Road was not considered within the original daylight and sunlight report, but further justification was provided following concerns raised by officers. 274 Holloway Road contains flank windows at first and second floor level, and the proposed building would be brought forward in front of these windows. However, the applicant has provided the floorplans of the flats at first and second floor level, and these properties contain an open plan living/kitchen space with four windows that face toward the Holloway Road and a single window on both the northern and southern flank elevations. Given that five of the windows will be unaffected by the proposed development, the loss of daylight into the front living space overall would be negligible.
- 9.24 The adjacent building at 272 Holloway Road comprises a single storey rear extension, which serves a doctor's surgery. This rear extension comprises glass bricks on part of its southern elevation, directly on the party wall, and these would be covered by the proposed single storey rear extension. There is no record of the Council approving the windows on the flank elevation of the extension, but based on the appearance of the extension, it may be that the windows are lawful under the four year rule. The applicant has submitted an existing floorplan of the adjacent extension and it appears that the glass bricks serve a corridor space. The BRE Guidelines confirms that the loss of daylight to non-residential floorspace is only problematic where there is a requirement for the floorspace to have natural daylight. In this case, the loss of daylight would be to floorspace that does not require natural light.
- 9.25 The daylight and sunlight report also considers the impact on sunlight of properties due north of the application site such as 272 Holloway Road. All of the windows tested meet the relevant sunlight tests within the BRE Guidelines.
- 9.26 Overall, the loss of daylight and sunlight is considered to be acceptable. The only loss of daylight and sunlight in excess of the BRE criteria is on the adjacent property at 272 Holloway Road. This loss of daylight is an unavoidable consequence of the alteration to the front building line, which is considered to be beneficial to the streetscene. Of the 21 windows tested for daylight, only three windows experiences a reduction greater than the BRE criteria. Ten windows were tested for the loss of sunlight, and all of these windows passed the relevant BRE tests.

#### Loss of Outlook and Increased Sense of Enclosure

- 9.27 The impact of the proposal on the outlook of 268 Holloway Road is considered to be acceptable. As shown on the rear elevation drawing, the balustrade to the rear roof terrace would be below the mid-point of the first floor residential window at 268 Holloway Road, and given the limited depth of this feature, the loss of outlook and increased sense of enclosure would be acceptable.
- 9.28 The proposal would lead to some loss of outlook to the living space of the flats at first, second and third floor level at 272 Holloway Road. However, this existing property is recessed behind the main building line, and as such the outlook from this property is already compromised. The proposed development also projects to the rear of this property, which would result in some loss of outlook to the windows at the rear. However, as the proposed building would projection only 2.4 metres beyond the rear of 272 Holloway Road, the loss of outlook would be acceptable given that the flats would continue to have an open outlook at the rear.

- 9.29 The proposal would also result in some loss of outlook to the first and second floor windows on the flank elevation of 274 Holloway Road. However, these windows already have a restricted outlook which faces toward the flank elevation of 268 Holloway Road. While the proposed development would result in some further loss of outlook to these windows, the first and second floor flats would continue to benefit from an open outlook toward Holloway Road from the four windows on the front elevation. As such, the proposal would not unacceptably alter the standard of accommodation within this property.
- 9.30 Concerns have been raised by residents of flats on the western side of Holloway Road, regarding the amenity impact. However, due to the width of Holloway Road and separation distance to these properties, no adverse impact would occur in terms of the loss of outlook.

#### Privacy and overlooking

- 9.31 The windows on the rear elevation would face toward a single storey industrial unit, and would be separated by 23 metres from the windows on the rear façade of the properties at Dunford Road. The set back from the rear roof terrace would be 21 metres. These separation distances are in accordance with the 18 metre supporting text set out within the supporting text to policy DM 2.14, and would protect the privacy of these properties. The proposed drawings show a 2.4 metre high privacy screen to the side of the first floor, and this would protect the privacy of residential flats at 268 Holloway Road. The proposed floor level of the roof terrace is 1.6 metres below the side parapet of the rear projection to 272 Holloway Road, and this relationship ensures that the amenity of the flats within 272 Holloway Road would be suitably protected.

#### Odour, Noise and Fumes

- 9.32 The application drawings confirm that an extract flue is proposed to the rear façade of the building, and provides some details of the system within the application's energy statement. The proposed system would be an electrostatic precipitator and ultra violet light unit to filter the extract. The report also provides details of likely noise emissions at different fans speeds. The Council's Environmental Health Team and Noise Officer are both broadly happy with the details submitted, but have requested additional details are submitted to confirm the unit type that would be used.
- 9.33 The applicant has indicated that it is not possible to provide the final details of the extract/filtration unit at this stage, as the requirements would depend on the final occupier. As a result, it is recommended that a condition is imposed requiring full details of the extract system including fan noise data and silencer specifications. This would allow the Council to ensure that the final system would provide effective extraction and filtration while protecting the amenity of neighbors in terms of noise output, in accordance with policy DM 6.1 (Healthy Development.)
- 9.34 Overall, the impact of the proposed scheme on the amenity of nearby and neighbouring properties is considered to be acceptable and in accordance with DM 2.1 given the daylight and sunlight report submitted. In addition, the most significant amenity impacts would be as a result of the alteration to the front building line, which is considered to be a significant townscape benefit arising from the scheme. As such, the scheme is considered to strike an appropriate balance between townscape and neighbor amenity considerations.

### **Standard of living environment**

- 9.35 Policy DM 3.4 of the Development Management Policies 2013 requires all new housing developments to provide good quality accommodation of an adequate size, shape and layout of rooms, good aspect, outlook, noise, ventilation, privacy and light. Policy DM 3.5 of the Development Management Policies requires all new residential units to benefit from some form of outdoor amenity space, in the form of a balcony, roof terrace or winter garden. Central government has also issued housing technical standards that include a nationally described space standard.
- 9.36 The scheme provides four two bedroom residential flats (C3), which have an identical dual aspect layout that is replicated on each floor, albeit with a different fenestration arrangement between the different floors. Each flat is laid out with the one single and one double bedroom at the rear of the flat, and the main living and kitchen space at the front of the space on the Holloway Road frontage. The proposed layout is considered to provide a good standard of accommodation, with good level of daylighting to habitable rooms at the front and rear of the flat, cross ventilation, high levels of privacy and an open aspect. The proposed first floor residential unit has unusual arched windows serving the main living space to this unit. Officers consider that the amount of glazing here would ensure adequate access to daylight and outlook would remain for this unit which also has rear outlook and access to daylight towards the rear being dual aspect and also with a rear roof terrace. The proposed flats have a floor area of 61 square metres, which exactly meets the space standard nationally described space standard and the requirement within policy DM 3.4. The bedrooms, living/kitchen/dining and main sitting areas also meet the relevant size and width requirements within the London Housing SPG and table 3.3 of the Development Management Policies 2013.
- 9.37 The Daylight/Sunlight report submitted considered the daylight and sunlight penetration into the new residential units. In all cases the daylight and sunlight levels would be above the BRE criteria for vertical skylight component, average daylight factor and daylight distribution, indicating that the new units would meet the criteria within DM 3.4 in terms of daylight and sunlight.
- 9.38 The acoustic officer has advised that a condition is required to provide a scheme for sound insulation to the flats due to the high noise levels on Holloway Road, and because of potential noise emissions from the A3 café to the flats above. While it is acknowledged that Holloway Road is a busy arterial road with high traffic levels, the quality of accommodation is considered to be acceptable subject to the condition being imposed. It is also noted that there is extensive residential units on the upper floors of adjacent buildings.
- 9.39 Only one of the flats, the first floor flat, benefits from private outdoor space in the form of a rear roof terrace in accordance with DM 3.5. The roof terrace has a floor area of 12.1 square metres, which accords with the minimum standard of 10 square metres for a three person dwelling. The remaining flats do not include any external amenity space, but this is considered to be acceptable given the constraints to the site.

### **Accessible and Inclusive Design**

- 9.40 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

- 9.41 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26<sup>th</sup> 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.
- 9.42 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.
- 9.43 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 London Plan 2016, requires that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 9.44 The plans have been assessed by the Council's Inclusive Design Officer who raised concerns that the development does not provide a safe drop off point, accessible cycle storage or charging facilities for mobility scooters, and that the common stair is a utility stair and not a general access stair. However, the Inclusive Design Officer has confirmed that the stairs do meet category 2 of the National Housing Standards, and has welcomed the provision of a lift.
- 9.45 While the failure to provide a *general access stair* as defined under the building regulations is regrettable, in this case the site is constrained and the provision of a larger stair would reduce the amount of space available for the restaurant and residential uses. In addition, the proposal contains a lift with a level access, and part M of the Building Regulations confirms that in this circumstance the provision of a smaller *utility stair* is acceptable. The Accessibility officer has raised concerns regards the lack of provision for disabled parking and drop off. However, the site is located on the Holloway Road, and while there are parking bays to the front of the site, it would not be possible to provide dedicated disabled parking at the site as part of this application. The proposed A3 use is also considered to be acceptable in accessibility terms, as it benefits from a level access and includes a disabled w.c.
- 9.46 The proposal is therefore considered to be acceptable in terms of the level of accessibility and inclusive design to both the A3 and C3 elements. The proposal is therefore considered to be in accordance with DM 2.2 of the DM Policies 2013.

### **Highways and Transportation**

- 9.47 The application site is located in a highly sustainable and accessible location, having a PTAL rating of 4 and is in close proximity to the Holloway Road underground station and is well served by buses. The proposed development is car free, and a condition can be imposed on the consent to ensure that occupants of the flats are not able to access residents parking permits.
- 9.48 The proposed A3 unit does not benefit from any dedicated cycle parking, or end of trip facilities for cyclists in accordance with DM 8.4 of the DM Policies 2013. While the failure to provide dedicated end of trip facilities to the café use is not ideal, policy DM 8.4 confirms that end of trip facilities should be proportionate to the proposed use, and give that the A3 use is relatively small, this would not justify forming a reason for refusal on the application. In addition, staff and users of the A3 unit would be able to access on street cycle parking in close proximity to the site on Holloway Road adjacent to the junction of Holloway Road and Jackson Road.

- 9.49 The application provides cycle parking at ground floor level for the C3 residential flats. Appendix 6 of the Development Management Policies 2013 provides a standard of 1 space per bedroom, which provides a total requirement of 8 full sized spaces for the residential element of the scheme. The proposal does not meet this requirement, as it provides only 6 full sized spaces with a further 2 boxes for the storage of folding bikes. However, the applicant has provided an intensive approach to the meeting of cycle parking standards in accordance with Appendix 6, with a combination of wall mounted racks and boxes. As a result it is considered that the failure to meet best practice for cycle storage is acceptable given the constraints to the site, and the efforts that the applicant has gone to maximise cycle parking.
- 9.50 The site is located on the Holloway Road, and the only available construction access would be from the front of the site. Transport for London have requested that Construction Management Plan is secured via condition, and this would be justified given the location of the site and constraints to site access during the construction phase.
- 9.51 Policy DM 8.6 of the DM Policies deals with delivery and servicing to new developments. The policy confirms that delivery and servicing should be off street, particularly for commercial developments over 200 square metres gross floor area. The A3 unit proposed has a gross floor area less than 200 square metres, and it is also noted that the existing a3 unit has on street servicing without any planning restrictions. An on street parking/loading bay is located to the front of the site. The proposed on street servicing of the A3 unit is therefore considered to be acceptable subject to a detailed service and delivery plan being submitted via a condition.

### **Sustainability**

- 9.52 Policy DM 7.1 of the DM Policies requires development to incorporate best practice sustainable design standards, during the design and construction phases, and policy DM 7.2 of the DM Policies requires development or achieve best practice standards in terms of design and specification and to meet CO2 reduction 25% in excess of the Building Regulations 2010. Policy DM 7.4 sets out sustainable design standards in terms of the Code for Sustainable Homes, but the code for sustainable homes has now been discontinued by central government.
- 9.53 The application is supported by an energy statement that has been assessed by the Council's Sustainability Officer. The Sustainability officer has confirmed that the approach within the Energy Statement, which proposes a 19% reduction in CO2 emission against the 2013 Building Regulations is supported. A condition securing the water efficiency credits in the relevant BREEAM scheme is also required in accordance with DM 7.4 part G.

### **Small sites (affordable housing) and carbon off-setting contributions**

- 9.54 The development requires a contribution towards affordable housing in the Borough, in line with policy CS12 of the Core Strategy and the councils Supplementary Planning Document- 'Affordable housing- small sites' 2012. A contribution is also required towards Carbon Off-setting. The Council has also adopted a Viability SPD, which provides guidance on the assessment of Viability appraisals.
- 9.55 The application is supported by a viability report, which states that no contribution toward affordable housing provision is viable in this case. This report was assessed by the Council's viability consultants, who originally considered that a contribution toward affordable housing could be made. The main areas of disagreement related to the build costs, existing and future scheme values and the profit level. In response to Adams Integra's comments the applicant provided a quantity surveyors report to justify the build costs used. Adams Integra has confirmed that the high build costs is the main issue that has made the scheme unviable.

- 9.56 The quantity surveyors report submitted by the applicant was considered by Adams Integra (Council's advisors) to show unreasonably high costs, and therefore the quantity surveyor's report was assessed by an independent quantity surveyor, Anderson Bourne. Anderson Bourne considered that the high build costs were generally justifiable given the constraints to the site and the difficult site access. Cost savings were identified in respect of the restaurant element and these costs were excluded within Adams Integra's viability appraisal.
- 9.57 The Council have adopted the Viability SPD, which provides detailed guidance on the assessment of Viability Appraisals. The SPD confirms that the submission of viability appraisals showing an overall deficit raises questions regarding the veracity of the viability information submitted, and in respect of the deliverability of a scheme. As a result, the SPD advises that a statutory declaration will need to be provided by a director of the developer company to confirm that the information submitted is accurate and that the company undertaking the assessment has not been instructed on the basis of performance related pay or is incentivised in any other way according to the outcome of the viability process. The applicant has provided the statutory declaration in accordance with the SPD.
- 9.58 The SPD also advises that the submission of a viability appraisal showing a deficit raises a question regarding the deliverability of the scheme. Where an applicant agrees to pay a contribution toward affordable housing despite a scheme being in deficit, the SPD advises that a deliverability declaration is required to confirm that the scheme is deliverable with the contribution. In this case, however, the applicant has not agreed to a contribution given that the scheme is identified as in deficit. As a result, the Council would not risk the loss of any affordable housing contributions if the scheme did not come forward. On this basis it is not considered that a deliverability statutory declaration is required in this case.
- 9.59 The Council's internal viability officers have also been consulted on the scheme, and have assessed the viability appraisal submitted and considered the responses from both Adams Integra and Anderson Bourne. They have confirmed that they are happy with the conclusion that no Affordable Housing contribution is viable in this case. As a result, the failure to provide a contribution toward affordable housing or carbon off setting is considered to be acceptable, and fully justified in accordance with the Viability and small sites contribution SPD.

### **Loss of Trees and Open Space**

- 9.60 The existing rear yard at the site contains a number of trees and shrubs which would need to be removed as part of the construction of the scheme, as the single storey element projects across the entire site to the boundary with the development to the rear. The Council's tree officer has been consulted on the application and has confirmed that while a tree survey has not been provided it is clear that the trees would fall under categories C or U, or because of their small size, may not even constitute trees for the purposes of the planning system. As a result of this, it is not considered that the trees constitute a constraint to development and neither could the loss of the trees could be resisted.
- 9.61 The Council's sustainability officer has objected to the inclusion of a single storey element at the rear of the site which would be a permanent constraint to any future landscaping in the site, which would harm the biodiversity and urban drainage function of the site. The Council's sustainability officer has commented that the inclusion of a biodiverse green roof would not fully mitigate the loss of the open space, as a green roof and landscaping have different functions in sustainability terms, and has therefore suggested that the loss of the trees is mitigated by a contribution to offsite landscaping improvements. However, the applicants' viability information demonstrates that it would not be possible to secure a contribution to off-site mitigation.

- 9.62 Overall, while the loss of the existing open space and planting is regrettable, it is considered that the provision of a full biodiverse roof would be sufficient mitigation bearing in mind the limited extent of loss. The proposal is therefore considered to be in accordance with policies DM 6.5 (Landscaping, trees and biodiversity) and 6.6 (Flood Prevention) of the Development Management Policies 2013.

#### Other Matters

- 9.63 The proposed ground floor drawing shows that refuse storage will be provided within a retractable underground bin at in the communal entrance, which would provide approximately 1000 litres of waste storage. Additional storage could also be provided within the rear roof terrace to the first floor flat. As the applicant has not been able to confirm exact details of the refuse system, it is recommended that this is dealt with via a condition.
- 9.64 The construction phase of the development would give rise to noise and disturbance impacts on neighbouring buildings in terms of noise, vibration and dust. Due to the close proximity to residential properties on both sides of the site, these impacts will need to be controlled through condition 4, which require a construction environmental management plan to be submitted, to protect neighbour amenity.

### **10. SUMMARY AND CONCLUSION**

#### Summary

- 10.1 The proposed development is considered to be acceptable in land use terms, and strikes an appropriate balance between neighbour amenity and townscape grounds in accordance with policy DM 2.1. The residential mix proposed is also considered to be acceptable, and the proposed units provide a high standard of accommodation in terms of daylight, sunlight, outlook and privacy.
- 10.2 The proposal is acceptable in terms of highways matters given the accessible location of the site, subject to appropriate controls on the construction and servicing. The details provided regards sustainability within the energy statement are also considered to be acceptable. The overall approach to refuse is considered to be acceptable subject to further details being secured by condition.
- 10.3 The application does not propose a financial contribution toward affordable housing in accordance with policy. However, the application is supported by a viability appraisal and quantity surveyor's report which have been assessed by an external quantity surveyor, external viability consultant and internal viability officers. As a result, the failure to provide a contribution toward affordable housing or for carbon offsetting is considered to be justified in accordance with the Viability SPD.
- 10.4 The impact of the proposed development on neighbour amenity is considered to be acceptable in terms of the loss of daylight, sunlight, outlook and privacy. The proposal enhances the street scene by providing a more coherent and consistent building line in accordance with design guidance.

#### Conclusion

- 10.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<p><b>Commencement</b></p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<p><b>Approved plans list</b></p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>[Design and Access Statement, Sustainability Statement, Energy Statement, S106 Management Viability Appraisal, David R Parker Quantity Surveyors Report, 59_P_02, 59_P_03, 59_P_09 rev a, 59_P_10 rev a, 59_P_11 rev a, 59_P_12 rev a, 59_P_20 rev a, 59_P_21 rev a, 59_P_22 rev a, 59_P_23 rev B, 59_P_30, 59_P_31 rev a, 59_P_35 rev e, 59_P_36 rev d, 59_P_37 rev b, 59_P_40_, 59_P_41, 59_P_42, 59_P_50 rev d, 59_P_51 rev C, 59_P_52 rev b]</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>
<b>3</b>	<p><b>Materials (Details)</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> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) window treatment (including sections and reveals);</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 the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<p><b>Construction Environment Management Plan (Details)</b></p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.</p> <p>The CEMP shall assess the environmental impacts of the development including, but not limited to: noise, air quality including dust, smoke and odour, vibration and TV reception. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p>

	<p>The Statement shall also specifically provide for:</p> <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ol> <p>The development shall be carried out strictly in accordance with the details so approved and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>5</b>	<b>Flues And Extraction (Details)</b>
	<p>CONDITION: Details of proposed flues, extraction systems and other plant associated with the A3 unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the A3 unit hereby approved. This shall include fan noise data and silencer specification, hours of operation and any other noise and vibration mitigation measures. The flue/stack shall discharge the extracted air no less than 1.0m above the roof eaves of the building to which it is affixed. The flue shall be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration (carbon filters rated with 0.1 second resistance time) or alternatively fine filtration followed by counteractant / neutralising system to achieve the same level as above.</p> <p>The fan and silencer shall be regularly checked, maintained and serviced in accordance with the manufacturer's/installer's guidelines. Any noise and vibration mitigation measures shall be carried out strictly in accordance with the details hereby approved and shall be maintained as such thereafter.</p> <p>The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned in accordance with the manufacturers/ installer guidelines; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
<b>6</b>	<b>Plant Noise (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <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: 2014."</p> <p>REASON: In the interests of residential amenity.</p>

<b>7</b>	<b>Sound Insulation (Details)</b>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)</p> <p>Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour</p> <p>Dining rooms (07.00 -23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment.</p>
<b>8</b>	<b>Sound Insulation Between Café and Flats (Detail)</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed café use 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 of the Local Planning Authority.</p> <p>REASON: In order to protect the amenity of the residential units hereby approved.</p>
<b>9</b>	<b>Accessible Housing - Minor Schemes (Details)</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the residential unit 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).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed 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 development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON - To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>

<b>10</b>	<b>Privacy Balustrade (Compliance)</b>
	<p>CONDITION: The visual screen to the first floor rear roof terrace shown on the drawings hereby approved shall be installed prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows</p>
<b>11</b>	<b>Car Free (Compliance)</b>
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> <li>i) In the case of disabled persons,</li> <li>ii) In the case of units designated in this planning permission as 'non car free', Or</li> <li>iii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</li> </ul> <p>REASON: To ensure that the development remains car free.</p>
<b>12</b>	<b>Sustainability</b>
	<p>CONDITION: The development hereby approved shall be constructed in strict accordance with the Planning Statement Energy Assessment (ref:1740-Energy Assessment-1703-21ch) and Sustainability Statement (1742-270 Holloway Road-Sustainability Strategy-1703-16ch), and shall not exceed the water use target of 110L/person/day.</p> <p>REASON: In the interests of sustainability.</p>
<b>13</b>	<b>Green Roof details</b>
	<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:</p> <ul style="list-style-type: none"> <li>a) be biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) be 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> <li>c) Comprise an additional water storage layer</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>

<b>14</b>	<b>Roof top structures</b>
	<p>CONDITION: Details of any roof-top structures/enclosures 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 the location, height above roof level, specifications and cladding and shall relate to:</p> <p>a) Solar panels b) ancillary enclosures/structure; and c) lift over run</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 good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
<b>15</b>	<b>Main Roof Not used as Amenity Space</b>
	<p>CONDITION: The top floor flat roof area shown on plan no. 59_P_23 rev B hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency into perpetuity.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>16</b>	<b>Delivery and Service Plan</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</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>
<b>17</b>	<b>Bike Storage</b>
	<p>CONDITION: The bicycle storage area hereby approved, which shall provide for no less than 6 full sized bicycle spaces and 2 storage boxes, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

<b>18</b>	<b>Lift Provision</b>
	<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>
<b>19</b>	<b>Refuse Details</b>
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse / recycling enclosure(s);</p> <p>b) a waste management plan</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<b>2</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability</p>

	<p>Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
<b>3</b>	<b>Definitions</b>
	<p>DEFINITIONS: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>4</b>	<b>CAR-FREE DEVELOPMENT</b>
	<p>CAR-FREE DEVELOPMENT: All new developments are car free. 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>

## APPENDIX 2: RELEVANT POLICIES

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

### 1 National Guidance

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

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

### 2. Development Plan

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

#### **A) The London Plan 2016 - 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

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 2.15 Town centres

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

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.13 Affordable housing thresholds

Policy 3.15 Coordination of housing development and investment

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

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and

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

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

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

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

##### **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

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

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

offices  
Policy 4.7 Retail and town centre  
development

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

### **Spatial Strategy**

Policy CS5 (Angel and Upper Street)  
Policy CS8 (Enhancing Islington's Character)

### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS13 (Employment Spaces)  
Policy CS14 Retail and Services

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

### **Design and Heritage**

**DM2.1** Design  
**DM2.2** Inclusive Design  
**DM2.3** Heritage  
**DM2.4** Protected views

### **Housing**

**DM3.4** Housing standards  
**DM3.5** Private outdoor space  
**DM3.7** Noise and vibration (residential  
uses)

### **Shops, culture and services**

**DM4.2** Entertainment and the night-time  
economy  
**DM4.3** Location and concentration of uses  
**DM4.4** Promoting Islington's Town Centres  
**DM4.8** Shopfronts

### **Employment**

**DM5.1** New business floorspace  
**DM5.4** Size and affordability of workspace

### **Energy and Environmental Standards**

**DM7.1** Sustainable design and construction  
statements  
**DM7.4** Sustainable design standards

### **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

## **5. Designations**

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

- Nags Head and Upper Holloway Key Area
- Strategic Cycle Route
- Alexandra Palace Protected Vista
- Secondary Retail Frontage
- Nags Head Town Centre

- Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

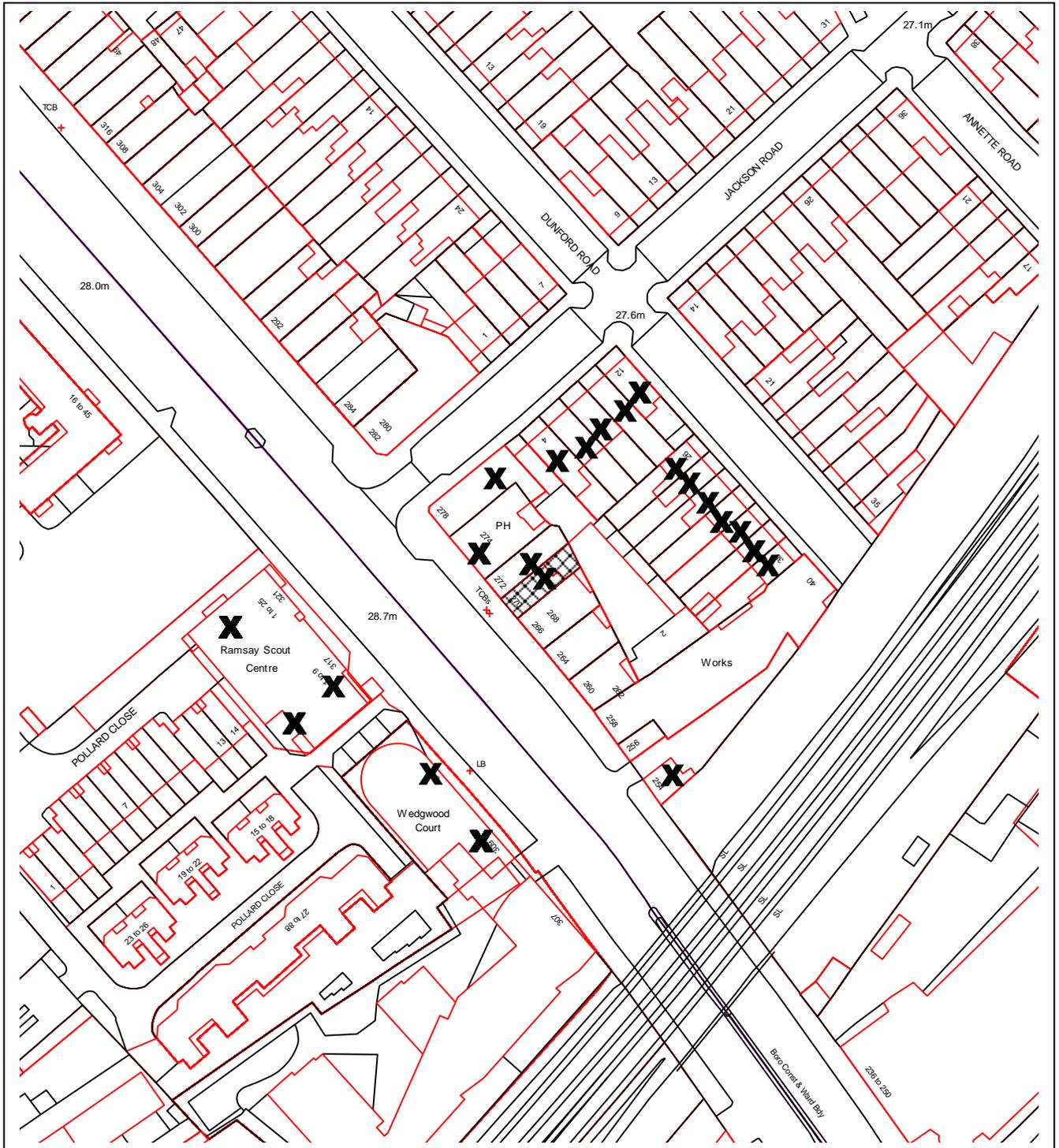
- Urban Design Guide (2017)
- Conservation Area Design Guidelines
- Accessible Housing in Islington
- Planning Obligations and S106
- Affordable Housing Small Sites Contributions
- Basement Development SPD
- Viability SPD

**London Plan**

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Housing

This page is intentionally left blank

# Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.  
P2016/1602/FUL

This page is intentionally left blank

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	<b>B3</b>
<b>Date:</b>	09 May 2017		

Application number	P2016/4529/FUL
Application type	Full Planning Application
Ward	Junction
Listed building	No
Conservation area	No
Development Plan Context	<ul style="list-style-type: none"> <li>• Archway Core Strategy Key Area</li> <li>• Archway Town Centre</li> <li>• Archway Primary Retail Frontage</li> </ul>
Licensing Implications	Requires a licence for sale of alcohol or special treatments (such as beauty, nail bars etc.)
Site Address	798-804 Holloway Road, London N19 3JH
Proposal	Demolition of the existing building and erection of a part two, part four, part five storey building with 598 sqm retail floorspace (Use Class A1) at ground floor and basement levels, 310 sqm office (Use Class B1) at first floor, and 9 residential units above (Use Class C3; 4 x 1 beds, 4 x 2 beds, 1 x 3 bed), including cycle and waste storage and outdoor amenity space.

Case Officer	Jan Slominski
Applicant	c/o Metropolis Planning and Design
Agent	Metropolis Planning and Design

### 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 on 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.

2. SITE PLAN



### **3. SUMMARY**

- 3.1 The application site is on the north eastern side of Holloway Road, on the corner with Giesbach Road.
- 3.2 Full planning permission is sought for the demolition of the existing buildings and redevelopment of the site. The existing building is not locally or statutorily listed, is not subject to any heritage designations, and does not have any historic interest. The principle of demolition is not resisted, subject to the acceptability of the proposed replacement.
- 3.3 Following demolition, a new building would be erected which would be part two storey, part four storey, and part five storey, comprising 598 sqm retail (Use Class A1) floorspace at ground floor and basement level, 310 sqm office (Use Class B1) floorspace at first floor level, and no.9 residential units (Use Class C3) at second, third and top floors. There would be 4no. 1 bedroom units, 4no. 2 bedroom units, and 1no. 3 bedroom unit. Cycle parking would be provided at basement level and refuse storage at ground floor level.
- 3.4 The application follows an approval at appeal for a four storey building on the site, with 345m<sup>2</sup> of A1 retail floorspace and 9 x residential units (P2014/3815/FUL). The Planning Committee resolved to approve a further application (P2015/4343/FUL) on 10 March 2016 with increased retail floorspace (resulting from additional basement floorspace) and 13 residential units; this was subsequently refused due to the failure to secure the s.106 agreement. The current proposal is similar to the refused scheme, except that the first floor would be an office instead of residential units, resulting in a reduction in the number of residential units from 13 to 9.
- 3.5 The design of the proposal and the planning impacts of the residential and retail units have already been considered and accepted by the Council's planning committees, so the key consideration is whether the additional impacts of the amended proposal (omitting 4 residential units and instead providing an office unit) would be acceptable.
- 3.6 The Council's planning policies support new office floorspace in Town Centres, and the recent Employment Land Study identified an acute need for additional employment floorspace. The site is a sustainable location for new offices, and the proposal would be policy compliant in this respect. The proposal would introduce 9 residential units and a financial contribution to off-site affordable housing.
- 3.7 The comments made by residents and consultee bodies have been considered, and no additional issues have been brought to light which would render the application unacceptable (subject to conditions to address neighbour concerns). The application has been considered with regard to the Development Plan and is considered to be a sustainable form of development, therefore approval is recommended subject to conditions and a Section 106 (S106) agreement to secure the necessary mitigation (in addition to the required CIL payment).

### **4. SITE AND SURROUNDINGS**

- 4.1 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.

- 4.2 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.
- 4.3 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.
- 4.4 The site adjoins the Archway Gyratory and construction work is currently underway 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. The works outside the building are substantially complete and the footway has been narrowed with new paving and a segregated cycle lane.
- 4.5 The following photographs show the existing site in context.



*Image 1: Aerial Photograph of the application site.*



*Image 2: Front elevation viewed from Holloway Road.*



*Image 3: Side elevation along Giesbach Road.*

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

- 5.1 The proposal is for the demolition of the existing building and redevelopment of the site to provide a building which would be four storeys, with a fifth storey element on the corner of Holloway Road and Giesbach Road. The building would drop down to two storeys adjacent to the boundary with 2 Giesbach Road.
- 5.2 At ground and basement floors, 598sqm of retail floorspace (Use Class A1) is proposed with frontages to Holloway Road and Giesbach Road (291sqm at basement and 303sqm at ground floor levels). At first floor a 310 sqm office unit (Use Class B1) is proposed with a separate entrance onto Holloway Road. At second, third and fourth (top) floors, 9 residential units are proposed (4 x 1 beds, 4 x 2 beds, 1 x 3 bed), which would be accessed from a separate residential entrance on Giesbach Road.
- 5.3 22 residential cycle parking spaces would be provided in the basement and 4 at ground level for the office unit. Refuse storage would be provided at ground floor level by the entrance to Giesbach Road.
- 5.4 The proposed design is similar to that proposed planning application P2016/4343/FUL, which the Planning Committee resolved to approve, but was later refused (and is currently at appeal) as the applicant refused to sign the necessary s.106 agreement. The main difference with the current proposal is that the first floor would be an office (rather than residential units as previously proposed). This reduces the number of proposed residential units to 9 (rather than 13) thus the application is treated as a “minor” application (rather than a “major” application) and is subject to simplified planning policy requirements. There would be further minor differences between the schemes, including a separate waste store and entrance for the office unit, omission of first floor balconies, and minor internal layout changes. The overall height, materials, and design would be otherwise unchanged.

5.5 The site also currently benefits from planning permission P2014/3815/FUL (granted on appeal) for a 3-4 storey mixed use building comprising a 345 sqm ground floor retail unit and 9 residential units above. This permission has not yet been implemented but is the applicant's "fall-back" position. The proposal differs from the approved scheme as it would have different massing (one storey higher overall but one storey lower adjacent to the neighbours at 2 Giesbach Road); an additional office unit, and increased retail floorspace (598sqm). The current scheme is considered an improvement on the fall-back scheme as it would deliver the same amount of housing (and affordable housing contribution) with additional employment and retail floorspace, an improved design, and an improved relationship with the residential neighbours.

## 6. RELEVANT HISTORY:

### Previous Planning application

6.1 P2015/4343/FUL (**The previous major scheme**) 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 sqm 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. The Planning Committee resolved to approve, but the application was subsequently **refused** (on 25/10/2016) for the following reason and is currently at appeal:

*"In the **absence of a suitable affordable housing cascade mechanism and an advanced stage viability review**, the development fails to contribute the maximum reasonable amount of affordable housing taking account of the borough-wide strategic target of 50% and the financial viability of the proposal. The proposal is therefore contrary to policy 3.4 (Optimising Housing Potential), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds) of the London Plan 2016, Policy CS 12 (Meeting the Housing Challenge) of the Islington Core Strategy, 2011, Policy DM9.2 of the Islington Development Management Policies 2013, Islington's Development Viability SPD 2016 and Planning Obligations SPD 2014 and the Mayor's Housing SPG 2016."*

### Extant Consent

6.2 P2014/3815/FUL (**The extant allowed appeal consent**) 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. Subsequently, the following proposal for a variation was submitted:

6.3 P2016/2059/S73 Application under Section 73 for Variation of Condition 2 of allowed appeal decision APP/V/5570/W/15/3133776 (planning application P2014/3815/FUL: see paragraph 4.4) to vary the approved plans to introduce **a new basement level to the approved building** for retail floorspace and bike store, alterations to the approved ground floor layout and the introduction of a access door along the western elevation fronting Giesbach Road. **Approved** 30/03/2017

### Withdrawn Planning applications

6.4 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).

- 6.5 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.

#### **Pre application advice**

- 6.6 No formal pre-application was sought prior to the submission of the current application, but advice was given for previous proposals.
- 6.7 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.
- 6.8 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 proposal was too tall.

#### **Design Review Panel**

- 6.9 Islington's Design Review Panel considered a previously proposed 6 storey building during the lifetime of application P2015/1681/FUL.
- 6.10 The Panel's pre-application stage written comments (issued on 25 June 2015) are appended as Appendix, and are summarised as follows:
- **Massing:** A good case was made for a taller building on the corner, and further options should be explored in terms of the overall massing and the relationship with neighbouring buildings. Stepping up to a taller corner building could be successful but the composition should be simple and the junction of the two facades needed to be resolved more comfortably. *(Officer comment: The scheme was since amended and is now 1 storey lower overall at 4 storeys stepping up to 5 at the corner (with a 2 storey element adjacent to 2 Giesbach Road).*
  - **Elevations:** The elevations included too many elements and in particular, the Panel recommended a design which addressed and turned the corner more positively. 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 could better reflect the prominent site; this should better reflect the local context. *(Officer comment: The elevations were changed with is a simpler composition now to both elevations and a curved façade to the corner).*
  - **Roof :** This appeared too heavy and unrelated to the rest of the building and should be re-designed as a separate element or removed. *(Officer comment: The top storey was removed, and the new top story would be a separate element with a simple glazed design).*

## **7. CONSULTATION**

### **Public Consultation**

- 7.1 Letters were sent to occupants of 155 adjoining and nearby properties on 06/01/17. A site notice was displayed on 12/01/17. The public consultation of the application therefore expired on 02/02/17; however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing 2 objections had been received from the public with regard to the application (one from the Better Archway Forum and one from a neighbour). The issues raised are summarised as follows (with officer comments in brackets):
- There would be no on-site **affordable housing**, unlike the previous (refused) scheme on the site. *(Officer response: There is one extant permission on the site for 9 residential units, and the current scheme would also have 9 units and make the same financial contribution of £250,000 towards off-site affordable housing in line with the Council's policies).*

- The **impacts on neighbours** were not properly assessed by the appeal inspector who granted the extant permission. (*Officer response: The scheme has changed since the extant permission and would have improved neighbour amenity impacts. When considering application P2015/4343/FUL which had the same massing as the current scheme, officers and the planning committee considered the amenity impacts to be acceptable*).
- The neighbour objections raised on the previous scheme should also be considered as the design of the scheme would be similar. (*Officer response: Following consideration of the neighbour comments received for previous application P2015/4343/FUL, the Council resolved to grant permission subject to the relevant planning obligations being secured. As this was refused it does not constitute a “fall back” position, but the Council’s consideration of the previous scheme and neighbour comments are material considerations and have been revisited when assessing the current amended scheme*).

7.3 One comment was received in support of the application, stating that the site is an eyesore and has been standing empty for some time.

#### **External Consultees**

7.4 Transport for London

- No in-principle strategic objections.
- There should be convenient access to cycle storage avoiding steps (There is cycle storage in the basement accessed by a lift – this was previously considered acceptable).
- Conditions are recommended requiring a delivery and servicing plan, and a construction management plan (These conditions are recommended).
- The development should be permit-free (This will be secured through the s.106 agreement).

#### **Internal Consultees**

7.5 Access Officer (relevant comments for application P2015/4343/FUL)

- 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.
- A platform lift is proposed between basement and ground floor which is unacceptable (there would be platform lifts for the commercial and office units where there is only one level change, and a passenger lift is proposed for the residential unit).
- Disability scooter parking required.
- Safe drop off is required.
- Space on street for wheelchair accessible parking bay should be secured with a S106 legal agreement.

7.6 Design and Conservation Officer (in relation to application P2015/4343/FUL)

- 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.

## 7.7 Public Protection (in relation to application P2015/4343/FUL)

- The Pollution team objected to the proposal, but stated that if permission is granted the following conditions should be applied:
- Mechanical ventilation will be required throughout and full details of ventilation for the residential accommodation should be submitted.
- To protect the residential amenity for the occupants of the new flats from noise transfer from the commercial (retail) unit below, sound insulation details should be submitted (officers note that there would now be offices separating the residential and retail units which would result in a more compatible relationship between uses, but relevant conditions should still be applied).
- 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.

## 8. RELEVANT POLICIES

8.1 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

8.2 The National Planning Policy Framework (NPPF) 2012 is a material consideration which seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. Since March 2014 planning practice guidance for England has been published online.

8.3 The National Standard for Housing Design (1 October 2015) and Deregulation Bill (2015) transferred detailed accessible design requirements for residential units to Part M of the Building Regulations, with optional requirements for enhanced accessibility requirements which can be secured by planning conditions.

### Development Plan

8.4 The Development Plan is comprised of the London Plan 2016 (amended), Islington's Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The relevant Development Plan policies are listed in Appendix 2.

### Planning Advice Note/Planning Brief

8.5 '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).

8.6 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 where "proposals impact upon the regeneration of Archway and its role as a district centre" the following key development principles apply:

- 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**

8.7 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
- Holloway Road TLRN

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

8.8 The relevant SPGs and/or SPDs are listed in Appendix 2.

## **9. ASSESSMENT**

### **Key Issues**

- 9.1 Following the Council’s resolution to approve application P2015/4343/FUL, and given that the current scheme is similar except for the omission of 4 residential units and introduction of an office unit instead, the key consideration is whether the variations to the scheme would be acceptable.
- 9.2 The following issues are also key considerations.

- 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**

#### **Retail Use**

9.3 The site is within the Primary Retail Frontage of Archway Town Centre (designated as a “district centre” by the London Plan). Core Strategy (2011) Policy CS1 (Archway) states that Holloway Road should be maintained as the “high street” within the Archway town centre, and Policy CS 14 supports the primacy of retail units within the borough’s shopping areas. Development Management (2013) Policy DM4.4 seeks to maintain and enhance the retail and service function of

Islington's Town Centres, resisting the change of use of ground floor units from main town centre uses to other uses.

- 9.4 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 states that retail should remain the principal and dominant land use within primary retail frontages.
- 9.5 The site is located within the Archway Core Strategy Key Area, Archway Town Centre and Archway Primary Retail Frontage.
- 9.6 The existing retail unit has a retail sales area on the ground floor (approximately 300sqm) with ancillary storage and offices to the rear of the ground floor and the upper floors. For the extant permission 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 appears that the residential use ceased in the 1970s and the upper floors were used entirely for ancillary storage and office use (although permitted development rights would allow residential units on the upper floors without the need for further planning permission).
- 9.7 The entire building was therefore 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).
- 9.8 The proposal seeks to provide a retail sales area on the ground floor of 304sqm, with another 295 sqm at basement level (599sqm in total). As such, there is an overall reduction in the amount of retail floorspace at the site, although the main ground floor sales area would be similar with reduced ancillary floorspace at basement level. This would comply with Policy DM4.4 which requires retail units over 80sqm to be within town centres, and would not result in the change of ground floor accommodation to other uses. The proposed retail unit is therefore supported by the Council's planning policies.
- 9.9 Policy CS 14 includes a requirement in part D for major retail developments to provide smaller retail units, and Policy DM4.1 part A ii) clarifies the requirement for retail developments with more than 2,500sqm (GIA) to provide 10% of the floorspace as small retail units. As only 599sqm of A1 retail use is proposed, these policies are not applicable.
- 9.10 Policy DM4.1 part B prevents the amalgamation of individual A1 retail shop units, where the intensification of use would have material impacts. Whilst the application site was constructed as 4 individual shop units they were amalgamated in the 1980s and have been since been used as a single large retail unit so the application would not result in amalgamation or loss of small retail units.
- 9.11 The retail use at ground and basement floors is similar to that proposed by application P2015/4343/FUL and is in accordance with policy DM4.4 with a continuous retail frontage in accordance with policy DM4.5. A similar basement has already been approved by application P2016/2059/S73.
- 9.12 As the existing unit benefits from permitted development rights, condition 3 is recommended to remove permitted development rights from the new retail unit, to ensure that the impacts of any future proposed uses can be considered in terms of their town centre and amenity impacts.

#### Office Use

- 9.13 Paragraph 2.2.3 of the Core Strategy supports an increase in office space in the town centre, as part of a vibrant mix of uses. Policy CS13 encourages new employment (in particular "business") floorspace in town centres.
- 9.14 The Council's recent Employment Land Study (2016) supports these policies and states that while business floorspace has in the past been prominent in Archway town centre, the area is undergoing significant losses of employment space and that much of it has been, or will be, lost to residential conversion due to permitted development rights.

- 9.15 The Employment Land Study identifies a shortfall in the current pipeline of office supply of around 400,000sqm when compared to projected needs over 2014-2036 (in order to meet forecast demand and allow for 8% frictional vacancy). The need to deliver office space has become even more pressing given the large scale loss of B1a space to permitted development rights in Islington, almost 10,000sqm since 2013, and the significant losses highlighted within Archway town centre.
- 9.16 The proposed introduction of office floorspace is therefore supported by the Council's planning policies and supporting evidence, and would contribute to meeting a priority need.
- 9.17 The proposed office unit (in place of 4 proposed residential units) is the main difference between the current scheme, and that considered under reference P2015/4343/FUL. As there is no extant permission for a 13 unit scheme (because that application was refused), and the proposal would still deliver 9 residential units (similar to the extant permission approved at appeal following application P2014/3815/FUL) the introduction of an office unit would not result in the displacement of any existing or approved residential units.
- 9.18 Condition 4 is recommended to remove permitted development rights from the new office unit, to ensure that the impacts of any future proposed uses can be considered in terms of their town centre and amenity impacts.
- 9.19 The proposed office unit would not result in the unacceptable loss or displacement of other uses, and would contribute to meeting the borough's projected shortage of office floorspace in a sustainable location. The proposed office is therefore supported in land use terms.

#### Proposed Residential Units

- 9.20 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should normally approve applications for residential development, provided that there are not strong economic reasons why such development would be inappropriate.
- 9.21 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.
- 9.22 The principle of residential use was established by the extant permission on the site (P2014/3815/FUL) and the surrounding area is mixed in use, with residential use along Giesbach Road and the upper floors along most of Holloway Road.
- 9.23 It is therefore the case that there is a policy presumption in favour of the delivery of new housing, and the site is considered to be a sustainable location for new housing.
- 9.24 The scheme would deliver 9 residential units which would contribute towards the Borough's targets. Subject to compliance with other policies, the introduction of these residential units is supported in principle.

#### **Design and Appearance**

- 9.25 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.
- 9.26 The Archway Development Framework lists key development principles for the area, including those new buildings away from the Archway Tower should generally remain in the height range of 4-5 storeys.

- 9.27 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.
- 9.28 The design of the proposed building would be similar to that which the Planning Committee resolved to approve under application P2015/4343/FUL, with minor alterations to the elevations to accommodate the office use at first floor. The following images show the proposed elevations (in comparison to the previously refused scheme P2015/4343/FUL).



Image 4: Holloway Road Elevation

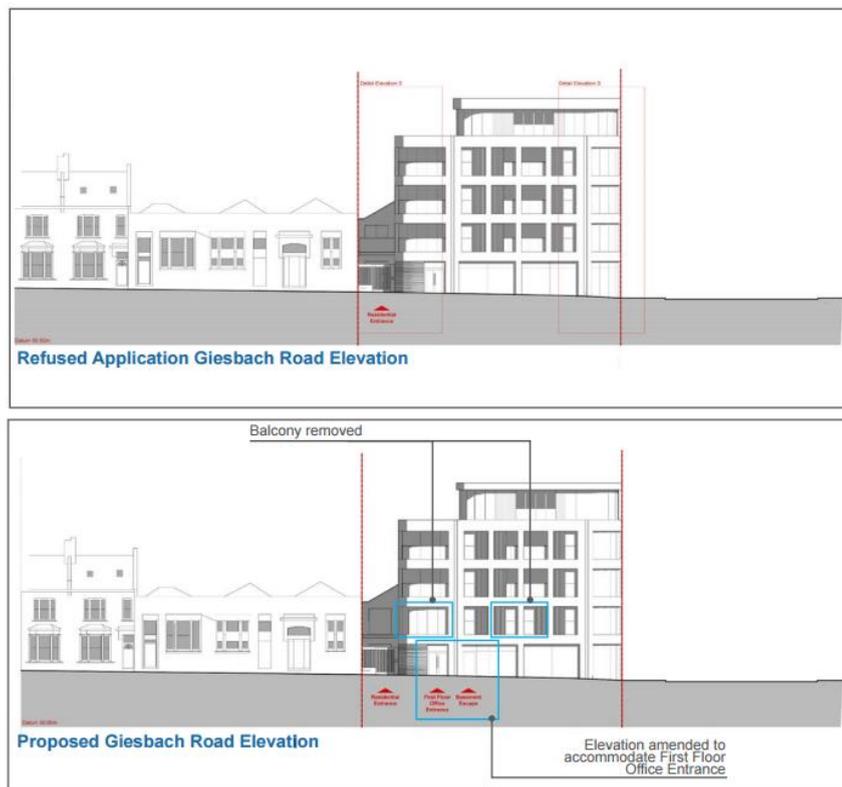


Image 5: Giesbach Road Elevation



Refused Application



Proposed Application

Image 6: CGI Images of the previously refused application and the current application.

- 9.29 The site marks the end of a row of buildings on the north east side of Holloway Road, on the corner with Giesbach Road, and fronts an area of public realm. The existing building is 3 storeys, and the surrounding buildings on Holloway Road are generally 3 storeys high under pitched roofs (behind parapets) or flat roofs. The adjacent buildings on Giesbach road are 2 storeys (or double height) under pitched roofs. Within the wider surroundings the building heights are more varied, and notably the same row of buildings on the north east side of Holloway Road rises to 6-storeys (770-778- Holloway Road) and 7-storeys (Whittington House).
- 9.30 The proposed building would be five storeys high on a prominent corner location within Archway Town Centre, reducing to 4 storeys away from the corner and 2 storeys adjacent to 2 Giesbach Road. The overall height was reduced by one storey since the 2015 DRP comments. The design officer previously advised that the proposal would be improved if the top floor was set back from the corner, and neighbour objections were raised to the previous planning application regarding the proposed height, design, and impact on the streetscene.
- 9.31 The height and positioning of the top floor would comply with the above guidance on heights as set out in the Archway Development Framework. As the top floor would be smaller, officers consider that it would have a more lightweight appearance than the lower floors without it being necessary to a remove a storey or introduce a set-back. On this corner site, which has become more prominent following the surrounding highways and public realm works, a taller building stepping up to 5 storeys is considered appropriate.
- 9.32 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.
- 9.33 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.
- 9.34 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.

- 9.35 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.
- 9.36 The proposed office use would result in a slight variation to the elevations proposed by application P2015/4343/FUL by introducing separate entrances to the office unit at ground level, both at Giesbach Road and at Holloway Road. The first floor balconies would also be omitted. These changes would be well integrated to the rest of the proposed facades and would result in appropriately positioned and well-designed entrances.
- 9.37 The building would be finished in red brick with grey framed shopfronts and windows. The roof extension would be glazed to provide a lightweight and contemporary feature. In order to ensure that the quality and appearance of the proposed materials results in a high quality design, condition 9 is recommended requiring the LPA's further approval of all materials, balustrade and glazing treatments.
- 9.38 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 2017.

### **Affordable Housing**

- 9.39 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:
- 9.40 Requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
- 9.41 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.
- 9.42 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.
- 9.43 As above, policy CS12 requires all sites capable of delivering 10 or more units to provide affordable housing on-site. One of the primary reasons behind the wording of this policy was to prevent developers from circumventing the policy by introducing oversized units to bring developments just under the 10-unit threshold. The previous application P2015/4343/FUL would have provided 13 units, although this was refused so does not constitute a valid fall-back position.
- 9.44 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. The financial contribution was secured at this level as the presence of 4 existing residential units on site was accepted at that time. Notwithstanding the current lawful position of the residential units, officer's note that permitted development / prior approval rights exist which would allow residential units within the current building. The approved appeal scheme is a material consideration and is currently the only fallback position.
- 9.45 The current scheme would provide 9 flats so would be just under the threshold for on-site affordable housing and instead a financial contribution of £250,000 is sought for off-site affordable housing. This number of units would not result from oversized or artificially large units, and instead would result from the introduction of office floorspace at first floor. Given the policy priority for office floorspace in this area, and the attractiveness of the type of floorspace for small or medium

businesses in an area where office floorspace has been lost to residential conversions (by prior approvals), it is considered that introduction of offices at first floor is acceptable.

- 9.46 As the only extant permission on the site is for 9 residential units with a financial contribution to affordable housing, and the current proposal would result in a similar number of residential units and affordable housing contribution, this would not result in the artificial loss or prevention of additional residential units or affordable housing.
- 9.47 Based on the scheme as submitted, the proposal would not be capable of providing 10 or more residential units and therefore a financial contribution towards off-site provision of off-site affordable housing is acceptable. Based on the previous acceptance of residential units on-site, permitted development rights, and the applicant's fall-back position, the financial contribution is £250,000 and the applicant has undertaken to enter into an s.106 agreement securing this.
- 9.48 Given the site's history, and to prevent the applicant circumventing the requirement for on-site affordable housing, it is recommended that the s.106 agreement is worded to ensure that if any future proposal for additional residential units brings the total number of residential units to 10 or more, the total number of units on-site would be considered and the requirement for on-site affordable housing would be triggered.

### **Mix and Quality of Residential Accommodation**

#### Unit Mix

- 9.49 The NPPF acknowledges the importance of high quality and inclusive design for all development, and requires 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. London Plan (MALP) 2016 Policy 3.5 states that new dwellings should take account factors relating to the "home as a place of retreat," and that housing developments should be of the highest quality both internally and in relation to their context.
- 9.50 Core Strategy Policy CS 12 (Meeting the Housing Challenge) encourages residential development in the borough, with a range of unit sizes and tenures. Part E requires a range of unit sizes within each housing proposal to meet the needs in the borough. 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).
- 9.51 The proposal would provide 4no. 1-bedroom flats, 4no. 2-bedroom flats, and 1no. 3-bedroom flat. The table below compares the proposed mix of unit sizes against the policy requirement.

	1-bedroom	2-bedroom	3-bedroom	4 bed+
DM Policies Table 3.1	10%	75%	15%	0%
Proposed Units	44%	44%	11%	0%

9.52 Whilst the proposal would be weighted in favour of smaller units, it would broadly reflect the suggested mix set out in table 3.1 and would not be unacceptable in this respect. It is noted that the site is on a busy main road, so within this range of unit sizes the emphasis towards smaller units (rather than family sized units) is appropriate.

#### Standard of accommodation

9.53 Paragraph 17 of the NPPF outlines a set of core land-use principles which should underpin decision making, including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

9.54 London Plan Policy 3.5 states that securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities, and that new dwellings should take account of factors relating to arrival at buildings, and the place of retreat offered by homes. Policies DM3.4 and 3.5 require new developments to provide good quality accommodation both internally and externally, which should accord with the principles of good design and provide dual aspect accommodation unless exceptional circumstances are demonstrated.

9.55 The relevant standards for internal layouts and room sizes are provided by:

- The London Plan (2016) MALP Policy 3.5 and Table 3.3
- London Plan SPG: Housing (2016)
- The Department for Communities and Local Government's Nationally Described Space Standard (March 2015)
- DM Policy 3.4

9.56 Policy DM3.4 requires new units to have adequate sizes and layouts, good ceiling heights, sufficient storage space, and functional, useable space. All of the proposed residential units would comply with the sizes detailed within Policy 3.4 and the above standards. The proposal is considered acceptable in terms of unit sizes.

#### Entrances and circulation

9.57 London Plan Policy 3.5 requires the design of new housing developments to enhance the quality of local places and take account factors relating to arrival at the building. Policy 7.3 states that design should encourage appropriate human activity creating a reduced risk of crime and Islington Policy DM3.4 requires logical, legible and level entrances, visible from the public realm and clearly identified. The positioning and design of the main entrance would be acceptable, although this would visually compete with the large glazed shopfront appearance to the ground floor unit; design details to ensure a prominent and attractive entrance could be reserved by a planning condition (condition 32).

9.58 Internally, circulation through the residential building would be logical and well laid out. Policy DM3.4 and Standard 12 of the SPG state that each core should be accessible to no more than 8 units on each floor; the proposal would comply with this. Standard 13 states that access cores serving 4 or more dwellings should have access control systems - no information on this has been provided but this could be required by conditions if the development was otherwise acceptable. Standard 14 requires internal corridors to receive natural light and ventilation; this would not be provided and as this forms part of the residential accommodation details of ventilation could be required by a planning condition (condition 32).

## Noise and Ventilation

- 9.59 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.
- 9.60 Policy DM3.4 part D requires dual aspect accommodation, unless exceptional circumstances can be demonstrated. All of the proposed units would be dual aspect, although two 1-bedroom units at second and third floor would have the second aspect provided by a secondary living room window on the return (inset) balcony elevation. Policy DM3.4 goes onto 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'. These units would achieve good daylight by having wide living rooms with 4 windows, and the secondary windows would be sufficient to offer some cross-ventilation.
- 9.61 An acoustic assessment was submitted, which is a copy of the previous acoustic assessment (for application P2015/4343/FUL). This incorrectly describes the development and consequently cannot be approved by the application, but it does assess the residential noise levels and identifies that the site is within a noisy location. The Holloway Road elevation (the front of the site) is within noise categories C (daytime) and D (nighttime), the Giesbach Road (side) elevation is within noise category C (daytime and nighttime), and the rear of the site is within categories A (daytime) and B (daytime). These categories were defined by (superseded) PPG24 and whilst not referred to in the NPPG they are relevant to policy DM3.7.
- 9.62 For sites within Category C, the guidance advised 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.
- 9.63 The acoustic assessment concludes that the site falls within the 'upper limit' of noise category C and recommends mitigation measures include high performance laminated double glazing or secondary glazing. The Council's Pollution Officer is of the view that the assessment recorded conservative noise levels, partly due to the time of year and traffic conditions (during the Easter school holidays), and that the noise levels may be higher at other times. They have advised that the windows to the units would need to be closed to achieve acceptable internal noise levels (with mechanical ventilation), and that balconies would be subject to high noise levels. Whilst the high noise levels are acknowledged, the site has extant planning permission for 9 residential units (and the relevant policies have not changed since) and most buildings to this part of Holloway Road have existing residential units located to the upper floors. The noise levels experienced by the flats would be commensurate with a busy main road location, but to minimise the impact on living conditions a number of planning conditions are recommended (by the Council's Pollution Officer) regarding noise levels within the units (condition 18), design of plant (condition 19), plant noise (condition 20).
- 9.64 The previous scheme proposed flats directly above a shop. The current scheme would have flats above the first floor offices, which are generally quieter than retail units (especially outside normal working hours), however to protect amenity for future occupants from noise transfer from the uses below, a condition is recommended regarding sound insulation between the residential units and the uses below (condition 21). Conditions are also recommended regarding hours of operation for the retail unit (condition 27) and for deliveries to the retail and commercial units (condition 28).

### Outdoor Amenity Space

- 9.65 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). These would all relate well to the main living spaces, and would provide acceptable outdoor amenity spaces.
- 9.66 The proposal is located on a busy main road, which suffers from high noise levels and poor air quality. However there are residential dwellings within the surroundings, and the proposed units are capable of providing good quality living environments subject to compliance with the above recommended conditions.

### **Neighbouring amenity**

- 9.67 London Plan policy 7.6 states that buildings should not cause unacceptable harm to residential amenity, including in terms of privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 requires consideration to be given to noise disturbance, vibration, overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

### Overlooking

- 9.68 Standard 28 of the London Plan SPG Housing (2016) requires proposals to demonstrate that habitable rooms would have adequate levels of privacy in relation to neighbouring properties, the street and other public spaces and Policy DM2.1 identifies a minimum distance of 18 metres between windows 'to protect privacy for residential developments and existing residential properties.
- 9.69 The south east elevation of the proposal will face onto the rear elevations of 796-792 Holloway Road which contain residential windows. There is a recent approval for a rear extension at 794 Holloway Road for a first floor extension with kitchen/dining room windows facing the application site, and there is an existing roof terrace at second floor level at 794 Holloway Road. The proposed south east elevation windows will serve bedrooms and a kitchen which will be approximately 8m away from the neighbouring windows/terrace. In order to avoid unacceptable overlooking a condition is recommended requiring the windows on the south east elevation to be obscure glazed with restricted opening (condition 5) with an informative clarifying the affected windows.
- 9.70 Three proposed rear elevation windows at first, second and third floor levels (which would serve kitchens) would be positioned approximately 10.5m away from the first floor roof terrace at 2 Giesbach Road. The existing parapet wall to the terrace (the party wall with the application site) will be retained and will prevent any overlooking between the rear elevation of the site and the existing terrace.
- 9.71 The other proposed windows would be more than 18m from existing residential windows.

### Outlook and sense of enclosure

- 9.72 The site is surrounded by residential units on Giesbach Road, and on the upper floors on both sides of Holloway Road.

- 9.73 2, 4 and 4a Giesbach Road were formerly a Royal Mail sorting depot which was converted to three residential units. No 2 is adjacent to the site with a common boundary. It has a pitched roof on the south west slope (including rooflights and PV panels) facing the application site, and a first floor roof terrace at the rear. The previous application P2015/4343/FUL demonstrated that the daylight and sunlight impacts would comply with the BRE guidelines, but it was refused because the scale, bulk and height of the development and its proximity to the rooflight (labelled SP04) was considered to result in an undue sense of enclosure at 2 Giesbach Road.

**Photos of rooflight SP04 viewed from within 2 Giesbach Road.**



**Rooflight SP04**



**Rooflight SP04 and other rooflights**

- 9.74 The application was allowed on appeal on 9 November 2015. The Inspectors concluded that:
- “there would be points where the side wall of the proposed development would be seen though 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.”*
- 9.75 Council officers were copied into correspondence between residents and the appeal inspector questioning whether these impacts had been properly considered.
- 9.76 Since the appeal decision, application P2015/4343/FUL was submitted with a different design (similar to the current proposal) and the Council resolved to approve it. The proposed building is the lower at the shared boundary than the existing situation, and the extant permission. The previous 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 there will be limited views from most of the property. The consultation responses to the current application requested that all of the previously raised issues are reconsidered, and officers have reconsidered the proposal in light of the previous site visits to neighbouring properties (by two officers), and the letters, photos and videos submitted to the council previously. Whilst the proposed development would be visible from no.2, especially though

rooflight SP04, there would still be good levels of outlook to no.2, and the proposal would not result in unacceptable living conditions.

### **Sunlight and Daylight**

- 9.77 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 was later raised by local residents in relation to application P2015/4343/FUL 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 were submitted by the adjoining neighbour at No. 2 Giesbach Road along with an analysis of the impact on their PV solar panels.
- 9.78 A daylight and sunlight study was carried out for application P2015/4343/FUL (and re-submitted for the current application) in accordance with the 2011 Building Research Establishment (BRE) guidelines and submitted in support of the application. Since the drafting of this report there have been no material changes to the context of the site in terms of sunlight and daylight so this assessment is still applicable. 5 windows tested at residential properties on Giesbach Road and Holloway Road were tested (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.
- 9.79 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.
- 9.80 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.
- 9.81 Where these guidelines are exceeded then sunlight and/or daylight 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.

9.82 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.

#### Sunlight and daylight impacts specifically relevant to 2 Giesbach Road

9.83 The appeal consent was refused due to impacts on the rooflight (SP04) at 2 Giesbach Road, so these impacts are given further consideration as follows.

9.84 Window SP01 meets the BRE criteria and whilst the daylight/sunlight report does not give the specific result for patio door SP05 it confirms that the result is better than window SP01 and is therefore also acceptable.

9.85 In understanding the impact upon rooflight SP04 it is important to note that 2 Giesbach Road has several windows and rooflights serving the open plan first floor dining/kitchen/living room 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.

9.86 Rooflight SP04 also serves a double height ground floor space which is also served by patio doors to the rear elevation. At the time of the previous 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.

9.87 The APSH and WSPH tests are not readily applied to rooflight SP04 as it is not on a vertical plane, and the daylight/sunlight report concluded because there is no obstruction to the rooflight within a 25 degree angle then the APSH and WSPH tests will be met.

9.88 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.

9.89 The adjoining neighbour submitted a series of shadow diagrams illustrating how the sunlight currently moves across the roof slope and compared the current shadows with the potential shadow patterns following the proposed development. Whilst there are 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.

9.90 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 away from this rooflight than the appeal approval, retaining a wider viewing angle and therefore less impact than the applicant's fallback position. The various impacts of the previous schemes have now been considered several times by different officers and an appeal inspector; and taken with the other rooflights and windows that serve the ground and first floor it is acknowledged that there will be some impacts arising from development on the site. However having considered these impacts again in detail, officers consider that there will not be an unacceptable impact on the overall standard of accommodation to 2 Giesbach Road.

#### Impact on PV Solar Panels

9.91 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.

9.92 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.”

9.93 The Inspectors’ decision was clear that the installation of the PV panels at 2 Giesbach Road could prejudice the development of the application site and that the siting of these should not prevent the redevelopment of the site.

### Noise

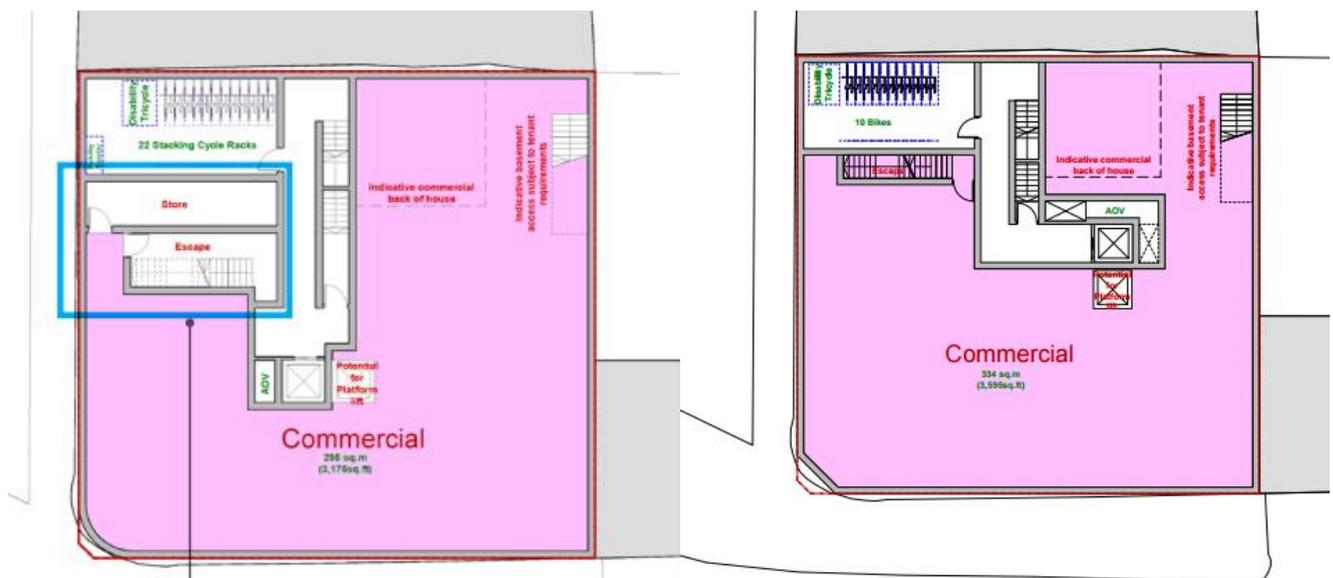
9.94 The proposal would not result in significant noise generating uses. The demolition and construction periods are therefore likely to be responsible for the most disruptive noise impacts affecting residential amenity. Conditions requiring the submission of a Construction & Demolition Logistics and Environmental Management Plan (No 6), and an informative advising of restriction to hours for ‘noisy’ works have been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction.

9.95 Balconies are proposed to the proposed residential units, however given their relatively small size (7sqm or less) and the distance away from existing residential units, these are unlikely to result in large gatherings or undue noise or disturbance to neighbours.

### **Basement development**

9.96 The Better Archway Forum (BAF) and local residents previously requested that a Structural Method Statement be submitted because of concerns regarding the basement excavation and the impact on adjacent buildings, and also requested that LBI’s Building Control Service is used to inspect the basement works on site.

9.97 The Basement Development SPD was adopted in January 2016 and sets out additional information that needs to be submitted with applications that include basements (a Structural Method Statement). The previous application was submitted prior to the adoption of the SPD and the Structural Method Statement was not a validation requirement so this was instead required by a planning condition. Furthermore application P2016/2059/S73 was recently approved for a variation to appeal decision APP/V/5570/W/15/3133776 (planning application P2014/3815/FUL) to allow an enlarged basement to the extant permission.



*Basement currently proposed (similar to that agreed by committee for application P2015/4343/FUL but subsequently refused)*

*Basement approved by P2016/2059/S73*

- 9.98 A Structural Method Statement was not submitted with the application. Given that the basement already has planning permission (subject to conditions requiring a structural method statement), the lack of this statement is not considered to warrant refusal. Instead, and consistent with the previous decision/resolution on this site, and given its history, a condition is instead 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 instead recommended requiring that the certified professional endorsing the SMS is retained for the duration of construction.
- 9.99 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.

### **Accessible and Inclusive Design**

- 9.100 London Plan Policy 3.8 states there should be genuine housing choice which meets requirements for different sizes and types of dwellings in the highest quality environments. These requirements are reinforced by Islington Core Strategy CS12 and the Accessible Housing SPD.
- 9.101 London Plan Policy 7.2 states that development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 9.102 Islington Policy DM2.2 requires all new developments to demonstrate inclusive design whilst Policy DM3.4 provides housing standards for all types of residential developments. The Council's Inclusive Design SPD sets out guidelines for the appropriate design and layout of dwellings, including wheelchair accessible units. This requires 10% of new dwellings (by habitable room) to be wheelchair accessible.
- 9.103 The Deregulation Bill 2015 introduced a new National Standard for Housing Design within Part M of the Building Regulations, broken down into 3 categories, and the higher of these standards can only be imposed subject to planning conditions and policy justification. The Minor Alterations to the London Plan (2016) Policy 3.8 (Housing Choice) provides this and requires 90% of new housing to be built to Category 2 (Accessible and Adaptable Dwellings, similar to Lifetime Homes) and 10% to Category 3 (Wheelchair Accessible dwellings, similar to Islington's wheelchair accessible housing standard). One flat would be wheelchair accessible (as set out by the Design and Access statement) and this is recommended to be secured by condition 15.
- 9.104 The site has good public transport with a PTAL of 6a, but 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. There is space in the basement cycle storage area for a mobility scooter and mobility tricycle space.
- 9.105 Each floor of the proposed building will have level access from the street. Each of the three proposed uses would have access to lifts providing step-free access to all floors.
- 9.106 The Council's accessibility officer commented on the previous scheme stating that the use of a platform lift is unacceptable. The previous scheme P2015/4343/FUL was accepted subject to a condition requiring access to the basement level that complies with Part M of the Building Regulations and is not a platform lift; a stair climbing lift or second lift; and accessible disability scooter and tricycle storage. These details have not been fully addressed by the current application, so it is considered that the application should be subject to a similar condition (condition 14) to ensure appropriate step-free access.

## **Health and Air quality**

- 9.107 Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being. A Health Impact Assessment was submitted which adequately sets out how the development would address these requirements.
- 9.108 Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). Policy DM 6.1 of the Development Management Policies document requires that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 9.109 Islington is an Air Quality Management Area in recognition of borough-wide poor air quality. An air quality assessment was submitted, which is a copy of the previous air quality assessment (for application P2015/4343/FUL). This incorrectly describes the development and consequently cannot be approved by the application, but the assessment of air quality for the residential units is still relevant. This concludes that to achieve acceptable air quality, mechanical ventilation is required up to second floor level.
- 9.110 The Pollution Officer previously advised that they disagree with the Air Quality report, because it fails to consider the conclusions of the noise report which concludes that mechanical ventilation is required on all floors to achieve acceptable internal environments.
- 9.111 Whilst the proposal does not demonstrate compliance with the London Plan Policy 7.14, the provision of residential and office units in this type of location is not unusual and it is considered that the proposal could be designed to be capable of avoiding undue exposure of new residents/workers to poor air quality. This could be required by a planning condition requiring the submission of an updated air quality assessment (including measures to avoid the exposure of workers in the office unit to poor air quality) and the LPA's further approval (condition 22).

## **Highways and Transportation**

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

### Servicing and refuse

- 9.113 Local residents previously raised concerns about the potential numbers and sizes 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 was used by the previous occupant (Thomas Bros) for servicing/loading/unloading. The proposal would 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). A waste management strategy was submitted which outlines adequate residential waste storage capacity. This arrangement would not cause significant problems to residents, and subject to a condition to avoid larger vehicles using Giesbach Road (condition 26) would be commensurate with the servicing impacts expected on a residential street.

9.114 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 consent 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 proposed office unit is unlikely to result in significant large vehicle movements (especially when compared to the retail unit) although there would be some larger vehicles (for example waste collection) which would need to use Holloway Road. The impacts of this would be no greater than those of retail collection and deliveries. The proposal is not considered to create any significant increase in deliveries/servicing when compared to the appeal scheme subject to the above condition to avoid larger vehicles using Giesbach Road (condition 26).

#### Vehicle parking

9.115 Local residents previously 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 and permit free, as required by Core Strategy Policy CS10 and secured by the s.106 agreement to restrict future of occupiers of the residential units from obtaining parking permits. This will ensure that there is no undue impact or increased demand for existing on street parking.

9.116 Objections were also raised about increased parking as a result of a retail unit at the site. There would be no increase in retail floorspace when compared to the existing building.

#### Cycle parking

9.117 Table 6.1 (Appendix 6) in the DM Policies (2013) sets out the Council's cycle parking standards.

9.118 One space per bedroom is required for residential units; there would be 15 bedrooms and 22 cycle spaces in the basement (plus space for a mobility scooter and disability tricycle).

9.119 One space per 80sqm is required for the B1 (a) office resulting in the requirement for 4 spaces, which would be provided internally at ground level (adjacent to the Giesbach Road entrance).

9.120 One space per 60sqm is required for retail units resulting in the requirement for 10 spaces. Given that there is no increase in retail floorspace, that the site has good public transport links, that the unit is small, and that there are 8 Sheffield stands on the pavement on Giesbach Road, the extant permission P2014/3815/FUL did not require a separate cycle store and the previous application P2015/4343/FUL was accepted with no additional retail cycle spaces so it would be unreasonable to refuse the application on this basis.

#### **Construction impacts**

9.121 Objections were previously raised due to the proposed construction impacts, particularly in light of 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:

9.122 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 6 requires this.

9.123 A detailed Site Waste Management Plan will be prepared and agreed with the Council prior to commencement of development.

9.124 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. In addition condition 6 requires the submission of a Demolition and Construction Logistics plan to cover potential transport and environmental health issues. Conditions 7 and 8 relate to the basement

construction and an informative advising of the restriction to hours for 'noisy' works is also recommended.

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

- 9.125 Islington Core Strategy Policy CS10 seeks to minimise Islington's contribution to climate change and ensure that the borough develops in a way which respects environmental limits and improves quality of life. This requires all development to achieve the highest feasible sustainable building standard, and to achieve this a sustainability statement was submitted which follows the structure suggested by the Mayor of London's Supplementary Planning Guidance (SPG) on Sustainable Design and Construction, and with London Plan Policy 5.3. This is supported by an Energy Strategy by Metropolis Green.
- 9.126 The sustainability statement has been considered by officers. The proposal would result in low U-values with good air permeability (which is important due to the need for mechanical ventilation). A regulated carbon reduction of 25% against 2013 Building Regulations will be achieved, as highlighted in the Metropolis Green Energy Strategy. 5no PV panels are proposed in combination with an Air Source Heat Pump to provide on-site energy (secured by condition 12). A draft green performance plan has also been provided in accordance with the guidance in the Council's environmental design SPD, and 10% of the total materials on site will derive from recycled and reused content.
- 9.127 The London Plan target of maximum 105 litres/person/day of water consumption will be met by the proposed residential units (secured by condition 31).
- 9.128 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. New-build developments should 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 30 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.
- 9.129 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement." A carbon offset contribution of £9,000 would be required, based on the nine new-build flats, in accordance with the Environmental Design SPD.

### **Planning Obligations and CIL**

- 9.130 If the application is approved and the development is implemented, a liability to pay the Islington Community Infrastructure Levy (CIL) and Mayor of London CIL will arise. CIL is intended to consolidate financial contributions towards the development's local infrastructure impacts, and additional separate contributions should not be sought towards the same infrastructure unless there is an exceptional and demonstrable need as a direct result of the proposed development.
- 9.131 Any further planning obligations which are not covered by the CIL payment should be sought through a legal agreement under s.106 of the Town and Country Planning Act, (1990, amended) and need to comply with the statutory tests set out in the NPPF and CIL Regulations 2010 (amended) to avoid unjustified double counting.

9.132 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended, secured by an s.106 agreement.

- C02 offset contribution of £9,000.
- Affordable housing contribution of £250,000 and clarification that if any future proposal for additional residential units brings the total number of residential units to 10 or more, the total number of units on-site would be considered and the requirement for on-site affordable housing would be triggered.
- Car free residential units – removal of future residents rights to obtain an on street parking permit.
- Compliance with the Code of Construction Practice
- 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.

## **10. SUMMARY AND CONCLUSION**

- 10.1 As set out in the above assessment, the proposal has been assessed against the development plan and the comments made by residents and consultee bodies on the application (and the previous application P2015/4343/FUL) have been fully taken into account. Consequently it is considered that the proposed development would comply with the relevant national, London Plan, and local planning policies (including the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents).
- 10.2 The proposal is 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 subject to the conditions and planning obligations recommended in this report.
- 10.3 It is recommended that planning permission is 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:

- C02 offset contribution of £9,000;
- Affordable housing contribution of £250,000 and clarification that if any future proposal for additional residential units brings the total number of residential units to 10 or more, the total number of units on-site would be considered and the requirement for on-site affordable housing would be triggered.
- Car free residential units – removal of future residents rights to obtain an on street parking permit
- Compliance with the Code of Construction Practice
- 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 2 weeks from the date of the Planning sub-committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), 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:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p><b>Approved Documents:</b></p> <p>Energy Strategy (Metropolis Green, 20/02/2017); Sustainability Statement (Metropolis Green, 20/02/2017 updated 20/02/2017); Service Management Plan (Yes Engineering, November 2016); Construction Management Plan (Metropolis Planning and Design); Waste Management Plan (Metropolis Planning and Design); Health Impact Assessment (Metropolis Planning and Design); Design and Access Statement (Metropolis, February 2017); Planning Statement (Metropolis Planning and Design).</p> <p><b>Approved Plans:</b></p> <p>1338-D1000-rev 00; 1338-D1099-rev 00; 1338-D1100-rev 00; 1338-D1101-rev 00; 1338-D1102-rev 00; 1338-D1700-rev 00; 1338-D1701-rev 00; 1338-D1702-rev 00; 1338-D1703-rev 00; 1338-D11099-rev00; 1338-D11100-rev04; 1338-D11101-rev03; 1338-D10102-rev00; 1338-D11103-rev00; 1338-D11104-rev00; 1338-D11106-rev00; 1338-D11700-rev00; 1338-D11701-rev00; 1338-D11702-rev00; 1338-D11703-rev00; 1398-D11150-rev00; 1398-D11151-rev01.</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>
<b>3</b>	<b>Removal of Permitted Development rights (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or the provisions of 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 surrounding area, and to allow the Local Planning Authority to assess the impacts that any change of use would have on the retail function of the town centre.</p>

<b>4</b>	<p><b>Removal of Permitted Development rights (Compliance)</b></p> <p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or the provisions of any Order revoking and re-enacting that Order, no change of use of the first floor office 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 residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the borough.</p>
<b>5</b>	<p><b>Windows Obscured and Fixed Shut / Angled as Shown on Plans (Compliance)</b></p> <p>CONDITION: Notwithstanding the approved plans, all south eastern elevation windows following windows shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed prior to the first occupation of the development:</p> <p>All obscurely glazed windows shall be top hung, unless detailed drawing are submitted to and approved in writing by the Local Planning Authority which demonstrate that side hung windows including opening restrictors would avoid unacceptable overlooking to 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>
<b>6</b>	<p><b>Construction and Demolition Logistics and Environmental Management Plan (Details)</b></p> <p>*CONDITION: No development shall commence until full details of the proposed construction methodology, in the form of a Method of Demolition and Construction Statement, have been submitted to and approved in writing by the Local Planning Authority. The Method of Demolition and Construction Statement shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning (within the site) and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;</li> <li>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</li> <li>e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;</li> <li>f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;</li> <li>g) The proposed hours and days of work;</li> <li>h) Details of any proposed external illumination and/or floodlighting during construction;</li> <li>i) Details of measures taken to prevent noise disturbance to surrounding residents;</li> </ul>

	<p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>m) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>No demolition or development shall begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning within the site or as otherwise agreed by this condition during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.</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. 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 order to secure highway safety and free flow of traffic on Holloway Road, local residential amenity and mitigate the impacts of the development.</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>The development shall thereafter be carried out solely in accordance with the approved Structural Method Statement.</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 and detailing</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 large scale drawings, manufacturers details and material samples of the following:</p> <ul style="list-style-type: none"> <li>a) Brickwork (which should be solid bricks), including bond, mortar colour and pointing style</li> <li>b) windows and doors (including sections and reveals) and details of any opaque or translucent glazing;</li> <li>c) balustrading, including details of handrails and fixings</li> <li>d) boundary treatments and gates</li> <li>e) copings, soffits, cills and reveals (and details of how these will be designed to avoid watermarks or staining to the surfaces below), the undersides of any projecting elements or balconies and junctions of external materials including the materials and locations for any expansion gaps;</li> <li>f) Roof materials and edge details;</li> <li>g) Rainwater goods (including locations, fixings, material and colour);</li> <li>h) Details and location of all soil, vent and waste pipes which shall (except for the termination) be constructed within the building;</li> <li>i) Details of any other equipment or devices to be installed externally external surfaces of the building including meter boxes, service connection access, aerials and satellite dishes.</li> <li>j) External hard landscaping materials</li> <li>k) Any other external materials.</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 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 Shopfronts (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>
<b>11</b>	<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>
<b>12</b>	<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: location; area of panels; and design (including section drawings showing the angle of panels in-situ, and elevation plans).</p> <p>The solar photovoltaic panels as approved shall thereafter 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>
<b>13</b>	<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>
<b>14</b>	<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. Unless otherwise approved in writing by the Local Planning Authority prior to commencement, and in order to achieve this, the development shall incorporate/install</p> <ol 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 for each use; and</li> <li>c) Accessible disability scooter and tricycle storage for the residential units.</li> </ol> <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>

<b>15</b>	<b>Wheelchair housing (compliance)</b>
	<p>CONDITION: Unless otherwise approved in writing by the Local Planning Authority, at least 90% of the residential units (by habitable rooms) hereby permitted should meet building regulation M4 (2) (accessible and adaptable dwellings) and 10% shall be 'wheelchair user dwellings' as defined by building regulation Part M4 (3)</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>
<b>16</b>	<b>Cycle Parking Provision (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) shown on approved plans shall be fitted out with cycle storage for 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>
<b>17</b>	<b>Waste Management</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>18</b>	<b>Noise (details)</b>
	<p>CONDITION: The hereby approved building shall be designed to avoid harm to residential amenity from external noise sources, including from road and rail traffic and from the basement car parking, and from the proposed mechanical plant. Noise levels within habitable rooms shall not exceed the following levels:</p> <ul style="list-style-type: none"> <li>- Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast)</li> <li>- Living Rooms (07.00-23.00 hrs) 35 dB LAeq,</li> <li>- Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB LAeq</li> </ul> <p>Prior to the occupation of the hereby approved buildings, noise testing shall be undertaken and a report (using an appropriately experienced &amp; competent person) detailing the methodology and results of the test shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the results testing following any necessary remedial works if relevant, and shall be carried out with the latest British Standard. The scheme for protection against excessive sound shall be implemented and maintained thereafter.</p> <p>Reason: To ensure an adequate level of internal amenity is provided for future residents, and to protect the amenities of the neighbouring occupiers from the proposed mechanical plant.</p>

<b>19</b>	<p><b>SMS DETAILS</b></p> <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>
<b>20</b>	<p><b>Plant Noise and Fixed Plant</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 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>
<b>21</b>	<p><b>Sound Insulation</b></p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential uses 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 of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment.</p>
<b>22</b>	<p><b>Air Quality (details)</b></p> <p>CONDITION: Before commencement of 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> <ol style="list-style-type: none"> <li>a) The area within the boundary of the site, which may exceed relevant national air quality objectives.</li> <li>b) 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>c) Identify areas of potential exposure</li> <li>d) Detail how the development will reduce its impact on local air pollution to an acceptable level.</li> </ol> <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>

	REASON: To protect the amenities of the future occupants.
<b>23</b>	<b>Lift Shaft Insulation</b>
	<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>
<b>24</b>	<b>Lift Installation</b>
	<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>
<b>25</b>	<b>Ventilation</b>
	<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>
<b>26</b>	<b>Delivery and servicing plan</b>
	<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>
<b>27</b>	<b>Hours of Operation</b>
	<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>

<b>28</b>	<p><b>Deliveries, collections and loading</b></p> <p>CONDITION: Deliveries, collections, unloading, loading along Giesbach Road associated with the ground floor and first floor uses 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>
<b>29</b>	<p><b>Energy Strategy (compliance/details)</b></p> <p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</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>
<b>30</b>	<p><b>Green and Brown Roofs (Details)</b></p> <p>CONDITION: Details of 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, unless a feasibility study is submitted to and approved in writing by the Local Planning Authority to demonstrate that it would not be feasible to provide a biodiverse roof. The biodiversity (green/brown) roof(s) shall be maximised and be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); and 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).</p> <p>The biodiverse (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 biodiverse 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>
<b>31</b>	<p><b>Entrances</b></p> <p>CONDITION: Details of the residential entrance shall be submitted to and approved in writing by the Local Planning authority prior to the occupation of the hereby residential units, to demonstrate how:</p> <p>a) The proposed entrance would result in a clearly legible and attractive entrance b) Access would be securely controlled to post boxes, waste storage and residential units c) Internal corridors would be lit and ventilated</p>

	REASON: To ensure safe and secure residential entrances and an acceptable residential living environment.
--	---

**List of Informatives:**

1	<p><b>S106</b></p> <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	<p><b>Superstructure</b></p> <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	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <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	<p><b>Car-Free Development</b></p> <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>
	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.
6.	<b>Roof top plant</b>
	The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.
7	<b>Construction works</b>
	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.
8	<b>Thames Water</b>
	<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	<b>Highways Requirements</b>
	<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> <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</p>

	<p>agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>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 <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>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.</p>
<b>10</b>	<b>Approved Documents</b>
	<p>INF For the avoidance of doubt, the following documents do not form part of the approved plans for this decision:</p> <p>Air Quality Assessment ref. J2193/1/F3 (Air Quality Consultants, 6 October 2015); Acoustic Assessment A9760-R05-JT (Bickerdike Allen Partners, 13th August 2015); Cover Letter 2544/08-1116DS01Idl (Metropolis Planning and Design, 16 November 2016); Daylight and Sunlight report DJ/1015-01-01(4) (Jessop Associates, 23/07/2015);</p>
<b>11</b>	<b>Obscure Glazing</b>
	<p>For the avoidance of doubt, the restrictions on glazing set out in condition 5 relate to the following windows:</p> <ul style="list-style-type: none"> <li>a) All south eastern elevation windows at first floor level;</li> <li>b) South eastern elevation bedroom windows to unit 2.4 at second floor level;</li> <li>c) South eastern elevation bedroom window to unit 2.3 at second floor level;</li> <li>d) South eastern elevation bedroom windows to unit 3.4 at third floor level;</li> <li>e) South eastern elevation bedroom window to unit 3.3 at third floor level.</li> </ul>

## 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 2016 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

##### 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 3.8 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

##### 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 5.13 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  
transport infrastructure  
Policy 6.7 Better streets and surface transport  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking

##### 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

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  
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

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)

### **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)

Policy CS 13 (Employment Spaces)  
Policy CS 14 (Retail and Services)  
Policy CS 15 (Open Space and Green Infrastructure)  
Policy CS 16 (Play Space)

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

### **Energy and Environmental Standards**

DM7.1 Sustainable design and construction statements  
DM7.3 Decentralised energy networks  
DM7.4 Sustainable design standards  
DM7.5 Heating and cooling

### **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

### **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

### **Employment**

DM5.1 New business Floorspace

### **Infrastructure**

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

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

3.1 A document titled 'Regeneration proposals for Archway' was adopted by the Council's Executive on 5 July 2011, outlining 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 regeneration projects were agreed in 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.

### **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:

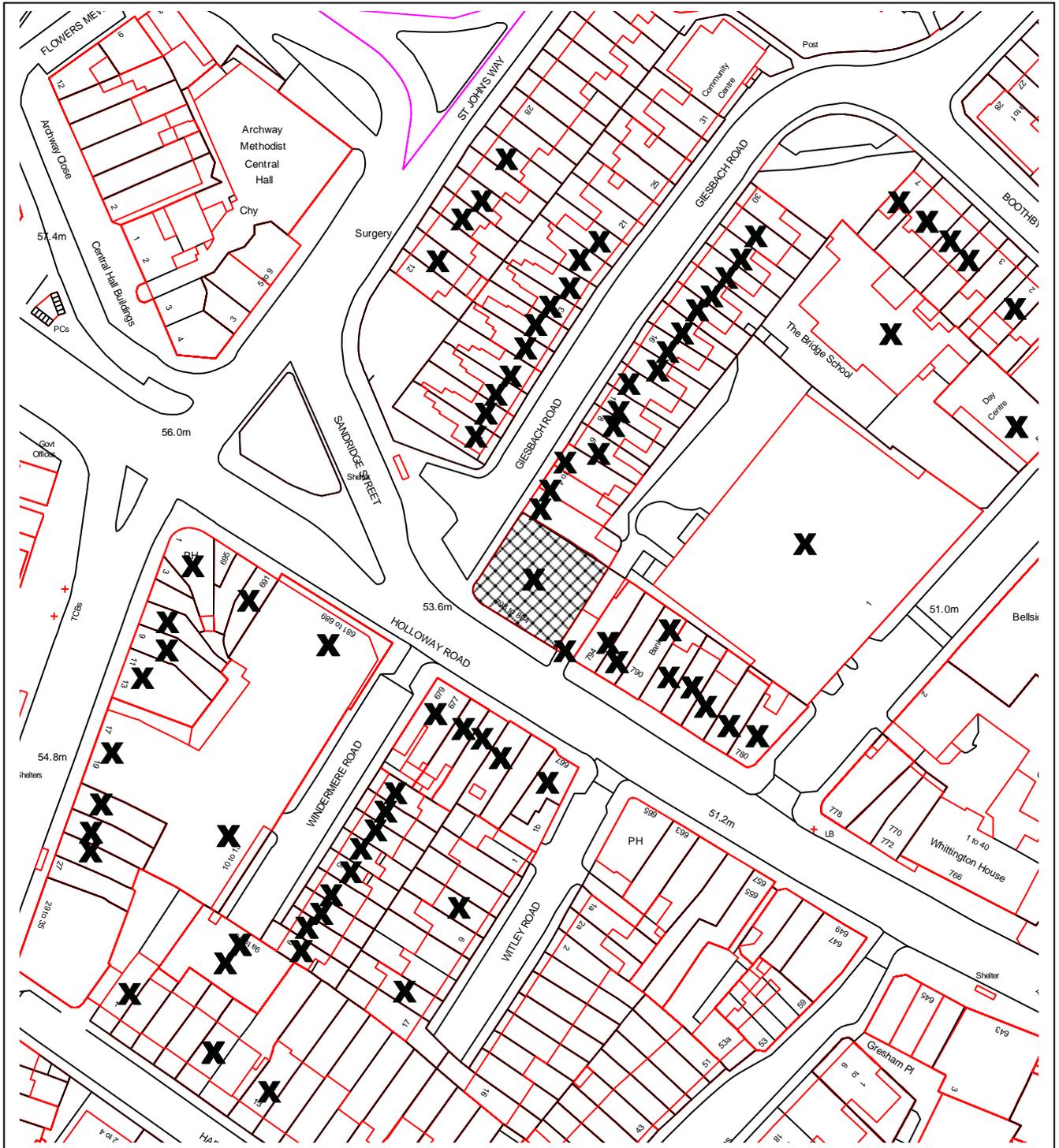
#### **Islington Local Development Plan**

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

# Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. P2016/4529/FUL

This page is intentionally left blank

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB-COMMITTEE A</b>		<b>AGENDA ITEM NO: 4</b>
Date:	9 <sup>th</sup> May 2017	<b>NON-EXEMPT</b>

Application numbers	P2016/1109/FUL
Application types	Full Planning Application (Council Own)
Ward	Barnsbury
Listed building	Unlisted
Conservation area	Barnsbury
Development Plan Context	Open Space, Site of Importance for Nature Conservation (SINC)
Licensing Implications	None
Site Address	Barnard Park, Copenhagen Street, Islington, London, N1 0NL
Proposals	Refurbishment of east side of Barnard Park involving replacement of existing sports pitch (8,990 square metres) with a new sports pitch (2,835sqm), the creation of a large 'Village Green' grass area (2,812sqm), and other works including planting and landscaping, construction of turfed areas and re-design of pathways.

Case Officer	Krystyna Williams
Applicant	London Borough of Islington – Kate Lynch
Agent	None

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and referral to the Secretary of State:

- subject to the conditions set out in Appendix 1 to the original report attached; and
- conditional upon the prior completion of a Director's Service Legal Agreement securing the heads of terms set out in Appendix 1 to the original report attached.

## 2. REASON FOR DEFERAL

2.1 This application was previously discussed at the Planning Sub-Committee A on the 18<sup>th</sup> July 2016. Members wished to defer the application to allow the applicant to provide additional information in relation to the existing sports provision, specifically to enable further consideration to different sized football pitches, in order to overcome Sport England's objection to the proposal.

2.2 The minutes from Planning Sub Committee A on the 18<sup>th</sup> July 2016, relating to the proposal are as follows (appended in full as Appendix 4):

- *The planning officer advised that Sport England had objected to the application so if the sub-committee decided to grant the application, it would be put forward to the Secretary of State to determine if it should be called in;*
- *Concern was raised that if the village green area was not included in the calculations, there would be a 70% reduction in sports provision in the park;*
- *The planning officer advised that the sports pitch and village green had both been included in the 36% reduction in overall sports provision in the park figure included in the report. Informal sports would take place on the village green;*
- *The committee did not agree with the view that the village green could be held to be a sports facility for the purposes of assessing the loss of existing sports facilities;*
- *The planning officer advised that the proposed pitch would be of a higher quality than the existing one and that overall the park's facilities would be improved;*
- *Extensive consultation had taken place with park users, community groups and young people;*
- *The applicant advised that the design of the park had been led by consultation;*
- *The Football Association had submitted a letter suggesting they might be interested in investing in a full sized pitch. The applicant raised concern that a full sized pitch would be dominant in the park and the consultation was in favour of having a less dominant pitch;*
- *Concern was raised that the village green would not be used much for informal sports if it was also being used for leisure e.g. picnics;*
- *A member stated that the current pitch at 8,990sqm was larger than a full sized pitch of 7,140sqm so reducing it to a full sized pitch would reduce its dominance. Alternatively other sized pitches could be considered. It was suggested that, in line with the advice contained in the letter of objection from Sport England, a 9-a-side pitch would be of most use to local schools.*
- *Concern was raised that the Cally pitch located 0.2 miles away was closed and there were no plans to upgrade it.*

2.3 Councillor Poyser proposed a motion to defer consideration of the application to enable more consideration to be given to different sized football pitches – based on Sport England comments on pitch sizes, and the balance of sports and leisure use. This was seconded by Councillor Nicholls and carried.

## Background

- 2.4 Following the deferral on 18<sup>th</sup> July 2016, the proposal was presented at Member's forum on 12<sup>th</sup> December 2016, at which time no additional information had been submitted. Members recommended that the applicant work with Sport England and the Football officer in order to remove their objection.
- 2.5 The applicant met with Sport England and the Football officer on 30<sup>th</sup> January 2017 and discussed the following:
- The revisions to the plan for the park were considered not to have significantly changed since they were submitted to the Council in 2016 (Sport England upholds its objection);
  - Sport England advised that the FA and RFU had reviewed the updated proposals and that they were content for Sport England to feedback their views;
  - In regards to the proposal to fence an area of open space and potentially improve the quality of the grass in this area, it was considered that this space is fairly limited in size and that there are very few pitch layouts that it could accommodate. Sport England referred the applicant to the following document: Comparative Sizes for Sports Pitches and Courts (Outdoor) provides further information on pitch sizes and appropriate run-offs. <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/natural-turf-for-sport/>
  - The FA and the RFU have both highlighted the need for additional artificial pitch provision in the Borough. Sport England advised that both national sports governing bodies remain willing to work with the Council to explore options for the Park. However, they are not content with the current proposals (a 7 aside 3G facility) as they believe it will offer very limited opportunity for their respective sports.
  - It is understood that there would need to be further consultation on any revised plans for the Park.
  - Sport England's new strategy - 'Toward an Active Nation' was discussed. Sport England's Playing Fields Policy remains unchanged and we Sport England will continue to seek to protect playing fields from development.
  - Sport England stand by their view that the current proposals result in an overall loss of sports provision from the site which is not being replaced and therefore Sport England upholds its objection.
- 2.6 Amended drawings were submitted by the applicant on the 28<sup>th</sup> March 2017. The proposal continues to include a 7 aside sports pitch (the detailed reasons provided later in this addendum). Supplementary information was provided to support the proposed Barnard Park scheme inclusive of the proposed 7-a-side, 3G astro turf football pitch. The alterations from the previous scheme presented to Planning Sub Committee A on the 18<sup>th</sup> July 2016 include:
- An enhanced central green area offering opportunities for bookable sports & recreational activities with 2 small pitches marked out;
  - A 1.2 metre high fence around the central level green area; and
  - The sports pitch also now shows goal recesses to enable the use of movable goals.

- 2.7 The original report to the Planning Sub-Committee is appended (Appendix 1) and the matters previously covered in that report is therefore not repeated within this deferral report. This deferral report addresses the reasons for deferral and anything new that was raised as a result of further consultation.

### 3. CONSULTATION

#### Public Consultation

- 3.1 At the time of the original report to Sub-committee A in July 2016, 14 letters of objection and 70 letters of support had been received from the public with regard to the application. Two (2) additional letters, which provided comments and did not raise an objection against the application, had also been received. A total of 86 letters of representation were therefore received. Those objections have already been addressed within the appended report that was presented to the 18<sup>th</sup> July 2016 Planning Sub-Committee.

#### Objections:

- The reduction of the size of the sports pitch would have a detrimental impact on Barnard Park;
- The existing sports pitch should be upgraded and not built over;
- The proposed open grass area would be underused and would not be suitable for sports;
- The proposed development would change the nature and character of the park.

#### Support:

- The proposed design provides a feature for everybody in the community. It addresses the needs of young, old, families and disabled residents;
- The proposed facilities would be family friendly;
- The proposed features would enhance the appearance of the park;
- The proposed hub would provide informal sports facilities, which are required within the park;
- The proposed high quality playing area would result in more sporting usage;
- The proposed external path would benefit people of all ages; and
- A reduced sports pitch would be an improvement as it would provide more flat grass, enhancing the visual appearance of the park and it would have more intensive use than the existing sports pitch.

- 3.2 Following the receipt of amended drawings on 28<sup>th</sup> March 2017 a further 14 day consultation period commenced whereby a further 482 letters were sent to occupants of adjoining and nearby properties at Everilda Street, Islington Place, Leirum Street, Copenhagen Street, Charlotte Terrace, Barnsbury Road, Cloudesley Road, Richmond Avenue and Hemingford Road.
- 3.3 At the time of writing this report, 42 additional letters of objection and 126 letters of support had been received from the public with regard to the application. The news issues raised relate to the position and health and safety issue relating to the BBQ areas, location of picnic tables and the introduction of a 'pay and play' provision at the park. These are not planning issues and therefore no new planning issues were raised in any new representations.
- 3.4 Two (2) additional letters which provided comments and did not raise an objection against the application were received. Therefore the council has received in total 267 responses in total from the public across all the rounds of public consultation in relation to this application with a total number of 196 responses supporting the case and 56 responses objecting with several others raising general comments.

### **Internal Consultees**

- 3.4 **Design and Conservation Officer:** No objections.
- 3.5 **Policy Officer:** (Comments provided prior to July 2016 committee meeting) No objections. The key issue is the reduction in the size of the sports pitch, given that policies seek to maintain quantity of provision. The justification is important in order to determine if on balance, the proposal is acceptable. The following information should be reviewed:
- Can the existing 11-a-side pitch be refurbished to increase its use.
  - How sports and recreation provision will be affected within the site and local area.
  - How the local population is provided for in terms of pitch provision. Have there been/will there be any other improvements to the provision of sports pitches in the wider area?
  - How will increase/improvements to open space cater for sport and recreation? Can this be quantified? How would the proposed new village green accommodate opportunities for sport to help mitigate the reduction in pitch size.
  - How the new proposal compares to what is there currently and in what ways it might help to enhance use, access and/or capacity.

Further information was submitted by Greenspace to address these points and to justify the reduction of the size of the sports pitch. It is now considered that the concerns of the Policy Officer have been addressed by the additional information that has been submitted, which is included in section 12 of this report.

### **External Consultees:**

3.6 **Sport England:** These comments are provided further to the original objection of 12<sup>th</sup> May 2016.

"I have consulted my colleagues at the Football Association and the Rugby Football Union and they wish us to maintain our objection for the reasons set out in our original response.

As you will be aware, the Planning Committee asked the Applicant to review the scheme following Sport England's objection. The following changes have been made to the scheme (with regard to the playing field/sporting offer);

- A 1.2m high fence has been placed around the 'Central level green area'.
- 2 small pitches have been shown marked drawn on the 'Central level green area'.
- Goal recesses have been added to the 5 aside pitches.

The additional goal recesses are welcomed but this will not address the concerns we have already set out in our letter of objection. The proposal to fence the green space area with a low level fence will not provide any significant benefit to the use of this space for formal sport. This space remains fairly limited in size and there are very few pitch layouts that it could accommodate. For example, it is not large enough to support a game of rounders with safe run-offs. The football pitch sizes shown are very small and not large enough to be included in Sport England's design guidance document; Comparative Sizes for Sports Pitches and Courts (Outdoor) <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/natural-turf-for-sport/>

Sport England met with the Applicant on the 30<sup>th</sup> January to discuss these proposals. Our comments following the discussion are also attached for your information (Appendix 3). At our meeting we were clear that Sport England is willing to seek a solution with the Council but that the changes proposed were not significant enough for Sport England to consider withdrawing its objection. We are disappointed that the Council has decided not to increase the size of the proposed replacement artificial pitch and would not expand the pitch to provide a 9v9 facility.

While the existing artificial pitch on the site is in very poor condition, this could be addressed through pitch improvements and new floodlighting. Both the RFU and the FA have indicated they would be willing to help fund a replacement pitch. In spite of its poor condition, the pitch is in active use by the local community for pitch sports.

Sport England has a new strategy - 'Towards an Active Nation' and this is referenced in Paragraphs 4.8-4.10 of Appendix A of the Applicant's Planning Statement. As explained at our meeting with the Council, our Playing Fields Policy remains unchanged and we continue to protect playing field from development. It remains our view (as set out in the attached letter) that the current proposals result in an overall loss of sports provision from the site which is not being replaced. The reduction proposed in sports space is highlighted on Table 3.1 (page 8) of Appendix A of the Applicant's Planning Statement. The park currently has 8,990sqm of 'Sport and Activity Areas' and this is proposed to be reduced to 5,647sqm, a significant reduction of 37.2%. Sport England remains concerned that the opportunity to take part in both informal and formal sport will be reduced by the current proposals.

We believe that by working with Sport England and the national governing bodies, a much larger floodlit artificial grass pitch could be achieved in the Park whilst addressing potential concerns from other users and enhancing the green space. We are disappointed that the applicant has not made any significant changes to the proposed development following our advice.

In light of the above, Sport England **upholds its objection** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF. This is because this planning application will result in the loss of a full sized floodlit artificial pitch which, with investment, could provide an important sport facility for the Borough as a whole. Sport England and the governing bodies remain committed to working with the Council to revise plans for the Park to increase sporting provision in response to the pressing needs identified for football and rugby as set out in the attached letter

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit".

3.7 **Environment Agency:** No comments.

3.8 **Friends of Barnard Park:** These comments are provided further to the original objection of 12<sup>th</sup> May 2016.

**Support the application.** "The present proposals are in line with Islington's Core Planning Strategy Principles 2011 and policy guidance in the National Planning Policy Framework 2012. The existing 11 a side pitch has for at least 20 years if not longer, not been used as formal 11 a side pitch. Rather it has been used for smaller football games and for other sports ranging from softball to cricket, running, walking, cycling, keep fit, petanque/boules and other spontaneous informal recreational activities. To have this replaced with a formal full scale 11 a side pitch would constitute a change from its existing functionality and use. The replacement play and recreation space shown in the present design is equivalent in functionality and is of better quality to that which presently exists. It meets the needs of all the local population."

"Any larger pitch would over dominate the park; it would also create a "fenced in **un-inclusive** feel "to the park, interfering with circulation, sight lines, creating noise and reducing the available space for other sports and recreational activities within the park which contribute to the wellbeing and health of local residents."

"An 11 a side pitch would be too close to the children's' play area and one o' clock club and would result in greater commercial use from users coming from outside the Borough of Islington and effectively exclude the local community."

"The present design creates a welcoming inclusive environment for all, with the nature spaces being preserved as well as the areas for community gardening. It makes better space available for community events (which presently because of the various levels in the park are relatively restricted as to where they can be)."

"The revised levels in the proposed plan allow better access for the disabled. It would provide levels necessary for wheelchair access through the north of the park from Barnsbury Road to Boxworth Grove."

"The design caters for runners and walkers many of whom prefer to exercise in a greenspace than on the roads and pavements. Runners currently exercise around the perimeter of the existing Redgra pitch. However, the established use of running around any new AstroTurf pitch would be discouraged at the least because of increased wear around the edges. All-weather paths in the proposal would provide a new area for this activity. The demographic of the elderly population in the Borough is believed to be increasing. Islington is 4th among more than 300 Local Authority Districts in terms of income deprivation affecting older people. The design is more sympathetic to their needs for recreation and

exercise. This is particularly the case in respect of the revised levels and increased access to a flatter more even green space, together with wider paths.”

#### **4. ASSESSMENT**

- 4.1 Planning permission is sought for the refurbishment of the east side of Barnard Park involving the replacement of the existing 11 aside sports pitch (8,990 square metres) with a new 7 aside sports pitch (2,835sqm) that would be repositioned and re-oriented in the centre of the park; the creation of a large ‘Village Green’ grass area (2,812sqm) and other works including planting and landscaping, construction of turfed areas and re-design of pathways.
- 4.2 The application was deferred at Planning Sub Committee A on the 18<sup>th</sup> July 2016 because Councillors requested the applicant address the Sport England/FA/RFU objection, in terms of different sized football pitches and the overall balance of formal sport provision and informal sport and recreation provision.
- 4.3 The applicant met with Sport England and the Football officer on 30<sup>th</sup> January 2017 to discuss the proposal and amended drawings were submitted by the applicant on the 28<sup>th</sup> March 2017.
- 4.4 The amendments made to the application include:
- An enhanced ‘central level green area’ offering opportunities for bookable sports & recreational activities which can support a range of activity and sports which may require various line marking arrangements;
  - A 1.2 metre high fence around the ‘central level green area’, dog-free area;
  - The sports pitch also now shows goal recesses to enable the use of movable goals.
- 4.5 Since the deferment, both 11 and 9 aside pitches have been considered by the applicant for enhancing sport provision at Barnard Park. However, the proposal continues to include a 7 aside (which can also accommodate 2 no. 5 aside pitches), 3G astro turf sports pitch as the applicant considers, following consultation and ongoing discussions with stakeholders, that a smaller sport pitch best protects the general amenity and biodiversity of the park as well as protects and creates a diversity of sporting and recreational opportunity for the whole community.
- 4.6 The applicant notes that the scheme provides new facilities, which include new pathways, additional open/recreational spaces and a new park hub that would enable other informal sports and activities within the park, alongside the 7 aside sports pitch. On this basis, the applicant seeks to replace the existing 11 aside sports pitch facility with a smaller, 7 aside facility (which can also accommodate 2 no. 5 aside pitches).
- 4.7 The supporting information provided by the applicant notes that the additional open space created by the inclusion of a smaller football pitch would provide benefits to a wider community and helps to increase the number of people engaging in sport and physical activity at Barnard Park. The applicant contends that the current design seeks to provide a balance of traditional, formal sports provision as well as space for informal sports activities to take place. The increase in green space (as opposed to hard surfaced space) will also enhance the park’s wildlife, supporting the site’s designation as a Site of Importance for Nature Conservation.

- 4.8 The proposal would result in a 37% reduction in overall sports provision in the park in terms of the physical area for sports. The applicant notes that this loss will be compensated in part by the 26% increase in surfaced paths and 14% increase in other green space that provides improved informal recreation opportunities. New surfaced paths provide good surfaces for runners and people with limited mobility, specifically the circular footpath around the central green area will be used as an informal 200m running track and the footpath around the proposed site could be used as an informal 500m running track.
- 4.9 Sport England were re-consulted on the amended proposals and additional information and upholds its objection to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF. Sport England remains concerned about the loss of a full sized floodlit artificial pitch which, with investment, could provide an important sport facility for the Borough as a whole.
- 4.10 On balance, despite the reduction in the size of the existing sports pitch, the overall benefits that the proposed works would bring to the park are considered to outweigh the harm caused by the reduction of the size of the existing sports pitch facility, and the conflict with policy DM6.4 (Sport and recreation) of the Development Management Policies (2013). It is recommended that planning permission is granted subject to conditions and Directors Letter Agreement.

## **5. Summary and conclusion**

### **Summary**

- 5.1 Full planning permission is sought for the re-development of the east side of Barnard Park (phase 1 of the proposed masterplan). The proposed works seek to upgrade the existing facilities of the park and include the replacement of the existing sports pitch with a smaller sports pitch, which would result in a 36% reduction in overall sports provision in the park in terms of the physical area for sports.
- 5.2 The application follows extensive consultation exercises by the Council, which conclude that a reduced sports pitch would be acceptable if this new facility would provide a higher quality surface that could be used for both public and private hire. Given that the scheme provides new facilities, which include new pathways, additional open/recreational spaces and a new park hub that would enable other informal sports and activities within the park, it is considered that the scheme provides a robust justification for replacing the existing sports pitch facility, in accordance to the requirements of policies DM6.3 and DM6.4 of the Islington's Development Management Policies (2013).
- 5.3 It is considered that the redevelopment of the park would not raise concerns over design and impact on the character and appearance of the Barnsbury Conservation Area. In addition, the impact of the proposal on the amenity of neighbouring properties has been carefully considered. It is recommended that a condition is imposed restricting the times of operation of the new sports pitch facility. As such, the proposal would not have a significant detriment impact on the amenity of neighbouring residents.
- 5.4 The proposed development includes the provision of further planting and landscaping on the south side of the park. A condition is recommended, which requires the submission of an arboricultural method statement, in order to ensure that biodiversity, sustainability and visual amenity is enhanced as part of the scheme. The proposal is therefore considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

**6. Corrections and clarification**

- 6.1 Officers would like to correct a typographical error contained within the original committee report presented at the previous committee meeting and appended with this addendum as part of appendix 1. Paragraph 12.4 of this report quotes the wording for the following policy reference for policy DM policy 6.4 of Islington's Development Management Policies 2013. The correct policy reference which is outlined within this section of the report is DM policy 6.3 F (i) and not DM policy 6.4 as previously stated within the committee report.

**7. CONCLUSION**

- 7.1 It is recommended that planning permission be granted subject to conditions and Directors Service Level Agreement as set out in Appendix 2 – Recommendations, and subject to referral to the Secretary of State and the signing of a service level agreement.

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE A</b>		
<b>Date:</b>	18 July 2016	<b>NON-EXEMPT</b>

Application number	P2016/1109/FUL
Application type	Full Planning Application (Council Own)
Ward	Barnsbury
Listed building	Unlisted
Conservation area	Barnsbury
Development Plan Context	Open Space, Site of Importance for Nature Conservation (SINC)
Licensing Implications	None
Site Address	Barnard Park, Copenhagen Street, Islington, London, N1 0NL
Proposal	Refurbishment of east side of Barnard Park involving replacement of existing sports pitch (8,990 square metres) with a new sports pitch (2,763 square metres) that would be repositioned and re-oriented in the centre of the park. The creation of a large 'Village Green' grass area and other works including planting and landscaping, construction of turfed areas and re-design of pathways.

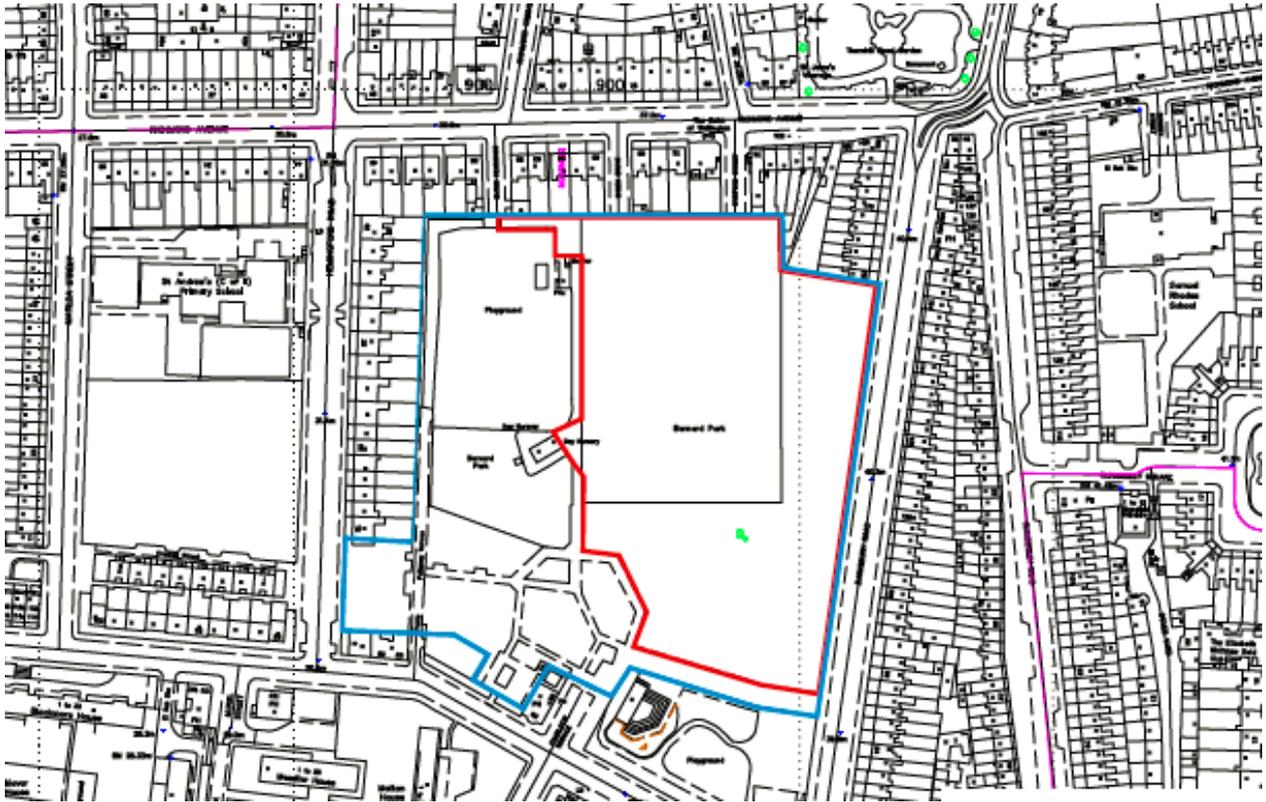
Case Officer	Pedro Rizo
Applicant	London Borough of Islington - Kate Lynch
Agent	None

## 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT planning permission and referral to Secretary of State:**

1. Subject to the conditions set out in Appendix 1;
2. And conditional upon the completion of a Director's Service Legal Agreement securing the heads of terms set out in Appendix 1.

2. Site Plan (Site outlined in BLACK)



### 3. PHOTOS OF SITE/STREET



Image 1: Aerial photograph showing the existing sports pitch



Image 2: Masterplan of Proposed Development (phase one outlined)



Image 3: View of the park and existing footpaths (access from Barnsbury Road)



Image 4: View of the east side of the existing sports pitch.

#### **4. SUMMARY:**

- 4.1 Planning permission is sought for the re-development of Barnard Park. The proposed development aims to upgrade the existing park's facilities and include the replacement of the existing sports pitch, the creation of a village green area, the construction of a new path network and landscaping works.
- 4.2 The proposed development would be phased and the application refers to Phase 1, which involves works to the east side of the park, as outlined in Phase 1, where the existing sports pitch is positioned.
- 4.3 Although the improvement works in the masterplan show other forms of development for additional phases, the proposed works are shown within a red line that outlines the east side of the park (as shown in drawing number IA-365-LMP-P01).
- 4.4 As background information, the scheme has been subject to extensive consultation with reference to the proposed preferences for the park. In 2005, the Council interviewed stakeholders and a group was formed to discuss the requirements of the individual stakeholder groups for amenity provision within the park. A formal consultation was carried out by the Council's Greenspace Department between the 14<sup>th</sup> September 2014 and the 30<sup>th</sup> November 2014. Following this consultation, the proposed master plan, which would be phased in stages, was produced. The plan involves the re-positioning and reduction of the sports pitch, which is the main point of contention on the application.
- 4.5 The application site is allocated under policy DM6.3 of the Islington's Development Management Policies (2013) as public open space where development is not normally permitted and the proposed works involve the replacement of the existing sports pitch with a smaller facility along with other landscaping and creation of a "village green". It is considered that this loss of sports facility is outweighed by the increased functionality that would result from the creation of a new pitch, path network and large village green area, which would provide space for informal recreation. Following the consultation that was carried out between the 14<sup>th</sup> September 2014 and 30<sup>th</sup> November 2014, it was concluded that there is strong demand for a replacement of the existing provision with an upgraded facility, which would be in keeping with modern requirements of a sports pitch in order to increase the functionality of the sports facility. On balance, the benefits that the proposed works would bring to the park outweigh the harm caused by the reduction of the size of the existing sports pitch facility.
- 4.6 Given that the proposed sports pitch would have a greater separation from neighbouring properties and the imposition of conditions restricting hours of operation for the sports pitch, the proposed replacement sports pitch would have no significant detrimental impact on the amenities of neighbouring properties.
- 4.7 The application is brought to Committee because of the number of objections received and the application has been submitted by the Council. It is recommended that planning permission is granted subject to conditions.

#### **5. SITE AND SURROUNDINGS:**

- 5.1 Barnard Park is designated as public open space and located on the southern fringe of Islington. The park is the largest open space in the southern side of Islington and has a floor area of approximately 4 hectares. The main park is bordered by Copenhagen Street, Barnsbury Road, Richmond Avenue and Hemingford Road, with an annex park which is separated from the main park by Hemingford Road. The annex and western side of the park are not part of the application.

- 5.2 The main entrance to the park is via Copenhagen Street along Charlotte Terrace, which is a small cul de sac used for occasional parking and maintenance of vehicles. However, the park contains secondary entrances at Barnsbury Road, Hemingford Road and Boxworth Grove. The park abuts the rear gardens of terraces along Hemingford Road and residential properties at Richmond Avenue.
- 5.3 There park contains three buildings on its western side, which are known as the Park Keeper's Building, the One O'Clock Club Building and the Adventure Playground Building. In addition, the park contains various facilities, consisting of the main sports pitch, paths, fencing and playing area.
- 5.4 The park's history dates back to the 1960's and 1970's and was originally formed by a large amount of land that suffered from damage in the war. The park was therefore created as a response to the need for outdoor recreational and green space in the south side of Islington.
- 5.5 The park is located within the Barnsbury Conservation Area and the site is designated as Open Public Space and as a Site of Importance of Nature Conservation (SINC).

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

- 6.1 Full planning permission is sought for a phased development to the park. The proposed development would be positioned on the western side of the park, as outlined in red on the proposed masterplan. This planning application deals with Phase 1 of the proposed masterplan.

### Sports pitch:

- 6.2 The application seeks to replace the existing sports pitch (8,990 square metres) with a new sports pitch (2,763 square metres) and a village green area (2,986 square metres). The sports pitch would be re-positioned in the centre of the park in order to provide a greater separation from adjacent neighbouring residential properties along Barnsbury Road. The proposed sports pitch would measure 65 metres x 42 metres and would have a modern artificial 3G surface that would be 210mm in depth. The proposed sports pitch would have new retaining walls and fencing that would measure 4.5 metres in height. The development also proposes flood lighting for the new sports pitch.

### New path networks:

- 6.3 The proposed development includes the construction of a new path network in order to enhance connectivity across the park. The design includes the construction of a large circular footpath that would surround the village green, which would be used as an informal exercise track. The existing entrance from Barnsbury Road would be connected to the new network and the existing slope entrance at Boxworth Grove (north entrance) would be regraded from a 1:11 to a 1:17 slope. These works would involve substantial tree works, surface treatments and lighting design.

- 6.4 'Village Green' Grass Area:

The circular 'Village Green' area would be positioned on the northern side of the proposed sports pitch and would constitute a new park hub space with gym equipment, picnic tables and table tennis tables that would provide informal sports activities.

## **7. RELEVANT HISTORY:**

### **Planning Applications:**

- 7.1 **860200** – (Barnard Park Play Building). The addition of a second storey to provide additional recreation space with ancillary office and store. Approved on the 30/05/1986.
- 7.2 **881112** – (Barnard Park Extension). Installation of railings on Matilda Street and Hemingford Road frontages and at the rear of 84 – 110 Copenhagen Street. Approved on the 22/03/1989.
- 7.3 **880784** - (Barnard Park). Enclosure of existing covered seating to provide staff room and toilets. Approved on the 12/09/1988.

### **Enforcement:**

- 7.4 None.

### **Pre-Application Advice:**

- 7.5 **Q2015/4613/MIN:** Pre-application advice was sought for a phased re-development of Barnard Park. The scheme involved the two following phases:

#### Phase 1:

Re-location of the existing full size sport pitch and re-designing the layout and path circulation within the park. These works included tree works, surface treatment and lighting design.

#### Phase 2:

Re-designing the main entrance to the park (via Charlotte Terrace) and erecting a new park building facility with toilets.

## **8. CONSULTATION**

### **Public Consultation:**

- 8.1 Letters were sent to 482 occupants of adjoining and nearby properties at Everilda Street, Islington Place, Leirum Street, Copenhagen Street, Charlotte Terrace, Barnsbury Road, Cloudesley Road, Richmond Avenue and Hemingford Road. On the 21<sup>st</sup> April 2016 a site notice was placed outside the main entrance via Charlotte Terrace and the application was advertised in the Islington Gazette on the 14<sup>th</sup> April 2016. In addition, five additional site notices were displayed on the 10<sup>th</sup> May 2016 on five entrances to the park, as requested by residents. Although the public consultation expired on the 12<sup>th</sup> May 2016, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of writing this report, 14 letters of objection and 70 letters of support had been received from the public with regard to the application. In addition, 2 additional letters, which provided comments and did not raise an objection against the application, were received. A total of 86 letters of representation were therefore received and the issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

### 8.3 **Objections:**

- The reduction of the size of the sports pitch would have a detrimental impact on Barnard Park (paragraphs 12.1, 12.2, 12.3, 12.4 and 12.5).
- The existing sports pitch should be upgraded and not built over (paragraph 12.5)
- The proposed open grass area would be underused and would not be suitable for sports (paragraphs 11.2, 11.3 and 11.4).
- The proposed development would change the nature and character of the park (paragraphs 14.2, 14.3 and 14.4).

### 8.4 **Support:**

- The proposed design provides a feature for everybody in the community. It addresses the needs of young, old, families and disabled residents.
- The proposed facilities would be family friendly.
- The proposed features would enhance the appearance of the park.
- The proposed hub would provide informal sports facilities, which are required within the park.
- The proposed high quality playing area would result in more sporting usage.
- The proposed external path would benefit people of all ages.
- A reduced sports pitch would be an improvement as it would provide more flat grass, enhancing the visual appearance of the park and it would have more intensive use than the existing sports pitch.

### 8.5 **Other Comments:**

- Dog only playground would be welcomed (paragraph 19.2).
- Cycle paths should be reviewed by reason of safety to pedestrians (paragraph 19.1).
- Wild life proof containers should be provided (paragraph 19.1).
- Opening hours should be restricted (paragraph 15.3).
- Lightning columns should be reviewed (paragraph 15.3).

### **Internal Consultees:**

8.6 **Conservation & Design Officer:** No objections.

8.7 **Acoustic Officer:** No objections subject to conditions restricting operating hours of new sports pitch, submission of details of rebound fencing on the sports pitch and submission of a report detailing the lighting scheme and predicted light levels.

8.8 **Policy Officer:** No objections. The key issue is the reduction in the size of the sports pitch, given that policies seek to maintain quantity of provision. The justification is important in order to determine if on balance, the proposal is acceptable. The following information should be reviewed:

- Can the existing 11-a-side pitch be refurbished to increase its use
- How sports and recreation provision will be affected within the site and local area.
- How the local population is provided for in terms of pitch provision. Have there been/will there be any other improvements to the provision of sports pitches in the wider area?
- How will increase/improvements to open space cater for sport and recreation? Can this be quantified? How would the proposed new village green accommodate opportunities for sport to help mitigate the reduction in pitch size.
- How the new proposal compares to what is there currently and in what ways it might help to enhance use, access and/or capacity.

Further information was submitted by Greenspace to address these points and to justify the reduction of the size of the sports pitch. It is now considered that the concerns of the Policy Officer have been addressed by the additional information that has been submitted, which is included in section 12 of this report.

- 8.9 **Tree Officer:** No objections subject to condition requiring submission of an arboricultural method statement.
- 8.10 **Crime Prevention Officer:** No objections. The overall design and layout appears to be good from a crime prevention perspective. However, it is recommended that the planting is maintained at scrubs and foliage to a height of 1.5 metres and the tree canopies to be above 2 metres to allow significant sight lines across the developExternal Consultees:
- 8.11 **Sport England:** Objects to the proposal, by reason of the proposed reduction of the existing sports pitch, which provides an important sports facility to the Borough. There is clear evidence available that there is existing demand for extra full-sized floodlit AGP provision in Islington. The proposal does not meet the exceptions set out in Sport England's Playing Fields Policy.

Barnard Park has a full sized, fenced, redgra pitch with floodlights. Whilst the pitch is in poor condition and the floodlights no longer work, it continues to be informally used by the local community for sport, which in itself is evidence of demand.

One small-sided for 7-a-side, officers little capacity for a range of sporting activities to be delivered. Providing a full size floodlit artificial pitch within the park would enable a broad range of partners to provide sporting opportunities for a wide section of the community. This would have various social, health and sporting benefits for residents.

The London Borough of Islington currently has 4 full size artificial grass pitches across three sites. The average number of a full sized floodlit football AGPs in a London borough is five and so Islington is below this. There is a shortage of circa 3.8 full sized floodlit football AGPs in the Borough and there is significant unmet demand for floodlit artificial grass pitches in Islington and surrounding boroughs.

The benefits of reinvestment in a full size floodlit artificial grass pitch would include youth engagement programs, local health provision, school's football, training and employment and community and club football.

Reducing the facility in size will result in a loss of an area that has the potential to provide increased opportunities for sport in the local area. Should the local planning authority be minded to grant planning permission for the proposal, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

- 8.12 **Environment Agency:** No comments received at time of writing this report.
- 8.13 **Metropolitan Public Gardens Association:** The overall design and layout would be acceptable under a crime prevention perspective. However, it is advised that foliage is kept to a maximum height of 1.5 metres and the tree canopies to be above 2.0 metres in order to allow sightlines across the development.
- 8.14 **Friends of Barnard Park:** Support the application. The phase one scheme addresses the need of a wide variety of user groups, including children, families, team sport players, runners, dog walkers and the elderly. The proposed pitch would provide a better quality of use for sports players. The new village green would create an informal sport and play area for children and family and the seating area would be an important central hub in the park.

## 9. 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

- 9.1 The National Planning Policy Framework (NPPF) 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals. Development Plan.
- 9.2 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, The Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### Designations

- 9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013.
- i. Site of Importance for Nature Conservation SINC
  - ii. Major Cycle Route
  - iii. Local Cycle Route
  - iv. Local View from Archway Road
  - v. Local View from Archway Bridge

## 10. ASSESSMENT:

- 10.1 The main issues arising from the proposal relate to:
- Land Use
  - Sports Facilities
  - Open Space
  - Biodiversity, Landscaping and Trees
  - Design and Visual Impact
  - Amenity
  - Highways
  - Transport
  - Inclusive Design and Accessibility

## **11 LAND USE:**

- 11.1 The application site, Barnard Park, is allocated as Open Space under Policy DM6.3 of the Islington's adopted Development Management Policies (2013), which states that development is not permitted on any public open space. Barnard Park consists of approximately 4 hectares of total open space and the Phase 1 re-development under this application has a total area of approximately 2 hectares. This space includes the existing sports pitch, which has 8,990 square metres. The site is designated site as importance nature conservation area (SINC).
- 11.2 The proposed development would involve works on public open space therefore the weighting of the potential benefits in promoting the use of the open space should be reviewed. The proposal involves replacing the existing sports pitch with a smaller facility, which would comprise a 36% reduction in overall sports provision in the park. However, the improvement to the existing path network and the creation of a village green area (2,986 square metres) along with the provision of an improved, albeit smaller pitch, should be considered against the reduction of the size of the existing sports pitch. On balance, it is considered that the provision of a new village green area and associated facilities along with the provision of a new sports pitch with floodlights will enhance the park and the functionality of the public open space. As such, it is considered that the exceptional circumstances of this case would justify the reduction of the existing sports pitch facility, which is in poor condition.
- 11.3 The proposed new circular village green grass area, which would provide space for informal sport and general recreational activities, would constitute a new hub space and become the central focus of the park. This village green area would have new picnic tables and table tennis tables that would provide informal sports activities within the park and would be used by different groups within the community.
- 11.4 The existing green space within the park contains 8,280 square metres in area, which would be increased by 1,645 square metres. The proposed plan aims to enhance the existing path network within the park by increasing the surfaced footpaths by 840 square metres and connect existing entrances to the new network. For example, the entrance from Barnsbury Road would be connected to the new internal network and would allow a direct access to the main amenities of the park. Additionally, the existing entrance from Boxworth Grove would be regraded from a 1:11 existing slope to a 1:17 slope.
- 11.5 Given the provision of additional open space, increase of planting area/tree cover and recreational facilities with an enhanced connectivity, the proposed development would not conflict with policy DM6.3 of the Islington's Development Management Policies (2013), which requires any form of development to open spaces to provide benefits that outweigh the principle that development is not permitted on any public open space.

## **12 SPORTS FACILITIES:**

- 12.1 The proposed development involves the reduction in the area of the existing sports pitch, by removing the existing sports pitch facility( 8,990.00 square metres) and replacing this facility with a new sports pitch (2,763.00 square metres). The proposed development involves a 36% reduction in overall sports provision in the park. The new sports pitch would be re-located to the central area of the park and would abut the south side of the proposed village green grass area. The proposed sports pitch would be controlled and managed by the London Borough of Islington.

- 12.2 The proposed sports pitch would have eight floodlights that would measure 15 metres in height. A condition has been recommended in order to assess further details of the proposed lighting scheme and predicted light levels on neighbouring properties.
- 12.3 The proposed 3G sports pitch would comprise a 210 mm in depth rubber infilled carpet that would sit over a compacted stone base. The sports pitch would be enclosed with a 4.5 metres in height black plastic coated wire fence. A condition has been recommended in order to assess details of the proposed fencing, in order to ensure that noise from footballs hitting the fencing is mitigated by appropriate rubber fixings to reduce resonance.
- 12.4 Core Strategy Policy CS17 safeguards existing formal sport and recreation facilities and seeks to improve their quality, accessibility and capacity. In addition, London Plan Policy 3.19 resists the net loss of sports and recreation facilities. Policy DM6.4 of the Islington's Development Management Policies (2013) provides further detail for proposals that involve the loss of existing sport/recreation and advises that the loss of play spaces would be resisted unless a replacement play space of equivalent size and functionality is provided to meet the needs of the local population. Policy DM6.4 of the Islington's Development Management Policies (2013) mentions that the loss of play spaces would be resisted unless *"a replacement play space of equivalent size and functionality is provided to meet the needs of the local population. Where this is not possible development will only be permitted in exceptional circumstances where there are over-riding planning merits to the proposal and the capacity of other local play spaces shall be increased"*.
- 12.5 In light of the policy guidance, which in principle resists the reduction of formal sports facilities, the application provides justification to address the concerns over the reduction of the sports pitch. This justification has been reviewed by the Council's Public Realm Officer, who has provided the following comments in order to address the considerations that were outlined by the Council's Policy Officers and the points of objection raised by Sport England:
- 12.6 The existing 11 a side pitch is in poor condition and would require a total refurbishment and re-build to reinstate the pitch as a working facility. An extensive consultation with local residents and park users including the assessment of several design options, combined with advice from landscape architects; the Council is of the view that the retention of the full sized pitch would be a detriment to the success of the overall park and not constitute an improvement to the Greenspace as a whole.
- 12.7 The main concerns expressed in the consultation and ongoing discussions with stakeholders is the dominance of the 11 a side pitch, as this:
- Reduces the available space for other park uses, such as informal recreation and events.
  - Creates a barrier across the park, forcing users to walk the 'long way round' to get from one side of the park to the other.
  - Noise caused to local residents, caused by the proximity to the northern boundary.
  - Light pollution to local residents, caused by the proximity to the northern boundary.
  - The reduction of sightlines across the park, making it feel smaller and reducing the perception of safety. The Redgra pitch and surrounding fencing, do not present a welcoming feel to the park, but present an obstructed view that cuts across the middle of the park.
- 12.8 A large majority of those who participated in the consultation did not want the 11 a side pitch to remain or were happy to see a reduced size pitch re-located within the park.

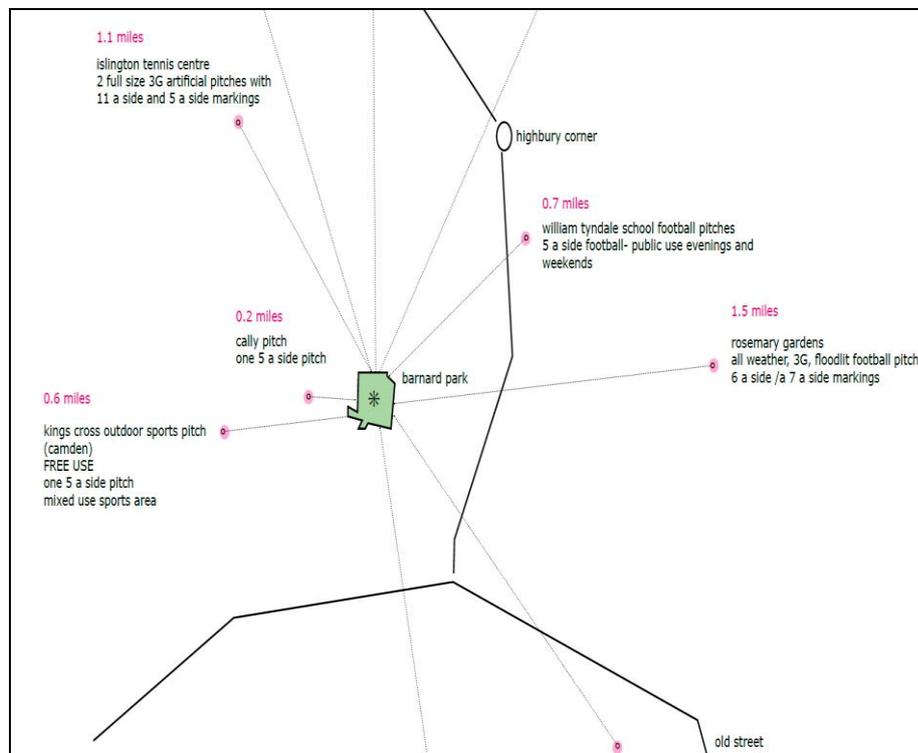
- 12.9 Currently, there is no substantial contiguous area of amenity grass for informal amenity, events and sports use. Many responses to the consultation highlighted the lack of a flat, expansive area of amenity grass that fulfills this role. The proposed design gives a stronger, more legible design for the park, which will provide a wider range of informal use and therefore a wider range of park users in the future.
- 12.10 For the above reasons, the Council believes that the proposed design achieves a balanced design providing high quality sports provision as well as space for a range of park activities and users.

Sports and Recreation provision:

- 12.11 Currently there is little open and sunny area which park users can access, given the size of Barnard Park in the context of the generally small sizes of green space in Islington. There is some informal recreation that occurs in the 11 a-side pitch (other than ball games or organized sport) but this is very low given the footprint and dominance of the facility.
- 12.12 The proposed scheme provides a significant increase in available amenity space for recreation such as walking, picnics, sunbathing, socialising and informal ball sports and activities.
- 12.13 The 11 a side pitch is a large space that can be used for some events. Whilst it is larger than the proposed village green, the increased size comes at the expense of the wider park as the fences prevent easy access around the site.
- 12.14 The Council is confident that all events currently held on the 11 a side pitch could in future be accommodated in the Village Green. This will be a grassed area, which is easily accessible from across the park and will be able to hold different sized events and still leave space for general park use.
- 12.15 Currently the 11 a side pitch is used for jogging and informal training. Because of its size, users tend to stay within the fenced area as there is not easy running access to other areas in the park.
- 12.16 The proposed scheme incorporates measured tracks around the perimeter of the park, allowing joggers to gauge and plan their runs. Gym equipment has also been provided in key locations to provide additional fitness facilities, such as table tennis.
- 12.17 The current provision is for 11 a-side matches on an old Redgra pitch with degraded surface. This is used by several local clubs and organisations, both for football and other organized training, as well as on an informal basis for ball games.
- 12.18 The proposed scheme allows for a high quality 3G surface, with one 7 a-side pitch that can also accommodate two 5 a-side pitches. This would have a varied management plan to allow public and private access at different times (i.e. formal and informal).
- 12.19 Islington has the second lowest amount of open space of any London borough, with only 201 hectares of open space. Because of the lack of available green space, Islington's parks and open spaces have many competing pressures on green space.
- 12.20 There are several locations within walking distance of Barnard Park for organized football. There are two 11 a-side pitches within a one mile from Barnard Park located at the Market Road Pitches, near to the Islington Tennis Centre, off Caledonian Road. Walking further north at Whittington Park there is also one 11 a-side football pitch. The majority of the pitches available for public use are run by the Council's leisure team and can be booked via the GLL website.

12.21 Other than proposals at Barnard Park, there is no proposed improvement to sport pitches planned for the wider area in the immediate future. However, the past two years have seen significant investment in Market Road Pitches and the Sobell Centre pitches (two 5 –a side pitches) which have been upgraded and refurbished.

12.22 The following map shows the location of football pitches relative to Barnard Park:



12.23 For reference, the size of the proposed village green is 2,986 square metres and the new sports pitch will be 2,763 square metres. Both spaces will support sports activities. Additionally, the villa green will provide a more flexible open space to encourage other types of sport (cricket, rounders etc) alongside the football provision.

12.24 It is considered that the proposed scheme provides a more diverse and multi functioning park than is currently allowed, whilst still providing a high quality sport provision that can be used by all groups, ages and backgrounds. The existing 11 a-side sport facility is replaced with a 7 a-side sport facility. It is considered that on balance, the proposed scheme would enhance the use and sports capacity of the park when considering the benefits that the proposed design allows for, such as improvements to access, quality of surfacing, legibility of the space, modern floodlighting, perceived safety, a more welcome environment, a high quality formal sport provision, good levels of informal sport provision, more diverse planting, a more flexible and accessible events space and more socially welcome and accessible park.

**13 OPEN SPACE:**

13.1 The proposed open space involves the creation of a village green area that would accommodate opportunities for sports, which should mitigate the impact that would result from reducing the sports pitch. The village green would contain a circular footpath route, which would be an informal exercise track and new table tennis tables.

13.2 The proposal includes the provision of two outdoor table tennis tables within the circular village green area. The tables would be installed over a reinforced grass surface to reduce surface wear. The plans include additional running routes through the park and the proposed play areas aim to create additional facilities for informal sports.

- 13.3 Although the provision of additional recreation areas (consisting of two outdoor table tennis tables and an outdoor gym equipment area) within the circular village hub constitutes permitted development under Schedule 2, Part 12, Class A (Development by Local Planning Authorities) of the General Permitted Development Order 2015, these works are not considered in isolation from the proposed scheme and form part of a holistic approach for assessing the application, particularly as the scheme involves the reduction of the existing sports pitch, which requires robust justification.
- 13.4 It is considered that on balance, the proposed scheme would enhance the use and sports capacity of the park and that there are sufficient considerations that mitigate the reduction of the size of the sports pitch. Following the consultation, there is a strong community view that the proposed development would enable every member of the community to use the park, as the proposed village green area and its facilities would be family friendly. In the absence of existing informal sports facilities and appropriate connectivity within the park, the proposed development would be seen as an improvement to the park and would provide significant public benefits that would enhance the overall functionality of Barnard Park.
- 13.5 Due to these considerations, the proposal would provide sufficient justification that outweigh the reduction of the sports pitch facility and would meet the requirements of policies DM6.3 and DM6.4 of the Islington's Development Management Policies (2013) and Core Strategy Policy CS17. On balance, the scheme provides over-riding merits that would address the needs raised during the consultation process for the development.

#### **14 BIODIVERSITY, LANDSCAPING AND TREES:**

- 14.1 Barnard Park is within a Site of Importance of Nature Conservation (SINC) and the site falls within an area that has been identified as being deficient in access to nature. Core Strategy Policy CS15 (2011) highlights that access to nature will be increased by improving the biodiversity value of parks and gardens. In addition, policy DM6.2 of the Islington's DMP (2013) states that SINC's will be strongly protected and those public open spaces shall incorporate areas of biodiversity habitat that complement surrounding habitats.
- 14.2 The application includes a Preliminary Ecological Appraisal for the park (dated December 2015), which advises that the majority of the vegetation within the park consists of uniform amenity grass, with parcels of formal planting and vegetation. There are also a number of mature trees across the site, which provide value for nesting. The proposed plans propose an increase in the number of trees in the park, in order to increase the wildlife value for birds. Furthermore, the proposal includes the provision of a native hedgerow planting area (wildlife area) that includes a wildlife pond on the north side, which would provide further cover and nesting opportunities for birds and food growing space.
- 14.3 The Arboricultural Report (dated 14<sup>th</sup> March 2016) has been reviewed by the Council's Tree Officer, which raised no arboricultural objections against the proposal, subject to a condition requiring a scheme for protecting retained trees. The tree survey indicates that there are 200 trees and 2 tree groups within the entire park and that these are one of the main assets of the site. The works involve the removal of six trees and the planting of thirty five trees. Furthermore, new footpaths would have surface falls to areas of landscaping and the scheme would provide adequate permeable surfaces. Due to the above, the proposed development is considered consistent with Core Strategy Policy CS15 (2011) and policy DM6.2 of the Islington's DMP (2013).
- 14.4 In terms of landscaping, policy DM6.5 of the Islington's DMP (2013) mentions how development must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the site. The proposed development aims to maximise the provision of soft landscaping, which results from the repositioning and construction of the sports pitch and it is therefore in accordance to policy DM6.5 of the Islington's DMP (2013).

## **15      DESIGN AND VISUAL IMPACT:**

- 15.1 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. Given that the park is situated within the Barnsbury Conservation Area, any visual impact should be carefully considered, in order to ensure that the development is acceptable under visual terms and provides a positive contribution to the local character and distinctiveness of the conservation area.
- 15.2 The proposed development is also assessed against the Islington's Urban Design Guide, which mentions how any re-development should recognise the recreational, amenity and ecological value of the open space and identify how the works can be best fit within the wider area. The Urban Design Guide adds how *"Open spaces should normally be coherently designed and well overlooked by surrounding development that fronts on to them and defines their edge. The shape and form of the open space should be positively determined and should influence the layout of the surrounding development as much as the development shapes of the space"*. Furthermore, the guide mentions how *"public space should be designed with a purpose in mind. Space left over after development, without a function, is a wasted resource and will detract from a place's sense of identity"*.
- 15.3 The proposed works seek to enhance and maximise the potential for the park, by the provision of the village green area and enhanced connectivity, with new footpaths and improved facilities that would result in new attractions for the park.
- 15.4 In terms of particular design guidelines, the Barnsbury Conservation Area Design Guidelines mention how *"the existing character and appearance of the area is created by the survival of 18<sup>th</sup> and 19<sup>th</sup> century buildings and that it is important that new buildings blend in with and reinforce this character. The guide mentions how modern materials (glass, steel and concrete) may be acceptable as long as the design of the new building acknowledges the scale and character of the area"*.
- 15.5 The application involves development for phase 1 of the masterplan and therefore no buildings that would affect the character and appearance of the park and the Barnsbury Conservation Area are being proposed. The Design and Conservation Officer therefore raised no objections against the visual impact that would result from the replacement of the existing sports pitch with a smaller facility and the creation of a village green grass area.

## **16      AMENITY:**

- 16.1 The proposed works raise no concerns with reference to impact on the amenities of neighbouring properties. The position of the proposed sport pitch would have a distance of approximately 45 metres from the closest residential properties at Barnsbury Road and the letters of objection do not raise concerns over impact on neighbouring amenity in terms of loss of daylight/sunlight, privacy, safety, noise and general disturbance.
- 16.2 The development has been reviewed by the Council's Public Protection Officer, who advised that the proposed pitch is arranged at a 45 degree angle away from residential properties at Barnsbury Road, which are the nearest receptors. The proposed arrangement is considered more appropriate to the existing arrangement, by reason of the greater separation from the residential properties at Barnsbury Road, which should reduce levels of noise and disturbance.
- 16.3 As advised by the Public Protection Officer, the proposed development would be acceptable, subject to conditions restricting the operating hours.
- 16.4 Bearing in mind the open nature of the proposed fencing and its overall height of 4.50 metres, it is not considered that the development would give rise to any material adverse

impacts on adjoining resident's amenity levels in terms of loss of daylight/sunlight, increased enclosure or privacy.

- 16.5 In addition, a condition has been recommended in order to control the noise that can be generated from footballs hitting the fencing, by ensuring that the proposed fencing provides adequate vibration and resonance levels.
- 16.6 The proposed lighting scheme involves the installation of eight columns that would measure 15 metres in height. A condition has been recommended requiring a full report detailing the lighting scheme and predicted light levels at neighbouring properties, in order to ensure that the residential amenities of neighbouring residents is protected.
- 16.7 In light of the above and the conditions restricting operating hours of the sports pitch (09:00 – 21:00 weekdays and 09:00 – 20:00 weekends), the proposed development would not conflict with policy DM2.1 of the Islington's DMP (2013).

## **17 HIGHWAYS**

- 17.1 The park would continue to be serviced from the same access points on Charlotte Terrace. Whilst the scheme involves upgrading the existing north entrance at Boxworth Grove by regarding the existing 1:11 slope with a new 1:17 slope, there would be no impact on the access for vehicles at entrance points. In the absence of any impact, there are no concerns under a highway point of view.

## **18 TRANSPORT**

- 18.1 No objections have been received in relation to level of parking required and no on-site parking for visitors or staff is proposed. Given the close proximity of the park to the Angel Tube Station and numerous bus stops, the site is considered to be well located to access by sustainable means.
- 18.2 Although the Design and Access Statement mentions that five cycle hoops would be installed within the park, no details for the provision of cycle parking are shown in the drawings. Policy DM8.4 of the Islington's DMP (2013) mentions how *"it must be demonstrated that there are no road safety conflicts between pedestrians, cyclists and vehicles entering, parking and servicing a development. Cyclist entrances must be safe and convenient and separate cycle lanes should be demarcated"*.
- 18.3 In light of the above requirements, it is recommended to attach a condition, requiring details of cycle parking and routes within the park that takes into consideration connectivity, public routes and a proposed cycle network within the park.

## **19 INCLUSIVE DESIGN AND ACCESSIBILITY:**

- 19.1 Although the proposed scheme would provide new routes to enhance the connectivity within the park, the pedestrian and step free entrances would be retained. The existing entrance from Boxworth Grove would be regraded in order to reduce the slope. The development would therefore not conflict with policy DM2.1 of the Islington's Development Management Policies (2013) and the Council's Access Officer has raised no objections against the proposal with regards to access. The park would continue to provide ease of use and deliver spaces that are convenient and enjoyable to everyone.

## **20 OTHER MATTERS:**

- 20.1 Letters of representation have advised that cycle paths should be reviewed for the safety of pedestrians and opening hours should be controlled, in order to safeguard amenity. These points of concern are addressed and conditions restricting hours of operation of the proposed sports pitch and details of lighting are recommended. In addition, details of proposed cycle facilities are also requested by a separate condition.
- 20.2 Although a letter of representation advised that a 'dog only' playground and the installation of wild life proof containers would be welcomed, these are not facilities being proposed under Phase 1 for the re-development of the park. However, the proposed scheme provides a wildlife pond on the north side, which would provide further cover and nesting opportunities for birds and food growing space. The Preliminary Ecological Appraisal for the park (dated December 2015) is considered complete and provides an increase in wildlife value within the park.

## **21 Directors' Level Service Agreement:**

- 21.1 The proposed development would be subject to a Community Use and Management Agreement to ensure that the space is suitably managed and public access is guaranteed. This safeguard would also secure the appropriate management and long term use and intensity of use of the sports space. It is considered that this agreement to provide these details coupled with controls on light levels and hours of operation would ensure that the amenity of neighbouring residential properties is safeguarded. This is secured through a Directors' Level Service Agreement which operates in a similar manner to a S106 Agreement.

## **22 SUMMARY AND CONCLUSION**

### **Summary**

- 22.1 Full planning permission is sought for the re-development of the east side of Barnard Park (phase 1 of the proposed masterplan). The proposed works seek to upgrade the existing facilities of the park and include the replacement of the existing sports pitch with a smaller sports pitch, which would result in a 36% reduction in overall sports provision in the park in terms of the physical area for sports.
- 22.2 The application follows extensive consultation exercises by the Council, which conclude that a reduced sports pitch would be acceptable if this new facility would provide a higher quality surface that could be used for both public and private hire. Given that the scheme provides new facilities, which include new pathways, additional open/recreational spaces and a new park hub that would enable other informal sports and activities within the park, it is considered that the scheme provides a robust justification for replacing the existing sports pitch facility, in accordance to the requirements of policies DM6.3 and DM6.4 of the Islington's Development Management Policies (2013).
- 22.3 It is considered that the redevelopment of the park would not raise concerns over design and impact on the character and appearance of the Barnsbury Conservation Area. In addition, the impact of the proposal on the amenity of neighbouring properties has been carefully considered. It is recommended that a condition is imposed restricting the times of operation of the new sports pitch facility. As such, the proposal would not have a significant detriment impact on the amenity of neighbouring residents.
- 22.4 The proposed development includes the provision of further planting and landscaping on the south side of the park. A condition is recommended, which requires the submission of an arboricultural method statement, in order to ensure that biodiversity, sustainability and visual amenity is enhanced as part of the scheme.

22.5 The proposal is therefore considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

**Conclusion**

23 IT IS RECOMMENDED THAT PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS AS SET OUT IN APPENDIX 1 – RECOMMENDATION

## APPENDIX 2 – RECOMMENDATIONS:

### RECOMMENDATION A:

That planning permission be granted subject to the prior completion of a Directors' Service Agreement 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:

1. A Community Use and Management Agreement to ensure suitable management and community use.

### RECOMMENDATION B:

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

Grant of planning permission subject to **conditions** to secure the following:

#### List of Conditions:

1	<b>Commencement (Compliance)</b> 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  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).
2	<b>Approved Plans List: (Compliance)</b> The development hereby approved shall be carried out in accordance with the following approved plans:  Arboricultural Report dated 14/03/2016, Primary Ecological Appraisal dated December 2015, Tree Constraints Report, Design and Access Statement dated 23 <sup>rd</sup> March 2017, Covering letter dated 23.03.2017, Planning Statement prepared by LUC dated March 2017, Barnard Park Refurbishment: Report on Consultation prepared by LUC dated January 2017, Site Plan, Drawings titled "Arboricultural Impact Assessment" and "Tree Constraints Plan" and Drawing Numbers IA-365-LS-P-02 (Rev C), IA-365-LS-P-03 (Rev C), IA-365-LS-P-04 (Rev C), IA-365-LGA-P-01 (Rev B), IA-365-LS-P-02 (Rev B), IA-365-LS-P-03 (rev A), IA-365-LS-P-04 (Rev B), IA-365-LS-P-01 (Rev B), IA-365-SP-P01 (Rev B), IA-365-LMP-P01 (Rev C) and IA-365-LMP-P02 (Rev D).  REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	<b>Hours of Operation (Sports Pitch and Lighting) (Compliance)</b> The proposed all weather football pitch shall operate only between the hours of 09:00 and 21:00 weekdays and 09:00 and 20:00 weekends. The football pitch flood lighting shall operate during the hours of 09:00 and 21:00 weekdays and 20:00 weekends. Usage within these hours shall be controlled by a photocell detector and timer switch.  REASON: In order to safeguard the residential amenities of neighbouring residents.

4	<b>Fencing (Details)</b>
	<p>Details of the football pitch rebound fencing shall be submitted to and approved in writing by the Local Planning Authority prior to development works commencing on site. The fencing shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior consent of the Local Planning Authority.</p> <p>Reason: In order to protect the residential amenities of neighbouring residents.</p>
5	<b>Method Statement (Details)</b>
	<p>No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods: the arboricultural method statement, AMS in accordance with British Standard BS 5837 2012 -Trees in Relation to Demolition, Design and Construction and construction method statement have been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2011, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013</p>
6	<b>Lighting (Details)</b>
	<p>No development shall take place until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.</p> <p>Reason: In order to protect the residential amenities of neighbouring residents.</p>
7	<b>Drainage Strategy (Details)</b>
	<p>Details of drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The drainage strategy shall include the following details:</p> <p>A drainage plan detailing the proposed method for disposing of surface water by means of appropriate sustainable drainage systems. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water runoff from the site post-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 sustainability.</p>
8	<b>Landscaping (Details)</b>
	<p>A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> </ul>

	<p>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</p> <p>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>i) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such.</p> <p>REASON: In the interest of securing a sustainable development.</p>
--	---

**Informatives:**

1	<p><b>Positive statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	<p><b>Surface Water Drainage</b></p> <p>It is the responsibility of the developer to make proper provision for drainage to ground, water course 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 separated and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
3	<p><b>Service Level Agreement</b></p> <p>Your attention is drawn to the fact that this grant of permission is subject to a Service Level Agreement.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

#### **A) The London Plan 2015 - Spatial Development Strategy for Greater London**

- Policy 3.16 Protection and Enhancement of Social Infrastructure
- Policy 3.19 Sports Facilities
- Policy 7.4 Local Character

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

- Policy CS8 (Enhancing Islington's Character)
- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS15 (Open Space and Green Infrastructure)
- Policy CS16 (Play Space)
- Policy CS17 (Sports and Recreation Facilities)

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

- Policy DM2.1 – Design
- Policy DM2.7 – Telecommunications and Utilities
- Policy DM6.2 -- New and Improved Public Open Spaces
- Policy DM6.3 – Protecting Open Space
- Policy DM6.4 – Sports and Recreation
- Policy DM6.5 – Landscaping, Trees and Biodiversity
- Policy DM3.4 - Housing standards
- Policy DM6.5 – Landscaping, Trees and Biodiversity
- Policy DM8.4 – Walking and Cycling
- Policy DM9.1 – Infrastructure

### **3. Designations**

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

- Public Open Space
- Site of Importance for Nature Conservation (SINC) – Local Importance
- Barnsbury Conservation Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan:

- Conservation Area Design Guidelines
- Urban Design Guide

London Plan:

- Sustainable Design & Construction

### APPENDIX 3: EMAIL FROM SPORT ENGLAND TO COUNCIL DATED 13.02.2017

Dear Kate,

Further to our meeting on 30<sup>th</sup> Jan regarding the proposals for Barnard Park, for our records I thought it would be helpful to summarise our comments on the revised proposals and the documents that I referred to in our meeting. These were;

- The proposed plan for the park was considered not to have significantly changed since it was submitted to the Council. We advised that the FA and RFU had reviewed the updated proposals and that they were content for us to feedback their views.
- In regards to the proposal to fence an area of open space and potentially improve the quality of the grass in this area, it was considered that this space is fairly limited in size and that there are very few pitch layouts that it could accommodate. Sport England's document; Comparative Sizes for Sports Pitches and Courts (Outdoor) provides further information on pitch sizes and appropriate run-offs. <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/natural-turf-for-sport/>
- The FA and the RFU have both highlighted the need for additional artificial pitch provision in the Borough. Both national sports governing bodies remain willing to work with the Council to explore options for the Park. However, they are not content with the current proposals (a 7 aside 3G facility) as they believe it will offer very limited opportunity for their respective sports. Therefore they continue to object to the proposals.
- It is understood that there would need to be further consultation on any revised plans for the Park.
- We discussed Sport England's new strategy - 'Toward an Active Nation'. As explained at the meeting, our Playing Fields Policy remains unchanged and we will continue to seek to protect playing field from development. It remains our view that the current proposals result in an overall loss of sports provision from the site which is not being replaced and therefore Sport England upholds its objection.

Please contact me if you have any queries regarding the above.

Kind regards

Vicky

**Vicky Aston**

Planning Manager

**T:** 020 7273 1912

**M:** 07717348515

**E:** [Vicky.Aston@sportengland.org](mailto:Vicky.Aston@sportengland.org)

## Public Document Pack

London Borough of Islington

### Planning Sub Committee A - 18 July 2016

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 18 July 2016 at 7.30 pm.

**Present:**            **Councillors:**        Martin Klute (Chair), Tim Nicholls (Vice-Chair), Paul Convery, Una O'Halloran and David Poyser  
**Also Present:**        **Councillors:**        Jilani Chowdhury, Claudia Webbe and Rowena Champion

Councillor Martin Klute in the Chair

- 188**    **INTRODUCTIONS (Item A1)**  
Councillor Klute welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.
- 189**    **APOLOGIES FOR ABSENCE (Item A2)**  
There were no apologies for absence.
- 190**    **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
There were no substitute members.
- 191**    **DECLARATIONS OF INTEREST (Item A4)**  
There were no declarations of interest.
- 192**    **ORDER OF BUSINESS (Item A5)**  
The order of business would be B4, B3, B6, B5, B1, B2, B7, B8.
- 193**    **MINUTES OF PREVIOUS MEETING (Item A6)**  
**RESOLVED:**  
That the minutes of the meeting held on 7 June 2016 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 194**    **(LAND LOCATED BETWEEN ST JOHN STREET AND WHISKIN STREET) ST JOHN STREET, LONDON, EC1 (Item B1)**  
Single panel – 6 Sheet Advertisement Display Freestanding Internally Illuminated Panel  
(Planning application number: P2016/0448/ADV)  
In the discussion the following point was made:  
    • The location of the panel was considered.  
**RESOLVED:**  
That planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

Planning Sub Committee A - 18 July 2016

**195** (LAND ON WEST SIDE OUTSIDE FINSBURY LIBRARY) ST JOHN STREET, LONDON, EC1V 4NB (Item B2)

Single panel – 6 Sheet Advertisement Display Freestanding Internally Illuminated Panel

(Planning application number: P2016/0450/ADV)

In the discussion the following point was made:

- The location of the panel was considered.

**RESOLVED:**

That planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

**196** 45 ARLINGTON SQUARE, LONDON, N1 7DT (Item B3)

The construction of a basement underneath the rear garden (as amended), together with an additional linking staircase from the lower ground to the new basement level. The conversion of existing vaults into a utility room and wc.

(Planning applications: P2015/3235/FUL and P2015/3383/LBC)

In the discussion the following points were made:

- The planning officer advised that the basement policy had been introduced since the application was received. At the time of validation a Structural Method Statement was not required but a condition should be added to require one now that the basement policy was in place. Adjoining residents should be consulted on this and the statement would have to be agreed prior to construction.
- The quality of habitable space was considered.
- The basement would meet the policies of having at least 1 metre of soil on top of the basement construction and the basement not being below more than half of the garden.

**RESOLVED:**

That planning permission and listed building consent be granted subject to the conditions and informative set out in Appendix 1 of the case officer report with the additional condition regarding a Structural Method Statement outlined above.

**197** BARNARD PARK, COPENHAGEN STREET, ISLINGTON, LONDON, N1 0NL (Item B4)

Refurbishment of east side of Barnard Park including improvements to football pitch, planting, turfed areas and re-design and layout of pathways.

(Planning application number: 2016/1109/FUL)

In the discussion the following points were made:

- The planning officer advised that Sport England had objected to the application so if the sub-committee decided to grant the application, it would be put forward to the Secretary of State to determine if it should be called in.
- Concern was raised that if the village green area was not included in the calculations, there would be a 70% reduction in sports provision in the park.
- The planning officer advised that the sports pitch and village green had both been included in the 36% reduction in overall sports provision in the park figure included in the officer report. Informal sports would take place on the village green.
- The committee did not agree with the view that the village green could be held to be a sports facility for the purposes of assessing the loss of existing sports facilities.

## Planning Sub Committee A - 18 July 2016

- The planning officer advised that the proposed pitch would be of a higher quality than the existing one and the overall the park's facilities would be improved.
- Extensive consultation had taken place with park users, community groups and young people.
- The applicant advised that the design of the park had been led by consultation.
- The Football Association had submitted a letter suggesting they might be interested in investing in a full sized pitch. The applicant raised concern that a full sized pitch would be dominant in the park and the consultation was in favour of having a less dominant pitch.
- Concern was raised that the village green would not be used much for informal sports if it was also been used for leisure e.g. picnics.
- A member stated that the current pitch at 8,990 sqm was larger than a full sized pitch of 7,140 sqm so reducing it to a full sized pitch would reduce its dominance. Alternatively other sized pitches could be considered. It was suggested that, in line with the advice contained in the letter of objection from Sport England, a 9 a side pitch would be of most use to local schools.
- Concern was raised that the Cally pitch located 0.2 miles away was closed and there were no plans to upgrade it.

Councillor Poyser proposed a motion to defer consideration of the application to enable more consideration to be given to different size football pitches - based on Sport England comments on pitch sizes, and the balance of sports and leisure use. This was seconded by Councillor Nicholls and carried.

### RESOLVED:

That consideration of the planning application be deferred for the reasons outlined above.

198

### CLARENDON BUILDINGS, 25-27 HORSELL ROAD AND 11 RONALDS ROAD, LONDON, N5 1XL (Item B5)

Internal reconfiguration of the existing floorspace, and construction of rear extension at basement, ground and first floor levels to comprise office (B1 Use Class), conversion of second floor to residential and additional floor of residential within existing roof profile. The building will contain B1 office space at basement, ground and first floor levels, with 7 residential units (C3 Use Class) over upper floors.

(Planning application number: P2015/1655/FUL)

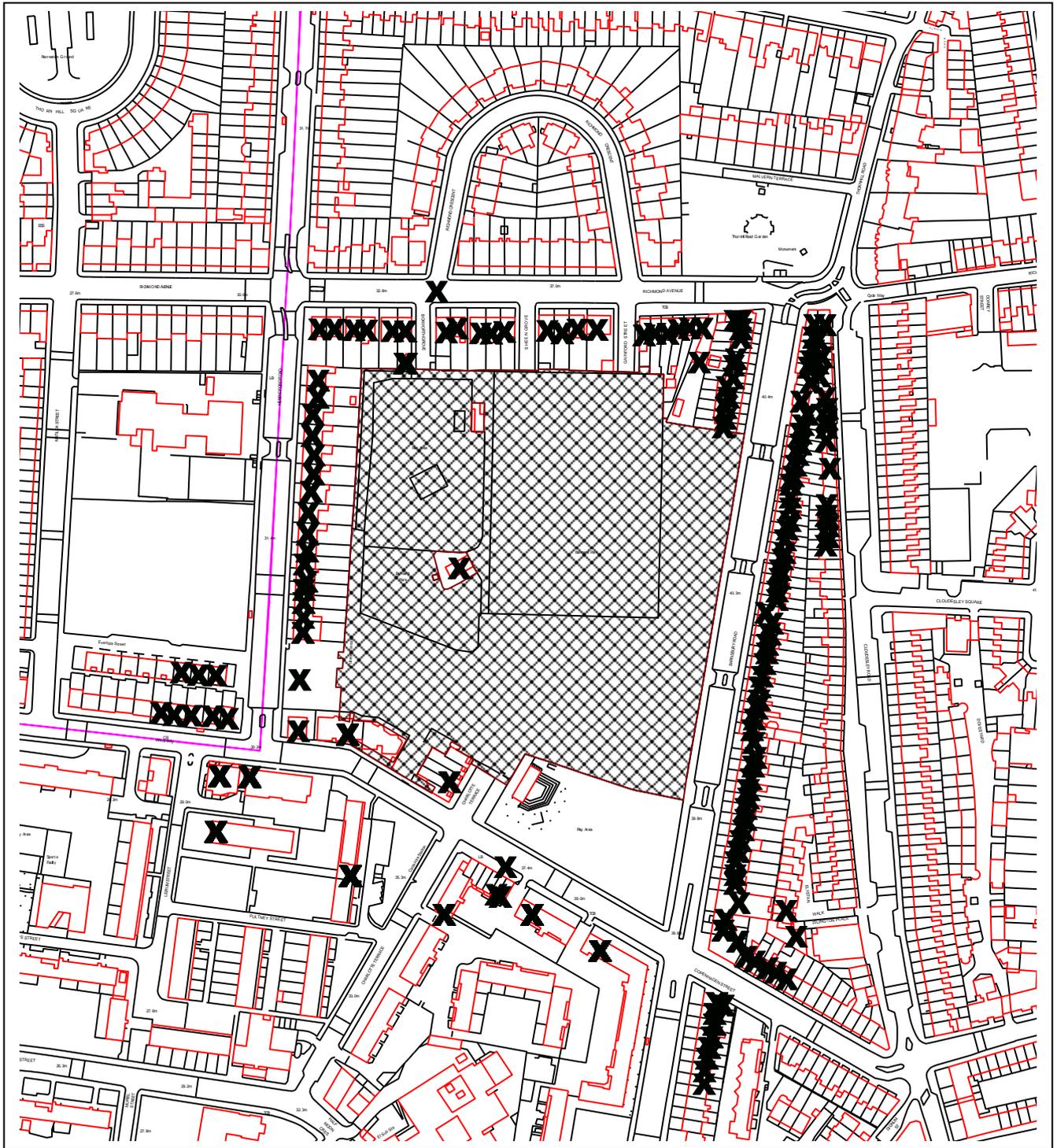
In the discussion the following points were made:

- The planning officer confirmed that the applicant had agreed to pay the full £350,000 affordable housing contribution and not £300,000 as stated in Recommendation A of the officer report.
- The planning officer advised that there was no requirement for the provision of affordable workspace as this was a minor application for a refurbishment and not a rebuild.
- The application was policy compliant.
- Small businesses would use the space.

### RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to 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 of the officer report.

# Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.  
P2016/1109/FUL

This page is intentionally left blank

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO : 5</b>
<b>Date:</b>	9 <sup>th</sup> May 2017	<b>NON-EXEMPT</b>

Application number	P2015/4848/ADV
Application type	Advertisement Consent
Ward	Caledonian
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Core Strategy Key Areas- Kings Cross & Pentonville Road Local Views- Archway Bridge Local Views- Archway Bridge Within 100m of a SRN road Within 50m of a Conservation Area - Barnsbury
Licensing Implications	N/A
Site Address	Land to corner of Caledonian Road and Stanmore Street, 229 Caledonian Road London N1 0NH
Proposal	Installation of freestanding internally illuminated advertisement display panel (6 sheet) on the Land to corner of Caledonian Road and Stanmore Street, 229 Caledonian Road London N1 0NH

Case Officer	David Nip
Applicant	Islington Council – Public Realm
Agent	J Foster Architects

### 1. RECOMMENDATION

1.1 The Committee is asked to resolve to **GRANT** Advertisement Consent:

- Subject to the conditions set out in Recommendation A.

## 2. SUMMARY – ADDENDUM REPORT

2.1 This application was previously discussed at Planning Sub Committee A on 1<sup>st</sup> Nov 2016. According to the minutes, the followings points were made during the discussion:

- The planning officer advised that due to a lack of clarity on the location of the sign, the consideration of the application should be deferred.

2.2 The application was deferred in order to allow the applicant to reconsider the location of the proposed sign.

2.3 Following the repositioning of the proposed sign closer to the Stanmore Street junction, the site address has been adjusted accordingly and amended drawings have been received to reflect this change in the proposed signage's location.

**“Land to corner of Caledonian Road and Stanmore Street, 229 Caledonian Road London N1 0NH”**

2.4 The drawings have been amended to show the new proposed location of the sign and these changes have undergone a full public consultation. The proposed dimensions of the sign has not changed from the previous report and the advertisement consent sought is for the installation of a free standing internally illuminated advertisement display panel (6 sheet).



Image 1. Location of the proposed sign outside the Cally Pool and Gym

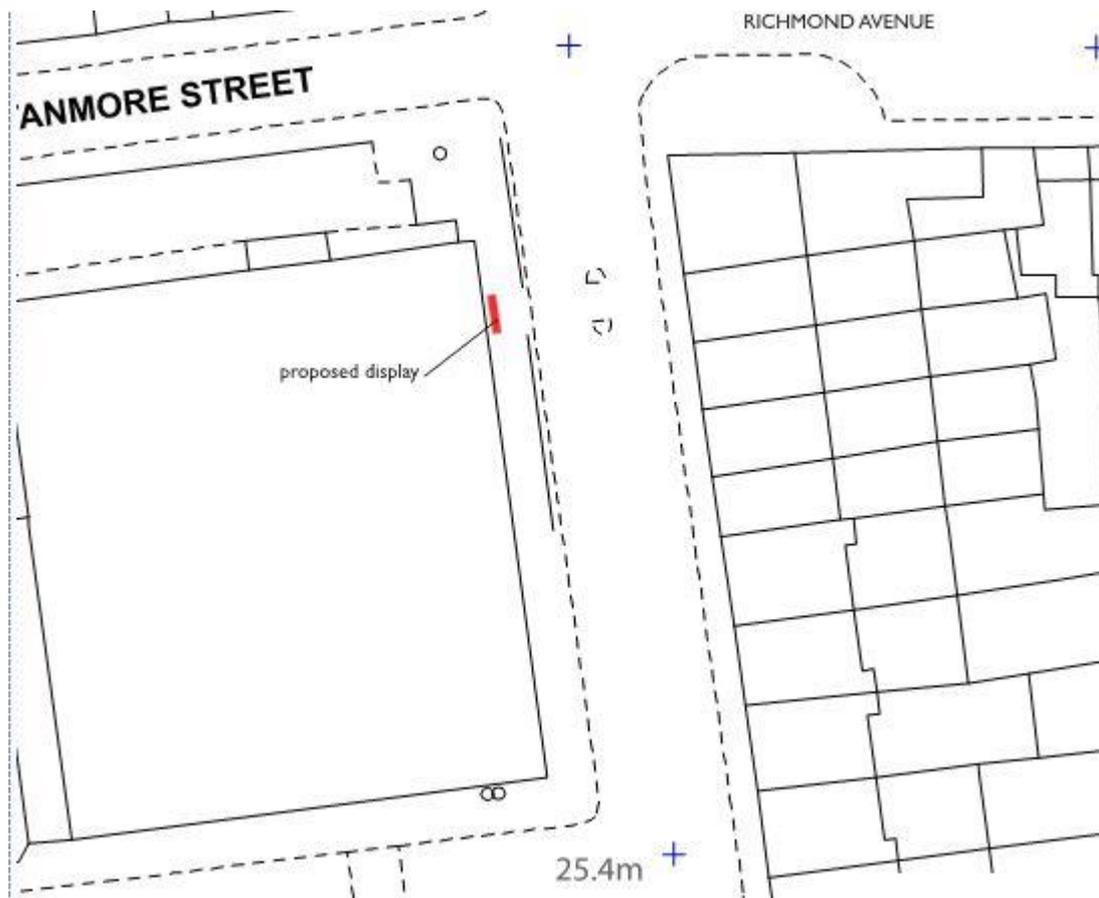


Image 2. Site plan and the location of the proposed display.

- 2.5 Since the 1<sup>st</sup> November 2016 Sub Committee meeting, two further consultations have been undertaken. The first re-consultation was carried out from 17<sup>th</sup> November 2016 and expired on 08 December 2016, the second and final re-consultation started on 24<sup>th</sup> February 2017 and finished on 17<sup>th</sup> March 2017.
- 2.6 Two objections were received on 6<sup>th</sup> December 2016 and 26<sup>th</sup> February 2017 respectively. The following points have been raised in the representations (the objections are addressed within the paragraphs set out in brackets):
- The proposed sign will not be of benefit to Caledonian Road, it will be an eyesore on the street and will be detrimental to the plans for improvement to the local area (paragraphs 2.13-2.14);
  - The Cally Plan SPD states that “Signs should be externally lit” and this should be applied to free standing signs as well (paragraphs 2.13-2.14);
  - Enforcement action was taken against an internally illuminated sign at 334-336 Caledonian Road (paragraph 2.10); and

- The sign would cause street clutter; the informational terminal that was located to the north of the application site was removed as it was deemed as unnecessary street clutter (paragraph 2.13).
- 2.7 Following the amendment of the proposal, the application has been reviewed and the concerns raised in the consultations have been taken fully into account by officers.
- 2.8 To remind the Committee, the proposal is for a sign that would measure a maximum of 2.695 metres in height, 1.37 metres in width and 0.24 metres in depth. The visible area of the digital screen display will measure 1.15 metres in width and 1.76 metres in height. The proposed display will be internally illuminated and the LED backlit display brightness will be fully adjustable to distinguish between day and night ambient levels.
- 2.9 The new location of the sign comprises a number of cycle parking stands and it is anticipated that one of the parking stands would need to be removed as part of the works proposed. The removed cycle stand could be re-installed nearby. Whilst such replacement could not be secured as part of an advertisement consent, given that the applicant is the Council, it is considered an arrangement to secure its re-provision could be secured. It is considered that the proposed development would have no adverse impact to the cycle parking provision of the local area.
- 2.10 No. 334-336 Caledonian Road was mentioned in the representation. It is considered that the shop at No. 334-336 Caledonian Road is not sited within close proximity to the application site, and the nature of a shopfront sign is also different to a free standing sign. Furthermore, it is important to note that as opposed to the application site, no. 334-336 Caledonian Road is sited within the Barnsbury Conservation Area, where additional policies and site constraints apply. Therefore, it is considered that the two sites are not comparable.

### **Visual amenity**

- 2.11 Although the site is not located within a conservation area, it is important to ensure that any new signage would not have a detrimental impact on the visual amenity of the surrounding area. The proposed location of the signage in this case is at proximity to the Barnsbury Conservation area.
- 2.12 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 2.13 It is considered that the proposal would not result in visual clutter along the street context which includes the residential terrace opposite and the petrol filling station to the south. The section of the pavement comprises street furniture such as street lighting, cycle stands and railings. The proposal would sit within the context of the Cally Pool building which has existing advertisements; it is considered that the proposed internally illuminated display would not result in unacceptable visual clutter within the immediate character of the area.
- 2.14 The proposed advert is designed in the context of the Cally Pool building elevation and is considered appropriate in terms of scale and siting. The proposed sign is being positioned against the wall of the Cally Pool building and it is considered that the proposed sign would not overwhelm the existing building elevation.

- 2.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2.16 Given the distance and the context of the proposal it is considered that the sign would not have a detrimental impact on the setting of the listed terrace opposite nor the setting and character and appearance of neither the nearby Barnsbury Conservation Area nor the wider urban setting along this section of Caledonian Road.
- 2.17 Section 66(1) of the planning (listed buildings and conservation areas) Act 1990 requires local authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.

### **Highways safety**

- 2.18 In terms of public safety, it is considered that the repositioned sign would not cause a hazard to pedestrians or road users, as a result of their acceptable size, siting and method of illumination. The sign will be located on a wide pavement (approximately 4 metres in width) and will be set back from the main pedestrian route to ensure there are no public safety hazards and to maintain the free flow of pedestrian traffic. Subject to planning conditions, the proposed development would be in accordance with policy DM2.6 of the Islington Development Management Policies 2013.
- 2.19 Once again the proposed signage is not considered to have any material adverse impact on highways nor public safety along this section of Caledonian Road.
- 2.20 Similar to the previous assessment, conditions are recommended to control the illumination and display time of the sign, in order to ensure that the proposal would have an acceptable impact towards the character and appearance of the area, as well as towards the listed terrace on the opposite side.
- 2.21 The proposal is therefore considered to be consistent with the aims of Council objectives on design and in accordance with policies 7.4 (Character) of the London Plan 2016, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policies DM2.1 and DM2.6.
- 2.15 The original report is attached in **Appendix A** and the revised proposal is considered to be policy compliant and therefore acceptable.

### **3. CONCLUSION**

- 3.1 It is recommended that Advertisement Consent be granted subject to the reattached conditions as attached below within Recommendation A.

## RECOMMENDATION A

That the grant of Advertisement Consent be subject to conditions to secure the following:

### List of Conditions

<b>1</b>	<p><b>Standard advertisement conditions</b></p> <p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).</p>
<b>2</b>	<p><b>Luminance</b></p> <p>CONDITION: The advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 300 candelas per square metre during the hours of darkness consistent with the guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
<b>3</b>	<p><b>Display time</b></p> <p>CONDITION: The minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
<b>4</b>	<p><b>Special effects</b></p> <p>CONDITION: There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>

<b>5</b>	<b>Display functions</b>
	CONDITION: The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.
<b>6</b>	<b>Installation and maintenance</b>
	CONDITION: The footway and carriageway on the TLRN and SRN must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.  REASON: In the interests of highway safety.

**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>

**APPENDIX A – Committee report - Tuesday, 01 November 2016**



<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	Tuesday, 01 November 2016	<b>NON-EXEMPT</b>	

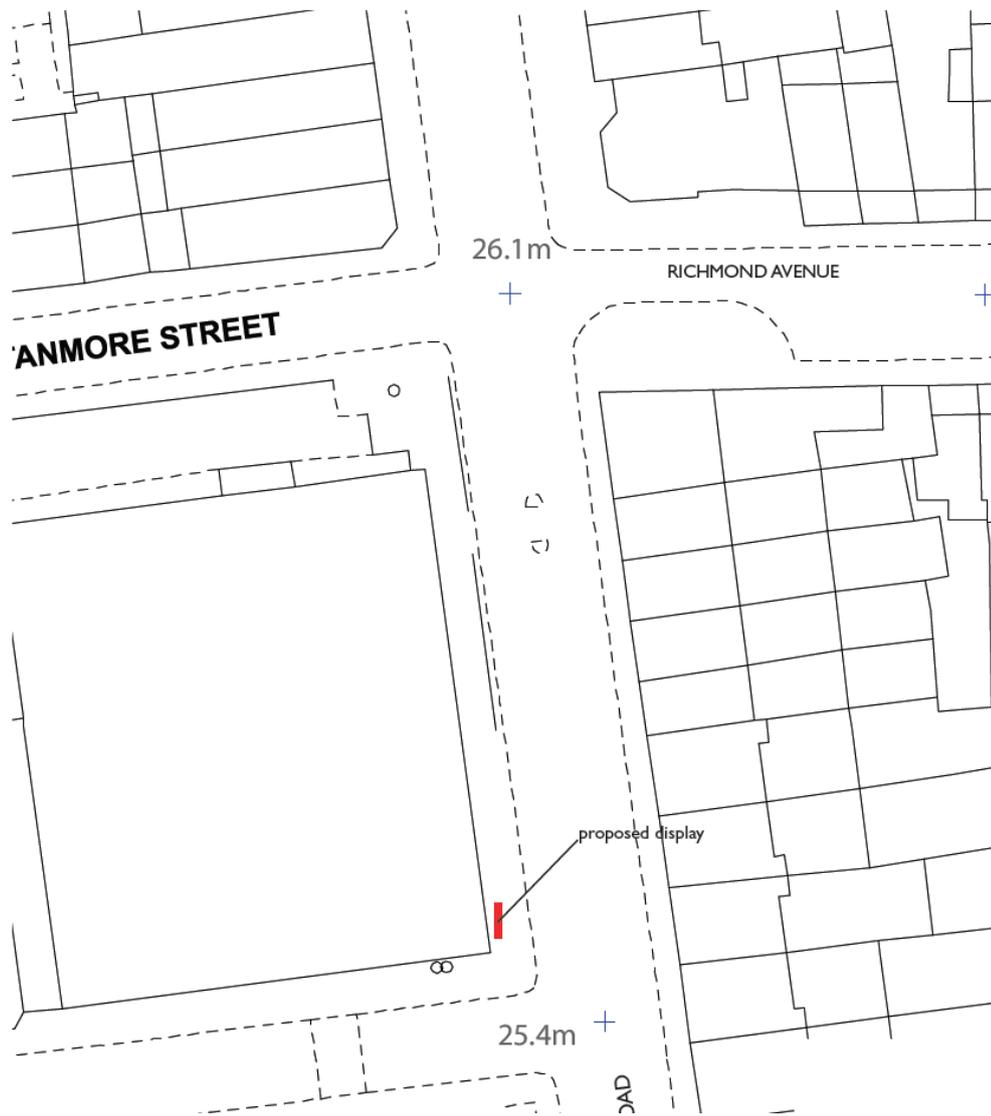
Application number	P2015/4848/ADV
Application type	Advertisement Consent
Ward	Caledonian
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Core Strategy Key Areas- Kings Cross & Pentonvillie Road Local Views- Archway Bridge Local Views- Archway Bridge Within 100m of a SRN road Within 50m of a Conservation Area - Barnsbury
Licensing Implications	N/A
Site Address	Land to corner of Caledonian Road and Twyford Street, 229 Caledonian Road London N1 0NH
Proposal	Installation of freestanding internally illuminated advertisement display panel (6 sheet) on the pavement on the corner of Caledonian Road and Twyford Street

Case Officer	Daniel Power
Applicant	J Foster Architects
Agent	J Foster Architects

**1. RECOMMENDATION**

The Committee is asked to resolve to **GRANT** advertisement consent subject to the conditions set out in Appendix 1.

2. SITE PLAN



### 3. PHOTOS OF SITE/STREET



Image 1: Location of sign

### 4. SUMMARY

- 4.1 Advertisement consent is sought for the installation of a free standing internally illuminated advertisement display panel (6 sheet) on the pavement close to the corner of Twyford Street and Caledonian Road.
- 4.2 The application is brought to committee because it is a Council-own development.
- 4.3 The proposed advertisement display panel will neither harm the character or appearance of the adjacent buildings nor the wider street scene, nor will it materially affect the amenity of adjacent residents or have a detrimental impact on pedestrian and highways safety.
- 4.4 It is recommended that advertisement consent be granted subject to conditions.

### 5. SITE AND SURROUNDING

- 5.1 The application site is located close to the corner of Twyford Street and Caledonian Road, against the wall of the Cally pool and gym building. The site is located to the north of a petrol filling station, to the east of the site is a terrace of grade II listed buildings. The sign would be located against the existing building opposite an existing lamp post, tree and parking machine. The pool and gym building is a single storey flat roof building, half red brick and half painted metal. Twyford Street to the south has a number of phone boxes and telephone cabinets, with a petrol filling station to the south of Twyford Street, which has a number of adverts and signage.

5.2 The building is not listed and not within a conservation area, but the area to the east of the application site lies within Barnsbury Conservation Area.

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

6.1 Advertisement consent is sought for the installation of a freestanding internally illuminated advertisement display panel (6 sheet) on the pavement at the junction between Rosebery and Garnault Place.

6.2 The proposed sign will measure a maximum of 2.695 metres in height, 1.37 metres in width and 0.24 metres in depth. The visible area of the digital screen display will measure 1.15 metres in width and 1.76 metres in height. The proposed display will be internally illuminated and the LED backlit display brightness will be fully adjustable to distinguish between day and night ambient levels.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

7.1 None

### **ENFORCEMENT:**

7.2 None

### **PRE-APPLICATION ADVICE:**

7.3 None

## **8. CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to 38 occupants of adjoining and nearby properties at Caledonian road and Richmond Avenue on the 08/08/16 with a site notice was placed outside the site on 18/08/16. The consultation therefore expires on 08/09/16. At the time of the writing of this report no letters of objection had been received from the public with regards to the application.

### **Internal Consultees**

8.2 **Highways:** No Comments received.

### **External Consultees**

8.3 **Transport for London:** TFL are not the highway authority for Caledonian Road and therefore had no observations on the proposals.

## **9. 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**

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals. Development Plan

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, The 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.

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Amenity
- Highways Safety

### **Amenity**

- 10.2 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics. Furthermore, Development Management Policy DM2.6 requires all advertisements to be of a high standard and contribute to a safe and attractive environment. Any new sign should not cause a public safety hazard or contribute to a loss of amenity and should be appropriate to the building,
- 10.3 The application site is not located in a conservation area, although the site is located within close proximity to the Barnsbury Conservation Area, with a terrace of grade II listed buildings to the east of the site. While the site is not located within a conservation area or attached to a listed building, it is important to ensure that any new signage would not have a detrimental impact on amenity.
- 10.4 The proposed advertisement sign will be positioned against the Cally Pool & Gym, opposite an existing lamp post, tree and parking machine. Caledonian Road marks a clear distinction between the Conservation Area of Barnsbury and the terrace of listed buildings on the eastern side and the more modern pool & gym, and petrol

filling station on the western side. The proposal would sit within the context of the Cally Pool which has existing advertisements. Given the immediate context of the Cally Pool & Gym, it is considered that the proposal would not result in visual clutter along the street context which includes the residential terrace opposite and the petrol filling station to the south. In addition given the distance and the context on the proposal it is considered that the sign would not have a detrimental impact on the setting of the listed terrace opposite.

- 10.5 The proposed sign will measure 2.695 metres in height and would be set against the existing building and set back from the edge of the highway. It is considered that when viewed against the back drop of the modern pool & gym building, the proposed advertisement sign will not create an overly dominant feature that would have a detrimental impact on amenity. Furthermore, given the distance from the residential properties on the other side of Caledonian Road and the recommended condition with regard to its illumination, it is not considered that the sign, by reason of its illumination, would have a detrimental impact on amenity.
- 10.6 Given the above, the proposal is considered to be consistent with the aims of Council objectives on design and in accordance with policies 7.4 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policies DM2.1 and DM2.6.

### **Highways Safety**

- 10.7 It should be ensured that all new advertisement signs do not cause a hazard to pedestrians or road users, as a result of their visual dominance and method of illumination, in accordance with policy DM2.6 of the Islington Development Management Policies 2013.
- 10.8 The proposed sign will be internally illuminated, will not have flashing illumination and will have an LED backlit display brightness which can be adjusted to suit the day/night ambient levels. The sign will be located on a wide pavement and will be set back from the main pedestrian route to ensure there are no public safety hazards and maintain the free flow of pedestrian traffic. Given the signs location and the recommended conditions it is considered that the advert would not have a detrimental impact on highways safety. The proposal is therefore considered not to cause a hazard to pedestrians or road users in line with policy DM2.6 of the Islington Development Management Policies June 2013.

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed advertisement display panel is considered to be acceptable with regards to amenity and highways safety.
- 11.2 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions

<b>1</b>	<b>Standard advertisement conditions</b>  CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.  Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.  Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.  No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.  No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
<b>2</b>	<b>Luminance</b>  CONDITION: The advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 300 candelas per square metre during the hours of darkness consistent with the guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).  The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.  REASON: In the interests of visual amenity and highway safety.
<b>3</b>	<b>Display time</b>  CONDITION: The minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.  REASON: In the interests of visual amenity and highway safety.

<b>4</b>	<b>Special effects</b>
	<p>CONDITION: There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
<b>5</b>	<b>Display functions</b>
	<p>CONDITION: The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.</p>
<b>6</b>	<b>Installation and maintenance</b>
	<p>CONDITION: The footway and carriageway on the TLRN and SRN must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.</p> <p>REASON: In the interests of highway safety.</p>

**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

7 London's living places and spaces  
Policy 7.4 Local character  
Policy 7.6 Architecture

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

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

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

##### **Design and Heritage**

**DM2.1** Design

**DM2.6** Advertisements

### **3. Designations**

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

- Core Strategy Key Areas- Kings Cross & Pentonville Road
- Local Views- Archway Bridge
- Local Views- Archway Bridge
- Within 100m of a SRN road
- Within 50m of a Conservation Area Barnsbury

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

The following SPGs and/or SPDs are relevant:

**Islington Local Development Plan**

**Urban Design Guide (2006)**

This page is intentionally left blank

# Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. P2015/4848/ADV

This page is intentionally left blank

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB- COMMITTEE A</b>		<b>AGENDA ITEM NO :6</b>
<b>Date:</b>	9 <sup>th</sup> May 2017	<b>NON-EXEMPT</b>

Application number	P2016/2659/FUL
Application type	Full Planning application
Ward	St Marys
Listed Building	None
Development Plan Context	The Angel Conservation Area Islington Village Archaeological Priority Area Angel & Upper Street Core Strategy Key Area Central Activities Zone Angel Town Centre
Licensing Implications Proposal	None
Site Address	The Alban Building Rear of 71-73 Upper Street 1 St Alban's Place London N1 0NX
Proposal	Demolition of existing single storey workshop and the construction of a three storey building comprising of office (Class B1) floorspace at the lower ground/basement level and part of ground and first floor levels, with the creation of 3 x 2 bedroom residential apartments over the remaining ground, first and second floor levels.

Case Officer	Daniel Jeffries
Applicant	Grays Road Investments Ltd. - Mr Simcha Green
Agent	Cook Associates Design Studio LLP

### 1. RECOMMENDATION

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

1. The conditions set out in Appendix 1; and
2. Completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the contributions for affordable housing, carbon offsetting.

2 SITE PLAN (SITE OUTLINED IN BLACK)



3. PHOTOS OF SITE/STREET

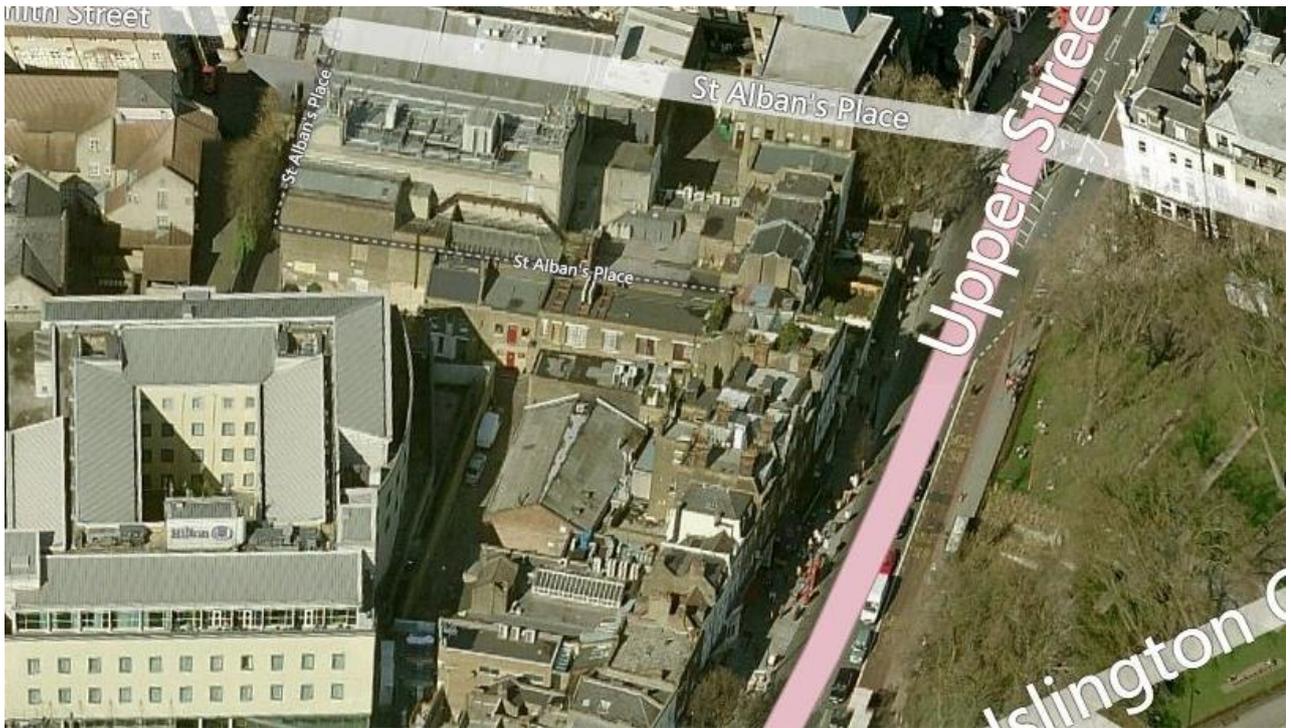


Image 1: Aerial view of site



Image 2: Existing building taken from St Alban Place facing to the west



Image 3: View of the side elevation of the existing building to the west



Image 4: Rear elevation of existing building showing extraction facilities on the properties to the rear of 71 to 73 Upper Street.

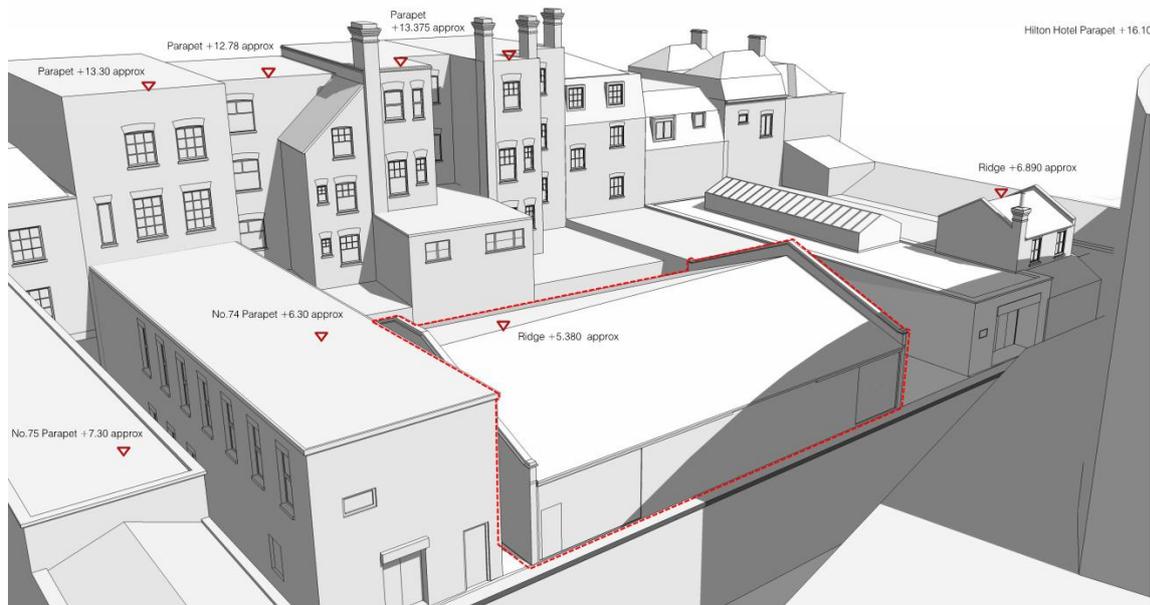
## 4. SUMMARY

- 4.1 The application seeks permission for the demolition of the existing single storey building, with an existing use as a workshop (B1) and redevelopment of the site to provide a three storey building with basement below. This would provide B1 office/workshop space at basement and part of the ground and first floor levels, in addition to three residential units (3 x 2 bedroom) located at ground, first and second floor levels. The residential units would include amenity space, in the form of roof terraces and rear gardens, and storage space for cycles and refuse to the front elevation.
- 4.2 The principle of the development is considered acceptable given that it would be a modest increase in the existing business floorspace and would provide additional residential accommodation in a highly accessible location.
- 4.3 The design, layout, scale and massing of the proposed development is considered to be visually acceptable and would visually integrate with the surrounding properties and be in keeping with the Angel Conservation Area. The development would add visual interest to what is an existing poorly surveyed and run down laneway within this location.
- 4.4 The quality of the resulting commercial and residential space is on balance considered to be acceptable, complying with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (2016). The Core Strategy aims to ensure that in the future an adequate mix of dwelling sizes are delivered within new development, alongside the protection of existing family housing. Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation. Development Management Policy DM9 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. Each of the proposed units are 2 bedroom developments.
- 4.5 The development also secures the full small sites payment of £150,000 towards off site affordable housing provision and CO2 offsetting fee of £3,000.
- 4.6 Private amenity space is provided (Unit 1: 14.5 sqm; Unit 2: 12.8 sqm; Unit 3: 12.4 sqm), whilst it would be below the Council's requirements, it is considered acceptable given the tight constraints of the site. It is proposed that the new build dwellings would be constructed to meet the standards set by the Code for Sustainable Homes.
- 4.7 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 which identifies that all new development shall be car free. Appropriately located cycle parking facilities for residents have been allocated within the site in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'.
- 4.8 The development would be located in close proximity to adjoining commercial and residential uses. Careful consideration has been given to ensure that the proposed built form and layout of windows would not materially prejudice the amenity levels of adjoining occupiers/users. Where there will be negative impacts these are considered to not be so material in scale to justify the refusal of the application.
- 4.9 In terms of accessibility, refuse and sustainability credentials the proposed development is considered to be compliant with the council standards and expectations for a development of this scale and type. Further conditions are suggested to ensure this moving forward. The proposal is therefore recommended for approval, subject to conditions and S106 legal agreement.

## 5. SITE AND SURROUNDING

- 5.1 The site is located on the Eastern Side of St Alban's Place accessed through a narrow lane from Upper Street. The site comprises of a single storey warehouse building and is surrounded by a mixture of uses, with the properties along Upper Street to the rear being commercial (mostly restaurants) on the ground and basement levels with residential above. Directly to the West is the Hilton Hotel. The surrounding streets consist of commercial units on the ground floor and residential units on the upper floors.
- 5.2 The nearest windows to the proposal serve the residential units on the upper floors of Upper Street to the east of the site. These windows face on to the pitched roof of the existing single storey building subject to this application, and the extraction equipment associated with the existing commercial units to the ground floor along 71 to 73 Upper Street.
- 5.3 The existing pitched roofed single storey warehouse building is unattractive and is considered to make no positive contribution to the surrounding Angel Conservation Area.
- 5.4 The site is also located within the Angel Town Centre and the Central Activities Zone.

Existing Site Model



MODEL OF EXISTING SITE AND SURROUNDING CONTEXT LOOKING EAST

Image 5: Visual of existing building



FIGURE 1. EXISTING SITE PLAN IDENTIFYING SCOPE OF OVERSHADOWING ASSESSMENT (Not to scale)

Image 6: Site Plan and surrounding land use

## 6. PROPOSAL (in Detail)

- 6.1 The application consists of the demolition of the existing mid-20th century single storey warehouse (light industrial building B1 use – carpet repair and storage) building and its replacement with a three storey (over basement level) building) containing three residential units with B1 office space at the basement level and part ground and first floor level.
- 6.2 The existing single storey warehouse is in use as a carpet repair and cleaning business and is an unattractive pitched roofed building constructed of brick with a corrugated iron roof, and measures approximately 259 m<sup>2</sup> and approximately 5.9m in height.
- 6.3 The proposed three storey over basement level building will provide a total of 269.4 m<sup>2</sup> of B1 office space, along with 3 x 2 bed dwellings apartments (proposed building measuring 8.7m approx. height).
- 6.4 The proposal is a resubmitted scheme (ref. P2014/4396/FUL) for ‘Demolition of existing single storey workshop and the construction of a three storey building (basement, ground and one upper floor) comprising office (Class B1) floor space over lower ground floor and 4 x 2 bed duplex residential apartments (Class C3) on the ground and first floor and associated works’ which was refused for the following reasons:
- The proposal would result in the loss of business (B1 Use Class) floorspace;
  - The increased sense of and a detrimental impact on the outlook of the neighbouring residential properties; and
  - The substandard level of accommodation to the detriment of the amenity for future occupiers.

6.5 This subsequent Appeal Decision (ref. APP/V5570/W/15/3136930) considered that the scheme would *'fall seriously fall short in terms of the living environment it would create for occupiers of the proposed flats. Thus it would not achieve the high quality design, high quality homes and good standard of amenity'*.

6.6 The main differences between this previously refused and dismissed appeal scheme are as follows:

- The main design changes of the scheme has resulted in the increase in the proposed height of the development to 8.7metres as currently proposed compared to the previous appeal schemes height of 6.3m, with the introduction of an additional floor of accommodation, covering part of the building, which was not part of the previous dismissed appeal scheme.
- The number of units within the proposed scheme has reduced from 4 x 2 bed dwellings to 3 x 2 bed dwellings, with the associated internal reconfiguration and external alterations.
- The new scheme would introduce set back entrances at ground and first floor level, with new glazed over lightwells to the front/west elevation.
- The rear/east elevation of the proposal would be set 0.3m closer to the rear wall of the application site in comparison to the appeal scheme, towards the north east corner of the site. The proposal would also incorporate ground floor private amenity space for the residential units as well as lightwells positioned between. In addition, there would be a new lightwell to the south east corner. These changes would result in the rear elevation windows of the residential units being set away 5.2m from the windows to the adjacent properties, compared to 5.5m in the previous appeal scheme.
- The new scheme would introduce a green roof, to the additional floor, and to the rear wall of the application site.
- The proposal would result in 269.4 sqm of B1 use floorspace, which would include 217 sqm at basement level, 22.4 sqm at ground floor level, and a further 30 sqm at first floor level. The B1 floorspace would include office, research or storage at basement level, but not industrial, with the use above ground being used as office or research. The refused scheme provided 219 sqm of B1 use (office) floorspace at basement level only. The revised scheme would therefore result in an uplift of 50 sqm over appeal scheme.
- The proposal would include a designated area, internally, for refuse and recycling to the ground floor for the B1 floorspace, with a separate entrance to this use.

## 7. RELEVANT HISTORY

### PLANNING APPLICATIONS:

7.1 P111702 - Construction of three storey plus basement building comprising x 2 office/light industrial uses (B1 use class) in basement, x 6 two bedroom (three and four person) flats on ground, first and second floors including demolition of existing light industrial building (B1 Use Class). Conservation area consent application P111703 also submitted. (Withdrawn 20/03/2013)

7.2 P112614 - The demolition of a single storey warehouse and the erection of a two storey plus basement building, comprising four 2-bedroom flats and two B1 office/workshop spaces. (Refused. 30/07/2012)

This application was refused for the following reason: The proposed two storey, plus basement building is considered to be an unacceptable form of development, due to its size, scale bulk and height. Its construction would have a detrimental impact on the character and appearance of the Conservation Area and the amenities of the adjoining neighbours and also would not comply with policy CS9 (Protecting and Enhancing Islington's Built and Historic

Environment), Policy CS13 (Employment Spaces) of the Core Strategy; policies D3 (Site Planning), D4 (Designing in context), D22 (New Development) and D24 (Materials) of the Islington Unitary Development Plan (2002); and the objectives of the Islington Urban Design Guide (2006) and Conservation Area Guidance notes.

- 7.3 P112615 - The demolition of a single storey warehouse and the erection of a three storey plus basement building, comprising six 2-bedroom flats and two B1 office/workshop spaces. (Refused 23/07/2012) This application was refused for the following reason: The proposed three storey, plus basement building is considered to be an unacceptable form of development, due to its size, scale bulk and height. Its construction would have a detrimental impact on the character and appearance of the Conservation Area and the amenities of the adjoining neighbours and also would not comply with policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment), Policy CS13 (Employment Spaces) of the Core Strategy; policies D3 (Site Planning), D4 (Designing in context), D22 (New Development) and D24 (Materials) of the Islington Unitary Development Plan (2002); and the objectives of the Islington Urban Design Guide (2006) and Conservation Area Guidance notes and the National Planning Policy Framework 2012.
- 7.4 851849 Redevelopment to provide a part two part three storey building for printing workshop with ancillary offices. (Granted 06/06/1986).
- 7.5 P112030 (No 5-8 St Alban's Place) Demolition of the existing light industrial building (B1 Use Class) and erection of a four storey building incorporating office space (B1 Use Class) at ground floor level and residential accommodation (8 x two-bed flat and 1 one-bed flat) (C3 Use Class) on the upper floors. (Granted 14/03/2012)
- 7.6 P2014/4396/FUL - Demolition of existing single storey workshop and the construction of a three storey building (basement, ground and one upper floor) comprising office (Class B1) floors pace over lower ground floor and 4 x 2 bed duplex residential apartments (Class C3) on the ground and first floor and associated works. Refused on 09/06/2016 (Reasons for refusal: The proposal would result in the loss of office (B1 Use Class) floorspace; increased sense of and a detrimental impact on the outlook of the neighbouring residential properties; and substandard level of accommodation to the detriment of the amenity for future occupiers)

The subsequent Appeal Decision (ref. APP/V5570/W/15/3136930) was dismissed as it would not provide a good living environment for future occupiers, and would not achieve the high quality design, high quality homes and good standard of amenity.

#### **ENFORCEMENT:**

- 7.7 None

#### **PRE-APPLICATION:**

- 7.8 Q2014/1300/MIN Advice was sought on the principle of the scheme, the scale of the development, impact upon amenity and policy requirements. The advice provided resulted in a Daylight/Sunlight assessment being submitted, and roof terraces being introduced to provide amenity space.

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining neighbouring properties, on 1<sup>st</sup> August 2016, and site notice and press adverts were also displayed, for the original scheme. Following the receipt of amended drawings and documentation, further consultation has occurred on 16<sup>th</sup> November 2016, 15<sup>th</sup> February 2017, 1<sup>st</sup> March 2017 and 27<sup>th</sup> March 2017.

- 8.2 The application was subject to additional consultation in the form of neighbour notification letters. This is as a result of amendments to a number of elements of the proposal. These amendments involve changes to the design, including to the rear elevation and at roof level, incorporation of a green roof, internal reconfiguration, an associated updated Daylight/Sunlight Report, and Structural Method Statement, and the internal reconfiguration, including changing the business floorspace to include part of the ground floor.
- 8.3 The consultation period has expired, however it is council policy to accept letters of representation up until the date of determination. At the time of the writing of this report 22 letters objecting to the proposal have been received, which are summarised as follows (with paragraph numbers stated in brackets stating where the issue is addressed)
- Loss of business floorspace (10.2-10.9)
  - Design and visual appearance on the surrounding area (10.16-10.27)
  - Height of building (10.16-10.27)
  - May lead to future noise concerns from neighbouring commercial (restaurants/public houses) A3/A4 uses by introduction of residential units (10.39-10.41)
  - Loss of daylight/sunlight to neighbouring properties to neighbouring properties along Upper Street (10.62-10.69)
  - Loss of privacy/outlook to the rear of neighbouring properties along Upper Street and to the Hotel to west (10.64)
  - Standard of accommodation (10.32-10.45)
  - Refuse and recycling (10.82-10.84)
  - Security issues to future occupiers (10.85-10.87)
  - Sound insulation (10.40)
  - Impact on the fire escape and emergency access (**Fire brigade raises no objections to the development and section 10.90**)
  - Accessibility issues for flats (10.54-10.58)
  - Disruption during construction period (10.53)

#### **Internal Consultees**

- 8.4 **Design & Conservation:** raised no objections to the proposal bearing in mind the backland nature of the site and the very poor appearance of the existing buildings on site.
- 8.5 **Pollution (Acoustic) Officer:** raised no objections subject to conditions.
- 8.6 **Inclusive Design Officer:** raised concerns in relation to lack of wheelchair access.
- 8.7 **Sustainability Officer:** raised no objections subject to energy and sustainability conditions.
- 8.8 **Highways:** Note the existing roadway around the site is a private road and recommend a CMP condition to control construction traffic as the development is enacted.
- 8.9 **Street Environmental Services:** no objections subject to conditions

## **External Consultees**

- 8.10 **English Heritage (GLAAS):** No objections subject to condition.
- 8.11 **Fire Brigade:** no objections to the proposal.
- 8.12 **Secured by Design:** raised no objections to the scheme, but recommended the installation of a gate accessed control.

## **9. REVELANT 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**

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

### **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, and Development Management Policies 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

- 9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

## **10. ASSESSMENT**

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

Land use

Design and visual impact on the street scene and conservation area.

Mix and standard of accommodation

Basement development

Inclusive design

Impact on neighbouring amenity

Transport

Affordable housing

Sustainability

Waste/Recycling

## Security

### Land use

#### Principle of business floorspace

- 10.2 The proposal would result in the demolition of the existing single storey building used as workshop, B1 use, being classified as business floorspace. The existing building consists of 69.4 sqm of business floorspace. Following amendments to the scheme the proposed building would include 269.4 sqm of floorspace for business use (B1 Use), at basement, ground and first floor levels. The applicant has confirmed that this would include 217 sqm at basement level, to be used for office, research or storage. With a further 22.4 sqm at ground floor level, and 30 sqm at first floor level being used as office or research. This would result in 0.4 sqm of additional business floorspace compared to the existing situation on site albeit to a more modern layout overall.
- 10.3 Policy DM5.1 of Development Management Policies (2013) provides advice on the provision of new business floorspace. The most relevant sections of this policy are Part A and Part F. Part A states the following:
- ‘Within Town Centres and Employment Growth Areas the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:*
- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and*
  - ii) a mix of complementary uses, including active frontages where appropriate’.*
- 10.5 Part F states the following:
- ‘New business floorspace must be designed to:*
- i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses, and*
  - ii) provide full separation of business and residential floorspace, where forming part of a mixed use residential development’.*
- 10.6 The application site is within the Angel Town Centre, and it is considered that the proposal would broadly comply with the requirements of Part A of the above policy. When compared to the appeal scheme, the office floorspace now provides 217 sq metres in the basement. In the appeal scheme, a terraced area that doubled as a large lightwell was positioned in the north eastern corner of the site and secured significant light into the basement level. This proposal now extends the basement almost to the full extent of the site, with two very small lightwells provided to light the space. This is not considered to be of similar quality to the previous appeal proposal due to the very limited outlook and light that would be received. This coupled with the low (2.5m) floor to ceiling heights is not considered to represent a high quality of office floorspace. However, the scheme does provide a small meeting room at first floor level that would have one window and 3 rooflights serve it. Having regard to the first floor office space, the overall quality of the proposed office floorspace is considered to be on balance, acceptable. It is noted that the previous appeal decision raised little issues with the

overall quality of the proposed commercial floorspace and that the inclusion of the part ground and part first floor office space within this scheme as proposed is considered to mitigate some of the inadequacies in the quality of the proposed basement level.

- 10.7 Given the total new business floorspace would be similar to what currently exists, having regard to the constraints of the site, and the other material considerations in the assessment of the application, it is considered that the proposal has provided the maximum amount of business floorspace reasonably possible on the site, to comply with section i. Furthermore, it is considered the proposal would comply with section ii, given the proposal would include new residential units, which are found within the surrounding area, and would be complementary the new business floorspace.
- 10.8 In terms of Part F, the proposal is considered to have future flexibility for a range of uses, including subdivision and / or amalgamation for a range of business accommodation, including for small businesses. The new business floorspace would be split between the basement, and part of both the ground and first floor levels. The applicant has confirmed that the basement accommodation would be office, research or storage, but not industrial with the ground and first floor levels being for office and research. Given the limited light afforded to the basement, it is not considered that the basement level, at 217 sqm, it is has the potential to be subdivided. However, the ground and first floor accommodation is physically separated from the basement level.
- 10.9 The proposal is considered to comply with Part F, section ii, given that the scheme separates the access to the residential units, which have individual entrances, from the business floorspace which are accessible from the west elevation towards the south of the building.
- 10.10 This assessment included Core Strategy Policy CS13 and its supporting text which seeks to retain a range of business units of varying size and cost, and it also promotes improving the quality of such accommodation, especially within CAZ and town centres where access to public transport is the greatest. For the reasons described above, and that this element of the scheme would provide significantly improved business floorspace accommodation, the principle of providing business floorspace is considered acceptable.
- 10.11 In this instance, the other relevant planning considerations relate to design concerns over height, delivery of housing, provision of floorspace which meets the need of wide range of occupants. Part ii of this policy requires a mix of complementary uses, and, as with the previous scheme, it is considered that an office use can co-exist with residential uses comfortably in this instance.
- 10.12 Notwithstanding the above it is acknowledged that Policy DM5.4 requires the development proposals for employment floorspace, within Employment Growth Areas and Town Centres, must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. However, this policy relates to major developments. The applicant has confirmed that the business floorspace would be built to British Standards and would comply with HSE Health and Safety Regulations.

### Principle of Residential use

- 10.13 The site is located within the Angel/Upper Street Town Centre. Policy DM5.1 states that proposals for the redevelopment or change of use of sites are required to incorporate a mix of complementary uses, including active frontages, whilst also providing the maximum amount of business floor space possible on the site.
- 10.14 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide more high quality, inclusive and affordable homes within the borough. As such, in principle, it is considered that the redevelopment of this site for residential units is acceptable, subject to the appropriate re-provision of business floorspace.
- 10.15 It is also considered that, given this narrow back land lane location, other commercial uses such as retail may not work, and an active frontage in this case, is not necessary. Whilst there are a number of residential units on the upper floors, there does not appear to be any residential ground floor units in the immediate surrounding area. However, given that the residential accommodation at ground floor is a complementary use to B1 office floor space, on balance, this is considered acceptable in this instance. Furthermore, the ground floor position of residential accommodation was present in the previous appeal scheme and was not previously raised as an issue by the Council, nor by the Planning Inspector in their decision terms of the principle of having residential units in close proximity to the proposed basement commercial accommodation.

### Design and Impact on the Conservation Area

- 10.16 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.17 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Paragraph 128 requires applicants to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.18 Paragraphs 132 – 134 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."
- 10.19 Paragraph 134 of the NPPF sets out 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. In this instance, the proposal seeks planning permission for the demolition of the existing single storey building to be replaced by a proposed three storey building with a basement level below. The third storey benefits from a significant setback from the south elevation of the building.

- 10.20 The site is also located within the Angel Conservation Area, in a dense urban location (although not on a main street frontage). The relevant Conservation Area Design Guide states that the council will operate special policies in the Angel Conservation Areas in order to preserve and enhance the special character and appearance of the areas.
- 10.21 The area of St Alban's Place where this site is located is to the rear of 71-74 Upper Street, there are yards between the rear of the Upper Street buildings and the smaller buildings which are within St. Alban's Place. There is a mixture of building scales and designs, from the large hotel to the west and the four storey residential development currently under construction at No 5-8 St Albans Place. It is considered that the existing structure does not contribute positively to the character and appearance of the Angel Conservation Area.
- 10.22 Policy DM2.1 states that 'all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DM2.3 states that 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.



Image 7: Proposed Front Elevation

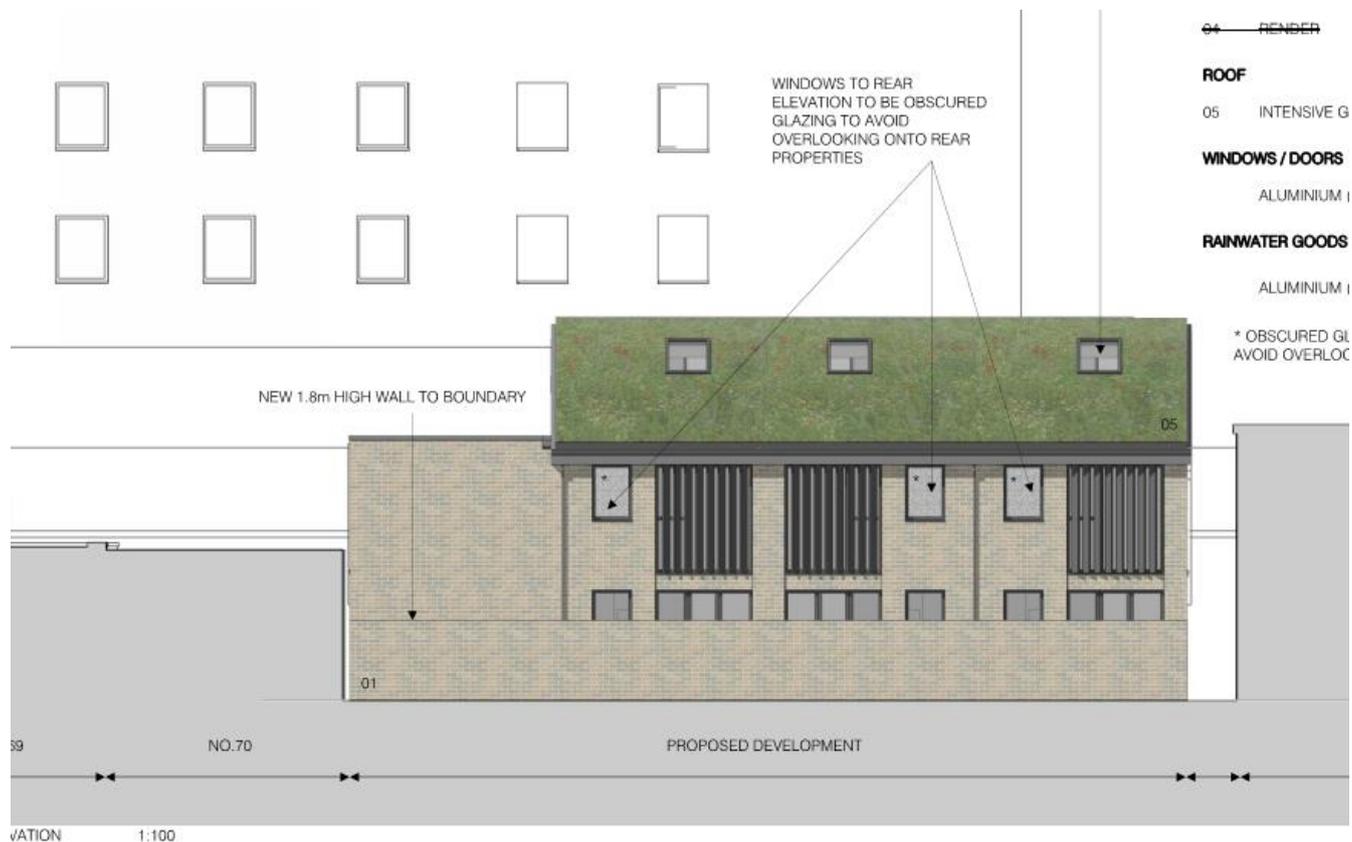


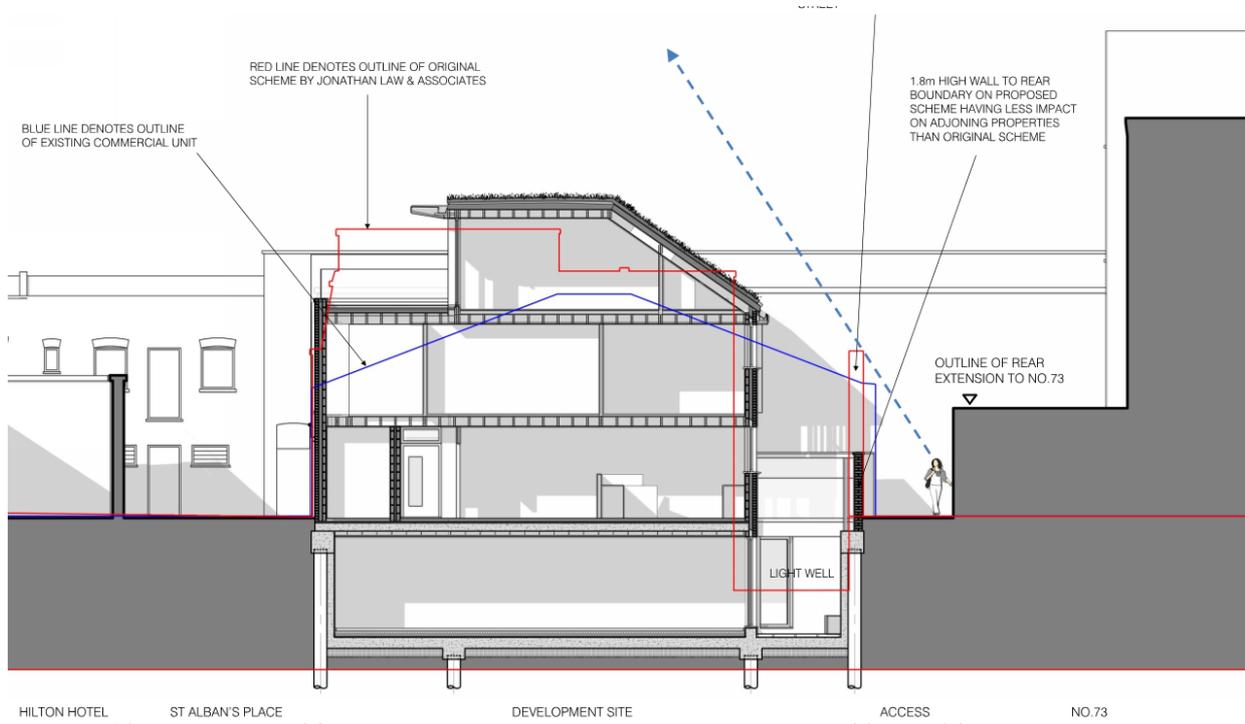
Image 8: Proposed rear elevation

10.23 Whilst this proposed scheme has similarities to the appeal scheme (P2014/4396/FUL) in design terms, including a basement level, the revised proposal would introduce an additional floor. In terms of height, the officer reports for previous applications stated clearly that a two storey building (plus basement) in principle would be acceptable (P112614, P112615 and P2014/4396/FUL) in this location. The appeal decision for this most recent application (P2014/4396/FUL) also determined that in terms of design and appearance, the proposed two storey building would be an improvement on the existing one and would not harm the character, appearance or significance of the Conservation Area.

10.24 The increase in height of the building would create an additional floor covering a partial element of the first floor roof, being set away from the southern boundary of the site by varying distances ranging from 1.7 metres to 2.7 metres. It has also been designed so that it would benefit from a sloping roof, away from the rear elevation, with roof terraces to the front elevation. The other significant design change to the previously refused scheme is that the front elevation entrances would be set away from the front elevation of the building to create better outlook and defensible space to the proposed residential units.

10.25 It is acknowledged that the additional floor would result in increased bulk to the building, increasing its height to 8.7m from 6.3m, in comparison to the appeal scheme. However, it is considered that the use of a sloping roof that would support a green planted surface, would help soften its visual appearance from the surrounding area, when viewed from the rear of the residential properties along Upper Street. It is therefore considered that, on balance, the scale of the proposed building, including the additional floor is considered acceptable in this instance and would not materially dominate the host building and surrounding built form when seen from both the public and private realm.

10.26 The drawing below usefully illustrates the site with the existing built form outlined in blue, the bulk, height and massing of the dismissed appeal scheme outlined in red and the current proposal detailed.



10.27 The front elevation of the proposal would align with the building line of the existing properties along the public highway of St Alban's Place, with the proposed fenestration details and materials proposed, considered to visually integrate with the surrounding area.

10.28 The Basement SPD states that basements in conservation areas should not add visual clutter, protect open areas, avoid undue cut and fill outside the building footprint, protect trees and other established planting.

10.29 The proposed basement level, forming part of this application would be positioned largely within the footprint of the existing building, and within the application site, with lightwells positioned between the rear/east elevation of the proposed building and the rear/east wall of the site. Given that these lightwells would not be visible from the public realm, would be flush with the ground level, and would not impact any trees or established planting, this element would be acceptable in design terms and would preserve the visual appearance of the conservation area, and additionally accord with this element of the guidance within the Basement SPD.

10.30 For ground level and above, in comparison to the footprint of the appeal scheme, the proposal would retain a similar separation distances between the proposed rear elevation and the rear/east wall of the application site, as found within the previous scheme. However, it should be noted that it would be 0.3m closer at ground and first floor levels to the rear boundary of properties along Upper Street to the east, in comparison to the appeal scheme. This area would include proposed lightwells, and private amenity space, for the proposed business floorspace space at basement level, and the residential units above ground floor level. Further assessment of the basement element of the proposal is found later on within this report.

10.31 The Council’s Design and Conservation officer raised no objections to the scheme. It is considered that the proposal would be acceptable in design terms and would preserve the visual appearance and historic character of the Angel Conservation Area bearing in mind the surrounding context and poor visual appearance of the existing buildings on site. Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area. The proposed development is considered to accord with CS policies 8 & 9 and DM policies 2.1 & 2.3.

**Standard of accommodation**

10.32 Policy DM3.4 of the Islington’s Development Management Policies (June 2013) sets out the standards expected of accommodation in the borough. The size of the units would comply and exceed the minimum floorspace requirements found within the Table 3.3 of the Development Management Policies (2013), and would have acceptable sized living areas and bedrooms. The units therefore comply with Policy DM3.4 in this regard.

The following table shows the proposed unit sizes:

Unit	Rooms	Required Floor Space (m2)	Provided Floor Space (m2)
Unit 1	2	61	103.6
Unit 2	2	61	103.6
Unit 3	2	61	103.6

10.33 In terms of amenity space, DMP policy DM3.5 states that all new residential development and conversions are required to provide good quality private outdoor space. The table below explains the proposed private amenity space for each unit:

Unit	Rooms	Required Floor Space (m2)	Provided Floor Space (m2)
Unit 1	2	20	14.5
Unit 2	2	20	12.8
Unit 3	2	20	12.4

10.34 The proposed amenity space for each unit consists of a roof terrace, 8 sqm, at second floor level, with a further area to the rear elevation at ground floor. It is acknowledged that the proposal would not provide the required amenity space, identified within policy DM3.5. However, given the restrictions of the site and the fact that the units are not solely at ground floor, as well as the potential amenity impact on neighbouring properties, on balance, this relatively modest shortfall is considered to be acceptable in this instance.

- 10.35 The proposed units are all dual aspect and provide a good level of sunlight and daylight from both aspects. The submitted Daylight and Sunlight assessment shows that all rooms in the residential part of the scheme comply with both Annual Daylight Factor and Vertical Sky Component, in accordance with the BRE guidelines.
- 10.36 The submitted assessment also confirms that the design maximises natural daylight light by providing good areas of glazing to all proposed habitable rooms so as to benefit from sunlight for a good part of the day. Habitable rooms have a 20% minimum area of glazing as required under the London Design Guide and in accordance with Islington's design standards. Large areas of glazing are provided to the east and west elevations ensuring there is direct sunlight during the morning and afternoon.
- 10.37 ADF details evidence submitted indicates that the ground floor kitchen dining area passes the minimum 1.5% ADF factor and accords with the minimum 2% standard for bedrooms at the proposed first floor level within the scheme. The proposed second floor roof level would have adequate access to daylight and outlook overall. Therefore the proposed residential units are considered to have adequate access to daylight to all their proposed habitable spaces in this case.
- 10.38 In relation to the properties to the rear along Upper Street, the Daylight and Sunlight report shows that 25 degree lines can be drawn from all known rear windows of units 70-74 Upper Street, and considers that the proposal has been designed so that the massing of the development does not bisect these planes and so ensure that there will be no significant loss of light to neighbouring properties. The report also considers that the windows to the Hilton Hotel, to the west, are sufficiently elevated as not to be impacted upon by the proposal.
- 10.39 It should also be noted that, given the siting of the proposed development immediately to the rear of a number of commercial restaurants, there are a large number of flues and air conditioning plants between the Upper Street units and the development site. As with the previously refused scheme occupiers of neighbouring properties in Upper Street, both commercial and residential, have raised various other concerns about living conditions in the proposed flats in relation to issues such as noise, disturbance and odours. This is because most of the neighbouring ground floor units in Upper Street are restaurants, takeaways, bars and clubs. The operating hours of these premises vary but several run into the early hours. As such, due to their proximity to the application site, they have considered that the site is unsuitable for residential properties.
- 10.40 However, in the appeal of this decision it was noted that the area already has a significant number of residential properties, and the commercial operators should in any event be complying with other legislation, in relation to matters such as noise nuisance and licensing for example. Even so, sound insulation measures are required by condition to minimise the effects of external noise inside the flats, including noise transmission from the club premises which adjoin the site's south-east corner. In addition, an Acoustic Report has been included within the application. This report concluded that new development is built to higher standards of acoustic insulation and separation than historic development, even development as old as a five, or ten years ago. Therefore, the potential for nuisance from existing plant to the existing residential units is far in excess of the potential for nuisance to the new development, the subject of this application. Given, this background and that the Acoustic Officer raised no objections, it is considered that there would be no noise implications associated with the proposal.

- 10.41 Notwithstanding this assessment, as described within the Appeal Decision, for the previous scheme one of the taller pipes, to the east of the site and associated with the commercial units, appears to discharge westwards, across the application site. Irrespective of any problems that pipe might cause the visual impact of so much unsightly clutter, as with the previous scheme, especially when seen from the lower level of the bedroom windows, would further detract from the quality of the living environment at the rear of the proposed flats. However, it should be noted that the additional floor would not incorporate any rear facing windows, apart from a single rooflight to each unit. Whilst the proposal would have windows at ground floor they would be positioned below the existing boundary wall. The only elevated windows within the proposal would be at first floor, serving the proposed bedrooms. Each unit would have one smaller window which would be obscurely glazed, and the other larger window having external louvres added, to direct views away from neighbouring properties. Both of these additions are considered to reduce the visual impact of these extraction facilities, for future occupiers, in comparison to the previous scheme.
- 10.42 However, it should be noted these alterations to the rear elevation bedroom windows, at first floor would restrict the outlook from these habitable rooms. In addition, the restricted nature of the site means that outlook from the ground floor windows would be restricted, with the distance between these windows, for Unit 3, and the existing boundary wall, being 1.6m at its closest point. Given that these ground floor windows relate to a kitchen / dining area, with the proposal providing additional internal communal space at second floor level, it is considered that on balance, the proposal would provide acceptable levels of outlook.
- 10.43 The dismissed appeal scheme had bedrooms at ground floor level which are now replaced with a kitchen dining area within this scheme. The dismissed scheme had the main living space at first floor level which is now proposed to be bedrooms. Therefore the current proposed residential layouts are considered to offer a higher quality and generous living environment for prospective occupiers of the units which was not supported by the Inspector on the previous appeal scheme.
- 10.44 Overall, there are a number of concerns in relation to the standard of accommodation of the residential units, the amenity space requirements and the impact of the extraction facilities. However, given the proposal would provide units that would exceed the required floor space requirements, be dual aspect, and a receive good levels of daylight/sunlight from both aspects, together with the restrictions of the application site, on balance, it is considered that the proposal would provide acceptable living conditions for future occupiers. Detailed conditions are suggested to address noise concerns, refuse facilities and construction management practices to control the development of the site and its operation.
- 10.45 The applicant has confirmed that proposed business floorspace accommodation at basement, ground and first floor level would be built to British Standards and to HSE Health and Safety requirements. Whilst the ground floor would house the commercial refuse storage, and plant equipment, the first floor accommodation would benefit from a window to the front elevation and three rooflights, and the basement level benefitting from both rear and front lightwells to provide daylight/sunlight to future occupiers.

## **Basement Development**

10.46 The proposal will also include the provision of a basement under the footprint of the proposed building and within the application site. The basement would be accessed with a separate entrance to the south of the building by a staircase and via a lift. The basement would also house a significant part of the proposed business floorspace, and would benefit from storage for refuse and recycling facilities and a plant room at ground floor level. The basement would benefit from front and rear lightwells to provide an external source of daylight. The Basement SPD sets out the relevant guidelines for commercial and mixed-use developments in paragraphs 7.1.16 and 7.1.17.

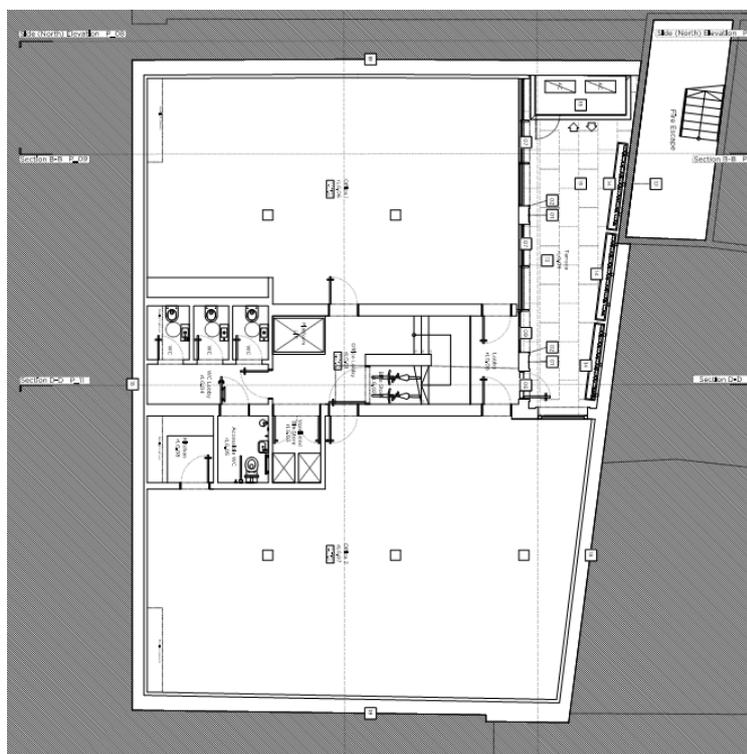
10.47 Paragraph 7.1.16 of the SPD sets out:

*'On commercial and mixed use redevelopment schemes with proposed basements, the extent of basement development should be commensurate to the site context and building design. Sites within commercial areas such as the Central Activities Zone often contain buildings built to boundary. Any basement component of the scheme should be designed to avoid adverse impacts to sensitive sites, building, trees and other structures that may be affected by the construction of the proposed development. Areas of landscaping proposed should be designed as deep soil landscaping with natural drainage and no basement or other impermeable structure underneath'.*

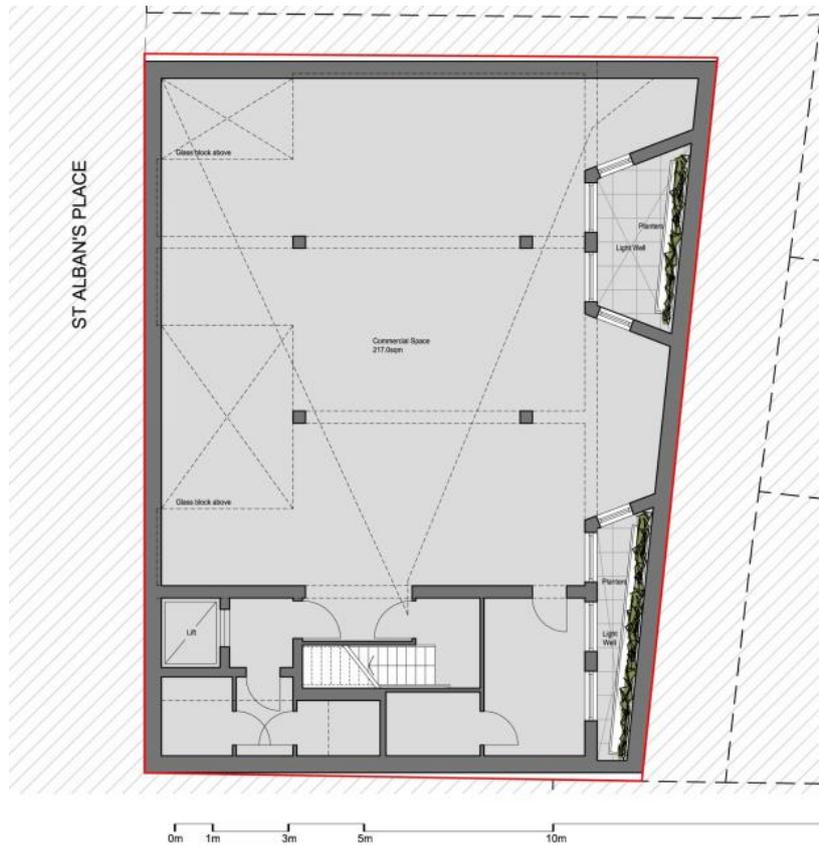
10.48 Paragraph 7.1.17 sets out:

*'In order to ensure consistency and safeguard against potential adverse impacts, commercial and other redevelopment sites must take into account and respond to the issues covered by this guidance and submit the appropriate documentation required in support of any planning application'.*

10.49 A comparison between the extent of the proposed basement excavation on the appeal scheme (ref. P2014/4396/FUL) and the latest application can be made between the images below.



Extent of proposed basement on appeal scheme (ref. P2014/4396/FUL)



Extent of proposed basement within the current submission before members.

- 10.50 Given the site being within the Central Activities Zone, the extent and depth of the basement excavation within this application is considered to remain proportionate, subordinate to the above ground building element, and to would not have an adverse impact on the character of its surroundings. The extent and depth of the proposed basement excavation accords with the relevant guidelines for commercial and mixed use developments in the Basement Development SPD and is acceptable in this regard.
- 10.51 Paragraph 7.2.2 states that ‘basements should generally not exceed 1 storey in depth, and not exceed 3m floor to ceiling height’. The depth of the basement level would be 1 storey, with a floor to ceiling height of 2.5m, which would be the same as those on the floors above. It considered that the depth of the proposed basement would be acceptable.
- 10.52 A Basement Structural Method Statement has been submitted by a Chartered Structural Engineer which concludes that the construction of the basement is feasible and will not have an adverse impact on flooding, surface water flow, ground water flow, ground stability, or adjacent structures. It also concludes that a safe method and sequence of construction utilising bored poles and trial pits has been identified.
- 10.53 The amenity impact of the development in relation to the operation and construction of the proposed basement extension, including noise, air quality and vibration control would be subject to control by the submission of a Construction Management Plan (CMP) prior to the commencement of the development in accordance with the Basement SPD. It is therefore considered that the proposed basement level accommodation would accord with the requirements of the Basement SPD.

## **Inclusive Design**

- 10.54 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.
- 10.55 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26<sup>th</sup> 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.
- 10.56 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. 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 London Plan 2016, requires that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 10.57 It is acknowledged that the proposal would not include wheelchair accessible residential units, given that they would be split between 3 floors, with the upper floors accessible by a staircase only. Notwithstanding this aspect, it is considered the general layout of the units would generally comply with the advice provided within the Inclusive Design SPD. In addition, the applicant has demonstrated a location where a lift could be installed at a later date.
- 10.58 A condition has been attached to ensure that the proposal would achieve the Inclusive Design SPD standards. The proposal is therefore considered acceptable and the units would generally conform to accessible standards set within the Supplementary Design Guide (Inclusive Design) and would be compliant with Policy DM 2.2 (Inclusive Design) of the Development Management Plan 2013.

## **Neighbouring Amenity:**

- 10.59 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 10.60 Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

### Daylight/Sunlight:

- 10.61 The loss of daylight can be assessed by calculating the Vertical Sky Component (VSC) which measures the daylight at the external face of the building. Access to daylight is considered to be acceptable when windows receive at least 27% of their VSC value or retain at least 80% of their former value following the implementation of a development. Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.
- 10.62 All the surrounding properties have been tested to ascertain the potential loss of daylight and sunlight as a result of the proposed development. The closest neighbouring properties are found to the north, east and south of the site, being the upper floors of nos. 68-74 Upper Street, which would adjoin the site. These properties have windows which directly face towards the existing host property and the proposed building, as such the application would be required to demonstrate that the windows would not suffer any significant loss of daylight or sunlight as a result of the proposed development.
- 10.63 The submitted Daylight and Sunlight Assessment (Rev A) has identified that No.74 which is immediately north of the development site has the greatest potential to be impacted upon from loss of sunlight/daylight by the proposed development. The property is 4-storey fronting Upper Street with a two storey flat roof rear building that runs to the back of the plot in line with the western boundary of the development site. The informal terrace area associated with this unit at first floor is located to the north west of the development.

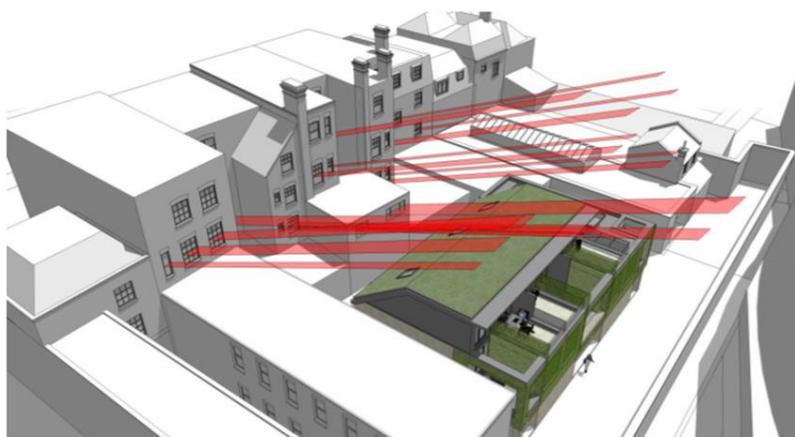


Figure 5 showing how the proposal does not bisect 25° line drawn from windows of neighbouring properties



Image 10: Daylight and Sunlight Impact of the development passing the 25 degree rule.

- 10.64 The impact on no's 71-74 Upper Street, was considered as a group for the purpose of this assessment. These properties are 4-storey fronting Upper Street with lower flat roof projections to the rear. The footprints of these properties fully cover the plot and so there are no external amenity spaces at ground floor. It would appear from a site visit and site photographs that part of the flat roofs to the rear of No. 71 and 73 are used as an informal roof terrace to serve the first floor flats. The submitted sunlight /daylight reports show that there will be no material loss of sunlight and daylight to the rear of this property in this case.
- 10.65 In relation to nos. 69 and 70 Upper Street, given these properties are to the south of the development site, they are considered not to be materially impacted upon with respect to overshadowing by the proposal, which is confirmed within the submitted assessment. The assessment also confirms that the Hilton Hotel to the west would not be impacted in terms of overshadowing or loss of daylight/sunlight.
- 10.66 The submitted Daylight and Sunlight Assessment has also confirmed that the existing windows at the adjacent properties, nos. 70-74 Upper Street, pass the tests in relation to vertical sky component (VSC) and Annual Probable Sunlight Hours (APSH). It is considered that detailed evidence has been submitted which shows that there would be no material loss of sunlight/daylight or any undue overshadowing to adjoining properties as a result of the proposed development in this case.

#### Other amenity impacts

- 10.67 In terms of privacy, the guidance within Policy DM2.1 states there should be a minimum distance of 18 metres between windows of habitable rooms in order to prevent overlooking. The rear elevation of the upper floors (residential) of the properties along Upper Street are set a distance of approximately 10-12 metres away from the proposed building (except for one high level bedroom window in No 72 which is 5.2m away). However these dwellings have rear terraces. In addition the two rear facing first floor windows (serving bedrooms), for each unit, are either obscurely glazed or have louvred fins in order to further prevent overlooking. This distance was also considered acceptable in terms of protecting privacy to neighbouring properties within the Appeal Decision of the previous scheme. The current scheme would include increasing the proposed buildings rear wall 0.3 metres closer to the adjoining rear boundary wall compared to the dismissed appeal scheme. This slight increase is not considered to be excessive bearing in mind the existing built form on site at present. Views from the proposed roof terraces would be possible to the existing windows associated with the hotel, to the west of the site. However, given that this hotel is positioned across a public highway it is considered that it would not constitute an unacceptable loss of privacy, in accordance with the supporting text to policy DM2.1.
- 10.68 It is acknowledged that the proposal would result in increased height and bulk in comparison to the appeal scheme, with the creation of an additional floor of accommodation. This increase in height, by 2.4m, is considered not to result in an overbearing impact on neighbouring properties, given the setbacks and its design, which this additional level covering only a part of the proposed building, and would incorporate a sloped roof away from the nearest residential properties, and the use of terraces to the front elevation.

10.69 Overall, the proposal, in terms of above ground floor level, is not considered to result in any unacceptable impacts on residential amenity in terms of loss of daylight, sunlight, privacy or an unacceptable sense of enclosure. The proposed development would not unacceptably harm the residential amenities enjoyed by the occupiers of neighbouring properties and is in accordance with policy DM2.1 of the Development Management Policies Plan 2013. As such and on balance, it is considered that the scheme has been designed to ensure that it would not have an unacceptable impact on the amenity of neighbouring properties, in terms of any loss of daylight/sunlight, outlook or loss of privacy.

### **Transport**

10.70 Policy DM8.4 states that minor developments creating new residential are required to provide cycle parking in accordance with the minimum standards set out in appendix 6. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. The development will be car free in accordance with policy CS10 of the Core Strategy. The exceptions to this are blue badge holders and Islington residents who have already held a permit for the specified period of one year. A condition to ensure this, is recommended.

10.71 In this instance, 1 cycle space per bedroom (6) should be provided. Cycle storage provision has been incorporated within each unit for two cycles, at ground floor level. It is considered that this provision would be adequate for the residential units.

10.72 For the business floorspace element of the proposal, 1 cycle storage is required for each 250 sqm of floorspace. The total proposed floorspace of this element would exceed this threshold therefore storage for the provision of 1 cycle is required in this instance.

10.73 With regards to the servicing of the business floorspace, whilst this access lane is not ideal, the existing B1 unit on site would have a separate access and therefore it is not considered that a recommendation of refusal in this regard is reasonable as the impact is considered to be no greater than the existing situation on site. The existing roadway adjoining the site is a private road but can be accessed from Upper Street at present. It is not considered that the proposed mixed use development here would require any more servicing and delivery requirements over what has historically existed on site. Therefore officers suggest detailed conditions requiring the submission of a Construction Management Plan to control construction activities and the submission of a delivery and servicing plans to ensure the development manages these aspects of the use into the future to the satisfaction of the council. Subject to these conditions the highways impacts of the development are considered to be acceptable.

### **Small sites (affordable housing) and Crossrail contributions**

10.74 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) "... 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."

10.75 The SPD ‘Affordable Housing Small Sites’ states that in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough. The applicants have submitted a s106 legal agreement to secure the full amount (£150,000) and as such, it is considered that this policy requirement has been satisfied and therefore the proposal is acceptable in this regard.

10.76 Given the site is within the Central Activities Zone, and results in the increase of office floorspace, the requirements of the Crossrail Funding Supplementary Planning Guidance (March 2016) should be considered within its assessment. The SPG states the following:

- *'Planning obligations/S.106 contributions should be sought in respect of retail and hotel and office development in central London and the northern part of the Isle of Dogs, which involves a net increase in office floorspace of more than 500 square metres with contributions proportionate to the calculated impact. This is the form of development that gives rise to the most substantial impact that Crossrail will mitigate'.*
- *'A de minimis threshold excluding development that would result in additional office, retail or hotel floorspace of 500 square metres or less has been set to reflect that developments below this size are unlikely to have crowding impacts sufficient to meet the statutory tests. The benefits of seeking contributions from smaller developments of this scale are likely to be outweighed by the costs of entering into obligations and collecting contributions, and the large number of smaller developments, would make application of a policy of this kind uneconomic to administer'.*

10.77 Given that the proposal would result in less than 500 square metres of additional floorspace, which would not be solely for office accommodation, it is considered that no financial contributions would be required in the funding of Crossrail, and the Mayoral Community Infrastructure Levy in this instance.

### **Sustainability**

10.78 Policy DM7.2 requires developments to achieve best practice energy efficiency standards, in terms of design and specification.

10.79 Minor new-build residential developments of one unit or more are required to achieve an on-site reduction in regulated CO2 emissions of at least 19% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2013 (equivalent to Code for Sustainable Homes level 4), unless it can be demonstrated that such provision is not feasible.

10.80 An Energy and Sustainability statement has been submitted. The document illustrates that the scheme will incorporate a number of sustainability measures including construction details, and the use of photovoltaic panels and a green roof. A condition will ensure the implementation of these measures. In addition a contribution of £1000 per unit towards carbon offsetting is secured through a unilateral legal agreement.

10.81 Policy DM7.4 provides advice in relation to Sustainable design standards. The submitted Energy Strategy report has confirmed that the proposal would be built to achieve best practices and guides for sustainable development. However, a condition has been recommended to ensure compliance to achieve final energy reductions and water usage targets. In addition, conditions relating the submission of a Construction Management Plan and a report to ensure compliance with water efficiency have been recommended. Overall, the proposal is considered to have an acceptable impact in terms of sustainable design.

### **Waste/Recycling**

10.82 The ground floor has a dedicated waste/recycling space for the residential units, positioned internally, and for the business floorspace use, separately to the ground floor element of the proposed building. The Council's Street Environment Services Officer has advised that this provision would be satisfactory.

10.83 It is therefore considered that the proposal would provide adequate waste/recycling provision subject to final waste details and management condition.

10.84 Within the consultation process a number of concerns were raised in relation to the existing situation and the accumulation of waste from illegal fly tipping to the south of the site. Whilst this matter is for the Council's Environmental Services, it is considered that the proposal with both commercial and residential use, would increase the natural surveillance of this area, and discourage this type of activity, within this area immediately adjacent to the entrance to the business floorspace element of the proposal.

### **Security**

10.85 A number of concerns have received in relation to security of the alleyway to the front/west elevation of the proposal. The Secured by Design Officer has considered that the overall design of the proposal would be acceptable from a security perspective. However, he has commented that there were concerns in relation to the shared communal areas to the bin stores. The proposal has been amended to separate the entrances.

10.86 The Secured by Design Officer has confirmed that there are no objections to the recessed entrances to the residential units, given their location, which benefit from natural surveillance from the hotel windows, to the west, which overlook the site, and from natural surveillance from large ground floor windows associated with each residential unit which would mean that hiding from view would be difficult.

10.87 Notwithstanding this advice, the Secured by Design Officer has recommended a condition relating to the installation of controlled access to the end of the alleyway providing access to the site has been recommended to protect both the commercial and residential units from unwanted guests - this could have an intercom for visitors to the commercial or residential units and provide a through the wall type system for the post. However, given that the access is outside the application site, red line boundary, this is not matter that can be controlled by way of condition in this case.

### **Archaeology/Contamination**

10.88 The application site is located within the Islington Village Archaeological Priority Area. Therefore, Part F of Policy DM2.3 is most relevant, which states the following:

*i) The council will ensure the conservation of scheduled monuments and non-designated heritage assets with archaeological interest which are of demonstrably equivalent significance.*

*ii) Archaeological priority areas and scheduled monuments are identified on the Policies Map and in Appendix 7. All planning applications likely to affect important archaeological remains are required to include an Archaeological Assessment.*

*iii) Archaeological remains should be retained in situ. Where this cannot be achieved measures must be taken to mitigate the impact of proposals through archaeological fieldwork to investigate and record remains in advance of works, and subsequent analysis, publication and dissemination of the findings'.*

10.89 As such, the applicant has submitted an Archaeological Overview of the proposed development, which concludes that the proposal would be acceptable subject to a condition relating to further investigation. Historic England confirmed that the proposal would be acceptable subject to a condition. The Council's Acoustic Officer has recommended a condition relating to Land Contamination given the nature of the existing use.

### **Others**

10.90 Within the consultation a number of concerns were raised in relation to the impact of the proposal on the existing fire escape, to the north and east of the site, and along the rear of the properties that front Upper Street. The plans show that this existing side access along the northern side and part of the rear of the building will not be affected by the development. In addition, the details found within the submitted construction management plan, secured by way of condition prior to the commencement of the development, should ensure that the proposed development is undertaken in a manner which does not compromise this access, or result in an unacceptably detrimental impact on neighbouring properties during the construction phase

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 In accordance with the above assessment, it is considered that the proposed demolition of the existing single storey workshop and the construction of a three storey building, with basement level comprising office (Class B1) and 3 x 2 bed residential units (Class C3) on the ground, first and second floors and associated works is acceptable in land use terms, would have an acceptable impact upon the character and appearance of the street scene and wider Conservation Area and will not, on balance, have a detrimental impact upon the amenities of neighbouring properties.

11.2 The proposal would result in a similar level of business floorspace, in comparison to the existing situation and would provide residential units which would have, on balance, acceptable living conditions for future occupiers of both the residential and commercial areas of the proposed scheme.

11.3 The proposed development would not materially harm the amenity levels of adjoining occupiers in terms of any material loss of daylight/sunlight, outlook, enclosure levels, noise pollution or any material loss of privacy or overlooking incidences.

11.4 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Framework and is recommended for approval subject to appropriate conditions and unilateral undertaking.

## **12. Conclusion**

12.1 It is recommended that planning permission be granted subject to conditions and Unilateral Undertaking as set out in Appendix 1 – RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS.

### RECOMMENDATION A

That planning permission be granted subject to the completion of a unilateral section 106 agreement to secure:

- a) A financial contribution of £150,000 towards the provision of off-site affordable housing.
- b) A financial contribution of £3000 towards CO2 off setting.

### RECOMMENDATION B

That the grant of planning permission be subject to conditions:

#### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans List: (Compliance)</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>001; 003; 004; 005; 006; 07/Rev.C;; 08/Rev.D; 09/Rev.E; 010/Rev.F; 011/Rev.C; 012/Rev.D; 013/Rev.D; 014/Rev.E; 015/Rev.D; 019/Rev.A; 018; 002/Rev.A; 017; 021/Rev.B; 024; Archaeological Overview dated August 2016; Daylight and Sunlight Report/Rev.A dated August 2016; Design and Access Statement dated June 2016; Energy and Strategy Report; Noise and Acoustic Nuisance proposals with mitigation methods; Structural Method Statement dated 24/01/2017; Eco Through Floor Lift.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<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 treatment (including sections and reveals);</li><li>c) roofing materials;</li><li>d) balustrading treatment (including sections);</li><li>e) garden fences; and</li></ol>

	<p>f) divisions between terraces.</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>
<b>4</b>	<b>Accessible Homes</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the residential unit 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).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed 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 development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON - To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
<b>5</b>	<b>Cycle parking</b>
	<p>CONDITION The bicycle storage area hereby approved, which shall be covered, secure and provide for no less than 6 bicycle spaces, for the residential units, and 1 bicycle space, for the commercial floorspace, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>6</b>	<b>Car Free Housing</b>
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <p>(1) In the case of disabled persons</p> <p>(2) In the case of units designated in this planning permission as 'non car free';or</p> <p>(3) In the case of the resident who is an existing holder of residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least a year.</p> <p>REASON: To ensure that the development remains car free.</p>
<b>7</b>	<b>Construction Management Plan</b>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Statement shall provide for:</p> <p>i. the parking of vehicles of site operatives and visitors</p>

	<ul style="list-style-type: none"> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>viii. mitigation measures of controlling noise from construction machinery during business hours</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 that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>8</b>	<b>Green Roof details</b>
	<p>CONDITION: Details of the biodiversity green roofs 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:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80- 150mm); and 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. 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>
<b>9</b>	<b>Sound Insulation</b>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)</p> <p>Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour</p> <p>Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance</p>

	<p>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: In order to protect the amenities of neighbouring properties.</p>
<b>10</b>	<b>Sustainable Development</b>
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</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>
<b>11</b>	<b>Contamination</b>
	<p>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: To prevent land contamination or to remedy it.</p>
<b>12</b>	<b>No Plant Equipment</b>
	<p>CONDITION: In the event any external plant equipment is proposed planning permission would be required.</p> <p>REASON: To protect the amenity of neighbouring residential properties.</p>

<b>13</b>	<b>Rooftop Enclosures</b>
	<p>CONDITION: No development shall be carried out until details of the rooftop enclosures/screening and the lift overrun are submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved plans and permanently maintained thereafter.</p> <p>REASON: To ensure the proposal does not have a detrimental impact on the street scene.</p>
<b>14</b>	<b>Lift Shaft Insulation</b>
	<p>CONDITION: Prior to the operation of the lift hereby approved sound insulation shall be installed to the lift shaft sufficient to ensure that the noise level within the adjoining residential flats does not exceed NR25(Leq) 23:00 - 07:00 (bedrooms) and NR30 (Leq. 1hr) 07:00 - 23:00 (living rooms). The sound insulation and noise control measures shall be maintained as such thereafter and no change therefrom shall take place without the prior written knowledge of the Local Planning Authority.</p> <p>REASON: To protect the amenity of adjacent residents.</p>
<b>15</b>	<b>Delivery and servicing plan details</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</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>
<b>16</b>	<b>Waste facilities</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to</p>
<b>17</b>	<b>Bike storage facilities</b>
	<p>CONDITION: The bicycle storage area(s) shown on approved plans shall be fitted out with cycle storage for and provide for no less than 6 bicycle spaces for the residential aspect of the development and 1 disability tricycle space for the commercial aspect of the development 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>

**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<b>2</b>	<b>CIL Informative (Granted)</b>
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <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 payable on commencement of the development.</p> <p>Further information and all CIL forms are available 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> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
<b>3</b>	<p><b>SECTION 106 AGREEMENT:</b> You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
	<p><b>DEFINITIONS:</b> (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>4</b>	<p><b>CAR-FREE DEVELOPMENT:</b> All new developments are car free. 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>

## APPENDIX 2: RELEVANT POLICIES

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

### 1 National Guidance

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

### 2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

#### A) **The London Plan 2016 - Spatial Development Strategy for Greater London**

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 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

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

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

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

##### Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM3.1 Housing Mix

DM3.4 Housing Standards

DM3.5 Private Amenity Space

##### Employment

DM5.1 New business floorspace

DM5.4 Size and affordability of workspace

##### Health and Open Space

DM6.3 Protecting open space

DM6.5 Landscaping, trees and biodiversity

##### Sustainable Design

DM7.1 Sustainable design and construction

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

##### Energy and Environmental Standards

DM8.4 Walking & Cycling

DM8.6 Delivery & Servicing

##### Infrastructure and implementation

DM9.2 Planning obligations

## **M,,5.Designations**

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

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

The following SPGs and/or SPDs are relevant:

- |  |                         |
|--|-------------------------|
| Islington Local Development Plan                   | London Plan             |
| - Conservation Area Design Guidelines (2002)       | - Crossrail Funding SPG |
| - Urban Design Guide (2017)                        |                         |
| - Angel Conservation Area Design Guidelines        |                         |
| - Inclusive Design SPD                             |                         |
| - Affordable Housing Small Sites Contributions SPD |                         |
| - Basement SPD                                     |                         |
| - Planning Obligations (S106) SPD                  |                         |

### **Appendix 3: Appeal Decision of application P2014/4396/FUL dismissed**

---

## Appeal Decision

Site visit made on 4 February 2016

**by Jane Miles BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 09 March 2016**

---

**Appeal Ref: APP/V5570/W/15/3136930**

**The Alban Building, St Albans Place, London N1 0NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Grays Road Investments Limited against the decision of the Council of the London Borough of Islington.
  - The application ref: P2014/4396/FUL, dated 23 October 2014, was refused by notice dated 9 June 2015.
  - The development proposed is "Demolition of existing single storey workshop and the construction of a three storey building (Basement, ground and one upper floor) comprising office (Class B1) floorspace over lower ground floor and 4 x 2 bed duplex residential apartments (Class C3) on the ground and first floor and associated works".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council's refusal relates to amended plans, submitted during the application process. I have determined the appeal on the basis of those amended plans.
3. A copy of the unilateral undertaking completed during the application process has been included in the appeal documentation. It includes planning obligations providing for contributions towards affordable housing and carbon offsetting, and I refer to it again at the end of this decision.

### Reasons

#### *Main issues*

4. The appeal site fronts onto a narrow alleyway which runs roughly south from St Albans Place. It is behind properties fronting onto Upper Street, is within the Angel Town Centre, the Central Activities Zone and the Angel & Upper Street Conservation Area (CA). The Council acknowledges the existing building detracts from the character and appearance of the CA (a designated heritage asset) and that, in terms of design and appearance, the proposed building would be an improvement on the existing one. I agree, and find the appeal scheme would not harm the character, appearance or significance of the CA.
  5. In the light of the above matters and having regard to the Council's refusal reasons there are three main issues in this case:
-

- the adequacy of the living environment that would be created for future occupiers of the proposed flats;
- the effects of the proposals on living conditions at neighbouring residential properties;
- the effects of the proposals in relation to the supply of office/business (Class B1 use) floorspace.

*Living environment for future occupiers*

6. The appeal site is the existing and slightly irregularly-shaped building, with no associated external space inside the site edged red on the submitted site plan. The building sits behind the taller properties fronting onto Upper Street (to the east) which mainly comprise commercial units at ground floor level with flats above. Rear windows in the flats and various external roof terraces in close proximity allow for direct overlooking of the existing building. On the opposite (western) side the building abuts the narrow and roughly surfaced alleyway which appears to have various functions including vehicle parking, storage of refuse bins and means of escape from buildings fronting onto Upper Street.
7. The proposed replacement building would be rectangular in shape, leaving a narrow external space between it and the boundary with the Upper Street properties, diminishing in width to little more than 1m at the southern end and enclosed all along the eastern side by a boundary wall. Thus outlook from the proposed flats' ground and first floor rear windows would be limited and the proximity to existing residential windows and terraces could potentially result in mutual overlooking and loss of privacy for both existing residents and future occupiers of the proposed flats.
8. To address concerns about privacy, and at the officers' request, the appeal scheme was amended by removing rear balconies to the flats and introducing both obscure glazing (to a height of 1.9m) and louvered fins to the first floor rear windows of all four flats. Such measures would adequately deal with privacy issues for residents inside the proposed flats, but they would also further restrict outlook from the rear of the main living areas. That would not necessarily be critical if a good quality alternative outlook was available but, in this case, the outlook to the front would be primarily onto the blank expanses of walls around the tall Hilton Hotel building to the west, again in close proximity, with the main bulk of the hotel beyond rising above the walls.
9. At ground floor level the outlook from the front bedroom windows would be across the alleyway to the tall blank wall opposite, barely 6m away. In practice even that limited outlook may contribute little to a pleasant living environment, despite the generously sized windows. That is because, given their close proximity to the alleyway, it seems more likely than not that future occupiers would need to keep blinds or curtains closed to provide some privacy in those rooms. Thus although each flat would be dual aspect in having windows to front and rear, neither of those aspects would provide a good outlook, especially at ground floor level. I find therefore that the scheme would not achieve either high quality design or a good standard of amenity in terms of the living environment that would be created.
10. Occupiers of neighbouring properties in Upper Street, both commercial and residential, have raised various other concerns about living conditions in the proposed flats in relation to issues such as noise, disturbance and odours. This is because most of the neighbouring ground floor units in Upper Street are

restaurants, takeaways, bars and clubs. The operating hours of these premises vary but several run into the early hours.

11. It is suggested that the various effects of these existing uses make the appeal site unsuitable for residential properties. However, as the appellant has pointed out, the area already has a significant number of such properties. Moreover, and not least due to the proximity of existing residential units, the commercial operators should in any event be complying with other legislation, in relation to matters such as noise nuisance and licensing for example. The addition of four flats as proposed would not alter the operators' responsibilities in such respects nor should it, in this high density city location, increase the likelihood of complaints about existing businesses.
12. I note concerns expressed in neighbouring occupiers' responses to the appeal about the adequacy of the noise survey undertaken for the appellant at a time of year that neighbours have described as particularly quiet. Even so, sound insulation measures could be required by condition to minimise the effects of external noise inside the flats, including noise transmission from the club premises which adjoin the site's south-east corner.
13. I was however able to see during my visit that a considerable quantity of extract, ventilation, air conditioning and similar equipment at the rear of the Upper Street buildings is positioned at or above a level equivalent to the eaves of the existing building on the appeal site. One of the taller pipes appears to discharge westwards, across the appeal site. Irrespective of any problems that pipe might cause the visual impact of so much unsightly clutter, especially when seen from the lower level of the bedroom windows, would further detract from the quality of the living environment at the rear of the proposed flats. At the front, use of the alleyway by several of the Upper Street commercial units for refuse storage (including empty bottles) and the associated noise and movement of bins<sup>1</sup> would also have a negative impact on living conditions, most notably at ground floor level.
14. I have borne in mind the need to take a flexible approach in assessing proposals for residential development in high density areas such as this; that relevant space standards would be met; that light levels in the flats should be adequate, on the basis of the submitted daylight and sunlight assessment. I note also that planning officers found the scheme would provide an acceptable standard of accommodation, albeit that finding was made 'on balance'.
15. In any event, for the reasons set out above, overall on this issue I find that the scheme would not provide a good living environment for future occupiers, nor amount to good design. It would conflict in this respect with CS<sup>2</sup> Policy CS 12, with DMP<sup>3</sup> Policies DM2.1 and DM3.4 and with Policy 3.5 of The London Plan 2015. It would also conflict with a core planning principle in the *National Planning Policy Framework* which expects high quality design and a good standard of amenity to be secured for all existing and future occupants of land and buildings.

---

<sup>1</sup> Which, as I understand it, have to be taken past the appeal site and around to Upper Street for collection, as would refuse from the proposed development, because the archway over the vehicular access from Upper Street into St Albans Place precludes access by larger vehicles

<sup>2</sup> In full, Islington's Core Strategy (2011)

<sup>3</sup> In full, Islington's Local Plan: Development Management Policies (2013)

*Living conditions at existing residential properties*

16. The Council's concerns about the impact of the proposed redevelopment on existing residential occupiers' living conditions relate primarily to effects on outlook and an increased sense of enclosure. In this respect the height of the main building would exceed the ridge line of the existing building by only a very modest amount, but the flat rather than pitched roof form would result in increased building mass closer to the existing first floor flats in Upper Street. Screen fencing to create roof terrace areas for each flat (in pairs) would add another 1.8m in height, but the two enclosures would be set in from the edges of the building with gaps between and to the sides.
17. Any impact on outlook from existing flats would be greatest in rear facing habitable rooms<sup>4</sup> at first floor level. Separation distances from windows in those rooms would be around 10-12m (apart from one high level bedroom window in no. 72). Although the Council cites the supporting text to DMP Policy DM2.1, which refers (at paragraph 2.14) to a minimum distance of 18m between windows of habitable rooms, it is clear from that text that such separation is intended to protect privacy. However factors such as building height, form and design will be at least as relevant in relation to outlook and any sense of enclosure.
18. In this case the basic building form would be simple and no taller than the rearmost and adjacent two storey rear element of no. 74. The expanses of first floor windows, set back behind the louvred fins, (and similarly-sized windows below) would effectively break up the building mass in visual terms. Thus the part of the proposed building in direct line of sight from the existing first floor flats would not have a notably solid or oppressive appearance. Therefore, despite the limited separation distances, I find no sufficiently compelling grounds to conclude that the appeal scheme would cause unacceptable harm to the outlook from existing flats.
19. Neighbouring occupiers' responses indicate they are also concerned about various other matters, most notably loss of privacy and loss of light. However, the particular features included in the scheme to protect privacy within the new flats would also serve the same purpose in relation to the existing flats. Anyone using any existing roof terrace area would, at present, be on view from other roof terraces, from upper floor windows in the Upper Street flats and/or from windows in the Hilton Hotel. The screened roof terrace areas on top of the proposed building would not change that situation for the worse to any significant degree.
20. I note concerns about the results of the appellant's daylight and sunlight assessment in relation to the existing flats, given that it appears no access to those flats was requested. Even so, having had the opportunity during my site visits to assess the situation from two of the existing flats and their roof terraces, I find that the orientation and nature of existing buildings and the positions of habitable room windows are such that the proposed building would not diminish light levels to any harmful degree.
21. On this issue therefore I conclude the proposal would not result in material harm to living conditions at existing residential properties. In this respect there would be no material conflict with CS Policy CS12 or DMP Policy DM2.1.

---

<sup>4</sup> Bathrooms are not normally classed as habitable rooms in this context

Appeal Decision APP/V5570/W/15/3136930

---

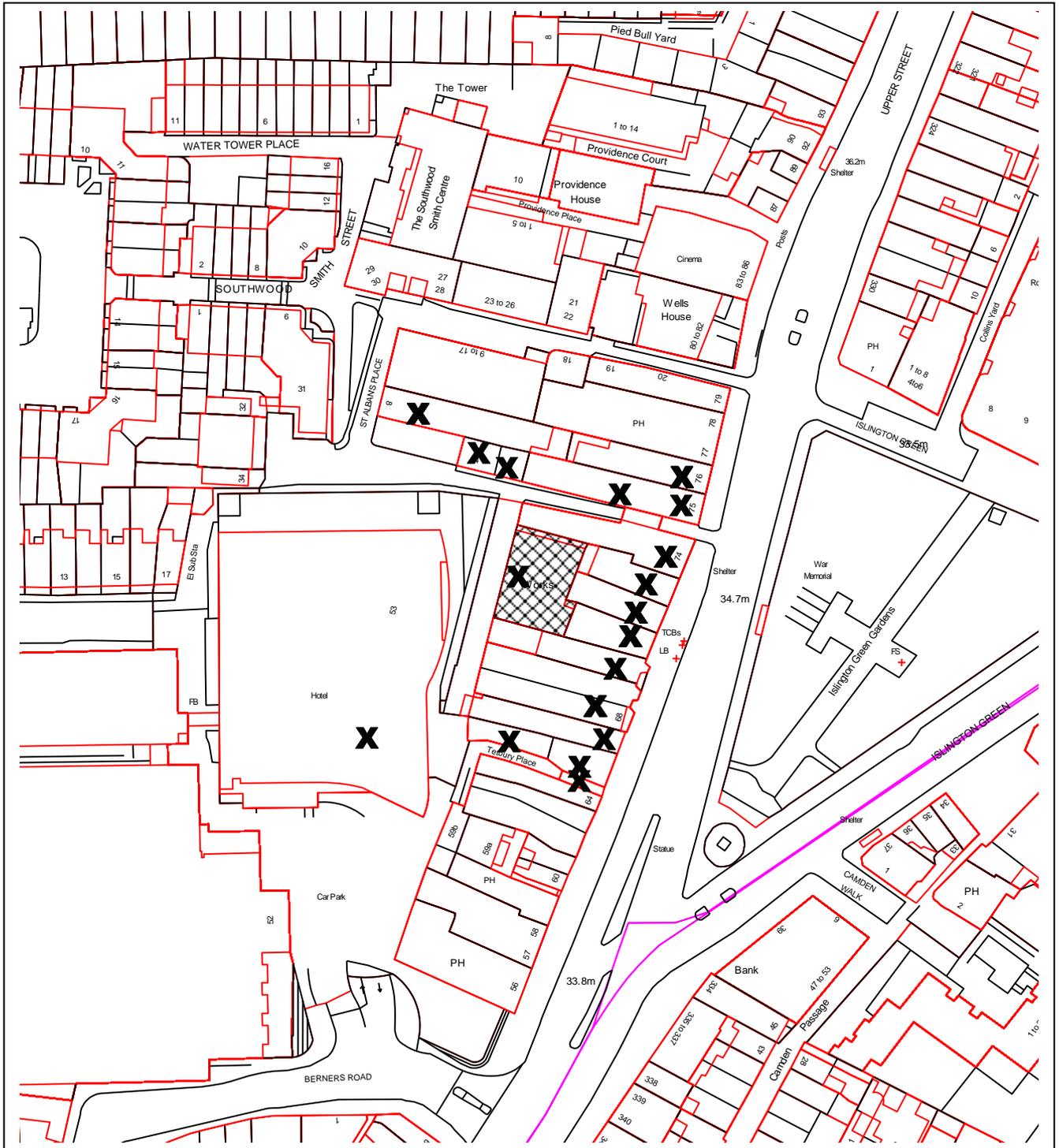
not achieve the high quality design, high quality homes and good standard of amenity that are all important elements of achieving sustainable development.

28. Consequently, even though the appeal scheme would achieve some benefits in line with various development plan policies, by virtue of the conflicts with CS Policy CS 12, DMP Policies DM2.1 and DM3.4 and Policy 3.5 of The London Plan it would not accord with the development plan. Neither my conclusions on the second and third main issues nor any other material considerations are so significant as to indicate that planning permission should be granted. Overall therefore I conclude the appeal must fail. As the obligations in the submitted unilateral undertaking have no bearing on this conclusion there is no need to assess whether they meet the necessary tests.

*Jane Miles*

INSPECTOR

# Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.  
P2016/2659/FUL

This page is intentionally left blank