



**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 on **10 December 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 : 29 November 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



**A. Formal Matters**

**Page**

1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

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

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

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

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

- \*(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.
- (b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.
- (c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.
- (d) Land** - Any beneficial interest in land which is within the council's area.
- (e) Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.
- (g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

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

5. Order of Business
6. Minutes of Previous Meeting

<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	Hathersage Court, 1 Newington Green; Besant Court, 104 Newington Green Road; 89-91 and Health Centre [93] Mildmay Park, London, N1	7 - 148
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	149 - 156

**C. Consideration of other planning matters**

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

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

**E. Exclusion of press and public**

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

**F. Confidential/exempt items**

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

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

**Date of Next Meeting:** Planning Committee, 8 January 2019

**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 - 8 November 2018

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 8 November 2018 at 7.30 pm.

**Present:**      **Councillors:**      Klute (Chair), Picknell (Vice-Chair), Kay (Vice-Chair), Convery, Graham, Chapman, Cutler, Woolf and Poyser (Substitute) (In place of Khondoker)

### Councillor Martin Klute in the Chair

**38**      **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.

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

Apologies were received from Councillor Khondoker.

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

Councillor Poyser substituted for Councillor Khondoker.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 9 October 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**44**      **LEROY HOUSE, 436 ESSEX ROAD, LONDON, N1 3QP (Item B1)**

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 café, together with hard and soft landscaping.

(Planning application number: P2017/3081/FUL)

In the discussion the following points were made:

- The planning officer stated that an addendum report had been circulated to members setting out consideration of the Human Rights Act and additional

clarification comments from the Design and Conservation Officer in relation to the impact on heritage assets.

- The planning officer advised that since the committee report was published, the applicant had provided an elevated affordable workspace offer, including a discount market rent for 10% of the net increase for a 10-year period at 75% of the market rent. At least 5% of the uplift in area in the extension would be available to rent on a per desk basis (Club Workspace provision). Condition 13 would be amended accordingly.
- In response to a member's question about the BRE figures in relation to daylight, the planning officer advised that the existing buildings received an atypical amount of daylight due to the presence of the open air car park.
- In response to a member's question the planning officer advised that in relation to designing out crime, the police had certain standards. If these were met, a certificate was issued. The standard design condition would be added and the certificate would be required as part of this.
- Concern was raised that it was proposed that the café would be open until 11pm on weekdays. A member suggested an earlier closing time to protect residential amenity.
- The planning officer drew members' attention to the Council's statutory duty to preserve, meaning to do no harm to heritage assets, and advised that officers had been mindful in placing great weight on this in the planning balance.
- The committee considered the special interest of each of the heritage assets with regard to the statutory duty and also considered the impact the scheme would have on each one. Members agreed with the Design and Conservation Officer's assessments set out in the addendum report (being that the proposal would cause less than substantial harm to the setting of St Paul's Church and result in a negligible impact (no harm) on the setting of 178-190 Balls Pond Road and no harm to the character and appearance of the Canonbury Conservation Area).
- While members acknowledged there would be less than substantial harm to the setting of the church, they noted the fact that any harm being caused meant they must place great weight on this in the planning balance. Members considered that there were also significant public benefits that would be delivered, and that the benefits were such that on balance, members considered that the benefits outweighed the less than substantial harm to the setting of the church.

Councillor Cutler proposed a motion to restrict the closing time of the café to 8pm on weekdays. This was seconded by Councillor Graham and carried.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and the additional condition outlined 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.

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**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 (Item B2)**

## Planning Committee - 8 November 2018

Stopping up of 1 area of existing highway under Section 247 of the Planning Act 1990 to enable redevelopment of the Packington Estate (Phase 6).

(Planning application number: P2018/1395/FUL)

**RESOLVED:**

That the starting of the stopping up process be approved subject to the applicant entering into an indemnity agreement to pay all the council's costs in respect of the stopping up.

The meeting ended at 8.25 pm

**CHAIR**

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## Schedule of Planning Applications

PLANNING COMMITTEE - Monday 10 December, 2018

### COMMITTEE AGENDA

**1 Hathersage Court, 1 Newington Green; Besant Court, 104 Newington Green Road; 89-91 & Health Centre [93] Mildmay Park, London N1**

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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 Hathersage Court, 1 Newington Green; Besant Court, 104 Newington Green Road; 89-91 & Health Centre [93] Mildmay Park, London N1**

**Application Number:** P2018/1970/FUL

**Ward:** Mildmay

**Proposed Development:** The demolition of 154sqm Use Class D1, the demolition and relocation of the sub-station, the re-use of two existing residential units for bicycle storage, the construction of 45 new dwelling units with associated amenity space for affordable and private homes, provided in seven new blocks ranging from 2 to 6 storeys, bicycle parking spaces, improvements to the public realm, and the provision of 293 sqm of flexible Use Class D1 / B1.

**Application Type:** Full Planning (Council's Own)

**Case Officer:** Robin Tulloch

**Name of Applicant:** London Borough of Islington - Ms Rosemarie Jenkins

**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:** P2018/3689/FUL

**Ward:** St. Peters

**Proposed Development:** Stopping up order of existing highway comprising part of the passageway to the south east of Rheidol Terrace, extending to the rear of 37 Allingham Street, under Section 247 of the Planning Act 1990 to enable the redevelopment of the Packington Estate (Phase 4).

**Application Type:** Full Planning Application

**Case Officer:** Thomas Broomhall

**Name of Applicant:** Hyde Housing Association

**Recommendation:**

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### PLANNING COMMITTEE REPORT

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	10 <sup>th</sup> December 2018		

Application number	P2018/1970/FUL
Application type	Full Planning (Council's Own)
Ward	Mildmay
Listed building	N/A
Conservation area	Newington Green
Development Plan Context	Newington Green Conservation Area Archaeological Priority Area (Newington Green Hamlet) Within 50m of Newington Green Gardens Designated Open Space Site of Importance for Nature Conservation (Local) Within 50m of Newington Green Local Shopping Area
Licensing Implications	None
Site Address	Hathersage Court, 1 Newington Green; Besant Court, 104 Newington Green Road; 89-91 & Health Centre [93] Mildmay Park,, London N1
Proposal	The demolition of 154sqm Use Class D1, the demolition and relocation of the sub-station, the re-use of two existing residential units for bicycle storage, the construction of 45 new dwelling units with associated amenity space for affordable and private homes, provided in seven new blocks ranging from 2 to 6 storeys, bicycle parking spaces, improvements to the public realm, and the provision of 293 sqm of flexible Use Class D1 / B1.

Case Officer	Robin Tulloch
Applicant	London Borough of Islington - Ms Rosemarie Jenkins
Agent	HTA Design LLP

## 1. RECOMMENDATION

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

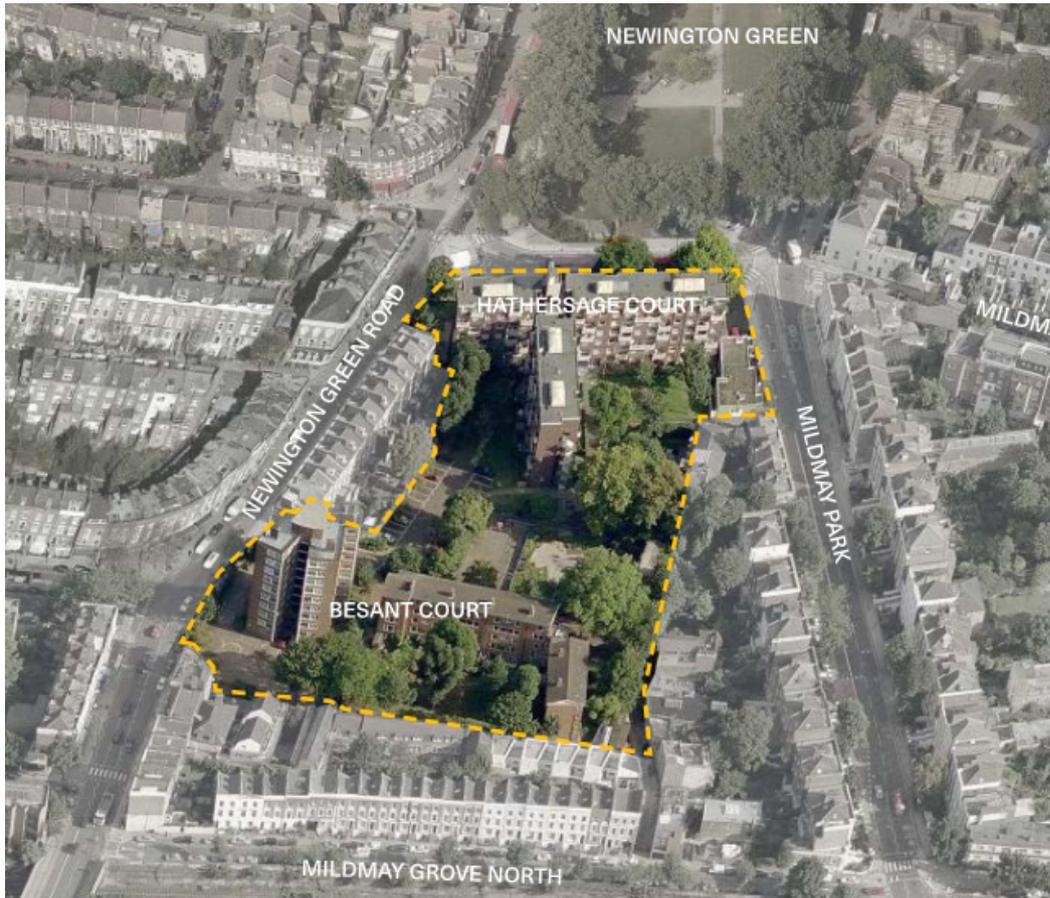
1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Directors' Letter securing the heads of terms as set out in Appendix 1.

## 2 SITE PLAN (SITE OUTLINED IN RED)



**3 PHOTOS OF SITE/STREET**

Aerial View of site looking north



Hathersage Court looking south west



Corner of Newington Green/  
Mildmay Park



Entrance to Hathersage Court



Big Besant Court



Newington Green Road entrance



Little Besant Court (front)



Little Besant Court (rear)



## 4. SUMMARY

- 4.1. The application relates to two housing estates to the south of Newington Green, located between Newington Green Road and Mildmay Park. At the northern end of the site is Hathersage Court, a 7 storey T-shaped block, and to the south is Besant Court which comprises a 10 storey tower (Big Besant Court) and a 5 storey L-shaped block (Little Besant Court). The two estates provide a total 140 flats. The site also houses a chiropodists and dentists within a single storey unit on the north eastern corner of the site on Mildmay Park (nos. 89-91 and 93). Both premises fall within the D1 use class and occupy 154sqm of floorspace.
- 4.2. The proposal would provide 45 new residential units and three commercial units across eight new buildings. All existing estate buildings would be retained, other than the commercial unit. An existing substation would be relocated, and the proposals include significant landscape improvements, improvements to the communal entrances of Hathersage Court and Big Besant Court, new playspace, additional cycle parking facilities and rationalisation of on-site car parking. Two flats on the ground floor of Big Besant Court would be lost to facilitate a new entrance and a commercial unit, thus resulting in a net increase of 43 residential units.
- 4.3. The development delivers a significant increase in affordable homes in accordance with London Plan Policy 3.3 (Increasing housing supply) and Islington Core Strategy Policy CS12 (Meeting the housing challenge), which seek to ensure a supply of high quality, inclusive and affordable housing for residents.
- 4.4. The new residential units would be a mixture of size and tenure ranging from 1-bed/2 person units to 3-bed/6 person units. 21 units would be for social rent, 3 units for shared ownership, and 21 units for market housing. Thus giving an affordable housing contribution of 24 units (53.33%) or 22 units net (51.16%). In terms of habitable rooms, the affordable housing contribution would be 65 habitable rooms out of 125, or 52% (61 habitable rooms net/50.41%). The affordable housing tenure split would be 59 habitable rooms for social rent or 90.77% and 6 habitable rooms for shared ownership (55 habitable rooms for social rent net/90.17%).
- 4.5. The proposal would also provide three new commercial units (Class B1/D1) with a combined floorspace of 293sqm (resulting in a net increase of 139sqm). The existing occupiers have been offered long leases for the new commercial units.
- 4.6. Overall, the proposal is considered to deliver an appropriate balance between respecting the integrity of design of the estate and providing high quality contemporary design, which has evolved throughout a lengthy pre-application process including three full Design Review Panels and two Chair's Briefings. This has resulted in a comprehensive and cohesive scheme that responds to the character and appearance of the immediate vicinity, and the wider conservation area, whilst protecting the amenity of adjoining occupiers.
- 4.7. Though the application includes building on existing, semi-private, estate open space, including car parking areas, much of this existing semi private space on the estate is poor quality or inaccessible with the sunken central games court having been derelict for a number of years and the adjacent sunken playspace having been re-opened in 2015, but continuing to be underused as indicated by the applicant's consultation and anecdotal evidence. The proposal would provide higher quality, fully accessible, better equipped, safer play and amenity space across a smaller area. The total play area would reduce from 790sqm to 525sqm, but of this, equipped play areas would increase from 210sqm to 350sqm. Publicly accessible open space would increase from 1,830sqm to 1,950sqm and amenity space restricted to residents would increase from 1,918sqm to 2,397sqm.
- 4.8. To date, no objections have been received from residents of the two estates, but objections, including a petition, have been received from neighbouring residents and local groups. It is of

note that the Hathersage Tenants and Residents' Association are in support of the proposals. The objections have mainly come from residents of Mildmay Park, and are predominantly concerned with proposed Block K on the corner of Newington Green and Mildmay Park, highlighting a loss of daylight and sunlight, increased noise, loss of privacy, and general urban design objections.

4.9. Analysis shows that the proposals would not have an unacceptable impact on neighbouring residential amenity in terms of loss of daylight, sunlight, outlook, privacy, noise and disturbance or an increased sense of enclosure. The application is considered to be a sustainable form of development in terms of energy efficiency, renewable energy and the provision of sustainable forms of transport. For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policies (including those of the NPPF and the London Plan) and guidance, and is thus recommended for approval subject to conditions and the completion of a Directors' Agreement to secure the necessary mitigation measures.

## 5. SITE AND SURROUNDINGS

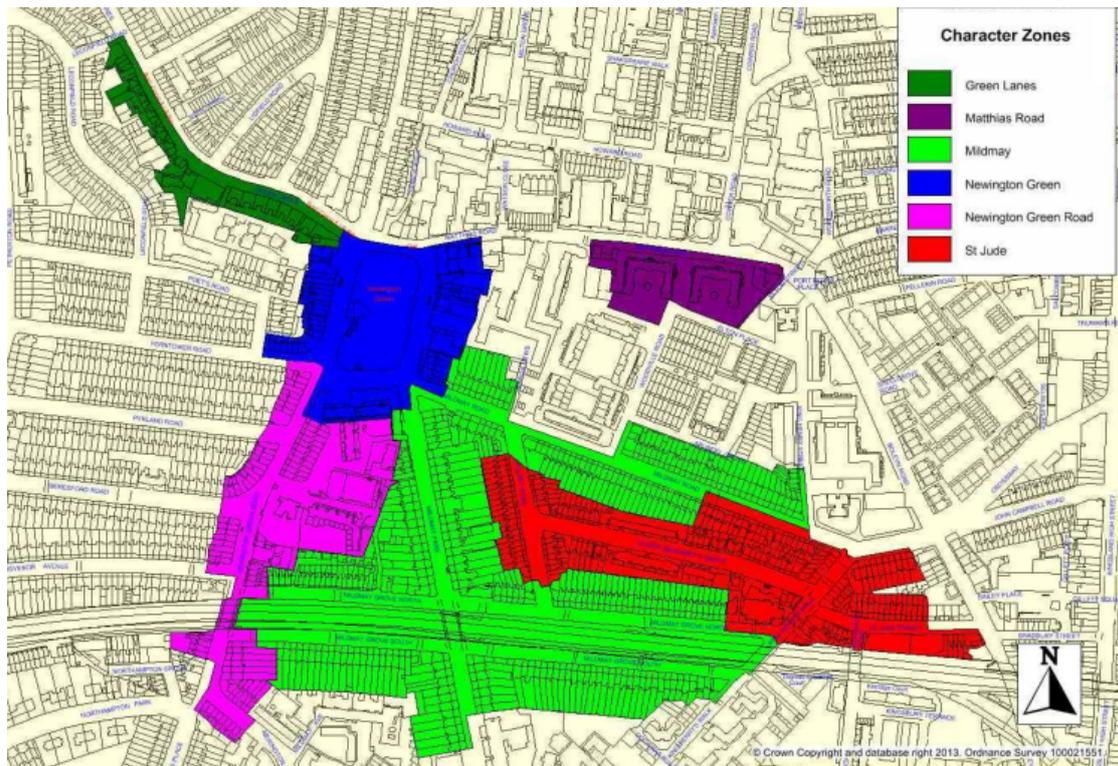
5.1 The application site is bounded by Newington Green to the north, Newington Green Road to the west, Mildmay Park to the east, and Linden Mews, Colony Mews and Mildmay Grove North to the south. It covers an area of approximately 1.26 hectares and comprises two estates. In the northern half of the site, facing Newington Green, is Hathersage Court, a T-shaped 7 storey block of flats. 50m to the south is Besant Court, which comprises a 10 storey tower (Big Besant Court) and a smaller 5 storey L-shaped block (Little Besant Court). The estates were constructed in the 1950s and 1960s, and are typical of the post-war municipal housing idiom.



5.2 The two estates are separated by a generous amount of open space with 63 trees contributing to amenity and biodiversity, however much of the open space is underused, in a poor state of repair or has limited access. There are 63 trees on site, none of which are covered by Tree Preservation Orders, but are protected by virtue of being within a conservation area. The

openness of the estate is further eroded by a car parking area and sunken ball court at the centre of the site. The central space comprises parking bays, a sunken basketball court and sunken playspace, which are hardly apparent from the surrounding streets, as the central area is bordered to the west by the four storey terrace of 108-128 Newington Green Road and to the east by Mildmay Park.

- 5.3 The western side of Mildmay Park comprises a variety of buildings such as the single storey chiropodists/dentists, a modern detached three storey dwelling, a smaller three storey terrace, and a larger group of three storey semi-detached pairs. The wider area shares a similar typology of three and four storey 19<sup>th</sup> century terraces that are characteristic of the conservation area. The area is predominantly residential, but the western side of Newington Green Road features a variety of commercial uses and is a designated Local Shopping Area.
- 5.4 Newington Green is an historic open space, first mentioned in 1480 and with a well recorded history of small scale development around it. It forms the centerpiece of the Newington Green Conservation Area which was designated in 1970 and extended in 1992, 2004 and 2014. The last extension incorporated the two estates, apart from the northern Hathersage block facing Newington Green, which has been part of the conservation area since its original designation.
- 5.5 Newington Green Conservation Area was extended in 2014 to include, among other areas, the southern end of Hathersage Court and Besant Court. The conservation area comprises six character zones (shown in the image below), the northern block of Hathersage Court lies within the Newington Green Character Zone whilst the remainder of the site is within the Newington Green Road Character Zone. Hathersage Court is identified in the Newington Green Conservation Area Statement as a negative feature being out of scale with its surroundings.



- 5.6 To the north west of the site is a Grade I listed terrace (52-55 Newington Green). To the east of the site two shopfronts are locally listed, nos. 84 and 90 Mildmay Park (Grade S). To the west are a further four locally listed buildings along Newington Green Road, shopfronts on nos. 54 and 60 Newington Green, the Weavers Arms at no. 98 Newington Green Road and The Cellars Public House at no. 125 Newington Green Road.

5.7 Newington Green is designated open space and a Site of Importance of Nature Conservation (Local). The north of the site is also identified as being with the Newington Green Hamlet Archaeological Priority Area.

## 6. PROPOSAL (IN DETAIL)

6.1 The proposal is to provide 45 new residential units and three commercial units across eight new buildings (A, B, C, D, E, F, H & K). All existing estate buildings would be retained, other than the two single storey commercial units on Mildmay Park. An existing substation would be demolished to make way for Block B and relocated (Building G), and the proposal includes significant landscape improvements, as well as improvements to the existing communal entrances of Hathersage Court and Big Besant Court, new playspace, additional cycle parking facilities and rationalisation of on-site car parking. Two flats on the ground floor of Big Besant, which are currently occupied, would be lost to facilitate a new entrance and a commercial unit (Building H). If permission is granted a clause in the section 106 Director's Letter Agreement will ensure that the flats cannot be demolished until the tenants have been rehoused.

6.2 The new residential units would be a mix of size and tenure ranging from 1-bed to 3-bed units, with 21 units for social rent, 3 units for shared ownership, and 21 units for market housing. The new dwellings would comprise 14x 1-bed/2 person units, 27x 2-bed/4 person units, 3x 3-bed/5 person units, and 1x 3-bed/6 person units with associated amenity space, provided in five residential blocks ranging from 4 to 6 storeys in height and two mews blocks of 2 storeys in height.

6.3 Blocks A, B and C would occupy the middle of the site, just to the south of Hathersage Court, replacing the existing car park and sunken ball court. The blocks would be between four and six storeys in height and set around a central garden courtyard. Block A would provide 14x market housing flats, with Blocks B and C providing 12x and 4x flats respectively for social rent.

6.4 Buildings D and E are two storey mews buildings blocks comprising 2x mews houses (D) and 3x flats (E) on the southern boundary of the site. Both allocated for social rent.

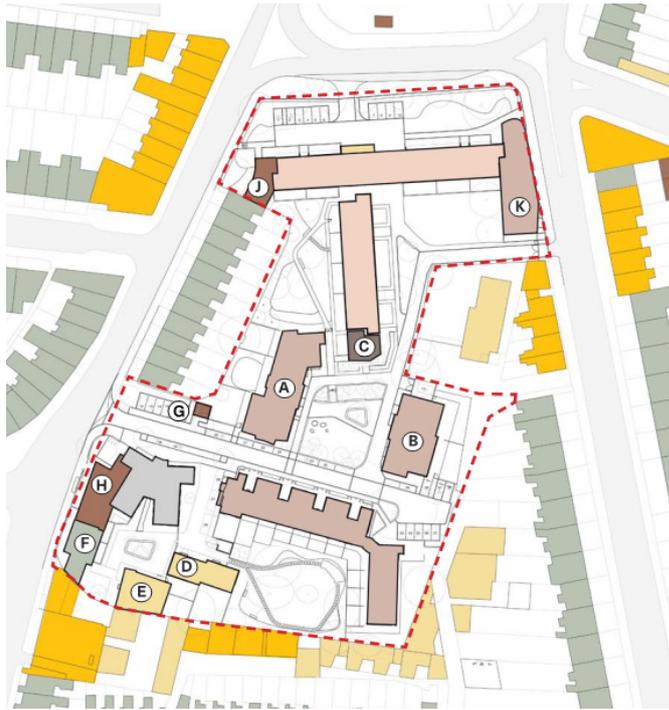
6.5 Building F is a four storey block of 3x open market flats in the south western corner of the site facing Newington Green Road.

6.6 Building G is a relocated electricity substation to replace the existing substation at the eastern end of the sunken play area

6.7 Building H is a single storey extension to Big Besant Court on Newington Green Road providing a new entrance and courtyard together with a separate commercial unit.

6.8 Building J is a single storey extension to the west of Hathersage providing storage for 39 cycles and accessible cycle and mobility scooter storage space, and includes improved landscaping to the front of Hathersage Court.

6.9 Building K is a mixed-use four to five storey building to the east of Hathersage Court facing Mildmay Park. The ground floor would house two commercial units and the communal entrance to the flats above. The seven flats would be a mixture of shared ownership (3) and open market housing (4).



Block	Units
A	14x flats
B	12x flats
C	4x flats
D	2x houses
E	3x flats
F	3x flats
G	Substation
H	Communal entrance & commercial unit
J	Cycle store
K	7x flats & 2x commercial units

- 6.11 The proposal would also provide additional D1 floorspace across three units following the demolition of an existing 2 unit building at the north east of the site.
- 6.12 The proposals also include improvements to the landscape and the amenity of the estate both within and along street frontages to include; new entrances into the estate, improvements to existing entrances, reorganisation of parking arrangements, new courtyard gardens, new play space, and the retention and improvement to existing community gardens. The loss of semi-private estate open space is mitigated by the re-provision of enhanced and more accessible amenity space. Thirty trees would be removed to facilitate development, but replacement trees are proposed including large specimens for the Newington Green Road entrance and the open space in front of Hathersage Court facing Newington Green. The trees to be removed are of low amenity value (largely Category C).
- 6.13 The number of car parking spaces would be reduced from 37 to 35 with a higher number of disabled bays. 127 covered and secure cycle spaces would be provided, along with mobility scooter storage in each cycle storage area. The scheme would attain a high level of sustainability through the use of green roofs, solar arrays and a combined heat and power system.

**7. RELEVANT HISTORY:**

7.1 None relevant.

**PRE-APPLICATION ADVICE**

7.2 The scheme has been in discussion with planning since 2013. As part of those discussions, the scheme was considered by the Design Review Panel on five separate occasions (three times to a full Design Review Panel and twice to the Design Review Panel Chair's Review), with the last meeting in September 2017. The September DRP response is attached as Appendix 3.

- 7.3 The Panel were pleased to see that various key issues (relating to all blocks) had been resolved following comments made in the previous review. In particular, the Panel was satisfied that previous concerns in relation to landscape, paving, roof balustrades and lack of internal layouts had been addressed. They also welcomed the submission of details in relation to the junctions of new and existing buildings.
- 7.4 The Panel was concerned about the palette of materials, with a simpler combination suggested. In terms of the individual buildings, discussion centered mainly around Blocks F, H and K. [*The palette of materials was subsequently reduced to two types of principal brickwork and a complementary zinc cladding*].

#### Block F

- 7.5 A proposed four storey building was not considered to accord with the adjoining three storey terrace. A pitched roof to Block F was proposed, but was not considered a successful approach to reducing the massing of the Block. It was concluded that it would be important to maintain the existing parapet height and that the top floor should be removed. [*The architects' response is to present a part three/part four storey building with a flat roof. The three storey element aligns with 100-102 Newington Green Road in terms of parapet height and building line. The four storey section stands proud, and continues the articulation created by the recessed public house at no. 98, whilst also setting the fourth storey away from the terrace and providing a transition to the much larger Big Besant*].

#### Block H

- 7.6 The Panel considered this location could work well as a surgery, but highlighted the lack of a separate entrance to the commercial with users having to enter past the bin and bike stores. They supported the use of a darker brick, as long it was part of a simpler palette of materials. [*In response, the commercial unit now has a separate entrance on Newington Green Road. The unit will be constructed in dark red brick and the palette of materials has been reduced across the site*].

#### Block K

- 7.7 This was considered to be much improved with no concerns raised about the height or massing, the only issues remaining for the Panel were the detailed design of the zinc clad fire escape enclosure and the security of the first floor opening onto a flat roof. [*The balustrading has been omitted from the zinc element and a simple metal balustrade proposed on top of the brick building. First floor windows and doors will be designed developed to meet the minimum specifications laid out in the Secured by Design New Homes Guide and the Designing Out Crime Officer has raised no objections*].
- 7.8 The Council's Housing Department consulted with residents of the estate, and the Tenants and Residents' Association throughout the pre-application process on three separate occasions. Objections were raised to the scale of the scheme, loss of parking, and the provision of shops along the front of Hathersage (these issues are considered to have been resolved). Concerns were also raised that no existing buildings should be demolished, there should be improvements to play areas, a reduction in density and heights of proposed buildings, improvements to existing entrances, re- provision of community facilities, better cycle storage, and more detail on amenity space and routes into and across the estate.
- 7.9 The Council's Housing Department also carried out further consultation after the current application had been submitted by sending letters to neighbouring residents outside the estate and making plans available at the local library.

## 8. CONSULTATION

### Public Consultation

- 8.1 A total of 616 letters were sent out to residents of the estates and the surrounding area on 5<sup>th</sup> July 2018. Site notices were placed around the site and an advert was placed in the Islington Gazette on 12<sup>th</sup> July 2018 with the period of public consultation expiring on 2<sup>nd</sup> August 2018
- 8.2 At the time of writing a total of 39 objections had been received from local residents, along with a petition of 113 signatures.
- 8.3 The objections are summarised below (with the paragraphs that provide responses to each issue in brackets):

### **Design**

- Out of scale with the existing historical buildings on Mildmay Park and Newington Green and the conservation area [10.40-10.49]
- Substandard/bland design [10.40-10.49]
- The CAS says that new development should be compatible with the established scale and materiality of the existing buildings on the green [10.50-10.53]
- Materials and brick do not relate to existing site
- Will destroy the historic nature of the Green [10.40-10.49]
- Not balanced with the pub [10.40-10.49]
- More trees should be planted to cover up Hathersage [10.39 & 10.59]
- A more careful, socially integrated approach should be adopted
- The proposed extensions would compromise the future redevelopment of the estate [10.46]
- Substation should not be demolished as it is a fine architectural example of the period [10.60]
- The associated reports only consider parts of the Green that are in Islington and do not consider the setting of adjoining listed buildings in Hackney such as the Unitarian Chapel [10.49]

### Block B

- Out of scale with the unlisted terrace [10.40-10.49]

### Block K

- Twice the height of the existing buildings on Mildmay Park [10.40-10.49]
- Does not draw on the surrounding architecture and does not preserve or enhance the conservation area [10.40-10.49]
- Will spoil the view down Mildmay Park [10.40-10.49]
- Too high and oppressive, will dwarf surrounding traditional buildings making area less approachable and destroy the open space [10.40-10.49]
- Should be 3 storeys and residential only, and set back from the road [10.40-10.49]
- Obtrudes on to the pavement creating a tunnel effect [10.40-10.49]
- Should not use the height of Hathersage as a reference point as its height is described as a negative feature in the conservation area statement [10.40-10.49]
- Materials should reference Mildmay Park [10.50-10.53]
- Will harm the setting of the locally listed shopfronts opposite [10.40-10.49]
- Does nothing to contribute to life in the public realm [10.55-10.78]
- Is on private land, not part of the estate
- Height restrictions apply to Mildmay Park and should also apply to the new development
- People in Mildmay Park have been refused modest side extensions

## Blocks F and H

- Wasted opportunity as Blocks F and H on Newington Green Road frontage could be improved with a more active frontage [10.39-10.49]
- not in keeping with the adjacent 19<sup>th</sup> century buildings on either side of the site does not respond to their massing, scale or architectural style [10.39-10.49]

*[The design issues are dealt with in the Design and Conservation section of this report – The proposal has been submitted to the full Design Review Panel on three separate occasions, with the Panel finding the latest iteration broadly acceptable. Block K provides an appropriate transition between the large housing block and the lower terrace on Mildmay Park. Design officers consider that the height of the proposed buildings are as high as they can be without harming the street scene or the character or appearance of the conservation area. The high quality design, articulation and palette of materials are considered to mitigate the massing and scale of the larger elements of the scheme. The vast majority of development occurs within the estate, other than Block K and the improvements to the entrance and landscaping in front of Hathersage Court (which would enhance the conservation area), as such the proposals would improve views from the Green and would have no impact on the setting of the nearby listed buildings due to their distance away from the site]*

## **Amenity**

- Loss of sunlight/daylight to houses on both sides of Mildmay Park [10.139, 10.150-10.159]
- Loss of light could lead to right to light action [10.122-10.138]
- Windows to Block K will be less than 21m away from Mildmay Park [10.181-10.183]
- Windows and balconies to Block B overlook r/o Mildmay Park [10.184-10.186]
- Amplification of heavy traffic noise due to height & scale of new development [10.196-10.197]
- Noise from construction [10.196-10.197]
- Bin store should not be on Mildmay Park as it will lead to hygiene issues and make the green less attractive to children and local businesses [10.116, 10.205-10.206]
- Area already suffers from ASB and poor quality architecture is linked to ASB, new proposals will increase crime and ASB [8.8, 10.190-10.194]
- Pollution from construction will harm residents and children at the local school [10.196-10.197]

*[Approximately 8% of neighbouring windows (which, according to the BRE guidance, require testing) would have a noticeable loss of daylight, and these are largely windows that are already heavily obstructed, and 5% of rooms would suffer a loss of sunlight, which is not considered significant for an urban development. No properties on Mildmay Park would suffer significant impacts in terms of losses of sunlight or daylight. All new dwellings have been carefully designed to avoid overlooking through the use of obscure glazing and privacy screens (condition 5). Other than the public house, properties on Mildmay Park would be more than 18m away from Block K. Noise, and other environmental impacts of construction, would be dealt with by a Construction and Environment Management Plan (condition 4), deflected traffic noise would not be greater than direct noise from the highway. The scheme is considered to be a high quality design and the removal of the sunken ball court and better natural surveillance would reduce ASB.]*

## **Open space**

- No provision for adolescents, or any play areas for this group adjacent to the site [10.110-10.114]
- MUGA should be re-provided [10.110-10.114]
- Loss of natural wildlife habitats, bird/bat boxes should be installed [8.17]

- Planting at rear of Mildmay Park by substation provides habitat for wildlife, lack of information how this will be replaced [8.17]

*[The proposed play space would be for children up to 11 years of age, so there is no dedicated space for children aged 11+. There are alternative spaces within 5 to 10 minutes' walk of the estates (400-800m) and the possibility of providing youth shelters will be explored following further consultation with residents (condition 26). Bird boxes will be secured by condition. The area at the rear of the substation is not within the site.]*

## **Transport**

- No parking for proposed retail units, will create a bottleneck
- Block K encroaching on pavement will increase pedestrian and traffic flow [10.116, 10.205-10.206]
- Bin store to Block K will hinder pedestrian movement and will not be accessible to refuse trucks [10.116, 10.205-10.206]
- Existing health centre is set back from the pavement allowing better circulation

*[No retail units are proposed (this was part of a previous pre-app scheme). Block K extends up to the location of the existing boundary wall of the commercial units so there would be no reduction in pavement width, and no impact on pedestrian movement.]*

## **Land use**

- There should be no private homes as part of the scheme [10.89-10.97]
- Overdevelopment of site and too dense [10.78-10.81]
- The existing chiropodists and dentists should not be lost, local people may not be able to travel further afield [10.15-10.18]
- Do not need more shops
- All development should be residential, there are too many empty commercial premises in the area [10.15-10.18]
- Replacement B1/D1 should be no larger than existing to protect the residential character of the area [10.15-10.18]
- B1/D1 units may need more servicing and increase danger for pedestrians and traffic [10.205-10.206]
- Whole estate should be pulled down and redeveloped
- Proposed B1/D1 would result in a loss of D1 contrary to policy [10.15-10.18]

*[It is only with the private sale homes that the development can be made deliverable. The existing commercial occupiers are being offered compensation and long leases on two of the three replacement commercial units. The re-provision of community use is a policy requirement and the addition of one small unit on a large site is not considered harmful to the character of the area. The size of the units is such that a significant increase in servicing is not considered likely, but a wider servicing management plan will be secured. The existing substation is in the sunken play area which, due to its location and lack of natural surveillance, attracts ASB and the enhanced open spaces with more overlooking would reduce ASB. The redevelopment of the whole site was initially considered, but not thought to be viable or practical as it would have required the removal and temporary relocation of 140 families, excessive costs, and residents did not want it.]*

## **Consultation**

- Local residents outside the estate were not part of the pre-application consultation process [7.8-7.9]

- Pre-application consultation process was poorly advertised, only a few residents of the estate tuned up and Block K was not included [7.8-7.9]
- Wider consultation was not carried out until after the application had been submitted [7.8-7.9]
- Little information was on view at the library and poorly advertised [7.8-7.9]
- No site notices have been displayed or were removed early [8.1]

*[There is no statutory requirement for applicants to consult at the pre-application stage. The Housing Department considered it reasonable to consult with the residents of the estates as they would be the ones most directly affected by the proposals. Once the planning application was registered the formal planning consultation process began with site notices around the site, a press advert, and letters sent to residents of the estates and neighbouring roads.]*

**89-91 Mildmay Park (Chiropodists):** The freeholder objects that it would result in the unnecessary displacement of two important local service providers. In summary the objection raised the following issues: the council have been asked if the scheme could be considered without the privately owned D1 premises. The proposal will not adequately replace the existing facilities. The existing set up provides a valuable service for local residents, and national and internal visitors who bring additional benefits to the local area. The disruption will put the chiropodists out of business, even if the council offers alternative solutions it would not be enough to revive a small business, moving would mean starting from scratch. The proposal unnecessarily includes the clinics, there is no public interest, and the loss of these businesses would diminish the quality of life for local people. [10.15-10.18]

**93 Mildmay Park – Kindandental (Dentists):** In summary the objection raised the following issues: they do not wish to move from their current site which they point out was extensively re-developed in its capacity as a dental practice five years ago. They provide a much valued NHS dental service to the local residents and have no reason to move from their current site. The alternative site offered by the Council is behind an existing 10 ft wall along Newington Green Road and they ask the Council to consider the removal of the existing wall directly in front of the new unit. They understand the wall is long-standing but believe firmly that the local residents and community would prefer to have a visible accessible NHS dental services site. Elderly, incapacitated and vulnerable members of the community find it, in particular, more challenging to locate and present themselves on time for appointments where access is not glaringly obvious. This site with wall removed would be an amenity that all would appreciate being clearly visible and easily identified. It would be a sensible decision to make in the best interests of the health and well-being of the community. [10.15-10.18]

*[Two of the commercial units have been offered to the existing occupiers. The proposed units are considered to be of a higher quality than the existing units, and more floorspace would be available. The housing department is also considering ways in which the two occupiers could continue to operate on site during development. Sections of the wall on Newington Green Road would be removed to allow better visibility and openness.]*

A **petition** with 113 signatures was also received, the issues raised are set out below:  
 Objection to Block K, as it is out of scale and proportion to the surrounding historic buildings and will cause significant harm to the conservation area. It is double the height of the existing buildings on Mildmay Park, Hathersage is identified as a negative feature yet Block K is a similar height and scale, it does not draw on the surrounding architecture so does not conserve or enhance the conservation area, it reduces the narrow section of pavement at an existing bottleneck, the B1/D1 uses should be residential, and the bin store will cause congestion. Would like to see a reduction in height of Block K, setting back from the pavement, relocation of bin store, replace the proposed B1/D1 with residential, and the architecture to better reflect the quality, scale and proportion of the conservation area. [10.40-10.49]

Two local groups also object to the proposals:

**Newington Green Action Group (NGAG):** In summary the NGAG raised the following issues: in principle the proposals are not unacceptable, but there are elements of the scheme which contradict the Newington Green Conservation Area Plan, specifically Block K which will be visually prominent, out of scale with the buildings to the south, opposite and around the Green and will negatively impact on the Green and Mildmay Park. Block K will make the long term replacement of Hathersage Court unlikely whilst the conservation area statement advises that the council will encourage the removal of intrusive or poor quality 20<sup>th</sup> century buildings where proposals conserve and enhance the conservation area. The Action Group note that they were not invited to the pre-application consultation exercises. [10.40-10.49]

**South Mildmay Tenants Co-operative** (who represent 73 & 75 Mildmay Park) object with concerns over loss of sunlight, daylight, overshadowing and privacy. A lack of information about neighbouring properties in the submitted plans means the sunlight daylight report can only be a guesstimate. Block B lies within a 25 degree line of 73 and 75 Mildmay Park so there is likely to be an unacceptable loss of daylight and sunlight. There will be overlooking from the windows and balconies of Block B, this needs details of boundary treatment. Block B is within a conservation area and out of scale, and will not enhance or conserve the conservation area. [10.139, 10.150-10.157, 10.159, 10.164-10.168]

*[The design response, particularly in relation to Block K is in the Design and Conservation section of this report. With regards to 73 & 75 Mildmay Park, the BRE guidance advises that if a building obtrudes a 25 degree line, a sunlight/daylight report should be compiled to assess the impact, this has been carried out and the results analysed on the amenity section. Overlooking will be mitigated by appropriate screening and obscure glazing (condition 5).]*

**Hathersage Court Tenants and Residents Association** support the proposals, their comments are as follows:

Throughout the lengthy process of consultation and engagement that the council has undertaken with the community on the estates, the TRA has maintained a consistent position that while it is not opposed to redevelopment per se, the development proposed must be appropriate to the site.

For the TRA, this has meant that the quality, massing and scale of the proposed buildings must fit the context and – most importantly – that the council adopt an estate-wide ‘holistic’ approach to the redevelopment, treating the two estates as a whole and bringing forward plans to improve the whole of the estates, including existing buildings. For the TRA this is an imperative that must be met.

After a number of iterations of the development plans over several years, some of which were inappropriate, the TRA has been impressed with how the council has listened and adapted its plans in response to residents’ feedback and this is to be commended.

We are now of the view that the current proposals, overall, are on balance positive, and if realised in the form represented in the planning application could become a very good example of sensitive estate renewal/infill. The TRA therefore supports the plans.

### **Applicant’s consultation**

- 8.5 Whilst there is no statutory requirement (although it is encouraged) for the applicant to carry out their own consultation, Islington Housing Strategy and Regeneration have carried out extensive consultation with residents of the estate and have carried out a number of drop-in sessions. Some of the residents’ input at these meetings has informed the final design of the

proposal.

### **External Consultees**

- 8.6 **London Fire and Emergency Planning Authority** advise that there should be fire brigade access to the perimeters of the buildings and sufficient hydrants and water mains in the vicinity and recommend that sprinklers be considered. A condition (28) should be imposed on any consent requiring fire safety measures to be addressed.
- 8.7 **The London Borough of Hackney** was consulted on the application and offered no response.
- 8.8 **Designing Out Crime Officer** Acknowledges that the current ball park area is clearly neglected and has been taken over for anti-social behaviour and crime. The location needs to have good natural surveillance and changing the level of the ball court will be beneficial as it will remove natural seating around the area and reduce the hiding holes currently available. He raises no objection to the plans and advises a Youth Shelter could be installed. The locations for the smaller play areas will be overlooked allowing natural surveillance and be close to residential units, but not so close that they become a nuisance. The sizes proposed also relate to the age of the final user, and the proposed play areas would not be likely to generate ASB in their own right, but if adolescents do not have a place to go they could be taken over and misused. The mitigating factor is that none of the new play areas are like the sunken MUGA that is causing many of the problems within the estate. Consideration should be given to the type of play items that are placed within the areas and thought given to whether they could be used for people to sit on and congregate. (condition 26)
- 8.9 **Historic England** made no comment and advised the scheme be referred to the Council's own design and conservation officers.
- 8.10 **Historic England (GLASS)** noted that the proposals are unlikely to have a significant effect on the heritage assets of archaeological interest and therefore recommended no archaeological requirement.

### **Internal Consultees**

- 8.11 **Inclusive Design Officer:** Concerns were raised that certain features within the flats and the external spaces were not fully accessible. Minor internal revisions were secured in relation to door and staircase widths, winding treads, removal of steps in playspaces, and reduction in number of vertical cycle stands and these changes alleviate their concerns.
- 8.12 **Design and Conservation Team Manager:** Fully supports the concept of bringing improvements to the estate, providing additional housing and better functioning open spaces. The general architectural language and materiality are welcome. It is acknowledged that the massing is as high as it can be, and what limited harm to the conservation area caused by the massing would be at the lower end of the scale (i.e. less than substantial harm) and outweighed by the benefits of improved open space and the provision of new housing. Subject to high quality materials and detailing, and given the substantial public benefits of the scheme, there is no objection to the proposed height, scale and massing.

The following details are advised to be secured by condition (condition 3):

- Detail of brickwork (shall be a Flemish bond with a flush or slightly recessed pointing) including positioning of any expansion joints which shall be concealed as far as possible;
- Detail of zinc, including method of fixing, standing seams and screen to staircase and how it joins adjacent fabric (brickwork);

- Details of balustrades, including upstands, handrails and method of fixing and where relevant soffits;
  - Details of soffits to any overhangs;
  - Details of windows, doors and any screens;
  - Details of any boundary treatments;
  - Details any roof structures;
  - Details of shopfronts;
  - Details of any required external lighting or vents to be attached to the external face of the building.
- 8.13 **Energy Conservation Officer** advises that there are no outstanding energy issues following various revisions to the Sustainable Design and Construction Statement to ensure the proposal complies with the Council's sustainability policies and guidance
- 8.14 **Transport Planning Officer** no issues were raised, advised that a servicing strategy (condition 28) and construction and environment management plan (condition 4) will be required.
- 8.15 **Environmental Public Protection Team** note that the site has high noise levels from traffic around Newington Green and idling buses and recommends a condition (16) requiring an acoustic design statement to minimise and control the impacts for new occupiers. Additional conditions are also recommended to ensure the CHP and other plant meets the Council's noise standards, that an air quality assessment be provided, and a contaminated land remediation strategy be formulated. (conditions 15, 17 & 25)
- 8.16 **Tree Preservation / Landscape Officer** additional information was requested regarding the loss of canopy cover, tree protection measures and the tree replacement strategy. Tree officers confirmed that the additional information provided addressed the points raised and advise the proposal is thus acceptable subject to appropriate conditions on landscaping (12), site supervision (14) and tree protection (13) and a legal agreement requiring financial contributions towards tree planting in the vicinity of the site.
- 8.17 **Biodiversity and Nature Conservation** no objections subject to bird boxes being installed and landscaping to maximise biodiversity (conditions 12 and 19).
- 8.18 **Refuse and Recycling** – no objections or issues raised subject to adherence to Islington guidance.
- Other consultees**
- 8.19 As mentioned, the proposals have been considered by the full Design Review Panel (DRP) on three occasions, and twice at the (DRP) Chair's Review. the last review being in September 2017. It was initially proposed to demolish Little Besant Court and deliver 50 to 70 new homes, but the retention of existing buildings was seen as a positive step. The final Design Review Panel was broadly positive and recognized the way the scheme had progressed. There were minor reservations about the variety of brickwork, height and design of Block F, the design and lack of a separate entrance to the commercial unit in Block H, and detailing and security to Block K. It is considered that these issues have now been overcome.
- 8.20 **DRP (December 2015).** This initially proposed the demolition of little Besant and six new buildings to provide 50-70 new dwellings. At this stage the Panel considered that the scheme was not sufficiently comprehensive and strategic in its approach. The Panel felt that the scheme at that stage looked piecemeal and was looking solely inwards when it needed to start looking at the estate from outside and how it linked to the wider area.

- 8.21 DRP (August 2016). This scheme proposed the demolition of little Besant and five new buildings to provide 70-80 new dwellings. Concerns were raised that the refurbishment of Big Besant was not currently proposed as part of the estate improvement works. More work was required for the front of Hathersage Court how this area could be improved to better address the surrounding context, Newington Green itself and the wider conservation area.
- 8.22 DRP (December 2016). This iteration sought to retain all buildings. The panel advised that the mews houses needed further work and should be reduced to 2 storeys around a central courtyard. The Panel were supportive of the way the scheme was heading and wanted the development undertaken as a whole rather than in stages. They considered the ground floor of Block K to be unsuitable for retail, and asked for more clarity on the function of the public and private spaces. They advised that more height to Blocks C and B may be possible and that brick and different materials to the roof and balconies would be more appropriate.
- 8.23 Chair's Review (July 2017). The scheme proposed the retention of all buildings on site and the erection of new buildings to provide 46 new dwellings across the estate and significant landscape improvements. The panel were not convinced by the design of Block K and its relationship with Hathersage Court and felt this needed further thought, and were unconvinced by use of purple brick across lower levels of Newington Green Road frontage. They raised concerns in relation to the access from Newington Green Road into the site. They felt that the submitted presentation lacked order and that insufficient information regarding key aspects of the design development had not been provided in order for them to fully understand and assess the proposals, advising that another Chairs' Review would be required.
- 8.24 The final Chairs' Review in September 2017, saw a proposal much the same as the submitted scheme. It proposed 47 new dwellings across 7 new blocks. As previously mentioned, there were minor reservations about the variety of brickwork, height and design of Block F, the design and lack of a separate entrance to the commercial unit in Block H, and detailing and security to Block K, and advised that recommended that these should be resolved in consultation with planning/design and conservation officers and should be submitted as part of a planning application to enable officers to make a proper assessment of the proposals.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES**

- 9.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
  - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area(s72(1)).
- 9.2 The National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It is worth noting that the NPPF was revised and adopted on 24 July 2018. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- 9.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Furthermore, paragraph 11 of the states that plans and decisions should apply a presumption in favour of sustainable development, for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

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

### **Designations**

- 9.10 The site has the following designations under the Islington Local Plan suite of documents which consist of the Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations June 2013

- Newington Green Conservation Area
- Archaeological Priority Area (Newington Green Hamlet)
- Within 50m of Newington Green Gardens Designated Open Space and Site of Importance for Nature Conservation (Local)
- Within 50m of Newington Green Local Shopping Area

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and conservation
- Open space and landscaping
- Density
- Dwelling mix
- Affordable housing (and financial viability)
- Quality of residential accommodation
- Inclusive design
- Neighbouring amenity
- Highways and transportation
- Energy conservation and sustainability
- Planning Obligations

### **Land Use**

#### Policy Context

10.2 The application site comprises two council estates in Mildmay Ward, to the south of Newington Green. Given the proposal is for new housing on the estate, the following planning policies are of particular relevance in assessing the planning application: London Plan Policies 2.9 (Inner London), 3.3 (Increasing Housing Supply) and 3.9 (Mixed and Balanced Communities); and Core Strategy Policies CS8 (Enhancing Islington's Character), CS12 (Meeting the housing challenge) and CS15 (Open space and green infrastructure) and policy DM6.3 (Protecting open space) of the Development Management Policies.

#### London Plan

10.3 London Plan Policy 3.3 states that boroughs should seek to achieve and exceed the relevant borough annual average housing target and to identify and seek to enable development capacity to be brought forward to meet these targets having regard to the other policies of the London Plan and in particular the potential to realise brownfield housing capacity through sensitive renewal of existing residential areas.

10.4 In accordance with Policy 2.9, London boroughs and other stakeholders should, work to realise the potential of inner London in ways that sustain and enhance its recent economic and demographic growth while also improving its distinct environment, neighbourhoods and public realm, supporting and sustaining existing and new communities, addressing its unique concentrations of deprivation and improving quality of life and health for those living, working, studying or visiting there. Boroughs should develop more detailed policies and proposals

taking into account the above principles.

- 10.5 Policy 3.9 (Mixed and Balanced Communities) states that communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.

#### Islington Core Strategy (ICS)

- 10.6 Policy CS12 of the Core Strategy seeks to meet the housing challenge by identifying sites which can significantly increase the supply of good quality residential accommodation across the borough. The Policy seeks to ensure that Islington has a continuous supply of land for housing, but crucially also that the housing supply is affordable for existing and future residents. Islington's Housing Needs Study, which informs the policy, demonstrates that affordability is, and will continue to be, a major issue in the borough. In addition to the existing backlog of unmet need, which has led to overcrowding, there will be future need made up of newly formed households unable to buy or rent in the borough.
- 10.7 At the same time, Policy CS8 seeks to maintain the successful urban fabric of streets while improving on poorer quality of public realm and enhancing open space and the pedestrian environment around them. Core Strategy Policy CS15 protects all existing local open spaces and seeks to improve access to open space while maximising opportunities for further provision across the borough. In addition, the policy looks to make better use of housing amenity spaces so that they can provide an open space function.
- 10.8 DM Policy DM6.3 supports CS15 and states that development is not permitted on any public open space or on semi-private amenity spaces, including open space within housing estates, unless the loss of amenity space is compensated for and the development has over-riding planning benefits.

#### Proposed Development

- 10.9 The development proposes a mix of high quality residential accommodation, including family-sized homes, in the form of infill housing and development on underused spaces within the estate in accordance with the aims and objectives of the London Plan and Islington Core Strategy Policies.
- 10.10 The application proposes a total of 45 No. new homes, of which 24 (53.33%) would be affordable homes for social rent and shared ownership.
- 10.11 In terms of net gain, because two existing social rent units would be lost to make way for the proposals, the uplift in affordable housing is 22 affordable housing units (51.16% net). The total uplift (net gain) in housing is therefore 43 units overall (including 22 additional affordable units).
- 10.11 In terms of habitable rooms, of the 125 proposed there would be 65 habitable rooms delivered as affordable (52%). Bearing in mind the loss of 2 existing affordable units to facilitate the development, the net gain in affordable housing habitable rooms would be 61 habitable rooms (50.41%).
- 10.13 The affordable housing tenure split would be 59 habitable rooms for social rent or 90.77% and 6 habitable rooms for shared ownership (55 habitable rooms for social rent net/90.17%). The development delivers a significant increase in affordable homes in accordance with London

Plan (Policy 3.3) and Islington Planning Policies (CS12), which seek to ensure a supply of housing, in particular affordable housing, for residents.

- 10.14 In accordance with Policy 3.9 of the London Plan, introducing some private housing into the estate in would provide more mixed and balanced communities. It is also worth noting that the provision of private housing is fundamental to the viability of the scheme as the sale of the private units will help to fund the development. Notwithstanding the policy support for mixed and balanced communities, it is also a policy requirement to achieve the maximum reasonable amount of affordable housing on a site. The overall proportion of affordable housing is subject to a financial viability assessment which is considered in section 10.26-10.38.

#### Improved commercial space

- 10.15 Development Management Policy DM4.12 seeks to protect community uses. It states that the council will not permit any loss or reduction in social infrastructure uses unless a replacement facility is provided on site which would, in the council's view, meet the need of the local population for the specific use.
- 10.16 The existing estate features two single storey commercial units at the top of Mildmay Park where Block K is proposed. These units house a chiropodist and a dentist and have a combined floorspace of approximately 145sqm (GIA). Such uses fall within the D1 use class (Non-residential institutions). It is proposed to re-provide the existing D1 floorspace across three ground floor units: Block H (125sqm) and Block K (64sqm & 104sqm). The proposal would total 293sqm which would be an uplift of 148sqm.
- 10.17 A flexible B1 / D1 use is proposed, which will allow for a wider range of uses. Both B1 and D1 uses are considered to be appropriate in this location which is adjacent to a designated local shopping area. The area is also characterised by a number of small shops and businesses, located outside the designated area.
- 10.18 It is understood that the existing occupiers have some reservations about the visibility of the units and about relocating temporarily or permanently. Two of the new units have been offered to the existing occupiers on long leases with favourable terms, and it is the Council's hope that the existing occupiers will return. The Housing Department does not want to lose the chiropodists or the dentists and it is understood that they are currently considering options that would allow the businesses to stay on site during development, such as offering the unit next to Big Besant to the dentists. A planning obligation is recommended to ensure a strategy is developed to relocate existing occupiers should they wish to stay on the estate. It should be noted that the new provision would not only provide better quality accommodation, but more of it as well. There is no policy basis to oppose the re-provision of the commercial spaces. There is also no planning policy requiring the applicant to relocate existing occupiers. As such, the commitment to do so is welcome.

### **Design & Conservation**

#### *Policy context*

- 10.19 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. All proposals for development in Islington are expected to be of good quality design, respecting their urban context in accordance with planning policy and guidelines.
- 10.20 At paragraph 190 the NPPF states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including

by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. “

- 10.21 At paragraph 104 it states “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”
- 10.22 Paragraph 196 states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 10.23 The London Plan Policy 7.6 (Architecture) expects architecture to make a positive contribution to a coherent public realm, streetscape and wider cityspace. It should incorporate the highest quality materials and design appropriate to its context. Moreover, buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architecture.
- 10.24 Islington’s Core Strategy Policy CS8 (Enhancing Islington’s character) states that the scale of new development will reflect the character of a surrounding area. Policy CS9 (Protecting and enhancing Islington’s built and historic environment) states that high quality architecture and urban design are key to enhancing and protecting Islington’s built environment, making it safer and more inclusive. Moreover, where areas of Islington suffer from poor layout, opportunities will be taken to redesign them by integrating new buildings into surviving fragments of historic fabric and by reconfiguring spaces based on streets and perimeter blocks, particularly in housing estates. All development will need to be based on coherent street frontages and housing developments should not isolate themselves from surrounding areas.
- 10.25 Development Management Policy DM2.1 (Design) requires all forms of development to be of a high quality, incorporating inclusive design principles while making positive contributions to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. All new developments are required to improve the quality, clarity and sense of space around or between buildings, reinforce and complement local distinctiveness and create a positive sense of place. Finally, Islington’s Urban Design Guide (2017) provides guidelines and principles for good urban design, e.g. how buildings look and fit into their setting, the layout and organisation of public spaces and the appearance of street frontages.

*Legislative context: Impact to heritage assets*

- 10.26 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. 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” means “doing no harm”.
- 10.27 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. 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 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.

- 10.28 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. 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. 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.

#### Conservation Area Context

- 10.29 The site is located within the Newington Green Conservation Area which is located in the northeast of the borough close to the boundary with the London Borough of Hackney. The majority of the conservation area is located to the southeast of the green and extends from Newington Green Road in the west to St Jude Street in the east. It comprises a number of character zones each with their own distinctive attributes that contribute to the general character of each zone.
- 10.30 The oldest buildings in the conservation area are located around the green including a mid-seventeenth century terrace, a number of early nineteenth century Georgian period buildings and groups of later mid to late nineteenth century buildings. To the south and southeast the terrace groups take on a residential character and generally date from the mid to late nineteenth century following the arrival of the railway in 1850. Newington Green is also an important area of open and green space (as well valuable for nature conservation) and is within the conservation area. As most of the development would be within the estates, there would be little impact on the setting of the open space or other heritage assets.
- 10.31 The northern section of Hathersage is in the Newington Green character zone which is identified as having an interesting mix of building types and styles “*ranging from simple domestic scaled mid to late nineteenth century residential terraces to mid twentieth century council housing blocks*”. The Conservation Area Statement identifies Hathersage as being a negative feature and refers to the block as being imposing and inconsistent with the more domestically scaled terraces to the southwest and south east of Newington Green. Furthermore, it states that “*Where redevelopment is contemplated in the future, it is important that any new development is compatible with the established scale and materiality of the existing buildings located on the green.*”
- 10.32 The remainder of the estate is within the Newington Green Road character zone. The spatial qualities of this site are of particular importance as the placement of the twentieth century buildings is consistent with the historic layout of the former hospital and compound buildings.
- 10.33 The estates roughly occupy the site of the 19th Century Mildmay Cottage Hospital (approximately where Hathersage Court is now), along with Mildmay Mission Conference Hall, the nurses’ home Mildmay House, and various ancillary buildings. Most of the hospital compound was demolished after the war to make way for Hathersage Court, and then Besant Court.
- 10.34 The site relates to the Conservation Area in different ways with Hathersage Court, a modern seven storey block, fronting Newington Green, which is at the heart of the Conservation Area. Besant Court is a late 1950’s 10 storey building adjacent to Newington Green Road and provides a break in the terrace of Victorian properties along the road. A section of the historic boundary wall to the former hospital site survives and is considered to make a positive

contribution to the historic character of the area. The inner part of the site has a back land character, being surrounded by the gardens of historic terraces as well as the rear of the modern blocks of Hathersage and Besant Courts.

- 10.35 There are a series of mature trees spread across the site and these contribute to the character and appearance of the conservation area, a number of lawns that are not accessible, and a sunken play area comprising an overgrown basketball court, substation and playspace.
- 10.36 It should also be noted that there are a number of grade II listed buildings and structures on the north side of Newington Green in the borough of Hackney namely the Unitarian Chapel, nos. 35, 35A, 36, 36A, 37 and 38 Newington Green, and a gate and railings on the north side of the green.

#### Assessment of Proposal

- 10.37 The proposals have been developed during a long period of pre-application discussions, public consultation with local residents and consultation with the Design Review Panel. It now comprises of 10 elements (new buildings and extensions) ranging from 1 storey to 6 storeys and including landscape improvements and improvements to existing blocks as follows:
- *Buildings A, B & C* are three new blocks ranging from 4 to 6 storeys and are arranged around a central garden/courtyard and replace an existing car parking area and sunken ball court.
  - *Buildings D & E* are two storey mews houses on the southern boundary of the site.
  - *Building F* is a four storey block fronting Newington Green Road.
  - *Building G* is a single storey substation replacing the existing substation at the eastern end of the sunken area.
  - *Building H* comprises a single storey extension to the front of Big Besant Court providing a new entrance to the block as well as a new commercial unit.
  - *Building J* is a single storey cycle store with associated landscape improvements fronting Newington Green and attached to Hathersage Court towards the corner with Newington Green Road.
  - *Building K* is a new four-five storey block facing Newington Green and Mildmay Park attached to Hathersage Court to the opposite end of the proposed cycle store.

#### Site Layout and Landscaping

- 10.38 One very positive aspect of the proposal is the introduction of a route through the site and the provision of well-designed landscaped semi private estate open space. Blocks A, B and C in conjunction with the existing Little Besant Court will provide a well-defined central courtyard/garden that also includes play areas that benefit from natural surveillance.
- 10.39 The main entrance to Hathersage is poorly treated with blue security doors, bin store doors and other bars, railings and fencing, with the incongruous colour scheme highlighting the poor design and use of materials. The proposed new entrance would be largely glazed with bronze framing and a Portland precast concrete surround with new signage highlighting the main entrance to the block. The block is set back from the pavement and the resultant space is currently used for car parking with a modest amount of green space and a few trees. New soft and hard landscaping is proposed with more trees and hedging proposed for the entire boundary and one half of the front space becoming usable green space. The other side would be hard landscaping comprising block paving for pedestrians and the retained car parking. These enhancements would provide a more welcoming entrance to the block and a more pleasant backdrop to the Green. These improvements would bring a minor positive change to the Conservation Area.

## Main entrance to Hathersage

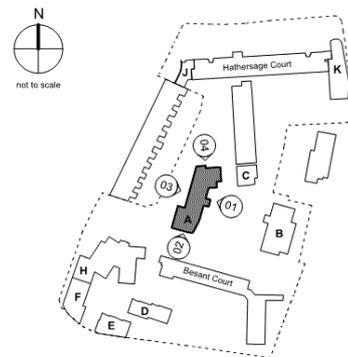


## Height, scale and massing

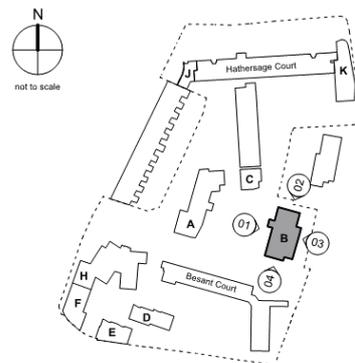
- 10.40 Blocks A and B are five storeys, with their top floors clad in zinc and recessed to reduce their height and mass, with a subtler diminution used for the fourth storey.



Block A East Elevation 01 (front)

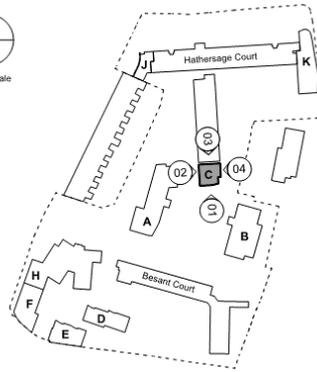


Block B West elevation 01 (front)





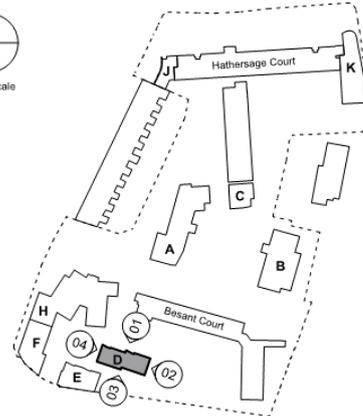
Block C East Elevation 04 (side)



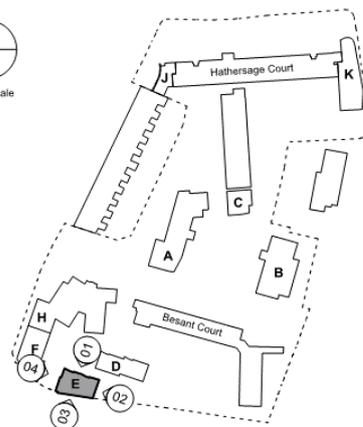
10.41 Block C is appended to the southern tip of Hathersage Court and, although six storeys above ground, matches the height of the seven storey building it is attached to. It also has a zinc clad, recessed top floor. Blocks A and B being backland could be lower in order to respect townscape hierarchy, but the proposed heights to these blocks are not harmful given how they are treated, articulated and set within generous space.



Block D North Elevation 01 (front)



Block E North Elevation (front)



10.42 Blocks D and E are two storey mews houses with zinc pitched roofs, which are considered to add variety to the proposals, respect the immediate context and constraints, and add interest with their sloped roofs without adding too much height or bulk. These buildings create their own 'character zone' to the south of the existing buildings.



Block F West Elevation 01 (front)

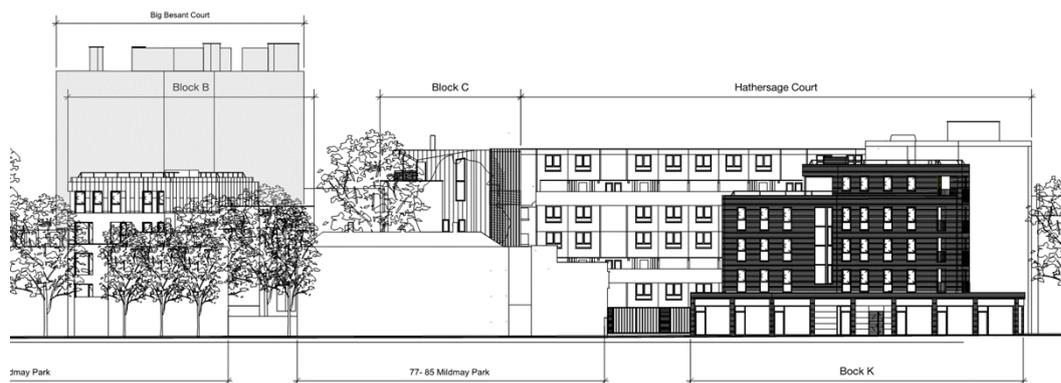
10.43 Block F begins at 3 storeys to align with the parapet line of the Newington Green Road terrace. This element is set back from the main building line of the terrace, mirroring the setback of the public house at no. 100 Newington Green Road. The block then shifts forward and rises to four storeys providing a transition to the larger Big Besant tower (10 storeys). The proposed 3 storey transition section and the well-articulated elevation mitigate the impact of an additional storey at the end of this terrace.

10.44 Officers consider that Block K sits comfortably alongside Hathersage Court. The block has been well articulated with a strong defined base and a strong parapet line at four storeys at the same level as the horizontal balcony featured in Hathersage Court. This helps mediate between the larger scale of the proposed five storey section and the existing context.



Block K North Elevation

10.45 At the end of the proposed Block K where it is adjacent to Mildmay Park, the materiality changes to introduce a transition, marking the move from the appearance of existing buildings to the new element.



Block K East Elevation

- 10.46 Objectors have raised the fact that Hathersage is identified as being a negative feature due to, among other things, its height and massing and that the Conservation Area statement states that any new development should be compatible with the established scale and materiality of the existing buildings located on the green. Whilst Hathersage is identified as being a negative feature, it is nonetheless part of the Conservation Area, and has retained its position despite numerous boundary reviews. Furthermore, the statement refers to redevelopment of the entire site, which this proposal does not include. If the Council were to start from scratch and redevelop the site, demolishing the existing estate buildings, then any new development should quite rightly take its cues from the surrounding historic terraces, but for various reasons, such as having to relocate families, the prohibitive cost of redevelopment, the environmental cost of demolishing structurally sound buildings, and the fact that the existing buildings are fit for purpose, redevelopment of the site is neither practical, viable nor sustainable.
- 10.47 Block K would be lower in overall height than Hathersage and when viewed from Newington Green and would be a relatively slim line addition to the wide horizontal frontage that Hathersage Court presents to the Green. When viewed from Mildmay Park the bulk and height of the building is mitigated by the setbacks at 1<sup>st</sup>-3<sup>rd</sup> floor and 4 floor levels, and the building steps down, as well as back, towards the terraces on the western side of Mildmay Park providing an appropriate transition. It is correct that Block K takes its height from Hathersage as the existing block is remaining and the new block needs to address both Hathersage and the lower scale terrace.
- 10.48 Design officers do not consider Block K to be too large, albeit, their view is that Block K is at the maximum height that could be achieved and what limited harm to the conservation area would be at the lower end of the scale. 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 character and appearance of the Conservation Area. In terms of the impact of the proposals on the character and appearance of the conservation area, the height of the new buildings, particularly Block K, would cause less than substantial harm to the character and appearance of the conservation area. The Council's Design and Conservation Manager advises that this would be limited and is outweighed by the public benefit of providing new housing. Other public benefits include provision of housing including affordable housing, improved safety, security, public realm, play and amenity space. Historic England advise that the application be determined on the basis of the Council's own specialist conservation advice.
- 10.49 In terms of the impact on listed buildings in the borough of Hackney, the Council's Design and Conservation Manager accepts that the development anywhere around the green can have an impact on the character of the green as a whole, in terms of impact on the setting of heritage assets, but considers that no harm would be caused by the proposals at the subject site. The

proposed development is a long distance away from the chapel and neighboring buildings and although it forms part of its wider setting it is not part of its immediate setting. It does not impact on views of the buildings or their backdrops. The immediate context surrounding the church is sympathetic to its setting with the exception of a contemporary development of 7 storeys within Hackney's border which is in much closer proximity to the church than the proposal hereby under consideration. As such, given the distance, height and proposed materiality of the scheme, there would be no significant harmful impact to the character of the green or the setting of the listed buildings.

#### *Elevational treatment and Materiality*

- 10.50 The choice of materials has been made to complement the existing estate. The buildings have been treated with a simple but effective palette of materials that both provides each element with its own identity, and unifies the scheme. Officers support of the palette of materials which, if detailed appropriately, will result in high quality buildings.
- 10.51 Brickwork has been selected to provide texture and warmth. Con Mosso (or similar) is a light buff brick and would be the principal elevational treatment, it would sit over a robust, crisp base (Petersen D199 or similar) at ground floor level, with glazed brick details in some areas to allow more articulation of blind sections of the base. Red zinc would be used for bay and oriel windows, as well as at roof level, which would provide a pleasing contrast. The dark red brick to block H has been selected to better relate to the existing brickwork of Besant Court and the historic boundary wall.
- 10.52 Elevations are well articulated, with fenestration which generally follows an order. A more playful approach has been employed to accommodate balconies or windows of different dimensions, and this has been done elegantly, seeking to establish a sense of proportion and composition. The contrast of materials, in terms of tone and texture, along with the variations in height and plane, animate the elevations without over-complicating the overall design.
- 10.53 Careful consideration has been given to required safety measures at roof level for maintenance purposes to avoid future unsympathetic add-ons.

#### Conclusion

- 10.54 Design and Conservation officers are supportive of the scheme as it offers well-designed new buildings and the opportunity to enhance the existing estates. It is acknowledged that there would be some harm to the character and appearance of the Conservation Area caused by the height of Block K, and Officers have been conscious of the statutory presumption in favour of preservation. However, the proposals would provide high quality amenity and open space, with more natural surveillance which in turn will assist with issues of anti-social behaviour. Furthermore, the scheme would deliver much needed affordable housing and the design has been refined as a result of various presentations to the Design Review Panel. Officers consider that the overall height and massing is appropriate for the site and the scale of the larger buildings is mitigated by the proposed layout, articulation of massing and materiality. Any harm caused to the character and appearance of the conservation area would be less than substantial and would be outweighed by the public benefits of the scheme and accord with the requirements of the NPPF.

#### **Open space and landscaping**

- 10.55 Core Strategy Policy CS15 (Open space and green infrastructure) states that the Council will provide inclusive spaces for residents and visitors and create a greener borough by protecting all existing local spaces, including open spaces of heritage value, as well as incidental green

space, trees and private gardens. Policy DM6.5 (Landscaping, trees and biodiversity) states that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas. Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation. Furthermore, developments are required to minimise any impacts on trees, shrubs and other significant vegetation. At the same time any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits.

- 10.56 Regarding open space, Development Management Policy DM6.3 (Protecting open space) states that development is not permitted on semi-private amenity spaces, including open space within housing estates and other similar spaces in the borough not designated as public open space, unless the loss of amenity space is compensated and the development has over-riding planning benefits. Moreover, both Development Management Policies DM2.1 and DM8.4 encourage improvements to movement through areas and seek an enhanced pedestrian environment.
- 10.57 The application site does not include any designated public open space, though the application does propose new buildings on semi-private estate open space. The application site is in an area of open space deficiency; so it is nonetheless crucial that any loss of open space is suitably justified as well as adequately compensated with overriding planning benefits to support the proposal. The total site area is 12,600sqm (1.26 hectares), of which 2,048sqm is currently built on. A similar amount of open space on the estate, some 2,096sqm, is hardstanding in the form of access roads and car parking. Publicly accessible amenity space accounts for 1,850sqm, play areas account for 790sqm (201sqm equipped play) and restricted access and unused space, such as the basketball court, amounts to 1,700sqm.
- 10.58 The proposal involves building on existing car parking spaces and hardstanding as well as on existing green spaces and play areas, while at the same time providing new green and open spaces for residents. The resulting change in open space, including green spaces and hardstanding, private and communal, as well as building footprint is as follows:

Category	Existing area sqm	Proposed area sqm	Change
Built footprint (existing and proposed buildings)	2048	3748	+1700
Roads and parking	2096	1565	-531
Pedestrian routes / footpaths	833	880	+47
Housing amenity space (publicly accessible)	1830	1950	+120
Play area (Equipped play)	790 (210)	525 (350)	-265 (+140)
Restricted access/not in use: Games court & r/o Big Besant	1700	0	-1700
Housing amenity space – restricted to residents	1918	2397	+497
Housing amenity space – restricted and undefined	600	0	-600
Private residential amenity space	845	1620	+775
Total	12660	12660	

- 10.59 Going from north to south, the parking area in front of Hathersage Court would be rationalised and improved hard and soft landscaping would be provided. The number of car parking spaces would be reduced from 11 to 9 and the amount of green space would increase, along with new hedging and trees.

Front of Hathersage Court



- 10.60 Block J is a single storey bike store proposed for the hardstanding between the western end of Hathersage and Newington Green Road. The area is currently used for cycle storage and a few euro bins.
- 10.61 A well maintained memorial garden is located to the rear of the existing commercial units. This will be retained and enhanced with new landscaping and some play equipment.
- 10.62 The existing through route between Hathersage Court and the rear of Newington Green Road will be transformed into a new communal garden with equipped play. Gated access will be provided from the central garden square to create a safe play environment, but it will not be locked to allow residents from the wider estate to access the play space.
- 10.63 At the heart of the site will be the central square enclosed by Blocks A, B and C. This area is currently occupied by car parking area and the sunken ball court and play area. The car parking area would be replaced by soft landscaping and part of Block A, which would also cover part of the ball park. The sunken space would be raised to provide a new garden square. Block C would occupy under used space to the south of Hathersage Court and Block B would occupy the location of part of the sunken playspace and the substation. Although an objection has been made about the loss of the substation, it is a utilitarian structure of no architectural merit.

## Central car parking area



10.64 The new central space would provide a focus for the community with a large feature planter providing seating overlooking the lawn which would be framed by new trees. The new blocks would result in the loss of approximately 1,700sqm of semiprivate estate open space, but approximately 900sqm of this was car parking and access routes, which will be reduced and made more efficient and relocated elsewhere. The ball court and play area amount to approximately 1,050sqm of open space, and whilst there would normally be an objection to such a loss of open/amenity space it is considered acceptable in this instance for the following reasons:

- The new square would provide enhanced amenity space of approximately 650sqm. This would be at ground level rather than sunken, so would have better natural surveillance and be more welcoming.
- There would also be the new communal garden to the north, and private amenity space for Block A to the west.
- The existing ball court has been derelict for since 2015 and is fully overgrown. In this condition it attracts anti-social behaviour and residents have complained about the state it is in.
- Anti-social behavior was occurring prior to its dereliction due to its sunken location (3m below the surrounding pavements) prevents natural surveillance.
- The ball court was highlighted in 2014 as being unsafe to use and the Mildmay Improvement Plan identified the need to improve the ball court but noted that due to its sunken nature the estimated cost was higher than usual. These constraints also affected the play space, which local residents do not consider a safe place for their children which result in it being underused.
- The play area is sparsely equipped with a small climbing frame, roundabout, wobble boards and rocker, but no swings. It was reopened in 2015 after a substantial period of closure.

## Play area



- 10.65 A comprehensive consultation process was carried out, using display boards, flyers and social media. Residents completed a questionnaire with two thirds saying that they did not use the play area as they felt it was unsafe and poorly equipped. Residents preferred to go to Newington Green or Clissold Park.
- 10.66 The existing vehicular entrance from Newington Green would be moved slightly southwards and the road realigned to provide new parking space and provide a through rout to Mildmay Park.
- 1067 Big Besant is surrounded by soft landscaping of approximately 1,700sqm, but this space is gated and not in use. This area will be developed by blocks E, F and H. The three blocks will be set around a smaller square, Besant Mews Garden, which will be accessible to residents of Blocks D and E and Big Besant Court. The resultant open space would be reduced to approximately 900sqm with the garden accounting for 500sqm, a further 400sqm would be pathways, the relocated road and four parking spaces.
- 10.68 Finally, to the south of Little Besant is a grassy area of approximately 1,160sqm with numerous trees. It is accessible to residents but little used. This area will house Block D, a two storey mews house, and 100sqm of private amenity space. The remaining 800sqm of open space will be enhanced with more planting, play elements and benches with the final design coming after consultation with residents.

## Land use – Existing



### Key

- Publicly Accessible Amenity
- Housing Amenity Space for residents only
- Housing Amenity Space - restricted access (not in use)
- Games Court – restricted access (not in use)
- Play space

## Proposed



### Key

- Equipped play  
350 sqm
  - Age range: 0-11
  - Play equipment with associated surfacing arranged amongst existing trees.
- Doorstep play  
175 sqm
  - Age range: 0-5
  - Safe controlled environment which is well overlooked and enclosed.
- Playable landscape  
approx. 1700 sqm
  - Age range: All.
  - Safe, well-overlooked space where children can play informally.

## Conclusion

10.69 To summarise, new buildings would develop 1,700sqm of floorspace across the site. Roads and car parking would be reduced by 531sqm from 2,096sqm to 1,565sqm. Accessible amenity space would increase by 120sqm from 1,830sqm to 1,950sqm, and housing amenity space – restricted to residents would increase from 1,918sqm to 2,397sqm. Whilst there would be an

overall reduction in play area from 790sqm to 525sqm the amount of equipped play would increase from 210sqm to 350sqm, and this would be more accessible, better equipped and safer. In effect, given so little play space is currently used, this is a benefit and meets the minimum provision according to child yield calculations across the completed development.

- 10.70 Officers consider that as the main areas of open space lost on the estate, the sunken ball court, play area, and the central parking area are either underused or unusable, and the new spaces proposed would be fully accessible, well equipped and well designed, the loss of open space is mitigated by the quality of the proposed replacement space and the delivery of genuinely affordable housing. While the landscape strategy is supported in principle, further details would be required by condition [12] in the event of permission being granted to ensure that the final design of the landscaping is of the highest quality and properly implemented.
- 10.71 Given the aspiration to reduce car parking and deliver genuinely affordable housing, the building of affordable housing on hardstanding on the perimeter of an estate is considered to suitably compensate the loss of open space. Moreover, the quality of the landscape strategy together with the overall planning benefits derived from the proposal are considered to fully mitigate against the loss of existing open spaces, in accordance with Core Strategy Policy CS15 and Development Management Policy DM6.3.

### Trees

- 10.72 Development Management Policy DM6.5 requires developments to minimise any impacts on trees, shrubs and other significant vegetation. Developments within proximity of existing trees are required to provide protection against damage during construction. Moreover, development proposals must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of a development site and maximise the provision of soft landscaping, including trees, shrubs and other vegetation
- 10.73 Trees at this site are protected due to their inclusion within the Newington Green Conservation Area and although many of the trees (for their significant public amenity contribution) would be worth of protection by a Tree Preservation Order this is not considered necessary as the site as its under Council management and trees at this site are under good arboricultural management.
- 10.74 The main issues relating to development at this site concern tree loss in strategic areas of the site namely at the site frontages with Newington Green to the north and Newington Green Road to the west. Although a proposed tree planting scheme has been provided officers are concerned that there may be insufficient space within the site to allow for replacement planting to mitigate tree loss on the Newington Green Road frontage.
- 10.75 There are 63 trees on site, 30 trees are proposed for removal and 40 trees would be replanted. Out of the 30 trees to be removed, five have been categorised as moderate quality (B grade) (BS5837:2012) with the remaining 25 trees assessed as being of low or poor quality and value (C grade).
- 10.76 The total existing tree canopy cover across the site is 4,036sqm, the removal of 30 trees would result in the loss of 1,390sqm of canopy leaving a residual of 2,646sqm. Whilst there will be a short term deficit in canopy cover from the removal of 30 trees, the planting of 40 trees will result in the canopy cover being re-established after 15 years, and increasing by 562sqm after 30 years (if all trees survive). Furthermore, the trees identified for removal are largely low quality (category C) and in locations of poor amenity (which is why tree officers do not object to their removal) and their replacements would be of a higher quality and in improved locations.
- 10.77 Any trees not identified as being removed, but during construction are required to be removed

or are irreparably harmed, will be replaced with trees of a similar species, age and size. If it is not practical to replant a tree in the same location, a financial contribution will be secured to replant a tree elsewhere. This will be secured as part of the legal agreement.

- 10.78 Tree officers are broadly supportive of the scheme and recognise that the proposed landscaping and replacement trees will enhance the character and appearance of the estate. Conditions requiring an arboricultural method statement [13], site supervision [14], landscaping details [12], and list of trees approved for removal [29] must be imposed on any permission.

### Density

- 10.79 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The existing estates comprise a total of 140 residential units (u)/542 habitable rooms (hr) across 1.26 hectares (ha). The development scheme proposes a net increase of 43 residential dwellings, resulting in a total of 183 residential units/667 habitable rooms. Thus the density would increase from 111u/ha and 430hr/h to 145u/ha and 529hr/ha.
- 10.80 In assessing the appropriate housing density for the application site and the wider estate it is also necessary to consider the London Plan in more detail, which notes that it would not be appropriate to apply these limits mechanistically. In particular, the local context as well as design considerations should be taken into account when considering the acceptability of a specific proposal. Furthermore, the draft London Plan seeks to omit the matrix advising that “development must make the most efficient use of land and be designed at the optimum density”.
- 10.81 The site can be described as urban which is defined by the London Plan as areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District Centre or, along main arterial routes”. The site has a PTAL rating of 5-6a and density range in the London Plan’s Density Matrix for an urban setting with this PTAL rating is 200-700 hr/ha. Thus the proposed 529hr/ha is well within the density range.

### Dwelling mix

- 10.82 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy DM3.1 of the Development Management Policies. The policy also requires for provision to be made for intermediate or shared ownership housing.
- 10.83 The scheme proposes a total of 45 residential units (uplift of 43 units) with an overall mix comprised of:

Block	units	1b/2p	2b/4p	3b/5p	3b/6p	Wheelchair accessible	Tenure
A	14	4	10	-	-	2	Market
B	12	1	10	-	1	2	Social rent
C	4	3	1	-	-	-	Social rent
D	2	-	-	2	-	-	Social rent
E	3	3	-	-	-	-	Social rent
F	3	-	2	1	-	1	Market
K	4		4	-	-	-	Market
	3	3					Shared ownership

10.84 Policy DM3.1 of the Development Management Policies (Mix of housing sizes) requires all sites to provide a good mix of housing sizes. Table 3.1 illustrates the Council's targets.

Tenure	1-bed	2-bed	3-bed	4-bed or more
Market	10%	75%	15%	0%
Intermediate	65%	35%	05	0%
Social rent	0%	20%	30%	50%

10.85 Development Management Policies require a large amount of family-sized social rented dwellings to be provided. The dwelling mix proposed for the social rented units is not in accordance with dwelling mix required by policy. However, the applicant Islington Housing New Build has based the social rent mix on actual current demand taken from the Council housing waiting list rather than long-term Borough wide demand profile.

10.86 The supporting text of policy DM3.1 relates to this objective stating 'There may be proposals for affordable housing schemes that are being developed to address short term changes in need/demand as a result of specific interventions (for example, efforts to reduce under-occupation). In these situations, deviation from the required policy housing size mix may be acceptable. In such cases registered providers will need to satisfy the council that the proposed housing size mix will address a specific affordable housing need/demand and result in an overall improvement in the utilisation of affordable housing units in Islington'.

10.87 It also states that infill development, by its nature, presents constraints in terms of the physical spaces available for development and therefore it may not be possible to provide the preferred housing mix set out and that 'the mix of dwelling sizes that is appropriate to specific developments should be considered in relation to the character of the development, the site and the area.

10.88 Changes in housing legislation to address the under occupation of social housing have created a greater demand for smaller social housing units, as reflected by the high proportion 2-bedroom units proposed. The applicant, LBI Housing proposes this dwelling mix to allow mobility within the social housing sector to accommodate these national changes to the welfare system. Furthermore, the provision of smaller units will allow for mobility within the estate and could address under-occupation. Given this, a deviation from the policy is considered reasonable and the housing mix is acceptable.

10.88.1 Paragraph 64 of the NPPF 2018 states the following:

*"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups."*

10.88.2 For clarity, the Government's definition of affordable home ownership relates to home which provide a route for occupiers to purchase the dwelling, such as shared ownership. The London Borough of Islington has undertaken a considerable amount of analysis in relation to the Borough's housing needs, and as set out in the Strategic Housing Market Assessment 2017, the overwhelming need is for low cost rented accommodation at social rented levels. In this case 7% of units would be intermediate (less than 10% set out in the NPPF), and this level of provision is considered appropriate given identified affordable housing need in the area in

which the site is set. While the guidance set out in the NPPF has been taken into account, there is a compelling justification for prioritisation of Social Rented tenure in this case.

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

- 10.89 The London Plan, under Policy 3.11, identifies that boroughs should set an overall target for the amount of affordable housing provision needed over the plan period in their area with separate targets for social rented and intermediate housing that reflect the strategic priority afforded to the provision of affordable family housing. Part (f) of this policy identifies that in setting affordable housing targets, the borough should take account of “the viability of future development taking into account future resources as far as possible.”
- 10.90 Policy CS12 of the Islington Core Strategy sets out the policy approach to affordable housing. Policy CS12G establishes that “50% of additional housing to be built in the borough over the plan period should be affordable” and that provision of affordable housing will be sought through sources such as 100% affordable housing schemes by Registered Social Landlords and building affordable housing on Council own land”. With an understanding of the financial matters that in part underpin development, the policy states that the Council will seek the “maximum reasonable amount of affordable housing, especially social rented housing, taking into account the overall borough wide strategic target. It is expected that many sites will deliver at least 50% of units as affordable subject to a financial viability assessment, the availability of public subsidy and individual circumstances of the site.”
- 10.91 The proposed development would provide a total of 45 new residential units, with 24 of these units (53.3%) being affordable. When factoring in the loss of the two existing 2 social rent dwellings on the ground floor of Hathersage Court, this reduces to 51.2%.

<b>Block</b>	<b>Units</b>	<b>Tenure</b>
A	14x flats	Market
B	12x flats	Social rent
C	4x flats	Social rent
D	2x houses	Social rent
E	3x flats	Social rent
F	3x flats	Market
K	7x flats & 2x commercial units	3x shared ownership 4x market

- 10.92 Policy CS12 (G) of the Core Strategy seeks 70% of the affordable provision to be social rent and 30% as intermediate/shared ownership. It is proposed that 21 units (87.5%) would be social rent and the remaining three shared ownership (12.5%). This is below the shared ownership target of the Core Strategy, but as the Housing New Build Programme seeks to provide 550 new council homes between 2018 and 2022 there is a greater emphasis on social rent from Council led schemes.
- 10.93 In terms of habitable rooms, the affordable housing contribution would be 65 habitable rooms out of 125, or 52% (61 habitable rooms net/50.41%). The affordable housing tenure split would be 59 habitable rooms for social rent or 90.77% and 6 habitable rooms for shared ownership (55 habitable rooms for social rent net/90.17%).
- 10.94 The proposal does not provide the aspiration of 100% affordable housing as sought by policy CS12 for developments on Council’s own land as such provision would not be financially viable. In accordance with policy requirements, a financial assessment has been submitted with the application to justify the proportion of affordable housing offered. The financial viability

assessment indicates that the scheme would be in deficit as the build costs far outweigh the total revenue from the development, and therefore the maximum affordable housing contribution is being made. In order to properly and thoroughly assess the applicant's viability assessment, the documents were passed to an independent assessor (BPS Surveyors) to scrutinise and review.

- 10.95 The applicant's Viability Assessment identified that the development as proposed is unviable in a purely commercial sense as it still requires an amount of public subsidy to address the shortfall between the revenues generated by the development and the costs of providing it. The independent assessor has considered the information submitted and whilst considering the applicant's build costs and value of the shared ownership units to be high, largely to due to additional public realm improvements, the use of high quality materials such as zinc cladding, aluminium windows and large sedum roofs, and basement and piling works, even using the assessor's own figures the scheme would still be in significant deficit, and has agreed that the scheme would be unviable without a subsidy. It should be noted that landscaping, amenity space, replacement commercial units and estate wide improvements also add costs to the development. Following discussions between BPS's, and the Housing department's, cost consultants, BPS's assessment of the Council's build costs has been revised and the difference is now only 2.37% which BPS advise is within acceptable estimating margins and is likely due to procurement routes. The independent advisor's viability review is attached as Appendix 4.
- 10.96 It is apparent that in a typical commercial sense, the proposed scheme and level of affordable housing proposed is unviable. However, the applicant LBI Housing is not a commercial developer and in line with Council corporate objectives, is primarily seeking to deliver housing and public realm improvements to meet identified needs. The affordable housing offer proposed in terms of the quantity, quality and mix is considered to make a positive contribution to the housing needs of the borough.
- 10.97 Although Core Strategy Policy CS12 seeks 100% affordable housing schemes from development on Council land, it is not considered that a failure to provide 100% affordable housing on Council owned land is contrary to that policy where it is shown that public subsidy is required to support the lower provision as detailed above. It should be noted that in a standard commercial viability appraisal, the residual land value of the site and its buildings is included to calculate a scheme's viability. In this instance, no residual land value for the land has been factored in. This enables the amount of affordable housing to be significantly maximised compared to developments by private developers.

#### Housing New Build Programme

- 10.98 The proposal forms part of a wider Islington Housing New Build programme to provide affordable housing to meet identified needs within the borough. The current programme has a new target of 550 new affordable social rented units by 2022; this is an increase in the target of 500 new homes to deliver by 2019. The schemes that are included within the programme are at various stages of progress, including on-site development, pre-contract, pre-planning and feasibility/design.
- 10.99 As well as delivering housing, these schemes deliver additional benefits to the existing and new residents, which include community centres, libraries, landscaping and improvements to amenity and play spaces, and the public realm. Designs address anti-social behaviour and inclusive design, and other measures to create a scheme with high quality amenity for all residents. As a part of the process of delivering these new schemes, extensive consultation is undertaken by the Housing New Building team and appointed consultants with existing residents and LB Islington officers, to ensure a high quality design that responds well to its context, and that will bring benefits to the residents of Islington in years to come..

- 10.100 On this scheme the proposal brings added value as part of the offer to residents and on top of the affordable housing being provided, this includes:
- Public realm improvements of £52,6540
  - Improvements to existing play areas of £100,328
  - New play areas at £46,000
- 10.101 In this case there are also additional costs associated with building within the existing estate on a number of separate construction sites. BPS estimate that additional costs is approximately £733,752. It should also be noted that there are enhancements and refurbishments to existing estate buildings, the cost of which BPS estimate to be £228,000. Planning policy aspires to provide 100% affordable housing on Council owned land; however, the introduction (as part of the Welfare Reform & Work Bill) of the 1% rent reduction over the 4 years 2016-17 to 2019-20 has severely restricted the capacity within the Council's Housing Revenue Account (HRA) to subsidise the Council's new-build programme.
- 10.102 In order to fund the programme, Right to Buy receipts, S106, and GLA grant are factored in. There is also a need to include private sale build units to fund the programme, due to the restriction on the capacity of the HRA. It is therefore not considered that a provision of less than 100% affordable housing is contrary to policy.
- 10.103 The overriding priority of the council's new build programme is to maximise the number of social rented properties delivered as part of each scheme whilst at the same time ensuring that the subsidy called upon from the HRA and grant funding to balance the funding of the overall new build programme remains affordable in the context of the financial viability of the wider HRA. The HRA must continue to provide and resource the functions relating to Islington's existing stock; housing management, repairs and long-term investment.
- 10.104 Should the opportunity arise to access more funds for the council new build programme, the affordable housing offer will be increased as has been done in the past on the Camden Estate and Goodinge Community Centre sites.
- 10.105 Overall, the proposal provides good quality affordable housing and estate-wide improvements and is considered to contribute towards delivering mixed and balanced communities. In this context, the offer of 53.3% affordable housing in terms of units (or 51.2% when factoring in the existing units lost) and 65 habitable rooms out of 125, or 52% (61 habitable rooms net/50.41%). The affordable housing tenure split would be 59 habitable rooms for social rent or 90.77% and 6 habitable rooms for shared ownership (55 habitable rooms for social rent net/90.17%) is considered to deliver a good mix of tenures and is considered acceptable and in accordance with London Plan Policies 3.9 and 3.11 as well as Islington Core Strategy Policy CS12. This provision is secured through a Directors Level Agreement.

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

- 10.106 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life for Islington residents, residential space and design standards will be significantly increased and enhanced from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards. In accordance with this policy, all new housing is required to provide functional and useable spaces with good quality amenity space, sufficient space for storage and flexible internal living arrangements.

### Unit Sizes

- 10.107 All of the proposed residential units comply with the minimum unit sizes as expressed within

this policy. Part C of Policy 3.4 requires for floor-to-ceiling heights to be a minimum of 2.6 metres. All proposed units would meet this standard.

#### Aspect/Daylight Provision

- 10.108 Policy DM3.4 (part D) sets out that ‘new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated’.
- 10.109 The majority of new dwellings proposed would be dual aspect and receive good natural daylight and ventilation, however four units (3 in Block A and 1 in Block E) would be single aspect to prevent overlooking. The units would benefit from a generous number of windows and balcony doors, to allow for adequate light and ventilation, all units would face east. None of the single aspect units would be family sized dwellings.
- 10.110 Daylight to newly built dwellings is assessed by Average Daylight Factor (ADF) and 120 of the 126 habitable rooms in the proposed development would comply with the BRE guidelines for ADF. Seven of the 44 Living/Kitchen/Diners would fall short of the target 2% ADF (5 in Block A, 1 in Block B and 1 in Block E), however the 2% target is based on the target for kitchens being 2% and the proposed LKDs would exceed 1.5% which is the nominal target for a living room. All rooms that face within 90° of due south would receive compliant Annual Probable Sunlight Hours.

#### Amenity Space

- 10.111 Policy DM3.5 (Amenity Space) of the Development Management Policies Document 2013 states in part A that ‘all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens’. The policy in part C then goes on to state that the minimum requirement for private outdoor space is 5 square metres on upper floors and 15sqm on the ground floor for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors and 5 square metres on ground floor level with a minimum of 30sqm for family housing (defined as 3 bed units and above).
- 10.112 The private amenity space proposed for all of the proposed units would exceed minimum requirements. The proposed units would also have access to the wider communal amenity spaces.

#### Playspace

- 10.113 Policy DM3.6 requires all housing development of more than 10 dwellings to make provision for play based on anticipated child yield. The London Plan sets a benchmark standard of a minimum of 10sqm of suitable child playspace per child for new developments, with Islington’s DM Policy 3.6 setting a minimum of 5sqm.
- 10.114 There is currently a single sunken play area which is largely hidden away and underused. The existing equipment is low quality and surrounded by derelict/fenced off areas. The proposal would distribute play areas more widely around the estates with a mixture of equipped play and informal playable objects.

	Existing child yield	Proposed child yield	Total	Playspace required 5m <sup>2</sup> /child
Islington Calculator (up to the age of 11)	87	18	105	525
GLA Calculator (up to the age of 10)	79	19	98	490

	Existing sqm	Proposed sqm	Variation sqm
Games court (not in use)	383	0	-383
Play space (equipped)	713 210	525 350	-265 +140
Public amenity space	1830	1950	+120
Housing amenity space	1918	2397	+479

- 10.115 The increase in playable landscape would increase by approximately 600sqm from 3,748sqm to 4,347sqm (120sqm public amenity space, 479sqm amenity space restricted to residents) as well as an uplift of 140sqm of equipped play. Non-provision of amenity space for adolescents is acceptable given the proximity of alternative spaces such as MUGAs and natural Play at Newington Green and Butterfield Green, and other places such as St Paul's Park. Clissold Park and Highbury New Park are between 400 and 800m which is compliant with the GLA standards for off-site play provision for this age group.
- 10.116 It has been suggested that a youth shelter (a covered seating area) could provide some amenity for older children. The Designing Out Crime Officer advises that these can be effective, especially when sited next to play facilities, but also can attract ASB, and should only be considered after thorough consultation. Further details of any playspace provided within the development would be required by condition and this requires consultation with residents so that they get the facilities they actually need. The applicant has agreed to include the subject of shelters in their consultation process [condition 26].
- 10.117 Therefore, it is considered that, together with the centrally located play area and the playspace located off-site, there is sufficient child playspace provision for existing and future residents.

Refuse:

- 10.118 All new blocks would have their own integrated refuse and recycling facilities/chambers provided for the residential uses at ground level. The location, capacity, and management of these facilities have been developed in consultation with the Council Street Environment Department and are considered acceptable [condition 21].
- 10.119 Concern has been raised about the bin store to Block K opening out onto the highway and impeding pedestrian and traffic movement. The ground floor of Block K has been revised so that all doors to the commercial units, residential communal entrance or bin store open inwards.

**Inclusive design**

- 10.120 In October 2015, the Deregulation Bill (March 2015) was implemented. It introduced a new National Standard for Housing Design as an enhancement of Part M of the Building Regulations: Category 1 (Visitable Dwellings), Category 2 (Accessible and Adaptable Dwellings, similar to Lifetime Homes) and Category 3 (Wheelchair Accessible dwellings, similar to Islington wheelchair accessible housing standard).
- 10.121 Following this, London Plan Policy 3.8 has been altered to require that 90% of new housing is built to Category 2, and 10% to Category 3.
- 10.122 Policy CS12 (H) of the Core Strategy requires all new housing to comply with "flexible homes"

standards, with at least 10% wheelchair housing (calculated against total habitable rooms) provided as part of all new developments. This requirement is reflected in Development Management Policy DM3.4 Part (A) (v). These policies pre-date the Deregulation Bill, although it is considered that wheelchair accessible equates to Category 3 housing. Policy DM2.2 (Inclusive Design) requires all new developments to demonstrate inclusive design.

- 10.123 Five of the new units (11%) at ground floor level in Blocks A, B and F would be fully wheelchair accessible (Category 3). All the units are 2-bed/4 person units so will provide a total of 15 rooms out of a total of 125 (12%) which exceeds the policy requirement. The remainder of the flats will meet the Category 2 criteria.
- 10.124 Since submission, the applicant has been working closely with the Inclusive Design officer to improve accessibility within the flats and around the site. Doors and stairs have been revised to the appropriate widths and steps, and other obstacles, have been removed from outdoor amenity areas. The cycle parking provision has also been revised to reduce the amount of vertical stands to 25%, as although such stands are supported by supplementary planning guidance, they can be difficult to use for people with limited mobility or by older people. The cycle stores also include mobility scooter storage spaces.

### **Neighbouring Amenity**

- 10.125 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.126 Daylight and Sunlight: 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.
- 10.127 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”*.
- 10.128 Daylight: 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).*

- 10.129 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value achievable is almost 40% for a completely unobstructed vertical wall. This is important to note particularly given the (in some cases) very high levels of existing VSC currently held by surrounding properties due to the very low scale school buildings currently on this site.
- 10.130 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 lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 10.131 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”.*
- 10.132 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.
- 10.133 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”*
- 10.134 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.’*

10.135 Sunlight: 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.”*

10.136 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.”*

10.137 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.”*

10.138 Open spaces: The Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: *‘gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains’.*

10.139 At paragraph 3.3.17 it states: *“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”*

10.140 A Daylight & Sunlight Report by Waterslade dated February 2018 has been submitted which assesses the impact of the proposal on daylight and sunlight to the properties listed below. 892 windows to 685 rooms within the estate and to the properties surrounding it were assessed for the impact of the proposal on daylight. 441 rooms were assessed for sunlight impact The report suggests that the proposal would have a minimal impact on neighbouring residents. Despite the attempts of the consultants, it was not possible for them to access all neighbouring properties to determine room use.

10.141 Assessment

- 73 windows (out of 892) would see a proposed Vertical Sky Component (VSC) of less than 0.8 times their former value and a resultant VSC of less than 27%.
- 23 rooms (out of 685) would result in a loss of daylight distribution of less than 0.8 times their former NSL value.
- 22 rooms (out of 441) would receive less than 25% of Annual Probable Sunlight Hours (APSH), or less than 5% APSH in winter, and less than 0.8 times their former sunlight hours,

and a reduction over the whole year of more than 4%.

- Not all rooms were identified as the applicant could not gain access to all affected properties.

10.142 The properties assessed are listed below. It should be noted that those not referenced as BRE compliant are discussed in greater detail below.

<b>Property name</b>	<b>Daylight Test</b>	<b>Sunlight Test</b>
1-40 Besant Court (Big Besant)	3 windows to 3 rooms fail VSC	BRE Compliant
41-70 Besant Court (Little Besant)	25 windows to 25 rooms fail VSC 3 rooms fail NSL	BRE Compliant
Hathersage Court	14 windows to 14 rooms fail VSC	8 rooms fail APSH
108-128 Newington Green Road (even nos)	22 windows to 14 rooms fail VSC 8 rooms fail NSL	7 rooms fail APSH
69-75 Mildmay Park (odd nos)	1 window fails VSC 6 rooms fail NSL	3 rooms fail APSH
75A Mildmay Park CLR James House	4 windows to 4 rooms fail VSC 4 rooms out of 19 fail NSL	2 rooms out of 9 fail APSH
77-83 Mildmay Park (odd nos)	BRE Compliant	BRE Compliant
82-88 Mildmay Park (even nos)	1 room fails NSL	BRE Compliant
85 & 87 Mildmay Park	Yes – BRE Compliant	BRE compliant
90 Mildmay Park	3 out of 4 windows to one room fail VSC	BRE Compliant
92 Mildmay Park Lady Mildmay (PH)	1 room fails NSL	BRE Compliant
37 B, F, K & L Mildmay Grove North	BRE Compliant	BRE Compliant
3, 4 & 5 Colony Mews	BRE Compliant	BRE Compliant
5, 8, 13, 14, 15 & 18 Linden Mews	BRE Compliant	No south facing windows
2, 10, 11 & 12 Linden Mews	BRE Compliant	BRE Compliant
93-97 Newington Green Road (odd numbers)	BRE Compliant	BRE compliant
The Weavers Arms (PH) Newington Green Road	BRE Compliant	No south facing windows
100 Newington Green Road	BRE Compliant	BRE Compliant
102 Newington Green Road	BRE Compliant	BRE Compliant

10.143 The following images show the 3D computer modelling programme (in 2D) used by the applicant's consultants to model the daylight and sunlight impacts to nearby properties. The proposed blocks are highlighted.



Daylight

10.144 Within the tables set out below, those windows or rooms that would receive less than 0.8 times their former value, i.e. would experience a loss greater than 20% (BRE guidance level threshold) of VSC with the resultant VSC below 27%, or receive less than 0.8 times their former value of No Sky Line / Daylight Distribution, are highlighted. Compliant data is not included.

10.145 1-40 Besant Court (Big Besant)

1-40 Besant Court (Big Besant)	190 windows to 135 rooms assessed	3 windows to 3 rooms fail VSC. Compliant for NSL	BRE Compliant for sunlight
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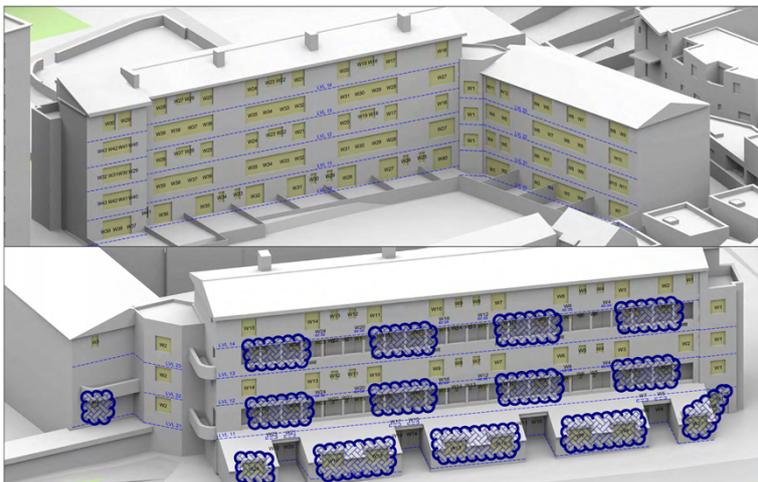


1-40 Besant Court (Big Besant)			Vertical Sky Component (VSC)			No Sky Line (Daylight Distribution)		
Flat no.	Room / Window	Room use	Existing (%)	Proposed (%) - Target 27% or more	Percentage reduction in VSC - Target less than 20%	Existing (%)	Proposed (%)	Percentage reduction in Daylight Distribution – Target less than 20%
	R8/30 / W11/30	33.5	27.5	18				
	R8/30 / W10/30	26.3	23.7	10				
	R9/30 / W13/30	Kitchen	11.7	8.6	27	68	39.1	17
1 <sup>st</sup> Floor	R16/31 / W19/31	Living Room	6.1	5.7	6	170.2	170.2	0
	R16/31 / W20/31		34.3	26.0	24			
	R16/31 / W21/31		32.7	31.4	4			

10.146 Big Besant lies to the north of proposed buildings D, E, F and H, and to the south of Block A and building G. The report assessed 190 windows to 135 rooms in the block. The proposal would only impact on three ground and first floor rooms, none of which would see a loss of VSC of more than 27%, which although technically greater than the 20% advised in the BRE guidelines, is considered appropriate in this instance as a loss of up to 30% is still considered reasonable for a dense urban environment. Furthermore, the three rooms would be compliant for daylight distribution, and the whole block would be meet the BRE guidelines for sunlight.

10.147 41-70 Besant Court (Little Besant)

41-70 Besant Court (Little Besant)	149 windows to 122 rooms assessed	25 windows to 25 rooms fail VSC 3 rooms fail NSL	BRE Compliant for sunlight
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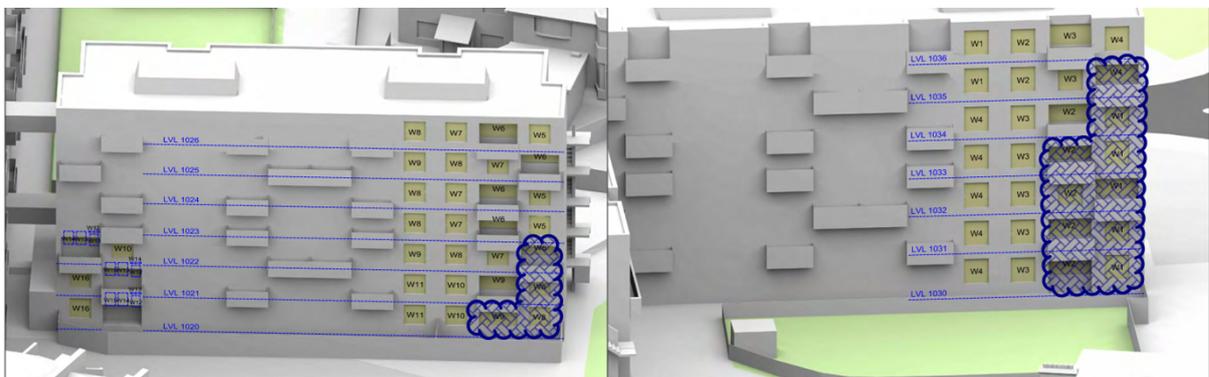
41-70 Besant Court (Little Besant)			Vertical Sky Component (VSC)						No Sky Line (Daylight Distribution)		
			With balconies			Without					
Flat No.	Room/ Window	Room Use	Existing (%)	Proposed (%) – Target 27% or more	Percentage reduction in VSC Target less than 20%	Existing (%)	Proposed (%) - Target 27% or more	Percentage reduction in VSC Target less than 20%	Existing %	Proposed %	Percentage reduction in Daylight Distribution Target less than 20%
1 <sup>st</sup> Floor	R1/11 W/25/1	Kitchen	10.0	5.6	44	35.4	28.6	n/a	88	88	1
1 <sup>st</sup> Floor	R3/11 W26/11	Kitchen	10.5	4.8	54	35.4	28.8	n/a	89	87	2
1 <sup>st</sup> Floor	R10/11 W18/11	Kitchen	9.9	4.8	52	35.2	29.0	n/a	89	89	0
1 <sup>st</sup> Floor	R10/11 W17/11	Kitchen	9.9	5.1	48	35.1	28.9	n/a	90	89	0
1 <sup>st</sup> Floor	R18/11 W10/11	Kitchen	9.8	4.6	53	34.9	28.2	n/a	89	88	1
1 <sup>st</sup> Floor	R19/11 W9/11	Kitchen	9.5	5.4	43	34.8	27.9	n/a	89	89	0
1 <sup>st</sup> Floor	R26/11 W3/11	Kitchen	9.8	4.5	54	34.4	27.0	n/a	89	89	0
1 <sup>st</sup> Floor	R28/11 W2/11	Kitchen	9.1	3.9	57	34.2	27.3	n/a	85	84	1
3 <sup>rd</sup> Floor	R1/13 W25/13	Kitchen	11.0	8.6	22	37.2	33.4	n/a	88	88	0
3 <sup>rd</sup> Floor	R3/13 W26/13	Kitchen	11.8	8.6	27	37.1	33.5	n/a	89	89	0
3 <sup>rd</sup> Floor	R10/13 W18/13	Kitchen	11.4	8.5	25	37.0	33.6	n/a	89	89	0
3 <sup>rd</sup> Floor	R11/13 W17/13	Kitchen	11.4	8.6	24	36.9	33.5	n/a	90	90	0
3 <sup>rd</sup> Floor	R18/13 W10/13	Kitchen	11.4	8.5	26	36.8	33.2	n/a	89	89	0
3 <sup>rd</sup> Floor	R26/13 W3/13	Kitchen	11.3	8.6	24	36.5	32.9	n/a	89	89	0
3 <sup>rd</sup> Floor	R28/13 W2/13	Kitchen	10.7	8.1	24	36.4	33.3	n/a	85	85	0
Gnd Floor	R2/21 W3/21		10.1	6.0	41	10.2	6.0	41	46	46	0
Gnd Floor	R1/10 W1/10		27.6	21.9	21				98	74	24
Gnd Floor	R1/10 W2/10		21.9	17.8	19						
Gnd Floor	R2/10 W3/10		32.3	20.2	37						

Gnd Floor	R5/10 W8/10		32.8	20.6	37		99	69	30
Gnd Floor	R6/10 W9/10		33.0	21.9	34		99	84	15
Gnd Floor	R7/10 W12/10		33.3	23.9	28		97	92	5
Gnd Floor	R8/10 W13/10		33.5	24.7	26		98	98	0
Gnd Floor	R9/10 W18/10		33.6	25.0	26		98	98	0
Gnd Floor	R10/10 W19/10		33.7	24.6	27		97	96	1
Gnd Floor	R11/10 W24/10		34.0	23.1	32		97	87	11

10.148 Little Besant lies to the east of Big Besant and to the south of the site. The report assessed 149 windows to 122 rooms in the block. The proposals would impact on the north elevation facing proposed Blocks A, B and C. The first and third floors have windows on recessed access decks. The use of the rooms is not identified, but such windows are normally to kitchens, bathrooms or toilets which require less light. The BRE guidelines at paragraph 2.2.11 note that windows with balconies above them, or in this case floors above, typically receive less daylight and as such an impediment cuts out light from the top part of the sky even a modest obstruction opposite may result in a large relative impact on VSC. The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it is the development or the balcony itself causing the most significant impact. In this instance, the assessment shows compliant VSC levels at 1<sup>st</sup> and 3<sup>rd</sup> floor levels, apart from window W3/21 which would remain significantly affected. The daylight distribution to the first and third floor rooms would be largely unaffected (0-2% loss). The ground floor windows are not obstructed in this way and would suffer losses of VSC between 19 and 41%, largely due to their low position. Three of the ground floor rooms would also suffer a loss of daylight distribution of 24-33%, which although greater than the 20% threshold is generally considered appropriate for dense urban locations. As the proposed buildings are to the north or west of Little Besant there would be no impact on sunlight.

10.149 Hathersage Court

Hathersage Court	132 windows to 120 rooms assessed	14 windows to 14 rooms fail VSC	9 rooms fail APSH
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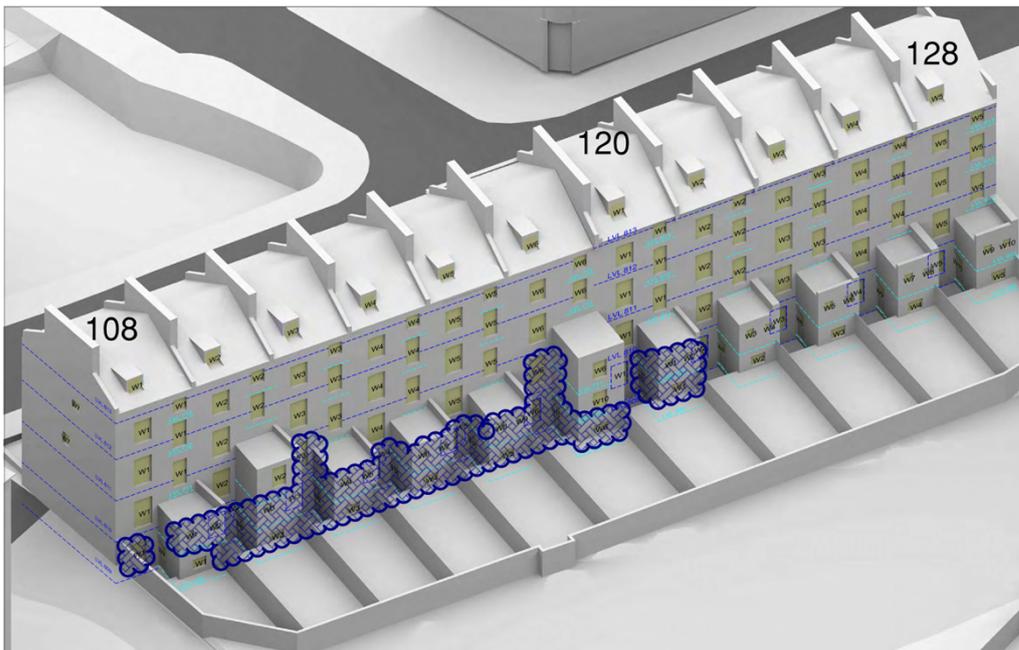
Hathersage Court			Vertical Sky Component (VSC)						No Sky Line (Daylight Distribution)		
			With balcony			Without					
Flat	Window	Room Use	Existing (%)	Proposed (%) - Target 27% or more	Percentage reduction in VSC - Target less than 20%	Existing	Proposed (%) - Target 27% or more	Percentage reduction in VSC - Target less than 20%	Existing %	Proposed %	Percentage reduction in Daylight Distribution - Target less than 20%
Gnd Floor	R8/1020 W8/1020		28.6	19.2	33	30.5	21.1	31	98	88	10
Gnd Floor	R9/1020 W9/1020		17.3	12.0	31	30.3	24.2	20	99	99	0
1 <sup>st</sup> Floor	R8/1021 W8/1021		19.5	12.5	36	25.0	29.0	n/a	99	89	10
1 <sup>st</sup> Floor	R4/1022 W6/1022		13.0	9.4	28	34.1	30.0	n/a	95	95	0
Gnd Floor	R1/1030 W1/1030		28.5	18.3	36	30.2	19.8	35	99	94	5
Gnd Floor	R2/1030 W2/1030		7.4	5.2	30	32.5	23.9	27	92	91	1
1 <sup>st</sup> Floor	R1/1031 W1/1031		21.7	13.3	39	34.6	21.3	38	99	94	5
1 <sup>st</sup> Floor	R2/1031 W2/1031		18.0	13.9	23	34.5	25.8	25	100	100	0
2 <sup>nd</sup> Floor	R1/1032 W1/1032		19.4	11.8	39	36.3	22.8	37	100	100	0
2 <sup>nd</sup> Floor	R2/1032 W2/1032		23.2	17.4	25	36.0	27.7	n/a	99	97	2
3 <sup>rd</sup> Floor	R1/1033 W1/1033		35.6	22.5	25	37.5	24.3	35	99	96	3
3 <sup>rd</sup> Floor	R2/1033 W2/1033		11.7	8.6	26	37.4	30.4	n/a	100	100	0
4 <sup>th</sup> Floor	R1/1034 W1/1034		25.7	17.1	33	38.5	26.3	32	99	96	3
5 <sup>th</sup> Floor	R1/1035 W4/1035		21.5	15.6	28	39.1	30.4	n/a	100	100	0

10.150 Hathersage Court is at the northern end of the site. Block C (6 storeys) would be appended to the southern end of Hathersage and Block K (5 storeys) to the eastern end. As such, these proposed buildings would only have an impact on the windows closest to them. For Hathersage, 132 windows to 120 rooms were assessed. Only 14 windows closest to the two proposed blocks would be adversely affected. 10 of these windows are already compromised by balconies above, however in this instance recalculating the impact without balconies does not make a significance difference. 6 windows (assessed without balconies in place would see

a loss of VSC of more than 30% (31-38%), but these rooms, as with all the others would be compliant for daylight distribution and see relatively minor losses in daylight distribution. It should be noted that the affected rooms would effectively occupy corner locations between Hathersage Court and Blocks C and K, as Hathersage Court is a "T" shape there are already corners at the existing junction and the resultant VSC for the affected windows would be similar to the existing VSC for the existing corner windows and therefore not uncommon for the location.

10.151 108-128 Newington Green Road (even nos)

108-128 Newington Green Road (even nos)	132 windows to 111 rooms assessed.	22 windows to 14 rooms fail VSC 8 rooms fail NSL	7 rooms fail APSH
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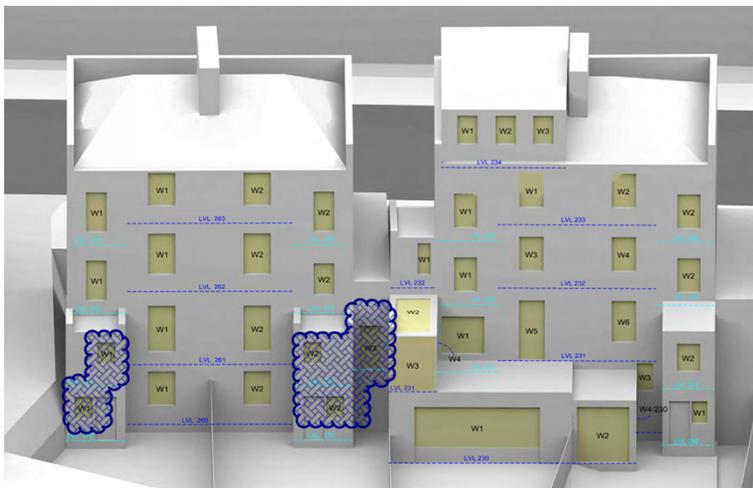
108-128 Newington Green Road (even nos)			Vertical Sky Component (VSC)			No Sky Line (Daylight Distribution)		
House no.	Room / Window	Room use	Existing (%)	Proposed (%) – Target 27% or more	Percentage reduction in VSC – Target no more than 20%	Existing (%)	Proposed (%)	Percentage reduction in Daylight Distribution Target less than 20%
108 LG Floor	R1/609 W1/609		17	13.3	22	89	76	14
108 UG Floor	R1/710 W1/710		31.9	25.3	21	93	84	10
108 UG Floor	R1/710 W2/710		32.3	25.3	21			
110 LG Floor	R2/609 W2/609		13.6	8.5	37	83	63	24

110 LG Floor	R2/709 W2/709		26.1	19.9	24	93	82	11
110 LG Floor	R2/709 W8/709		5.8	5.4	2			
110 UG Floor	R2/710 W3/710		32.8	25.3	23	85	68	20
112 LG Floor	R3/609 W3/609		14.1	9.1	35	89	66	23
112 LG Floor	R3/709 W9/709		5.0	4.3	13	97	78	16
112 LG Floor	R3/709 W3/709		26.7	20.0	25			
112 UG Floor	R3/610 W3/610		26.3	20.4	22	98	94	4
112 UG Floor	R3/710 W4/710		33.0	25.3	23	97	70	27
112 UG Floor	R3/710 W5/710		33.1	25.3	23			
114 LG Floor	R4/609 W4/609		15.1	10.1	33	87	66	21
114 LG Floor	R4/709 W4/709		27.9	20.8	26	92	84	9
114 LG Floor	R4/709 W10/709		6.3	5.4	14			
114 UG Floor	R4/710 W6/710		56.0	25.4	23	95	64	32
114 UG Floor	R4/710 W7/710		32.8	25.5	22			
116 LG Floor	R5/609 W5/609		15.2	10.7	30	88	71	17
116 LG Floor	R5/709 W5/709		27.2	20.4	25	95	78	17
116 LG Floor	R5/709 W11/709		6.4	5.4	15			
116 UG Floor	R5/710 W8/710		32.4	25.4	21	96	66	30
116 UG Floor	R5/710 W9/710		32.1	25.4	21			
118 LG Floor	R6/609 W6/609		14.7	10.9	26	88	79	9
118 LG Floor	R6/709 W6/709		26.3	20.3	23	90	68	22
118 LG Floor	R6/709 W12/709		7.7	6.6	15			
118 UG Floor	R6/610 W6/610		22.9	18.2	21	95	95	0
120 LG Floor	R1/909 W1/909		27.3	22.2	19	94	94	0
120 LG Floor	R1/909 W6/909		5.6	4.3	23			
120 UG Floor	R1/910 W1/910		30.2	25.4	16	96	76	21
120 UG Floor	R1/910 W2/910		29.9	25.4	15			

10.152 The properties at 108-128 Newington Green Road back on to the estates. It is a traditional terrace with original rear additions. As such, many of the affected windows are either recessed between the rear additions or in the side returns of the additions, and all of the affected windows are at lower or upper ground floor level meaning that the terrace as a whole would continue to receive adequate daylight. The BRE guidelines acknowledge that rooms may suffer poor daylight due to their existing physical constraints and at paragraph 2.2.12 note that a larger relative reduction in VSC may be unavoidable if an existing window has projecting wings on one or both sides, and the recessed windows would see a reduction in VSC of 30-37%. The unobstructed windows to the rear of the extensions see losses of between 20 and 30% which is considered to be appropriate for the location, particularly as many of the windows are at lower ground floor level. 7 rooms would also see a loss of daylight distribution of between 21 and 33%.

10.153 69-75 Mildmay Park (odd nos)

69-75 Mildmay Park	42 windows to 36 rooms assessed	1 window fails VSC 4 rooms fail NSL	3 rooms fail APSH
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69-75 Mildmay Park			Vertical Sky Component (VSC)			No Sky Line (Daylight Distribution)		
Flat No.	Room / Window	Room use	Existing (%)	Proposed (%) Target 27% or more	Percentage reduction in VSC - Target less than 20%	Existing %	Proposed %	Percentage reduction in Daylight Distribution. Target less than 20%
73 LG Floor	R2/260 W2/260		26.6	21.4	20	94	76	19
73 LG Floor	R2/270 W2/270		28.9	23.5	19	92	70	24
73 UG Floor	R3/271 W3/271		13.7	10.5	23	98	87	11
73 UG Floor	R2/271 W2/271		32.5	27.4	n/a	95	53	44

75 LG Floor	R1/270 W1/270		30.0	24.6	18	95	67	29
75 UG Floor	R1/271 W1/271		32.8	27.4	n/a	95	50	47

10.154 69-75 Mildmay Park comprises two pairs of semi-detached dwellings that have been converted into flats. 42 windows to 36 rooms were assessed and only one window would suffer a loss of more than 20% VSC (23%), and this window is recessed between the two pairs and heavily obstructed by rear additions to nos. 71 and 73. The room would retain compliant daylight distribution with only an 11% loss. Four other rooms would suffer a loss of No Sky Line of more than 20% (24-47%), however all these rooms would be compliant for VSC, with losses of less than 20%, and with two rooms retaining VSC in excess of 27%.

10.155 75A Mildmay Park

75A Mildmay Park CLR James House	37 windows to 19 rooms assessed	4 windows to 4 rooms fail VSC 4 rooms out of 19 fail NSL	2 rooms out of 9 fail APSH
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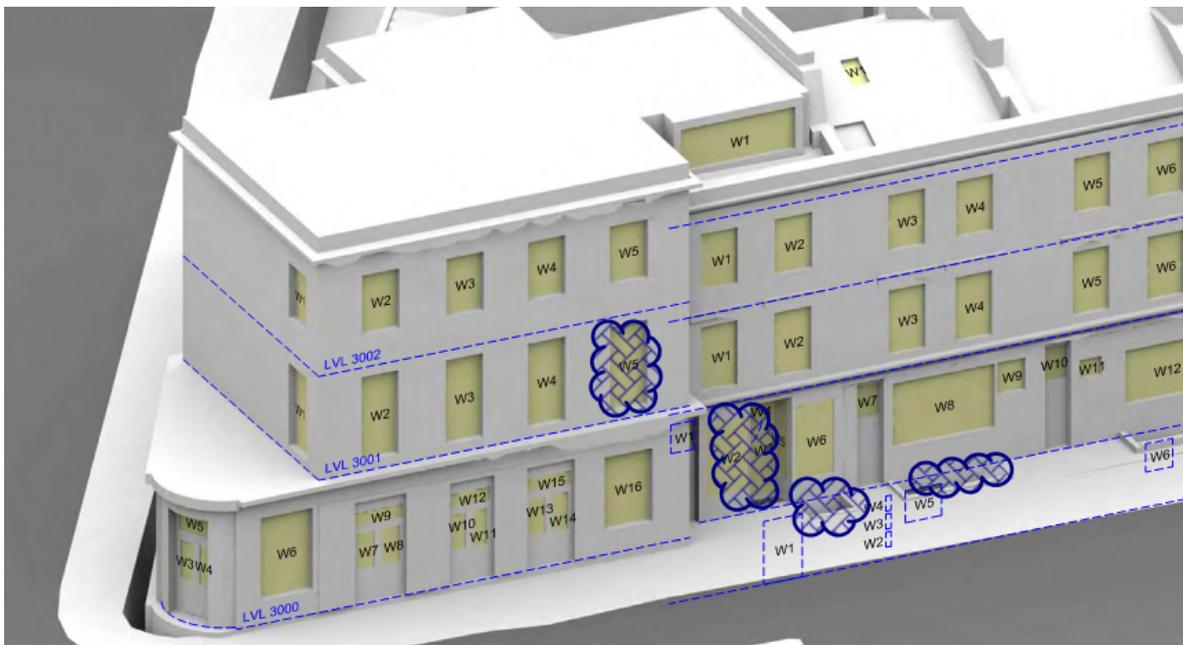
75A Mildmay Park			Vertical Sky Component (VSC)			No Sky Line (Daylight Distribution)		
	Room / Window	Room use	Existing (%)	Proposed (%) – Target 27% or more	Percentage reduction in VSC - Target less than 20%	Existing %	Proposed %	Percentage reduction in Daylight Distribution - Target less than 20%
Gnd Floor	R4/1000 W5/1000		28.8	21.1	27	98	96	3
Gnd Floor	R5/1000 W8/1000		24.0	17.6	27	95	87	9
Gnd Floor	R3/1010		2.6	2.0	23	42	29	31

	W2/1010							
Gnd Floor	R6/1000 W13/1000		13.3	13.1	1	63	50	21
Gnd Floor	R7/1000 W14/1000		23.0	19.4	15	67	39	41
Gnd Floor	R8/1000 W15/1000		22.0	19.3	12	49	33	33
1 <sup>st</sup> Floor	R2/1001 W2/1001		25.1	19.2	24	92	81	12

10.156 The property at 75A Mildmay Park is a small block of flats on the eastern side of the estate, set behind the terrace of 77-83 Mildmay Park. 4 windows would fail VSC, however three of the windows are parts of larger bay windows and the three rooms would continue to receive compliant daylight distribution as the other windows are not significantly affected. The other window is to a door under a porch, which due to its obstruction would also suffer a loss of NSL of 31%. The other three rooms which would experience a loss of daylight distribution of more than 20% would not experience a loss of VSC of more than 20%.

10.157 82 - 92 Mildmay Park

82-88 Mildmay Park (evens)	25 windows to 20 rooms assessed	Compliant for VSC 1 room fails NSL	BRE Compliant for sunlight
90 Mildmay Park	11 windows to 6 rooms assessed	3 out of 4 windows to one room fail VSC	BRE Compliant for sunlight
92 Mildmay Park Lady Mildmay (PH)	10 windows to 8 rooms assessed	Compliant for VSC 1 room fails NSL	BRE Compliant for sunlight



10.158 The property at 92 Mildmay Park is the Lady Mildmay Public House at the northern end of Mildmay Park. Only the upper floors were assessed, and all windows comply in terms of VSC.

One 1<sup>st</sup> floor bedroom would see a reduction of daylight distribution of more than 20%, but only by 21%.

82-92 Mildmay Park			Vertical Sky Component (VSC)			No Sky Line (Daylight Distribution)		
Flat / House No.	Room Window	Room use	Existing (%)	Proposed (%) – Target 27% or more	Percentage reduction in VSC. Target less than 20%	Existing %	Proposed %	Percentage reduction in Daylight Distribution. Target less than 20%
88 Bst	R3/369 W5/369		15.6	15.1	3	65	42	36
90 Bst	R1/369 W1/369		2.2	2.2	0	55	40	27
90 Gnd Floor	R2/370 W2/370		28.4	21.6	24			
90 Gnd Floor	R2/370 W3/370		22.1	15.9	28			
90 Gnd Floor	R2/370 W4/370		14.1	12.6	11	100	99	1
90 Gnd Floor	R2/370 W5/370		12.1	9.5	21			
90 Gnd Floor	R2/370 W6/370		31.4	25.2	20			
92 1st Floor	R4/3001 W5/3001	Bedroom	33.9	28.2	n/a	98	78	21

10.159 Nos. 88 and 90 are in residential use, one basement lightwell window to no. 88 would suffer a loss of NSL of 36%, but would only suffer a minimal loss of VSC of 3%.

10.160 90 Mildmay Park is next door, and three out of five ground floor windows would see reductions in VSC of between 21 and 28%. Such losses are not considered to be significant and the ground floor was formerly a shop which retains a recessed shopfront and all the windows are part of the shopfront. The recessed windows give an anomalous reading, but as the ground floor elevation is largely glazed the room would continue to receive more than adequate daylight as shown by the negligible loss of daylight distribution. One lightwell window would see a loss of NSL of 27%, but would not see a reduction of daylight in terms of VSC.

### Sunlight

#### Annual Probable Sunlight hours (APSH)

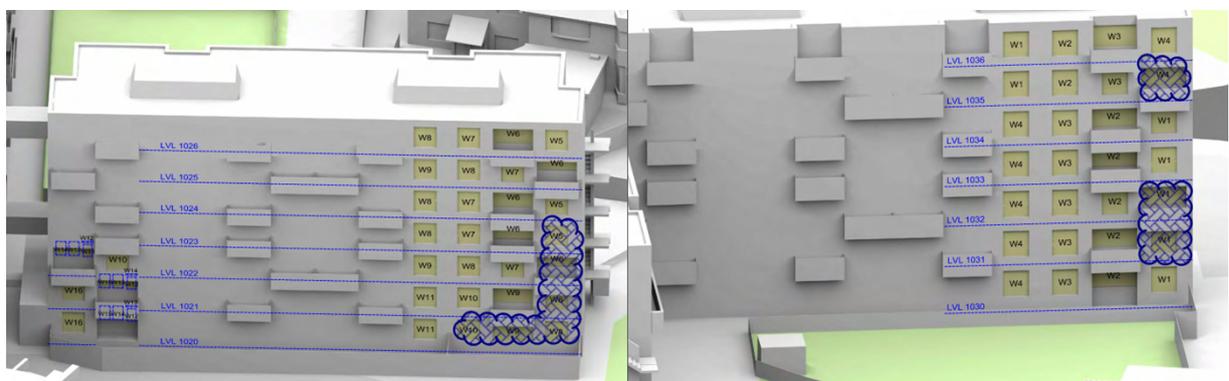
10.161 For sunlight assessment, only windows that face within 90° of due south need to be assessed. All living rooms should be checked, but kitchens and bedrooms are less important although care should be taken not to block too much sun. The measurement of sunlight is Annual

Probable Sunlight Hours (APSH) and the guidance states that sunlighting may be adversely affected if the centre of a 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.

10.162 A total of 22 rooms (out of 449) would not comply and receive less than 25% of APSH (or less than 5% APSH in winter), and less than 0.8 times their former sunlight hours, and a reduction over the whole year of more than 4%. The affected properties are at 110-120 Newington Green Road, Hathersage Court, 73 and 75A Mildmay Park.

10.163 Hathersage Court

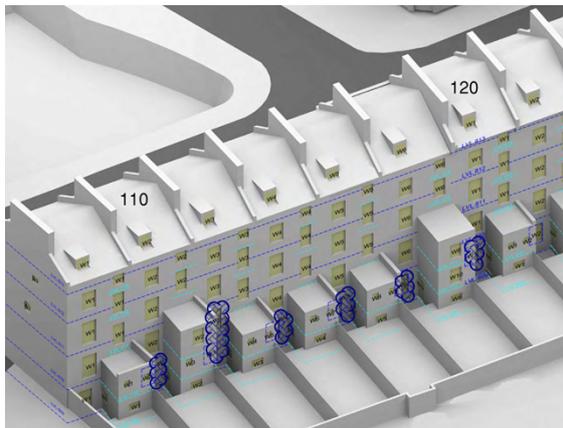
Floor Room	Annual Probable Sunlight Hours				
	Existing Winter %	Proposed Winter – Target 5% or more	Existing Annual %	Proposed Annual % - Target 25% or more	Percentage Loss – Target less than 20%
Gnd Floor R8/1020	12	8	43	23	47
Gnd Floor R9/1020	8	3	24	12	50
Gnd Floor R10/1020	6	1	30	23	23
1 <sup>st</sup> Floor R8/1021	9	5	27	16	41
1 <sup>st</sup> Floor R1/1031	24	15	41	23	44
2 <sup>nd</sup> Floor R4/1022	5	0	16	9	44
2 <sup>nd</sup> Floor R1/1032	22	14	30	19	37
5 <sup>th</sup> Floor R1/1035	23	18	31	24	23



10.164 A total of 8 rooms would fail APSH with losses of up to 50%. Of these 4 rooms would retain APSH of 23-24%, which is only marginally below the 25% minimum, the remaining 4 rooms would see a reduction to between 9 and 19% which would be a noticeable loss of sunlight.

10.165 110-120 Newington Green Road

Floor Room	Annual Probable Sunlight Hours				
	Existing Winter %	Proposed Winter – Target 5% or more	Existing Annual %	Proposed Annual % - Target 25% or more	Percentage Loss – Target less than 20%
110 LG Floor R2/609	3	0	21	12	43
112 LG Floor R3/609	3	0	21	12	43
112 LG Floor R3/610	5	1	29	22	24
114 LG R4/609	3	0	24	16	33
116 LG R5/609	3	0	23	18	22
118 LG R6/609	4	0	24	19	21
120 LG R1/809	5	0	22	17	23



10.166 A total of 7 rooms would see a loss of APSH contrary to the BRE guidelines. Whilst 4 of these losses would only be marginally greater than 20%, the remaining 3 would be between 33 and 43%. Again these are all windows to the side returns of the rear extensions so their existing constrained locations exacerbate their losses. Although the daylight/sunlight consultants could not gain access to these properties to establish the room uses, given their locations within side returns at lower ground floor level it is unlikely that they are principal rooms.

10.167 73 Mildmay Park

Annual Probable Sunlight Hours					
Floor Room	Existing Winter %	Proposed Winter – Target 5%	Existing Annual %	Proposed Annual % - Target 25%	Percentage Loss – Target less than 20%

		or more		or more	
73 LG Floor R2/260	4	4	27	19	30
73 LG Floor R2/270	6	6	31	22	29
73 UG Floor R3/271	1	1	14	8	43

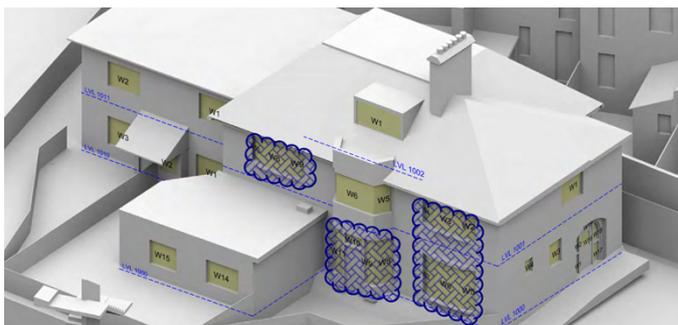
10.168 3 rooms would suffer loss of APSH of more than 20%. Of these one would retain APSH across the year of 22%, including 6% in winter, which is only marginally below the 25%. Only the heavily obstructed window located between two rear extensions would suffer a loss of more than 30%.



10.169 75A Mildmay Park

Annual Probable Sunlight Hours					
Floor Room	Existing Winter %	Proposed Winter – Target 5% or more	Existing Annual %	Proposed Annual % - Target 25% or more	Percentage Loss – Target less than 20%
Gnd Floor R4/1000	10	2	39	25	36
Gnd Floor R4/1000	9	5	38	24	27
1st Floor R2/1001	7	2	27	18	33
1st Floor R4/1001	5	2	23	18	22

10.170 75A Mildmay Park



10.171 In terms of sunlight, one ground floor room would see a reduction of winter APSH to 2% and an overall loss of 36%, but retain an annual APSH of 25%, the other ground floor room would retain 5% winter APSH and see a reduction of overall APSH to 24%, which is only just below the threshold of 25. One 1<sup>st</sup> floor room would see a reduction of 22%, which again is only slightly greater than the recommended 20%, and an overall loss of 5% which again is only just over the minimum 4%. The other 1<sup>st</sup> floor room would experience a loss of 33%.

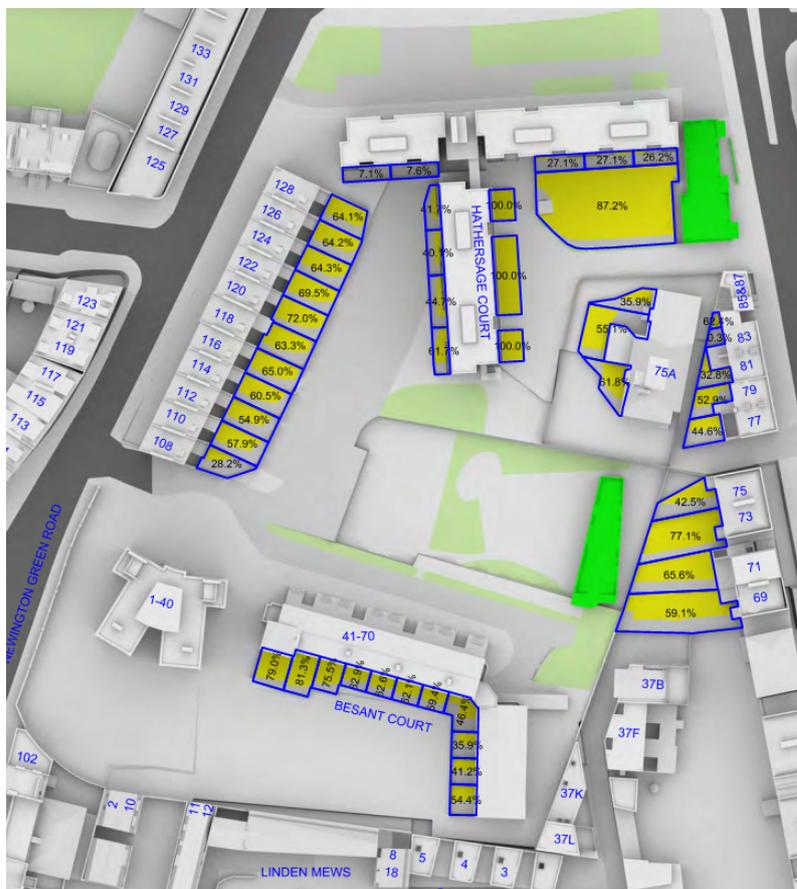
Overshadowing

10.172 Outdoor amenity space can also be affected by new development. The BRE guidelines advise that it is good practice to check the sunlighting of open spaces such as back gardens;

*“at least half of a garden or amenity space should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not receive two hours of sun on 21 March, and the area which can receive two hours of sun on 21<sup>st</sup> March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”*

10.173 In March, most gardens will achieve the BRE criteria and the overshadowing impact will be minimal. Two small gardens at the southern end of Hathersage Court will experience significant sunlight reductions. This is somewhat inevitable given their location to the north of Block A (which will be built on an undeveloped portion of the site). Whilst there will be two isolated sunlight reductions, the overshadowing impact on the surrounding properties will be minimal.

Existing overshadowing



10.174 The existing situation shows that most adjoining spaces receive good sunlight, other than the south side of Hathersage Court. Only two spaces, on the western side of Hathersage Court, would see a noticeable reduction in sunlight. One space would see the amount of garden space receiving 2 hours of sunlight fall from 44.7% to 33.3%, the other, particularly close to Blocks A and C would see a total loss from 61.7% to 0%.



### Conclusion

- 10.175 The proposal is considered to have a minimal impact on sunlight and daylight to adjoining premises. The applicant has carried out a thorough assessment which has considered a total of 892 windows to 685 rooms within the estate, and to the properties surrounding it, for daylight. A total of 441 rooms were assessed for sunlight impact
- 10.176 The assessment indicates that 73 windows (out of 892) would see a proposed Vertical Sky Component (VSC) of less than 0.8 times their former value and a resultant VSC of less than 27%. A total of 23 rooms (out of 685) would result in a proposed No Sky Line (NSL) of less than 0.8 times their former NSL value.
- 10.177 So approximately 8% of the total number of windows tested would experience a loss of VSC beyond the BRE guidelines, but more than half of these losses would be less than 30% which is generally considered appropriate for dense urban locations. Approximately 3% of the rooms tested (23 out of 685) would see a loss of daylight distribution of more than 20%, and 11 of these rooms would still only see losses of between 21 and 30%. The windows that are adversely affected, are generally the ones that are already obstructed by balconies, decks or side returns, and as such even a minimal obstruction would have a larger impact on VSC.
- 10.178 Out of 411 rooms assessed, 23, or approximately 5%, would see a reduction in Annual Probable Sunlight Hours (APSH) to less than 25% of, or less than 5% APSH in winter, and less than 0.8 times their former sunlight hours, and a reduction over the whole year of more than 4%, and 10 of these reductions would be less than 30% of their former values. Again, these are windows that are already obstructed which indicates that it is not the overall massing of the proposed building that is harmful to the surrounding properties, but their own constrained locations.
- 10.179 So, overall the impact on adjoining properties would be limited. Only 4 rooms (all lower ground

floor rooms with obstructed windows to the rear of Newington Green Road) would experience a shortfall in VSC, NSL and APSH; and a further 4 rooms at Hathersage Court, which due to their orientation were not tested for sunlight, would see a shortfall in both VSC and NSL. It is worth remembering that the BRE guidelines are not statutory limits, but rather guidelines that should be interpreted flexibly.

- 10.180 Furthermore, the Mayor's SPD for housing also confers on planning authorities an appropriate degree of flexibility when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, by advising that guidelines should be applied sensitively to higher density development, and that 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
- 10.181 On the whole, given the scale, number and location of the proposed developments and the locations and limited number of properties affected, the proposals are not considered to be detrimental to the amenity of adjoining occupiers in terms of daylight or sunlight.

#### Overlooking

- 10.182 Development Management Policy 2.1 states that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.
- 10.183 The eight proposed residential blocks utilise a combination of obscure glazing and screening to prevent overlooking and maintain privacy.

#### Block K

- 10.184 Block K replaces a single storey commercial building with a part 4/part 5 storey residential block. The east elevation directly faces the Lady Mildmay pub and nos. 86, 88 and 90 Mildmay Park. The distance to the pub is approximately 16m and as the elevation angles away from Mildmay Park the distance to the other properties on Mildmay Park would be a minimum of 18m. As the views are across a road, and distances are at least 18m, it is not considered that there would be a loss of privacy to residents of Mildmay Park.
- 10.185 The south elevation would face 85 Mildmay Park, 11m away, and 75A Mildmay Park. 16m away. One column of windows is proposed for the south elevation and these windows would be obscure glazed. The block would also have balconies on the south western corner which would have privacy screens on their southern edges. [Condition 5]
- 10.186 The west elevation would be perpendicular to the rear of Hathersage Court. Where distances between opposing windows are less than 18m the angle is too acute to allow overlooking and two mature trees, which are to be retained, would largely block any views.

#### Central Square (Blocks A, B & C)

- 10.187 The western elevation of Block A would be a minimum of 19m away from the rear of Newington Green Road. The north east elevation would be 8m away from Block C and utilise obscure glazing to the four windows facing Block C with screening to the sides of two balconies to

prevent overlooking. One column of windows at 1<sup>st</sup> to 3<sup>rd</sup> floor level would face Little Besant, 12m away, and would be obscure glazed to prevent overlooking.

- 10.188 The eastern elevation of Block B would angle away from the rear of properties on Mildmay Park and be a minimum of 18m away. Only the western end of the south elevation would face Little Besant and the windows here would be obscure glazed, but a small degree of mutual overlooking would occur at 2<sup>nd</sup> and 4<sup>th</sup> floor levels where a bedroom and a living room window to Block B would be less than 18m away (12m), but with an indirect view. The north elevation would have an indirect view of 75A Mildmay Park but the distance is at least 18m away. Blocks A and B would directly face each other, but the distance between the two blocks would be 26m.
- 10.189 Block C would be more than 23m away from no. 75A Mildmay Park and only have oblique views of Blocks A and B. There would be a minimal amount of overlooking from a column of kitchen windows to kitchens in the north west of Block B as the distance would be 14m. Given the use of these rooms is as kitchens, and not habitable rooms, and the view is oblique, no objection is raised.

#### Besant Mews (Blocks D & E)

- 10.190 Blocks D & E sit on the southern boundary behind both Big Besant Court and Little Besant Court, forming a small residential courtyard together with the rear of Block F and H. Windows on both Levels of Block D in this location have been recessed and a screen has been introduced to maintain privacy from overlooking within Big Besant Court. No other habitable rooms within proposals for Blocks D & E face north onto the rear of Big Besant Court. A 2m high vertical screen is set on the boundary wall in between gardens to Block F and H to reduce overlooking between the western elevation of Big Besant Court. Above ground existing windows to presumed habitable rooms in the rear of No. 102 Newington Green Road overlook the ground floor living room to Unit E001. A pergola has been introduced in the garden of this unit to restrict views from above into this unit. A vertical screen is proposed for the balcony to the 1<sup>st</sup> floor unit within Block E to reduce any overlooking into Linden Mews to the south.

#### Block F

- 10.191 The north east corner of Block F would face the south elevation of Big Besant approximately 10m away and metal screening is proposed for the balconies at 1<sup>st</sup> – 3<sup>rd</sup> floor levels facing Big Besant. The west elevation would face Block D but at a distance of more than 20m. The Newington Green Road elevation would largely face the junction with Beresford Road and distance would be greater than 18m.
- 10.192 The location of the proposed blocks has been carefully considered to avoid overlooking and it is considered that with the appropriate use of obscure glazing, privacy screens and pergola the privacy of adjoining occupiers can be protected [see Condition 5].

#### Safety / Security:

- 10.193 Safety / Security: Development Management Policy DM2.1 requires developments to be safe and inclusive, with a clear distinction between public and private space and to include safety in design, such as access, materials and site management strategies. One of the key objectives of this proposal is to create a safe and secure environment for residents of the estate.
- 10.194 The proposed new buildings perimeter would result in passive surveillance over parts of the estate that are currently poorly overlooked. The reconfiguration of the estate and the creation

of street frontages is considered to enhance legibility, providing a clearer distinction between public and private space. The overall strategy is to ensure social (passive) surveillance is possible throughout the estate through active building frontage and windows overlooking common spaces. A number of other measures are also proposed such as the removal of the external storage areas around Hathersage Court and Big Besant, designing out vehicular routes through suitable barriers as well as a lighting strategy (to be secured via Condition 18) which would also create a safer environment [see condition 18].

- 10.195 The removal of the derelict ball court would go a long way to reducing antisocial behaviour on site, and the Designing Out Crime Officer does not consider that the new areas proposed would generate ASB in their own right.
- 10.196 The applicant has applied various Secured By Design strategies: Routes for pedestrians, cyclist and vehicles should be open, direct and not segregated from one another; public footpaths will not run to the rear of, nor provide access to gardens, rear yards or dwellings; communal areas, such as playgrounds, seating or drying areas have been designed to allow supervision from nearby dwellings with safe routes for users to come and go.
- 10.197 All easily accessible doorsets, including front, back, french, patio and balcony doors, will be certificated to the appropriate SBD standards. Enclosures to balconies at all levels have been designed to exclude handholds and to eliminate the opportunity for climbing up, down, across or between balconies. Drainpipes/soil pipes that provide access to fat roofs or balconies will require metal shrouds to prevent climbing.

Lighting



- 10.198 All street lighting for both adopted highways and footpaths, private estate roads, footpaths and car parking areas, will comply with the appropriate standard (BS 5489). The overall uniformity of light is expected to achieve 40% and should not fall below 25%. External lighting will be switched on and off using a photoelectric cell (dusk to dawn) with a manual override. A lighting strategy will be secured by condition [18].

#### Noise and Disturbance:

- 10.199 Adequate sound insulation would be provided to all new units to protect the amenities of existing and future residents and this is covered by Building Regulations. As advised by the Public Protection officer, all new plant will meet the Council's noise standards [condition 15].
- 10.200 Construction: A number of objections have been received from neighbouring occupiers concerned with the construction impacts of the proposal on the living environment and amenities of local residents in terms of noise and disturbance, dust, noise, vibration and construction traffic. In the event that permission is granted, approval would be on condition that construction impacts are suitably mitigated through the submission of and adherence to a Construction Environmental Management Plan [condition 4]. Additionally the applicant would be required to adhere to the Code of Construction Practice including a monitoring fee (secured in the Directors letter Agreement).

#### **Highways and Transportation**

- 10.201 The application site has a very good level of public transport accessibility (PTAL 5-6a) as it is well served by numerous bus routes and equidistant between Canonbury and Dalston Kingsland Overground stations.

#### Pedestrian / Access Improvements

- 10.202 The reconfiguration of the estate itself, in particular the reconfiguration of car parking and provision of clearer pedestrian routes in the estate, are considered to significantly improve the pedestrian and cycle environment. The proposal also provides an improved pedestrian environment by providing an enhanced definition between public and private space, improving accessibility as well as safety and security.
- 10.203 At present there are three accesses to the site: pedestrian access to the northern side of Hathersage Court from Newington Green and vehicle access to the parking area, pedestrian access to Besant Court and the southern side of Hathersage Court and vehicle access to the central car park from Newington Green Road, and a permanently locked access from Mildmay Park.
- 10.204 It is proposed to continue to access the site via the existing accesses. It is proposed to provide an improved pedestrian connection across the site from Newington Green Road to Mildmay Park by providing a new 'home zone' style surface to reinforce the pedestrian route across the site and encourage pedestrian circulation.
- 10.205 The access from Mildmay Park will be reopened for pedestrians and exiting emergency vehicles only. It is reduced in width to provide a more pedestrian scale, with associated landscaping. The access from Newington Green to the north of the site will be retained.

#### Cycle parking

- 10.206 A total of 142 cycle spaces, including 6 short stay spaces, will be provided across the estate for the new residents [condition 22]. Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located,

adequately lit, step-free and accessible cycle parking. The application has been revised to reduce the number of vertical hanging stands so that this type of storage now only accounts for 25% of the storage provision.

- 10.207 For residential land use, Appendix 6 of the Development Management Policies requires cycle parking to be provided at a rate of one (1) space per bedroom. As the proposal would provide 80 bedrooms, a minimum of 80 spaces would be required. The provision exceeds the required amount and is in accordance with policy.

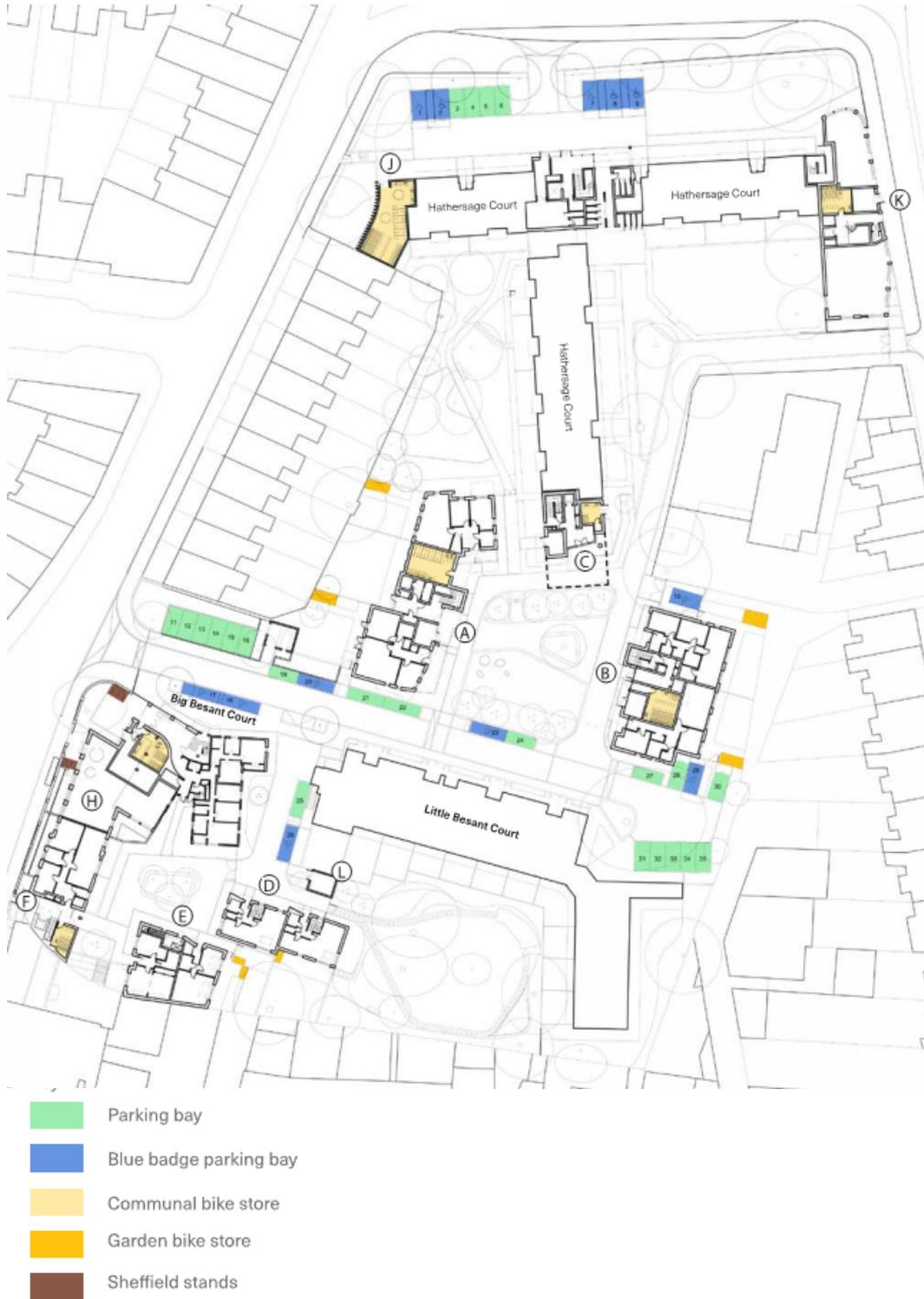
#### Servicing, deliveries and refuse collection

- 10.208 Refuse and recycling facilities would be provided for new residents in line with Islington's refuse and recycling storage requirements. All new blocks would have an integrated bin and bike store at ground floor level next to the communal entrance. At least 50% of total storage capacity would be allocated for recycling. Refuse vehicles would access the site from Newington Green Road (to the west) and Newington Green (to the north).
- 10.209 Concern has been raised about the impact of the proposed refuse store for Block K on pedestrian and vehicle movements. Mildmay Park is a predominantly residential road and it is not considered that a bin store housing 2x 1100L Eurobins would have a significant impact on pedestrian, or vehicular movement, as refuse trucks already use the road to collect the refuse from the residential properties, and the chiropodists and dentists.

#### Vehicle parking

- 10.210 Core Strategy Policy CS10 (Sustainable development), Part H, requires car free development. Development Management Policy DM8.5 (Vehicle parking), Part A (Residential parking) requires new homes to be car free, including the removal of rights for residents to apply for on-street car parking permits. Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking).
- 10.211 No additional car parking is proposed and the new residential units will be car free in line with policy DM8.5. There are 37 existing spaces at the front of Hathersage Court and in the centre of the site. The parking provision would be reduced to 35 spaces and reorganized to provide 23 residents bays, 7 accessible bays for the wheelchair units and an additional 5 accessible parking bays. The parking area at the front of Hathersage would be reduced in line with a new landscaping scheme to provide 4 general parking bays and 5 accessible bays. The realigned road through the estates would provide the remainder of the parking spaces.

## Proposed parking



## Construction Traffic

10.212 In the event that planning permission is granted, the permission would be subject to a condition requiring a Construction and Environmental Management Plan to be submitted and approved in writing to the local planning authority in the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development [condition 4].

## Energy Conservation and Sustainability

- 10.213 The London Plan (2016) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.214 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). The London Plan sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. In accordance with Islington Planning Policy, developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock (CS10).
- 10.215 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, SUDS, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires for 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 and specifics are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Development Management Policy DM7.4 requires the achievement of BREEAM 'Excellent' on all non-residential major developments. 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 Emissions

- 10.216 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. The Sustainable Construction and Design Statement (SCDS) shows a reduction of regulated emissions of 53.7% and a site-wide reduction of 27% of CO2 emissions against the Building Regulations 2013 as required by policy CS10.

### Sustainable design

- 10.217 Policy DM 7.4 A states "Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding". The council's Environmental Design Guide states "Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification." Although the Code for Sustainable Homes has been scrapped by the Government the applicant has carried out a CSH pre-assessment. This achieves a score of 70.56% which is equivalent to Level 4 and therefore meets the requirements of Islington Policy.

### Energy Demand Reduction (Be Lean)

- 10.218 Council policy DM 7.1 (A) states “Development proposals are required to integrate best practice sustainable design standards (as set out in the *Environmental Design SPD*), during design, construction and operation of the development.” And that “developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy”.
- 10.219 The applicant has confirmed that solid doors will have u values of 1.00 W/m<sup>2</sup>K and glazed doors will be 1.50 W/m<sup>2</sup>K throughout the development. This meets the recommendations of Islington’s Environmental Design SPD. The revised SCDS shows a u-value of 1.3 W/m<sup>2</sup>K for windows in the no-residential element which exceeds the recommendations of Islington’s Environmental Design SPD. Glazing has been designed to minimise the risk of overheating in summer. A low air permeability of 3m<sup>3</sup>/hr m<sup>2</sup> @50pa has been specified to minimise heat loss with MVHR specified for the residential element and expected to be used in the commercial to ensure adequate ventilation. The MVHR in the residential element will have a summer bypass control to ensure exhaust air is not passed over the heat exchanger in summer.
- 10.220 An Overheating Analysis has been carried out to meet the requirements of CIBSE TM52 and using the weather files specified in Islington’s Environmental Design SPD. The results show all rooms passing against at least two of the three criteria set out in TM52 meaning that all rooms are judged not to be at risk of overheating.

### Low Carbon Energy Supply (Be Clean)

- 10.221 London Plan Policy 5.6B states: B Major development proposals should select energy systems in accordance with the following hierarchy: Connection to existing heating or cooling networks; Site wide CHP network; Communal heating and cooling.
- 10.222 A Combined Heat and Power system with back up communal gas boilers has been specified for the residential element with enough capacity for non-residential elements to use if required by the end users. Electricity generated by the CHP will serve the landlord supply in the new residential blocks and if possible the landlord supply in the existing Hathersage and Besant blocks.
- 10.223 Policy DM7.3B states “all major developments within 500m of an existing or planned District Energy Network are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.” London Plan Policy 5.6C states “where future network opportunities are identified, proposals should be designed to connect to these networks.” Council Policy DM7.3A states “all major developments are required to be designed to be able to connect to a Decentralised Energy Network (DEN)”.
- 10.224 The SCDS includes an excerpt from the London Heat Map which shows that there is no existing or proposed Decentralised Energy Network within 500m of the site. The development will be futureproofed for connection to a future DEN by having a single connection point via a communal plant room in the Basement of Block C. Heating circuits have also been designed to achieve flow and return temperatures of 70C / 40C. The revised SCDS confirms a pipe route to the site boundary and that the plant room has been designed in line with the guidance for future connection and has sufficient room for heat exchangers required for connection to a future DEN. The revised SCDS also includes an assessment of the opportunities for forming a Shared Energy Network. This concludes that as the immediate neighbourhood is lower density single unit housing there is no opportunity for forming a Shared Energy Network

### Renewable Energy Supply (Be Green)

- 10.225 The Mayor's sustainability SPD states "although the final element of the Mayor's energy hierarchy, major developments should make a further reduction in their carbon dioxide emissions through the incorporation of renewable energy technologies to minimise overall carbon dioxide emissions, where feasible."
- 10.226 A range of renewable energy options have been reviewed. Solar Thermal, Biomass, Ground Source Heat Pumps, Air Source Heat Pumps and Wind Turbines have been ruled out for valid reasons. The scheme proposes a 29.88 kWp array of solar panels split over the roofs of three blocks.

### Draft Green Performance Plan

- 10.227 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO<sub>2</sub> emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy." The council's Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 10.228 A Draft Green Performance Plan has been included which includes details of how performance will be measured for energy use, CO<sub>2</sub> emissions and water use. The GPP Coordinator will be appointed by Islington Council. Islington Council will also be responsible for recommendations for improvement.

### Conclusion

- 10.229 In summary, the energy and sustainability measures proposed are in accordance with policy and would ensure a sustainable and green development that would minimise carbon emissions in the future.

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

- 10.230 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.
- 10.231 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. As the development would be phased and the affordable housing is exempt from CIL payments, the payments would be chargeable on implementation of the private housing.
- 10.232 This is an application by the Council and the Council is the determining local planning authority on the application. It is not possible legally to bind the applicant via a S106 legal agreement. It has been agreed that as an alternative to this a letter and memorandum of understanding between the proper officer representing the applicant LBI Housing and the proper officer as the Local Planning Authority will be agreed subject to any approval.
- 10.233 A number of site-specific contributions will be sought, which are not covered by CIL. None of

these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.

- 10.234 The letter and memorandum of understanding (pursuant to section 106) will include the contributions listed in Appendix 1 of this report.

### **National Planning Policy Framework**

- 10.235 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing and require good design from new development to achieve good planning.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application proposes the construction of 45 new dwellings comprising 14x 1-bed/2 person, 27x 2-bed/4 person, 3x 3-bed/5 person, and 1x 3-bed/6 person units with associated amenity space, for affordable and private homes, provided in five residential blocks ranging from 4 to 6 storeys in height and two mews blocks of 2 storeys in height.
- 11.2 The proposal also includes bicycle parking spaces, the reconfiguration of car parking, new entrances and bin stores, the demolition and relocation of a substation; the conversion of two existing dwellings to bicycle, refuse and ancillary storage, and improvements to the public realm and the quality of play spaces.
- 11.3 The development proposes a mix of high quality residential accommodation, including family-sized homes, by making optimum use of underused and inaccessible spaces and existing car parking areas in accordance with the aims and objectives of London Plan and Islington Core Strategy Policies.
- 11.4 The application proposes a total of 45 new homes (net increase of 43 units) of which 21 would be affordable homes for social rent and 3 as shared ownership. The development delivers a significant increase in affordable homes (the maximum viable) in accordance with London Plan (Policy 3.3) and Islington Planning Policies (CS12), which seek to ensure a supply of affordable housing for residents.
- 11.5 Overall, the proposal is considered to deliver an appropriate balance between respecting the integrity of the estate and providing high quality contemporary design. The scheme proposes well-designed new buildings and the opportunity to enhance the existing estates. The proposals would provide high quality amenity and open space, with more natural surveillance, which in turn will assist with issues of anti-social behaviour. The scheme has been refined as a result of various presentations to the Design Review Panel. Officers consider that the overall height and massing is appropriate for the site and would not harm the character or appearance of the conservation area, with the scale of the larger buildings being mitigated by the proposed layout, articulation of massing and materiality.
- 11.6 It is considered that there would be less than substantial harm caused to the designated heritage assets, but this harm is outweighed by the public benefits of the proposal.

- 11.7 Though the application includes building on existing semi private estate open space, the existing spaces are either derelict, inaccessible or under-used and the re-provided open space would be higher quality and more accessible with qualitative improvements to the estates' landscaping including an additional 140sqm of equipped child playspace. Whilst play space is reduced, much of the existing play space is deliberately avoided due to safety and security concerns. The completed development would have compliant play space provision in terms of child yield requirements.
- 11.8 The proposal's housing density is considered acceptable and the dwelling mix is informed by demand for housing in the borough. The proposed housing is considered to be of a high quality in terms of unit sizes, amenity space, natural lighting, floor-to-ceiling heights, storage provision and access to refuse, recycling and bicycle storage facilities.
- 11.9 The proposal is not considered to have an unacceptable impact on neighbouring residential amenity in terms of loss of daylight, sunlight, outlook, privacy, noise and disturbance or an increased sense of enclosure subject to conditions of consent. The application is considered to be a sustainable form of development in terms of energy efficiency, renewable energy and the provision of sustainable forms of transport.
- 11.10 For the reasons given above and explained in more detail in the main body of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is thus recommended for approval subject to conditions and the completion of a Directors' Agreement to secure the necessary mitigation measures.
- 11.11 Officers are conscious of the Council's duty in terms of preservation of heritage assets and have carefully considered the development as a whole, including the significant planning benefits it would bring about. Benefits which are considered to be strong enough to outweigh the less than substantial harm to the Conservation area. In the balance of considerations relevant to making a the planning decision in relation to this case, the benefits of the scheme are substantial and weigh heavily in favour of the scheme.

### **Conclusion**

- 11.12 It is recommended that planning permission be granted subject to conditions and director level agreement securing the heads of terms as set out in Appendix 1 – RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That planning permission be granted subject to a Directors' Agreement between Housing and Adult Social Services and Environment and Regeneration or Planning and Development 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:

- A minimum on-site provision of affordable housing in line with submission documents including a provision of a minimum of 24 affordable units
- The repair and re-statement 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.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of 1 work placements with each placement lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer / contractor to pay wages (must meet London Living Wage).
- Compliance with the Code of Construction Practice, including a monitoring fee (£4,725) 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.
- A contribution (£89,987) towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920).
- No demolition of the two existing ground floor units in Hathersage Court (earmarked for cycle store Building J) until the residents have been re-housed
- Relocation strategy for the relocation of occupiers of existing commercial space.
- Submission of a Green Performance Plan.
- The provision of 12x accessible parking bays;
- Removal of eligibility for residents' on-street parking permits for future residents.
- Submission of a draft framework Travel Plan with the planning application, of a draft Travel Plan for Council approval prior to occupation, and of a Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Replacement of trees not identified as being removed, if consequently removed or irreparably damaged, with similar in same location or if it is impractical to replace in their original location, an alternative location or financial contribution
- Developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by all units and the specific qualities and capacity of the wheelchair accessible units in their marketing brochures and show rooms, on their websites and any billboards used to advertise the units.
- Relocation of the vehicular entrance on Newington Green
- Council's legal fees in preparing the Directors Agreement and officer's fees for the preparation, monitoring and implementation of the Directors Agreement.
- Relocation of vehicular entrance on Newington Green Road Southwards

That, should the Director Level Agreement not be completed prior to the expiry of the planning performance agreement the Service Director, Planning and Development / Head of Service – Development Management may refuse the application on the grounds that the proposed development, in the absence of a Directors' Level Agreement is not acceptable in planning terms.

## 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 list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: 2262_PL2_001; 2262_PL2_002A; 2262_PL2_003A; 2262_PL2_004A; 2262_PL2_005A; 2262_PL2_010B; 2262_PL2_011B; 2262_PL1_012B; 2262_PL2_040B; 2262_PL2_041A; 2262_PL2_042A; 2262_PL2_043A; 2262_PL2_044A; 2262_PL2_100B; 2262_PL2_101B; 2262_PL2_102B; 2262_PL2_103B; 2262_PL2_104B; 2262_PL2_105B; 2262_PL2_110E; 2262_PL2_111B; 2262_PL2_113B; 2262_PL2_113B; 2262_PL2_114B; 2262_PL2_115B; 2262_PL2_119B; 2262_PL2_120C; 2262_PL2_121C; 2262_PL2_122C; 2262_PL2_123C; 2262_PL2_124D; 2262_PL2_125C; 2262_PL2_126B; 2262_PL2_130C; 2262_PL2_131C; 2262_PL2_132B; 2262_PL2_140C; 2262_PL2_141C; 2262_PL2_142B; 2262_PL2_150F; 2261_PL2_151C; 2261_PL2_152B; 2261_PL2_154B; 2262_PL2_170D; 2262_PL2_171B; 2262_PL2_180B; 2262_PL2_181B; 2262_PL2_182B; 2262_PL2_190E; 2262_PL2_191D; 2262_PL2_192C; 2262_PL2_193C; 2262_PL2_194C; 2262_PL2_195B; 2262_PL2_400B; 2262_PL2_401B; 2262_PL2_402B; 2262_PL2_403B; 2262_PL2_410B; 2262_PL2_411B; 2262_PL2_412B; 2262_PL2_413B; 2262_PL2_420B; 2262_PL2_421B; 2262_PL2_422B; 2262_PL2_423B; 2262_PL2_430B; 2262_PL2_431B; 2262_PL2_440B; 2262_PL2_441B; 2262_PL2_450B; 2262_PL2_451B; 2262_PL2_452B; 2262_PL2_470B; 2262_PL2_471B; 2262_PL2_472B; 2262_PL2_477C; 2262_PL2_478C; 2262_PL2_480B; 2262_PL2_481B; 2262_PL2_482C; 2262_PL2_483B; 2262_PL2_484B; 2262_PL2_500A; 2262_PL2_501A; 2262_PL2_510A; 2262_PL2_511A; 2262_PL2_520A; 2262_PL2_521A; 2262_PL2_530A; 2262_PL2_531A; 2262_PL2_540A; 2262_PL2_541A; 2262_PL2_550A; 2262_PL2_551A; 2262_PL2_570A; 2262_PL2_577A; 2262_PL2_580A; 2262_PL2_581A; 2262_PL2_600C; Design and Access Statement (rev C) by Studio Partington dated 04/06/2018; Planning Statement by HTA Design LLP dated June 2018; Statement of Community Involvement by HTA Design LLP dated June 2018; Report on Play Facilities by BH+C dated February 2016; Travel Plan by Lime Transport dated March 2018; Transport Statement by Lime Transport dated March 2018; Historic Environment Assessment by MOLA dated May 2018; Air Quality Assessment by Bureau Veritas dated May 2018; Fire Strategy Report by BWC Fire Ltd dated 27/02/2018; Flood Risk Assessment by Ellis and Moore dated 07/07/2017; Daylight &amp; Sunlight Report by Waterslade dated February 2018; Environmental Noise Assessment by Bureau Veritas dated May 2018; Phase 1 Habitat Survey by DF Clark Bionomique Ltd dated 15/03/2018; Code for Sustainable Homes Report by BRE Global dated 24/11/2017; Drainage Design Report by Ellis and Moore dated 19/02/2018; Sustainable Design &amp; Construction Plan (Rev 3) by Ingleton Wood dated 09/01/2018; Draft Green Performance Plan (Rev 2) by Ingleton Wood dated 09/01/2018; Site Investigation Report by Ground Engineering dated</p>

	<p>August 2015; Arboricultural Impact Assessment by Sharon Hosegood Associates dated 22/05/2018; Arboricultural Report and CAVAT Evaluation by Sharon Hosegood Associates dated 03/10/2018</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and Samples (Details)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work of the relevant phase commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Detail of brickwork (shall be a Flemish bond with a flush or slightly recessed pointing) including positioning of any expansion joints which shall be concealed as far as possible;</li> <li>b) Detail of zinc, including method of fixing, standing seams and screen to staircase and how it joins adjacent fabric (brickwork);</li> <li>c) Details of balustrades, including upstands, handrails and method of fixing and where relevant soffits;</li> <li>d) Details of soffits to any overhangs;</li> <li>e) Details of windows, doors and any screens;</li> <li>f) Details of any boundary treatments;</li> <li>g) Details any roof structures;</li> <li>h) Details of shopfronts;</li> <li>i) Details of any required external lighting or vents to be attached to the external face of the building;</li> <li>j) Details of alterations to boundary wall on Newington Park Road.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
<b>4</b>	<b>Construction Environmental Management Plan (Details)</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;</li> <li>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</li> <li>e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;</li> <li>f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;</li> </ul>

	<p>g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic using York Way and Brewery Road at all times, including emergency service vehicles;</p> <p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development. 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>5</b>	<p><b>Obscure Glazing and Privacy Screens</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, further details of obscured glazing, privacy screens and pergola (affecting unit E001) to prevent overlooking from the proposed buildings to neighbouring properties on Mildmay Park and within the estate itself shall be submitted and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The obscure glazing and privacy screens shall be installed prior to the occupation of the relevant units and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking between habitable rooms within the development itself, to protect the future amenity and privacy of residents.</p>
<b>6</b>	<p><b>Accessible Homes (Compliance)</b></p> <p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 40 of the new residential units shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 5 units shall be</p>

	<p>constructed to meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).</p> <p>A total of 5 x 2B4P units shall be provided to Category 3 standards.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON – To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
<b>7</b>	<b>Solar Photovoltaic Panels (Details)</b>
	<p>CONDITION: Prior to the commencement of above ground works, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <p>a) Location;</p> <p>b) Output of panels</p> <p>c) Area of panels; and</p> <p>d) Design (including elevation plans).</p> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>8</b>	<b>Water Use (Compliance)</b>
	<p>CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
<b>9</b>	<b>Green/Brown Biodiversity Roofs (Compliance)</b>
	<p>CONDITION: Biodiversity (green/brown) roofs shall be provided atop the approved buildings, and the green/brown roofs shall:</p> <p>a) Be biodiversity based with extensive substrate base (depth 80 -150mm);</p> <p>b) Contribute towards a 50% reduction in surface water run-off; and</p> <p>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).</p> <p>The biodiversity (green/brown) roofs should be maximised across the site 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, valuable areas for biodiversity and minimise run-off.</p>
<b>10</b>	<b>Drainage and SUDS (Compliance)</b>
	<p>CONDITION: The SUDS measures as outlined in the approved Drainage Design Report (by Ellis and Moore dated 19/02/2018) shall be installed and operational prior to the</p>

	<p>occupation of the development hereby approved.</p> <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p> <p>The scheme shall thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
<b>11</b>	<p><b>Energy Efficiency – CO2 Reduction (Compliance/Details)</b></p> <p>CONDITION: The energy efficiency measures as outlined within the approved Sustainable Design &amp; Construction Plan (Rev 3) (by Ingleton Wood dated 09/01/2018) which shall provide for no less than a 27% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following should be submitted and approved:</p> <p>A revised Energy Strategy, which shall provide for no less than a 27% onsite total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the relevant phase. 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 addressing climate change and to secure sustainable development.</p>
<b>12</b>	<p><b>Landscaping (Details)</b></p> <p>CONDITION: Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:</p> <ol style="list-style-type: none"> <li>1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;</li> <li>2) location, type and materials to be used for hard landscaping including specifications, where applicable for: <ol style="list-style-type: none"> <li>a) permeable paving</li> <li>b) tree pit design</li> <li>c) underground modular systems</li> <li>d) Sustainable urban drainage integration</li> <li>e) use within tree Root Protection Areas (RPAs);</li> </ol> </li> <li>3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;</li> <li>4) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and</li> </ol>

	<p>5) types and dimensions of all boundary treatments</p> <p>There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.</p> <p>REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</p>
<p><b>13</b></p>	<p><b>Arboricultural Method Statement (Details)</b></p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an updated arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> <li>a) Location and installation of services/ utilities/ drainage.</li> <li>b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</li> <li>c) Details of construction within the RPA or that may impact on the retained trees.</li> <li>d) a full specification for the installation of boundary treatment works.</li> <li>e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</li> <li>f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</li> <li>g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</li> <li>h) a specification for scaffolding and ground protection within tree protection zones.</li> <li>i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</li> <li>j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</li> <li>k) Boundary treatments within the RPA</li> <li>l) Methodology and detailed assessment of root pruning</li> <li>m) Arboricultural supervision and inspection by a suitably qualified tree specialist</li> <li>n) Reporting of inspection and supervision</li> <li>o) Methods to improve the rooting environment for retained and proposed trees and landscaping</li> </ul> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: The details are required prior to commencement of development to satisfy the</p>

	Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Development Management policy DM6.5 and pursuant to section 197 of the Town and Country Planning Act 1990.
<b>14</b>	<b>Site Supervision (Details)</b>
	<p>CONDITION: Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: The details are required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Development Management policy DM6.5.</p>
<b>15</b>	<b>Noise of Fixed Plant (Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq,Tr}</math> arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>16</b>	<b>Sound Insulation (Details)</b>
	<p>CONDITION: An Acoustic Design Statement with a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq,8\text{ hour}}</math> and 45 dB <math>L_{max (fast)}</math>  Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq, 16\text{ hour}}</math>  Dining rooms (07.00 –23.00 hrs) 40 dB <math>L_{Aeq, 16\text{ hour}}</math></p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>
<b>17</b>	<b>Air Quality (Details)</b>
	<p>CONDITION: Prior to the commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:</p> <ul style="list-style-type: none"> <li>• the area within the boundary of the site, which may exceed relevant national air quality</li> </ul>

	<p>objectives.</p> <ul style="list-style-type: none"> <li>• specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives.</li> <li>• identify areas of potential exposure.</li> <li>• detail how the development will reduce its impact on local air pollution.</li> </ul> <p>Regard shall be had to the guidance from the Association of London Government “Air quality assessment for planning applications – Technical Guidance Note”, the GLA’s Air Quality Neutral policy and EP-UK &amp; IAQM’s “Planning For Air Quality” in the compilation of the report.”</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
<b>18</b>	<b>Lighting Plan (Details)</b>
	<p>CONDITION: No external lighting shall be installed until a scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01:2011.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p>
<b>19</b>	<b>Nesting Boxes (Compliance)</b>
	<p>CONDITIONS: A total of 6No. swift and 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. The swift / bat boxes shall be equally distributed between Sites 1 and 2.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>20</b>	<b>No Plumbing or Pipes (Compliance/Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
<b>21</b>	<b>Refuse/Recycling Provided (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) hereby approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>22</b>	<b>Cycle Parking (Compliance)</b>
	<p>CONDITION: The bicycle storage for 142x cycles hereby approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as</p>

	<p>such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site, to promote sustainable modes of transport and to secure the high quality design of the structures proposed.</p>
<b>23</b>	<b>Lifts (Compliance)</b>
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
<b>24</b>	<b>Roof-Level Structures (Details)</b>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts and plant room) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4, 7.6 and 7.8 of the London Plan 2016, policies CS8 and CS9 of Islington's Core Strategy 2011, and policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013.</p>
<b>25</b>	<b>Land Contamination (Details)</b>
	<p>CONDITION: Prior to any superstructure works on site the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>b) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a).</p> <p>REASON: The reason the condition must be discharged before works take place is to ensure that contamination is remediated before workers or occupiers are exposed to it (to protect health and life safety).</p>
<b>26</b>	<b>Play space landscaping &amp; equipment (Details)</b>
	<p>CONDITION: Details of the onsite playspace provision shall be submitted to and approved in writing by the Local Planning Authority, following consultation with residents, prior to any landscaping works commencing on the site and prior to the first occupation of</p>

	<p>the development.</p> <p>The details shall include the location, layout, design of the playspace and its proposed equipment/features including details of a maintenance strategy. The details should also include consideration of provision of youth shelters.</p> <p>The playspace shall be provided strictly in accordance with the details so approved, installed/erected prior to the first occupation of the residential dwellings and shall be maintained as such thereafter.</p> <p>REASON: To secure the appropriate provision and design of children's playspace in order to ensure a high quality resulting development with high quality accommodation.</p>
<b>27</b>	<b>Green Procurement Plan (Details)</b>
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan (Site Waste Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste. The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
<b>28</b>	<b>Fire Safety (Details)</b>
	<p>CONDITION: A Fire Safety Report detailing fire safety measures including, but not limited to, fire brigade access to the perimeters of the buildings, location of hydrants and water mains, evacuation measures and sprinkler systems, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the residential units. The development shall be constructed in accordance with the approved report.</p> <p>REASON: To ensure the safety of future residents.</p>
<b>29</b>	<b>Tree Removal (Details)</b>
	<p>CONDITION: No development shall take place until a full list of trees identified for removal has been submitted to and agreed by the Council.</p> <p>REASON: The details are required prior to the commencement of development in order that the Local Planning Authority may be satisfied that only trees that have been approved for removal are removed to safeguard the character and amenity of the area.</p>

**List of Informatives:**

1	<p><b>S106</b></p> <p>SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p><b>Superstructure</b></p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' 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>Surface Water Drainage</b></p> <p>It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and at the final manhole nearest the boundary. Connections are not permitted for removal of groundwater. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.</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>Car-Free Development</b></p> <p>All new developments are to be car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
6	<p><b>Roller Shutters</b></p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

7	<b>Highways Requirements (1)</b>
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing.</p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing.</p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p>
8	<b>Highways Requirements (2)</b>
	<p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>

<b>9</b>	<p><b>Highways Requirements (3)</b></p> <p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site.</p> <p>Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a></p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p>
<b>10</b>	<p><b>Fire Safety</b></p> <p>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. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. 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>12</b>	<p><b>Thames Water (Assets)</b></p> <p>The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>. Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p>

<b>11</b>	<b>Thames Water (Groundwater Risk Management Plan)</b>
	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwqriskmanagement@thameswater.co.uk">wwqriskmanagement@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a>.</p>
<b>12</b>	<b>Thames Water (Mains Water Pressure)</b>
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>13</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p>Pre-commencement 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>15</b>	<p><b>Landscaping</b></p> <p>The following British Standards should be referred to:</p> <ul style="list-style-type: none"> <li>a) BS: 3882:2015 Specification for topsoil</li> <li>b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs</li> <li>c) BS: 3998:2010 Tree work – Recommendations</li> <li>d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)</li> <li>e) BS: 4043:1989 Recommendations for Transplanting root-balled trees</li> <li>f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</li> <li>g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).</li> <li>h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations</li> <li>i) BS: 8601:2013 Specification for subsoil and requirements for use</li> </ul>
<b>16</b>	<p><b>Trees</b></p>
	<p>The following British Standards should be referred to:</p> <ul style="list-style-type: none"> <li>a) BS: 3998:2010 Tree work – Recommendations</li> <li>b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</li> </ul>
<b>17</b>	<p><b>Site Supervision</b></p>
	<p>The following British Standards should be referred to:</p> <ul style="list-style-type: none"> <li>a) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</li> </ul>

## APPENDIX 2 – RELEVANT POLICIES

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

### 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.

### DEVELOPMENT PLAN

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

The London Plan 2016 - Spatial Development Strategy for Greater London

#### Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

London's transport

Policy 6.1 Strategic approach  
Policy 6.3 Assessing effects of development on transport capacity

London's places

Policy 2.9 Inner London

Policy 6.5 Funding Crossrail and other strategically important

Policy 2.11 Central Activities Zone – strategic functions transport infrastructure

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

Policy 6.9 Cycling

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking

London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.12 Improving opportunities for all

**London's living places and spaces**  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime

London's response to climate change

Policy 5.1 Climate change mitigation  
Minimising carbon dioxide emissions

Policy 5.2  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture

Policy 5.3 Sustainable design and construction

Policy 7.7 Location and design of tall and large buildings

Policy 5.4 Retrofitting

Policy 5.9 Overheating and cooling greening

Policy 7.8 Heritage assets and archaeology  
Policy 7.9 Heritage-led regeneration  
Policy 7.13 Safety, security and resilience to emergency

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage

Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 5.18 Construction, excavation and demolition waste  
Policy 7.19 Biodiversity and access to nature

Implementation, monitoring and review  
Policy 8.1 Implementation Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

Islington Core Strategy 2011

**Spatial Strategy**

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

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

**Strategic Policies**

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

**Infrastructure and Implementation**  
**Policy CS18** (Delivery and Infrastructure)  
**Policy CS20** (Partnership Working)

Islington's Development Management Policies 2013

**DM2.1** (Design)  
**DM2.2** (Inclusive Design)  
**DM2.3** (Heritage)  
**DM2.5** (Landmarks)  
**DM4.3** (Location and concentration of uses)  
**DM4.5** (Primary and Secondary Frontages)  
**DM4.8** (Shopfronts)  
**DM5.1** (New Business Floorspace)  
**DM5.4** (Size and Affordability of Workspace)  
**DM6.1** (Healthy development)  
**DM6.2** (New and Improved Public Open Spaces)  
**DM6.5** (Landscaping, trees and biodiversity)  
**DM6.6** (Flood prevention)  
**DM7.1** (Sustainable design and construction)  
**DM7.3** (Decentralised Energy Networks)  
**DM7.4** (Sustainable design standards)  
**DM7.5** (Heating and cooling)  
**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)  
**DM9.1** (Infrastructure)  
**DM9.2** (Planning obligations)

Finsbury Local Plan 2013

**BC3** (Old Street)  
**BC8** (Achieving a balanced mix of uses) considerations for building heights)  
**BC10** (Implementation)  
**BC27** (Site Allocation: 37-45 City Road, Maple House)

## Designations

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

Adjacent to Bunhill Fields and Finsbury Square CA  
City Fringe Opportunity Area  
Central Activities Zone  
Article 4 Directions (A1-A2, B1c-C3)  
Finsbury Local Plan Area  
Employment Priority Area (General)  
Archaeological Priority Area  
Bunhill and Clerkenwell Core Strategy Key Area  
Within 100 m of an SRN

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

The following SPGs and SPDs are relevant:

Islington Development Plan London Plan  
Conservation Area Design Guidelines Sustainable Accessible London: Achieving an Inclusive  
Transport Planning Guidance Note Environment SPG Sustainable  
Sustainable Design and Construction guidance Design and Construction SPG  
Environmental Design SPD Inclusive Landscape Design Shaping Neighbourhoods: Play and Informal  
SPD Recreation Supplementary Planning  
Planning Obligations (Section 106) SPD Streetbook SPD Guidance SPG  
Urban Design Guide Planning for Equality and Diversity in London  
SPG

## **APPENDIX 3 – DESIGN REVIEW PANEL (DRP) RESPONSES**

### **3.1 SEPTEMBER 2017 DRP Chair's Review**

## **3.2 JULY 2017 DRP Chair's Review**

### **3.3 DECEMBER 2016 DRP**

## 3.4 AUGUST 2016 DRP

**3.5 DECEMBER 2015 DRP**

## **APPENDIX 4 – FINANCIAL VIABILITY APPRAISAL**

**BPS Report 26<sup>th</sup> November 2018 with Appendices**

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**CONFIDENTIAL**

ATT: Rosemarie Jenkins  
Housing & Adult Social Services  
Islington Council  
Northway House  
257 Upper Street  
London  
N1 1RU

Planning Service  
Planning and Development  
PO Box 333  
222 Upper Street  
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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/136

Date: 25 September 2017

Dear Rosemarie Jenkins,

## **ISLINGTON DESIGN REVIEW PANEL**

**RE: Hathersage & Besant, Newington Green, London N1 (pre-application ref. Q2015/4128/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 13 September 2017 for a first review of the above scheme. The proposed scheme under consideration is for the retention of all buildings on site and the erection of a series of new buildings to provide 47 new dwellings across the estate in three new 4-6 storey buildings around a central garden courtyard, a new 4-storey building fronting onto Newington Road and two further 2-storey buildings along the estate's southern boundary as well as the replacement of 3 commercial units on Mildmay Park Road. It is also proposed to deliver significant landscape improvements including courtyard gardens, new playspace, new entrances into the estate and an improved route through the estate (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 both Design Review Panel Chairs (Dominic Papa and Richard Portchmouth) on 13th September 2017. They were provided with the presentation document submitted by your design team and met at the Islington Town Hall to review the proposals and to discuss their views on the design development of the scheme. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

### **Panel's observations**

The Chairs welcomed the scheme for a fifth review and were pleased to see various key issues had been resolved following comments made in the previous review. In particular, the Chairs were satisfied that previous concerns in relation to the landscape, paving, roof balustrades and lack of internal layouts had been addressed. They also welcomed the submission of details in relation to the junctions of new and existing buildings.

The Chairs raised concerns that the submitted presentation seemed to indicate that there are numerous types of brick now proposed for various elements across the site. It was unclear from the submitted material whether the different tones were a matter of the light on the images or intended different bricks. The Chairs recommended a simple palette in this regard, with a clear strategy devised for each sub area to be submitted as part of a forthcoming planning application.

The discussions were mainly focused on Blocks F, H and K, as sites which would benefit from further discussion. The following comments were made:

#### *Block F*

- The Chairs were of the opinion that the rooftop element still remains an issue; the proposed pitched roof does not abate previous concerns. As a tacked on, separate element, it would represent the introduction of another typology to the site, confusing legibility. They thanked the design team for exploring an alternative form but unfortunately were unable to support this resolution.
- They discussed the possibility of providing a building of four storeys without a setback top floor resulting in a higher parapet line. However, they concluded that maintaining the existing parapet height is important in order to retain the alignment with the existing terrace on Newington Green Road and to respect the strong character of this section of the conservation area. For this reason, although they appreciate that the design team had attempted to resolve this aspect of the design, they recommended that the top storey should be omitted given the difficulty in achieving a successful resolution to this issue.
- They suggested that with the omission of the top floor, either the duplex should be turned into a 1-bedroom unit or the first and second floors amalgamated to provide the larger family unit.

#### *Block H – ground floor fronting Newington Green Road*

- Although this would not normally be considered a suitable site for a commercial unit, considering that it is hidden away, it could work well as a surgery.
- However, the creation of a separate entrance would be a considerable improvement, rather than users having to enter past the bin and bike stores which would not be a successful piece of urban design.
- In light of previous comments regarding the materials of the commercial unit, and options of a glazed brick and green wall having been explored, the choice of a darker brick is supported. However, it must be part of the simple palette of materials mentioned above.

#### *Block K*

- This was considered to be much improved, though some issues remain unresolved.
- The zinc clad fire escape enclosure was felt to be successful, but further consideration needs to be given to the continuation of the fins to form a balustrade at the top given that it would be difficult to create this element in zinc, or match it in another material. The detailing of this part of the design is therefore very important.
- As proposed there would be a first floor opening onto a flat roof, representing a potential security issue which should be resolved.

### **Conclusion**

The Chairs felt that further work/clarification is needed on the specific issues raised above and on site wide materials generally; they recommended that these should be resolved in consultation with planning/design and conservation officers and should be submitted as part of a planning application to enable officers to make a proper assessment of the proposals.

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

**Luciana Grave**

Design Review Panel Coordinator  
Design & Conservation Team Manager

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Our ref: DRP/128

Date: 27 July 2017

Dear Rosemarie Jenkins,

**ISLINGTON DESIGN REVIEW PANEL – CHAIR’S REVIEW SESSION**  
**RE: Hathersage & Besant, Newington Green, London N1 (pre-application ref. Q2015/4128/MJR)**

Thank you for submitting the above scheme for a fourth review by Islington's Design Review Panel which took place on 13 July 2017. The proposed scheme under consideration involves the retention of all buildings on site and the erection of a series of new buildings to provide 46 new dwellings across the estate as well as the replacement of the commercial units on Mildmay Park Road. It also proposes the delivery of significant landscape improvements including courtyard gardens, new play space, new entrances into the estate and an improved route through the estate.

### 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 both Design Review Panel Chairs - Dominic Papa and Richard Portchmouth - on 13 July 2017. They were provided with the presentation document submitted by your design team and met at the Islington Town Hall to review the proposals and to discuss their views on the design development of the scheme. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

### Panel's observations

The Chairs welcomed the fourth review of the scheme and felt that generally the scheme was progressing in terms of the master planning of the site. They were positive about the general distribution of blocks and open/amenity spaces and were happy to see the route through the site established as part of the design proposals. However, they felt that insufficient detail had been provided in a number of areas and were unable to fully assess every aspect of the proposals. They highlighted that there was a lack of clarity in terms of the design team's response to the previous review and a lack of detail in terms of floor plans, particularly in relation to block K. They made the following comments:

#### *Block K*

- Unconvinced by the design of Block K and its relationship with Hathersage Court (HC) and felt this needed further thought. They felt it currently looked as though the

proposed Block K were “crashing into” HC. They were of the opinion that a visual break was required between the two buildings (Block K and HC);

- Concerns were raised with the fire escape door to Block K and route across the area in front of HC and the terrace fronting Newington Green;
- Objected to the proposed building line both on the Newington Green frontage and along Mildmay Park. They felt that the chamfered edge did not respect the line of the street frontage and would block existing views of Newington Green from Mildmay Park.

#### *Newington Green Road frontage*

- Unconvinced by roof to new unit fronting Newington Green Road and felt this could take clues from the proposed mews houses to provide a more interesting roof design;
- Awkward relationship between “totem” and wall – they did not feel “totem” was necessary;
- Unconvinced by use of purple brick across lower levels – felt it unnecessary to “circle” the scheme in one brick colour as there are different things happening across the site.
- Concerns raised in relation to the design of the single storey element on the base of Beasant Court – could this relate more to the garden setting using glazed bricks (perhaps green) or a planted wall to relate to the green roof? They suggested it may be beneficial for this structure to be read as part of the landscape, not as a separate built form.

#### *Blocks around the central courtyard*

- Concerns raised over the proposed safety balustrades to roofs of new blocks, encouraged exploration of alternative solutions or alternatively raising the parapet to conceal the balustrades. They felt the roofs should be designed to provide the required barrier rather than having railings added on to them;
- Although no objections to the proposed heights, forms and distributions of blocks within the site, they felt details of all junctions between proposed buildings and existing buildings should be submitted;

#### *Landscape proposals*

- They raised concerns in relation to the access from Newington Green Road into the site. They felt it should not be treated as road but instead it should ideally be shared surface which will in turn slow traffic. They also felt the road surface should be blockwork to match elsewhere on the site (fronting Newington Green) instead of tarmac;
- Although they were positive about the consolidation of the route from Newington Green Road to Mildmay Park as part of the proposals, they felt that additional work is required to reinforce this route through the site and make it more attractive;
- They raised concerns that the landscape proposals feel very fragmented and that the different images/plans did not seem to correspond – therefore, they felt more detail and information is required;

#### *Missing information/additional details*

- All new typical floor plans should be provided in order to assess the proposals fully as well as the relationship between the landscape plan and the ground floor plans;
- Additional information is required in order to fully understand the proposals for Block K (including full floor plans) – insufficient information was provided for the review;

- For this stage of design development, the Chairs felt that a section dedicated to materials should have been included, providing details of metal panels, brickwork, balustrading etc

### **Conclusion**

Although the Chairs welcomed the design team's intention to continue their engagement with the DRP, they felt the scheme would have benefited more from a full review. They felt that the submitted presentation lacked order and that insufficient information regarding key aspects of the design development had been provided in order for them to fully understand and assess the proposals. The Chairs appreciate that the scheme is now at late stages of design development and that there is an intention to submit an application very soon. However, they felt that another Chair review would be required with the information requested above before they could provide a final view on the scheme.

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,



### **Luciana Grave**

Design Review Panel Coordinator  
Design & Conservation Team Manager

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Our ref: DRP/109

Date: 20 December 2016

Dear Leo Cunningham-Baily,

**ISLINGTON DESIGN REVIEW PANEL**

**RE: Hathersage & Besant, Newington Green, London N1 (pre-application ref. Q2015/4128/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 2 December 2016 for a third review of the above scheme. The proposed scheme under consideration is for the retention of all buildings onsite and the erection of a series of new buildings to provide some 40 new dwellings across the estate. It is also proposed to deliver significant landscape improvements including courtyard gardens, new playspace, new entrances into the estate and an improved route through the estate (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 Dominic Papa (Chair), Lee Mallett, Neil Williamson, Simon Carne on 2 December 2016 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 third review. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

**Panel's observations**

The Panel were generally supportive of the extent of the scheme now proposed and the direction in which the proposals were progressing. Panel members welcomed the retention of Little Besant as a positive step. They considered the proposals for the mews houses to the rear of Big Besant required further development and that a number of areas need to be resolved with further development required. The Panel were concerned that delivery of all aspects would be a challenge. The Panel made the following comments.

Masterplan

The Panel welcomed the approach taken by the design team since the previous review and the direction in which the proposals were heading, but were concerned that if part of the application were to come in as an outline application, the full scheme may not be delivered. Panel members commented that currently the proposals seemed to encompass a landscape plan and morphology and that they needed a better understanding of how it would work as a

set of spaces. The Panel were concerned that the focus on the Besant site might mean that the Hathersage site might suffer or not be carried out at all. In particular a number of planning options for Hathersage were discussed but remain unresolved in terms of use, the retention of residential units, the impact of changes to the existing residents and the potential introduction of retail or workspace uses. The Panel considered that Block K would be too remote a location for ground floor retail. The impact of changes to levels and parking layouts will be critical aspects to be addressed across the site from the north facing frontage to Hathersage. The presentation was uncertain on a number of these aspects and needs to be developed in detail. It is important that these aspects are considered as part of one planning application.

#### Public/Private spaces

One of the key concerns raised by panel members at the previous review was the distribution and legibility of public, private and semi-private spaces and how they related to the proposed new buildings on the site. Significant progress had been made, but the Panel considered that further clarity was still required as to how these public and private spaces would function, particularly at the interface between different types of spaces, and the interface between living space within buildings and adjacent external space. Panel members felt the changes to the proposed new buildings and retention of Little Besant improved the relationship with the various outdoor spaces, but that further work was required. The Panel welcomed the increased size of the central outdoor space within the site and the commitment to providing a new publicly accessible through-route, although the details of how this will function particularly at the Mildmay Park end require further development.

#### Heights and massing

Panel members felt that there may be scope for more height to some buildings (Blocks C and B) in order to increase the number/size of units provided on the site and to make the proposals more efficient and better equipped to future proof the site. The Panel were supportive of the retention of Little Besant, and it was suggested that it could take an additional floor with potential benefits to existing occupants. The Panel encouraged the design team to look again at an increased provision of units within the proposals in order to maximise the site's capacity as much as possible.

Panel members commented on the mews houses behind Big Besant and felt that the architects should consider providing 2-storey houses focussed on a central courtyard space.

#### Materials and design

The Panel questioned the rationale behind the proposed cladding and suggested that the use of brick with different materials to the roof and areas of detail (balconies, porches, recessed entrances) may be more appropriate.

#### **Summary**

The Panel felt that the scheme had made a number of positive moves and that the different spaces were now better defined. Improvements had been made to the key open space within the site. They felt that it would be best for the proposals to be submitted as one planning application, but acknowledged that this may slow the design team as there is still much to be resolved on the north Hathersage that would need to catch up with the proposals to the south Besant end before an application was submitted. The Panel felt that a better understanding of the typologies and how the spaces work was required. Plans with internal layouts at ground and first floor levels across the whole site would provide greater clarity to the design intentions (uses of rooms and their relationships to external private and public spaces). Panel members felt that further clarification of the edges and boundaries within the site was also required. The potential for future developments should continue to be considered at this stage.

The Panel felt that there was still scope to further develop the site in order to maximise numbers of new dwellings. Linkage of blocks G and A could be considered, which might also strengthen the entrance from Newington Green Road. Increased height should be explored in certain areas. The Panel appreciated that the scheme had had three reviews, and believed that the scheme demonstrated the positives of the process. It would be beneficial to have the final proposal presented, at least to the Chair, prior to an application being submitted.

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 black ink, appearing to read 'Lucy', is positioned above the printed name and title.

**Luciana Grave**

Design Review Panel Coordinator  
Design & Conservation Team Manager

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Our ref: DRP/93

Date: 02 August 2016

Dear Rosemarie Jenkins,

**ISLINGTON DESIGN REVIEW PANEL**

**RE: Hathersage & Besant, Newington Green, London N1 (pre-application ref. Q2015/4128/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 12 July 2016 for a second review of the above scheme. The proposed scheme under consideration is for the retention of Hathersage Court, the T-shaped building fronting onto Newington Green and the demolition of the 5-storey L-shaped building making up part of Besant Court on the southern end of the site. The proposed development comprises of 5 new-build elements across the estate to deliver between 70 and 80 new dwellings (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), Lee Mallett, Neil Williamson, Simon Carne and Stuart Piercy on 12 July 2016 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. Richard Portchmouth and Stuart Piercy made a site visit prior to the meeting as they had not attended the first review, other panel members had visited the site at the previous 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 was again supportive of the concept of bringing improvements to the estate, providing additional and mixed-tenure housing within a well-designed landscape and better functioning open space was strongly supported. Panel members acknowledged the design team's attempt to address their comments, however, felt that more needed to be done. The Panel made the following observations.

Masterplan

The Panel questioned the approach taken by the design team in relation to future proofing the proposals and thinking about the wider masterplan of this site. They felt it was not clear from the presentation which elements of the proposals were to be commented on as part of an upcoming planning application and sought clarification on this. Panel members felt

that the Masterplan as presented to them seemed to have derived from the development of the proposals that had been previously presented to the Panel, whereas the Panel's recommendation had been to develop a comprehensive site masterplan to inform the phasing of the project including the works proposed at this stage. Concerns were raised that the refurbishment of Big Besant was not currently proposed as part of the estate improvement works. Movement through the site and how it relates to future development needed to be clearer. Future options for peripheral sites adjoining the master plan area should not be forgotten even though they are not immediately attainable.

#### Hathersage Court

At the first review the Panel commented on the strategic importance of the site with Newington Green and raised concerns regarding the area between Hathersage Court and Newington Green including how this area could be improved to better address the surrounding context, Newington Green itself and the wider conservation area. Panel members felt that more work was required to successfully develop this space and to bring greater improvements to the public realm and the site's relationship with Newington Green.

#### Public/Private spaces

One of the key concerns raised by the Panel was the distribution and legibility of public, private and semi-private spaces and how they related to the proposed new buildings on the site. The proposed route through the site was supported however it was felt that this needed to be better defined and integrated into the public realm. The Panel had difficulty in comprehending the spatial orientation of the various proposed spaces when viewing the vignettes presented for the proposals. Panel members felt that, although there were a number of different types and areas of outdoor space proposed, the balance between those which were public and those which were private (for use by the residents only) was not right, being skewed too heavily towards private space. The Panel considered the distribution of buildings throughout the site and their relationships with the various outdoor spaces to be unresolved and that the site needed to be considered in conceptual and detailed terms within an overall model. This might lead to re-considering the positioning of the proposed buildings and spaces to create a larger public space within the site.

#### Heights and massing

The Panel felt that the rationale and presentation of massing was difficult to follow and seemed to have been derived purely from rights of light constraints as opposed to a response to a conceptual urban design and the wider context. There may be scope for more height to some buildings i.e. Block C, but this needed to be part of a strategy, for example to create a more generous central public space. The Panel commented that it was difficult for them to fully understand the relationship of all the different areas and buildings as no sections were provided. They also suggested that a simple block model of the site including existing buildings would have been helpful for them to properly assess the proposed scheme within its context.

The building elevations were not discussed in detail as it was felt that other more fundamental issues still required resolving however the Panel commented that the proposed building massing appeared bulky and lacked articulation or architectural expression. The proposal to use brick was generally supported.

#### Street frontage

The small site between Newington Green Road, the retained brick wall, Besant Court and new block was highlighted as being unresolved and lacking a clear design rationale.

## Summary

The Panel appreciated that the design team had attempted to address their comments from the first review, but were not convinced that the response had been successful. One of the main comments made last time was in relation to the concept of using landscape as a cohesive framework. But from the questions that were asked and the lack of clarity at the second review session, it seemed that it is still very unclear. Panel members felt that the landscape design and the hierarchy of spaces in relation to the buildings had not yet been adequately resolved. They also commented that the design as currently proposed did not relate well to the public and private spaces or unify the site and did not provide a positive response to the edge of Newington Green.

The Panel felt that the masterplan required a cohesive landscape framework and that should inform each stage of the proposals, rather than the current proposal informing the masterplan. The masterplan should be led by the spatial and landscape proposals, with any new buildings defining and integrating with the landscape design. The Panel were supportive of the ambition of the project and the potential contribution the proposals could make to Newington Green and the wider area, but felt that the design team needed to develop the design to expand the potential of the scheme. The Panel encouraged the scheme 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 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,



### **Luciana Grave**

Design Review Panel Coordinator  
Design & Conservation Team Manager

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Our ref: DRP/81

Date: 22 December 2015

Dear Rosemarie Jenkins,

## **ISLINGTON DESIGN REVIEW PANEL**

**RE: Hathersage & Besant, Newington Green, London – pre-app ref Q2015/4128/MJR**

Thank you for attending Islington's Design Review Panel meeting on 8 December 2015 for a review of the above scheme. The proposed scheme under consideration is for the retention of Hathersage Court and the demolition of the 5-storey L-shaped building making up part of Besant Court on the southern end of the site with 6 new-build elements across the estate to deliver between 50 and 70 new dwellings (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 Dominic Papa (chair), Lee Mallett, Neil Williamson, Phil Coffey, Kate Graham and Simon Carne on 8 December 2015 including a site visit, a presentation from the design team followed by a question and answers session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

### **Panel's observations**

As with other estate regeneration schemes seen by the Panel, the concept of bringing improvements to the estate, providing additional and mixed-tenure housing within a well-designed landscape and better functioning open space is strongly supported. The Panel was concerned, however, that the scheme is not sufficiently comprehensive and strategic in its approach, and considers that a masterplan addressing the long term future of the whole estate (Hathersage and Besant) and ideally including adjacent sites not currently within the Council's ownership is essential, to inform the right strategy for the site.

The Panel recognised that there are significant practical and financial constraints making comprehensive redevelopment of the whole site difficult to achieve immediately, but advised that a phased approach could work well provided it is fully informed by a long-term strategy and masterplan. This would allow the client's aspiration of a cohesive overall approach to be achieved. The current scheme appears piecemeal and does not achieve this. The masterplan

needs to include costed design and phasing options that factor in the management costs and realistic life expectancy of the existing buildings.

The Panel felt that the historical context of the site within a conservation area had not been adequately explored. Fundamental to the masterplan should be consideration of the potential for enhancements to the conservation area particularly fronting Newington Green and Newington Green Road. An element of mixed use development could be appropriate along this frontage, as part of a strategy to create active frontages and enliven edges and routes. This could also reveal potential value that might be targeted to assist with renewal

The Panel strongly supported the aspiration to use landscape to provide a cohesive framework for the redevelopment. However, they were concerned that the landscape proposals needed to be addressed in a much more rigorous manner, based on a clear understanding of the particular social, environmental and management factors that had resulted in the current degraded and largely unusable open space on this site, with a clear strategy to identify how the design and future management of the landscape will ensure that the objective of high quality, well-used, safe and inclusive open space is achieved and sustained in the long term. The landscape framework should also support a clear hierarchy of spaces and organise building frontages and entrances.

Panel members were concerned that the scheme is not currently taking account of its surroundings. They encouraged the design team to explore a mix of uses, not just on the frontage to Newington Green to bring more character and interest to the proposals. It was noted that the existing use within the site for housing homeless people could be relocated as part of the development to provide more options for the internal development of the site.

The Panel felt that the scheme at the moment looks piecemeal and is looking solely inwards when it needs to start looking at the estate from outside and how it links to the wider area. Further work on analysis of options including a robust assessment of potential unit numbers and costs is needed to inform the design.

### **Summary**

The Panel welcomed the concept of estate regeneration but felt that a much more holistic approach is necessary. They advised the project/design team to develop a comprehensive masterplan for the site which could then inform an appropriate phasing strategy.

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 black ink, appearing to read 'Lucy'.

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

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**Hathersage & Besant Court, 104  
Newington Green Road**

**Independent Viability Review**

Prepared on behalf of the London Borough of Islington

26th November 2018

Planning reference: P2018/1970/FUL



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[www.bps-surveyors.co.uk](http://www.bps-surveyors.co.uk)  
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## Introduction

- 1.1 We have been instructed by the Planning & Development Division of the London Borough of Islington to undertake a viability review in respect of a proposed redevelopment of Hathersage & Besant Court.
- 1.2 The applicant is the London Borough of Islington itself. A viability report has been prepared by Deloitte Real Estate on behalf of the applicant. Their report concludes that currently proposed level of affordable housing is the maximum that can reasonably be delivered.
- 1.3 The Council's Core Strategy Policy CS12 includes a site specific requirement that developments should provide the maximum reasonable level of affordable housing taking into account the 50% strategic target and that, "It is expected that many sites will deliver at least 50% of units as affordable, subject to a financial viability assessment, the availability of public subsidy and individual circumstances on the site". For the Council's own schemes, the target is for 100% of the units to be affordable housing, subject to viability.
- 1.4 The scheme will provide 45 new-build residential units, and 3 commercial B1/D1 units. The housing will be comprised of 21 private units and 24 affordable units (of which 21 are social rent, and 3 are shared ownership. It therefore exceeds the Council's affordable housing target.
- 1.5 We have been provided with an Excel-based appraisal of the proposed scheme, together with a breakdown of the build costs. Our Viability Review has scrutinised the cost and value assumptions that have been adopted in the viability assessment, in order to determine whether the current affordable housing offer is the maximum that can reasonably be delivered.
- 1.6 The Valuation Date for this Viability Review is the date of this report, as stated on the title page. This Viability Review has been undertaken in accordance with the Terms & Conditions provided to the Council and with any associated Letters of Engagement, and should only be viewed by those parties that have been authorised to do so by the Local Authority.

## Conclusions & Recommendations

- 1.7 The applicant has provided an Excel-based appraisal of the scheme. The shows total revenue (GDV) for the scheme at £16.26m. The total build costs are higher, at £22.71m, thus it is shown to generate a negative residual land value of -£6.46m. There is no allowance for developer's profit in the valuation. And the applicant is setting the Benchmark Land Value at nil. Thus £6.46m is the total scheme deficit. These results indicate that additional affordable housing, over and above the level being proposed, cannot viably be delivered.
- 1.8 Our Cost Consultant, Geoffrey Barnett Associates (GBA), has analysed the applicant's Cost Plan and now concludes that the build costs are broadly reasonable, as detailed in their 16th November addendum report (see **appendix one**). This conclusion was arrived at following detailed discussions with the applicant's cost consultant, in respect of the abnormal costs of the scheme.
- 1.9 And all of the other cost inputs into the applicant's appraisal appear to be realistic, as we discuss further below.
- 1.10 The appraisal does not include any allowance for a benchmark land value to the applicant, and does not include any formal developer's profit.
- 1.11 With respect to appraisal inputs (such as developer profit and benchmark land value), it is standard practice, endorsed by RICS Guidance, that when determining planning applications, the aim should be to reflect industry benchmarks. LPAs should therefore disregard who is the applicant, except in exceptional circumstances (such as personal planning permissions, as planning permissions run with the land). In formulating information and inputs into viability appraisals, these should accordingly disregard either benefits or disbenefits that are unique to the applicant, whether landowner, developer or both. This is the principle (stated in RICS Guidance) that viability assessments for planning purposes should consider the approach of a 'typical', rational landowner, rather than be specific to the applicant in question.
- 1.12 In this case, a nil benchmark land value is included in the appraisal. This is because the proposed scheme will be a not-for-profit development and the freehold of the site will remain in the Council's ownership. The Council's key objective is to ensure that the scheme is partly self-funding by using capital receipts from sale of the private flats to fund the development of the affordable housing. This objective is clearly different to the primary objective of the traditional private developer which is to maximise profit. We accordingly accept that in this case it is appropriate not to assess viability on the same basis as for a private development.
- 1.13 Whilst it is standard practice to include such a benchmark land value in appraisals for planning purposes - even in circumstances where the landowner retains the site post-development and has owned the site long-term - given that the Council's primary objective is investment in affordable housing and estate quality generally, rather than generating a land receipt, it is appropriate to include nil land value in the appraisal.

- 1.14 Unlike typical development appraisals for planning purposes, no formal profit allowance is included in the appraisal. However, there is a “development & administrative allowance” of £453,200 (equal to only 2.7% of the scheme’s GDV) and a contingency equal to 5.4% of the base build costs. This allowance and contingency could be categorised as a “return”; it is common in appraisals of Council schemes for some level of return to be allowed to compensate for the exposure to risk. And the contingency is in some way an allowance for risk. In our experience of Council-led schemes, it is common for some degree of Developer’s Return to be included to compensate for exposure to risk.
- 1.15 The appraisal includes leaseholder homeloss payments to tenants of two apartments, and compensation payments to two commercial freeholders. We have requested comments from the Council regarding how this figure is calculated, and this has now been provided. The commercial compensation is based on a Council valuation of these freehold assets with an additional allowance added as a further incentive to these freeholders. The valuation approach taken is reasonable.
- 1.16 With respect to the private housing, we have undertaken our own research and have reviewed the evidence provided by Deloitte, and conclude that the pricing adopted in the applicant’s appraisal is realistic for this development, which will be unlikely to compete at the upper end of the local new-build market.
- 1.17 The three shared ownership units are values are £445,000-£452,000 and are at the same price as similar-sized private units, therefore it is not clear how these have been valued. The appraisal indicates that a 25% initial equity share will be assumed, and that a rent will be charged on the unsold equity. We are unable to create an accurate valuation of these units without knowing the rent on unsold equity. A typical rent would be 2.5%, and this would typically lead to a capital value at 60% of open market values - as shown by our in-house valuation model. Therefore it appears likely that the values included in the appraisal for these units is overstated (by in the region of £500,000). Regarding the social rent units, we conclude that these have been realistically valued.

## Development Costs

- 1.18 The Bailly Garner Cost Plan includes a contingency of £1,122,000. The total build cost inclusive of this contingency is £18.77m. This is inclusive of design fees, preliminaries, external works and OHP. The build cost is shown as £18.65m in the appraisal, but it is not clear why there is a difference between this and the figure in the Cost Plan. The figure of £18.65m in the appraisal appears to be inclusive of the £1.12m of contingency that is included in the Cost Plan (6.4% of base build cost), thus the £906,400 of contingency shown separately in the appraisal is *in addition* to the Cost Plans' contingency. The contingency of £906,000 in the appraisal is 5% of the Cost Plan cost.
- 1.19 Our Cost Consultant, Geoffrey Barnett Associates (GBA), has analysed the applicant's Cost Plan and now concludes that the build costs are broadly reasonable, as detailed in their 16th November addendum report (see **appendix one**). This conclusion followed detailed discussions with the applicant's cost consultant, in respect of the abnormal costs of the scheme. And all of the other cost inputs into the applicant's appraisal appear to be realistic, as we discuss further below.
- 1.20 In addition, there are professional fees of £1,836,100 in the appraisal, which is equal to 10% of the base build cost. There are, however, design fees of £804,844 in the Cost Plan (which is effectively a form of professional fees allowance), thus the combined level of professional fees is substantial and is higher than typical rates. For example, the GLA Toolkit's benchmark rate is 12%; however, in view of the large number of unique buildings being delivered by this scheme, including infill developments in small spaces, there is clearly a high degree of technical difficulty to this scheme which justifies a higher than typical level of fees.
- 1.21 Finance costs are £147,200 which is a very low level for a scheme of this size. It is calculated based on the Public Works Loan interest rate of 1.50%, which is a suitable approach to adopt.
- 1.22 All the other cost items, including among others sales fees and marketing fees, are in line with typical benchmark rates.

## Commercial units

- 1.23 The commercial units are 1,345 sq ft, 689 sqft and 1,119 sq ft, all NIA. The rent applied is £32 per sq ft. The rent has been capitalised using a 6.5% yield assuming D1 use, and 5.5% assuming B1. It is not, however, clear which use will actually take this space. It does not appear that any comparable evidence is provided by Deloitte in their valuation report. We have therefore looked at the local market.
- 1.24 There are available offices at 240b, Kingsland Road, London, E2 8AX available at £30 per sq ft, which is good quality 'post-industrial style' office/studio space, with modern conveniences including air conditioning. This is in close proximity, to the south-east of the subject site and arguably in a marginally superior office location as closer to amenities. Similarly, an office at Stamford Works, Gillett Street is

available at £29 per sq ft, and is 'media style' second-hand offices. There are a number of similar premises at around the same rent per sq ft, with the highest we have viewed (within mile radius of subject site) being £32 per sq ft. This indicates that the adopted rents used by Deloitte are reasonable, even allowing for some degree of new-build premium for new office space. Moreover, achieving £35 per sq ft may be challenging for D1 uses, and the level of rents achieved depending on the type of tenants secured - especially as maximising rent may not be the only criteria for securing tenants, as the community benefits these tenants bring will likely be another key consideration.

- 1.25 Regarding the yield applied by Deloitte, they do not provide any investment sales evidence in support of their estimate. The yield of 6.5% compares to the Knight Frank Investment Guide's figures of 6.0% for 'good secondary' offices, but the subject site's location is arguably slightly below 'good secondary' quality, given its distance from major office hubs like the City and Docklands, and its distance from good local amenities. In this context, 6.5% is a realistic estimate.

#### Private residential values

- 1.26 The housing will be comprised of 21 private units and 24 affordable units (of which 21 are social rent, and 3 are shared ownership). The private housing has been attributed an overall value of £729 per sq ft by Deloitte. This is an infill development within the existing Hathersage Court/Besant Court estate. It will therefore retain some of its Estate character which may be perceived negatively from the point of view of private purchasers. There will be seven new blocks in total. These include a block which will partly overlook Newington Green park, which may bolster prices.
- 1.27 Deloitte's August 2018 report states that this estimate is based on discussions with local agents. We have considered in detail the following nearby comparable schemes:

- Essence, 10-14 Crossway, Stoke Newington, N16 - this is to the east of the site, and close to Kingsland High Street. Heatmap data suggest that this location is broadly similar to the subject site's location in terms of residential prices. The achieved pricing ranges from £717-£933 per sq ft depending on unit type, with the one-beds having the highest prices. The two-beds achieved £599,000-£630,000. By comparison, the proposed two-beds which we calculate average £626,000 (£725 per sq ft). Whilst we consider Essence to be in a marginally superior location to the proposed scheme given the latter is an infill development within an estate, the proposed two-beds are generally larger than these Essence units thus similar overall pricing can be expected.
- FiftySevenEast, Dalston, E8 - This scheme is on Kingsland High Street, very close to the Essence scheme discussed above. It is difficult to make a close comparison with the proposed scheme, given the different setting. Other than some exceptionally high prices, most of the sales are below £850 per sq ft at this comparable scheme. The achieved prices are considerably higher (£699,000 up to £1.19m) for two-beds than those in the Hathersage scheme. It is not clear why some of the prices at this development are

considerably higher than the nearby Essence development. But the lower prices achieved are more in line with Essence.

- 1.28 The below table of comparable sales in the local area indicates that the pricing adopted for the proposed units is generally higher than locally achieved prices for re-sale (i.e. not new-build) houses. The exceptions are typically superior properties, such as 64b Ferntower Road (sold of £825,000) which is in an attractive road of period properties - very close to the subject site.

*Table One: Sales within ¼ mile of Hathersage site, within last six months*

Address	Last sale price	Last sale date	Property type	Year built	Bedrooms
Flat B 97 Newington Green Road N1 4QX	£625,000	20 Apr 2018	Flat	1890	1
Flat B 30 Petherton Road N5 2RE	£484,000	27 Apr 2018	Flat	1880	1
Flat C 93 Newington Green Road N1 4QX	£340,000	27 Apr 2018	Flat	1900	1
64b Ferntower Road N5 2JH	£840,000	20 Jun 2018	Flat	1890	1
Flat C 12 Pyrland Road N5 2JD	£580,000	08-Jun-18	Flat		2
82 Mildmay Avenue N1 4FE	£575,000	13 Jul 2018	Flat	2013	2
Flat 7 Newington Green N16 9BT	£515,000	30 Jul 2018	Flat	1890	2
43 Mildmay Avenue N1 4FD	£272,500	16 Jul 2018	Flat		2
22 Heaven Tree Close N1 2PW	£1,135,000	16 Apr 2018	Terrace	2002	3
29 Wolsey Road N1 4QG	£812,500	19 Jul 2018	Flat		3
Flat A 26 Beresford Road N5 2HZ	£965,000	13 Aug 2018	Flat	2005	4
Flat 2-5 12 Mildmay Grove South N1 4RL	£403,000	03-Aug-18	Flat		
51 Ferntower Road N5 2JE	£347,000	08-Jun-18	Flat		

- 1.29 We have undertaken our own research into new-build local market, and have compiled the following average values per sqft from the comparable schemes:

The Harper Building	£880 psf asking
Woodberry Down (Phase 2)	£885 psf asking
Aqua	£765 psf asking
Artisan	£710 psf asking
20Four	£900 psf asking
XY Apartments	£950 psf achieved
321 Holloway Road	£715 psf asking
Queensland Terrace	£800 achieved in latest phase
400 Caledonian Road	£740 psf asking
Rear of Odeon Cinema	£850 psf asking

- 1.30 For a scheme at Grenville Road we were involved in a viability assessment in which private values were estimated at £727 per sq ft by Montagu Evans, in their January 2017 report. Since then, prices have increased by 3.4% in Islington according to the Land Registry House Price Index (HPI) up to July 2018 which is the latest month for which data is available. This would give £752 per sqft. This is a substantially distance from the subject site, but a broadly similar market in terms of being a more peripheral, lower-valued part of the Borough.

### Social Rent - capital values

- 1.31 The Social Rent units have been attributed a capital value of £2.43m. This has been arrived at by applied the Council's Social Rent level of £125.04 up to £177.88 per week. We assume that their rents are inclusive of service charge. A multiplier of 15 is then applied to this, with no further allowances being made for management & maintenance costs, rent inflation, voids, or any other items. This is exactly same approach as has been used in previous appraisal including for the recent Elthorne Estate redevelopment. In that case, we created a more conventional affordable housing valuation using our own bespoke model; this included standard assumptions used in Registered Providers' valuations, including a yield of 6%, 15% management & maintenance, and 2% inflation on on-costs and rent. The difference in capital value was small and within the margin of error for affordable housing valuations, and this same conclusion applies to the Hathersage & Besant valuation given that exactly the same valuation assumptions have been used.

### Shared ownership - capital values

- 1.32 The three shared ownership units are values are £445,000-£452,000 and are at the same price as similar-sized private units, but it is unclear why this has been done as it would be typical for lower capital value to apply to shared ownership units than private units. The appraisal indicates that a 25% initial equity share will be assumed, and that a rent will be charged on the unsold equity, but these assumptions do not appear to have been applied in the valuation. We are unable to create an accurate valuation of these units without knowing the rent on unsold equity. A typical rent would be 2.5%, and this would typically lead to a capital value at 60% of open market values - as shown by our in-house valuation model. Therefore it appears likely that the values included in the appraisal for these units is overstated (by in the region of £500,000).

## Appendix One

**ADDENDUM REPORT OF THE COST PLAN  
PREPARED BY  
BAILY GARNER**

**FOR**

**HATHERSAGE AND BESANT COURT, ISLINGTON**

**16 November 2018**

**Geoffrey Barnett Associates**

*Chartered Quantity Surveyors  
Project Coordinators*

The Old Mill

Mill Lane

GODALMING

Surrey

GU7 1EY

Tel: 01483 429229



**CONTENTS:**

- 1: REVIEW AND COMMENTARY GENERALLY**
- 2: CONCLUSION**

**APPENDICES:**

- A: CALCULATION OF COSTS USING BCIS M2 RATE**
- B: ADJUSTMENT OF APPLICANT'S COST APPRAISAL TO REFLECT CURRENT DATE**
- C: COMPARISON OF DATE – ADJUSTED COST APPRAISAL AGAINST COSTS USING BCIS M2 RATES**
- D: COMPARISON OF ELEMENTAL M2 RATES**
- E: GBA ASSESSMENT OF COSTS**
- F: COMPARISON OF DATE-ADJUSTED COST PLAN AGAINST GBA ASSESSMENT**

**1.0 REVIEW & COMMENTARY:**

- 1.1 Our initial report was issued on 16<sup>th</sup> October 2018, and our calculation at that time was that costs were 13.80% higher than expectation.
- 1.2 At that time cost information provided was relatively limited. We have subsequently been provided with further information in the form of a cost plan.
- 1.3 We have studied the further information that had been provided. The additional information included quantified breakdown of costs showing additional abnormals influencing costs.
- 1.4 We have reviewed Sections 9.3, 9.4, 9.7, 9.8. and 9.9 of the cost plan to ascertain whether we consider any further abnormal costs not covered by BCIS rates could be relevant, with the following conclusions – see Appendix E:
  - Large area of zinc cladding to walls. We have allowed additional £150/m<sup>2</sup>
  - Sedum roof and roof terraces. We have allowed additional £50/m<sup>2</sup>
  - Aluminium composite windows. We have allowed additional £100/m<sup>2</sup>
  - Piling foundations. We have allowed additional £100/m<sup>2</sup>
  - Basement. We have allowed extra over £1000/m<sup>2</sup> applied to the area of the basement only.
- 1.5 On the basis of the foregoing we have calculated a total construction cost of £18,325,626– see Appendix E.
- 1.6 The difference between costs in the cost plan and our assessment of costs is £444,374 or 2.37 % - see Appendix F.

**CONCLUSION:**

- 2.0 2.1 We assume the difference between costs in the cost plan and our assessment of costs can be explained by the council's procurement methods (which we understand is via framework agreement). On this ground we conclude the construction costs put forward in the cost plan are within acceptable estimating margins of our own assessment of costs.

**APPENDIX A**

**CALCULATION OF COSTS USING BCIS M2 RATES**

Residential - 4-5 storeys (Block A and B)	2,637	m2 @	£2,045 /m2	£5,392,665
Residential - 6 storeys (Block C)	581	m2 @	£2,391 /m2	£1,389,171
Residential - 2 storeys houses (Block D and E)	401	m2 @	£1,913 /m2	£767,113
Residential - 4 storeys (Block F)	384	m2 @	£2,045 /m2	£785,280
Substation - Block G	15	m2 @	£2,980 /m2	£44,700
Commercial - Block H	114	m2 @	£2,612 /m2	£297,768
Residential - 1 storey, cycle store (Block J)	68	m2 @	£1,727 /m2	£117,436
Residential - 4-5 storeys (Block K)	612	m2 @	£2,045 /m2	£1,251,540
Commercial - (Block K)	254	m2 @	£2,612 /m2	£663,448
				<hr/>
				£10,709,121

Additional and abnormal costs

Facilitating works (site clearance)				£220,000
Work to existing buildings				£228,199
External works				£2,159,954
Preliminaries on additional costs			19.30%	£503,374
Overheads and profits on additional costs			5%	£155,576
Design fees			5%	£698,811
Site abnormal: due to location of new and existing buildings the site will be run as a number of construction sites			5%	£733,752
Risk			5%	£770,439
				<hr/>
				<b>£16,179,226</b>
				<hr/> <hr/>

**Notes:**

1. BCIS rates are Upper Quartiles rates, rebased to Islington and current date (3Q2018)
2. Additional and abnormal costs are generally taken from the cost plan.

**APPENDIX B**

**ADJUSTMENT OF COST PLAN TO REFLECT CURRENT DATE**

Cost from cost plan	£18,770,000
Date basis of cost plan	3Q2018
Current date basis	3Q2018
BCIS TPI at date of cost plan	313
BCIS TPI at current date	313
<b>Cost at current date</b>	<b>£18,770,000</b>

**APPENDIX C**

**COMPARISON OF DATE-ADJUSTED COST PLAN AGAINST COSTS USING BCIS M2 RATES**

Cost using BCIS m2 rates - Appendix A	£16,179,226
Cost from cost plan (adjusted to current date) - Appendix B	£18,770,000
Difference £	£2,590,774
Difference %	13.80%

APPENDIX D

COMPARISON OF ELEMENTAL M2 RATES

		Cost plan			BCIS	Difference
		£ nett	£ inc prelims & OHP	£/m2	£ /m2	£/m2
1.1	Substructure	1,087,397	1,430,234	282	189	-93
2.1	RC frame	714,729	940,071	186	205	19
2.2	Upper floors	16,636	21,881	4	113	108
2.3	Roof	626,608	824,167	163	121	-41
2.4	Stairs	318,383	418,764	83	37	-45
2.5	External walls	2,112,680	2,778,771	549	246	-303
2.6	Windows and external doors	869,435	1,143,553	226	117	-109
2.7	Internal walls & partitions	332,903	437,861	86	97	10
2.8	Internal doors	386,961	508,963	100	64	-37
3.1	Wall finishes	397,228	522,467	103	99	-4
3.2	Floor finishes	580,288	763,243	151	85	-66
3.3	Ceiling finishes	205,820	270,711	53	52	-1
4.1	Fixtures & fittings	528,705	695,396	137	82	-56
5.1	Sanitaryware	189,269	248,942	49	39	-10
5.3	Disposal installations	30,103	39,594	8	17	9
5.4	Water installations	321,372	422,695	83	43	-41
5.5	Heat source	122,620	161,280	32	44	13
5.6	Space heating	229,724	302,152	60	148	88
5.7	Ventilatiopn Systems	108,818	143,126	28	24	-4
5.8	Electrical	450,844	592,987	117	114	-4
5.9	Gas installations	23,522	30,938	6	9	3
5.10	Lifts	316,100	415,761	82	50	-32
5.11	Protective installations	305,753	402,152	79	15	-64
5.12	Fire alarms, comms and security	150,027	197,328	39	21	-18
5.13	Special installations	326,723	429,733	85	68	-17
5.14	BWIC	60,893	80,091	16	16	0
		<b>10,813,541</b>	<b>14,222,861</b>	<b>2,808</b>	<b>2,114</b>	<b>-694</b>

Notes:

1. BCIS rates are Upper Quartiles rates, rebased to Islington and current date (3Q2018)

APPENDIX E

GBA ASSESSMENT OF COSTS

Cost using BCIS rates (from Appendix A) 16,179,226

Additional and abnormal costs

1	Zinc cladding to external walls £150/m <sup>2</sup> @ 5,066m <sup>2</sup>	759,900
2	Extra over for Sedum roof and roof terraces £50/m <sup>2</sup> @ 5,066m <sup>2</sup>	253,300
3	Aluminium composite windows £100/m <sup>2</sup> @ 5,066m <sup>2</sup>	506,600
4	Extra over for basement £1000/m <sup>2</sup> @ 120m <sup>2</sup>	120,000
5	Piling foundations £100/m <sup>2</sup> @ 5,066m <sup>2</sup>	506,600

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**£18,325,626**

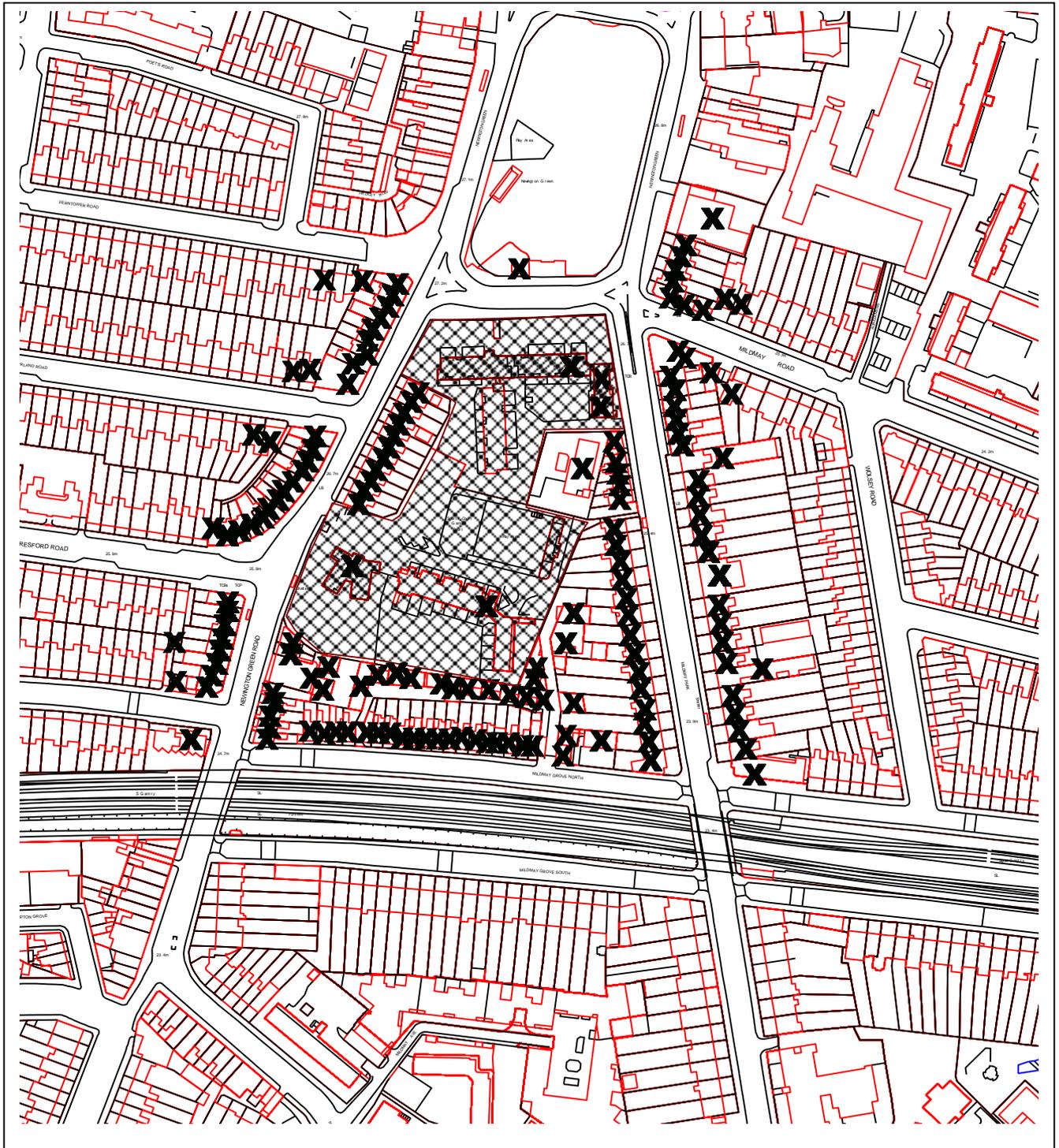
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**APPENDIX F**

**COMPARISON OF DATE-ADJUSTED COST PLAN AGAINST GBA ASSESSMENT**

GBA assessment of costs - Appendix E	£18,325,626
Cost from cost plan (adjusted to current date) - Appendix B	£18,770,000
Difference £	£444,374
Difference %	2.37%

# ISLINGTON



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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>
Date: 10 December 2018	NON-EXEMPT

Application number	P2018/3689/FUL
Application type	Stopping Up of Highway
Ward	St Peter's Ward
Listed building	n/a
Conservation Area	Duncan Terrace / Colebrooke Row
Development Plan Context	Duncan Terrace / Colebrooke Row Conservation Area Article 4(2) Duncan Terrace/Colebrooke Row Conservation Area Major 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 order of existing highway comprising part of the passageway to the south east of Rheidol Terrace, extending to the rear of 37 Allingham Street, under Section 247 of the Planning Act 1990 to enable the redevelopment of the Packington Estate (Phase 4).

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. 056.0025-2204 RevF to enable

Phase 4 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

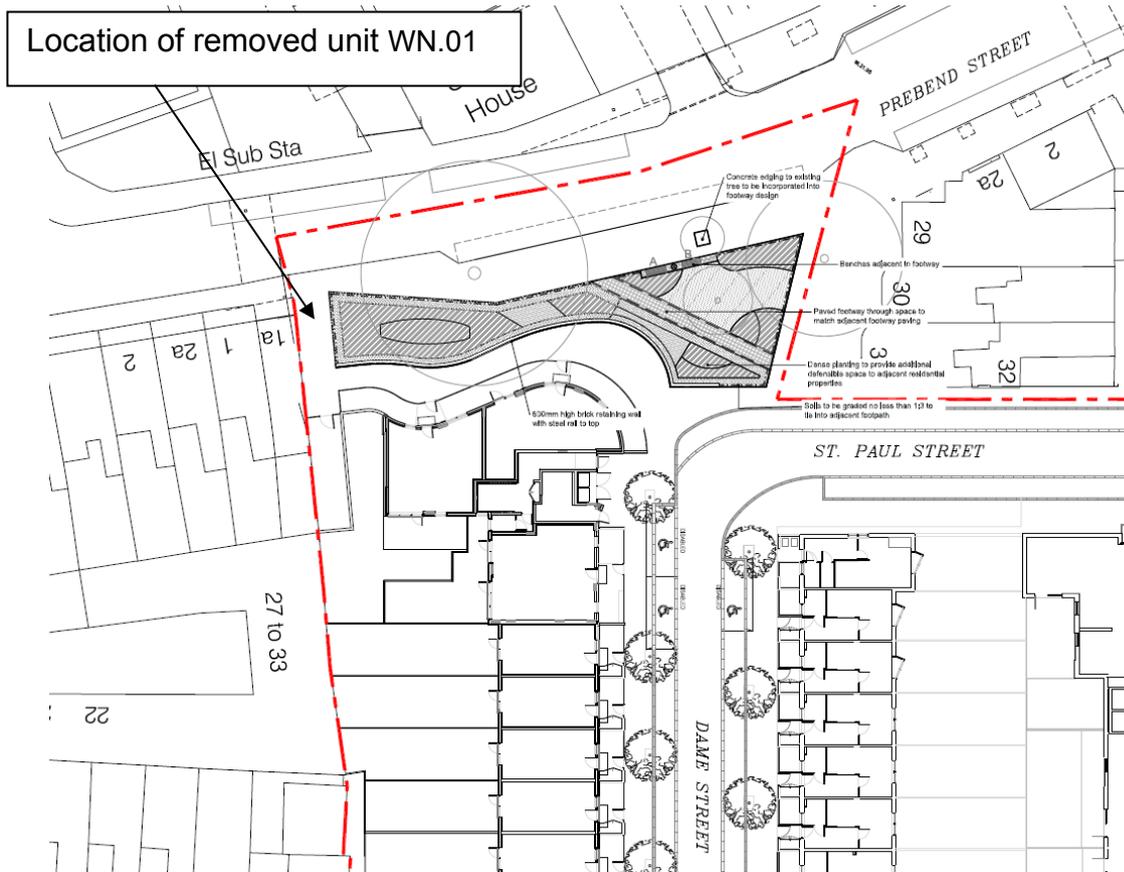
- 1.1 The area of land to which the current application to stop up the highway relates is part of the passageway to the south east of Rheidol Terrace, extending to the rear of 37 Allingham Street, 32.88 metres in length and 5.59 metres in width, illustrated on drawing 056.0025-2204 RevF.
- 1.2 The land to which the application relates has not been hoarded, to allow continued access to the side of 1a Rheidol Terrace. The northwest part of the site is within the Duncan Terrace/Colebrooke Row Conservation Area.
- 1.3 Rheidol Terrace 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 PLANNING HISTORY

- 2.1 The image below is an extract from the phasing plan for the original planning permission ref: P102754 granted on appeal ref: APP/V5570/A/11/2156120 dated 14/11/2011 showing the layout of Rheidol Terrace.

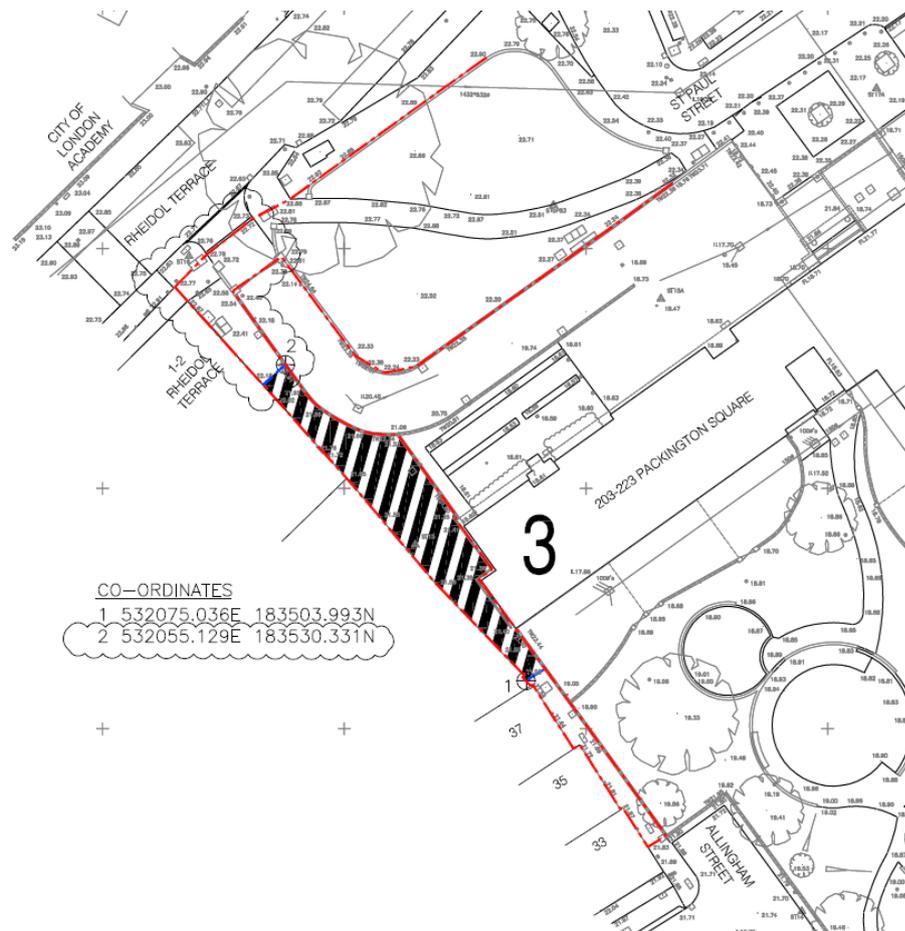


- 2.2 On 21/11/2017 Planning Permission ref: P2016/4932/S73 was granted for amendments to condition 43 (approved drawings and documents) of permission ref: P102754 granted on appeal ref: APP/V5570/A/11/2156120 dated 14/11/2011. The amendments allowed for unit WN.01 (annotated on some drawings as unit W0.15, and adjacent to 1a Rheidol Terrace) not to be constructed, and to allow access for servicing of 1a Rheidol Terrace, and extensions to and landscaping of the adjacent public and private outdoor amenity spaces.
- 2.3 The image below shows the revised layout of the scheme including the removal of unit WN.01.



### 3.0 PROPOSAL

- 3.1 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 and subsequently revised by consent P2016/4932/S73 on 21/11/2017.
- 3.2 The plan below (ref: 056.0025-2204 RevF) shows the stopping up area in detail (hatched in black).



#### 4.0 CONSULTATION

- 4.1 The council's highway officer has no objection to the proposed stopping up of part of the passageway to the south east of Rhedol Terrace, extending to the rear of 37 Allingham Street.
- 4.2 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.
- 4.3 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.
- 4.4 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.

- 4.5 If there are no objections, or all the objections are withdrawn, then the council may confirm the Stopping Up Order without an inquiry.

## **5.0 EVALUATION**

- 5.1 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.

- 5.2 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 *Vasiliou 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.

- 5.3 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 existing planning permissions (ref: P102754, revised by P2016/4932/S73) which have been subject to public consultation.

- 5.4 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.

- 5.5 The proposed stopped-up area of land would not prevent access into 1a Rheidol Terrace and would not result in a loss of public access through the redeveloped estate.

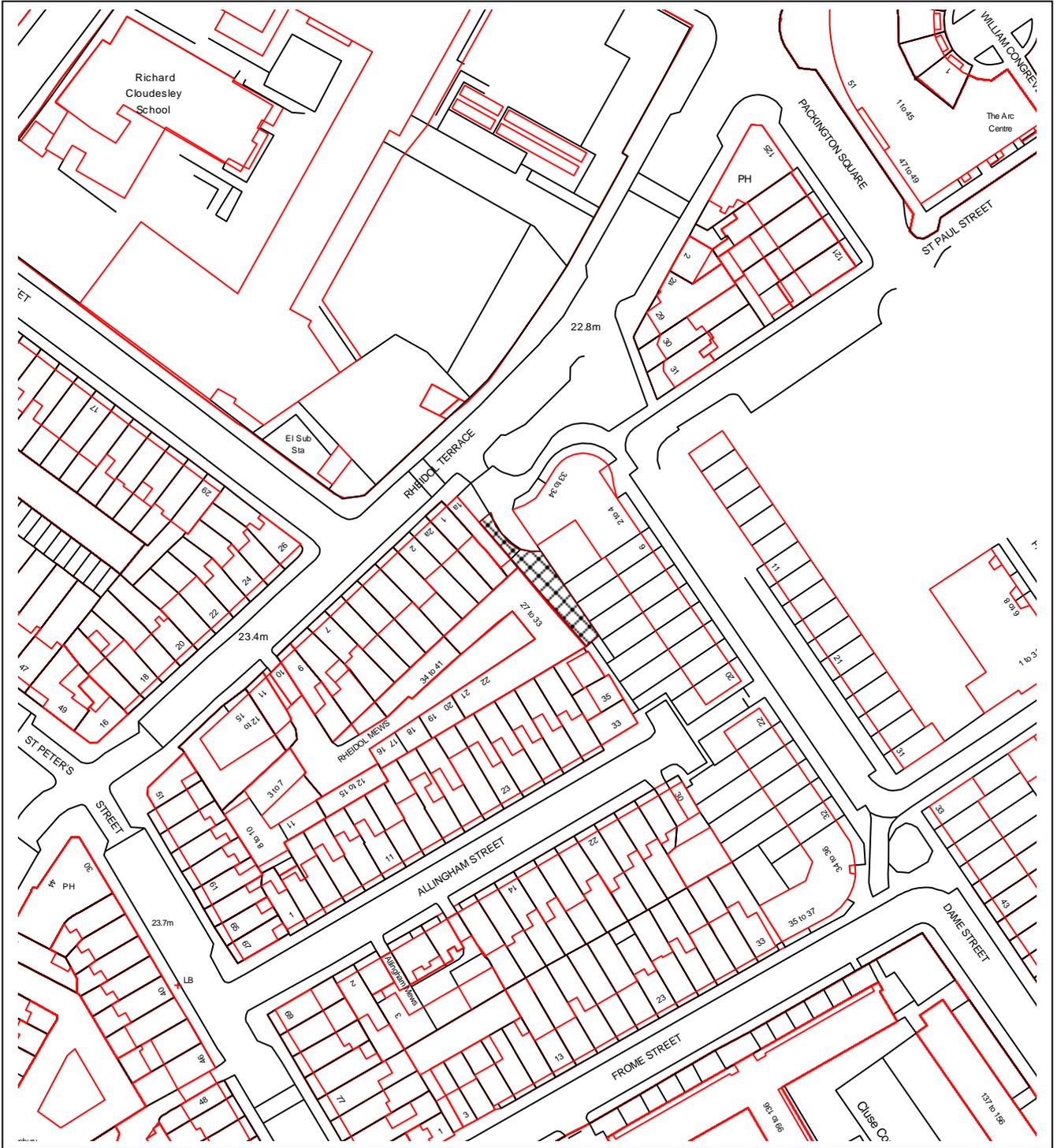
- 5.6 Officers therefore consider that there would be no disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highways rights to enable the development to be carried out.

## **6.0 CONCLUSION**

- 6.1 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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# ISLINGTON



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