



**Resources Department  
Town Hall, Upper Street, London, N1 2UD**

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## AGENDA FOR THE PLANNING COMMITTEE

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Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber, Town Hall, Upper Street, N1 2UD - Islington Town Hall on **8 November 2018 at 7.30 pm.**

**Lesley Seary  
Chief Executive**

Enquiries to : Zoe Lewis  
Tel : 020 7527 3486  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 31 October 2018


### **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 Poyser	- Hillrise;
Councillor Picknell (Vice-Chair)	- St Mary's;	Councillor Williamson	- Tollington;
Councillor Kay (Vice-Chair)	- Mildmay;	Councillor Chowdhury	- Barnsbury;
Councillor Convery	- Caledonian;	Councillor Wayne	- Canonbury;
Councillor Graham	- Bunhill;	Councillor Champion	- Barnsbury;
Councillor Khondoker	- Highbury West;	Councillor Webbe	- Bunhill;
Councillor Chapman	- Junction;	Councillor Hamitouche	- Barnsbury;
Councillor Cutler	- St Peter's;	Councillor Lukes	- Highbury East;
Councillor Woolf	- Canonbury;	Councillor Gantly	- Highbury East;
Councillor Nathan	- Clerkenwell;	Councillor Gill	- St George's;

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	
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<b>B. Consideration of Planning Applications</b>	<b>Page</b>
1. Leroy House, 436 Essex Road, London, N1 3QP	7 - 132

2.	Packington Estate: Land bounded by Dame Street, Rheidol Terrace, St Paul Street, Packington Square, Prebend Street, Rector Street, Union Square and Bevan Street, London, N1	133 - 138
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**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 urgent by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**Date of Next Meeting:** Planning Committee, 10 December 2018

**Please note all committee agendas, reports and minutes are available on the council's website: [www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)**

## **PROCEDURES FOR PLANNING COMMITTEE**

### **Planning Committee Membership**

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

### **Order of Agenda**

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

### **Consideration of the Application**

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

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

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

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

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

**For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Zoe Lewis on 020 7527 3486. 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).**

London Borough of Islington

## Planning Committee - 9 October 2018

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 9 October 2018 at 7.30 pm.

**Present:**           **Councillors:** Klute (Chair), Picknell (Vice-Chair), Kay (Vice-Chair), Convery, Graham, Khondoker, Chapman, Cutler, Nathan and Woolf  
**Also Present:**       **Councillors:** Heather and Webbe

### Councillor Martin Klute in the Chair

30       **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.

31       **APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence.

32       **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

33       **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

34       **ORDER OF BUSINESS (Item A5)**

The order of business would be B2 and B1.

35       **MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 10 September 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

36       **240 SEVEN SISTERS ROAD (INCLUDING 240A, 240B AND 240C,) ISLINGTON, LONDON, N4 2HX (Item B1)**

Demolition of existing buildings and redevelopment of the site to provide a building of 8 storeys (ground plus 7 upper storeys) accommodating a 192-bedroom hotel (C1 use), ground floor bar/restaurant (A4/A3 use) together with ancillary hard and soft landscaping, cycle parking, refuse storage, and related works.

(Planning application number: P2017/3429/FUL)

In the discussion the following points were made:

- A ward councillor raised concern that the development of a hotel at the site would mean a lost opportunity in terms of providing affordable housing. The case officer explained that the proximity to the railway line and Seven Sisters Road meant the site was not suitable for housing.
- The planning officer reported that a planning obligation in relation to training and employment opportunities for local people would be added as the applicant had agreed to provide these and for this to be included within the S106 agreement. The applicant would work with Job Centre Plus and the councils' iWork team to provide these.
- The planning officer advised that Condition 4 (o) of the officer report should be reworded to read, "Confirmation that construction traffic is not to attend the site during periods of peak network congestion (7-10am and 4-7pm) unless otherwise agreed by TfL".
- In response to a question from a member, the planning officer stated that he could not say how many jobs would be provided if the development was an office but that the proposed hotel would generate approximately 80 full time equivalent positions.
- A member raised concern as to whether there were enough servicing bays and the planning officer replied that current usage of the bays had been considered and it was anticipated that the bays could accommodate the proposed development. TfL were satisfied with the servicing and delivery plans.
- The planning officer confirmed that the proposed development would be set back from Seven Sisters Road and Isledon Road.
- A member asked whether there would be a designated person responsible for safeguarding and the planning officer stated that this was not one of the recommendations made by the police. The applicants stated they would be willing to have a designated safeguarding person and this could be added to the S106 agreement.
- A member raised concern about the lack of active frontages. The planning officer stated that the bar and restaurant would be separate to the hotel, although it could be operated by the hotel and would make up for the loss of the two cafés/takeaways that had been there and had been bought by the applicant. The hairdressers which had been there had been relocated 50m away at the expense of the applicant. There were two more units which had not been bought by the applicant and would remain. The council had not suggested that the applicant buy these units.
- In response to a member's question about an affordable housing contribution, the planning officer stated that in this case no contribution was required.
- The affordable workspace team had stated that they did not consider the site to be appropriate to provide affordable workspace and so the affordable workspace contribution had been calculated. This figure was just over £946,000. A member suggested that this could be reserved for use in the Finsbury Park area.

- A member raised concern about a potential concentration of budget hotels in the vicinity. The applicant stated that research had shown the hotel would be busy throughout the year.
- In response to a members' concern about the use of the site for a hotel, the planning officer stated that policy referred to concentrations but there was not an overconcentration in this area. There were 1,400 rooms per 500m and at the Angel it was 2,600 rooms per 500m. He stated that this was not the best place for permanent housing and whilst an office use would have been acceptable, it was not being proposed. The site was an acceptable location for a hotel.
- The design of the building was considered.
- The application was policy compliant.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report as amended above; 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 as amended above; and subject to any direction by the Mayor of London to refuse the application or for it to be called in for determination by the Mayor of London.

37

**LASER HOUSE, 132-140 GOSWELL ROAD, LONDON EC1V 7DY (Item B2)**

Partial demolition of rooftop structured and retention of the existing building along with the construction of a three-storey extension (including plant areas) to the existing building and new three-storey infill building to the corner of Goswell Road and Pear Tree Street resulting in a part 3, part 4, part 5, part 6 storey building including internal reconfiguration and refurbishment of the existing facades to provide for 8,146 square metres (GIA) of office floorspace (Use Class B1(a)) including 481 square metres (GIA) of floorspace for small and micro enterprises (SME), and 671 square metres (GIA) of flexible retail/office floorspace (Use Class A1/B1(a)) along with associated access arrangements, cycle parking, refuse storage and ancillary works.

(Planning application number: P2018/1578/FUL)

In the discussion the following points were made:

- The planning officer reported that since the report was published, three additional objections had been received, although these were from people who had already objected. There had also been an objection from Councillor Webbe and 3 further letters of support.
- The planning officer advised that the applicant had agreed to put automated blinds on the windows on the Pear Street elevation and rear elevations fronting Bastwick Street. These would be on a timer and shut between 8pm and 7am. In response to a question from the Chair, the applicant confirmed that this could be 7 days a week.

- The planning officer stated that paragraph 10.71 of the officer report should be amended to state 10 rather than 9 rooms, the figure for Third Floor – W8 in the table in Paragraph 10.68 should refer to a reduction of 22%.
- The planning officer stated that Paragraphs 10.76, 10.86 and 10.88 should be amended to state that the annual and winter probably figures proposed would all meet the BRE tests.
- The planning officer stated that Condition 6 should be removed and would be secured under a legal obligation.
- In response to questions from a member, the planning officer advised that the cycle space provision was now compliant with GLA standards and the proposed materials for the building were included in an approved document.
- In response to a question from a member about affordable workspace, the applicant confirmed that although the scheme had been reduced in size, the affordable workspace had slightly increased. The applicant stated that the scheme was compliant with policy and the scheme was below the threshold size for providing affordable workspace but was still providing it. An affordable housing contribution would also be provided. The previous scheme had a gallery at first floor level but this had been removed prior to committee. In the current application there was a flexible ground floor space that could be used as a gallery.
- Daylight and sunlight was discussed and the planning officer advised that there were three tests assessed under BRE guidance. A transgression across all three was worse than a transgression against just one.
- The application was policy compliant.

Councillor Kay proposed a motion to condition that the automated blinds on the windows looking on to Pear Street and Bastwick Street be shut between 8pm and 7pm 7 days a week. This was seconded by Councillor Chapman and carried.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report as amended above 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 with the points covered in deleted Condition 6 included.

The meeting ended at 9.30 pm

**CHAIR**



**COMMITTEE AGENDA**

**1 Leroy House**  
436 Essex Road  
LONDON  
N1 3QP

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**2 Packington Estate: Land bounded by Dame Street, Rheidol Terrace, St Paul Street, Packington Square, Prebend Street, Rector Street, Union Square and Bevan Street, London, N1**

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**1 Leroy House**  
436 Essex Road  
LONDON  
N1 3QP

**Application Number:** P2017/3081/FUL

**Ward:** Canonbury

**Proposed Development:** Extensions to the existing building, including an additional storey above existing building and part 4-, part 5-storey extension over car park, to provide office, workshop and studio space with an ancillary cafe, together with hard and soft landscaping

PLEASE NOTE You are being reconsulted about the above planning application Due to Additional setting back of upper levels to reduce massing and to increase sunlight/daylight levels to surrounding residential properties (updated Daylight/Sunlight provided), the insertion of a recessed terrace to break up the northern façade together with amendments to various proposed facing materials.

**Application Type:** Full Planning Application

**Case Officer:** Stefan Kukula

**Name of Applicant:** Workspace 14 Ltd.

**Recommendation:**

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**2 Packington Estate: Land bounded by Dame Street, Rheidol Terrace, St Paul Street, Packington Square, Prebend Street, Rector Street, Union Square and Bevan Street, London, N1**

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**Application Number:** P2018/1395/FUL

**Ward:** St. Peters

**Proposed Development:** Stopping up of 1 areas of existing highway under Section 247 of the Planning Act 1990 to enable redevelopment of the Packington Estate (Phase 6).

**Application Type:** Full Planning Application

**Case Officer:** Thomas Broomhall

**Name of Applicant:** c/o Agent

**Recommendation:**

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO: X</b>
<b>Date:</b>	8 <sup>th</sup> November 2018	

Application number	P2017/3081/FUL
Application type	Full Planning Application
Ward	Canonbury
Listed building	opposite Grade II* and II listed buildings
Conservation area	opposite Canonbury Conservation Area
Development Plan Context	Site Allocation OIS3 Employment Growth Area
Licensing Implications	Premises license may be required for ancillary cafe
Site Address	Leroy House, 436 Essex Road, London, N1 3QP
Proposal	Extensions to the existing building, including an additional storey above existing building and part 4-, part 5-storey extension over car park, to provide 1,888sqm of office, workshop and studio space with an ancillary cafe, together with hard and soft landscaping

Case Officer	Stefan Kukula
Applicant	Workspace 14 Ltd
Agent	Lichfields

### 1 RECOMMENDATION

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

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

## 2 DEFERRAL

2.1 In summary the application was deferred at the Planning Committee meeting of 7 November 2017 for the following reasons:

- So that the scheme returns to the Design Review Panel (DRP) for their updated comments in order for Members to understand whether previous concerns of 'aggressive massing' and over dominance raised by the DRP still remained.
- That the Applicant seeks access to the neighbouring Pinnacles building through consulting with residents, to verify the internal room layouts as Members were concerned with the daylight and sunlight impacts and that the applicant's tests were based on assumption of room sizes, estate agent details and the knowledge of applicant's consultant and experience.

2.2 The relevant excerpt of the minutes of the 7 November 2017 Planning Committee is attached as **Appendix 2** to this report. A copy of the previous Planning Committee Report is attached as **Appendix 3**.

## 3 APPLICANT'S RESPONSE

3.1 Following the deferral, the Applicant has sought to review the daylight and sunlight impacts of the development and address the concerns over the massing and over dominance of the proposal. The scheme as presented to Committee on 7 November 2017 was taken back to the DRP on 8 December 2017, along with some provisional potential design amendments prepared by the applicant to further address these issues.

3.2 Following the feedback from the DRP the proposed scheme has been amended to include additional setting back of upper levels in order to reduce massing and to increase sunlight/daylight levels to surrounding residential properties. The amendments also include the insertion of a recessed terrace to break up the northern façade together with amendments to various proposed facing materials. A more detailed description of the schedule of proposed amendments are set out below.

3.3 Summary of Amendments:

- Set-back to the southern building line of the western extension (facing Dove Road) by 1.3m.
- Set back to the south-western corner of the roof-top extension to reduce the massing and increase daylight to flats to the south (Dove Road).
- Removal of the north-eastern section of the roof-top extension (above the projecting part of the existing building) to reduce the prominence of the additional storey in views along Balls Pond Road.
- Introduction of a central recessed terrace within the northern elevation of the roof-top extension to modulate and visually break-up the length of this façade.
- Amendments to the material palette of the scheme, introducing a darker bronze to the roof-top extension to make this element of the scheme more recessive in the context of the existing building.

- Existing windows to be painted bronze to match the roof-top extension.
- Glass to glass connection proposed between ground and first floors within the western extension, to create a perceived double height storey.

3.4 Minor internal layout changes have also been incorporated to ensure that the scheme is compliant with inclusive design standards. This includes the introduction of accessible WCs in all communal spaces and on each floor; a scooter store and charging point in the entrance lobby; a unisex accessible shower by the ground floor cycle store, and; a passing point for wheelchair users on the fifth floor.

3.5 The floorspace schedule has been amended as follows:

	Existing	Proposed	Net additional
GEA (sqm)	6,434	8,518	+ 2,084
GIA (sqm)	6,067	7,955	+ 1,888
NIA (sqm)	4,168	5,471	+ 1,303
Total no. of units	76	101	+ 25



Deferred Scheme (August) - View along St Paul's Road looking East



Amended Scheme (Current) - View along St Paul's Road looking East

- 3.6 Following the review of the design proposal and the resulting amendments the applicant has undertaken a revised daylight amenities analysis of The Pinnacles building, in order to address the concerns raised by Members. According to the supporting summary document (Daylight amenity to The Pinnacles building: Non-Technical Summary, 7 March 2018) the applicant wrote to all residents of The Pinnacles building on Dove Road to offer the opportunity to meet and present the amended proposals, discuss any queries, and if possible access their property to confirm the internal layouts and verify the impact to daylight arising from the proposed development. Access was granted to two flats: Flat 16 on the third floor, to the west of The Pinnacles with a limited view of the development site, and; Flat 8 on the first floor in a relatively central position in the Pinnacles, directly overlooking the development site. The applicant's statement sets out that interior finishes and layouts of these flats were clarified and a light meter was used to take comparative daylight (Lux) readings within the flats.
- 3.7 The analysis was undertaken using the guidance within the British Research Establishment Report 209 "Site Layout Planning for daylight and sunlight: a guide to good practice (2011) ('BRE Report'). The applicant sets out that with the revised proposal in place, the scheme would demonstrate an increase in compliance over the August 2017 application proposal.
- 3.8 In addition, applicant's lighting consultant (GL Hearn) undertook analysis following the guidance contained within the Chartered Institution of Building Services Engineers (CIBSE) document LG10. Using this alternative method of assessment, the applicant argues that the revised Daylight and Sunlight Assessment demonstrates that when comparing the current and proposed daylight conditions there will be some variation in the current amenity but that the levels retained are consistent with British Standard and CIBSE guidance. In summary the supporting statement sets out that small variations, both positive and negative, can be seen between the existing and proposed Lux values with all flats retaining average Lux levels between 100 and 300 Lux.

## 4 CONSULTATION

### Public Consultation

- 4.1 A formal re-consultation on the amendments to the scheme was undertaken. All of the people who had been notified previously or made representations have been re-notified. A total of 435 letters were sent to occupants of adjoining and nearby properties on 03/05/2018, and a site notice were erected near the site on the same day.
- 4.2 Additionally, the application was advertised in the press. The public consultation period ended on 31/05/2018. In practice, representations have been received continually during the lifetime of the application. It is the Council's practice to continue to accept representations until the decision date.
- 4.3 The consultation responses received are summarised in the following sections of the report.

### **Public Consultation**

- 4.4 At the time of writing, objections were received from 6 neighbouring occupiers. The issues raised in objections are summarised below (with officer comments in brackets).
- 4.5 The proposed building footprint remains the same filling the car park space which will stop the widening of the Essex Road approach to the junction. *(There are no proposals to widen the road. The application site is identified in the Council's site allocation document as a development site, not for highway land).*
- 4.6 Overbearing, out of character and the additional storey will raise the building higher than the surrounding buildings. *(In terms of height and massing it is considered that the proposed development demonstrates sufficient sensitivity to the site's context, does not represent overdevelopment of the site, and is acceptable in townscape terms. Given the various heights and setbacks proposed, and the shape and setbacks of the existing building, when viewed from the west the extended building would appear as a series of stepped volumes that would both break up this large building's massing, and would give it a grain that would help avoid it appearing unduly bulky).*
- 4.7 Loss of daylight/ overshadowing *(see paragraphs 5.18 to 5.58)*
- 4.8 Affects right to light. *(Rights to Light are a private legal matter, and are not a material planning consideration).*
- 4.9 Harm to the Grade II\* listed St Paul's Church. *(The height of the tallest part of the four/five-storey extension would remain significantly lower than that of St Paul's Church opposite, such that the church would remain the focal point and dominant feature (at least in terms of height) at this important road junction. The extension's height and massing would not unduly compete with, detract from, or undermine the importance of the church. The council's Design and Conservation officer raised no objection to the proposed form, height and massing of the four/five-storey extension).*

- 4.10 Adverse effect on the character and appearance of the conservation area. *(The Canonbury Conservation Area features buildings that have a vertical emphasis – St Paul’s Church spire is one example, while the conservation area’s 18<sup>th</sup> and 19<sup>th</sup> residential properties, are commonly taller than their plot widths, and have windows taller than they are wide. In this context, a strong vertical emphasis to the proposed extension is considered acceptable. The proposed Essex Road elevation is considered to be well-designed, well-proportioned, and appropriate to the proposed use. The proposed entrance would be clear and legible. Leroy House’s existing presence in the townscape at this important road junction would be maintained. The council’s Design and Conservation Officer noted that the proposed four/five-storey extension would be a high quality piece of contemporary architecture and that the additional storey was well-designed and detailed. The additional storey would cause some (less than substantial) harm to the Canonbury Conservation Area which is discussed in paragraph 3.46 of the original committee report. The harm is minimal and the conclusion made was that any harm was outweighed by the public benefit.*
- 4.11 Overlooking/ loss of privacy. *(Windows are also proposed at fourth floor level, although these would be set back from the edge of the site. This was considered in paragraphs 3.97 – 3.103 in the original report. In summary the overlooking concerns raised do not relate to residential distances but to office to residential, and so the potential for harm caused due to loss of privacy is limited. However, Condition 29, requiring the installation of black out blinds to the glazing in the southern elevation of extension on the car park area, is intended to prevent losses of amenity caused by internal illumination and from undue light-spill and overlooking.*
- 4.12 *This new fenestration would certainly introduce opportunities for overlooking from the extension into the windows of the residential units opposite, and this must weigh negatively in the balance of planning considerations, however the weight to be attached to this impact would be limited by the likely hours that the proposed B1 floorspace would be used (although it is noted that these hours would not be controlled), and the fact that this overlooking would occur across a public highway. It is not considered that the impact of the proposed development upon the privacy enjoyed by the occupants of The Pinnacle would be so great as to warrant refusal of planning permission. The potential for overlooking from the south-facing windows of the additional storey (to Canonbury Heights, Arboretum Court and The Pinnacle) is also noted, however for the same reasons, refusal of planning permission is not recommended in relation to these impacts. No usable roof terraces are proposed, and recommended condition 8 prevents the use of the extended building’s roof areas as outdoor amenity or recreational spaces. Recommended condition 16 also restricts the use of the proposed blue and green roofs).*

#### **Statutory, Internal and External Consultation Responses**

- 4.13 Design and Conservation: (commented on 24/9/18) - no objections to the proposed bulk, height and massing and welcome the palette of materials. The amendments since the scheme was presented to the Planning Committee the last time, are welcome. There would be some marginal impact on the setting of the Grade II\* listed St Paul’s Church, which would lead to the lower end of the scale of less than substantial harm to its significance. It is understood that the scheme would involve a series of benefits which likely outweigh this less than substantial harm. The proposed



material palette is of high quality. Therefore, a materials condition in relation to these submitted details/materials would only be required in the event that they might vary in any way. Recommend a condition for the detailing of the recessed brickwork on the Dove Road elevation as well as the detailing and colour of the frames and its contrast with the glass on the Essex Road elevation to ensure the horizontal lines are appropriately/sufficiently read.

- 4.14 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the 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.
- 4.15 Section 72(1) PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 4.16 The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” in both s.66 and s.72 means “doing no harm”.
- 4.17 The decision of the Court of Appeal in Barnwell Manor confirms that the assessment of the degree of harm to the heritage asset is a matter for the planning judgement of the decision-maker.
- 4.18 However, where the decision-maker concludes that there would be some harm to the heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.38(6) PCPA 2004) the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, Barnwell Manor establishes that a finding of harm to a heritage asset is a consideration to which the decision maker must give considerable importance and weight in carrying out the balancing exercise.
- 4.19 There is therefore a “strong presumption” against granting planning permission for development which would harm a heritage asset. In the Forge Field case the High Court explained that the presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 4.20 Officers have been conscious of the statutory presumption in favour of preservation, and this is evidenced in the changes to the design of the proposal which have been required to ensure the development is as sympathetic to the setting of the listed Church and character and appearance of the Conservation Area. Given the separation distances to the Church, and the lower height and increased set-backs, choice of materials and design (featuring a vertical emphasis opposite the Church), any harm is considered to be at the lower end of the scale. As has been highlighted the existing dwellings in the Conservation Area are often taller than they are wide, and have a

vertical emphasis. Officers are of the view that the revised design of the proposal responds to the characteristic in a way which assists in the integration of the extended into its surrounding context.

- 4.21 Paragraph 134 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Officers are conscious of the statutory presumption in favour of preservation, but also acknowledge that the scheme does bring forward benefits, including making better use of a car park site, affordable workspace, improvements to the sustainable credentials of the buildings, additional jobs and enhanced street scape. The benefits are considered to outweigh any harm.
- 4.22 Transport and Highways: no further comments.
- 4.23 Sustainability: no further comments.
- 4.24 Energy: no further comments.
- 4.25 Environmental Pollution, Policy & projects Team: (commented 1/10/2018) – Condition (9) is still recommended, requiring details of measures to minimise the development's future occupiers' exposure to air pollution. Condition (22) is still recommended requiring a Construction Management Plan to mitigate the inevitable disruption due from the demolition and construction works for nearby residents and businesses.
- 4.26 London Fire and Emergency Planning Authority: (commented 21/6/2018) promotes the installation of sprinkler suppression systems.
- 4.27 Historic England (commented 11/05/2018): Do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy and guidance, and on the basis of the council's specialist conservation advice.
- 4.28 Thames Water (commented 21/08/2017) – Recommend condition (28) requiring details of a piling method statement. Developer is responsible for making proper provision for surface water drainage. Applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. Prior approval of Thames Water will be required where surface water discharge to a public sewer is proposed. Detailed drawings required to ascertain whether agreement from Thames Water is needed regarding building over or near to pipes owned by Thames Water. No objection in relation to sewerage and water infrastructure capacity. Informative recommended regarding water pressure.

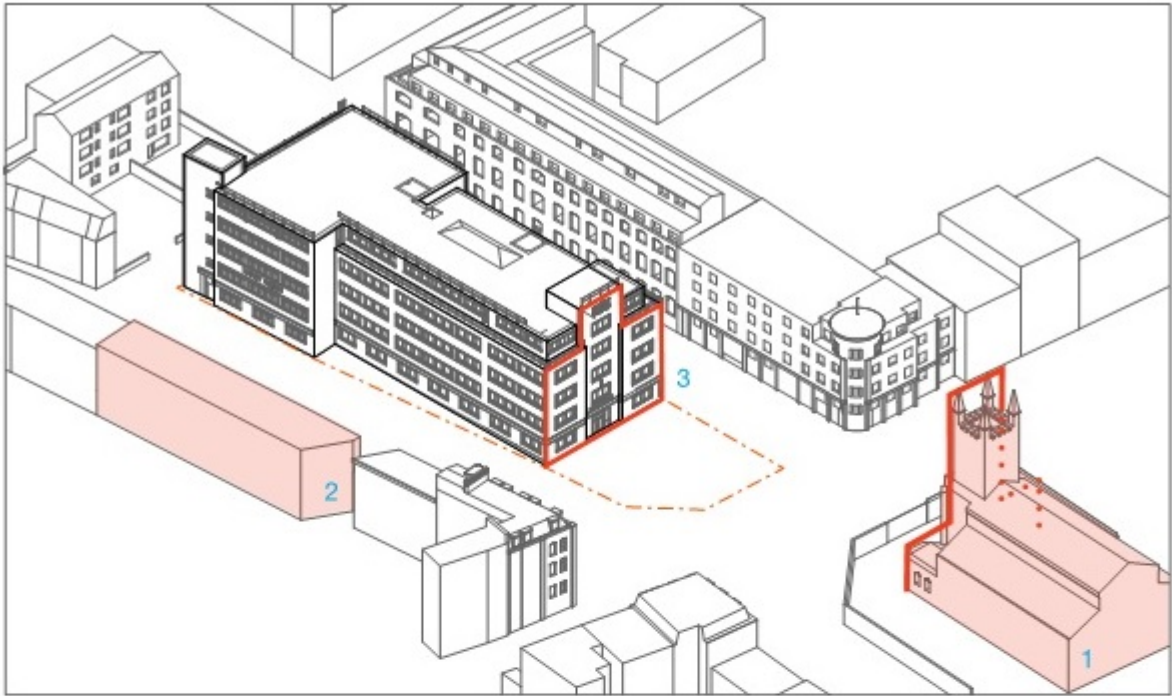
## **5 ASSESSMENT**

- 5.1 The Committee resolved to defer determination of the scheme for 2 reasons, which are discussed below:

*Deferral Reason 1: So that the scheme returns to the Design Review Panel (DRP) for their updated comments in order for Members to understand whether previous*

concerns of 'aggressive massing' and over dominance raised by the DRP still remained.

- 5.2 Following the deferral, the applicant has sought to address the concerns over the massing and over dominance of the proposal. After receiving feedback from the DRP the proposed scheme has been amended to include additional setting back of upper levels in order to reduce massing and to increase sunlight/daylight levels to surrounding residential properties. The amendments also include the insertion of a recessed terrace to break up the northern façade together with amendments to various proposed facing materials.
- 5.3 Design Review Panel (DRP): The application, as presented to Committee on 7 November 2017, was taken back to the DRP on 8 December 2017, along with some provisional potential design amendments prepared by the applicant. The written observations of the DRP are attached at **Appendix 4** of this report.
- 5.4 The Panel welcomed the opportunity to comment on the scheme for a second time and acknowledged subtle, but significant improvements to the design in its evolution since the last review. At the first review, the Panel commended the sophisticated and conceptual response to the site, but raised concerns about the relationship that the new extension would have with St. Paul's Church (Grade II\*) opposite, public realm and detailed design. This included the massing and articulation of the extension to the western end of the existing building.
- 5.5 At the second review the DRP noted that their concerns persisted with regards to the western extension competing with the prominence of the Church. Panel members requested a more detailed contextual analysis and did not consider sufficient justification had been made for the loss of the open (car park) space. It is worth noting that the principle of developing on the car park site is established in planning terms via the site's allocation.
- 5.6 In response to the DRP comments the applicant has prepared an Addendum to the Heritage and Townscape & Visual Impact Assessment (H&TVIA) and the assessment findings have been reviewed in light of the proposed changes to the scheme. The applicant's statement asserts that the scheme proposes a modest increase in scale and massing, the visual effect of which would be minimised through the extensive use of glazing, stepped forms and the set-back to the roof extension. The Design and Access Statement Addendum, April 2018, includes a very detailed contextual impact study which sets out further analysis of the proposals in relation to surrounding heritage assets. Image 1 below, sets out a comparative visual analysis of the proposal in relation to the adjacent listed buildings, including St Pauls Church:



A. Existing view, showing the island site of Leroy House with adjacent listings shaded. The existing western elevation appears to reference the stepped form of St Paul's church opposite, as outlined in red.

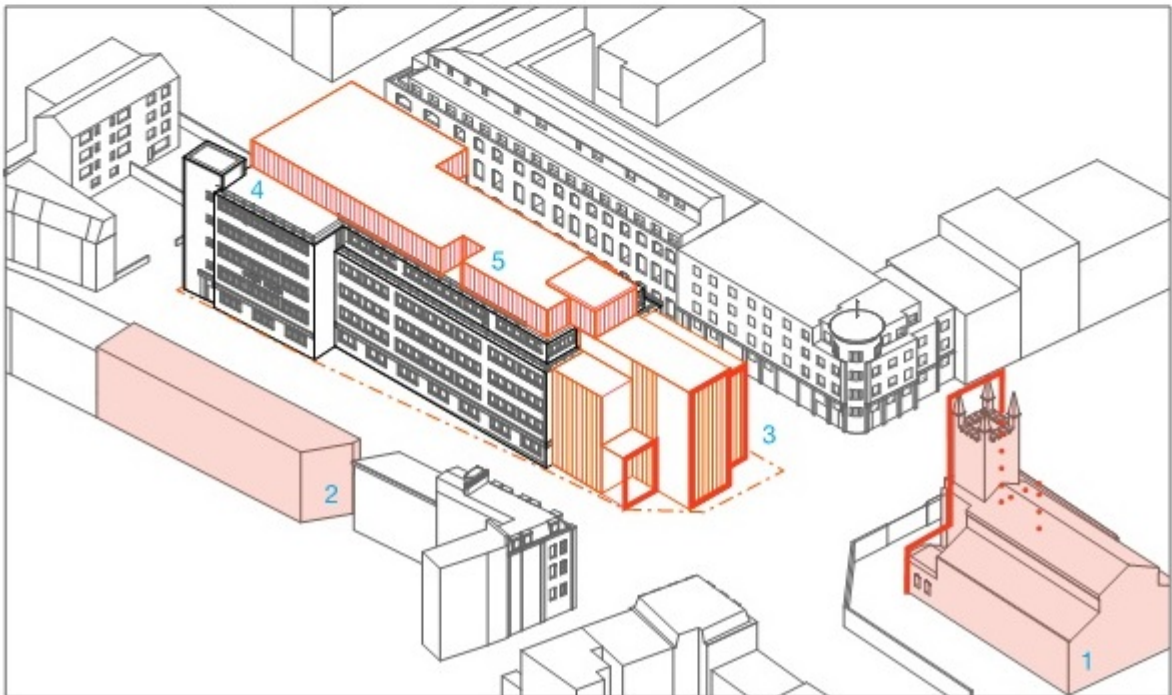


Image 1: Existing and Proposed Views

5.7 Image 1 shows the island site of Leroy House with the adjacent Grade II\* Listed St Paul's Church (1) and Grade II Listed 178-190 Balls Pond Road (2) shaded. The supporting statement advises that the proposed western elevation (3) takes reference from the stepped form of St Paul's church opposite, as outlined in red. Along Balls Pond Road the roof extension steps back from the existing (4), in order to minimise its appearance from the street and the neighbouring listings. The revisions also include

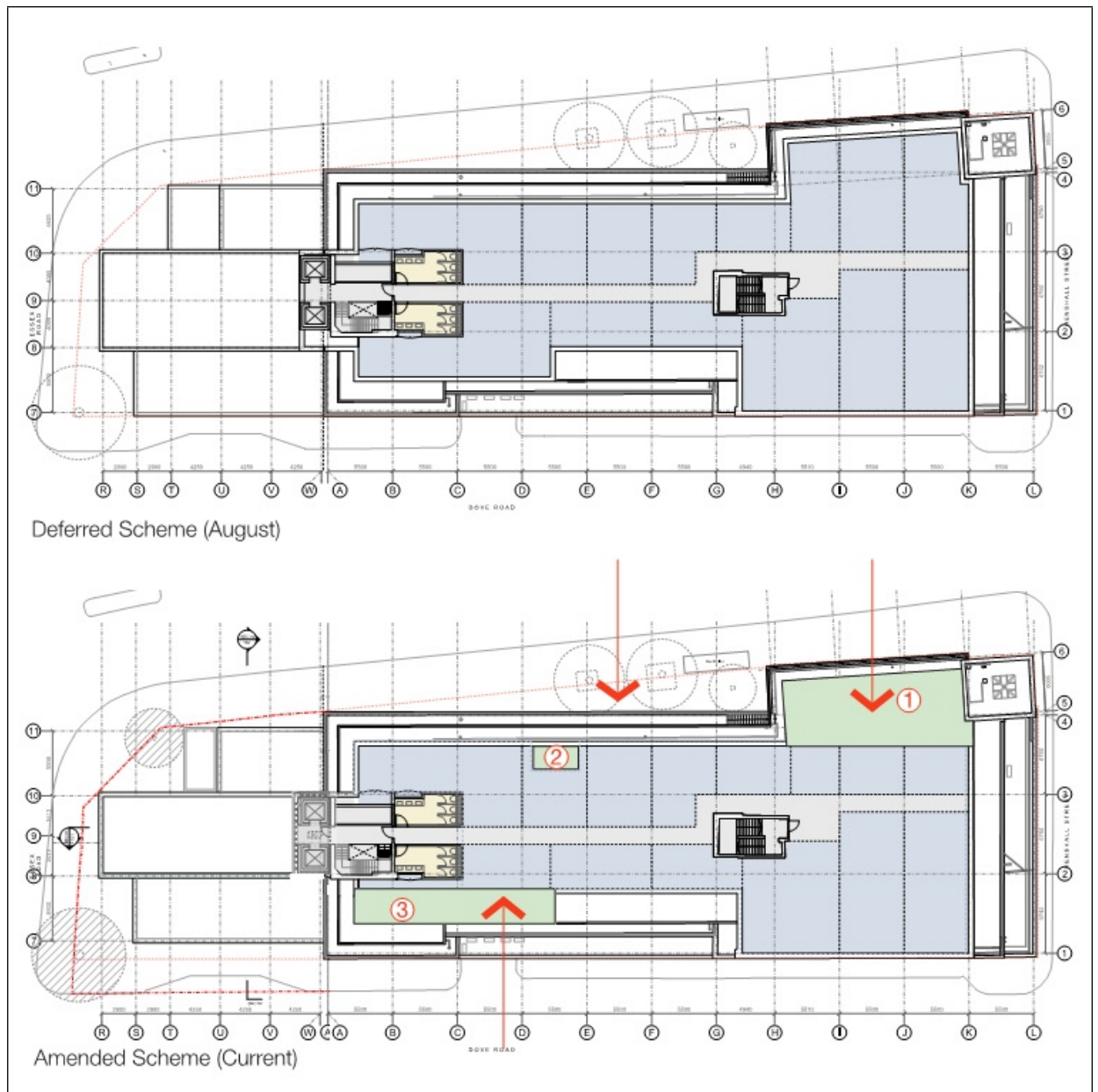
cutbacks in the roof extension (5) in order to break down the volume and add relief to the elevation.

5.8 The southern building line of the western extension facing Dove Road has been set back by 1.3m from the boundary with the footway in order to reduce the massing and prominence and maximise daylight received by the neighbouring The Pinnacles building. In addition, the width of the most westerly section of the proposed extension has also been reduced by 1.3m. It is considered that these amendments have served to reduce the bulk and massing of the proposed extension in comparison to the August 2017 proposal. These measures would also serve to expand the public realm zone by some 25 sqm around the junction of Dove Road and Essex Road, which was welcomed by the DRP, whilst introducing more generous spacing in relation to the setting of the proposed development and the site boundary. In this regard the Panel noted considerable improvements to the public realm aspects of the proposal. A comparison of the reductions to the proposed extension are set out in image 2 below:



*Image 2: Comparison of western extension footprint –Deferred scheme (left), and revised scheme (right)*

5.9 Again, in order to reduce massing and increase daylight to the flats to the south at Dove Road, the south-western corner of the rooftop extension has been set back, as indicated by point (3) in the image below:



*Image 3*

Image 3, above, also demonstrates (1) a set back to the eastern end of the rooftop on Ball Pond Road, and (2) the introduction of a central recessed balcony to modulate the façade length. Overall, the Panel considered that the amendments made to the roof top addition were beneficial.

- 5.10 Moving on to the elevations, some panel members questioned whether the horizontal emphasis introduced to the fenestration was successful, as this is suggestive of a more corporate or commercial character, which did not necessarily fit comfortably with the industrial character of the existing building. The Panel suggested that further work to the fenestration and its secondary design elements (tracery) was therefore necessary, and that alternative approaches might be considered. The Panel felt that this might also help address concerns over the perceived scale of the building in relation to the Church.

5.11 In response to the DRP comments, the amendments to the western façade of the proposed extension are shown together in image 4, below. As mentioned above, the central and southern bays have been pushed north by 1.3m, which is intended to slim both bays and create a more symmetrical western elevation (1). The existing windows in Leroy House would be painted bronze to match the proposed roof extension (2), whereas the fenestration for the more recessive appearance of the roof extension would be darker bronze (3). Point (4) notes a glass to glass connection in the glazing between the ground and first floors creating the perception of a double height storey. Lastly, point (5) indicates additional setbacks to the roof extension in order to reduce overall massing.



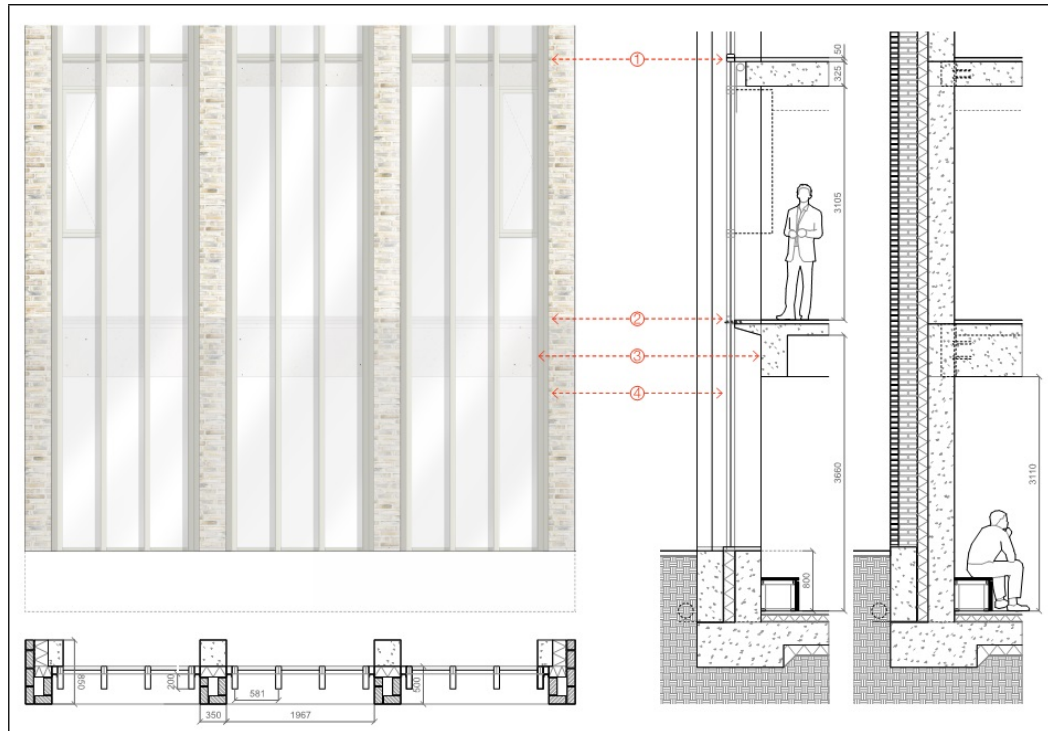
Image 4: Western Façade Elevation

5.12 The Design Statement sets out that the tones have been selected to complement the existing building and that the roof extension component has been updated to a darker bronze to make this element appear more recessive, as detailed in points (2) and (3).

The DRP emphasised the importance of there being a consistency in the colour of the window frames across the existing building and extension and as such the applicant proposes to paint the existing window frames bronze to match the roof top extension. It is considered that the use of the proposed materials would closely align with design advice provided by the DRP. In addition, the Council's Design and Conservation Officer has welcomed the proposed palette of materials, which would provide an elegant finish to the building, with a clear contemporary appearance but which responds well to its context and will sit comfortably alongside the original part of the building. Maintaining a coherent colour scheme for the window frames across the building is also considered to be a welcome move.

- 5.13 Design Review Panel members felt that the ground floor of the western extension appeared to be too squat because it is required to be sunken below ground level; it was suggested that it should read as at least the same height as the upper floors. In response the applicant has introduced a glass to glass connection of the glazing on ground and first floors, with a setback to the first floor slab allowing for a smooth and fully accessible transition which creates the perception of double height storey, as illustrated by point (4) in image 4 above, as well as in more detail in image 5 below. It is anticipated that this would produce a more elegant and spatially generous appearance from the street in accordance with the guidance from the DRP. The Design and Conservation officer also supports this measure and considers that it would give the elevation a better sense of proportion, but also notes that it will be important that the horizontal lines between each floor level above is appropriately/sufficiently read in order to introduce some horizontality to break the strong vertical emphasis of this element of the scheme – this will be secured by condition 3.





*Image 5: Left – Proposed elevation showing the ground floor element of the western extension fronting Essex Road, and right – cross section of the corresponding floor plate*

5.14 The Panel considered that the set-backs to the massing of the roof extension, change in cladding material and articulation and rhythm of the glazing would suitably address previous concerns and make the massing and design of the proposal acceptable (subject to there being no unacceptable impact on Daylight and Sunlight to neighbouring properties). Overall, it was felt that on balance, the cumulative effect of the improvements resulted in a scheme of a sufficiently high quality that could be supported, subject to the further modelling and detailing of the western extension. In this respect, officers consider that the proposed amendments are closely aligned with the recommendations of the DRP. The Panel acknowledged that the loss of the open space at the front of the building and any harm arising to the setting of the heritage assets could be considered to be outweighed by the public benefits of the proposals and were satisfied that their remaining concerns could be dealt with in discussion with officers. Subsequently, the Panel considered that the scheme would not need to return for a third review.

5.15 The Council’s Design and Conservation officer raises no objection to the proposed bulk, height and materials palette and advises that the amendments to the massing have provided a more subservient roof extension. The amendments have generally assisted in minimising the impact on the setting of the nearby heritage assets. The Design and Conservation officer notes that the strong verticality of the elevation fronting Essex Road may compete with the presence of St Paul’s Church and its spire and therefore recognises there is some marginal impact on the setting of the Grade II\* listed church. However, this is considered to be towards the lower end of the scale of less than substantial harm to the Church’s significance and these impacts would be outweighed by the public benefits of proposed development (which would include the

re-use of previously-developed land, the removal of on-site parking spaces, the provision of new B1 employment floorspace, including space suitable for occupation by micro or small enterprises).

- 5.16 Overall, it is considered that the proposed amendments to the scheme have responded successfully to the issues raised by the DRP. The contextual impact analysis offers a more detailed perspective of the relationship between the proposal and its surroundings, including the heritage assets. The remodelling of the western extension and set back to the roof extension have reduced the bulk and massing of the proposed additions without diminishing the design quality of the development.
- 5.17 The council's Design and Conservation officer has raised no objection to the proposed bulk, height and massing and welcomes the amendments and proposed palette of materials.

*Deferral Reason 2: That the applicant seeks access to the neighbouring Pinnacles building through consulting with residents, to verify the internal room layouts as Members were concerned with the daylight and sunlight impacts and that the applicant's tests were based on assumption of room sizes, estate agent details and the knowledge of applicant's consultant and experience.*

- 5.18 The Applicant's initial Daylight and Sunlight Report (GL Hearn, 04/08/2017) notes at paragraph 4.3 that room sizes and layouts (that informed the applicant's analysis) were based on internal arrangement drawings where possible, however where drawings were unavailable the applicant assumed room sizes and layouts based on external observation, estate agent details and the applicant's consultant's knowledge and experience. Members were concerned with the daylight and sunlight impacts, particularly with regards to The Pinnacles building, and that the assessment had been undertaken without verifying the internal room layouts of these properties.
- 5.19 The Applicant has since undertaken an additional daylight amenities analysis of The Pinnacles building to assess the actual likely effects the development would have on the daylight amenity within the building. The Applicant's daylight consultants contacted 13 of the occupants of the Pinnacles building to arrange inspection of all of the potentially affected flats. Two responses were received and inspections of Flat 8 and Flat 16 have been undertaken. This is covered in more detail through paragraphs 5.32 to 5.57 of the report.

Daylight and Sunlight:

- 5.20 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.
- 5.21 BRE Guidelines paragraph 1.1 states: "*People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by*". Paragraph 1.6 states: "*The advice given here is not mandatory and the guide should not be seen*

*as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”.*

Daylight:

- 5.22 The BRE Guidelines stipulate that... “the diffuse daylighting of the existing building may be adversely affected if either:

*the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*

*the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*

- 5.23 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 5.24 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 5.25 At paragraph 2.2.8 the BRE Guidelines state: *“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.*
- 5.26 Paragraph 2.2.11 states: *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 5.27 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special

requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degree. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”*

5.28 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPD states that:

‘Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.

The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.’

Sunlight:

5.29 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

*“If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
- *Receives less than 0.8 times its former sunlight hours during either period and*
- *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

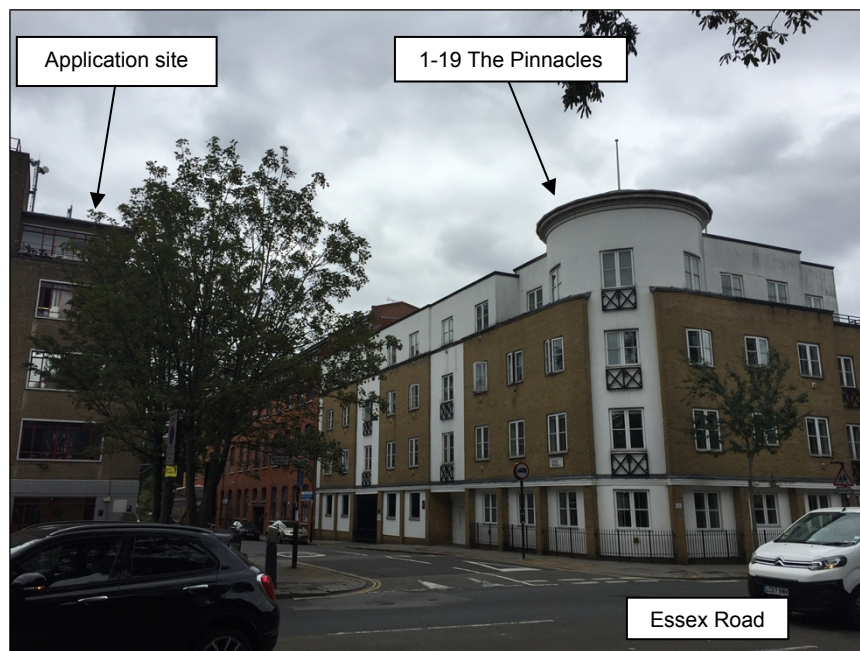
5.30 The BRE Guidelines) state at paragraph 3.16 in relation to orientation: *“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”*

- 5.31 They go on to state (paragraph 3.2.3): “... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.
- 5.32 The applicant tested the properties in The Pinnacles with respect of daylight and sunlight impacts within their consultant GL Hearn: Daylight and Sunlight reports (dated 28 March 2018, and 11 October 2018). It should be noted that those not referenced as BRE compliant are discussed in greater detail in the section below.

### Assessment

#### *1–19 The Pinnacles*

- 5.33 The four-storey residential flatted development known as 1-19 The Pinnacles is located south of the application site (opposite the existing car parking area at the western end of the application site). The Pinnacles has two frontages, facing north towards the application site (across Dove Road) and west towards Essex Road.



*Image 6: The application site (left) and The Pinnacles (right), from Essex Road*



*Image 7: The northern elevation of The Pinnacles from Dove Road*

- 5.34 The application was deferred by Committee on 7 November 2017, as Members were concerned with the daylight and sunlight impacts and that the applicant's tests were based on assumption of room sizes, estate agent details and the knowledge of applicant's consultant and experience. Members sought further clarity and required the applicant to seek access to the neighbouring The Pinnacles building to verify the internal room layouts.
- 5.35 Following the deferral at Committee and comments from the Design Review Panel the design of the proposal has been revised to reduce the massing and increase sunlight/daylight levels to surrounding residential properties. In terms of the amendments effecting The Pinnacles building, a 1.3 metre set-back to the southern building line of the western extension (facing Dove Road) has been incorporated and a set back to the south-western corner of the roof-top extension has been introduced.
- 5.36 Additional daylight light testing of the flats in The Pinnacles has also been undertaken by the applicant. According to the Daylight 'Non-Technical Summary' (GL Hearn, 07/03/2018) the applicant's daylight consultants contacted 13 of the occupants of the Pinnacles building to arrange inspection of all of the potentially affected flats. Two responses were received and inspections of Flat 8 and Flat 16 were undertaken on 24<sup>th</sup> and 26<sup>th</sup> of January 2018 respectively.
- 5.37 The VSC analysis which relates to windows shows that with the revised proposal in place, 24 of the 38 windows would now comply with BRE guidance, demonstrating an increase in comparison to the August 2017 proposal where 16 of the 38 windows were compliant with the guidance.
- 5.38 The applicant sets out that the internal arrangement drawings for The Pinnacles have been obtained and have been partially verified by the internal inspections. This information was then supplemented by examining the approved drawings relating to

planning permission ref: 980134, and then used to undertake the NSL (daylight distribution) analysis in respect of the revised proposal. The NSL test shows that of the 25 rooms tested 4 will fully comply with the BRE guidance by retaining in excess of 0.8 times their existing values. Of the 25 rooms tested 12 are LKDs 4 of which will fully comply with the guidance.

5.39 Table 1 below highlights where there would be transgressions in relation to the BRE standards:

Flat No.	Floor/Room/Window				Vertical Sky Component (VSC)			No Sky Line (Daylight Distribution)		
					Existing (%)	Proposed (%) Target 27% or more	Percentage reduction in VSC (Target less than 20%)	Previous (%)	Proposed (%)	Percentage reduction in Daylight Distribution (Target less than 20%)
<b>1-19 THE PINNACLES</b>										
Flat 1	Ground	R3	W6	Bedroom	23.58	15.45	<b>35%</b>	98	43	<b>57%</b>
	Ground	R4	W10	LKD	30.12	30.12	0%	100	100	0%
			W7	LKD	25.10	17.85	<b>29%</b>			
			W8	LKD	25.68	19.51	<b>25%</b>			
			W9	LKD	33.59	31.12	8%			
Flat 9	First	R1	W1	LKD	21.44	17.88	17%	43	24	<b>46%</b>
	First	R2	W2	Bedroom	23.65	18.49	<b>22%</b>	58	27	<b>55%</b>
Flat 8	First	R3	W3	LKD	26.79	19.32	<b>28%</b>	75	22	<b>71%</b>
	First	R4	W4	Bedroom	28.59	20.37	<b>29%</b>	98	38	<b>62%</b>
	First	R5	W5	Bedroom	29.85	21.45	<b>29%</b>	99	35	<b>65%</b>
Flat 7	First	R6	W6	Bedroom	31.21	23.14	<b>26%</b>	95	59	<b>39%</b>
	First	R7	W7	LKD	32.28	24.80	<b>24%</b>	98	71	<b>28%</b>

Flat 15	Second	R1	W1	LKD	25.08	21.37	15%	44	27	<b>40%</b>
	Second	R2	W2	Bedroom	26.99	21.99	19%	60	30	<b>51%</b>
Flat 14	Second	R3	W3	LKD	29.63	22.85	<b>23%</b>	76	25	<b>67%</b>
	Second	R4	W4	Bedroom	31.19	23.89	<b>24%</b>	98	42	<b>58%</b>
	Second	R5	W5	Bedroom	32.27	24.90	<b>23%</b>	99	38	<b>62%</b>
Flat 13	Second	R6	W6	Bedroom	33.42	26.38	<b>22%</b>	95	59	<b>38%</b>
	Second	R7	W7	LKD	34.33	27.88	19%	97	70	<b>28%</b>
Flat 13	Third	R1	W1	LKD	29.23	24.97	15%	72	51	<b>30%</b>
	Third	R2	W2	Bedroom	30.71	25.59	17%	76	49	<b>36%</b>
Flat 14	Third	R3	W3	LKD	32.61	26.46	19%	84	37	<b>56%</b>
	Third	R4	W4	Bedroom	33.75	27.42	19%	98	56	<b>43%</b>
	Third	R5	W5	Bedroom	34.58	28.33	19%	98	56	<b>44%</b>
Flat 15	Third	R6	W6	Bedroom	35.46	29.62	17%	95	67	<b>30%</b>
	Third	R7	W7	LKD	36.13	30.84	15%	97	68	<b>30%</b>

*Table 1: VSL and NSL transgressions - 1-19 The Pinnacles*

*Vertical Sky Component (VSC) assessment*

5.40 The northern elevation of the ground floor of The Pinnacles includes one residential flat (Flat 1), with a bedroom and lounge/ kitchen/ diner (LKD) facing the application site. The remainder of the ground floor is taken up mostly by an undercroft car parking area. There is a single window (W6) to the ground floor bedroom, and sunlight analysis using the VSC test shows this window would see the largest transgression with a reduction of 35%.

5.41 However, it should be noted that ground floor window W6 is set within a recessed section of the northern elevation of The Pinnacles building, beneath a first floor level overhang. The BRE guidelines acknowledge that these conditions could help to contribute to the VSC and NSL failures and note that a window in this type of arrangement would typically receive less daylight as the low head will serve to reduce the amount of daylight entering and its distribution within the room. In addition, W6 is the only window serving the ground floor bedroom. By comparison the reduction in



VSC to the other windows in Flat 1 (W7, W8 and W9) serving the LKD would be below 30%, which is regarded as a lesser and minor infringement.

- 5.42 The other highlighted transgressions in VSC to the rooms in The Pinnacles building would see reductions of less than 30%, which is considered to be a lesser/minor infringement, particularly given the built up urban setting in which the site is located. These northerly facing rooms currently benefit from a significant amount of uninterrupted sky sight due to the area of open space at the application site, occupied by the car park, which is relatively untypical in an urban setting. Overall, the results show that the VSC reductions have been improved considerably in comparison to the previously refused application in 2016 and the scheme submitted in August 2017, as a result of the amendments to reduce the massing of the western extension and roof extension.

#### *Daylight Distribution/No Sky Line - Assessment*

- 5.43 The main concern in terms of daylight relates to the transgressions in NSL effecting up to 20 of the windows in the northern elevation of The Pinnacles building. Whilst the NSL failures have been reduced in comparison to the earlier schemes, the failures remain. Consideration must therefore be given to this, both in terms of the numbers of rooms adversely affected, and the degree to which each of those rooms would be impacted.
- 5.44 In particular Flat 8, at first floor level, would see NSL reductions of 71% to the LKD (W3), 65% to bedroom R5 (W4), and 62% to bedroom R4 (W5). Flat 14, which occupies the second and third floors has six windows which would be impacted. This includes NSL reductions of 67% to the LKD (W3), 58% to bedroom R4 (W4), and 62% to bedroom R5 (W5) on the second floor. At third floor level, Flat 14 would see NSL reductions of 56% to the LKD (W3), 43% to bedroom R4 (W4) and 44% to bedroom R5 (W5). Flat 9, at first floor level, would see reductions of 46% to the LKD (W1), and 55% to bedroom R2 (W2).
- 5.45 The predicted impacts are acknowledged, however, it is important to note the context of the NSL failures and that there are factors which overly exaggerate the daylight distribution impacts. Firstly, the impacted rooms at The Pinnacles are north facing single aspect dwellings, with deep floor plates. The northerly aspect means little in the way of direct sunlight will reach the windows. The deep floor plates (e.g. 5m or more) mean that it is more difficult for day light to reach all of the room. In addition, the windows serving the rooms are relatively small in size, particularly in comparison to the proportions of the windows at the neighbouring residential accommodation at 8 Dove Road and Canonbury Heights. Consequently, the BRE guidance suggests that for dwellings with small windows and deep rooms, daylight distribution will be intrinsically poorly performing in terms of daylight distribution. Therefore, the results of NSL test in relation to the north facing rooms in The Pinnacles flats will be more severe due to their inherent design, layout and orientation the dwellings.
- 5.46 Secondly, the northern elevation of The Pinnacles building currently receives more light than would normally be expected in a built up area, due to the lack of any buildings on the car park site located opposite. This is particularly apparent when compared to the light that is received by the neighbouring Canonbury Heights and 8

Dove Court buildings, which face towards the flank elevation of Leroy House. As a result, the extent of the NSL reductions at The Pinnacles appear amplified as the unusual open site conditions produce scope for a greater loss and a disproportionate impact.

- 5.47 BRE guidance suggests that, in some scenarios, it may be appropriate to test daylight and sunlight impacts with reference to a hypothetical mirror image of an impacted building. This concept is often referred to as “mirror massing”, and involves an imaginary building of the same height and size, and of an equal distance away from the site’s boundary (or centre line of the street), as the impacted building – this, arguably, represents the massing that might reasonably be found on a development site. The mirror massing concept involves setting the impacts of this hypothetical building as a bar or baseline, and then ascertaining how the impacts of a proposed development would worsen or improve on the hypothetical scenario.
- 5.48 This approach has been included in the applicant’s daylight and sunlight assessment. The mirror massing testing shows that in terms of VSC, the proposal would have less impact than a mirror massing of the Pinnacles building. In terms of Daylight Distribution, in a mirror massing scenario, serious transgression (more than 30% reductions) would drop from 17 of 26 rooms to 6 of 26 rooms. However, this is for demonstrative purposes only and does not form part the results reported. It is important to clarify that the VSC and NSL figures reported here relate to the actual impacts on The Pinnacles flats from the proposed development in relation to the current site conditions – i.e. the open car park.
- 5.49 The redevelopment of the car park site at Leroy House would be acceptable in principle as it is subject to Site Allocation OIS3 for refurbishment/intensification for business space to provide improved quality and quantity of business work spaces for small/micro sized enterprises. However, development of the car park site would clearly impact on the amount of light reaching the northern elevation of The Pinnacles.

*Daylight and sunlight summary – 1-9 The Pinnacles*

- 5.50 The failures in this instance relate to NSL (or daylight distribution) which is a measure of the distribution of diffuse daylight within a room by calculating the area of the ‘working plane’, which can receive a direct view of the sky. Whilst the results indicate the proposed development would have a negative impact on daylight distribution, there are specific factors which should be considered (including the open nature of the car park site; north facing single aspect flats in the Pinnacles, and small windows and deep rooms) which contribute to the extent of the NSL reductions.
- 5.51 It should be noted that the NSL test is just one component of the daylight/ sunlight assessment. Despite the NSL failures the proposal would still pass (or be impacted with only a minor infringement) in terms of the VSC test. The VSC represents the amount of visible sky that can be seen from the mid-point of a window from an overcast sky and gives an indication of the loss of potential daylight reaching the outside of the window. The disparity between the VSC element of the daylight assessment and the transgressions highlighted in the NSL assessment provides further indication that the fundamental design, orientation and internal layout of The Pinnacles flats contributes to the NSL failures.

5.52 Comparison of the revised scheme with the daylight assessment values gained for the scheme refused in 2016 shows that the daylight amenity will be improved by the current proposed development. In addition, comparison with the scheme submitted in August 2017, prior to the current revisions, again shows an improvement in daylight amenity striking the windows of The Pinnacles building. As such the design of the proposal has been successfully evolved to reduce the impact on the amenity of the neighbouring occupiers.

5.53 Having regard to the transgressions it is not considered that the impact to any individual property or group of properties are so significant as to warrant refusal of planning permission. In addition, the impacts from development on daylight should not stand in isolation from other planning policy considerations, but should be weighed with other planning objectives. These include bringing forward a Site Allocation, the re-use of previously-developed land, the removal of on-site parking spaces, the provision of new B1 employment floorspace, including space suitable for occupation by micro or small enterprises. In this context, overall, it is considered that the majority of neighbouring properties would retain adequate levels of amenity in relation to natural light.

*Annual Probable Sunlight Hours (APSH) testing – 1-9 The Pinnacles*

5.54 In accordance with the BRE guidance a sunlight assessment only needed to be carried out for one of the windows at The Pinnacles, as no other windows facing the application site face within 90° of due south. It can be reported that this window passed the annual and winter probable sunlight hours (APSH) tests.

**Other Daylight and Sunlight Impacts**

*8 Dove Road and Canonbury Heights (10-12 Dove Road)*

5.55 In terms of impacts to 8 Dove Road and Canonbury Heights; these have improved following the revisions to the scheme (reduced height, massing and setbacks). The impact on these properties is considered to be acceptable. Where transgressions exist the analysis shows VSC reductions of 21% - 22% only and this small variance is considered acceptable and within the BRE range.

**6 SUMMARY AND CONCLUSION**

6.1 The amended proposal is considered to adequately address the reasons that the scheme was deferred on 7 November 2017. Officers consider that the massing of the proposed additions have been reduced in accordance with the recommendations of the DRP and that the losses of natural light to any individual property or group of properties are not so significant as to warrant refusal of planning permission. Overall, it is considered that the majority of neighbouring properties would retain adequate levels of amenity in relation to natural light.

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

- 6.3 These replicate the original conditions, save for amended wording to some conditions to either extend the trigger points for the applicant to provide details or to introduce compliance wording. This is intended to reduce the number of pre-commencement requirements or the need for the applicant to have to come back with further approval of details applications. In addition, Condition 29 in relation to blinds has also been added and necessary updates to the plan numbers have been included.

## 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:

- The repair and reinstatement 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.
- The removal of redundant existing dropped kerbs and the introduction of a new dropped kerb, to be paid for by the applicant and carried out by LBI Highways.
- Compliance with the Code of Employment and Training.
- Payment towards employment and training for local residents of a sum of £21,942 or delivery of employment and training initiatives (subject to the council's agreement) to an equivalent financial value.
- Facilitation, during the construction phase of the development, of 3 work placements. The placements must last a minimum of 26 weeks. The council's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage. If these placements are not provided, a fee of £15,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £2,357, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of four additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £8,000.
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £47,012.
- Future-proofing of any on-site heating/hot water system so that the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan.
- Adherence to the approved Travel Plan, including in relation to reporting.
- Car-free development.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

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

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 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 and documents list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>13524_A-LXX-P01-021-A  13524_A-LXX-P01-022-A  13524_A-LXX-P03-022-B  13524_A-L-1-P01-099  13524_A-L00-P01-100  13524_A-L01-P01-101  13524_A-L02-P01-102  13524_A-L03-P01-103  13524_A-L04-P01-104  13524_A-LRF-P01-105  13524_A-LXX-P01-131  13524_A-LXX-P01-132  13524_A-LXX-P01-133  13524_A-LXX-P01-134  13524_A-LXX-P01-001  13524_A-LXX-P01-003  13524_A-L-1-P00-099-A</p>

	<p>13524_A-L00-P00-100-A  13524_A-L01-P00-101-A  13524_A-L02-P00-102-A  13524_A-L03-P00-103-A  13524_A-L04-P00-104-A  13524_A-L05-P00-105-A  13524_A-LRF-P00-106-A  13524_A-LXX-P03-131-A  13524_A-LXX-P01-132-B  13524_A-LXX-P03-133-A  13524_A-LXX-P03-134-A  13524_A-LXX-05-001-A  13524_A-LXX-05-002-A  13524_A-LXX-05-003-A</p> <p>Planning Statement (Lichfields, August 2017)  Design and Access Statement Addendum (Piercy and Company, April 2018)  Heritage, Townscape and Visual Impact Assessment Addendum (Lichfields, April 2018)  Daylight and Sunlight Report (GL Hearn, 28/03/2018)  Environmental Noise Survey (Hoare Lea, 27/07/2017, rev 04)  Health Impact Assessment screening (undated)  Air Quality Assessment (WYG, August 2017)  Preliminary Ecological Appraisal (Greengage, July 2017)  Tree Survey and Arboricultural Impact Assessment (Greengage, July 2017)  Statement of Community Involvement (Quatro, July 2017)  Transport Assessment (Caneparo Associates, July 2017)  Travel Plan (Caneparo Associates, July 2017)  Delivery and Servicing Plan (Caneparo Associates, July 2017)  Waste Management Strategy (Etude, July 2017, rev B)  Energy Statement (Etude, July 2017, rev B) as amended by Draft Green Performance Plan (Etude, July 2017, rev C) and Energy Technical Note (Etude, 23/10/2017, rev F)  Energy Statement Addendum – Rev C (Etude, 10/04/2018)  Sustainability Statement (Etude, July 2017, rev B)  Drainage and Surface Water Statement (Heyne Tillett Steel, 22/03/2018, rev B)  Mechanical, Electrical and Public Health Engineering Services Stage 2 Report (Hoare Lea, July 2017, rev P1)  Structural Method Statement (Heyne Tillett Steel, 05/04/2018, rev B)  Construction Management Plan (Knight Build, July 2017, rev 02)  XLP/Workspace Islington Proposal (08/09/2017)</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and samples (Details)</b>
	<p>CONDITION: Details of all facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on the car park site, or any external works to the existing building. The details and samples shall include:</p>

	<p>a) brickwork, bond and mortar courses (sample panel to be provided on site);  b) metal (or other) cladding panels (including details of the edge and seams/gap treatments, method(s) of fixing, and any profiling);  c) windows and doors;  d) roofing materials; and  e) any other materials to be used on the exterior of the development.</p> <p>A Green Procurement Plan for sourcing the materials here by approved shall be submitted to and approved in writing by the Local Planning Authority prior to installation of the materials.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets. The condition must be discharged before development commences to ensure that the external materials are acceptable prior to them being applied to the building.</p>
<b>4</b>	<b>Roof-level structures (Details)</b>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, enclosures, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene, the character and appearance of the area, or the settings and significance of heritage assets.</p>
<b>5</b>	<b>Window and door reveals (Compliance)</b>
	<p>CONDITION: All windows and doors of the four/five-storey extension hereby approved shall be set within reveals no less than 200mm deep unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, to ensure sufficient articulation in the elevations, and to ensure the development contributes positively to the significance of heritage</p>



	assets.
<b>6</b>	<b>External pipes, cables and CCTV (Compliance and Details)</b>
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the development hereby approved.</p> <p>Should external cables, plumbing, down pipes, rainwater pipes, foul pipes and/or CCTV cameras or related equipment be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure the development contributes positively to the significance of heritage assets.</p>
<b>7</b>	<b>Security and general lighting (Details)</b>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of external security lighting on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and future habitats from undue light-spill.</p>
<b>8</b>	<b>Use of roofs (Compliance)</b>
	<p>CONDITION: No parts of the roofs of the development hereby approved shall be used as outdoor amenity areas.</p> <p>REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected.</p>
<b>9</b>	<b>Air quality – staff exposure (Details)</b>
	<p>CONDITION: Prior to the commencement of superstructure works, a report detailing measures to minimise the exposure of the development’s occupiers to air pollution shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the measures so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure staff exposure to air pollution is minimised.</p>

<p><b>10</b></p>	<p><b>Inclusive design (Details)</b></p> <p>CONDITION: Details including floorplans, sections and elevations at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on any of the part of the development hereby approved. The details shall include:</p> <ul style="list-style-type: none"> <li>• accessible WC provision;</li> <li>• public entrances including sections showing level access, door furniture, door opening weights and manifestations to glazing;</li> <li>• space for the storage and charging of mobility scooters;</li> <li>• details of accessible changing facilities for staff;</li> <li>• details of evacuation arrangements for people with disabilities;</li> <li>• details of a second means of access between the entrance lobby and ground floor when the lift is out of service; and</li> <li>• details of how the development would comply with the relevant parts of the Inclusive Design in Islington SPD</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design.</p>
<p><b>11</b></p>	<p><b>Disabled parking bays and drop-off (Details)</b></p> <p>CONDITION: A survey identifying appropriate and available locations for additional disabled parking bays within the vicinity of the site, and details of where on-street drop-off could be provided for employees and visitors with disabilities, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure adequate provision of parking for residents with disabilities.</p>
<p><b>12</b></p>	<p><b>Cycle parking (Compliance and Details)</b></p> <p>CONDITION: Detailed drawings and specifications of the bicycle storage area, and the racks within it, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. 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>The bicycle storage area, which shall be secure and provide for no less than 98 cycles (including 2 for accessible or recumbent cycles) shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

<p><b>13</b></p>	<p><b>Micro and small enterprises (Compliance)</b></p> <p>CONDITION: A minimum of 215sqm (GIA) of floorspace shall be provided in units of up to 90sqm (GIA) in size and shall be provided as accommodation suitable for occupation by micro and small enterprises prior to the occupation of any part of the development, shall be maintained as such in accordance with the details hereby approved, and no change therefrom shall take place without the prior written approval of the Local Planning Authority. These units shall not be amalgamated nor shall they be incorporated into the remainder of the office floor area.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises.</p>
<p><b>14</b></p>	<p><b>Landscaping (Details)</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works above first floor level. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>• details of tree protection measures and working methods (in accordance with BS5837/2012 – Trees in Relation to Demolition, Design and Construction) for the two trees to be retained on Balls Pond Road;</li> <li>• existing and proposed underground services and their relationship to landscaping and tree planting;</li> <li>• proposed trees, their location, species and size at planting;</li> <li>• tree pit details;</li> <li>• modular system providing adequate soil volume for the tree planting;</li> <li>• hard landscaping, including surface treatment, permeability, drainage, kerbs, edges, unit paving, furniture and lighting; and</li> <li>• any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<p><b>15</b></p>	<p><b>Nesting Boxes (Compliance)</b></p> <p>CONDITION: A total of 2No. bird or bat boxes shall be installed prior to the first occupation of the building to which they form a part, or the first use of the space in which they are contained, and shall be maintained as such thereafter.</p>

	<p>REASON: To ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity.</p>
<b>16</b>	<p><b>Green/ Brown Biodiversity Roofs (Compliance)</b></p> <p>CONDITION: Biodiversity (green/brown) roofs shall be provided atop the approved buildings, and the green/brown roofs shall:</p> <ul style="list-style-type: none"> <li>a) Be biodiversity based with extensive substrate base (depth 80 -150mm);</li> <li>b) Contribute towards a reduction in surface water run-off; and</li> <li>c) Be planted/seeded with a 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) roofs should be maximised as far as practicable across the building and 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 laid out within 3 months of next available appropriate planting season after the construction of the building it is located on 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, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced.</p>
<b>17</b>	<p><b>Sustainable urban drainage (Details)</b></p> <p>CONDITION: All water attenuation measures set out in the Drainage and Surface Water Statement (Heyne Tillett Steel, 22/03/2018, rev B) shall be implemented, and a run-off rate of 50l/s/ha shall be achieved for the relevant part of the site, prior to occupation of the four/five-storey extension hereby approved. The water attenuation measures shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development achieves appropriate surface water run-off rates.</p>
<b>18</b>	<p><b>Excavation works (Compliance)</b></p> <p>CONDITION: The author of the Structural Method Statement (Heyne Tillett Steel, 05/04/2018, rev B) hereby approved (or a suitably qualified person with relevant experience) shall be retained throughout the duration of excavation and ground-level structural works.</p> <p>REASON: To ensure the necessary expertise is available to inform decision making throughout the demolition, excavation and construction process.</p>
<b>19</b>	<p><b>BREEAM (Compliance)</b></p>

	<p>CONDITION: All new employment floorspace within the development hereby approved shall achieve a BREEAM (2014) New Construction Scheme rating of no less than “Excellent”.</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>
<b>20</b>	<p><b>Energy/carbon dioxide reduction (Compliance)</b></p> <p>CONDITION: The development hereby approved shall be implemented in accordance with all the measures set out in the Energy Statement (Etude, July 2017, rev B) as amended, and shall provide for no less than a 27.9% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013. All the measures set out in the Energy Statement as amended shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the relevant carbon dioxide reduction target is met.</p>
<b>21</b>	<p><b>Demolition and Construction Management and Logistics Plan (Details)</b></p> <p>CONDITION: No demolition shall take place unless until a site-specific Demolition and Construction Management and Logistics Plan (DCMLP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The DCMLP shall include measures to protect street trees to be retained on the footway of Balls Pond Road. The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development. The condition must be discharged before demolition takes place to ensure appropriate measures are in place to mitigate the impacts of demolition.</p>
<b>22</b>	<p><b>Construction Environmental Management Plan (Details)</b></p> <p>CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, emissions from non-road mobile machinery, vibration, light pollution and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>

	<p>REASON: In the interests of residential and local amenity, and air quality. The reason the condition must be discharged before works commence is to ensure adequate measures are in place to mitigate impacts before they occur and can cause harm.</p>
<b>23</b>	<p><b>Delivery and Servicing Management Plan and Waste Management Plan (Details)</b></p>
	<p>CONDITION: An updated Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP (including the WSP) so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
<b>24</b>	<p><b>Waste storage (Compliance)</b></p>
	<p>CONDITION: The dedicated refuse store hereby approved shall be provided prior to first occupation of the development hereby approved, shall include:</p> <ul style="list-style-type: none"> <li>• 50% of its capacity dedicated to the storage of recyclable materials;</li> <li>• dedicated storage for refuse generated by the ancillary café hereby approved; and</li> <li>• facilities for the recycling of food/compostable waste</li> </ul> <p>and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided.</p>
<b>25</b>	<p><b>Plant noise (Compliance and Details)</b></p>
	<p>CONDITION: The design and installation of any new items of fixed plant shall be such that when operating the cumulative noise level Laeq Tr arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise shall be carried out in accordance with the methodology contained within BS 4142:2014.</p> <p>A report to demonstrate compliance with the above requirements and prepared by an appropriately experienced and qualified professional shall be submitted to and</p>

	<p>approved by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the scheme and report so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>26</b>	<b>Site contamination (Details)</b>
	<p>CONDITION: If, during works, contamination not previously identified is found to be present at the site, no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>All soils used for landscaping shall be clean and free of contamination.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, and potential contamination must be investigated and a risk assessment carried out to determine impacts.</p>
<b>27</b>	<b>Servicing and deliveries and café hours (Compliance)</b>
	<p>CONDITION: Loading or unloading of vehicles in association with the development hereby approved (in its operational phases) shall only occur between the hours of 08:00 and 18:00 Monday to Saturdays, and at no times on Sundays or Bank Holidays.</p> <p>The ancillary café hereby approved shall be open to customers only between the hours of 07:00 and 23:00 Mondays to Saturdays, and 10:00 and 18:00 Sundays and Bank Holidays.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>28</b>	<b>Piling (Details)</b>
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: Works are proposed in close proximity to underground sewerage utility infrastructure, and piling has the potential to impact on local underground sewerage utility infrastructure.</p>

<b>29</b>	<p><b>Automatic Blinds (Details and Compliance)</b></p> <p>CONDITION: Details of automated blackout window blinds to be installed internally to cover glazing (at all levels) in the southern elevation of the extension over the car park site, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing above first floor level.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development and shall be maintained in good working order thereafter.</p> <p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows in the southern elevation of the extension over the car park.</p> <p>REASON: In the interests preventing losses of amenity caused by internal illumination and protecting neighbouring and future residential amenity and future habitats from undue light-spill and overlooking.</p>
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**List of Informatives:**

<b>1</b>	<p><b>Section 106 Agreement</b></p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<p><b>Definition of 'Superstructure' and 'Practical Completion'</b></p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>3</b>	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington's Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being</p>



	<p>imposed. The above forms can be found on the planning portal at:  <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b>  These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<b>4</b>	<b>Sustainable Sourcing of Materials</b>
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.
<b>5</b>	<b>Thames Water</b>
	Your attention is drawn to informatives and advice included in Thames Water's comments of 21/08/2017.
<b>6</b>	<b>Fire Safety</b>
	It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Andrew Marx on 020 7527 2045 or by email on <a href="mailto:andrew.marx@islington.gov.uk">andrew.marx@islington.gov.uk</a>
<b>7</b>	<b>Signage</b>
	For the avoidance of doubt, no signage shown on any of the drawings listed under condition 2 is hereby approved.

## **APPENDIX 2: 7 NOVEMBER 2017 PLANNING COMMITTEE MEETING MINUTES – EXERPT**

### **LEROY HOUSE, 436 ESSEX ROAD LONDON, N1 3QP (Item B4)**

Extensions to the existing building, including an additional storey above existing building and part 4-, part 5-storey extension over car park, to provide office, workshop and studio space with an ancillary cafe, together with hard and soft landscaping

(Planning application number: P2017/3081/FUL)

In the discussion the following points were made:

- The Planning Officer informed Members that previous application was refused by Committee in 2016 on grounds of design, its impact on heritage assets and impact of loss of daylight and sunlight.
- In terms of planning consideration, the Planning Officer advised Members that the revised application is considered acceptable in terms of land use policy terms, inclusive design, transportation and servicing, sustainability and energy.
- The Planning Officer advised Members that as the site was within an Employment Growth Area and subject to site allocation OIS3 and Article 4 directions, the provision of new business floorspace including floor space suitable for occupation by micro or small enterprise was welcome in the borough.
- On the issue of affordable work space, Members were concerned with its definition especially with ‘the and/or’ wording in policy DM5.4 of the Development Management Policies (2013). Members sought clarification from Officers on whether what was required was workspace which was affordable in terms of its rent or the provision of small units of work space which in most cases would require more details from the applicant. A suggestion that Planning Officers look into how to resolve this ambiguity on how affordable workspace is defined was noted.
- With regards to the impact of the erection of the additional storey to the setting of the Grade II listed terrace at 178-190 Balls Pond Road, the Planning Officer acknowledged that this weighs negatively, however the harm was not considered so great as to warrant refusal of planning permission, particularly given the public benefits of the proposed development.
- With regard to the daylight and sunlight loss especially for residents living in The Pinnacle, the Planning Officer informed the meeting that although the majority of the predicted VSC failures fall within the 0.7 to 0.79 range, the majority of the NSL/FF failures do not, and therefore significant weight must be given to this level of failure, in terms of the numbers of rooms adversely affected and the degree to which each of those rooms would be impacted.  
Members were concerned that the daylight and sunlight tests was based on the applicant’s assumption of room sizes, estate agent details and the knowledge of applicant’s consultant and experience. In addition, Members were concerned that residents in Pinnacle had not in particular been consulted.

- In response to concerns on why the revised application had not been submitted back to the Design Review Panel for their updated comments, considering the issues raised in their response and in particular reference to 'aggressive massing', the Planning Officer advised that the DRP serves as an independent advisory body to the Council and only complements the Council in house team.
- Members acknowledged that the revised scheme was an improvement to the previous scheme however the concerns regarding the massing and over dominance raised by the DRP still remained.
- The agent informed Members that following Committee's refusal of the previous application, the applicant had employed an award winning architect to address the issues. In addition, the agent acknowledged that although the scheme would have an impact on neighbouring amenity the benefits of the scheme such as the high quality development and providing employment opportunities, outweighs any loss of daylight and sunlight issues.

Councillor Kay proposed a motion to defer the item on grounds of the design and the impact of the scheme on neighbouring amenity. This was seconded by Councillor Picknell and carried.

**RESOLVED:**

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

**APPENDIX 3: 7 NOVEMBER 2017 COMMITTEE REPORT**

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
Town Hall  
Upper Street  
LONDON N1 1YA

Ward	Canonbury
Listed building	opposite Grade II* and II listed buildings
Conservation area	opposite Canonbury Conservation Area
Development Plan Context	Site Allocation OIS3 Employment Growth Area
Licensing Implications	Premises license may be required for ancillary cafe
Site Address	Leroy House, 436 Essex Road, London, N1 3QP
Proposal	Extensions to the existing building, including an additional storey above existing building and part 4-, part 5-storey extension over car park, to provide office, workshop and studio space with an ancillary cafe, together with hard and soft landscaping

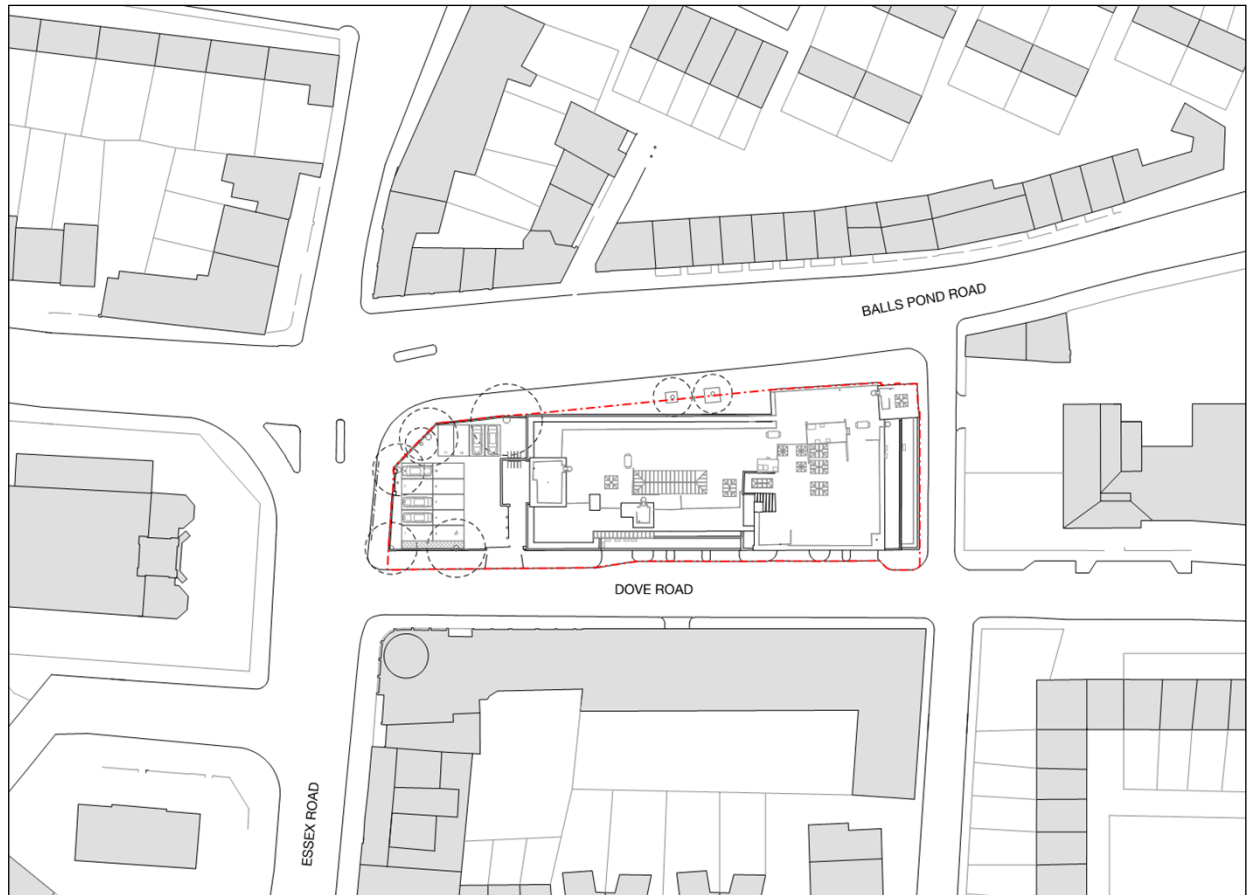
Case Officer	Victor Grayson
Applicant	Workspace 14 Ltd
Agent	Lichfields

### 3 RECOMMENDATION

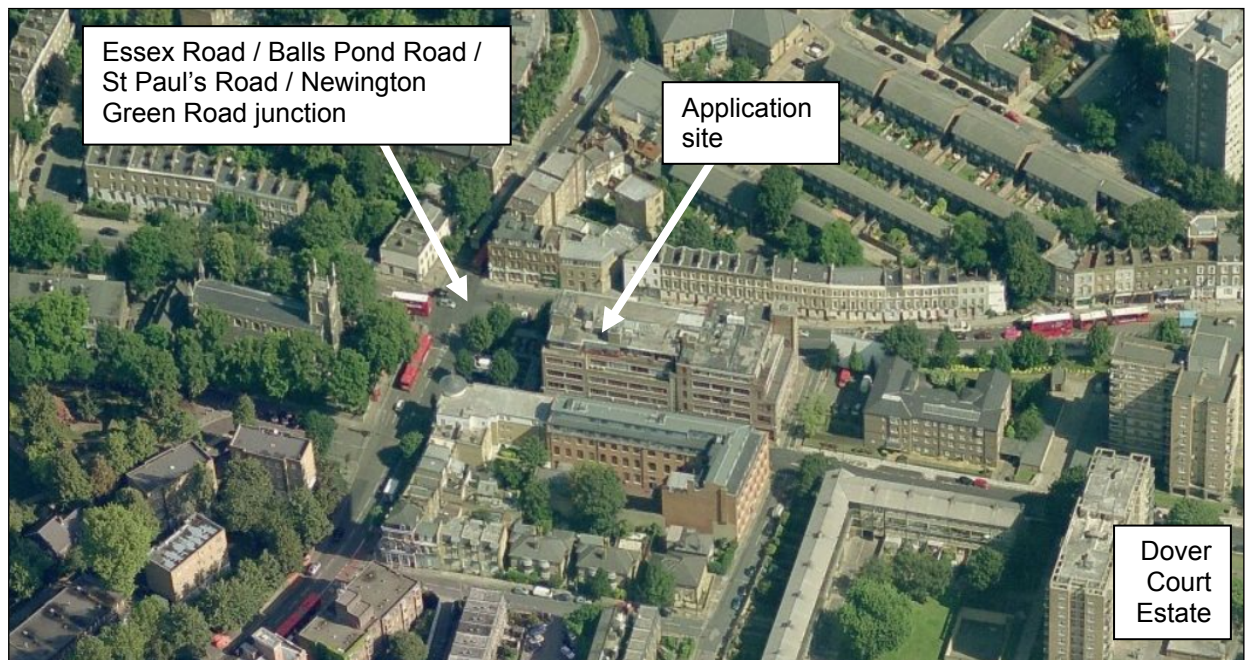
The Committee is asked to resolve to **GRANT** planning permission:

3. subject to the conditions set out in Appendix 1; and
4. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 (Recommendation A).

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



**5 PHOTOS OF SITE/STREET**



Photograph 1: aerial view of site and surroundings from the south



Photograph 2: existing building (Essex Road elevation)



Photograph 3: existing building (Henshall Street and Dove Road elevations, with St Paul's Church in the background)

## 6 SUMMARY

- 3.1 This application was submitted following the council's refusal of planning permission for a five-storey extension and additional storey in 2016. The council's reasons for refusal related to design, impacts on heritage assets, and loss of daylight and sunlight

to The Pinnacle and Canonbury Heights. The applicant has appointed a new architect since the previous application was refused.

- 3.2 The application site is 0.2 hectares in size and is currently occupied by a five-storey building in B1 use. The site is within an Employment Growth Area, is adjacent to the Canonbury Conservation Area, and is the subject of Site Allocation OIS3, which allocates the site for refurbishment/intensification for business space to provide improved quality and quantity of spaces for small/medium sized enterprises.
- 3.3 The applicant proposes the erection of a part four-, part five-storey extension at the western end of the site, over the existing car park. Limited excavation of the site is proposed. The car park's six existing trees, which are of limited amenity value, would be felled, and three replacement trees and additional planting is proposed.
- 3.4 An additional storey is also proposed to the existing building, at fifth floor level. This would have glazed and metal-clad elevations.
- 3.5 The application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 3.6 The proposal is considered largely acceptable in terms of land use, inclusive design, transportation and servicing, sustainability and energy, subject to conditions and an appropriate Section 106 agreement.
- 3.7 The principle of building on the site's car park is considered acceptable. The proposed extension would have stepped massing, which would help limit its visual impact and would enable it to relate well with its context. Elevations would be of brick, with glazing set in metal frames coloured light bronze.
- 3.8 Noting the statutory duty placed on the council by the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the Canonbury Conservation Area, the proposed development is considered acceptable in design and conservation terms, and in terms of its impact upon the Grade II\* listed St Paul's Church opposite. The comments and concerns of Islington's Design Review Panel have been adequately addressed.
- 3.9 The additional storey would cause some harm to the setting of the Grade II listed terrace at 178-190 Balls Pond Road, and this weighs negatively in the balance of planning considerations, however the harm is not considered so great as to warrant refusal of planning permission, particularly given the public benefits of the proposed development.
- 3.10 Objections have been received from neighbouring residents on amenity and other grounds. Adverse impacts upon natural light have been identified in the applicant's daylight and sunlight assessment (particularly in relation to The Pinnacle at 2 Dove Road), and these impacts weigh negatively in the balance of planning considerations, however having regard to the weight to be given to these impacts, it is considered that they are outweighed by the proposed development's benefits. Refusal of permission on these grounds is not recommended.



- 3.11 Appropriate Section 106 Heads of Terms have been agreed with the applicant.
- 3.12 The benefits of the proposed development (including the re-use of previously-developed land, the removal of on-site parking spaces, the provision of new B1 employment floorspace (including space suitable for occupation by micro or small enterprises), the provision of refuse and cycle storage, and surface water run-off improvements) are noted and have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development (the abovementioned neighbour amenity impacts and harm to the setting of an adjacent listed terrace). On balance, it is recommended that planning permission be granted.

## **7 SITE AND SURROUNDINGS**

- 3.1 The application site is bounded by Essex Road, Balls Pond Road, Henshall Street and Dove Road. The part of the site within the ownership of the applicant is 1,830sqm (0.18 hectares) in size, however the *application site* includes the adjacent pavements of Dove Road, and is 2,018sqm (0.2 hectares) in area. The majority of the site is occupied by a five-storey building (Leroy House) which accommodates 6,053sqm GIA (4,013sqm NIA) of B1 floorspace, including ancillary spaces. There is an ancillary car park at the western end of the site.
- 3.2 The existing building was built in three phases – the original building was constructed at the east end of the site in the 1930s, and extensions were added in the 1940s and 1960s. The building has brick facades with grey painted ground floor elevations and large glazed elements in metal frames. The fenestration (including doorways and servicing access doors) are of red painted metal. The building also has a tower element (accommodating a stair core) on the corner of Balls Pond Road and Henshall Street.
- 3.3 To the south of Leroy House is Dove Road, where there are residential buildings of three to five storeys in height. The Pinnacle is a four-storey residential development at the western end of Dove Road at its junction with Essex Road. Flats in the northern elevation of The Pinnacle currently overlook the car park of Leroy House. Further east along Dove Road is Canonbury Heights / Arboretum Court, a residential conversion development.
- 3.4 To the north, on the opposite side of Balls Pond Road, are residential and commercial uses in historic buildings (mainly three storeys in height), including a Grade II listed terrace (178-190 Balls Pond Road).
- 3.5 To the east is a four-storey residential development (Queen Elizabeth Court) with car parking and garden areas. To the west is the Grade II\* listed St Paul's Church, now in use as a school.
- 3.6 There are six trees within the application site (surrounding the car park), and there are two street trees on Balls Pond Road.
- 3.7 The Canonbury Conservation Area covers land and buildings to the north, south and west of the application site.

- 3.8 The site is the subject of Site Allocation OIS3, and is within an Employment Growth Area.
- 3.9 The site has a high PTAL score of 6a, and is well served by buses. A dropped kerb on Dove Road provides vehicular access to the site's car park. The car park can accommodate up to 14 vehicles (if double parked). The site is within a Controlled Parking Zone, and is surrounded by double and single yellow lines, bus stops and stands, and parking spaces for permit holders.

## **8 PROPOSAL (IN DETAIL)**

- 3.1 The applicant proposes the erection of a part four-, part five-storey extension to the western end of the site, over the site's ancillary car park. This would bring the building's main entrance close to the corner of Essex Road and Balls Pond Road, and areas of public realm would be added to the pavements of these streets. An additional storey (fifth floor) is also proposed to the existing building, and this would be set in from the edges of the building on all sides, except for along a part of the Dove Street elevation. A plant enclosure, core overrun and photovoltaic panels are proposed above the additional storey.
- 3.2 The proposed extension and additional storey would result in an uplift in B1 floorspace of 2,154sqm GIA (1,698sqm NIA). This floorspace would include an ancillary café proposed at the ground floor of the four/five-storey extension. Refuse and cycle stores, accessed from Dove Road, are proposed at ground floor level within the existing building, and other internal reconfiguration of the existing accommodation is also proposed. External alterations associated with these changes are proposed, and some excavation of the car park is proposed to enable the existing internal ground floor level to be continued across the site.
- 3.3 Six existing trees within the site's car park would be felled to make way for the four/five-storey extension, and three replacement trees are proposed, along with climbing plants to the proposed extension.
- 3.4 Elevations of the extension would be of brick, however large areas of glazing are also proposed. The additional storey would be of glass and metal coloured light bronze. Fenestration would also be metal coloured light bronze.
- 3.5 No on-site car parking is proposed. Space for the parking of 98 cycles, including two for accessible or recumbent cycles, is proposed in the ground floor store. A further six outdoor cycle parking spaces are proposed for visitors outside the proposed main entrance. Shower and changing facilities are proposed adjacent to the cycle store.

## **9 RELEVANT HISTORY**

### **Planning Applications**

- 3.1 25/07/2016 (following resolution made by the Planning Committee on 12/07/2016) – Planning permission refused for a 5-storey extension, 6-storey Balls Pond Road

entrance projection and roof level extensions to the existing building with external terraces to provide office, workshop and studio spaces (use class B1) with an ancillary café, refurbishment of existing building, internal cycle parking, and associated hard and soft landscaping including tree planting on Essex Road and pavement improvement works to Dove Road. Ref: P2015/2652/FUL.



Image 1: Previously-proposed (and refused) scheme

### 3.2 The council's reasons for refusal were:

- 1) The proposed development, by reason of the size, height, bulk, scale and poor quality of design (including the external structural elements, roof top plant, the external appearance and poor relationship between the existing and new built form) would represent an incongruous and visually intrusive form of development which would be harmful to the character and appearance of the original building, and to the character and appearance of the street scene and the surrounding area, the proposal also fails to provide a high quality design appropriate to the site's prominent location at the junction of the busy Essex and Balls Pond Roads, and is contrary to London Plan (2015) policy 7.6, Islington's Core Strategy (2011) policy CS9, Islington's Development Management Polices (2013) policy DM2.1, Islington's Local Plan Site Allocations (2013) Site O13, and the Islington Urban Design Guide SPD. The benefits of the scheme are not considered to outweigh this harm.
- 2) The proposed development by reason of its bulk, scale, design and proximity to St Paul's Church (Grade II\*) and other Grade II listed buildings on Balls Pond Road, would result in an overly dominant feature that is harmful to the setting of the Grade II and Grade II\* listed buildings and their special interest and the setting of Canonbury Conservation area and failing to be sympathetic in form and scale to the local identity. The harm is not outweighed by public benefits and as such the development is contrary to London Plan (2015) policy 7.8, Islington's Core Strategy (2011) policy CS9, Islington's Development Management Polices (2013) policy DM2.3, Islington's Local Plan Site Allocations (2013) Site O13, and the Islington Urban Design Guide SPD.

3) The proposed extensions to the building by virtue of the excessive height and positioning would result in substantial loss of daylight, sunlight to the windows of dwellings in Canonbury Heights and The Pinnacles and as such would unacceptably harm the amenities of residents of these dwellings. This harm makes the proposal contrary to policy 7.6 of the London Plan (2011), policy DM2.1 of the Development Management Policies (2013) as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice'. The benefits of the scheme are not considered to outweigh this harm.

- 3.3 The applicant did not lodge an appeal against the council's refusal of planning permission.
- 3.4 Much of the site's other planning history relates to the installation of telecommunications equipment and advertising. Aside from the telecommunication and advert related applications, the site has the following planning history:
- 3.5 24/05/2012 – Planning permission refused for the change of use of a ground floor unit (Unit M) from office (B1 use class) to Parent and Child Group and Play Group (D1 use class). Ref: P120741.
- 3.6 30/10/2001 – Planning permission granted for the retention of existing mini-cab control office. Ref: P011484.
- 3.7 25/10/1999 – Planning permission refused for the change of use of part of ground floor to an A3 use. Ref: 990550.
- 3.8 03/03/1999 – Planning permission granted for the installation of a glazed canopy to front entrance. Ref: 990070.
- 3.9 01/11/1996 – Planning permission granted for the change of use of part of the ground floor units GP, GM and GJ to shop (A1) or (A2) purposes. Ref: 961157.
- 3.10 01/09/1994 – Planning permission granted for a new porch and access ramp to front entrance. Ref: 940502.
- 3.11 18/01/1993 – Planning permission granted for approved a change of use to a motorcycle repair workshop including the conducting of MOT tests and the sale of accessories. Ref: 921258
- 3.12 25/11/1991 – Planning permission granted for a change of use of one unit (unit 2N) to a cafe. Ref: 910616.

### **Enforcement**

- 3.13 No relevant history.

### **Pre-application Advice**

3.14 Following the refusal of planning permission in 2016, the applicant appointed a new architect and planning consultant, and commenced pre-application discussions with officers. No pre-application advice letter was issued, however verbal and email advice was provided by officers. The main points of that advice were:

- Proposal is policy-compliant in terms of land use.
- Extension to western end of the site would be of an appropriate scale and design.
- Development on the site's car park is acceptable – this space had previously been occupied by buildings, and the extension would continue the building line of Essex Road, framing and emphasising the church and its greenery. However, given that the development would cover the last part of the site that may have otherwise been available for ground-level soft landscaping, biodiversity improvements and sustainable urban drainage solutions, forthcoming development will be expected to deliver sustainability improvements here or elsewhere on site, in the form of green and blue roofs, bird/bat boxes, log piles for invertebrates, and possibly green walls.
- Materials and strong vertical emphasis to elevations are appropriate.
- Subject to details, the proposed additional storey is acceptable in design terms.
- Proposal would not unduly compete with the church opposite.
- Proposed loss of parking spaces welcomed.
- Site's existing six trees are not protected and have defects. Their loss is acceptable given that three replacement trees and a planter are proposed.
- Green roofs will need to comply with guidance in Islington's Environmental Design SPD.
- Proposed blue roofs are welcomed. Applicant should not simply work to the 50l/s/ha figure set out in Development Management Policy DM6.6 – this is a maximum figure, and applicant should endeavour to get as close as possible to a greenfield run-off rate of 8l/s/ha for the four/five-storey extension.
- Proposal presents an opportunity to improve surface water run-off from the site, and to secure other environmental improvements to the existing building.
- If the building's existing, unsightly antennae are lawful, their removal as part of the proposal would be welcomed.
- Proposed effective widening of pavements at the western end of the site is welcomed.
- Daylight and sunlight assessment should clarify what room size assumptions were made in relation to neighbouring properties.

3.15 The applicant team additionally presented their emerging proposals to the Members' Pre-Application Forum on 24/07/2017.

## 10 CONSULTATION

### Public Consultation

3.1 Letters were sent to occupants of 435 adjoining and nearby properties on Ball's Pond Road, Baxter Road, Bingham Street, Dove Road, Essex Road, Henshall Street,

Marquess Road, Mildmay Street, Newington Green Road, Shuna Walk, St Paul's Road, Taransay Walk, Wakeham Street and Woodford Mews. A site notice and press advertisement were displayed on 24/08/2017. The public consultation period expired on 14/09/2017, however it is the council's practice to continue to consider representations made up until the date of a decision.

- 3.2 Objections to the proposed development from a total of seven unique addresses (four from residents of The Pinnacle (2 Dove Road), two from residents of Newington Green Road, and one from a resident of St Paul's Road) have been received from the public with regard to the application following the council's consultation.
- 3.3 The issues raised following the council's initial consultation can be summarised as follows (paragraph numbers refer to where the matter is addressed in this report):
- Overdevelopment of site (**paragraph 10.25**).
  - Loss of open space from corner site at junction. Islington has the least or one of the lowest amounts of open space in any London borough and promotes retention of open spaces. 100% of the existing open space (currently a car park with trees) would be covered. Space should be retained as a garden for Leroy House employees and the local area (**paragraphs 10.17 and 10.119**).
  - Loss of trees, not all of which would be replaced (**paragraph 10.153**).
  - Four/five-storey extension is grossly over scaled. Mass and bulk would tower over junction. Extension would meet the site boundary and not be set back from pavement as the church opposite is – this would fundamentally change the character of the junction. Other developments of a similar size and stature are setback from the boundary, allowing them to not dominate and tower over the pavement. Proposal would crowd the pavement and enclose the junction. Masonry tower would fill all the space at this site, and would dominate skyline. Claustrophobic and inhospitable urban space would be created. Vertical façade should not be allowed so close to Essex Road – halfway across the car park (with green space, seating and a fountain or sculpture in front) should be the maximum allowed. Massing should be stepped from second storey upwards to prevent encroachment into urban space and restriction of sight lines in neighbouring streets (**paragraphs 10.17 to 10.23**).
  - Side extension is ugly (**paragraphs 10.35 to 10.36**).
  - Proposed building out of character with area (**paragraphs 10.21, 10.24, 10.33, 10.46 and 10.48 to 10.49**).
  - Current entrance and west elevation is an iconic, well-known and respected façade, should not be lost, and should be listed. Building name signage should remain in its current position (**paragraph 10.29**).
  - Adverse impact upon conservation area and Grade II\* listed St Paul's Church. Impact of church (a historic landmark) would be diminished, when it should remain the dominant building of the junction (**paragraphs 10.21 to 10.22, 10.24 and 10.46 to 10.49**).
  - Objection to loss of trees which are maturing, provide shade and habitats, green the urban environment, provide environmental softening to a very harsh, traffic-congested area, and are part of the character of the junction (**paragraph 10.153**).
  - Impact on neighbouring quality of life (**paragraphs 10.111 to 10.114**).

- Loss of daylight to neighbouring properties. Flat 8, The Pinnacle, is already overshadowed by Leroy House and is north-facing. Most residents already have to use artificial light during daylight hours. Loss of light to church frontage and school playground (**paragraphs 10.72 to 10.89**).
- Impact on Right to Light (**paragraph 10.90**).
- Loss of public views at the junction (**paragraph 10.21**).
- Increased air pollution in a location where air quality is already bad (**paragraphs 10.194 to 10.195**).
- Area is very residential, and any approval should restrict hours of building works to avoid early mornings, weekends and evenings (**paragraph 10.110**).
- Adjacent property would be devalued (**paragraph 10.210**).
- Café would be a threat to local businesses, as there are already 3 cafes within 50m of the site, and many restaurants and cafes within walking distance (**paragraph 10.125**).
- Need for additional workspace is questionable, given that there are vacant units at Leroy House (**paragraph 10.123**).

3.4 A petition with 61 signatories was submitted by S&K Leathergoods and Fittings Ltd of Unit B, ground floor, Leroy House. Most signatories were staff of businesses currently occupying units in Leroy House. The petition pages did not set out detailed objections, but simply stated that a five-storey extension was objected to. The points raised in the covering letter dated 12/09/2017 are summarised as follows (paragraph numbers refer to where the matter is addressed in this report):

- Application is an opportunistic bid for capitalist gain (**paragraphs 7.14 and 10.118**).
- Proposal, by reason of its size, design, height and massing, does not respect the local context or street pattern, or the scale and proportions of surrounding buildings, and would be entirely out of character for the area, to the detriment of the local environment (**paragraphs 10.21, 10.24, 10.33, 10.46 and 10.48 to 10.49**).
- Area is residential, and is not an industrial zone (**paragraphs 10.105 and 10.110**).
- Objection to loss of Units B and S, ground floor, Leroy House, and other units. Potential for businesses to fold, resulting in losses of jobs and income. Approximately 20 tenants would be forced to vacate and find alternative premises (**paragraph 10.124**).
- Disruption to bus movements (Arriva have two ground floor units at Leroy House for staff breaks, and buses are currently parked in allocated bus stands) and buses turning from Balls Pond Road into Essex Road (**paragraph 10.172**).
- Objection to loss of parking spaces for tenants, visitors and disabled people, and increased parking space shortage in the area (**paragraph 10.169**).
- Congestion and increased traffic during building works (**paragraph 10.176**).
- Disruption to residents and existing tenants in terms of noise, dust, pollution, building access, deliveries and servicing, and customer visits (**paragraphs 10.106 and 10.109 to 10.110**).
- Impacts upon residents in terms of obstructed light and views (**paragraphs 10.21 and 10.72 to 10.89**).

- 3.5 Councillor Nick Wayne (Member for Canonbury Ward) expressed support for the application in principle, noting that the proposal would create jobs and boost the local economy in Canonbury, would make better use of an industrial building, and would remove existing parking spaces and replace them with cycle parking in accordance with the council's transport policy. The development would put pressure on local infrastructure, some visitors to the businesses in the development would drive (increasing congestion and demand for local parking spaces), and disruption would be caused while construction takes place – none of these are valid reasons to prevent development, but the consequences to local residents of this significant development are noted. No comment regarding design of the proposal and potential impacts upon neighbouring amenity.
- 3.6 In addition, comments were received from four representatives of Islington Swifts and Hackney Swifts, noting that swifts are listed on the RSPB amber list due to declining numbers caused primarily by the loss of roosting sites in urban areas, that swifts roost in the area surrounding the application site, and that swifts would potentially roost in the site's building if given the opportunity. Integrated swift roosting bricks should be conditioned for installation at or close to roof level to support swifts, improve local biodiversity, and comply with the council's Biodiversity and Action Plan 2010.
- 3.7 Further comments will be reported verbally to the Planning Committee, should any be received.

### **Design Review Panel**

- 3.8 Islington's Design Review Panel (DRP) considered the proposals at pre-application stage on 11/05/2017. The DRP provides expert impartial design advice following the 10 key principles of design review established by the Design Council CABE. The DRP's written observations of 01/06/2017 are attached at Appendix 3 of this report, and are summarised as follows:
- Generally commended the carefully-considered approach and the architectural approach to the four/five-storey extension, but fundamental differences needed to be resolved regarding potential overdevelopment of the site and impact on context.
  - Existing open space currently provides a comfortable and potentially attractive urban square.
  - More thought should be given to the historic role played by the space (car park) as an entrance in relation to the urban grain and as part of the setting of the church – this might generate ideas for the future use of the space. Car park has the potential to be a good open space, which would be more desirable (than development) in terms of urban design.
  - Concern expressed regarding extension bringing building line up to pavement, creating a significantly different dialogue with St Paul's Church than currently exists.
  - Idea of creating a gateway by giving the extension a civic identity, mirroring the prominence of the church, is not appropriate and is misleading about the building's function. An office building should not echo a church in terms of its form, and the church should not be a reference for the expression of the extension.



- More work needed regarding the massing and articulation of the extension.
- Side extension is not successful where it meets the ground, with limited open space and a mean street entrance (considering the large numbers of daily users).
- Queried extension's very strong vertical emphasis combined with large areas of blank brickwork which gives it a civic/ecclesiastical character.
- Meeting point of extension with existing building is critical, and more detail of this is needed.
- Additional storey appears generic and needs to feel more connected with the existing building, rather than simply implying the transparency and anonymity of a glass box. Concerns also raised regarding additional storey's massing, which could be less aggressive.
- Clarity requested regarding visibility of roof plant.
- Scheme should return to the DRP for a second review.

### **Applicant's Consultation**

- 3.9 The applicant held pre-application public consultation events at Leroy House on 19 and 22/05/2017, with both events lasting three hours. As detailed at page 31 of the applicant's Design and Access Statement and in the submitted Statement of Community Involvement, invitation flyers and letters were distributed in advance to 906 properties in the surrounding area, including existing Leroy House tenants. Ward councillors, Emily Thornberry MP, and the Canonbury Society were personally invited. Over 70 people – including Cllr Wayne, Cllr Jeapes and representatives of the St Paul's Steiner School – attended the consultation events.
- 3.10 The applicant's Statement of Community Involvement (SCI) states that, at pre-application stage, 10 written responses were received – six expressing full support, three expressing support with comments, and one expressing objections to the proposed development. Positive comments related to the proposed design, bicycle storage space and café. Respondents concerned with how the proposed development could be improved referred to the proposed loss of trees, daylight and sunlight impacts, green roofs, double glazing (requested), and accessible roof areas (requested). Details of the written objection were not set out in the SCI.

### **External Consultees**

- 3.11 Historic England (commented 07/09/2017) – Proposal is an improvement on the 2015 scheme. No concerns regarding the setting of the neighbouring Grade II\* listed St Paul's Church or the Canonbury Conservation Area. The application should be determined in accordance with national and local policy and guidance, and on the basis of the council's specialist conservation advice.
- 3.12 Metropolitan Police – Designing Out Crime Officer (commented 13/09/2017) – Applicant states that security measures following Secured by Design guidelines have been considered, however the proposed measures are vague in description and fall far short of what would be recommended. Detailed generic advice provided regarding British Standards and security measures, including in relation to doors, windows, gates, lobbies, balconies and terraces, parking, refuse and cycle stores, external lighting and alarm systems.

- 3.13 Thames Water (commented 21/08/2017) – Recommend condition (28) requiring details of a piling method statement. Developer is responsible for making proper provision for surface water drainage. Applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. Prior approval of Thames Water will be required where surface water discharge to a public sewer is proposed. Detailed drawings required to ascertain whether agreement from Thames Water is needed regarding building over or near to pipes owned by Thames Water. No objection in relation to sewerage and water infrastructure capacity. Informative recommended regarding water pressure.

### **Internal Consultees**

- 3.14 Design and Conservation Officer (commented 19/09/2017) – Although the site is not within the Canonbury Conservation Area it is surrounded by it. The Grade II\* listed St Paul's Church stands to the west, and 178-190 Balls Pond Road are Grade II listed. The proposed development has been informed by three pre-application meetings and design workshops and a review by Islington's Design Review Panel (DRP).
- 3.15 Significant improvements to the proposals have been negotiated, including an increased area of public realm (by replacing the internal reception area with an open canopy of less volume), an additional tree, greening of the building with climbing plants, bronze colour detailing, and improved detailing to the additional storey. The applicant team has successfully responded to the comments of officers and the DRP.
- 3.16 The four/five-storey extension is a high quality piece of contemporary architecture comprised of successfully broken-up massing resulting in a pleasing play of forms. The extension would successfully join to the existing building while also remaining visually distinct. The material palette of a pale cream brick and bronze metal windows is a high quality contextual response. The extension would have a neutral impact on the significance of the surrounding heritage assets.
- 3.17 The additional storey would be a sizeable additional storey to an already notably large building. Although well designed and detailed it would cause some (less than substantial) harm to the existing building, the Canonbury Conservation Area, and the setting of 178-190 Balls Pond Road by virtue of its scale. Ideally the additional storey should be further set back to reduce its visual impact. This harm, however, should be weighed against the public benefit of the proposed public realm improvements and increase in office floorspace.
- 3.18 Energy Conservation Officer (commented 05/10/2017) – Applicant should demonstrate that the proposal provides one external point of connection enabling heat and hot water supply from a future decentralised energy system, and a protected pipe route from the site boundary to this point. Condition should be applied requiring an exploration of the feasibility of expanding the solar photovoltaic array and structural load on the building's roof.
- 3.19 In earlier comments the Energy Conservation Officer noted that the proposed reduction in regulated carbon dioxide emissions would exceed the 35% (against 2013 Building Regulations) target set out in the London Plan, and that the proposed reduction in total carbon dioxide emissions would exceed the 27% (against 2013 Building Regulations) target set out in Islington's policies. Outstanding carbon dioxide emissions would need

to be offset with at payment of £47,012. Proposed BREEAM “Excellent” noted. Airtightness levels would be achieved as recommended in the Environmental Design SPD. Applicant’s Thermal Modelling shows many areas of the development would be at risk of overheating if only reliant on openable windows. The applicant has demonstrated that the full range of measures in the cooling hierarchy have been explored before specifying Variable Refrigerant Flow active cooling. Existing building’s gas boilers do not have sufficient spare capacity to serve the proposed extensions. There are no planned or existing District Energy Networks within 500m of the application site, therefore there is no requirement to submit a connection feasibility study. The applicant has demonstrated that a Shared Heat Network with the new build works at the Dover Court Estate is not feasible. The applicant has provided monthly heat load data demonstrating that on-site Combined Heat and Power or Combined Cooling, Heat and Power would not be technically viable. A revised draft Green Performance Plan has been submitted which includes measurable performance targets for water, electricity and gas usage.

- 3.20 Pollution Team, Public Protection (commented 24/08/2017) – All of Islington is an Air Quality Management Area and the site is at a busy road junction. Given that the building’s occupiers may be at the site for an eight- or ten-hour working day, it would be prudent to consider the impacts of the proposed development against the annual mean objective, which is more onerous than the hourly mean. Given the applicant’s own findings, a condition (9) is recommended, requiring details of measures to minimise the development’s future occupiers’ exposure to air pollution.

## 11 RELEVANT POLICIES

- 3.1 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 Policy and Guidance

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

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

### Development Plan

- 3.4 The Development Plan comprises the London Plan 2016 (incorporating Minor Alterations), 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

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

- Site Allocation OIS3
- Employment Growth Area

3.6 The site is immediately adjacent to the Canonbury Conservation Area.

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

3.7 The SPGs and SPDs which are considered relevant are listed in Appendix 2.

## **12 ASSESSMENT**

3.1 The main issues arising from this proposal relate to:

- Design and conservation (previous reasons for refusal 1 and 2)
- Neighbour amenity (previous reasons for refusal 3)
- Land use
- Inclusive design
- Financial viability
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Servicing
- Fire safety
- Contaminated land and air quality
- Planning obligations

**Design and conservation**

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

3.3 Although the application site is just outside the Canonbury Conservation Area, the site is surrounded on three sides by the conservation area, and the relevant Conservation Area Design Guidelines (CADG) are a material consideration.

3.4 The first reason for refusal in the council's decision of 25/07/2016 referred to that development's:

- size, height, bulk and scale;

- poor quality of design (including the external structural elements, roof top plant, the external appearance and poor relationship between the existing and new built form);
- incongruous and visually intrusive form of development;
- harm to the character and appearance of the original building, and to the character and appearance of the street scene and the surrounding area; and
- failure to provide a high quality design appropriate to the site's prominent location at the junction of the busy Essex Road and Balls Pond Road.

3.5 The council's second reason for refusal referred to that development's:

- bulk, scale, design and proximity to St Paul's Church (Grade II\*) and other Grade II listed buildings on Balls Pond Road;
- overdominance, harmful to the setting of the Grade II and Grade II\* listed buildings and their special interest;
- overdominance, harmful to the setting of Canonbury Conservation Area; and
- failure to be sympathetic in form and scale to the local identity.

3.6 The second reason for refusal also noted that the identified harm was not outweighed by the development's public benefits.

3.7 The applicant has appointed a new architect since the previous application was refused.

#### *Site and surroundings*

3.8 The site's existing building is described at paragraphs 5.1 and 5.2 of this report.

3.9 The existing building is large for its context, and – due to its size and design – is not typical or characteristic of development in the surrounding area or in the Canonbury Conservation Area. It is, however, a relatively good example of its type, and it is of some architectural interest. It currently makes a neutral contribution to the significance of the adjacent conservation area.

3.10 The context of this island site must be noted. Surrounded by streets on all sides, the site is bounded by Essex Road, Balls Pond Road, Dove Road and Henshall Street. Many buildings immediately opposite the site meet the back of the pavement, or come close to it, and this provides enclosure and definition to the surrounding streets. There is, however, a garden and car park within the grounds of Queen Elizabeth Court to the east, and to the southeast of the site are gardens in the grounds of Westcliff House. There is a continuous built frontage on the east side of Essex Road, interrupted only by side streets and the undeveloped space at the west end of the application site. The north sides of Balls Pond Road and St Paul's Road also have relatively uninterrupted, continuous built frontages. This arrangement of massing provides enclosure and definition to the grounds of St Paul's Church, the adjacent open space, and the grounds of Marquess House. Several large trees (many protected by a Tree Preservation Order) exist in these spaces.

3.11 Building heights surrounding the application site are modest. To the north, terraced properties are 3 storeys in height, with an additional attic storey at 194-200 Balls Pond

Road at the corner of Newington Green Road. To the east, 231 Balls Pond Road rises to 3 storeys (including an attic storey), while Queen Elizabeth Court and Westcliff House rise to 4 storeys. To the south, Canonbury Heights / Arboretum Court is a 5-storey building where the first 3 (and original) storeys of this converted building meet the back of the pavement, and 2 later, additional storeys are set back from the building's principal elevations. The Pinnacle is a residential block on the corner of Essex Road and Dove Road, and rises to 4 storeys. To the west, St Paul's Church rises to approximately 29m above pavement level. To the northeast, properties on the north side of St Paul's Road are 1, 2 and 3 storeys in height.

- 3.12 Buildings surrounding the application site are of a variety of designs and ages, although most buildings to the north and west date from the 19<sup>th</sup> century, and typically have brick elevations with stone/stucco dressings. To the west and southwest are 20<sup>th</sup> century, medium-rise blocks of flats with brick elevations, and taller buildings within the Dover Court Estate. Canonbury Heights / Arboretum Court is a converted, former industrial building erected in 1912, and has red brick elevations facing the application site, while The Pinnacle is a purpose-built residential block with yellow stock brick and white rendered elevations.

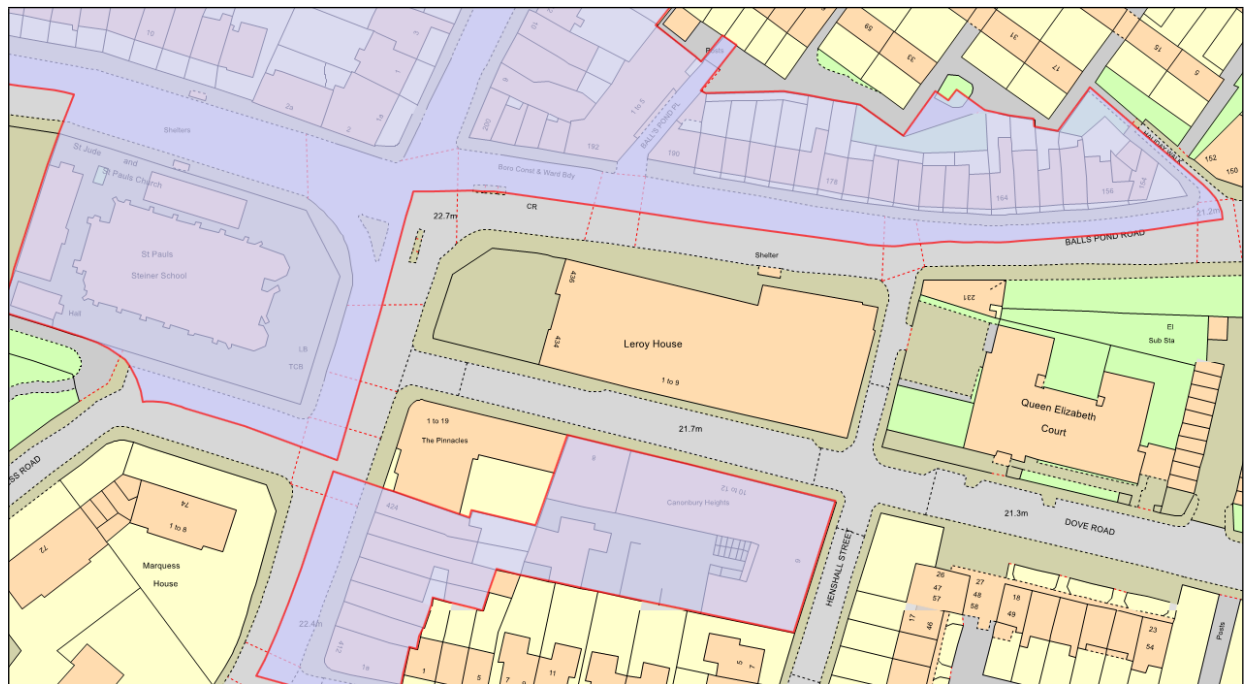


Image 2: Canonbury Conservation Area (shaded lilac), with application site in the centre

- 3.13 The application site is within a relatively sensitive location in terms of heritage assets. As illustrated in the plan above, the Canonbury Conservation Area covers land and buildings to the north and west of the application site, and there is also a detached enclave of the conservation area (covering Canonbury Heights / Arboretum Court and other buildings) to the south. Listed buildings close to the site include the Grade II\* listed St Paul's Church (designed by Sir Charles Barry, and dated 1826-8), and the Grade II listed terrace at 178-190 Balls Pond Road (dated c.1840). 412-424 Essex Road and 1 Wakeham Street are locally-listed. Canonbury Heights / Arboretum Court is an undesignated heritage asset, and was formerly the Canonbury Works, occupied

by the tin box manufacturers Jahncke Ltd. All these buildings make a positive contribution to the character and appearance of the conservation area.

*Building line, height and massing*

- 3.14 London Plan policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed or as a 'hook' for site planning and design".
- 3.15 At the local level, policy CS9 of Islington's Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building lines, heights and massing.
- 3.16 Paragraph 8.8 of the CADG for the Canonbury Conservation Area states that new buildings should conform to the height, scale and proportions of existing buildings in the immediate area.
- 3.17 As noted above, there is a continuous built frontage on the east side of Essex Road, and this – together with the built frontage on the north side of Balls Pond Road and St Paul's Road – encloses and defines (and frames and emphasises) St Paul's Church and its surrounding greenery. Also of note, the part of the application site that is currently undeveloped and is in use as a car park, was not historically open space. Historic maps and photographs confirm that buildings stood in this location, meeting the back of the pavement until as recently as the 1950s or 60s. This would suggest that the principle of building on the site's car park (which, with reference to the NPPF, must be regarded as previously-developed brownfield land) can be accepted, and although objections have been raised (by Islington's Design Review Panel and some neighbouring occupants) regarding the loss of this undeveloped space, officers are of the view that the townscape benefits of restoring definition, enclosure, a continued building line and an active frontage to this side of Essex Road would, together with the development's other planning benefits, outweigh any harm that would be caused by the loss of this space.
- 3.18 The proposed four/five-storey extension would not completely fill the currently-undeveloped part of the application site, and would in fact add approximately 90sqm to the public realm. This has been achieved through amendments made at pre-application stage, after Islington's DRP considered the proposals. Of note, the previously-proposed enclosed entrance structure was deleted (a canopy is now

proposed), which enabled a larger outdoor space to be provided directly outside the entrance. With a 4.5m deep pavement now proposed at the centre of the extension's most westerly elevation, officers consider that adequate space is proposed where the extension would meet the ground, and that the DRP's concerns have been addressed.

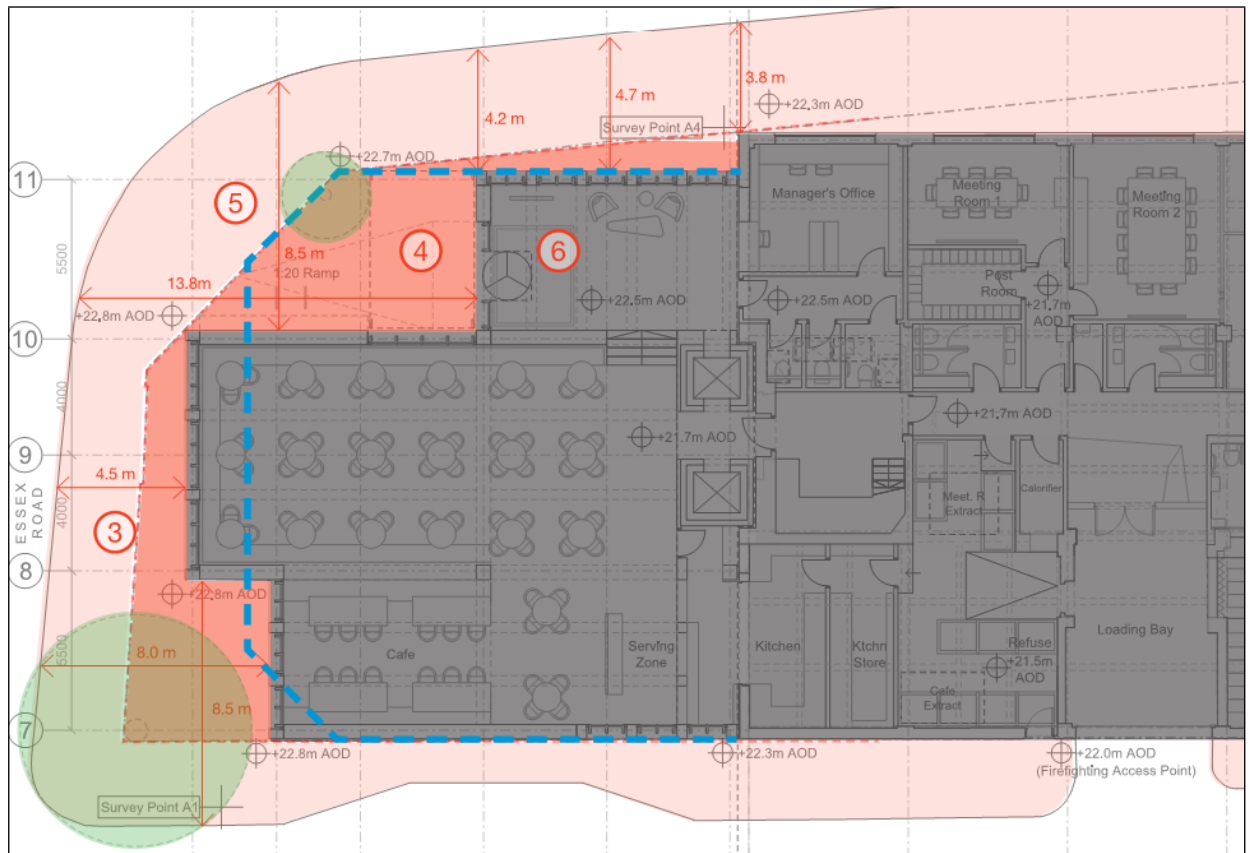


Image 3: Public realm at west end of site – light pink denotes existing pavements, dark pink denotes land within the application site to be added to the public realm, grey indicates the proposed building footprint, and blue dashed line indicates the footprint of the previous (refused) proposal.

- 3.19 Although some longer views of the site also take in taller buildings to the east (at the Dover Court Estate and adjacent to Dalston Junction station), given the heights of buildings closer to the application site, excessive height at the application site would not be appropriate. Furthermore, it is noted that the existing buildings of Essex Road and St Paul's Road provide a relatively consistent, modest and deferential setting to St Paul's Church, which rightly remains the focal point and dominant feature of this important road junction, and which is unrivalled (in terms of scale and importance) by the surrounding, respectful and subordinate development.
- 3.20 The proposed four/five-storey extension would comprise a central element of five storeys, with four-storey elements either side of it. The central element would present a 17.2m high elevation to Essex Road, and this would be fully glazed, as would be the four-storey element on its south side. Full glazing is also proposed to the north elevation of the four-storey part of the extension.
- 3.21 Although the proposed extension would be significantly taller than buildings immediately to the north and south (194-200 Balls Pond Road and The Pinnacle, both



four storeys in height), the proposed arrangement of massing would greatly help in reducing the extension's apparent bulk, and the four-storey elements that would flank the tallest element would reflect, or at least go some way towards meeting, the lower heights to the north and south. The four/five-storey extension would not have the stocky, bulky, clumsy appearance of the previous (refused) proposal for this site. Furthermore, the width of the adjacent road junction, the undeveloped space around St Paul's Church, and the proposed additions to the public realm at the corner of Essex Road and Balls Pond Road, provide a context in which the proposed heights can be comfortably accommodated.

- 3.22 Crucially, the height of the tallest part of the four/five-storey extension would remain significantly lower than that of St Paul's Church opposite, such that the church would remain the focal point and dominant feature (at least in terms of height) at this important road junction. The extension's height and massing would not unduly compete with, detract from, or undermine the importance of the church.
- 3.23 The council's Design and Conservation officer raised no objection to the proposed form, height and massing of the four/five-storey extension.



Image 4: Proposed development viewed from west

- 3.24 The proposed additional storey would be a sizeable addition to what is already a large building. Adding massing to the top of the existing building would certainly increase the apparent bulk of Leroy House (particularly when viewed from the east and west), and would result in a building that is even more uncharacteristically large than the site's existing massing. The council's Design and Conservation Officer has advised that the additional storey would cause some (albeit less than substantial) harm to the existing building, the Canonbury Conservation Area, and the listed terrace at 178-190 Balls Pond Road (and, it can additionally be asserted, the townscape of Balls Pond Road). This impact, however, would be partly mitigated by the acceptable design of the extension (discussed later in this report). Given the level of weight to be attached to

this residual impact, and the benefits of the proposed development, amendments such as further setting-in of the additional storey were not sought. Furthermore, refusal of planning permission is not recommended in relation to the residual impact of the additional storey's height and massing.

- 3.25 Notwithstanding the amenity impacts discussed later in this report, in terms of height and massing it is considered that the proposed development (i.e., the four/five-storey extension and the additional storey, considered together) demonstrates sufficient sensitivity to the site's context, does not represent overdevelopment of the site, and is acceptable in townscape terms. Given the various heights and setbacks proposed, and the shape and setbacks of the existing building, when viewed from the west the extended building would appear as a series of stepped volumes that would both break up this large building's massing, and would give it a grain that would help avoid it appearing monolithic. It is noted, however, that the height and massing proposed is likely to be the maximum acceptable at this site. The proposed height of the development is considered further in relation to impacts upon heritage assets later in this report.

#### *Architecture and elevations*

- 3.26 London Plan policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should comprise details that complement, not necessarily replicate, the local character.
- 3.27 Other policies are also relevant to architecture, including London Plan policy 7.4 (relating to local character) and Core Strategy policy CS9, which states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. This Core Strategy policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of façades. Finally, part G of policy CS9 notes that high quality contemporary design can respond to relevant challenges as well as traditional architecture, and that innovative design is welcomed.
- 3.28 Policies in chapter 2 of the Development Management Policies document are relevant to architecture and detailed design. In particular, policy DM2.1 states that all forms of development are required to be of high quality. Further guidance is provided in Islington's Urban Design Guide SPD and the CADG for the Canonbury Conservation Area.
- 3.29 Although large for its context, Leroy House is a relatively good example of its type, and is of some architectural interest. Its 1960s west elevation, highly visible at this important road junction, is certainly a key townscape feature. Its relief, taller central feature, signage and entrance might suggest that this elevation was intended to permanently face the public realm, and that there was not an intention to build on the car park in a later phase. However, this elevation is not protected, and the rather squat

ground floor detracts from the elevation's composition. Contrary to the suggestion of Islington's DRP, this west entrance is not particularly historic, and it is sunken and partly hidden from public view. Given these considerations, and the fact that active frontages and an active ground floor use are proposed along with a more prominent entrance on the same side of the site (all of which would help improve the building's relationship with the public realm and make the building more legible), it is considered that the building over of the existing west elevation is acceptable.

- 3.30 The proposed four/five-storey extension is considered acceptable in terms of its architecture, elevational treatment and detailed design.
- 3.31 The proposed extension's three elements would appear taller than they are wide when viewed from the west, and the proposed fenestration would be broken up with full-height brick elements. These features, and the proposed arrangement of glazing bars and panes, would give the extension a very strong vertical emphasis. Islington's DRP, commenting on an earlier iteration of the proposals, expressed concern in relation to the extension's very strong vertical emphasis, and stated that, when combined with large areas of blank brickwork, the extension would have a civic or ecclesiastical character.
- 3.32 Officers disagree with this observation. Although there are indeed large, brick buildings (with tall columns of windows and strong vertical emphases) in civic and ecclesiastical use (Guildford Cathedral is one example), not all buildings with such features or of such a design are used for those purposes, and it is not considered that the proposed four/five-storey extension would necessarily be read by a passer-by as a civic or ecclesiastical building. The extensive glazing to the elevations would allow views into the café and of the employment activities to be carried out inside the building, which would further clarify the purpose of the building to an outside observer.
- 3.33 It should also be noted that the Canonbury Conservation Area, like many in the borough, features buildings that have a vertical emphasis – St Paul's Church spire is one example, while the conservation area's 18<sup>th</sup> and 19<sup>th</sup> residential properties, although often arranged in pairs and terraces, are commonly taller than their plot widths, and have windows taller than they are wide. In this context, a strong vertical emphasis to the proposed extension is considered acceptable.
- 3.34 Leroy House has a predominantly horizontal emphasis, due to its shape (its north elevation is clearly longer than it is tall) and fenestration. There are, however, vertical elements to its elevations, and it is considered that an extension with a strong vertical emphasis can provide an appropriate and confident response to its host.



Photographs 4 and 5: vertical elements to corner of Balls Pond Road and Henshall Street, and Dove Road elevation

- 3.35 Wider contextual considerations aside, the proposed Essex Road elevation is considered to be well-designed, well-proportioned, and appropriate to the proposed use. The proposed entrance would be clear and legible. Leroy House's existing presence in the townscape at this important road junction would be maintained.
- 3.36 Of note, the council's Design and Conservation Officer noted that the proposed four/five-storey extension would be a high quality piece of contemporary architecture, and – notwithstanding their concerns as detailed earlier in this report and at Appendix 3 – the DRP generally commended the architectural approach to that extension.
- 3.37 A condition requiring minimum reveal depths of 200mm is recommended (condition 5) to ensure the elevations of the extension would be provided with adequate relief.
- 3.38 The proposed additional storey is considered acceptable in terms of its elevational treatment and detailed design. It would relate well enough to its host building, and would use some of the same materials proposed for the four/five-storey extension, thus ensuring a strong relationship between the two main elements of the proposed development. The additional storey is a more modest extension than that proposed under the previous application for this site, the previously-proposed (and problematic) external structural elements have not been proposed again by the applicant's new

architect, and further amendments and improvements to the design of the additional storey have been made since an earlier iteration of the proposed development was considered by the DRP on 11/05/2017.

- 3.39 Of note, the council's Design and Conservation Officer commented that the additional storey was well-designed and detailed.

#### *Materials*

- 3.40 Part Biii of Development Management Policy DM2.1 states that development proposals are required to demonstrate architectural and design quality, including through the colour, type, source and texture of materials to be used. Paragraph 8.11 of the CADG for the Canonbury Conservation Area states traditional materials will normally be required for extensions, and that – for new development – materials should be sympathetic to the character of the area in terms of form, colour and texture. Paragraph 8.12 adds that the existing character and appearance of the area is largely created by the surviving 18<sup>th</sup> and 19<sup>th</sup> century buildings, built of brick, stucco, timber windows and doors, and slate roofs. It is important that new buildings, extensions and refurbishment of existing buildings blend in with and reinforce this character, and care must be taken with the choice of brick and bond.
- 3.41 The proposed palette of materials includes a light-coloured brick, metal in a light bronze colour, and clear glazing. This very simple, well-considered palette is considered appropriate for this site and its context, however the precise colours, textures, detailing and method(s) of fixing would need to be carefully controlled, given the sensitivities of the site and the need to ensure high quality, appropriate materials are used. The detailing and fixing of the materials is also considered particularly important, given that many good designs have been let down by poor execution and attention to detail. Most of the existing building's brick elevations are laid in a Flemish bond, which may suggest the same bond would be appropriate for the four/five-storey extension (and such a bond would help avoid the development's larger areas of blank brickwork appearing monotonous), however for a contemporary building such as this, a case could be made for stretcher bond – it is recommended that this matter be considered further and addressed at conditions stage. Recommended condition 3 requires the submission and approval of details and samples of all external materials, including a sample panel of brickwork and mortar courses to be provided on site.
- 3.42 Further wording to condition 3, requiring the submission of a Green Procurement Plan to demonstrate how the procurement of materials for the proposed development would promote sustainability, is also recommended.

#### *Impacts on heritage assets*

- 3.43 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the council to pay special attention to the desirability of preserving or enhancing the character and appearance of the adjacent Canonbury Conservation Area when determining this application.
- 3.44 Policy DM2.3 states that new developments within Islington's conservation areas are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of Islington's conservation

areas will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted. The same policy states that the significance of Islington's listed buildings is required to be conserved or enhanced, and that new developments within the setting of a listed building are required to be of good quality contextual design.

- 3.45 Section 12 of the National Planning Policy Framework, London Plan policy 7.8 and Core Strategy policy CS9 are also relevant.
- 3.46 The proposed development is considered acceptable in terms of its impact upon the Canonbury Conservation Area. Regarding the proposed height and scale of the four/five-storey extension and additional storey, although paragraph 8.8 of the relevant CADG would not be complied with (where it states that new buildings should conform to the height, scale and proportions of existing buildings in the immediate area), given the way in which the massing of the extension would be treated and broken down, and given the four-storey elements that would reflect nearby heights, as considered earlier in this report the proposed extension would sit comfortably within its context. The additional storey would cause some (less than substantial) harm to the Canonbury Conservation Area by virtue of its scale, however given the weight to be attached to that harm, and the benefits of this part of the proposed development, it is not considered necessary to refuse planning permission on the basis of this harm.
- 3.47 The detailed design and materials of the proposed development are considered appropriate in the way they would relate to their context. As noted above, paragraphs 8.11 and 8.12 of the CADG state that materials should be sympathetic to the character of the area in terms of form, colour and texture. With brick proposed as the primary material, the proposed development would complement the materials immediately adjacent and opposite. As noted earlier in this report, the vertical emphasis of the proposed elevations would reflect the vertical emphasis that predominates among the area's heritage assets.
- 3.48 The additional storey would also cause some (less than substantial) harm to the setting of the Grade II listed terrace at 178-190 Balls Pond Road by virtue of its scale and due to the increased imbalance in heights that would be created either side of the street. Again, however, refusal of permission is not recommended on these grounds, given the weight to be attached to the identified harm, and the benefits of this part of the proposed development.
- 3.49 Neither the proposed extension nor the additional storey would harm the setting of the Grade II\* St Paul's Church. Other listed and locally-listed buildings are not immediately adjacent to the application site. The proposed development would not harm the setting of or detract from the significance of these heritage assets.



Photograph 6: view from east along Balls Pond Road



Image 5: proposed view from east along Balls Pond Road



Image 6: proposed view from southwest, with St Paul's Church in the foreground

#### *Other design considerations*

- 3.50 Paragraphs 5.192 and 5.193 of Islington's Urban Design Guide state that roof structures that are not an integral part of the building such as plant or railings should normally be avoided, particularly if they are visible from the public realm or would undermine residential amenity. If space for plant machinery is required this should be accommodated within the building envelope. Lift overruns that project above the roofline should be avoided. If this is not possible, they should be incorporated on the rear part of the roof, where they are not visible from the street. The previous version of Islington's Urban Design Guide provided similar guidance.
- 3.51 Paragraph 8.15 of the CADG for the Canonbury Conservation Area states that the council is opposed to the erection of plant rooms, air conditioning units and other services including water tanks and radio satellite or telecommunications equipment at roof level where this can be seen from street level or public space, including long views from side streets. Paragraph 8.16 adds that the roofline of a street is a major component of its character.
- 3.52 The existing roof of Leroy House is untidy, with various overruns, items of plant and telecommunications equipment, glazed lanterns and railings rising above the roofline. The proposed additional storey would enable some tidying of the top of the building, and there is some merit in the applicant's proposal to rationalise rooftop plant into a single enclosure above the additional storey. This would have a footprint measuring 24.7m by 6.6m, and would be 2.5m high. It would be set at least 5.8m in from the edges of the building. The requirements of relevant policies are noted, however the relocation of this rooftop plant – if possible – may result in less B1 floorspace being provided within the envelope of the extended building.



- 3.53 The proposed rooftop installation is, however, contrary to planning policy and guidance. Although the dimensions and location of the enclosure would limit its visibility, it may still be visible in longer views from St Paul's Road and Balls Pond Road. Furthermore, full justification for an enclosure of this size has not been provided. A condition (4) is therefore recommended, stating that – notwithstanding what is shown on the submitted drawings – details and full justification for any such enclosure will need to be submitted and approved prior to work commencing.
- 3.54 The proposed rooftop photovoltaic panels and ductwork do not raise significant concerns in relation to design and townscape impacts, given their proposed heights and locations away from the edges of the building, however recommended condition 4 nonetheless requires details of these installations.
- 3.55 High-level signage is shown to the proposed west elevation of the four/five-storey extension on drawing P01 132 rev A. This is considered prominent, too high, and not compliant with Development Management Policy DM2.6, which states that advertisements are required to contribute to an attractive environment, must not contribute to clutter or a loss of amenity, and must be of a high quality and sensitive to the surrounding streetscene, especially in conservation areas. Signage to this elevation (that cannot be displayed without requiring approval, or that does not have deemed consent), would in any case require a separate advertisement consent. An informative (7), advising the applicant that the suggested signage is not approved, is recommended.
- 3.56 The proposed development raises no significant concerns in relation to crime, the fear of crime, and anti-social behaviour. The proliferation of CCTV cameras on the existing building may suggest that Leroy House is currently vulnerable to crime, and the proposed development provides opportunities to reduce these risks and improve on the existing situation. The development of the site's car park and replacement of the existing sunken, partly hidden main entrance may reduce opportunities for crime and anti-social behaviour. The proposed four/five-storey extension would improve the definition of the surrounding streets, would clarify which spaces are public and which are private, and would introduce active frontages with good outlook. Furthermore, a tidier site, with a greater number of employees, would also help reduce the risk of anti-social behaviour around the perimeter of the site. The response from the Metropolitan Police's Designing Out Crime Officer raised no in-principle objection to the development, and her detailed comments can be addressed by the applicant at detailed design stage.
- 3.57 The paving of the new areas of public realm proposed at the western end of the site would need to be implemented with materials that match or complement those of the adjacent council-maintained pavements, and with regard to guidance provided in Islington's Streetbook SPD and at paragraph 8.33 of the CADG for the Canonbury Conservation Area.

### **Neighbour Amenity**

- 3.58 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

- 3.59 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 3.60 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable, it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

*Daylight and sunlight*

- 3.61 The applicant's Daylight and Sunlight Report (GL Hearn, 04/08/2017) notes at paragraph 4.3 that room sizes and layouts (that informed the applicant's analysis) were based on internal arrangement drawings where possible, however where drawings were unavailable the applicant has assumed room sizes and layouts based on external observation, estate agent details and the applicant's consultant's knowledge and experience. It is understood that the applicant team have not visited any neighbouring properties to ascertain or verify room sizes, layouts and uses. While this means some of the applicant team's NSL/DD information relies on unverified information (which might call into question the accuracy of the submitted results), their assumptions are not considered unreasonable, and it is considered that an adequate assessment of the development's impacts upon natural light can be made on the basis of the applicant's report.
- 3.62 The applicant's Daylight and Sunlight Report assesses impacts upon the following neighbouring properties:
- 196-200 Balls Pond Road
  - 194 Balls Pond Road
  - 192 Balls Pond Road
  - 190 Balls Pond Road
  - 184-188 Balls Pond Road
  - 172-182 Balls Pond Road
  - Queen Elizabeth Court
  - Canonbury Heights (10-12 Dove Road)
  - Arboretum Court (8 Dove Road)

- 1-19 The Pinnacle
- St Paul's Steiner School (in St Paul's Church)
- 2 St Paul's Road and 1a Newington Green Road

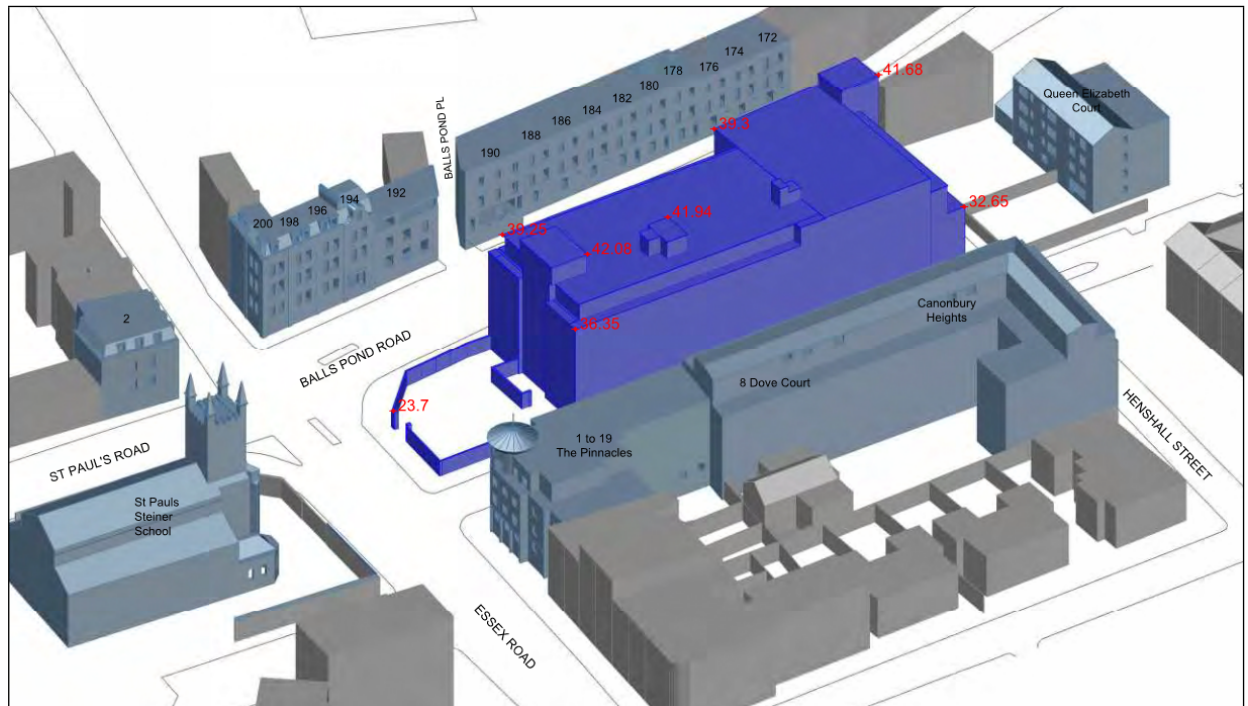


Image 7: Neighbouring properties assessed for daylight and sunlight impacts

- 3.63 The applicant's chosen methodology follows guidance provided by the BRE and uses BRE-recommended testing to assess natural light impacts. In relation to daylight, the Vertical Sky Component (VSC) and No Sky Line / Daylight Distribution (NSL / DD) tests have been used. For sunlight, the applicant has carried out Annual Probable Sunlight Hours (APSH) testing.
- 3.64 When using the BRE guidance to assist in the assessment of daylight and sunlight impacts, paragraph 1.6 of the BRE guidance must be noted. This confirms that:
- "The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".*
- 3.65 Regarding the weight to be attached to the BRE guidance, appeal decisions such as the decision dated 15/01/2014 relating to a major site in the south of the borough at Pentonville Road (ref: APP/V5570/A/13/2195285) generally indicate that closely adhering to BRE guidance is appropriate to ensure neighbour amenity is protected.

- 3.66 With regard to daylight, the BRE guidance notes that where VSC figures are greater than 27%, enough daylight should still be reaching the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. Of note, the 0.8 figure is often expressed as a percentage in VSC analysis, such that a reduction of up to 20% would comply with this part of the BRE guidance if the 27% figure is also met.
- 3.67 In situations where post-development VSC figures fail to comply with the levels suggested by the BRE, a further test can be carried out to measure the overall amount of daylight in a room. This is the Daylight Distribution (No Sky Line, or NSL) test. BRE guidance state that if the NSL moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit. The 0.8 figure is often expressed as a percentage in NSL analysis, such that a reduction of up to 20% would be acceptable.
- 3.68 With regard to sunlight, the applicant has used the APSH test to ascertain whether the centre of adjacent windows (facing within 90° of due south) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March. If the available sunlight hours are both less than these amounts and less than 0.8 times their former value, occupants will notice a loss of sunlight.
- 3.69 BRE guidance suggests that, in some scenarios, it may be appropriate to test daylight and sunlight impacts with reference to a hypothetical mirror image of an impacted building. This concept is often referred to as “mirror massing”, and involves an imaginary building of the same height and size, and of an equal distance away from the site’s boundary (or centre line of the street), as the impacted building – this, arguably, represents the massing that might reasonably be found on a development site, bearing in mind prevailing heights and character in the area. The mirror massing concept involves setting the impacts of this hypothetical building as a bar or baseline, and then ascertaining how the impacts of a proposed development would worsen or improve on the hypothetical scenario.
- 3.70 This approach is of some use where an application site is currently undeveloped, and where existing neighbouring properties benefit from levels of daylight and sunlight that they wouldn’t receive had the application site already been developed to the same height and size as their own building. An applicant might reasonably argue that it would be unfair for their site to be restricted (in terms of what could be built) or blighted by the proximity of an existing, sensitive building (should BRE test targets be strictly applied), and might argue that a local planning authority should take into account what light would (or wouldn’t) have reached that sensitive building had the application site been previously developed. With such an approach, the light obstructed by a hypothetical building would be deducted from the light obstructed by the applicant’s proposed development.
- 3.71 Although this approach has some validity, *actual* (i.e., without hypothetical light obstruction deducted) VSC, NSL/DD and APSH test results are of more use to a decision maker, as they illustrate the real impacts that the occupants of neighbouring

properties would experience, should the proposed development go ahead. These actual results must be given more weight in the consideration of planning applications, however mirror massing test results should not be disregarded.

*Property-by-property natural light assessment*

- 3.72 172-182, 188 and 192-200 Balls Pond Road No VSC or NSL/DD failures predicted. In relation to sunlight the only failures of the BRE's APSP test are predicted to be at ground and first floor level, where five windows (one at 192 Balls Pond Road, one at 188, two at 182, and one at 180) would no longer meet the BRE's 5% winter target. These wintertime impacts, however, are not considered so significant as to warrant refusal of planning permission.
- 3.73 190 Balls Pond Road No VSC failures predicted. A first floor room (R2, in use as a living room) is predicted to marginally fail the NSL/DD test, but with a value difference of 0.78 (where the target is 0.8). This is not considered so significant as to warrant refusal of planning permission. In relation to sunlight, no failures of the BRE's APSP test are predicted.
- 3.74 184-186 Balls Pond Road No VSC failures predicted. In each of these properties, a single room is predicted to marginally fail the NSL/DD test – a first floor bedroom at 184 Balls Pond Road would have a value difference of 0.79, and a ground floor living room at 186 Balls Pond Road would also have a value difference of 0.79. These failures are not considered so significant as to warrant refusal of planning permission. In relation to sunlight the only failures of the BRE's APSP test are predicted to be at ground and first floor level, where four windows (one at 186 Balls Pond Road, and three at 184) would no longer meet the BRE's 5% winter target. These wintertime impacts, however, are not considered so significant as to warrant refusal of planning permission.
- 3.75 Queen Elizabeth Court No VSC, NSL/DD or APSP failures predicted.
- 3.76 Canonbury Heights (10-12 Dove Road) For this residential property to the south of the application site, five of the 71 windows tested are predicted to fail VSC, and 20 of the 45 rooms tested are predicted to fail NSL/DD. Discounting seven mezzanine rooms that would fail the DD/NSL test because the existing lit area would remain at 0%, the applicant's test results (for those rooms that are predicted to fail NSL/DD) are detailed below (failures highlighted in bold):

Floor – window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
		Existing (%)	Proposed (%)	Factor of former value (target: 0.8)	Existing (%)	Proposed (%)	Factor of former value (target: 0.8)
First – W7	R5 – bedroom	19.03	15.43	0.81	59	44	<b>0.75</b>
Second – W5	R3 – bedroom	27.09	21.74	0.8	87	60	<b>0.69</b>

Second – W6	R4 – bedroom	26.26	20.51	<b>0.78</b>	88	54	<b>0.62</b>
Second – W7	R5 – bedroom	25.88	20.07	<b>0.78</b>	90	56	<b>0.62</b>
Second – W8	R6 – living / kitchen / dining	25.77	20.23	<b>0.79</b>	80	63	<b>0.79</b>
Second – W9		25.78	20.66	0.8			
Second – W11	R8 – bedroom	25.97	21.49	0.83	75	57	<b>0.76</b>
Second – W12	R9 – bedroom	26.05	21.72	0.83	98	75	<b>0.77</b>
Second – W13	R10 – bedroom	26.16	21.88	0.84	92	68	<b>0.74</b>
Third – W4	R2 – living / kitchen / dining	31.9	25.88	0.81	83	57	<b>0.69</b>
Third – W5	R3 – bedroom	31.26	24.74	<b>0.79</b>	96	76	<b>0.79</b>
Third – W6		30.97	24.32	<b>0.79</b>			
Third – W8	R5 – bedroom	30.82	24.69	0.8	98	65	<b>0.66</b>
Third – W9	R6 – bedroom	30.79	25.08	0.81	98	64	<b>0.65</b>
Third – W10	R7 – living / kitchen / dining	30.78	25.35	0.82	100	71	<b>0.71</b>
Third – W11		30.78	25.56	0.83			
Third – W12		30.82	25.71	0.83			

3.77 Given the relatively small number of failures (five VSC and 13 NSL/DD) listed above, and the degree of failure (noting the number of failures in the 0.7 to 0.79 range, which are generally considered to be lesser or minor infringements in relatively dense urban areas), it is considered that daylight impacts to this neighbouring building are acceptable.

3.78 In relation to the levels of sunlight reaching the windows of the residential units of Canonbury Heights, no failures of the BRE's APSH testing are predicted. The centres of all tested windows (facing within 90° of due south) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, and difference values would not be below 0.8.

3.79 Arboretum Court (8 Dove Road) For the 21 windows tested, no VSC failures are predicted, however 11 rooms would fail NSL/DD, as detailed below (failures highlighted in bold):

Floor – window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
		Existing (%)	Proposed (%)	Factor of former value (target: 0.8)	Existing (%)	Proposed (%)	Factor of former value (target: 0.8)
Mezz – W1	R1 – living	15.27	13.49	0.88	4	0	<b>0.01</b>
Mezz – W2	R2 – dining	15.71	13.59	0.87	5	0	<b>0.01</b>
Mezz – W3	R3 – bedroom	16.29	13.71	0.84	6	0	<b>0.05</b>
Mezz – W4	R4 – bedroom	17.08	13.87	0.81	6	0	<b>0.03</b>
Second – W1	R1 – living	26.33	21.99	0.84	66	49	<b>0.74</b>
Second – W2	R2 – dining	26.59	22.1	0.83	77	56	<b>0.73</b>

Second – W3	R3 – bedroom	27	22.26	0.82	85	59	<b>0.69</b>
Second – W4	R4 – bedroom	27.5	22.49	0.82	79	54	<b>0.68</b>
Third – W1	R1 – kitchen	30.92	25.85	0.84	99	58	<b>0.59</b>
Third – W2	R2 – living	31.07	25.98	0.84	99	62	<b>0.62</b>
Third – W3	R3 – living / kitchen / dining	31.35	26.19	0.84	99	69	<b>0.7</b>
Third – W4		31.68	26.44	0.83			

3.80 Of note, the worst NSL/DD failures are predicted for mezzanine rooms where the existing lit areas are already very low. For the other seven failing rooms, three are in the 0.7 to 0.79 range. Although the predicted impacts on the other four rooms is unfortunate and must weigh negatively in the balance of planning considerations, given the weight to be attached to these shortcomings, it is not considered that they warrant refusal of planning permission.

3.81 A sunlight assessment only needed to be carried out for one window at Arboretum Court, as no other windows facing the application site face within 90° of due south. This window is predicted to pass the APSH test.

3.82 1-19 The Pinnacle For the 45 windows tested, the applicant predicts 21 VSC failures. 22 rooms are predicted to fail NSL/DD. The windows and rooms failing the VSC and NSL/DD do not fully correspond – for example, four NSL/DD failures are predicted for rooms where windows do not fail VSC. The applicant’s test results are detailed below (failures highlighted in bold):

Floor – window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
		Existing (%)	Proposed (%)	Factor of former value (target: 0.8)	Existing (%)	Proposed (%)	Factor of former value (target: 0.8)
Ground – W6	R3 – bedroom	23.58	14.24	<b>0.6</b>	98	40	<b>0.4</b>
Ground – W7	R4 – living / kitchen/ dining	25.1	16.87	<b>0.67</b>	100	100	1
Ground – W8		25.68	18.8	<b>0.73</b>			
First – W1	R1 – living / kitchen / ground	21.44	16.12	<b>0.75</b>	43	21	<b>0.49</b>
First – W2	R2 – bedroom	23.65	16.68	<b>0.71</b>	58	24	<b>0.41</b>
First – W3	R3 – living / kitchen / ground	26.79	17.50	<b>0.65</b>	75	19	<b>0.25</b>
First – W4	R4 – bedroom	28.59	18.57	<b>0.65</b>	98	34	<b>0.34</b>
First – W5	R5 – bedroom	29.85	19.71	<b>0.66</b>	99	31	<b>0.32</b>
First – W6	R6 – bedroom	31.21	21.67	<b>0.69</b>	95	55	<b>0.57</b>
First – W7	R7 – living / kitchen / ground	32.28	23.56	<b>0.73</b>	98	68	<b>0.7</b>
First – W8	R8 – living / kitchen / ground	32.98	25.34	<b>0.77</b>	100	100	1
Second – W1	R1 – living / kitchen / ground	25.08	19.54	<b>0.78</b>	44	24	<b>0.55</b>

Second – W2	R2 – bedroom	26.99	20.22	<b>0.75</b>	60	27	<b>0.45</b>
Second – W3	R3 – living / kitchen / ground	29.63	21.19	<b>0.72</b>	76	23	<b>0.3</b>
Second – W4	R4 – bedroom	31.19	22.36	<b>0.72</b>	98	38	<b>0.39</b>
Second – W5	R5 – bedroom	32.27	23.46	<b>0.73</b>	99	34	<b>0.35</b>
Second – W6	R6 – bedroom	33.42	25.22	<b>0.75</b>	95	56	<b>0.59</b>
Second – W7	R7 – living / kitchen / dining	34.33	26.92	<b>0.78</b>	97	68	<b>0.7</b>
Third – W1	R1 – living / kitchen / dining	29.23	23.26	0.8	72	46	<b>0.64</b>
Third – W2	R2 – bedroom	30.71	23.97	<b>0.78</b>	76	44	<b>0.58</b>
Third – W3	R3 – living / kitchen / dining	32.61	24.99	<b>0.77</b>	84	34	<b>0.4</b>
Third – W4	R4 – bedroom	33.75	26.12	<b>0.77</b>	98	52	<b>0.53</b>
Third – W5	R5 – bedroom	34.58	27.16	0.79	98	51	<b>0.52</b>
Third – W6	R6 – bedroom	35.46	28.68	0.81	95	63	<b>0.66</b>
Third – W7	R7 – living / kitchen / dining	36.13	30.06	0.83	97	66	<b>0.68</b>

3.83 The majority of the predicted VSC failures fall within the 0.7 to 0.79 range, however the majority of the NSL/DD failures do not, and significant weight must be given to this level of failure, in terms of the numbers of rooms adversely affected, and the degree to which each of those rooms would be impacted.

3.84 The applicant has, however, carried out mirror massing testing for The Pinnacle. 44 windows were tested, and no VSC failures were predicted. NSL/DD failures were, however, predicted for 13 rooms as follows (failures highlighted in bold):

Floor – window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
		Existing (%)	Proposed (%)	Factor of former value (target: 0.8)	Existing (%)	Proposed (%)	Factor of former value (target: 0.8)
First – W3	R3 – living / kitchen / dining	19.94	17.5	0.88	25	19	<b>0.75</b>
Second – W1	R1 – living / kitchen / dining	23.04	19.54	0.85	35	24	<b>0.69</b>
Second – W2	R2 – bedroom	23.96	20.22	0.84	41	27	<b>0.65</b>
Second – W3	R3 – living / kitchen / dining	25.13	21.19	0.84	39	23	<b>0.58</b>
Second – W4	R4 – bedroom	26.01	22.36	0.86	62	38	<b>0.62</b>
Second – W5	R5 – bedroom	26.7	23.46	0.88	50	34	<b>0.68</b>
Third – W1	R1 – living / kitchen / dining	28.29	23.26	0.82	72	46	<b>0.64</b>
Third – W2	R2 – bedroom	29.38	23.97	0.82	76	44	<b>0.58</b>



Third – W3	R3 – living / kitchen / dining	30.64	24.99	0.82	83	34	<b>0.41</b>
Third – W4	R4 – bedroom	31.46	26.12	0.83	98	52	<b>0.53</b>
Third – W5	R5 – bedroom	32.11	27.16	0.85	98	51	<b>0.52</b>
Third – W6	R6 – bedroom	32.8	28.68	0.87	95	63	<b>0.66</b>
Third – W7	R7 – living / kitchen / dining	33.45	30.06	0.9	93	66	<b>0.71</b>

- 3.85 It is considered that, even with mirror massing taken into account, the impacts on these 13 rooms would still be significant. Only two of the failing rooms would have NSL/DD results within the 0.7 to 0.79 range. The predicted impacts are unfortunate and must weigh negatively in the balance of planning considerations, particularly given that, as noted above, less weight should be given to mirror massing results than to actual results. Although the mirror massing results diminish the weight to be attached to the impacts highlighted in the table of *actual* results, the impacts of the proposed development upon The Pinnacle cannot be disregarded.
- 3.86 A sunlight assessment only needed to be carried out for one window at The Pinnacle, as no other windows facing the application site face within 90° of due south. This window passed the APSH test in both the actual and mirror massing testing.
- 3.87 St Paul's Steiner School and 2 St Paul's Road / 1a Newington Green Road No VSC, NSL/DD or APSH failures predicted.
- 3.88 Regarding sunlight at street level, the proposed development may result in some losses, however this is considered unlikely to be so significant as to warrant refusal of permission.

#### *Daylight and sunlight summary*

- 3.89 The applicant's testing predicts VSC and NSL/DD failures at residential properties to the north and south of the application site. Even taking into account mirror massing analysis carried out in relation to The Pinnacle, the impacts upon these properties would be unfortunate and must weigh negatively in the balance of planning considerations. However – having regard to each level of failure and the weight to be attached – it is not considered that the losses of natural light to any individual property or group of properties are so significant as to warrant refusal of planning permission. Overall, it is considered that the majority of neighbouring properties would retain adequate levels of amenity in relation to natural light.
- 3.90 Rights to Light are a private legal matter, and are not a material planning consideration.

#### *Outlook*

- 3.91 Outlook – the visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces – can be affected by the close siting of another building or structure, which – depending on its proximity, size and appearance – can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property,

particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.

- 3.92 The proposed development would introduce significant massing to the western end of the site, where there is currently no building. The proposed additional storey would also add to the existing building's massing.
- 3.93 Distances between the proposed four/five-storey extension and neighbouring windows must be noted. A distance of over 20m would be maintained between the windows of 192-200 Balls Pond Road and the north elevation of the extension. 11.5m would be maintained between the north-facing residential windows of The Pinnacle and the proposed extension. To the east, the windows of Queen Elizabeth Court are 21m away from the east elevation of Leroy House. The proposed additional storey would come no closer to neighbouring properties than the existing building does.
- 3.94 These distances, and the heights of the proposed development, suggest that – although the occupants of several neighbouring would look out onto new or increased massing – a good level of amenity (in terms of outlook) would be maintained for those occupants. Elevation-to-elevation distances would not be abnormal or uncharacteristic for this area. Sections submitted with the application illustrate acceptable (and not particularly narrow or claustrophobic) width-to-height ratios across Balls Pond Road, Henshall Street, Dove Road and Essex Road. The relatively spacious road junction, and the proposed stepped massing and setbacks of the extension and additional storey would help ensure that outlook impacts would be limited.
- 3.95 It is also noted that not all properties surrounding the application site are in residential use, and that the amenities of such non-residential uses are not normally afforded the same level of protection as that appropriate to residential properties. Finally, it is noted that some neighbouring rooms and properties may benefit from dual aspect, which would further limit the impacts of the proposed development in terms of outlook.
- 3.96 In summary, the proposed development would not be overbearing or lead to an unacceptable sense of enclosure for neighbouring occupants.

#### *Privacy*

- 3.97 Paragraph 2.14 of Islington's Development Management Policies states that "To protect privacy for residential development and existing residential properties, there should be a minimum distance of 18m between windows of habitable rooms. This does not apply across the public highway – overlooking across a public highway does not constitute an unacceptable loss of privacy". In the application of this policy, consideration must be given to the nature of views between habitable rooms – for instance, where views between habitable rooms would be oblique as a result of angles or height differences between windows, there may be no harm.
- 3.98 Paragraph 2.3.36 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been

instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.

- 3.99 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement does not necessarily apply. Nevertheless, there is potential for the windows of offices and employment spaces to adversely affect the privacy of neighbouring residential properties.
- 3.100 To the north, east and west of the application site, neighbouring properties stand over 18m away from the existing building, and distances of over 18m would be maintained, post-development.
- 3.101 The south elevation of the proposed four/five-storey extension would introduce three columns of windows at ground to third floor level, facing The Pinnacle. South-facing windows are also proposed at fourth floor level, although these would be set back from the edge of the site. This new fenestration would certainly introduce opportunities for overlooking from the extension into the windows of the residential units opposite, and this must weigh negatively in the balance of planning considerations, however the weight to be attached to this impact would be limited by the likely hours that the proposed B1 floorspace would be used (although it is noted that these hours would not be controlled), and the fact that this overlooking would occur across a public highway (paragraph 2.14 of Islington's Development Management Policies is again noted). It is not considered that the impact of the proposed development upon the privacy enjoyed by the occupants of The Pinnacle would be so great as to warrant refusal of planning permission.
- 3.102 The potential for overlooking from the south-facing windows of the additional storey (to Canonbury Heights, Arboretum Court and The Pinnacle) is also noted, however for the same reasons, refusal of planning permission is not recommended in relation to these impacts.
- 3.103 No usable roof terraces are proposed, and recommended condition 8 prevents the use of the extended building's roof areas as outdoor amenity or recreational spaces. Recommended condition 16 also restricts the use of the proposed blue and green roofs.

#### *Light pollution*

- 3.104 Normal office hours are unlikely to require internal lighting of the proposed development late into the evenings, however – to enable flexible use of the proposed floorspace – it is not recommended that the hours of occupation of the development be restricted. This raises the possibility of late night light pollution occurring, should staff need to work outside normal business hours. To address this, measures such as the use of daylight and occupancy sensors for the development's internal lighting, and blinds, can be used. Condition 7 requires the submission of details of such measures to address potential light pollution concerns.

### *Noise*

- 3.105 The application site is located in an area subject to traffic noise. The area has a mix of commercial and residential uses located in close proximity to one another.
- 3.106 Although the proposed development would intensify the use of the site, the proposed development is not considered inappropriate in terms of the additional activity that would be introduced to the street and area, and the continued employment use of the site is considered appropriate, given the limited noise outbreak normally associated with such uses. Recommended conditions 8 and 16 would prevent the use of the extended building's roof areas, further limiting noise nuisance.
- 3.107 To address potential noise caused by any rooftop plant that may be proposed in the future in relatively close proximity to residential uses, recommended condition 25 relates to the provision of appropriate noise control measures, to ensure that plant would not lead to unacceptable disturbance to neighbouring occupiers.

### *Other environmental impacts*

- 3.108 It is acknowledged that – due to the constraints of the site and the proximity of residential properties – there is certainly potential for construction works to significantly impact upon the amenities of neighbouring occupants.
- 3.109 To address potential disturbance and environmental impacts during construction, a condition (22) is recommended requiring the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) to address noise, dust, light pollution and other potential environmental impacts. The CEMP would also need to account for potential cumulative impacts, should any planning permissions for developments at nearby sites be implemented or progressed at the same time.
- 3.110 The Section 106 agreement referred to in Appendix 1 would ensure that construction is carried out in compliance with the Code of Construction Practice. The Code of Construction Practice normally restricts noisy works to between 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays to ensure amenity impacts are limited. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

### *Neighbour amenity summary*

- 3.111 Neighbour amenity impacts were referred to in the council's reasons for refusal relating to the previous planning application for this site. Although it would not be appropriate to simply compare the previously-predicted impacts with those now predicted, it is noted that the development now proposed would have significantly less impact upon neighbour amenity, as a result of the applicant's redesign.
- 3.112 The cumulative impacts caused by the proposed development must also be considered. Where a neighbouring property is predicted to lose natural light, that impact may be compounded or more acutely felt if the same property would also lose (or has limited) outlook, for example.

- 3.113 Given the need to ensure efficient and optimised use of accessible sites, it is considered that some infringements of standards and requirements set out in relevant planning policies and guidance could be accepted. This reduces the weight to be attached to the proposed development's adverse impacts identified above.
- 3.114 Given the above assessment, while it is noted that the proposed development would cause some adverse impacts that must weigh negatively in the balance of planning considerations, it is not considered that they – either individually or cumulatively – are so significant as to warrant refusal of permission on neighbour amenity grounds. Overall, for most adjacent properties, a good level of neighbouring residential amenity would be maintained by the proposed development. On the basis of this assessment, refusal of permission is not recommended on amenity grounds, however conditions and Section 106 clauses would need to be applied to protect amenity during both the development's demolition/construction and operational phases.

### **Land Use**

- 3.115 The site is within an Employment Growth Area, is the subject of Site Allocation OIS3, and is covered by Article 4 Directions relating to office-to-residential and light industrial-to-residential changes of use.
- 3.116 The site's existing building currently provides 6,053sqm GIA (4,013sqm NIA) of B1 floorspace, including ancillary spaces.
- 3.117 Site Allocation OIS3 allocates the site for refurbishment/intensification for business space to provide improved quality and quantity of spaces for small/medium-sized enterprises. Development Management Policy DM5.1 states that, within Employment Growth Areas, the council will encourage the intensification, renewal and modernisation of existing business floorspace. London Plan policy 4.2 supports the renewal and modernisation of existing office stock in viable locations to improve its quality and flexibility, and supports increases in stock where there is authoritative, strategic and local evidence of demand for office-based activities. The supporting text of London Plan policy 4.2 identifies a need for significant increases in office floorspace in the years to 2031. Part B of policy CS13 of Islington's Core Strategy 2011 states that in relation to existing employment floorspace, development which improves the quality and quantity of existing business floorspace provision will be encouraged. The recommendations of the council's 2016 Employment Study are also noted.
- 3.118 Given the site's relatively accessible location, where relevant planning policies encourage the renewal and modernisation of existing business floorspace, the proposed additional 2,154sqm GIA (1,698sqm NIA) of business floorspace is welcomed in land use terms. Along with the proposed four/five-storey extension and the additional storey, the proposed development includes alterations to and reconfiguration of parts of the existing building, including the provision of refuse and cycle stores, shower and changing facilities, and two lifts. These improvements would help modernise and update the existing accommodation, making it more accessible and flexible, and are similarly welcomed. These are benefits of the proposed development which weigh positively in the balance of planning considerations relevant to this application.

- 3.119 The site's existing car park is not protected by relevant land use policies. This land is not designated or considered to be open space or a semi-private amenity area, and its development would not be contrary to Development Management Policy DM6.3. Site Allocation OIS3 makes no mention of retaining open space at this site, but encourages public realm improvements. Map 3.10 in the Core Strategy confirms that, although the adjacent Mildmay ward is currently deficient in public open space, the Canonbury ward is not.
- 3.120 Floor-to-ceiling heights of over 3.6m (ground floor) and 3m (first to fourth floors) are proposed in the four/five-storey extension, in compliance with the standard set out at paragraph 5.10 of the Development Management Policies document. Substandard floor-to-ceiling heights are proposed in the additional storey, however this is considered necessary to help limit the visual and amenity impacts of this storey.
- 3.121 Part A of policy DM5.4 states that, within Employment Growth Areas, major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises (i.e., provided in the form of workspaces in business use with a gross internal floor area of around 90sqm (GIA) or less). To address this policy requirement, above ground floor level in the proposed four/five-storey extension the applicant proposes to divide the new floorspace into three or four units per floor, and similarly proposes internal partitioning within the additional storey. This internal configuration, together with the proposed building management arrangements, would render the new floorspace suitable for occupation by micro and small enterprises. Indeed, Leroy House already provides small units, and is let and managed specifically for, small business. This would continue, post-development. In compliance with part C of policy DM5.4, the design and management of the proposed units would meet the needs of small or micro enterprises, and recommended condition 13 would secure this provision.
- 3.122 No workspace which would be affordable in terms of its rental rate is proposed. Given the "and/or" wording of part A of policy DM5.4 of the Finsbury Local Plan, however, and given that the proposed development includes business floorspace that would be suitable for occupation by micro and small enterprises by virtue of its design and size, the council cannot insist upon the provision of affordable workspace on site as part of the proposed development.
- 3.123 In response to the council's consultation a query has been raised regarding the need for the new B1 floorspace, however given the quality of the space proposed, there is no reason to believe the development – if completed – would remain unoccupied.
- 3.124 In the covering letter (dated 12/09/2017) attached to the petition described earlier in this report, concerns were raised regarding the possible displacement of existing tenants. This, and tenancy agreements between the applicant and other parties, are not material planning considerations. In a letter dated 10/10/2017, however, the applicant stated that they "will be discussing the relocation process directly with individuals, assisting them both in relation to the potential provision of alternative premises within the building and/or the Workspace portfolio during the construction process, and supporting them should they wish to return to Leroy House when the development is complete".

- 3.125 The proposed café would occupy approximately 180sqm of floorspace in the proposed four/five-storey extension. It is considered to be ancillary to the B1 use of Leroy House, and therefore does not need to be assessed against Development Management Policies DM4.3 and DM4.4, however it is nonetheless considered that – subject to controls on opening hours and refuse storage – the café would not cause harm to neighbouring amenity or to the vitality and viability of Town Centres and Local Shopping Areas within Islington. The café would further add to the attraction of the extended building's business floorspace. Its impact upon custom at existing nearby cafés is not a material consideration (planning permission cannot be refused on the grounds of increased competition), and while some existing custom may be diverted to the café, it is noted that the increased employee population at the application site may also increase custom at existing local cafés and other businesses. Recommended conditions 24 and 27 include appropriate controls and provisions relating to hours and refuse storage.
- 3.126 The applicant has stated that the proposed development is likely to accommodate 131 employees, based on the Homes and Communities Agency's (HCA's) ratio of one employee per 13sqm of floorspace and the proposed uplift in floorspace. Officers consider this estimated figure to be reasonable, and do not believe a separate calculation needs to be carried out to ascertain employee numbers for the proposed ancillary café. The applicant's figure has been used by officers to calculate Section 106 contributions.
- 3.127 The application site is within Flood Zone 1 (and has a low probability of flooding), is less than one hectare in size, and is not within a Local Flood Risk Zone. The applicant was not required to submit a Flood Risk Assessment with the application. Sustainable urban drainage is considered in the Sustainability section of this report.

### **Inclusive Design**

- 3.128 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime. The Inclusive Design in Islington SPD is also relevant.
- 3.129 Lift access would be provided to every floor of the proposed four/five-storey extension, the additional storey, and the existing building, other than basement level. It is accepted that a requirement to provide lift access to this relatively small basement room would be disproportionately onerous. One of the new lifts would have two sets of doors, enabling staff and visitors to move from the entrance lobby (which would be at pavement level) to the internal ground floor level. As only one lift would facilitate movement between these levels, a second solution would be required for occasions when the lift is out of service.

- 3.130 Accessible WCs are proposed at ground to fifth floors, and an accessible shower room is proposed adjacent to the cycle store.
- 3.131 Two refuges are proposed within protected lobbies on every floor of the existing building, and in the additional storey. These are proposed in locations that would not obstruct access to escape stairs or routes.
- 3.132 Recommended condition 10 requires the submission of details relevant to inclusive design, to ensure the proposed business floorspace would comply with relevant planning policies and the relevant parts of the Inclusive Design in Islington SPD. The same condition requires details of a second solution to facilitate access between the entrance lobby and ground floor. Further details relating to evacuation are also required by the proposed condition – this is necessary given that the proposed refuges, while welcome, would effectively limit the number of mobility-impaired people permitted on each floor to two, other than at ground floor level. Details of storage for mobility scooters, manifestations to glazing, and the opening weight of the new entrance door, are similar referred to in recommended condition 10.

#### *Accessible parking and drop-off*

- 3.133 No on-site accessible parking is proposed. This is considered acceptable, given the site's constraints and the impact on-site parking would have had upon the design of the proposed development. Applying the standard set out at page 39 of the Planning Obligations (Section 106) SPD (of one accessible parking bay required for the uplift in employee numbers divided by 33), with a likely uplift of 131 employees, four accessible parking spaces would be required. Noting that there may be limited scope for on-street provision close to the application site, recommended condition 11 requires the submission of a survey to ascertain where such spaces could be provided. Paragraph 4.19 of the applicant's Transport Assessment suggests that there is sufficient capacity to accommodate "a level of disabled parking provision on-street". Should on-street provision not be possible, a financial contribution towards accessible transport initiatives can be accepted.
- 3.134 The same recommended condition requires details of where safe on-street drop-off could be provided for employees and visitors with disabilities.

#### **Financial Viability**

- 3.135 No financial viability information has been submitted with the current application. No weight, therefore, can be given to any arguments for policy non-compliance on cost grounds, and no such arguments have been made by the applicant.

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

- 3.136 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 3.137 Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.



- 3.138 The council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Carbon dioxide calculations must include unregulated, as well as regulated, emissions, in accordance with Islington's policies.
- 3.139 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a DEN, and connection is required if a major development site is within 500m of an existing or a planned future DEN.
- 3.140 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.

*Carbon dioxide emissions*

- 3.141 The applicant has submitted an Energy Strategy, setting out the applicant's proposed measures which would achieve a reduction in regulated carbon dioxide emissions of 46% against the 2013 Building Regulations. This complies with the relevant 35% London Plan target.
- 3.142 In relation to total (regulated and unregulated) emissions, the applicant proposes a saving of 27.9% against the 2013 Building Regulations. This complies with the 27% saving required by Islington's policies (note that the 27% requirement, rather than the 39% requirement, is applicable as it is accepted that the development cannot currently connect to a DEN).

- 3.143 Remaining carbon dioxide emissions would need to be offset with a payment of £47,012. It is recommended that this be included in a Section 106 agreement associated with any permission granted for the proposed development.
- 3.144 There is no existing or planned DEN within 500m of the application site. The submission of an assessment of the feasibility of connection to a DEN was therefore not required, however the applicant was required to explore the potential for a Shared Heating Network (SHN) linking nearby developments and/or existing buildings, as set out in part D of Development Management Policy DM7.3. Officers drew the applicant's attention to the development currently under way at the Dover Court Estate, and encouraged communication with that development's project manager. The applicant has reported, however, that heating and hot water on the Dover Court Estate is provided predominantly via individual boilers, and that the CHP system currently being installed (to serve a new block of 23 units) will be on the southern boundary of the estate, some distance away from Leroy House. On the basis of this information, the applicant has concluded that a SHN with the Dover Court Estate would not achieve any carbon dioxide savings over and above those currently proposed by the applicant, and the council's Energy Conservation Officer has accepted this.
- 3.145 As a minimum it is recommended that future-proofing of the proposed development for future connection to the DEN be addressed and secured via the necessary Section 106 agreement. Given the lack of detail provided by the applicant with regard to the technical feasibility of future connection, it is recommended that the Section 106 agreement requires details of sufficient space to be made available within the proposed development for the heat exchange plates and pipework required for future connection.
- 3.146 London Plan policy 5.6 requires applicants to explore the potential for on-site combined heat and power (CHP) facilities serving major developments, however at this site no such facility is proposed. The council's Energy Conservation Officer has accepted that the proposed development's heat loads demonstrate that an on-site CHP system would not be feasible.
- 3.147 The applicant proposes the use of variable refrigerant flow (VRF) active cooling at ground floor level. While the use of active cooling is not usually supported unless evidence is provided to demonstrate that technologies from the higher levels of the London Plan cooling hierarchy cannot deliver sufficient heat control, in this case the applicant's evidence is convincing. The applicant explored the full range of measures in the cooling hierarchy before specifying VRF, and the council's Energy Conservation Officer has accepted that there would be a residual risk of overheating that necessitates active cooling.

#### *Sustainability*

- 3.148 The applicant's Sustainability Statement confirms that the proposed four/five-storey extension and additional storey are intended to achieve BREEAM "Excellent", and a condition (19) securing this is recommended. The applicant's submission details various other measures in relation to sustainability and relevant planning policies, including blue and green roofs and measures relating to water efficiency.

- 3.149 A revised draft Green Performance Plan (GPP) has been submitted by the applicant during the life of the application. This includes measurable performance targets for water, electricity and gas usage. The revised draft GPP is considered to be acceptable, however a full, updated GPP would need to be secured via a Section 106 agreement.
- 3.150 Regarding the use of sustainable materials, condition 3 is recommended to secure the submission and approval of a Green Procurement Plan.
- 3.151 It is recommended that the applicant be required (via a Section 106 agreement) to sign up to Islington's Code of Construction Practice.

*Trees, landscaping and biodiversity*

- 3.152 There are six trees (all sycamores) within the application site, surrounding the car park. These would be removed as part of the proposed development. The two street trees immediately outside the application site on Balls Pond Road would be retained.
- 3.153 The applicant has asserted that the six sycamores are defective, self-seeded Category C trees of a low quality, and officers agree that these trees – due to their shape, size and condition – currently make a limited positive contribution to the surrounding townscape and the Canonbury Conservation Area. While the proposed loss of tree canopy cover is unfortunate, this impact is partly mitigated by the applicant's proposal to plant three replacement trees at the site – one at each corner of the proposed four/five-storey extension, and another adjacent to the two street trees (but within the curtilage of the application site) on Balls Pond Road. Through recommended condition 14, details of tree pits and maintenance would be secured, to help ensure the proposed trees can survive, grow to a significant size, and make a meaningful contribution in the future to the surrounding townscape and the conservation area. Climbing plants are also proposed to the north elevation adjacent to the proposed new entrance, to further mitigate the loss of trees.
- 3.154 The two street trees to be retained would need to be adequately protected during construction works, and recommended condition 14 requires details of appropriate protection measures.
- 3.155 The applicant's Preliminary Ecological Appraisal asserts that the application site currently has a low ecological value, which is not entirely accepted, given the contribution made to local biodiversity made by the six early-mature trees surrounding the site's car park. Other than in relation to the proposed tree removal, officers agree that the proposed development would have little or no impact on existing biodiversity, but provides an opportunity to increase the site's biodiversity interest. The applicant's list of suggested trees includes species that are attractive to birds, pollinators and other wildlife. Log piles for invertebrates are proposed at roof level. A "biodiversity roof" (i.e., a green roof) is also proposed above the blue roof, and the proposed climbing planting can be attractive to birds. Bird and bat boxes are referred to in the applicant's Preliminary Ecological Appraisal, which notes that swifts have been observed in the local area. This concurs with comments made in response to this application by representatives of Islington Swifts and Hackney Swifts, and it is recommended that specific swift nest boxes be secured by condition (15), along with the other measures detailed above.

- 3.156 Blue and green roofs would cover all parts of the proposed four/five-storey extension. Details (substrate depths, species etc) of these roofs are required by recommended condition 16, to ensure the standard requirements as set out in Islington's Environmental Design SPD are met. It is accepted that the additional storey and existing roof of Leroy House could not accommodate green or blue roofs, given the structural and depth requirements of such installations.

#### *Drainage*

- 3.157 Development Management Policy DM6.6 requires major developments to incorporate Sustainable Urban Drainage Systems (SUDS) and to be designed to reduce flow to a "greenfield rate" of run-off (8 litres/second/hectare) where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres/second/hectare (l/s/ha).
- 3.158 The submitted Drainage and Surface Water Statement notes that 100% of the application site is hard surfaced, and that all surface water from the application site currently discharges directly to public sewers without any attenuation. Noting that the proposed four/five-storey extension would have a 306sqm footprint, the applicant states that a greenfield run-off rate would not be feasible at this site, as it would require a very small orifice / outlet pipe which would be at risk of siltation and blockages, requiring continuous maintenance. The applicant has therefore designed a rainwater attenuation solution that would achieve the equivalent of a 50l/s/ha run-off rate, which would comply with policy DM6.6. This solution would involve the installation of blue roofs to the proposed four/five-storey extension. Recommended condition 17 requires the implementation of the proposed measures to ensure the 50l/s/ha run-off rate is achieved.
- 3.159 The larger part of the site would remain occupied by the existing building, and it is accepted that there is little scope for retrofitting run-off attenuation without increasing the height of the building or sacrificing employment floorspace within the building. With the solution proposed for the four/five-storey extension, there would be an overall improvement in the site's run-off rate, and this is welcomed.

#### **Highways and Transportation**

- 3.160 Policies relevant to highways and transportation are set out in section 4 of the NPPF and chapter 6 of the London Plan. Islington's Core Strategy policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Detailed transport policies are set out in chapter 8 of Islington's Development Management Policies.

#### *Existing conditions*

- 3.161 All parts of the highways surrounding the application site are maintained by LB Islington, and all four streets are open to two-way traffic, although "no motor vehicles" signs have been installed at the Balls Pond Road entrance to Henshall Street, effectively restricting southbound traffic. Pavements widths vary around the application site.

- 3.162 The site has a high PTAL score of 6a, and is well served by buses. A bus stop exists directly outside the site, on Balls Pond Road, and there is a bus stand on the south side of Dove Road. A dropped kerb on Dove Road provides vehicular access to the site's car park, and there are other dropped kerbs along Dove Road. The car park can accommodate up to 14 vehicles (if double parked), although the applicant's Transport Statement suggests 18 vehicles (including two used by people with disabilities) can be accommodated. The site is within a Controlled Parking Zone, and is surrounded by double and single yellow lines, and parking spaces for permit holders.
- 3.163 The applicant has stated that there are currently only 10 informal cycle parking spaces on site. These are adjacent to the existing building's west-facing entrance.
- 3.164 The existing building is serviced from Dove Road.

*Trip generation, parking and cycle parking*

- 3.165 The applicant has submitted a Transport Statement which details the transportation and highways implications of the proposed development.
- 3.166 In relation to staff journeys to work, for the trips generated by the site's existing building the applicant has made use of TRICS data that specifically refers to Leroy House. The applicant has also noted that the site's existing car park would be removed, and that on-site cycle parking would be provided. With these changes in mind, the applicant predicts that the proposed development is likely to generate an increase in total person trips and a decrease in vehicle trips. Daily total (in and out) vehicle trips are predicted by the applicant to fall by 48, public transport trips would increase by 182, cycling trips would increase by 24, pedestrian trips would increase by 174, and trips using other forms of transport would increase by 29. The applicant concludes that the proposed development would have a beneficial impact in terms of vehicle trips. Officers agree with this conclusion, and note that the vast majority of additional trips generated by the proposed development would involve sustainable modes of transport.
- 3.167 The predicted additional daily public transport trips have been broken down by the applicant into 112 bus trips, 53 underground trips, and 16 rail trips (this does not add up to 182 due to rounding). Noting that the site isn't close to a London Underground station, and that the identified "underground" and some of the "rail" trips are more likely to be carried out using London Overground services, it is considered that the proposed development would not have a significant adverse impact upon local public transport capacity, and that additional Section 106 contributions towards transport (in addition to the contributions now collected via CIL) are not necessary.
- 3.168 It is considered that the predicted additional daily pedestrian and cycle trips would not have a significant adverse impact upon local highways and their capacity for pedestrians and cyclists.
- 3.169 The proposed development would be car-free in accordance with Core Strategy policy CS10 and Development Management Policy DM8.5. The loss of the site's existing parking spaces is policy-compliant and is welcomed, as it would discourage the use of less sustainable forms of transport. Accessible parking is discussed earlier in this report.

- 3.170 The applicant proposes a store at ground floor level (accessible directly from Dove Road, and internally) providing space for the storage 98 cycles, including two accessible or recumbent cycles. The store would be covered, secure and sufficiently convenient to use. The proposed shower and changing facilities (including those for employees with disabilities, at least in terms of their location) are considered acceptable. In accordance with the standards set out at Appendix 6 of the Development Management Policies, for the 2,154sqm GIA uplift in B1 floorspace, only 27 cycle parking spaces would be required, however the applicant also intends to provide at least some (and to formalise) cycle parking for staff of the existing building, which is welcomed. Three Sheffield stands (providing six spaces) are also proposed close to the site's entrance, for use by visitors. Recommended condition 12 requires the provision of the proposed cycle store, and the submission of details of racks within it.
- 3.171 The applicant has submitted a Travel Plan which – if implemented – would encourage the use of more sustainable modes of transport. It is recommended that a requirement for the Travel Plan to be implemented be included in a Section 106 agreement associated with any permission granted for the proposed development.

*Other highways considerations*

- 3.172 The proposed four/five-storey extension would be built entirely within the site's boundaries, and would be set in from the Essex Road / Balls Pond Road and Essex Road / Dove Road corners. The proposed development therefore does not raise concerns in relation to highways safety, sight lines for drivers, and the movements of vehicles moving along Dove Road and/or turning in or out onto Essex Road.
- 3.173 It is likely that footway and highway reinstatement works would be necessary following completion of the proposed development. This matter is referred to in the recommended Section 106 Heads of Terms.
- 3.174 Paragraph 4.20 of the applicant's Transport Assessment and paragraph 12.7 of the submitted Planning Statement state that obsolete vehicle crossovers surrounding the site would be reinstated as footways, and that dropped kerbs would be provided for refuse collection, loading and access for cyclists. Comparison of the existing and proposed ground floor plans suggests that the existing eight dropped kerbs and vehicle crossovers along Dove Road would be rationalised and reduced to two, which is welcomed. This would tidy up the pavement of Dove Road, and would make it more accessible to people using wheelchairs and buggies. As this pavement is owned and maintained by the council, the proposed works would need to be carried out by the council (to an agreed standard and design) at the expense of the developer.
- 3.175 The applicant has not submitted a Pedestrian Environment Review System (PERS), however pedestrian routes to and from the site are not known to be in a particularly bad condition, and the nearest pedestrian crossings have tactile paving and dropped kerbs for pedestrians. Streets around the site have an appropriate provision of street lighting. Some improvements to surfaces and other improvements could, however, be made to pavements surrounding the application site, and it is noted that parts of the Dove Road pavement are narrow, especially when items are left leaning against the wall of Leroy house. Paragraph 12.7 of the applicant's Planning Statement notes the

poor quality of the existing public realm on Dove Road. CIL moneys associated with the proposed development could be spent on improvements to pedestrian routes to and from the development, should any deficiencies be identified at a later date or following a more thorough assessment.

- 3.176 It is recommended that a Demolition and Construction Management and Logistics Plan (DCMLP), updating and expanding upon the submitted Construction Management Plan, be secured by condition (21). This would need to account for potential cumulative impacts and logistics implications, should any planning permissions for developments at nearby sites be implemented or progressed at the same time.

### **Servicing**

- 3.177 The applicant's Transport Assessment confirms that Leroy House is currently serviced partly on-street from Dove Road, and partly from a roller-shuttered loading bay within the building envelope, accessed from Dove Road. Previous surveys carried out by the applicant found that Leroy House generated between 35 and 51 servicing vehicle trips a day. These include three visits to the site per week by the applicant's private refuse collector.
- 3.178 The submitted Delivery and Servicing Plan states that servicing would be carried out from the existing off-street loading bay (which would be retained), from a stretch of Dove Road where single yellow lines exist, and from a new on-street loading bay proposed on Dove Road directly outside the four/five-storey extension. Based on earlier survey data, the applicant predicts an additional 15 to 25 servicing vehicle trips each day in connection with the proposed development. These are predicted to be mostly couriers dropping off small, individual packages, mostly staying at the site for approximately five minutes for each visit. Refuse vehicles would continue to stop on Dove Road, and a dropped kerb to Dove Road would be retained to facilitate the movement of bins from the proposed refuse store. All movements, including reverse movements into the off-street loading bay, would be managed by on-site staff. Suppliers would be required to pre-book delivery slots, deliveries would be programmed to avoid refuse collections, and drivers would be required to switch vehicle engines off during loading and unloading. Provisions for the monitoring and review of the applicant's Delivery and Servicing Plan have also been proposed by the applicant.
- 3.179 These proposed arrangements for vehicle movements are considered acceptable in highways and amenity terms, given the low levels of vehicular traffic to Dove Road. Although Development Management Policy DM8.6 and supporting paragraph 8.40 set out a preference for on-site servicing of major developments, in this case it is accepted that such a provision would render the proposed development unacceptable in townscape and land use terms.
- 3.180 It is recommended that the commitments set out in the submitted Delivery and Servicing Plan (DSP) be secured by condition (23).
- 3.181 The submitted ground floor plan (P00 100) shows a single refuse store in the south elevation of Leroy House, accessed from Dove Road via an existing door and the retained loading bay door. This refuse store would be approximately 53sqm in size.

The applicant's Waste Management Strategy proposes a weekly storage capacity of 37,020 litres (37.02 cubic metres) with 70% of this provided for recycling, despite only 22 cubic metres being required for the 8,207sqm (GIA) of B1 floorspace that would exist at this site (note that the council's current Recycling and Refuse Storage Requirements set out a standard of 2.6 cubic metres per 1,000sqm of B1 floorspace). It is considered that the refuse store would be adequately sized to ensure that waste need not be stored outside on the pavement, and dragging distances would be minimal. Recommended condition 24 requires the provision of the refuse store prior to first occupation, requires at least 50% of the proposed capacity to be retained for the storage of separated waste for recycling, and – even though the proposed café would be ancillary to the building's B1 use – requires separate storage (within the refuse store) for that facility.

### **Fire Safety**

- 3.182 Part B of the London Plan policy 7.13 states that development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire. Although matters relating to fire safety are relevant to the Building Regulations, certain fire safety measures may have implications relevant to planning.
- 3.183 Section 10 of the submitted Design and Access Statement sets out the applicant's fire safety strategy. This notes that, as the building is less than 30m in height, no sprinkler system is required, nor are compartment floors (however a 60-minute compartment floor is proposed between the additional storey and the existing building). The applicant notes that, as no floor would be above 18m, only 60-minute compartmentation is required vertically between the four/five-storey extension and the existing building, and that there is no requirement for a firefighting shaft. The applicant further notes that no dedicated smoke ventilation is required from the existing basement, protected staircases and lobbies would achieve 30-minute fire rating, and service risers and shafts would achieve 60-minute fire rating.
- 3.184 An alternative means of escape is required for every storey above 11m, and the existing building's two escape stair cores would be retained as part of the proposed development. As one of these stair cores currently extends down to basement level, protective measures may be required at basement or ground floor level, however there is no reason to suggest this could not be achieved without losing employment floorspace or unacceptably restricting access inside the building.
- 3.185 The applicant has not provided details of the extent of unprotected area to the proposed development's elevations (justification and calculation will be required in relation to the extent of unprotected area in the proposed elevations relative to the surrounding streets' widths), however the applicant would be required to either remain within the limits set out in the Building Regulations, or would need to implement compensatory measures such as compartment floors or a sprinkler system.
- 3.186 The London Fire and Emergency Planning Authority have not responded to the council's consultation.
- 3.187 It must be noted that the fire safety information set out by the applicant is not normally provided at planning application stage, and if some amendments to the proposed development (in the form of internal reconfiguration) are required in order to comply



with the Building Regulations, there appears to be scope for doing this without rendering the development unacceptable in planning terms. For example, adjustments could be made to the building's internal configuration whilst ensuring the proposed development would still provide adaptable, accessible employment floorspace of a sufficiently high quality.

- 3.188 It is noted that fire brigade access to more than 15% of the site's perimeter (from the street) would be available.
- 3.189 Spaces for the storage of mobility scooters would need to be provide within fire-rated enclosures with appropriate ventilation to the outside. Section 7.0 of the applicant's Waste Management Strategy notes that the propose refuse store would need to be constructed within a fire compartment structure, with walls constructed of non-combustible materials.
- 3.190 The external materials proposed for the development's elevations are not known to be flammable.
- 3.191 It is considered that the fire safety implications of the proposed development have been considered as far as is necessary and appropriate at this stage, given the extent to which these matters can be considered as part of the planning process without duplicating assessments that will be carried out at a later, detailed design stage with regard to the Building Regulations.
- 3.192 An informative (6), advising the applicant to contact the council's Building Control team in relation to fire safety, is recommended.

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

- 3.193 Historic maps and photographs indicate that the site's car park was previously occupied by housing, a post office, a public house, and warehousing. Other uses and activities may have also been carried out, however the site is not known to be heavily polluted. The likelihood of a pollution linkage (between staff and visitors and any contamination that may exist on site) would be limited, however a condition (26) is recommended, requiring the implementation of measures in the event that unsuspected contamination is discovered during works.
- 3.194 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition (22). This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition 22.
- 3.195 The proposed development includes no on-site combined heat and power (CHP) facility or other potentially significant source of air pollution. For the development's operational phase, therefore, it is considered that conditions controlling emissions are not necessary.

- 3.196 The council's Pollution Team noted that the proposed development's occupiers may be at the site for an eight- or ten-hour working day, and recommended condition 9, requiring details of measures to minimise the development's future occupiers' exposure to air pollution.

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

#### *Community Infrastructure Levy*

- 3.197 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

#### *Section 106 agreement*

- 3.198 Officers have advised the applicant that a Section 106 agreement including relevant Heads of Terms would be necessary in order to adequately mitigate the impacts of the proposed development. The necessary Heads of Terms are:
- The repair and reinstatement 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.
  - The removal of redundant existing dropped kerbs and the introduction of a new dropped kerb, to be paid for by the applicant and carried out by LBI Highways.
  - Compliance with the Code of Employment and Training.
  - Payment towards employment and training for local residents of a sum of £21,942, or delivery of employment and training initiatives (subject to the council's agreement) to an equivalent financial value.
  - Facilitation, during the construction phase of the development, of 3 work placements. The placements must last a minimum of 26 weeks. The council's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage. If these placements are not provided, a fee of £15,000 to be paid to the council.
  - Compliance with the Code of Local Procurement.
  - Compliance with the Code of Construction Practice, including a monitoring fee of £2,357, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
  - The provision of four additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £8,000.

- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £47,012.
- Future-proofing of any on-site heating/hot water system so that the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan.
- Adherence to the approved Travel Plan, including in relation to reporting.
- Car-free development.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

3.200 The applicant has suggested that, in lieu of a £21,942 payment towards employment and training for local residents, employment and training initiatives to an equivalent financial value could be delivered via a third party going by the name XLP (or "The eXcel Project", a charity that specialises in youth work in London), subject to the agreement of the council. This proposal was discussed at length (during the life of the previous application) between the applicant and the council's Infrastructure and S106 Officer (Employment Skills and Culture division). Officers have accepted the principle of allowing the applicant to deliver employment and training initiatives instead of a financial payment, but required details of what kind of initiatives would be provided and how the proposed provision would be quantified. In response, the applicant confirmed that the following would be made available to young people within the Canonbury ward:

- Project 1 (XL-R8 mobile youth club, provided on board a converted double-decker bus) – 50 sessions made available on the Marquees Estate;
- Project 2 (X-Mobile converted police riot van, where coaching sessions for small groups are provided) – 60 sessions made available on the Marquees Estate;
- Project 3 (A2E (access to employment) project involving mentoring and training for young people currently seeking employment or not in education, employment or training) – 6 places on the Workspace Inspires Me training programme as well as ongoing 1-2-1 support to go to ward residents; and
- Project 4 (residential) – 6 places on XLP summer camp to go to ward residents and 20 places on weekenders.

3.201 Of note, the £21,942 sum would not fund all of the above. The delivery of these initiatives is also reliant on funding from the Big Lottery Fund, the Vivendi Create Joy Fund, and the City of London Corporation.

3.202 The abovelisted proposals are welcomed, however full details would need to be submitted to and approved by the council at a later date, and it is recommended that the relevant Section 106 agreement be worded to require the payment of the employment training contribution should the proposed initiatives not be delivered.

- 3.203 On 23/10/2017, the applicant agreed to the inclusion of the above Heads of Terms in a Section 106 agreement.

### **National Planning Policy Framework**

- 3.204 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land and achieving high quality design. With the recommended conditions and Section 106 agreement, the proposed development would go some way towards addressing the NPPF's core principle related to addressing climate change. The proposal is not considered to be fully compliant in relation to the principle relating to achieving a good standard of amenity for existing occupants.
- 3.205 In the final balance of planning considerations set out below, officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

### **Other Matters**

- 3.206 The applicant proposes limited excavation at the western end of the site to enable the ground floor of the proposed four/five-storey extension to be level with that of the existing building. Although excavation of only 1.25m (maximum, to accommodate the 1.1m difference between the finished floor level of the four/five-storey extension and pavement level, and a 0.15m slab, but not including pile caps or piles) is proposed, and although this is an island site and is separated from adjacent buildings by highways (which potentially reduces risks of damage to adjacent buildings – including the Grade II\* listed St Paul's Church – during excavation works), in accordance with Islington's Basement Development SPD, the submission and assessment of a Structural Method Statement was necessary.
- 3.207 The applicant proposes to install temporary steel piles to shore up the surrounding pavements during excavation. The applicant then proposes to erect 0.25m thick reinforced concrete retaining walls around the perimeter of the excavated area. These would sit at the foot of the four/five-storey extension.
- 3.208 As confirmed at paragraph 6.4 of Islington's Basement Development SPD, the council (as Local Planning Authority) is not required to approve a technical solution for a development proposal in relation to structural stability, but is keen to ensure that such issues have been sufficiently evaluated and responded to in a design, and to ensure that this process has been undertaken by a suitably qualified and experienced professional. It is noted that the applicant's report was prepared by a Member of the Institute of Civil Engineers. A relevant condition (18), requiring the retention of a suitably qualified professional during excavation and construction, is recommended in accordance with paragraph 6.10 of the SPD.
- 3.209 Temporary piles are proposed during construction works, therefore it is recommended that Thames Water's proposed condition regarding piling be applied (condition 28).

3.210 The impact of the proposed development upon adjacent property values is not a material planning consideration, and planning permission cannot be withheld on these grounds.

## **13 SUMMARY AND CONCLUSION**

### **Summary**

- 3.1 The benefits of the proposed development must be noted. These include the provision of new business floorspace including floorspace suitable for occupation by micro or small enterprises, the formalisation of refuse and cycle storage, and surface water run-off improvements. CIL contributions towards transport and other infrastructure, and Section 106 obligations, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area.
- 3.2 These benefits must, however, be weighed against the shortcomings of the proposed development, the material harm that the proposed development would cause, and the development's non-compliance with development plan policies. Officers' primary concerns relate to the impacts of the proposed development upon the amenities of some neighbouring properties, and the harm the additional storey would cause to the existing building and the setting of the Canonbury Conservation Area and the Grade II listed 178-190 Balls Pond Road.
- 3.3 The comments made by residents and neighbouring businesses have been considered, as have responses from consultee bodies. It is considered that the concerns raised have been sufficiently addressed. The pre-application comments of the DRP have also been sufficiently addressed, such that the proposed development did not need to be considered again by the DRP.
- 3.4 It must be noted that the statutory starting point in the council's assessment of planning applications is to assess them against all relevant Development Plan policies and other material considerations, then to determine them in accordance with the plan as a whole unless material considerations indicate otherwise.
- 3.5 In this case, the benefits of the proposed development have been given due consideration, and are considered to outweigh those shortcomings of the development which cannot be adequately mitigated through the use of conditions and the provisions of a Section 106 agreement.
- 3.6 Although it would not be appropriate to simply compare the current proposal against the previously-proposed development, it is noted that the development now proposed represents a significant improvement, and that the council's 2016 reasons for refusal have been adequately addressed.
- 3.7 In conclusion, given the proposed development's adequate level of compliance with planning policies (including those of the NPPF and the London Plan), on balance it is recommended that planning permission be granted.

## **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- The repair and reinstatement 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.
- The removal of redundant existing dropped kerbs and the introduction of a new dropped kerb, to be paid for by the applicant and carried out by LBI Highways.
- Compliance with the Code of Employment and Training.
- Payment towards employment and training for local residents of a sum of £21,942 or delivery of employment and training initiatives (subject to the council's agreement) to an equivalent financial value.
- Facilitation, during the construction phase of the development, of 3 work placements. The placements must last a minimum of 26 weeks. The council's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage. If these placements are not provided, a fee of £15,000 to be paid to the council.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £2,357, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of four additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £8,000.
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £47,012.
- Future-proofing of any on-site heating/hot water system so that the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan.
- Adherence to the approved Travel Plan, including in relation to reporting.
- Car-free development.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

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

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 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 and documents list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>P00 099  P00 100  P00 101  P00 102  P00 103  P00 104  P00 105  P00 106  P01 021 rev A  P01 022 rev A  P01 132 rev A  P03 022 rev A  P03 131  P03 133  P03 134  P05 001  P05 002</p>



	<p>P05 003          Planning Statement (Lichfields, August 2017)          Design and Access Statement (Piercy and Company, August 2017)          Heritage, Townscape and Visual Impact Assessment (Lichfields, August 2017)          Daylight and Sunlight Report (GL Hearn, 04/08/2017)          Environmental Noise Survey (Hoare Lea, 27/07/2017, rev 04)          Health Impact Assessment screening (undated)          Air Quality Assessment (WYG, August 2017)          Preliminary Ecological Appraisal (Greengage, July 2017)          Tree Survey and Arboricultural Impact Assessment (Greengage, July 2017)          Statement of Community Involvement (Quatro, July 2017)          Transport Assessment (Caneparo Associates, July 2017)          Workplace Travel Plan (Caneparo Associates, July 2017)          Delivery and Servicing Plan (Caneparo Associates, July 2017)          Waste Management Strategy (Etude, July 2017, rev B)          Energy Statement (Etude, July 2017, rev B) as amended by Draft Green Performance Plan (Etude, July 2017, rev C) and Energy Technical Note (Etude, 23/10/2017, rev F)          Sustainability Statement (Etude, July 2017, rev B)          Drainage and Surface Water Statement (Heyne Tillett Steel, 19/07/2017, rev A)          Mechanical, Electrical and Public Health Engineering Services Stage 2 Report (Hoare Lea, July 2017, rev P1)          Structural Method Statement (Heyne Tillett Steel, 19/07/2017, rev A)          Construction Management Plan (Knight Build, July 2017, rev 02)          XLP/Workspace Islington Proposal (08/09/2017)</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and samples (Details)</b>
	<p>CONDITION: A Green Procurement Plan for sourcing the materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The materials shall be procured and the development shall be carried out strictly in accordance with the Green Procurement Plan so approved.</p> <p>Details of all facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:</p> <ol style="list-style-type: none"> <li>a) brickwork, bond and mortar courses (sample panel to be provided on site);</li> <li>b) metal (or other) cladding panels (including details of the edge and seams/gap treatments, method(s) of fixing, and any profiling);</li> <li>c) windows and doors;</li> <li>d) roofing materials; and</li> <li>e) any other materials to be used on the exterior of the development.</li> </ol>

	<p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets.</p>
<b>4</b>	<b>Roof-level structures (Details)</b>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, enclosures, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene, the character and appearance of the area, or the settings and significance of heritage assets.</p>
<b>5</b>	<b>Window and door reveals (Compliance)</b>
	<p>CONDITION: All windows and doors of the four/five-storey extension hereby approved shall be set within reveals no less than 200mm deep unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, to ensure sufficient articulation in the elevations, and to ensure the development contributes positively to the significance of heritage assets.</p>
<b>6</b>	<b>External pipes, cables and CCTV (Compliance and Details)</b>
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the development hereby approved.</p> <p>Should external cables, plumbing, down pipes, rainwater pipes, foul pipes and/or CCTV cameras or related equipment be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure the development contributes</p>

	positively to the significance of heritage assets.
<b>7</b>	<b>Security and general lighting (Details)</b>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) and measures to prevent losses of amenity caused by internal illumination shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and future habitats from undue light-spill.</p>
<b>8</b>	<b>Use of roofs (Compliance)</b>
	<p>CONDITION: No parts of the roofs of the development hereby approved shall be used as outdoor amenity areas.</p> <p>REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected.</p>
<b>9</b>	<b>Air quality – staff exposure (Details)</b>
	<p>CONDITION: Prior to the commencement of superstructure works, a report detailing measures to minimise the exposure of the development’s occupiers to air pollution shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the measures so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure staff exposure to air pollution is minimised.</p>
<b>10</b>	<b>Inclusive design (Details)</b>
	<p>CONDITION: Details including floorplans, sections and elevations at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the part of the development hereby approved. The details shall include:</p> <ul style="list-style-type: none"> <li>• accessible WC provision;</li> <li>• public entrances including sections showing level access, door furniture, door opening weights and manifestations to glazing;</li> <li>• space for the storage and charging of mobility scooters;</li> <li>• details of accessible changing facilities for staff;</li> <li>• details of evacuation arrangements for people with disabilities;</li> <li>• details of a second means of access between the entrance lobby and ground</li> </ul>

	<p>floor when the lift is out of service; and</p> <ul style="list-style-type: none"> <li>• details of how the development would comply with the relevant parts of the Inclusive Design in Islington SPD</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design.</p>
<b>11</b>	<b>Disabled parking bays and drop-off (Details)</b>
	<p>CONDITION: A survey identifying appropriate and available locations for additional disabled parking bays within the vicinity of the site, and details of where on-street drop-off could be provided for employees and visitors with disabilities, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure adequate provision of parking for residents with disabilities.</p>
<b>12</b>	<b>Cycle parking (Compliance and Details)</b>
	<p>CONDITION: Detailed drawings and specifications of the bicycle storage area, and the racks within it, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. 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>The bicycle storage area, which shall be secure and provide for no less than 98 cycles (including 2 for accessible or recumbent cycles) shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>13</b>	<b>Micro and small enterprises (Compliance)</b>
	<p>CONDITION: A minimum of 215sqm (GIA) of floorspace shall be provided in units of up to 90sqm (GIA) in size and shall be provided as accommodation suitable for occupation by micro and small enterprises prior to the occupation of any part of the development, shall be maintained as such in accordance with the details hereby approved, and no change therefrom shall take place without the prior written approval of the Local Planning Authority. These units shall not be amalgamated nor shall they be incorporated into the remainder of the office floor area.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises.</p>
<b>14</b>	<b>Landscaping (Details)</b>

	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>• details of tree protection measures and working methods (in accordance with BS5837/2012 – Trees in Relation to Demolition, Design and Construction) for the two trees to be retained on Balls Pond Road;</li> <li>• existing and proposed underground services and their relationship to landscaping and tree planting;</li> <li>• proposed trees, their location, species and size at planting;</li> <li>• tree pit details;</li> <li>• modular system providing adequate soil volume for the tree planting;</li> <li>• hard landscaping, including surface treatment, permeability, drainage, kerbs, edges, unit paving, furniture and lighting; and</li> <li>• any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>15</b>	<p><b>Biodiversity enhancements (Compliance and Details)</b></p>
	<p>CONDITION: Details of bat and bird nesting boxes/bricks and log piles for invertebrates shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details to be submitted and approved shall include the exact location, specification and design of the installations, and shall include specific swift nest boxes.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority. The boxes/bricks and log piles shall be installed prior to the first occupation of the development hereby approved.</p> <p>REASON: To ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity.</p>
<b>16</b>	<p><b>Green roofs (Details and Compliance)</b></p>

	<p>CONDITION: Notwithstanding the plans hereby approved, details of green roofs to the development hereby approved (including details of the extent of green roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The green roofs shall:</p> <ul style="list-style-type: none"> <li>• form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</li> <li>• cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and</li> <li>• be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.</li> </ul> <p>An explanation as to why any areas of roof would not be covered with green roofs shall be included with the above details.</p> <p>The green roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced.</p>
<b>17</b>	<p><b>Sustainable urban drainage (Details)</b></p>
	<p>CONDITION: All water attenuation measures set out in the Drainage and Surface Water Statement (Heyne Tillett Steel, 19/07/2017, rev A) shall be implemented, and a run-off rate of 50l/s/ha shall be achieved for the relevant part of the site, prior to occupation of the four/five-storey extension hereby approved. The water attenuation measures shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development achieves appropriate surface water run-off rates.</p>
<b>18</b>	<p><b>Excavation works (Compliance)</b></p>
	<p>CONDITION: The author of the Structural Method Statement (Heyne Tillett Steel, 19/07/2017, rev A) hereby approved (or a suitably qualified person with relevant experience) shall be retained throughout the duration of excavation and ground-level structural works.</p> <p>REASON: To ensure the necessary expertise is available to inform decision making throughout the demolition, excavation and construction process.</p>
<b>19</b>	<p><b>BREEAM (Compliance)</b></p>

	<p>CONDITION: All new employment floorspace within the development hereby approved shall achieve a BREEAM (2014) New Construction Scheme rating of no less than “Excellent”.</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>
<b>20</b>	<p><b>Energy/carbon dioxide reduction (Compliance)</b></p> <p>CONDITION: The development hereby approved shall be implemented in accordance with all the measures set out in the Energy Statement (Etude, July 2017, rev B) as amended, and shall provide for no less than a 27.9% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013. All the measures set out in the Energy Statement as amended shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the relevant carbon dioxide reduction target is met.</p>
<b>21</b>	<p><b>Demolition and Construction Management and Logistics Plan (Details)</b></p> <p>CONDITION: No demolition shall take place unless and until a site-specific Demolition and Construction Management and Logistics Plan (DCMLP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The DCMLP shall include measures to protect street trees to be retained on the footway of Balls Pond Road. The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
<b>22</b>	<p><b>Construction Environmental Management Plan (Details)</b></p> <p>CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, emissions from non-road mobile machinery, vibration, light pollution and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality.</p>

23	<p><b>Delivery and Servicing Management Plan and Waste Management Plan (Details)</b></p>
	<p>CONDITION: An updated Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP (including the WSP) so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
24	<p><b>Waste storage (Compliance)</b></p> <p>CONDITION: The dedicated refuse store hereby approved shall be provided prior to first occupation of the development hereby approved, shall include:</p> <ul style="list-style-type: none"> <li>• 50% of its capacity dedicated to the storage of recyclable materials;</li> <li>• dedicated storage for refuse generated by the ancillary café hereby approved; and</li> <li>• facilities for the recycling of food/compostable waste</li> </ul> <p>and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided.</p>
25	<p><b>Plant noise (Compliance and Details)</b></p> <p>CONDITION: The design and installation of any new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq,T}</math> arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90,T}</math>. The measurement and/or prediction of the noise shall be carried out in accordance with the methodology contained within BS 4142:2014.</p> <p>A report to demonstrate compliance with the above requirements and prepared by an appropriately experienced and qualified professional shall be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the scheme and report so approved prior to first occupation, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the</p>



	<p>Local Planning Authority.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>26</b>	<b>Site contamination (Details)</b>
	<p>CONDITION: If, during works, contamination not previously identified is found to be present at the site, no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>All soils used for landscaping shall be clean and free of contamination.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, and potential contamination must be investigated and a risk assessment carried out to determine impacts.</p>
<b>27</b>	<b>Servicing and deliveries and café hours (Compliance)</b>
	<p>CONDITION: Loading or unloading of vehicles in association with the development hereby approved (in its operational phases) shall only occur between the hours of 08:00 and 18:00 Monday to Saturdays, and at no times on Sundays or Bank Holidays.</p> <p>The ancillary café hereby approved shall be open to customers only between the hours of 07:00 and 23:00 Mondays to Saturdays, and 10:00 and 18:00 Sundays and Bank Holidays.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>28</b>	<b>Piling (Details)</b>
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: Works are proposed in close proximity to underground sewerage utility infrastructure, and piling has the potential to impact on local underground sewerage utility infrastructure.</p>

**List of Informatives:**

1	<p><b>Section 106 Agreement</b></p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p><b>Definition of ‘Superstructure’ and ‘Practical Completion’</b></p> <p>A number of conditions attached to this permission have the time restrictions ‘prior to superstructure works commencing on site’ and/or ‘following practical completion’. The council considers the definition of ‘superstructure’ as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of ‘practical completion’ to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington’s Community Infrastructure Levy (CIL) and the Mayor of London’s Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b> These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p><b>Sustainable Sourcing of Materials</b></p> <p>Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE’s Green Guide Specification.</p>
5	<p><b>Thames Water</b></p> <p>Your attention is drawn to informatives and advice included in Thames Water’s comments of 21/08/2017.</p>
6	<p><b>Fire Safety</b></p> <p>It is recommended that you obtain technical advice regarding compliance with</p>

	<p>the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Andrew Marx on 020 7527 2045 or by email on <a href="mailto:andrew.marx@islington.gov.uk">andrew.marx@islington.gov.uk</a></p>
<b>7</b>	<b>Signage</b>
	<p>For the avoidance of doubt, no signage shown on any of the drawings listed under condition 2 is hereby approved.</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 comprises the London Plan 2016 (incorporating Minor Alterations), 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**

##### **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 2.18 Green infrastructure: the network of open and green spaces

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

Policy 3.1 Ensuring equal life chances for all  
Policy 3.2 Improving health and addressing health inequalities  
Policy 3.16 Protection and enhancement of social infrastructure

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

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

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

Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide

Policy 5.20 Aggregates

Policy 5.21 Contaminated land

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

Policy 6.1 Strategic approach  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.7 Better streets and surface transport  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.13 Parking

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

Policy 7.1 Lifetime neighbourhoods  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.9 Heritage-led regeneration  
Policy 7.13 Safety, security and resilience to emergency

emissions  
 Policy 5.3 Sustainable design and construction  
 Policy 5.5 Decentralised energy networks  
 Policy 5.6 Decentralised energy in development proposals  
 Policy 5.7 Renewable energy  
 Policy 5.9 Overheating and cooling  
 Policy 5.10 Urban greening  
 Policy 5.11 Green roofs and development site environs  
 Policy 5.12 Flood risk management  
 Policy 5.13 Sustainable drainage  
 Policy 5.14 Water quality and wastewater infrastructure  
 Policy 5.15 Water use and supplies  
 Policy 5.16 Waste net self-sufficiency  
 Policy 5.18 Construction, excavation and demolition waste

Policy 7.14 Improving air quality  
 Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
 Policy 7.18 Protecting local open space and addressing local deficiency  
 Policy 7.19 Biodiversity and access to nature  
 Policy 7.21 Trees and woodlands

**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 CS8 (Enhancing Islington's Character)

**Strategic Policies**

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

Policy CS11 (Waste)  
 Policy CS13 (Employment Spaces)  
 Policy CS14 (Retail and Services)  
 Policy CS15 (Open Space and Green Infrastructure)

**Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

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

**Design and Heritage**

DM2.1 Design  
 DM2.2 Inclusive design  
 DM2.3 Heritage  
 DM2.6 Advertisements

**Shops, culture and services**

DM4.3 Location and concentration of uses  
 DM4.4 Promoting Islington's Town Centres

**Employment**

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

**Energy and Environmental Standards**

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

**Transport**

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

**Infrastructure**

### **Health and open space**

- DM6.1 Healthy development
- DM6.3 Protecting open space
- DM6.5 Landscaping, trees and biodiversity
- DM6.6 Flood prevention

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

### **3 Designations**

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

<b>Islington Local Plan</b>	<b>London Plan</b>
Site Allocation OIS3 Employment Growth Area	n/a

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

The following SPGs and SPDs are relevant:

#### **Islington Local Plan**

- Basement Development SPD
- Conservation Area Design Guidelines (Canonbury Conservation Area)
- Development Viability SPD
- Environmental Design SPD
- Inclusive Design in Islington SPD
- Islington Urban Design Guide SPD
- Planning Obligations (Section 106) SPD
- Streetbook SPD

#### **London Plan**

- Accessible London: Achieving an Inclusive Environment SPG
- The Control of Dust and Emissions During Construction and Demolition SPG
- London Planning Statement SPG
- Planning for Equality and Diversity in London SPG
- Shaping Neighbourhoods – Character and Context SPG
- Social Infrastructure SPG
- Sustainable Design and Construction SPG
- Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG

**APPENDIX 3 – DESIGN REVIEW PANEL RESPONSE LETTER DATED  
01/06/2017**

**CONFIDENTIAL**

ATT: Sophie Hitchins  
Lichfields  
14 Regent's Wharf  
All Saints Street  
London  
N1 9RL

Planning Service  
Planning and Development  
PO Box 333  
222 Upper Street  
London  
N1 1YA  
  
T 020 7527 2389  
F 020 7527 2731  
E [Luciana.grave@islington.gov.uk](mailto:Luciana.grave@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: DRP/124

Date: 1 June 2017

Dear Sophie Hitchins

**ISLINGTON DESIGN REVIEW PANEL**

**RE: Leroy House, 436 Essex Road, London, N1 3QP (pre-application ref. Q20170459MJR)**

Thank you for attending Islington's Design Review Panel meeting on 11 May 2017 for a first review of the above scheme. The proposed scheme under consideration is for alterations and extensions to the existing building, including additional storey above existing building and part 4, part 5 storey extension over car parking area (officer's description).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth, George Saumarez Smith, Martin Pearson and Charles Thomson on 11 May 2017 including a site visit, presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

**Panel's observations**

Panel members generally commended the carefully considered approach, which was thought to be a sophisticated conceptual response to extending the existing building. However, whilst the Panel recognised the concept to be a good starting point, it was felt that there were a number of fundamental issues which need to be resolved around the potential overdevelopment of the site and impact on context. Some panel members also commented that care should be taken not to compromise the qualities of the existing building. The Panel's comments primarily concerned the following key issues:

Relationship with St Paul's Church

The Panel expressed concern that bringing the building line up to the pavement by developing over the existing carpark, would create a significantly different dialogue between Leroy House and the Grade II\* listed Church of St Paul than exists. They commented that the open space provides a comfortable and potentially attractive urban square in front of Leroy house. The idea of creating a gateway by giving the extension a civic identity, mirroring the prominence of the church, was not considered to be appropriate by the Panel and is misleading about the



building's function. Panel members were not persuaded that an office building should echo a church in terms of its form or that the church should be a reference for the expression of the proposed extension. The Panel felt that more work was needed with regard to the massing and articulation of this corner of the site. They also encouraged thought to be given to the historic role played by the space in front of Leroy house as an entrance, in relation to the urban grain and as part of the setting of the church. Panel members felt that this might generate ideas of the positive function of the space in front of Leroy House, particularly given the decision which has already been taken to remove the car parking.

#### Public realm

The Panel suggested that the scheme is not successful where the proposed extension meets the ground, with limited open space and a relatively mean street entrance considering the large numbers of persons that would be using it on a daily basis. Panel members commented that the existing car park has the potential to be a good open space and a greater provision of this would be more desirable from an urban design point of view.

#### Detailed design

The Panel queried the strategy of a very strong vertical emphasis combined with large areas of blind brickwork chosen for the extension which gives the building a civic/ ecclesiastical character.

Panel members commented that the meeting point of the existing building and the new extension is critical and hoped to see more exploration of how this junction would be treated. This also applies to the roof top addition to the existing building, with the Panel remarking that it needed to feel more connected to the host building. They also felt it should be more clearly detailed and articulated, rather than simply implying the transparency and anonymity of a glass box. Some concerns were also raised over its massing and the Panel suggested it could be less aggressive. Finally, the Panel sought further clarification over the visibility of the rooftop plant in certain views.

#### **Summary**

The Panel applauded the architectural approach to the design of the proposed west-end extension, but expressed concerns regarding the relationship it would have with its context in particular the listed church and with the public realm. It was felt that a more appropriate design solution could be achieved by giving these issues further thought. Panel members suggested that further thought should also be given to the roof extension, which was considered to be a much more generic response. The Panel look forward to seeing how the scheme progresses and advised the scheme returned for a second review.

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

#### **Confidentiality**

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the Council in the assessment of the proposal and determination of the application.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Lucy', is enclosed within a rectangular box. The background of the box is a light gray grid pattern.

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

**APPENDIX 4: DESIGN REVIEW PANEL RESPONSE LETTER DATED 20/12/2017**



## CONFIDENTIAL

ATT: Sophie Hitchins  
Lichfields  
14 Regent's Wharf  
All Saints Street  
London  
N1 9RL

Planning Service  
Planning and Development  
PO Box 333  
222 Upper Street  
London  
N1 1YA

T 020 7527 2389  
F 020 7527 2731  
E [Luciana.grave@islington.gov.uk](mailto:Luciana.grave@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: Q2017/4569/DRP

Date: 20 December 2017

Dear Sophie Hitchins,

### ISLINGTON DESIGN REVIEW PANEL

**RE: Leroy House, 436 Essex Road, London, N1 3QP (application ref. P2017/3081/FUL)**

Thank you for attending Islington's Design Review Panel meeting on 8 December 2017 for a second review of the above scheme. The proposed scheme under consideration is for alterations and extensions to the existing building, including additional storey above existing building and part 4, part 5 storey extension over car parking area (officer's description).

#### Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair), George Saumarez Smith, Martin Pearson and Charles Thomson on 8/12/17 including a presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. There was no site visit as this was a second review. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

#### Panel's observations

The Panel welcomed the opportunity to comment on the scheme for a second time and acknowledged subtle, but significant improvements to the design in its evolution since the last review.

At the first review, the Panel commended the sophisticated and conceptual response to the site, but raised concerns about the relationship that the new extension would have with St. Paul's Church (Grade II\*) opposite, public realm and detailed design. This included the massing and articulation of the extension to the western end of the existing building.

Some panel members remained concerned about the impact on the Church, deeming the extension of the building to be somewhat assertive in competing with its prominence. Further to this, panel members were disappointed not to be presented with a more detailed contextual analysis and drawings. It was not considered that the historic presence of two and three storey buildings on the site of the car park necessarily presented justification for the loss of the open space and enlargement of the existing building alone.

Turning to the design, the introduction of more generous public space and additional tree planting around the perimeter of the building were welcomed by the Panel. The introduction of a lighter weight, predominantly glazed entrance was also considered to be much more successful by panel members, who felt that it was less assertive than the previous brick iteration and had a good relationship with the rest of the extension. As such, the Panel noted considerable improvements to the public realm aspect of the proposals.

Similarly, the Panel considered that the amendments made to the roof top addition were beneficial. The set-backs to the massing of the roof extension, change in cladding material and articulation and rhythm of the glazing were deemed to suitably address previous concerns and make it acceptable (subject to there being no unacceptable impact on Daylight and Sunlight to neighbouring properties).

The Panel noted improvements to the western elevation by giving greater emphasis to the floor plates, so that its strong verticality is balanced. However, some panel members questioned whether the horizontal emphasis introduced to the fenestration was successful, as this is suggestive of a more corporate or commercial character, which did not necessarily fit comfortably with the industrial character of the existing building. The Panel suggested that further work to the fenestration and its secondary design elements (tracery) was therefore necessary, and that alternative approaches might be considered. This might also help address concerns over the perceived scale of the building in relation to the Church.

Panel members also felt that the ground floor of the extension appeared to be too squat because it is required to be sunken below ground level; it was suggested that it should read as at least the same height as the upper floors.

Finally, panel members emphasised the importance of there being a consistency in the colour of the window frames across the existing building and extension.

### **Summary**

The Panel remained impressed by the detailed design of the proposed interventions and considered that significant improvements had largely abated previous concerns about the roof extension and main entrance. However, concerns persisted about the relationship of the proposals with their surrounding context, which includes notable heritage assets, and lack of analysis presented in this regard. Nevertheless, the Panel felt that on balance, the cumulative effect of the improvements resulted in a scheme of a sufficiently high quality that it could be supported, subject to further work on the modelling and detailing of the western extension. The Panel acknowledged that the loss of the open space at the front of the building and any harm arising to the setting of the heritage assets could be considered to be outweighed by the public benefits of the proposals and were satisfied that their remaining concerns could be dealt with in discussion with officers. Subsequently, the Panel considered that the scheme would not need to return for a third review.

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

### **Confidentiality**

Please note that since the scheme is at planning application stage, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

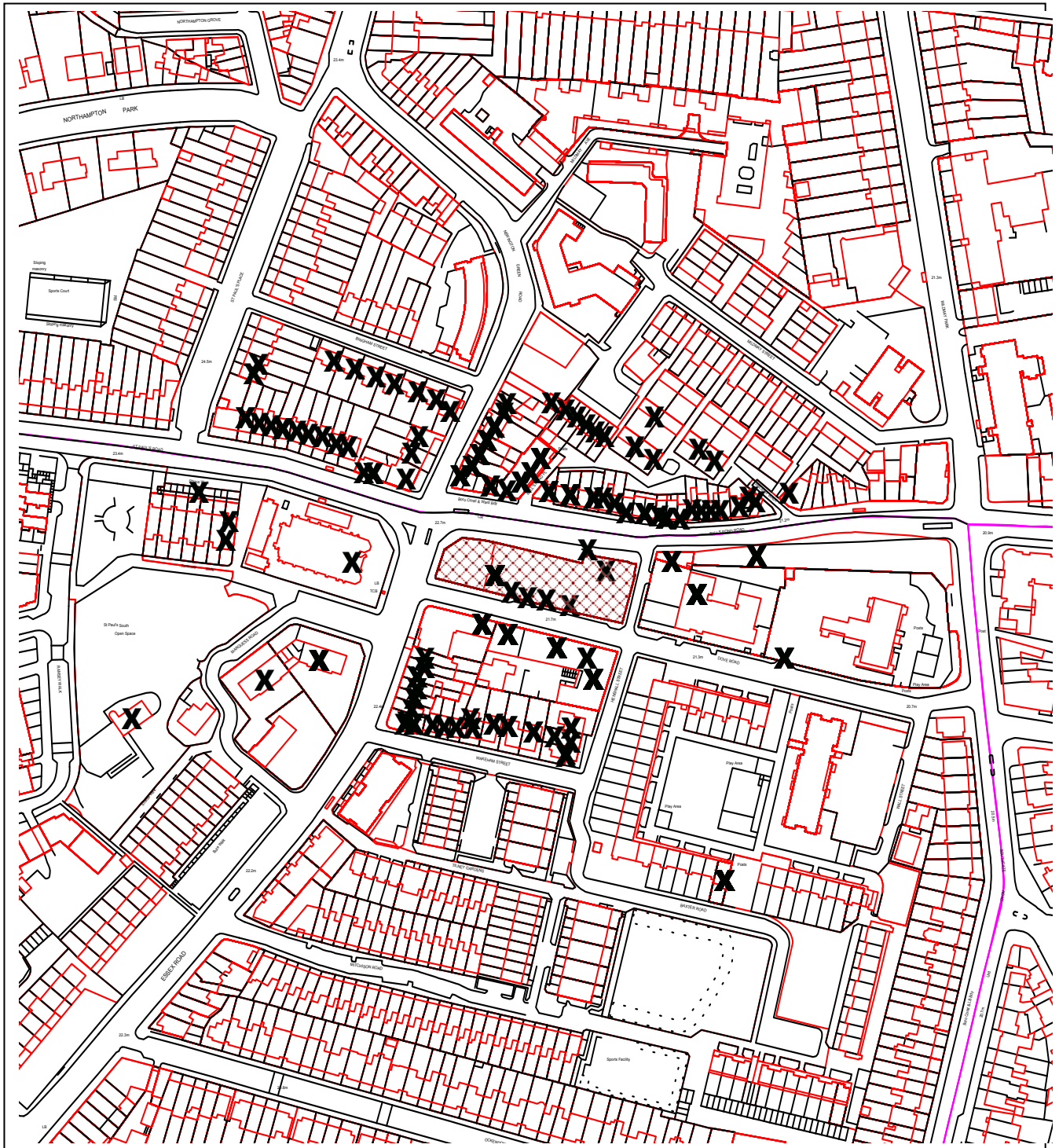
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lucy', enclosed within a thin black rectangular border.

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



# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
2nd Floor, Islington Town Hall, Upper Street,  
N1 2UD

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO: B</b>
Date: 8 November 2018	NON-EXEMPT

Application number	P2018/1395/FUL
Application type	Stopping Up of Highway
Ward	St Peter's Ward
Listed building	n/a
Conservation area	Within 50 metres of the Duncan Terrace / Colebrooke Row Conservation Area
Development Plan Context	Local Cycle Route Article 4 Direction A1-A2(Rest of Borough)
Licensing Implications	n/a
Site Address	Packington Estate: Land bounded by Dame Street, Rheidol Terrace, St Paul Street, Packington Square, Prebend Street, Rector Street, Union Square and Bevan Street, London, N1
Proposal	Stopping up of one area of existing highway on Packington Street at junction with St Paul Street under Section 247 of the Planning Act 1990 to enable redevelopment of the Packington Estate (Phase 6)

Case Officer	Tom Broomhall
Applicant	Hyde Housing Association
Agent	Rydon Construction Limited

### RECOMMENDATION

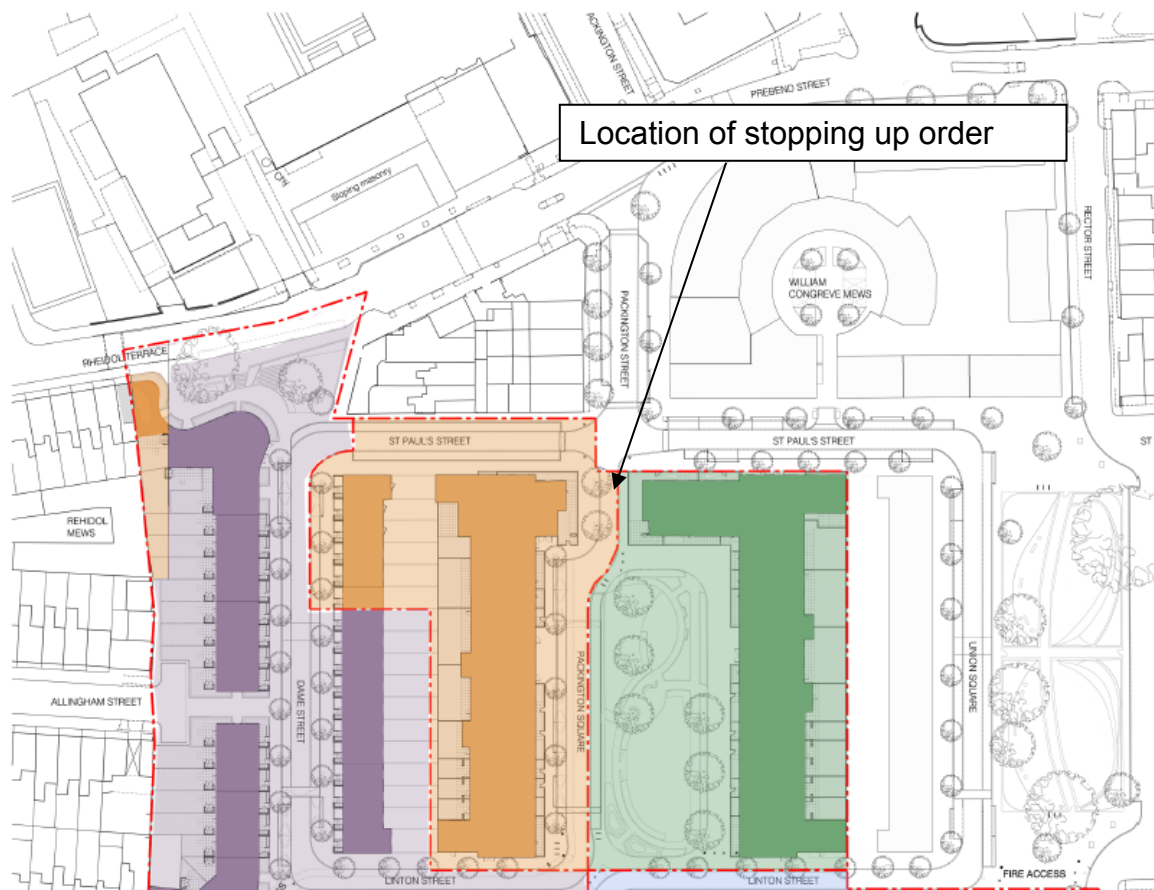
The Committee is asked to resolve to APPROVE the stopping up, subject to the applicant first entering into an indemnity agreement to pay all the council's costs in respect of the stopping up, on the following basis:

1. The council makes a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 ("the Act") in accordance with the procedure in Section 252 of the Act in respect of the area of highway shown on Plan No. 153580-RDG-Z06-00-PL-C-305 to enable Phase 6 of the development authorised by planning permission ref: P102754 to be carried out.

2. If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.
3. If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

## 1.0 SITE AND SURROUNDINGS

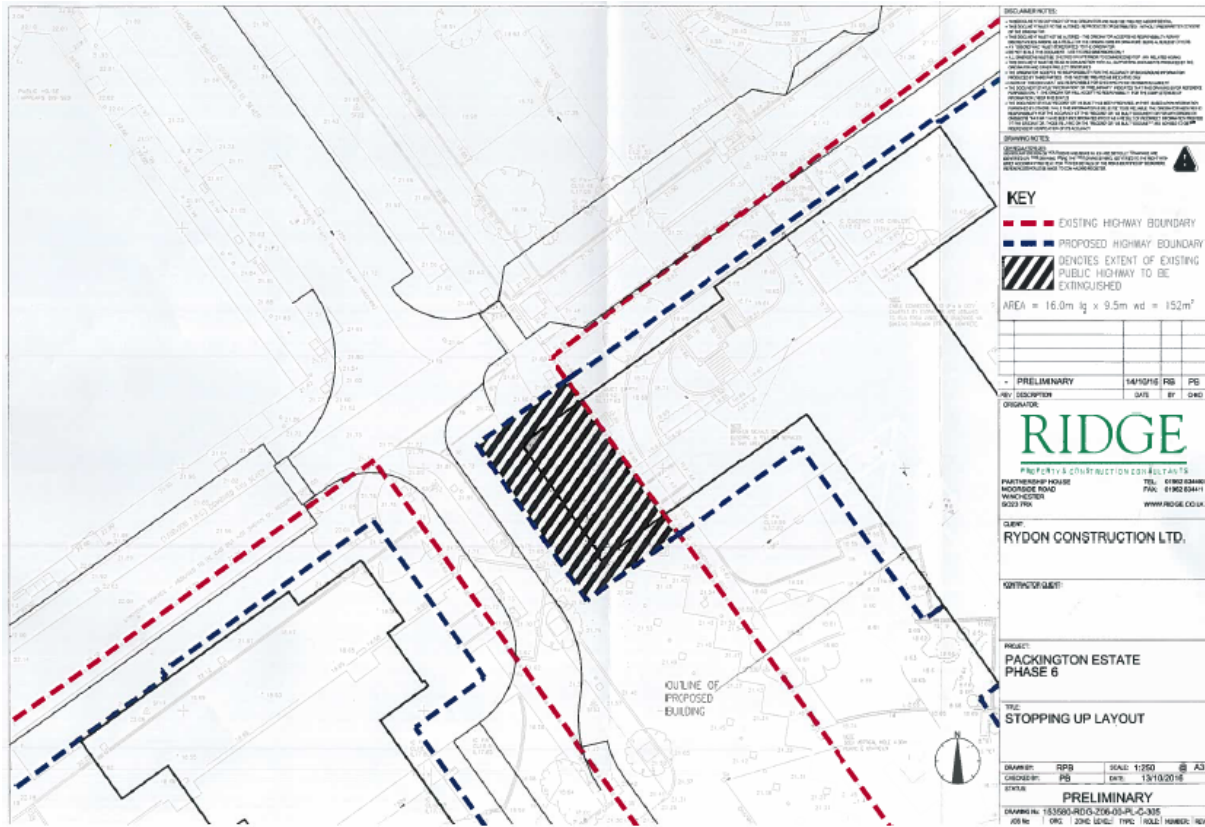
- 1.1 The area of land to which the current application to stop up the highway relates is a section of Packington Street adjacent to St Paul Street and Packington Square, and the western elevation of Phase 6 of the development, 152 square metres in size, illustrated on drawing 153580-RDG-Z06-00-PL-C-305.
- 1.2 The land to which the application relates is currently enclosed by hoardings erected in connection with the demolition of existing housing estate buildings and the erection of new buildings. The site is not within a conservation area, but the boundary of the Duncan Terrace/Colebrooke Row Conservation Area sits adjacent to the site on the northern side of St Paul Street.



- 1.3 Packington Street is a highway maintained by the council and is included in the council's List of Streets as highway maintained at the council's expense.

## 2.0 PROPOSAL

- 2.1 The proposal relates to the stopping up of an area of highway described above under Section 247 of the Town and Country Planning Act 1990 in connection with the implementation of the planning permission ref: P102754, granted on appeal on 14/11/2011
- 2.2 The plan below (ref: 153580-RDG-Z06-00-PL-C-305) shows the stopping up area in detail (hatched in black).



### 3.0 CONSULTATION

- 3.1 The council's highway officer has no objection to the proposed stopping up of part of Packington Street.
- 3.2 No public or external consultation has been carried out by the council in respect of the current stopping up application, however should the Committee approve the stopping up, before making the Orders the council would carry out consultation as required by Section 252 of the Town and Country Planning Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper. A 28-day consultation period would allow interested parties to respond.
- 3.3 Under section 252(4)(b) of the Act if an objection is received from any local authority, National Park authority or undertakers or public gas transporter on whom a notice is required to be served or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the council must:
  - (i) notify the Mayor; and
  - (ii) cause a local inquiry to be held.

- 3.4 If however, none of the objections notified were made by a local authority or undertakers or transporters then, under section 252(5A) of the Act, the Mayor shall decide whether, in the “special circumstances of the case” the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.
- 3.5 If there are no objections, or all the objections are withdrawn, then the council may confirm the Stopping Up Order without an inquiry.

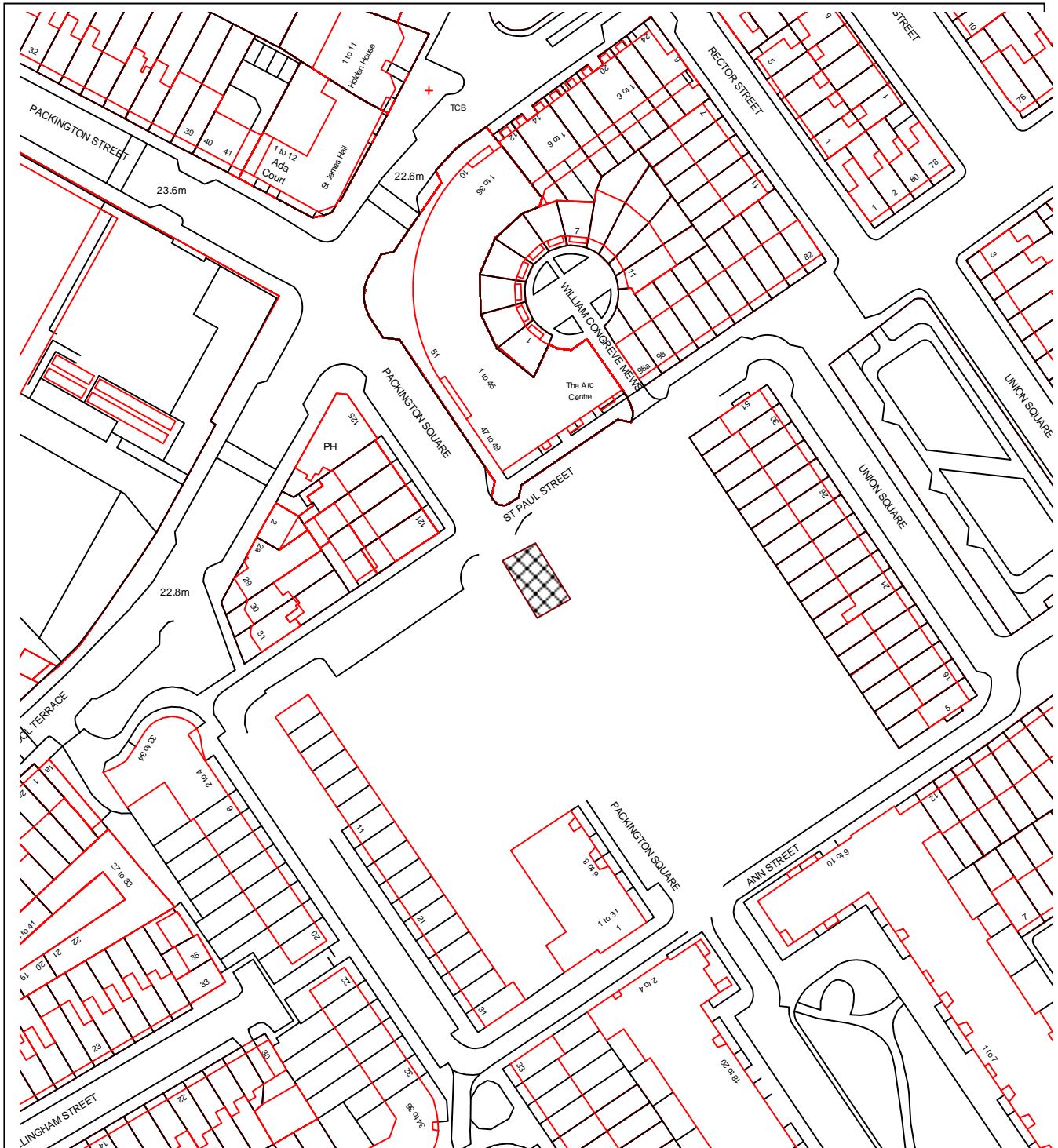
#### **4.0 EVALUATION**

- 4.1 Section 247(2A) of the Act provides that the council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.
- 4.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasilou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.
- 4.3 The layout of the Packington Estate redevelopment has already been considered and approved under application ref: P062806, which was the first application for outline planning permission (including layout) for the redevelopment of the Packington Estate. Later permissions included amendments to the layout of the redevelopment. The approved layouts would require the stopping up of the areas of land that are the subject of this report. The stopping up now proposed would give effect to an existing planning permission (ref: P102754) which was subject to public consultation.
- 4.4 Officers consider that the area comprises land over which the public have been able to pass and repass without hindrance for over 20 years, and over which public rights have accrued.
- 4.5 The proposed stopped-up area of land would not prevent pedestrian or vehicular access into Packington Square and would not result in a loss of public access through the redeveloped estate. This part of Packington Street which leads into Packington Square is a private estate road.
- 4.6 Vehicular and pedestrian routes will continue to be provided into the estate. Officers therefore consider that there would be no disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highways rights to enable the development to be carried out.

#### **5.0 CONCLUSION**

- 5.1 It is considered that the proposed stopping up of the area of land is necessary to enable the development to proceed and is acceptable in highways terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

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