



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

AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting which will be held remotely via Zoom on Thursday 23 April **at 7.30 pm. Please click on link below to participate.**

[LINK](#)

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 15 April 2020

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.**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Klute (Chair)	- St Peter's;	Councillor Chowdhury	- Barnsbury;
Councillor Kay (Vice-Chair)	- Mildmay;	Councillor Hamitouche	- Barnsbury;
Councillor Picknell (Vice-Chair)	- St Mary's;	Councillor Turan	- St Mary's;
Councillor Mackmurdie	- Clerkenwell;	Councillor Wayne	- Canonbury;
Councillor Clarke	- St George's;	Councillor Webbe	- Bunhill;
Councillor Convery	- Caledonian;		
Councillor Graham	- Bunhill;		
Councillor Poyser	- Hillrise;		
Councillor Spall	- Hillrise;		
Councillor Woolf	- Canonbury;		

Quorum: 3 councillors



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5. 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.

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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 **Page**

G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Committee, 18 May 2020

Please note all committee agendas, reports and minutes are available on the council's website: 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 Ola Adeoye on 020 7527 3044. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

Participating in an Islington Council virtual committee meeting using Zoom

Welcome to this guide to using Zoom to view, or participate in, a virtual committee meeting.

In this very difficult and challenging time, we are doing what we can to enable local democracy and decision making to continue and to remain accountable to our residents, but please remember that committee meetings are formal council meetings of elected representatives being held in public, rather than public meetings.

The Chair of the meeting retains their authority to manage who is able to speak and actively participate in the meeting, just as they would if this was a meeting held in person and we ask you to respect their instructions.

How to access Zoom:

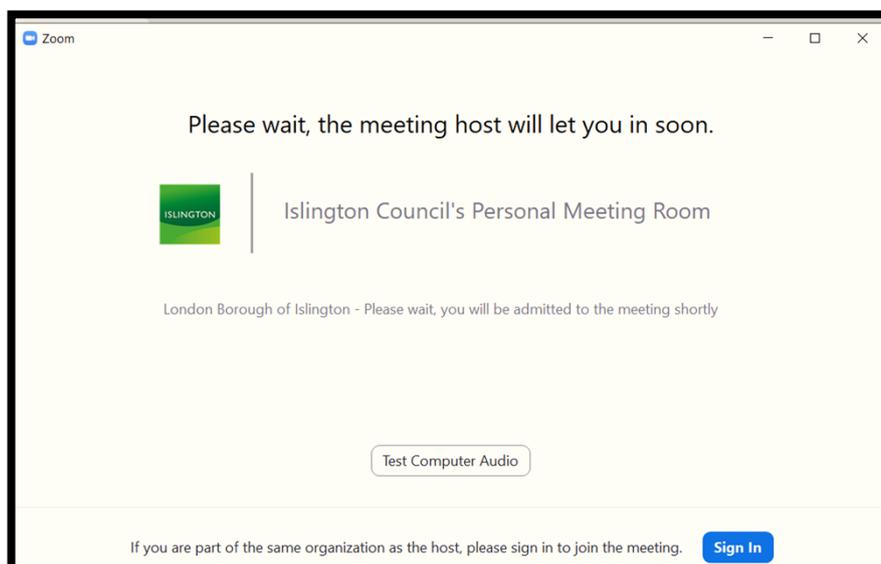
1. Copy and paste the link in the meeting location in the committee meeting page on the council's website into your browser.
2. Use the automatic link in the agenda for the meeting.

The link will take you to the Zoom home page where you can follow the instructions to download Zoom. This is free and will allow you to access the meeting.

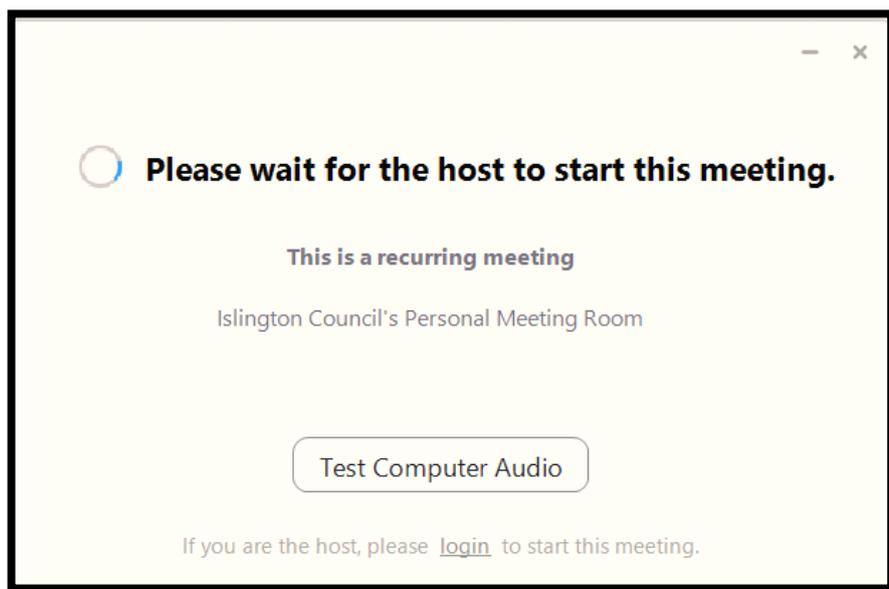
How to join the meeting:

Zoom will ask you to test both your computer's audio and video as you connect to the meeting. Please do both of these, following the instructions, as you will need to join the meeting with both audio and video on, to be able to see and hear the meeting. If you are joining the meeting with an audio only device, you will still be able to hear and speak, if appropriate. You will also be given the opportunity to enter your name, which will be visible to the meeting participants.

Once you have joined the meeting, you will see the following screen. Please be patient and you will be connected through to the live meeting shortly:



If you have joined the meeting early you will see the following page. You will be connected through to the meeting once it starts:



Once you are able to view and hear the meeting, please follow any instructions from the Chair or the meeting clerk.

Meeting disruption:

Please note that the meeting will be managed and video / audio links will be disconnected if necessary to ensure that the meeting can proceed. Just as at a meeting in person, the Chair of the meeting has the authority to ask members of the public to cease inappropriate behaviour and to adjourn the meeting entirely if necessary.

COMMITTEE AGENDA

1 158-160 Pentonville Road
London
N1 9JL

2 22-23 Tileyard Road & Part of 226-228 York Way
London N7

3 5-10 Brandon Road
London
N7 9AA

4 Hostel and Premises
38-44 Islington Park Street
London
N1 1PX

5 Redwood Court
85 Sunnyside Road
Islington
London
N19 3SN

1 158-160 Pentonville Road
London
N1 9JL

Application Number: P2019/2290/FUL

Ward: Barnsbury

Proposed Development: Demolition of existing single storey building and erection of part one storey, part four storey (plus basement) office development (use class B1(a)) with associated works. (Departure from Development Plan).

PLEASE NOTE

You are being reconsulted about the above planning application due to a revised description of development and submission of revised drawings and supporting documents.

Application Type: Full Planning Application

Case Officer: Simon Roberts

Name of Applicant: Korbe Ltd

Recommendation:

2 22-23 Tileyard Road & Part of 226-228 York Way
London N7

Application Number: P2019/3300/FUL
Ward: Caledonian
Proposed Development: Demolition of existing buildings and structures and erection of a part 3 and part 5 storey (plus basement) building to create Class B1(c) (light-industrial), Class B1 (flexible workspace) and A3 (ancillary cafe) floorspace; service yard; cycle parking; plant refuse / recycling facilities; and associated works.
Application Type: Full Planning Application
Case Officer: Stefan Sanctuary
Name of Applicant: n/a
Recommendation:

**3 5-10 Brandon Road
London
N7 9AA**

Application Number: P2019/3186/FUL
Ward: Caledonian
Proposed Development: Demolition of existing building and structures and erection of a 5-storey building (with part basement) to provide a minimum of 3,726m2 of Use Class B1(c) / B8 floorspace and a maximum of 6,902m2 flexible Use Class B1 floorspace, with service yard, cycle parking, and refuse and recycling facilities.
Application Type: Full Planning Application
Case Officer: Stefan Sanctuary
Name of Applicant: n/a
Recommendation:

**4 Hostel and Premises
38-44 Islington Park Street
London
N1 1PX**

Application Number: P2019/2651/FUL
Ward: St. Marys
Proposed Development: Change of use of existing HMO (House of Multiple Occupation) to allow for the creation of 7 no. self-contained residential units (3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house). Excavation at lower ground floor level to increase the floor to ceiling heights and enlarge existing rear lightwells. Alterations to front and rear elevations including instalation of metal railings, new access gates and proposed landscaping, refuse and cycle parking provision, and other associated works.
Application Type: Full Planning Application
Case Officer: Daniel Jeffries
Name of Applicant: One Housing Group - Mr Parry
Recommendation:

**5 Redwood Court
85 Sunnyside Road
Islington
London
N19 3SN**

Application Number: P2019/1652/FUL
Ward: Hillrise
Proposed Development: Proposed rooftop telecommunications upgrade involving; the replacement of existing antennas, dish and cabinet with 6 no. new antennas, 3 no. dishes and 2 replacement equipment cabinets to facilitate 5G coverage.
Application Type: Full Planning Application
Case Officer: Owen Griffiths
Name of Applicant: UK Broadband
Recommendation:

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London Borough of Islington

Planning Committee - 2 March 2020

Minutes of the meeting of the Planning Committee held in the Council Chamber, Town Hall, Upper Street, N1 2UD on 2 March 2020 at 7.30 pm.

Present: **Councillors:** Klute (Chair), Picknell (Vice-Chair), Clarke,
Convery, Graham and Poyser

Councillor Martin Klute in the Chair

147 **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.

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

Apologies were received from Councillors Jenny Kay, Marian Spall and John Woolf.

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

Councillor Nick Wayne substituted for Councillor John Woolf.

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

Councillor David Poyser declared that he had studied for a post graduate certificate at City University in the 1970s.

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

The order of business would be as set out on the agenda.

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

RESOLVED:

That the minutes of the meeting held on 3 February 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

153 **2-7 CLERKENWELL GREEN LONDON EC1R 0DE (Item B1)**

Demolition of the existing building and redevelopment of the site to provide a six storey (plus basement) office building (use class B1a) involving 3,021sqm of commercial floorspace including 446sqm (NIA) of flexible space (use class A1/A2/A3/B1/D1) on part of the ground floor and basement; provision of refuse storage, cycle storage and plant; and re-location of the substation from ground to basement level.

(Planning application number: P2019/2791/FUL)

In the discussion the following points were made:

- The Planning Officer noted two updates required as follows: (a) to paragraph 7.1 of page 17 of the agenda pack, as four objections had been received, rather than the three stated in the report and (b) Condition 10 on page 52 of the agenda pack, by the inclusion of the following: "including the proposed windows closest to 9 Clerkenwell Green at 3rd and 4th floor level"(to be obscured)
- A member of the Committee noted that, as part of the proposal "Sandy coloured brick is proposed as the main material for the façade and a light grey glazed brick for the ground floor" (paragraph 5.4 of the report) and, given that this was an iconic area, queried how the new building would look compared to those around it? The Planning Officer replied that the site was bordered on one side by brick-built mixed use residential/commercial buildings, a 5-storey residential building with commercial use on the ground floor. The buildings on Clerkenwell Green were generally finer grain Victorian or pre-Victorian buildings in commercial and office use, but there were larger early 20th century warehouse buildings in Aylesbury Street. The proposed building offered a transition between the two and was considered to be a compromise. The original proposal had included a copper roof, but this had now been revised to red brick.
- A member of the Committee asked whether the basement excavation would be affected by underground water. The Planning Officer stated that the development was not in a flood risk zone in which flooding was considered to be a risk. "Small scale" in paragraph 10.136 referred to relative to the site size. A Basement Impact Assessment had been submitted. There was an existing basement.
- A member of the Committee noted that the red bricks and light buff bricks needed good contextualisation. The Planning Officer noted that the Design and Conservation Team were happy with the building materials.
- A member of the Committee queried why there was a roof terrace on an office block. A question was also asked about water collection from the roof and whether it became stagnant. The Planning Officer replied that this was covered by Condition 7, which dealt with the drainage strategy for a sustainable urban drainage system, which would have to be approved by the Council.
- One of the objectors, who lived next to the site, referred to the obscured windows at the rear of the building which looked into his living room. He asked whether the Committee agreed that those windows should be obscured? He would prefer the second and third floor windows to be obscured. He suggested that it would be easy to achieve this and would make a difference to him. He also noted a mention of a possible café/restaurant use and queried whether an alcohol licence would be granted?

Planning Committee - 2 March 2020

- An objector asked about the plant noise assessment, pointing out that plant noise assessments needed to be carried out at 8 Clerkenwell Green
- The Founder and Director of the Clerkenwell Green Preservation Association stated her objections to the proposed plan, including that it was “bulky”, that it would dwarf the surrounding buildings and that the proposal was not contextual within Clerkenwell Green.
- A member of the Committee asked why the applicant had found the use of PV panels to be feasible, but had not specified their use and queried how they would achieve the Council’s zero carbon by 2030 target. The applicant said that the development was meeting the London Plan and Islington’s carbon reduction targets without their need. The applicant said that there would be space for one line of PV panels on the roof, which would not be worthwhile in a building of this size.
- In response to the question from a local resident about windows, the Planning Officer confirmed that the windows closest to 9 Clerkenwell Green at 3rd and 4th floor level would be obscured.
- In response to the question from a local resident about café/restaurant use at the site, the Chair pointed out that this would be subject to the usual alcohol and saturation zone policy. The resident would be able to object to any application for an alcohol licence at the premises and to attend the Committee where the application was considered.
- The roof terrace was to be installed for office users and was a feature of new builds and their use was conditioned in Condition 14. It was for use during office hours only for office workers to use during their break and to take some fresh air away from their desks. The applicant confirmed that, as part of the fire strategy for the building, a no-smoking policy would be in operation.
- Referring to paragraphs 10.115 (“more roof space that could accommodate more green roof”) and 10.116 (“Thames Water have not raised objections to the proposal in relation to foul or surface water drainage subject to informatives. Further details of Sustainable Urban Drainage would be required...”) on page 41 of the agenda pack, a member of the Committee expressed dismay that the applicant appeared reluctant to include more carbon eliminating elements on the development.
- A member of the Committee queried whether, in response to that, it might be possible to demark the areas specified for green/brown biodiversity roofs in Condition 13. If it was for the use of office workers to take breaks, it need not be so large.
- A Planning Officer said that an increase in PV panels would affect the appearance and visual impact of the area. The current suggested provision was compliant with policy. The green roof was not visible from the street, but the relevant condition would ensure that the area of green roof would be maximised.

RESOLVED:

1. 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, as revised, 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.

2. That Planning Officers review all facing materials in consultation with the Chair as set out in condition 3.

3. That the proposed windows closest to 9 Clerkenwell Green at 3rd and 4th floor level be obscured, in addition to those already specified in the report.

4. That Condition 13 be reviewed with a view to adjusting and increasing the area of green roof.

154

33 FINSBURY SQUARE LONDON EC2A 1BB (Item B2)

Application for continued use of the building as a Non-Residential Institution (use Class D1) to be personal to City University and successor bodies (and to revert to B1 [Business] in the event of the cessation of the University's use (Planning application number: P2019/3742/FUL)

In the discussion the following points were made:

- The Planning Officer highlighted an amendment required to line 2 of Condition 3 on page 87 of the agenda pack, by the addition of a comma and the words "of London" after the words "City University" to read "City, University of London"
- The Planning Officer also proposed an amendment to the planning obligations on page 86 of the agenda pack, Recommendation A to read as follows: "Approval recommended (consent personal to City, University of London), subject to conditions and the satisfactory conclusion of the legal agreement to secure the following planning obligations and in consultation with the Chair of the Planning Committee:
 - A detailed plan, updated on a biannual basis that sets out quantifiable education, training and employment opportunities, as well as support for small businesses, ring-fenced for Borough small businesses and residents from the Council's priority groups and aligned with the councils existing services and programmes (including the Council's Inclusive Economy Team) together with an annual planning and quarterly monitoring meeting.
 - Submission and agreement of a Green Performance Plan.
 - Submission and agreement of a framework Travel Plan with set targets."
- A member of the Committee suggested that it would be important to maintain reference to "Social and Economic Statement" in (revised) bullet point 1 of Recommendation A above and the Planning Officer suggested that it be incorporated into the planning obligations above and that a version be included in the S106 Statement.

- A member of the Committee suggested that the second bullet point in the planning obligations was too vague "Submission and agreement of a Green Performance Plan" and queried what it would contain. The Planning Officer stated that this would need to be assessed and agreed by the Council. Advice and a recommended framework was contained in the Environmental Design SPD.
- Mr Graham Oliver, representing the City University of London Federation, stated that the use would be complementary to the economy of the area and would support the central London economy. It was an exciting opportunity. There had been no objections to the proposals. With reference to the S106 agreement, they had been satisfied with the original wording on benefits and would need to review the new wording to ensure there was sufficient flexibility.
- The Chair emphasised the need for further work on the Social and Economic Statement. It would be important to have a statement with measurable outcomes. The applicants were asking the Council to set aside planning policy, so the onus was on them to provide exceptional reasons in the Social and Economic Statement to justify this, for example by the inclusion of additional education programmes.
- In response to a question from the Chair as to whether the applicant was prepared to robustly revisit the document to quantify what would be done to produce measurable outcomes in the Social and Economic Statement, the applicant replied that he would meet with officers. In response to a further question from the Chair, the applicant's representative confirmed that the application was committed to the building being solely for the use of the Cass Business School.
- A member of the Committee concurred with the view that the social and economic statement needed to be "smart" and sought reassurance from the applicant's representative that only the Cass Business School would occupy the building. He noted that the Core Strategy (CS7) mentioned educational premises and that, if this was a new application, it would be compliant. He sought reassurance that the Council was prepared to lose B1 use of this building. The Chair stated that it would have to be a policy balance of supporting an education use in an area designated for B1 use.

RESOLVED:

1. 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, as revised, 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, including measurable outcomes in the Social and Economic Statement.
2. That the revised Social and Economic Statement be submitted and approved, in consultation with the Chair, prior to permission being granted.

Planning Committee - 2 March 2020

3. That recommendation 3 be amended to make it clear that planning permission has been granted on a personal basis to the City, University of London - Cass Building School, who will occupy the whole building.

The meeting ended at 9.05pm.

CHAIR



PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 Town Hall
 Upper Street
 LONDON N1 2UD

PLANNING COMMITTEE	AGENDA ITEM NO:1
Date: 23 April 2020	

Application number	P2019/2290/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	n/a
Conservation area	n/a
Strategic	Central Activities Zone Kings Cross & Pentonville Road Key Area Employment Growth Area Article 4 Direction – A1 (Retail) to A2 (Professional and Financial Services) Article 4 Direction – B1c (Light Industrial) to C3 (Residential) CrossRail 2 Safeguarding Zone London Underground Zone of Interest (Tunnels)
Licensing Implications	n/a
Site Address	158-160 Pentonville Road, London, N1 9JL
Proposal	Demolition of existing single storey building and erection of part one, part 4 storey plus basement office (Use Class B1(a)) with associated works (Departure from Development Plan))

Case Officer	Simon Roberts
Applicant	Korbe Ltd
Agent	GML Architects Ltd

1. RECOMMENDATION

1.1. The Committee is asked to resolve to GRANT planning permission:

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

2. SITE LOCATION AND PHOTOS

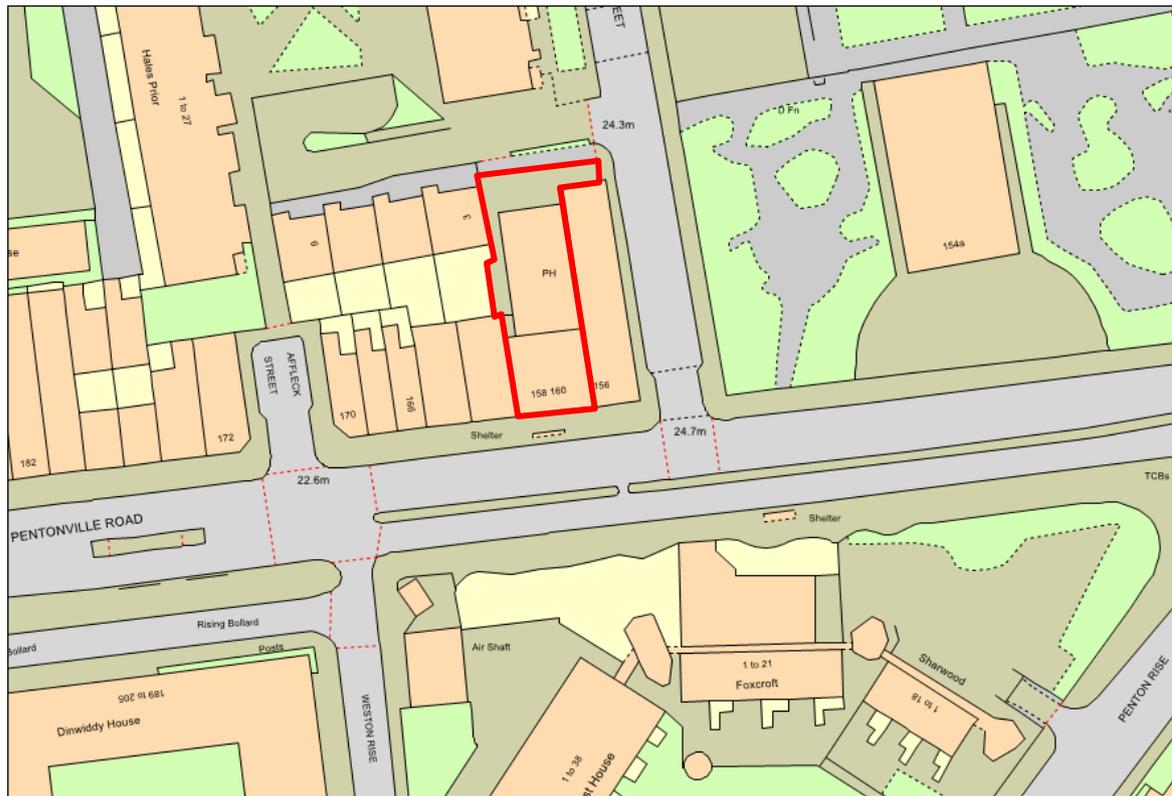


Figure 1: Site Plan (outlined in red)



Figure 2: Aerial view from the south

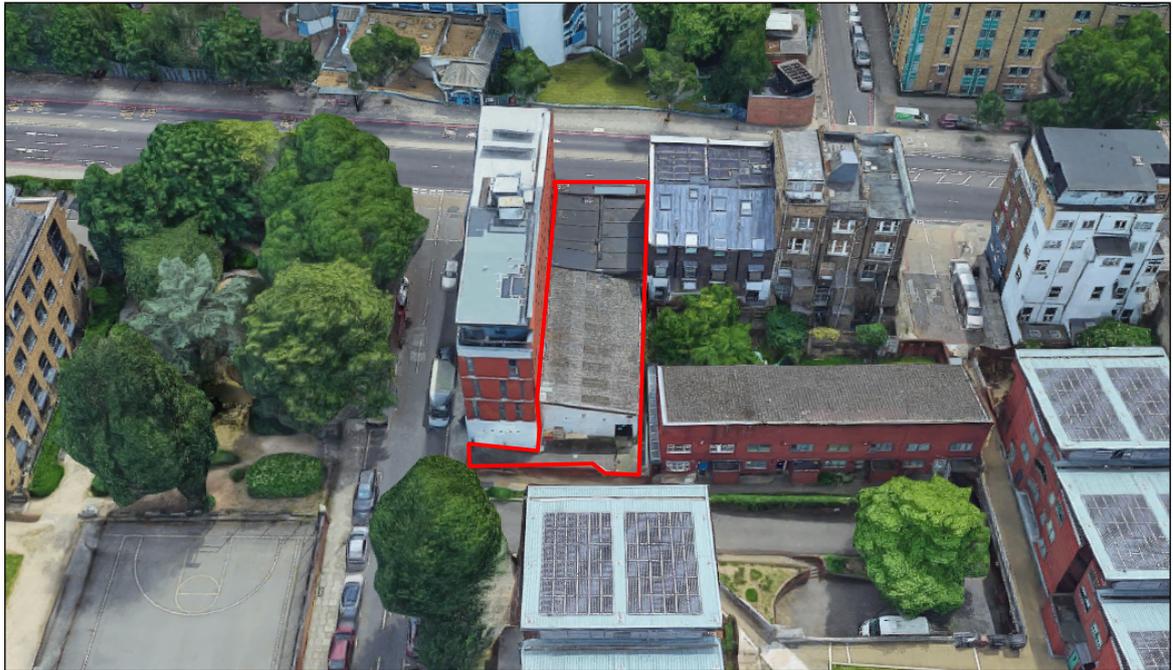


Figure 3: Aerial view from the north



Figure 4: Photograph of the front elevation of the building from Pentonville Road



Figure 5: Photograph showing the access from Cumming Street



Figure 6: Photograph of the rear of the site

3. SUMMARY

- 3.1. The application seeks permission for the demolition of the single storey building and the erection of a part single, part four storey (plus basement) to provide office floorspace (B1a Use Class). The proposed development would provide 1,196sqm of employment floorspace, of which 60sqm would be for affordable workspace provision. The proposal would not include housing, however a financial contribution of £159,467 towards off-site affordable housing is secured.
- 3.2. The main considerations of the application are the principle of the development in terms of land use, as well as design and appearance, impact upon neighbouring residential amenity and transport and highways implications.
- 3.3. The lawful use of the site is ambiguous. It is clear that it was used at an earlier time as an educational use. The loss of the education use of the site would be a departure from the Local Plan and the scheme has been publicised as such. The principle of the development to provide 1,196sqm GIA of office (Use Class B1(a)) floorspace for the borough within the Kings Cross key area, Employment Growth Area and Central Activities Zone is strongly supported. Sufficient and good quality affordable workspace will be provided on-site and shall be secured through s106 obligations.
- 3.4. The proposal has been amended during the course of the application, with revisions to the scale and design of the proposed building responding to consultee and neighbour responses on the scale and massing of the proposal, and the amenity to neighbours in regards to privacy and loss of daylight/sunlight.
- 3.5. The proposed development is considered to be acceptable in regards to its height, bulk, scale, massing, design and external finish within the established townscape along Pentonville Road and would not cause detriment to heritage assets.
- 3.6. Impact to the level of daylight and sunlight has been fully considered following the submission of a daylight and sunlight report, which highlights minimal transgressions, which would not represent a reason for refusal given the limited reductions and given the central London location and surrounding urban context. The protection of neighbouring privacy

form overlooking has sufficiently been mitigated through design and relevant planning conditions. Overall, neighbouring amenity is not considered to be unduly harmed by the development (which is the policy test).

- 3.7. The site has excellent public transport accessibility level (PTAL) due to its proximity with Kings Cross and Angel stations, and bus routes along Pentonville Road. The proposal would be a car-free development as it does not seek on-site parking provision. As such, there is no significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.
- 3.8. All other matters relevant to planning are considered to be acceptable. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

4. SITE AND SURROUNDINGS

- 4.1. The application site is located on the north side of Pentonville Road, west of the junction with Cumming Street, and forms a 236 square metre single storey mid-terrace property (including a part lower ground level), which runs north through to a rear servicing yard located off a spur of Cumming Street. The building comprises a commercial frontage onto Pentonville Road with a flat roof including a mono-pitched roof section, sloping down from east to west, towards the rear.
- 4.2. The site is flanked to the east by Lambros House (156 Pentonville Road), a five storey block, which frames the junction of Pentonville Road and Cumming Street, comprising commercial units at ground floor and residential in the floors above. To the west the site is flanked by 162 Pentonville Road, a four storey block, which comprises a commercial unit at ground floor and residential in the upper levels, and the rear garden boundary and side elevation of 3 Cumming Street, which is a two-storey end of terrace residential property.
- 4.3. Contextually, the surrounding area provides a varied amount of building form, styles, appearance and ages. The site is not within a conservation area but forms part of the terraced parade including 168 to 170 Pentonville Road which is included on the local list of heritage assets.
- 4.4. In terms of the Local Plan, the site is located within the Kings Cross and Pentonville Road Key Area, the Central Activities Zone (CAZ), Northdown Street Employment Growth Area, and the Cross Rail 2 Safeguarding Area.
- 4.5. The site has a Public Transport Accessibility Level (PTAL) rating of 6(b) which is the highest possible with bus routes on Pentonville Road and the nearby Kings Cross Station giving the site excellent public transport connectivity.

Internal

- 4.6. The building is split across two levels across the site. Internally the single storey shopfront fronting Pentonville Road accommodates two small offices, at 38sqm and 49sqm respectively, whilst ancillary space for kitchen space at 7.4sqm and a further office at 9.2sqm further within the building. To the rear, the warehouse structure comprises 116.4sqm at Lower Ground, and 15.89sqm mezzanine space, and totals 132.29sqm. The single storey warehouse element was constructed in the 1970s and its ground floor includes a part lower Ground Level.

5. PROPOSAL (IN DETAIL)

- 5.1. The proposal seeks the redevelopment of the site, following the demolition of the existing single storey building to be replaced with a part single part five storey building, plus basement, for use as office (Use Class B1a). The total Gross Internal Area ('GIA') floorspace proposed is 1,196sqm. Some 60sqm of the proposal is allocated for affordable workspace, which is above 5% of the overall floorspace, offered at a peppercorn rate for 20 years.
- 5.2. During the course of the application, the proposal has been amended addressing consultee and neighbour consultation responses including:
- lowering internal roof pitches, relocating the lift and consolidating the proposed rooftop plant enclosure to reduce the overall height of the building and thus improving daylight and sunlight impacts;
 - amending windows orientated internally within the site to mitigate overlooking impacts, adding window 'shelf details' and obscure glazing to side facing WC / stair core windows;
 - enlarging the internal lightwell to improve daylight levels within the proposed office floorspace at ground and basement levels;
 - amending the Pentonville Road elevation to introduce a 'plinth motif' on the front elevation in response to Design Officer comments.; and
 - the proposed rear access has been removed due to land ownership constraints.
- 5.3. The main entrance to the building would be from Pentonville Road, with access to the rear from Cumming Street for cycles and refuse collection. There is a single core to the centre of the building with a lift and staircase. *Figure 7* below shows the floorplans of the proposed building, whilst *Figures 8 and 9* show how the proposed building will look from Pentonville Road.



Figure 7: Proposed Floor plans



Figure 8: Applicant's CGI showing the proposal within Pentonville Road streetscene (looking west).



Figure 9: Applicant's CGI showing the proposal within Pentonville Road streetscene (looking east).

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

- 6.1 The subject site has a number of planning applications as follows:
- 6.2 **P071117** – Change of use from D1 (non-residential institution) to Sui Generis (Vehicle hire/leasing – *Refused* 26/06/2007, subsequent **Appeal dismissed** 05/11/2007.
- Two reasons for refusal including: “*The proposal would result in a loss of floor space in education use. No evidence has been provided that would indicate that the site is no longer suitable for continued education use and as such the proposal would be contrary to Policy Ed2 of the Islington UDP 2002. Educational sites will be safeguarded and their loss will generally be resisted*”.
- 6.3 **P022441** – Creation of restaurant/bar (basement & ground floors) and 14 residential apartments (1st, 2nd, 3rd & 4th floors) – *Application Withdrawn* 25/11/2002.
- 6.4 **982364** – Change of use from warehouse and ancillary offices to D1 use (educational) – *Approved with Conditions* 28/01/1999.
- 6.5 **001277** – Erection of a single storey warehouse, including vehicle access way onto Cumming Street. 1770sqft. Lightweight asbestos roof and brickwall construction. *Approved with Conditions* 14/06/1979.

PRE-APPLICATION ADVICE:

- 6.6 Pre-application advice was sought for development of the site (reference: Q2018/4165/MJR) in late 2018.
- 6.7 It was outlined that the existing use of the site was unclear, with the site’s planning history suggesting that the existing premises has a D1 use and further evidence would need to be provided to ensure that there is no unacceptable loss of an education facility or social infrastructure.
- 6.8 It was advised by the Council’s Policy Team that the priority for land in this location is for business floorspace. The Council’s Policy Team advised that a residential led mixed-use scheme would not be encouraged given the constraints of the site, including privacy impacts (cross-overlooking between habitable rooms) and the need for two cores/entrances, playspace, open space etc.
- 6.9 In terms of the proposed design, there is scope to raise the height of the Pentonville Road elevation (which is currently single storey). It was advised that the pre-application scheme should be reduced in scale and the applicant did this.
- 6.10 It was advised that the pre-application scheme was considered to be unacceptable and that a planning application would not be supported.

7 CONSULTATION

Public Consultation

- 7.1 A site notice was erected and letters were sent to occupants of 355 adjoining and nearby properties on 16 September 2019, the initial public consultation of the application therefore expired on 10 October 2019, however it is the Council’s practice to continue to consider representations made up until the date of a decision.

7.2 Following submission of revised drawings and a revised description to highlight the application was a departure from the local plan i.e. change from make-up training to office, re-consultation was undertaken on 16 December 2019, giving further representations to be made by 12 January 2020.

7.3 Following submission of further revised drawings, re-consultation was undertaken on 27 February 2020, giving further representations to be made by 12 March 2020.

7.4 To date, a total of 2 representations have been received on the application, raising objection to the application. The points raised within the objections are summarised below [*with reference to which sections of this report address those particular concerns indicated in brackets*]:

- Loss of privacy to both rooms and external amenity areas through overlooking from windows of the development – preference for obscured glazing;

[*Case officer response: Noted, paragraphs 9.55 - 9.59 consider the impacts of the development upon neighbouring privacy.*]

- Noise and disruption from construction of the development – especially on Saturdays;

[*Case officer response: Noted, paragraph 9.99 considers the impact of the construction of the development upon neighbouring residents. The Applicant has agreed to reduce the hours of construction works on Saturday to between 0930 and 1300.*]

- Structural damage to adjoining properties;

[*Case officer response: Noted, the Applicant has submitted a Structural Method Statement in line with the Council's Basement Development SPD 2016. Council's Building Control Officers have reviewed the submitted Structural Method Statement, as per para.7.10, and confirms the development should not cause structural damage to adjoining properties.*]

External Consultees

7.5 **Transport for London (Cross Rail 2)** – This application relates to land within Crossrail 2 Safeguarding Direction. Should the Local Planning Authority be minded to grant planning permission, please apply a condition and informative relating to the submission of detailed design and construction method to ensure the safeguarding of CrossRail2.

[*Case officer response: Noted, and duly included as Condition no.19.*]

7.6 **Transport for London (London Underground)** – No objection in principle, however there are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. A condition requiring further details demonstrating satisfaction in relation to tunnels and structures etc. is requested.

[*Case officer response: Noted, and duly included as Condition no.20.*]

7.7 **Transport for London (Spatial Planning)** – Overall, subject to the below being adhered to, the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN).

Cycle Parking: provision shown within Appendix B of the Parking Design and Management Plan (PDMP) complies with the London Cycling Design Standards (LCDS) which is welcomed. Measures outlined within the PDMP to promote increased active travel uptake amongst employees in line draft London Plan policy T2 and the Mayor's Transport Strategy (2018) are also supported. Revised shower and changing facilities are considered acceptable.

TfL have no further comments on the development proposal itself, TfL makes the following comments:

Construction: The Applicant has confirmed the footway along Pentonville Road will not be obstructed and that the Penton Rise bus stop will not have to be relocated during proposed works which is welcomed. The applicant has confirmed that all construction vehicle activity will take place from Cumming Street to the rear of the site which is welcomed. Swept path analysis provided for site delivery during construction is acceptable. TfL welcomes the use of a vehicle booking system to avoid vehicles waiting on the surrounding roads. It is imperative that road safety measures are considered and preventative measures delivered through the construction and operational phases of the development. TfL therefore welcome the use of FORS registered contactors.

The applicant is reminded that Penton Rise bus stop must remain fully accessible during construction, ensuring sufficient space is safeguarded to allow wheelchair access from the stop to the bus.

[Case officer response: Condition no.16 addresses the issues and TfL's advice is included as an informative.]

7.8 **Thames Water** – No objection subject to relevant informatives.

Internal Consultees

7.9 **Access Officer – Transport obligation:** PTAL is not an index that takes into account actual accessibility of the transport network. For instance, Angel station is not accessible. To reverse this accessibility issue, Islington expected applicants to pay a S106 contribution of £2000 towards accessible transport for every 33 employees. A contribution of £6,000 is therefore required.

Entrance (south and north): All entrances to the building must be level, step free – this should be conditioned.

Mobility scooter charging point: The location of the mobility scooter charging points at ground floor is acceptable.

Accessible WC provision: A wheelchair user should not have to travel more than 40m to find an accessible WC. The maximum distance is no greater than 40m, including horizontal and vertical circulation – which is acceptable.

Lift: Amendment of the lift size and extension to the basement has addressed the previous point about lift.

Management plan: A management plan should be conditioned, including a PEEP.

[Case officer response: Noted, and duly included as Condition no.9.]

7.10 **Building Control Officer** – Having reviewed the submitted Structural Method Statement, the proposal will not have structural damage on adjoining properties.

7.11 **Design & Conservation Officer** – The proposal is acceptable in principle as it is considered desirable to provide a more uniform parapet line to the street frontage.

Height, scale and massing: The height, scale and massing of the scheme, including ground floor level infill is supported. The site is effectively considered to be a gap site given the four and five storey buildings either side along Pentonville Road. The proposed elevation to Pentonville Road is stepped in height between the parapet heights of 162 and 156 either side and a full storey in height lower than 156 to the east. The proposed massing onto Pentonville Road would ensure that 156 Pentonville Road (to the east) remains dominant in terms of height on this block. To the rear there is a five-storey building to the east and two storey building to the west.

Layout: Based on the proposed single-land use the approach to layout is supported, including the single core to the centre of the building.

Architectural expression and materiality: The design is considered to be a successful contextual response, which picks up on the language of the locally listed buildings to the south. The elevational treatment to Pentonville Road has been given careful thought and is considered successful, particularly the subdivision into two lots of three bays. The approach to materiality is supported, including stone cladding and London stock multi-brick. Samples and details should be secured by condition.

Conditions should be imposed to secure details of the plinth, stall riser and transom to the Pentonville Road elevation.

[Case officer response: Noted, the Design and Conservation Officer response is considered within the Design section of the below assessment, within paragraphs 9. To 9. duly included as Condition no. 3.]

- 7.12 **Highways and Transport Officer** – No objection to the principle of the development. In regards to construction, parts of Cumming Street may need to be closed during the works, with the developer being required to supply traffic diversions and pedestrian management drawings.

[Case officer response: Noted, this shall be secured through a finalised Construction Method Statement as per Condition no.16, whilst a finalised Delivery and Servicing Plan is secured as per Condition no.15.]

- 7.13 **Environmental Health (Acoustic Officer)** – The application includes a new plant area to the roof, with an air handling unit and condensers noted on the plans. The submission includes a noise report with a background sound survey. The EPPP team advise a condition to control the overall plant noise level and for a post installation report to verify compliance with the agreed criteria.

[Case officer response: Noted, Condition 10 relates to plant noise.]

Finally, the site is surrounded by residential and commercial space and with a potential development lasting two years there will inevitably be some disruption for neighbouring occupiers. The submission includes a draft CMP but it is advised that a detailed site specific document is required, following the guidance of our Code of Practice for Construction Sites. This should be required by S106 obligation or planning condition.

[Case officer response: Noted, this is reflected in Condition no.16.]

- 7.14 **Environmental Health (Contaminated Land)** – The application includes a contaminated land desktop study. Although not listed on our list of sites for further inspection, the report has advised further site investigation. I would advise a condition is included on any permission requiring the submission and approval by the Council of details relating to contamination investigation and any necessary remedial works prior to commencement of the development.

[Case officer response: Noted, this is reflected in Condition no.18.]

- 7.15 **Planning Policy Officer – Existing Land Use:** It is argued by the Applicant that the lawful D1 use (which is considered social infrastructure) the Council knows the site has been used for office and warehousing purposes with periods of vacancy since approximately 2002. Social infrastructure is protected by DM Policy DM4.12, the applicant should demonstrate that both the social infrastructure use is no longer required on site, and that there is no demand for another suitable social infrastructure use. In addition, an audit of the site has been provided suggesting that it suffers from poor levels of natural light, low ceiling heights, poor accessibility and an unsuitable plan form.

The applicant has provided some evidence that there are a number of educational and training facilities in the vicinity of the site, presumably to demonstrate that the proposal would not lead to a shortfall in provision for educational floorspace within the local catchment.

Proposed Land Use: The proposed intensification of the site for the provision of B1 office floorspace is considered appropriate in this location. Taking into account local context and any design constraints identified by colleagues in Design and Conservation, the proposals should maximise the provision of business floorspace on the site.

Affordable Workspace: 5% of the GIA should be secured for provision of affordable workspace. It should be at peppercorn rent, for a minimum of 10 years, and should include a discount on any service charges incurred. The Council would take the lease and appoint an occupier/operator. Further, the affordable workspace unit should be fit to Category A requirements.

[Case officer response: Noted, the loss of the social infrastructure and the proposed office use is considered within paras. 9.13 - 9.24. An affordable workspace unit equating to 5% of the total GIA is to be secured through planning obligations as part of a s106 legal agreement.]

7.16 **Energy Officer** – No objection. All of the points raised by the Council's Energy Team have been addressed following receipt of the revised Sustainable Design and Construction Statement v2. The Council's Energy Team confirm that subject to conditions and s106 obligations that all outstanding issues have been resolved.

[Case officer response: Noted, paragraphs 9.116 - 9.143 relate to energy and sustainability, whilst also reflected in Conditions 13 and 14.]

8.1 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 (as is with this case) (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.)

8.2 National Planning Policy Framework (NPPF) 2019, Paragraph 11 states: "*at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...*"

8.3 At paragraph 8 the NPPF states: "that sustainable development has an economic, social and environmental role".

8.4 Further, the NPPF states that sustainable development has an economic, social and environmental role; "*these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*"

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

8.6 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.

- 8.7 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.
- 8.8 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.
- 8.9 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.

National Guidance

- 8.10 The National Planning Policy Framework seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 8.11 Since March 2014 Planning Practice Guidance for England has been published online. Under the Ministerial Statement of 18/12/2014, the Government seeks to increase the weight given to SUDs being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that local planning authorities will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

Development Plan

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

Emerging Policies

Draft London Plan (Intend to Publish Version), December 2019

- 8.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspectors’ report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration.
- 8.14 It is worth noting at this point that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. In this particular case, the emerging London Plan policies tend towards support for office space in the CAZ. The emerging London plan policies relating to social infrastructure echo that of the adopted plan (i.e. resisting the loss of educational facilities). Relevant policies in the emerging London Plan are set out below:

Policy SD4 The Central Activities Zone
Policy GG2 Making the best use of land
Policy GG5 Growing a good economy
Policy D1 London’s form, character and capacity for growth
Policy D2 Delivering good design
Policy D3 Inclusive design
Policy D7 Public Realm
Policy D9 Basement development
Policy D11 Fire safety
Policy D13 Noise
Policy E1 Offices
Policy E2 Providing suitable business Space
Policy E3 Affordable Workspace
Policy E11 Skills and opportunities for all
Policy HC5 Supporting London’s culture and creative industries
Policy G5 Urban Greening

Policy SI2 Minimising greenhouse gas emissions
Policy SI4 Managing heat risk
Policy SI5 Water infrastructure
Policy SI7 Reducing waste and supporting the circular economy
Policy SI12 Flood risk management
Policy SI13 Sustainable drainage
Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T7 Deliveries, servicing and construction
Policy S3 Education and child care facilities

Draft Islington Local Plan 2019

- 8.15 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020.

Due to the constraints posed by Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020.

8.16 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Emerging policies relevant to this application are set out below:

Policy SP 2 Kings Cross and Pentonville Road

Policy B1 Delivering a range of affordable business floorspace

Policy B2 New business floorspace

Policy B3 Existing business floorspace

Policy S1 Delivering sustainable design

Policy S2 Sustainable design and construction

Policy S3 Sustainable design standards

Policy S4 Minimising greenhouse gas emissions

Policy S8 Flood risk management

Policy S9 Integrated water management and sustainable design

Policy T1 Enhancing the public realm and sustainable transport

Policy T2 Sustainable transport choices

Policy T3 Car-free development

Policy T5 Delivery, servicing and construction

Policy DH1 Fostering innovation while protecting heritage

Policy DH4 Basement development

Policy SC1 Social and Community Infrastructure

8.17 The emerging policies that would be relevant to this case are not considered to conflict with the adopted plan policies.

Designations

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

- Central Activities Zone (CAZ)
- Kings Cross & Pentonville Road Key Area (Core Strategy policy CS9)
- Employment Growth Area (Northdown Street EGA)
- Article 4 Direction – B1a (office) to C3 (residential)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9 ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use;
- Design & Appearance;

- Accessibility and Inclusive Design;
- Neighbouring Amenity;
- Transport and Highways;
- Energy and Sustainability;
- Waste Management; and
- Planning Obligations.

Land Use

9.2 This section of the report sets out the policy context against which the proposal will be assessed.

Policy Context

- 9.3 The NPPF 2019 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 9.4 The application site is located within the Central Activities Zone ('CAZ'). The Central Activities Zone Supplementary Planning Guidance (2016) (CAZ SPG) notes that the CAZ is an internationally and nationally significant office location. The CAZ SPG notes that the supply of sufficient office floorspace in terms of type, size and cost within the CAZ to meet growing demand are central to London's economic success.
- 9.5 London Plan Policies 2.10 to 2.12 relate to the strategic priorities, functions and predominately local activities of the Central Activities Zone (CAZ). The site is located within the CAZ. They seek to enhance and promote the unique international, national and London wide roles of the (CAZ) and seeks to sustain and develop its unique and dynamic clusters of world city and other specialist functions and to ensure that there is sufficient capacity to meet identified demands across business cycles.
- 9.6 London Plan Policy 4.2 'Offices' seeks to ensure that there is enough office space within London, and builds upon the aims and objectives of policies 2.10 to 2.12, relating to the CAZ.
- 9.7 London Plan Policy 4.3 'Mixed use development and offices' encourages mixed use development within the CAZ, including an increase in office floorspace, and should provide housing unless such a mix would conflict with other policies in the London Plan and the Borough's Local Plan.
- 9.8 Islington Core Strategy ('ICS') Policy CS6 'King's Cross' is a spatial strategy for the King's Cross key area that outlines the specific spatial policies for managing growth and change for this key area within the Borough. Part A of the policy indicates that York Way and Pentonville Road will be the principal locations for office-led mixed use development which intensifies the use of land in order to meet the wider employment growth in the borough. Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and accommodation for small enterprises will be particularly encouraged.
- 9.9 ICS Policy CS13 'Employment spaces' seeks to provide employment space for businesses in the borough. Part A of this policy relates to new employment floorspace and encourages new business floorspace within the CAZ and town centres where access to public transport is greatest, require new business floorspace to be flexible to meet future business needs and require a range of unit types and sizes (including those suitable for SMEs).

- 9.10 Islington Development Management Policies ('DM') Policy DM5.1 'New business floorspace' states that within Town Centres and Employment Growth Areas, the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations.
- 9.11 DM Policy DM5.4 'Size and affordability of workspace' requires that within Employment Growth Areas, major development proposals for employment space must incorporate an appropriate amount of affordable workspace.
- 9.12 DM Policy DM4.12 'Social and strategic infrastructure and cultural facilities' relates to Islington's social infrastructure (such as emergency services and community and social spaces), strategic infrastructure (such as public utilities) and cultural facilities are vital to the identity and function of the borough, as well as its attractive and distinctive character. It is essential that this is maintained and enhanced so that the borough retains its diversity and vitality.

Existing Use

- 9.13 The site was vacated by an educational operator teaching make-up and beauty application before 2007. Since 2007, a beauty company (Murad) occupied the site, and vacated the premises in 2017. There is evidence that Murad used the site as a distribution centre and office. The Applicant has provided business rate entries from the Valuation Office Agency (VOA) dating back to 2010 (April) indicating 'Workshop and premises' use. In essence, the site has not really been in use recently as social infrastructure.
- 9.14 As set out above, Officers consider the lawful use of the site to probably be for education (D1 Use Class). Islington places emphasis on the retention of existing social infrastructure, as it is protected by LBI DM Policy DM4.12. Proposals involving the loss, or partial loss, of social infrastructure will need to comply with the criteria set out in Part A of this policy.
- 9.15 *Constraints on redevelopment of the site to support social infrastructure* – LBI DM Policy 4.12(A)(i) requires that any replacement facility on site meet the need of the local population for the specific use. Although no replacement make up/beauty training facility or other educational is proposed on site, the capacity of the site and potential to replace the existing structures to support the lawful D1 (education) use of the site is a material consideration. The protections for social infrastructure are not solely specific to the buildings that have historically accommodated them, as these buildings could be modified or redeveloped to continue to support a social infrastructure use on the site.
- 9.16 LBI Policies are clear that education premises should be of the highest standard. Officers consider that the constraints of this specific site, together with the spatial requirements for a school, reasonably precludes its use as a school. These cumulative constraints include the constrained site area, multi-level floors with restricted level access, restricted opportunities for external play space mean the site is not suitable as a school or other such educational.
- 9.17 Officers consider that in this specific context, having regard to the specifics of the site and neighbouring residential uses, that education or training use on the site is less compatible with surrounding residential uses than an office use.
- 9.18 In this specific context, these would be challenging to entirely remove without overly restricting a viable education or training use operating from the site.
- 9.19 By comparison, office floorspace would generally be unoccupied during the most intensive period of occupation for residential dwellings (outside normal work hours) – supporting

Officers assessment that in this specific case an office use is a more compatible use when considering the sensitivity of these specific surrounding residential uses.

- 9.20 *Shortfall in provision for the specific use within the local catchment* – LBI DM Policy 4.12(A)(ii)(a) requires that when a specific use is no longer required that evidence be provided demonstrating that the proposal would not lead to a shortfall in provision for the specific use within the local catchment. Draft LBI Local Plan Policy SC1 (Social and Community Infrastructure) has some weight at this time, but states that evidence can be provided to demonstrate that a social and community infrastructure use is not required on site. The site is not suited to use as
- 9.21 *Suitability of premises* – LBI DM Policy 4.12(A)(ii)(b) requires that it be demonstrated that the site / premises is no longer appropriate for social infrastructure uses. The above sets out the assessment of the constraints of this specific site in accommodating redevelopment to support social infrastructure (Education). These considerations also apply to the suitability of the site generally, including the existing premises.
- 9.22 The accessibility and standard of provision on the site is poor. This is due to the age of the structures on site, the level change across the site, and their design – intended to support uses other than Social Infrastructure (Education). The 87sqm of space which could conceivably accommodate social infrastructure (education) uses has poor level access to WCs and kitchen areas which are not step-free, which would be contrary to adopted LBI policies.
- 9.23 Officers are satisfied that the existing structures are not appropriate for social infrastructure uses, having only been used for this purpose for short duration in relation to a specific historic planning consent from 1999. The use prior to 1999 which was more akin to storage and distribution with ancillary office space, and the design of the structures on site was to support employment and other commercial uses, not social infrastructure.
- 9.24 While the loss of an educational facility is contrary to policy, in this case there are exceptional circumstances that make it acceptable to depart from the plan. Officers are content that in this specific case LBI DM Policy 4.12(A)(ii)(b) requirements are satisfied given the proposed use of the site, considered further below.

Proposed Use

- 9.25 The application seeks to provide 1,196sqm (GIA) of B1a use (office) floorspace over 5 floors, including the basement level.
- 9.26 The Council's up-to-date employment evidence indicates that in order to meet employment growth projections, there is a need for an additional 400,000 sqm of business floorspace, up to the year 2036. The CAZ area and the Employment Growth Areas will perform a critical role in generating much of this growth, therefore business space should be considered a priority in these areas. Also Policy CS6: King's Cross key area spatial strategy identifies York Way and Pentonville Road as appropriate locations for development of business uses.
- 9.27 Use Class B1(a) office space is defined within the Development Plan Chapter 5 Development Management Policies 2013 as a 'business' use. Core Strategy policy CS5 promotes the importance of the development of business floorspace to contribute to wider employment growth within the borough. Policy DM5.1 supports this position, encouraging the intensification, renewal and modernisation of existing business floorspace. Furthermore, B1 floorspace would support higher employment densities and thus create additional employment opportunities within the borough. The proposed office use (B1a Office Use Class) is classified within the DM Policy DM5.1 as being an appropriate use with an EGA and therefore complies as it would aid the vitality of the EGA.

- 9.28 The proposed basement level office space would benefit from several lightwells. As such, these measures are considered to provide some outlook and natural light, whilst modern LED lighting is capable of properly lighting such office floorspace. Further, the basement level office floorspace would achieve minimum floor to ceiling heights of 3.0m, whilst the above ground floor levels would measure a minimum of 2.85m. The basement level and above ground levels are all fully accessible with level-access via a lift. Given the basement level workspace has access to natural light, good floor to ceiling heights and natural ventilation, it is considered that the proposed office floorspace would comprise a good working environment.
- 9.29 It is noted that London Plan Policy 4.3 states that within the CAZ, increases in office floorspace, or those above a justified local threshold, should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan. Further DM Policy DM5.1, Part E, sets out that major development that would result in a net increase in office floorspace should also incorporate housing. However, developments should optimise the amount of office space that can be accommodated on site. The two limbs of this policy must be considered in the wider context of other relevant Development Plan policies, both local and London wide. When assessed in consideration of London Plan policies 2.10-2.13, 4.1-4.2 and Islington's Core Strategy (2011) policies CS7 and CS13, it is apparent that the thrust of relevant policies is for development which supports the economic functioning of designated areas, such as designated Employment Growth Areas.
- 9.30 In this instance, providing housing on site is not considered to be preferable due to the necessity of providing separate cores and entrances which would compromise the quality of the office space. In line with Policy DM 5.1 Part E, if the proposed housing comprises less than 20% of the total net increase in office floorspace, an equivalent off-site contribution will be sought. In this case, the policy position is clear and the requirement applies to the specific office (B1a) floorspace uplift proposed in the application (1,196sqm), using the formula in the Planning Obligations SPD. The application thus includes a contribution towards the provision of affordable housing off-site of £159,467.

Affordable Workspace

- 9.31 Policy 2.7 of the London Plan identifies that the Mayor and boroughs should manage and improve the stock of industrial capacity to meet both strategic and local needs, including those of small and medium size enterprises, start-ups and businesses requiring more affordable workspace, including flexible, hybrid office/industrial premises.
- 9.32 London Plan Policy 4.1 identifies the need to ensure a good supply of workspaces in terms of type, size and cost. In response to this, the Core Strategy supports the provision of a range of suitable workspaces in terms of type, size and cost. The Council's Development Management Policies (2013) document notes the following:

“Employment studies have identified significant gaps in the borough’s supply of workspaces, particularly for small service-based and light industrial businesses, niche sectors requiring flexible premises in key locations, and new/young businesses seeking affordable small offices, studios or workspace with favourable lease or license conditions. Research undertaken for the council suggests that, despite accounting for around 50% of potential demand for new employment floorspace, many Micro and Small enterprises and start-ups with the potential for financial self-sufficiency have particular needs that often cannot be met by market rent levels.”

- 9.33 Policy DM5.4 of the Council's Development Management Policies Document ('DMP') is concerned with the size and affordability of workspace and states, inter alia, that:

“C. Where workspace is to be provided for small or micro enterprises, but is not within physically separate units, the applicant will be required to demonstrate that the

floorspace will meet the needs of small or micro enterprises through its design, management and/or potential lease terms.”

- 9.34 As set out in paragraph 5.25 of the DMP, the figure of 5% of gross floorspace should be taken as the starting point for provision. The space should either be provided as separate small units for SME businesses (affordable by virtue of their size) or let to the council as Head Leaseholder at a peppercorn rent for at least 10 years; (in such cases the council will then engage with approved workspace providers to manage the space and ensure it is occupied by target sectors).
- 9.35 Given 1,196sqm of floorspace GIA is proposed within the new building, 59.8sqm of affordable workspace provision is required. The proposed plans indicate an area to the rear of the ground floor of the building for affordable workspace provision at 60sqm, thereby meeting the minimum policy requirement. Further, the proposed space is considered to be of good quality, being at ground floor level with access to natural light and floor-to-ceiling heights consistent with the rest of the building. The affordable workspace unit would have access to shared amenities such WCs (including accessible WCs), cycle storage, refuse and recycling storage area etc.
- 9.36 The affordable workspace unit at 5% GIA, has been agreed by the applicant, to be leased to the Council for a period of 20 years, to be secured via a planning obligation within a section 106 legal agreement.

Land Use Summary

- 9.37 The redevelopment of the site would deliver 1,196sqm of new high quality office floorspace within the CAZ and EGA, whilst provision for affordable workspace has been secured, and as such is consistent with aforementioned policy context. Subject to securing affordable workspace provision on-site through a section 106 agreement, the application is considered acceptable as regards land use.

Design & Appearance

- 9.38 Planning policies relevant to design are set out in chapter 7 of the London Plan, Policy CS9 and policies in chapter 2 of Islington’s Development Management Policies.
- 9.39 London Plan Policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan Policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London’s Character and Context SPG notes at paragraph 7.26 that “the key or essential characteristics of a place provide an important reference point against which change can be assessed”.
- 9.40 At the local level, policy CS9 of Islington’s Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity.
- 9.41 The site is not located within or adjacent to a Conservation Area nor are there any statutory listed building on or adjacent. Nos.166-170 Pentonville Road are locally listed.
- 9.42 The proposal is for four storeys (plus basement) along the southern (front) and northern (rear) of the building, with an interlinking four storey circulation spine running along the eastern boundary (4m width). The height of the building drops to a single storey to the

centre of the site which creates an infill that roughly replicates the height of the existing structure at this location.

- 9.43 The site is effectively considered to be a gap site given the four and five storey buildings either side along Pentonville Road. The proposed elevation to Pentonville Road (as shown below in *Figure 10*, is stepped in height between the parapet heights of 162 and 156 either side and a full storey in height lower than 156 to the east. The proposed massing onto Pentonville Road would ensure that 156 Pentonville Road (Lambros House) to the east, remains dominant in terms of height on this block.



Figure 10: Proposed front elevation as seen from Pentonville Road, in context with rest of the terrace.

- 9.44 To the rear there is a five-storey building to the east and two storey building to the west. As shown below in *Figure 11*, the building continues to step down from the dominant adjacent no.156 (Lambros House), however would be two storeys taller than the terrace at 3-9 Cumming Street.

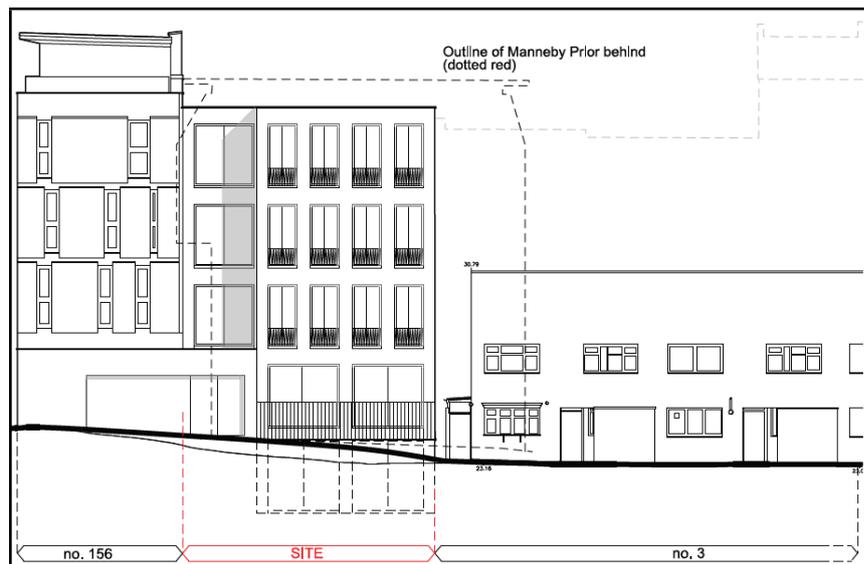


Figure 11: Proposed rear elevation as seen from Cummings Street.

- 9.45 The proposed height and scale of the building is considered acceptable given the site is currently underutilised as it is single storey between the adjoining four and five storey buildings fronting Pentonville Road.

- 9.46 In regards to appearance, the design is considered to be a successful contextual response, which picks up on the language of the adjoining buildings and the locally listed buildings to the south. The elevational treatment to Pentonville Road has been given careful thought and is considered successful, particularly the subdivision into two lots of three bays. The approach to materiality including stone cladding, cills, cornices and copings alongside London stock multi-brick and aluminium cladding/fenestration framing, is supported by Officers. The materials would be replicated to the front, side and rear of the building. Samples and details to be submitted and approved by the Council is secured by condition.
- 9.47 Following the consultation response from Design & Conservations Officers, the applicant revised the proposal to include a 'shadow-gap' plinth detail to the ground floor pilasters and now better expresses the way the building meets the ground plane. Further, the plinth detail at ground floor level would be level with the stall riser at ground floor level, as requested by the Design & Conservations Officer.
- 9.48 The proposal is considered to be in accordance with Policy 7.6 of the London Plan (2016), Policies CS3, CS8 and CS9 of Islington's Core Strategy (2011) and the aims and objectives of Development Management policies (2013) Policies DM2.1 and DM2.3.

Accessibility and Inclusive Design

- 9.49 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime. To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD.
- 9.50 A lift to the central core of the building allows for level access to all of the floors for wheelchair users, whilst both entrances to the building at ground floor are level access. The dimensions of the lift are considered accessible. Sufficient accessible WC provision is provided to each of the proposed 5 floors, including the basement, of the building.
- 9.51 There are limited opportunities for providing a safe drop-off (from taxis or cars) point on Pentonville Road as this is a TfL Red Route, however there is provision for safe drop-off on Cumming Street which would ensure that wheelchair users would not need to cross a road, as they could still achieve level access from the main entrance on Pentonville Road.
- 9.52 Provision has been made for an accessible cycle/tricycle at ground floor level, to the rear of the building. The cycle storage area can be accessed by either the front or rear entrances to the building.
- 9.53 The proposed building is a vast improvement on the existing building, which is split level as existing, with no lifts or ramps. The proposal is considered to accord with the aims of the aforementioned policies relating to accessibility and inclusive design, and can therefore be supported. Details to be submitted and approved relating to accessibility management plan, to include a 'Personal Emergency Evacuation Plan', is secured in Condition no.9.

Neighbouring Amenity

- 9.54 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy

7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Overlooking and Privacy

- 9.55 The aforementioned policies above identify 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 windows of the development and neighbouring 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.
- 9.56 Paragraph 2.3.36 of the Mayor of London’s Housing SPG states that such minimum distances “can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density”. This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor’s guidance does not override Islington’s Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.
- 9.57 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement does not necessarily apply. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties and Officers have sought to ensure all impacts are mitigated.
- 9.58 The applicant has amended proposed to remove overlooking from the proposed development to the residential properties to the west. These measures comprise: opaque glazing on all windows directly orientated westward (for toilets and stair core) and window details (window shelf) to all internal facing windows above Ground Floor. Furthermore, Officers recommend (and the Applicant has agreed) Condition no.6 ensures all side facing windows (to the first floor and above) are to be obscured glazed and non-opening beyond 150mm.

Roof terraces

- 9.59 The roof of the single-storey element of the building to the centre of the site is not proposed to be used as an external amenity area, such as a roof terrace. It would be limited to an extensive sedum roof whilst access by way of a door is not proposed. Nonetheless, a condition ensuring this roof is not used as an amenity space is proposed (Condition no.7).

Outlook

- 9.60 The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties.
- 9.61 The increase in height on site would be noticeable from the south and north, and neighbouring properties to the west. However, residential properties to the west do not directly face the proposed building which reduces the degree of impact. Views towards the Application site from all properties to the west would be oblique.
- 9.62 In terms of the context to the west, the proposed building will be visible from the rear gardens and rear windows of 3 - 9 Cumming Street and unobscured rear windows between

162-164 Pentonville Road. Whilst the increase in height and mass to the subject site would be noticeable from the rear gardens, rear windows within these properties would retain adequate outlook as they do not directly face the site. Given the set-back of the proposed building within the centre of the site, it is not considered to unduly worsen the sense of enclosure to the rear of neighbouring properties.

- 9.63 The proposal is therefore not considered to give rise to undue loss of outlook from an increased sense of enclosure currently experienced with the existing urban context.

Noise and Disturbance

- 9.64 The proposed development would be unlikely to cause any specific nuisance with regard to noise and disturbance to neighbouring occupiers given the existing use and as the proposed use as offices are considered to be appropriate to and compatible with the existing residential neighbouring properties and town centre setting.
- 9.65 Furthermore, the site makes use of the two existing entrances to the site for business use, it is not considered that the level of pedestrian activity that these arrangements would generate would give rise to any discernible increase in the level of noise, disturbance, litter or antisocial behaviour for local residents. All servicing for the building would be carried out towards the rear onto Cumming Street, alongside the existing servicing location of the adjoining 156 Pentonville Road (Lambros House).

Light Pollution

- 9.66 Given the proposed number and proximity of new glazing panels facing the adjoining buildings along Pentonville Road and to the rear on Cumming Street, concerns may arise that the amount of light emanating from the proposed development would have the potential to harm neighbour amenity. There is a possibility of late night light pollution should office staff need to work outside normal office hours. Despite this, it is not recommended that the hours of use of the office to be restricted, in order to allow the flexible use of the proposed office floorspace. To address any potential light pollution issue, it is considered that measures such as the use of daylight and occupancy sensors can be adopted for the development's internal lighting, and roller blinds can also be used to reduce the extent of light pollution during evening and night time.

Daylight, Sunlight and Overshadowing

- 9.67 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.
- 9.68 A number of the representations received during the consultation period of the application objected to the proposal in regards to loss of daylight, sunlight and overshadowing.

Daylight Guidance

- 9.69 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).*

- 9.70 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 9.71 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.72 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”.*
- 9.73 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.
- 9.74 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 degrees. 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”*
- 9.75 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPD states that:
- “Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.*
- The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.”*

Sunlight Guidance

9.76 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."*

9.77 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."

9.78 The guidelines 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".

9.79 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Overshadowing Guidance

9.80 The BRE 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'.

9.81 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.*"

Assessment

9.82 The Applicant has submitted a Daylight & Sunlight Report (ref:MC/GO/ROL00102) dated 19/07/2019 and prepared by GL Hearn. Following revisions to the proposal, an addendum was submitted on 17/12/2019. The submitted report and addendum considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.

- 9.83 It includes information on where internal arrangements have been sourced (planning applications and estate agent detail). Neighbouring no.162-164 Pentonville Road, adjoining the site, is a recent development, following planning permission reference: 2015/1729/FUL.
- 9.84 Below in *Figures 12 to 14* show the maps and window locations of the neighbouring properties tested within the submitted Daylight & Sunlight Report.



Figure 12: Map of adjoining properties tested

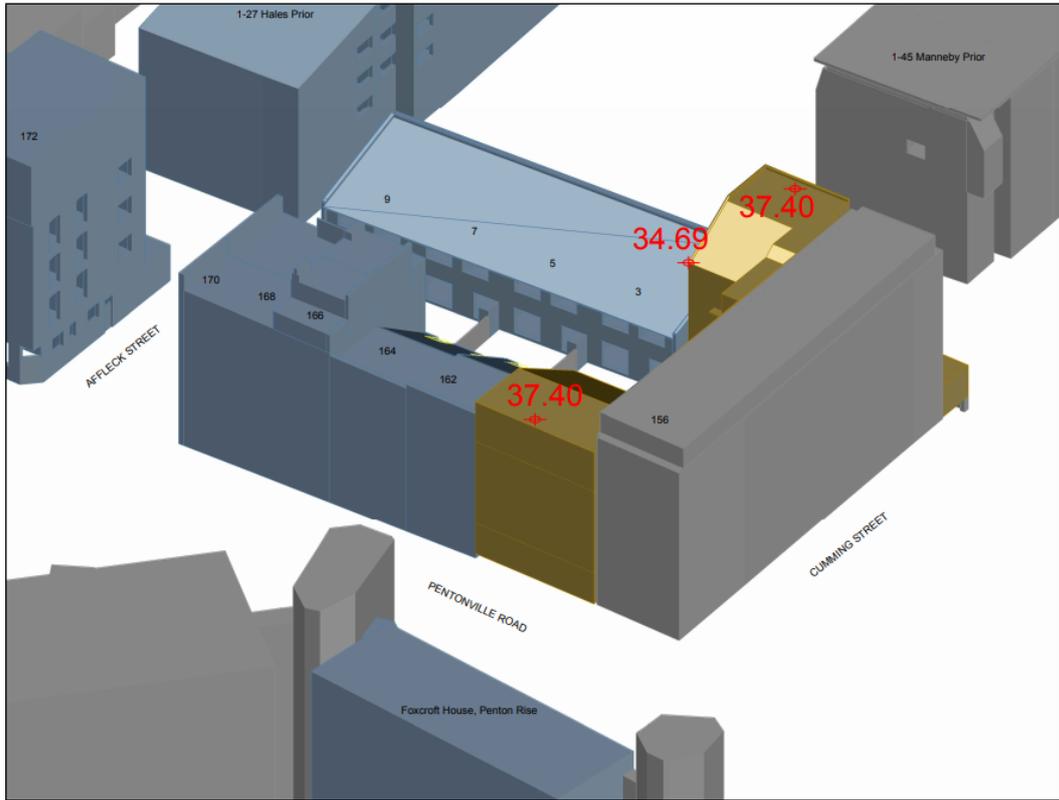


Figure 13: 3D Mapping Proposal looking North.

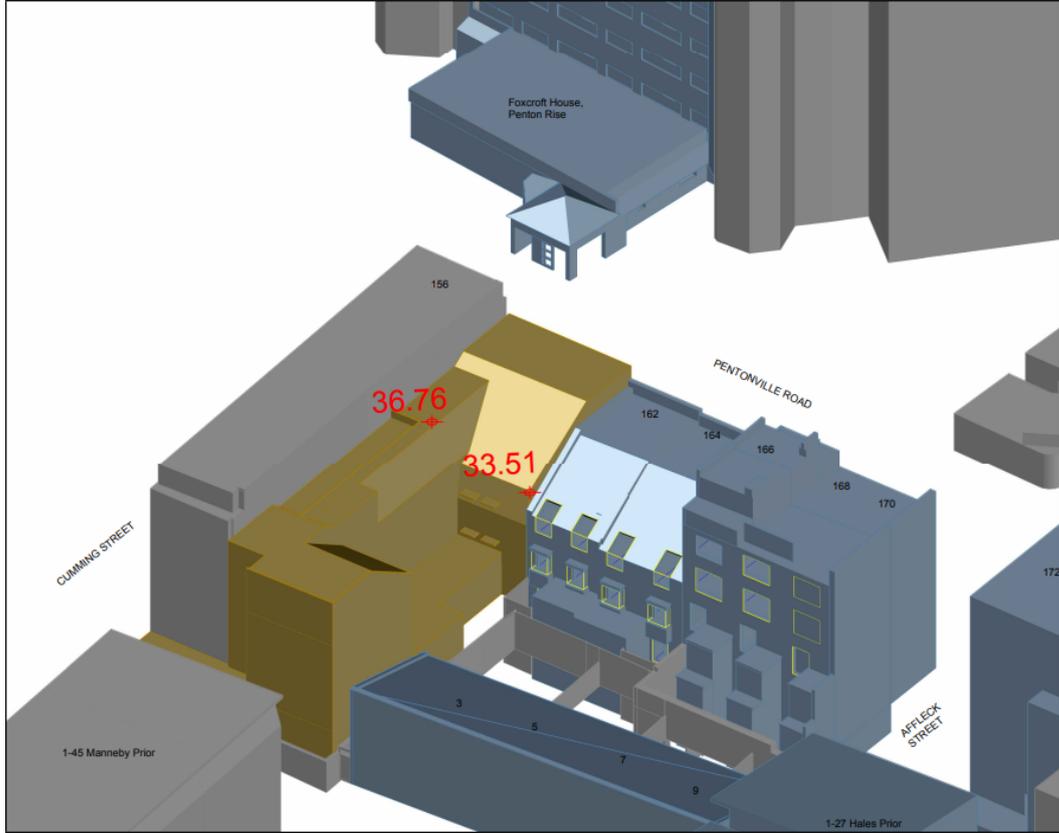


Figure 14: 3D Mapping Proposal looking South.

Impacts to Daylight

9.85 The submitted report indicates that a total of 81 windows and 24 rooms were assessed. The report demonstrates that 1 of the windows (1.2%) and 4 of the rooms (16.6%) assessed would fail BRE guidance criteria.

9.86 The following properties comply with the BRE Guidance:

- Foxcroft House – Penton Rise;
- 156 Pentonville Road (Lambros House);
- 164B, Unit 3, Unit 4, Unit 5 and Unit 6 Pentonville Road;
- 166, 168, 170 and 172 Pentonville Road;
- 1-27 Hales Prior;
- 1-45 Manneby Prior; and
- 5, 7 and 9 Cumming Street;

9.87 Transgressions are reported to neighbouring 164 Pentonville Road and 3 Cumming Street. The transgressions to these neighbouring properties are reported for reference in Table 1 below:

Table 1: Daylight – proposed scheme		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room/ Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
164 C Pentonville Road								
Ground R1 / W1	Living Room	10.00	7.30	27%	14.99	11.95	8.33	30%
Unit 1 164 Pentonville Road								
First Floor R1 / W1	Bedroom	14.89	14.89	0	12.77	11.45	9.07	21%
First Floor R1 / W2		11.08	9.84	11%				
First Floor R1 / W3		31.05	28.87	7%				
3 Cumming Street								
Ground R1 / W1	Living Room	18.32	17.17	6%	26.19	19.29	13.59	30%
Ground R1 / W2		18.61	17.90	4%				
First Floor R1 / W1	Bedroom	16.31	15.53	5%	12.87	9.54	7.56	21%

9.88 As shown in the table above, 1 neighbouring window would see reductions in VSC greater than BRE guidance, whilst 4 rooms would see reductions in NSL greater than BRE guidance. As shown in the above table, only one room at a single property would see reductions to both VSC and DD.

9.89 The neighbouring properties are individually detailed further below:

9.90 164C Pentonville Road would see a reduction of 27% in VSC to a single window which serves Room 1, which also sees a reduction of 30% in NSL. This particular room is located

at upper ground floor level of a single-aspect maisonette flat, located to the rear of Pentonville Road. It is noted that this window is located less than 0.5m from the boundary with the subject site. These windows face out onto a small courtyard area within a rear lightwell to the building and as such any loss to daylight would be perceptible given the existing low values.

- 9.91 Unit 1 164 Pentonville Road would see a marginal reduction of 21% in DD, however there would be no noticeable reductions in VSC to the 3 windows which serve this room.
- 9.92 3 Cumming Street would see a reduction of 30% in DD to the living room at ground floor level. However, there would be no noticeable reduction to VSC to the 2 windows which serve this room. At first floor level, there would be a marginal reduction in DD of 21% to a bedroom, however there would not be a noticeable reduction in VSC to the window which serves this bedroom.
- 9.93 In summary, although Table 1 highlights the reduction to neighbouring daylight (either in Vertical Sky Component and/or Daylight Distribution), given the orientation of the windows/rooms most affected and the existing site being underutilised, the transgressions to neighbouring properties from the proposed development can be accepted.

Impacts to Sunlight

- 9.94 The submitted report and addendum, following the revised proposal, indicates that only those buildings identified by application of the BRE guide's preliminary 25° line test and orientation test, as explained above, have been tested. The submitted report indicates that a total of 21 windows were assessed and demonstrates that no neighbouring windows would fail BRE guidance criteria.

Overshadowing

- 9.95 The BRE guidelines state that to appear adequately sunlit throughout the year, at least half of an amenity space should receive at least 2 hours of sunlight on 21st March (the spring equinox, when day and night are roughly the same length of time).
- 9.96 The submitted report and addendum indicates that all but one neighbouring amenity space would comply with BRE guidance criteria.
- 9.97 3 Cumming Street has a rear garden area of 70sqm and currently receives sunlight to 15% (10.77sqm) and as such significantly fails BRE guidance criteria as existing. The proposed development would reduce the sunlight the garden receives to 5% (3.84sqm), a reduction of 64%. 3 Cumming Street and its rear garden adjoins the proposed development site. The existing buildings to Pentonville Road, due south of neighbouring 3 Cumming Street, cause the main overshadowing impacts to Cumming Street properties.
- 9.98 ***Daylight, Sunlight and Overshadowing Summary:*** A comprehensive impact assessment of the proposed development on surrounding windows, rooms and gardens in all nearby dwellings has taken place. Testing was in accordance with BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition 2011). The results of the assessment show good levels of adherence with only minor transgressions in relation to daylight distribution to neighbouring properties. The transgressions to neighbouring windows and rooms would not exceed 30% reductions. The proposed reductions to neighbouring daylight, when taken into consideration of the underutilised site within an inner city context, as acknowledged by the BRE in their guidelines must be viewed flexibly and considering the wider adherence to the required standards of all other tested windows the infractions are considered acceptable.

Construction Impacts

- 9.99 It is expected that the proposed development would cause some degree of disruption and nuisance towards the neighbours during the construction phase, the neighbours concern is acknowledged and it is agreed that the environmental impact during the construction period would need to be minimised to ensure that the neighbours' quality of life would not be adversely affected by the construction work. The applicant has submitted a draft Construction Traffic Management Plan, however a full Construction Method Statement would be required to be submitted, in line with Islington's Code of Practice for Construction Sites, and agreed by the Council prior to the commencement of work, secured by condition no.16.

Refuse and Recycling

- 9.100 Sufficient Waste storage facilities should be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states that, for major developments, details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores.
- 9.101 A refuse and recycling storage area is proposed to the rear of the building. It would be located within an 'open-air gated courtyard' which can be accessed from the rear of the building and also from Cumming Street to allow for easy access from waste collectors. The location and provision for refuse and recycling is therefore considered acceptable and it should be in place prior to occupation of the development, as secured in Condition no.4.

Highways and Transportation

- 9.102 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.
- 9.103 The application site has a PTAL of 6b, which is considered 'excellent', due to the numerous bus links along Pentonville Road and proximity to Angel and Kings Cross stations.

Pedestrian / Cycle Improvements

- 9.104 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80 square metres of new office (B1a) floorspace and needs to be secure, covered, conveniently located and step free.
- 9.105 The proposal provides a secure cycle parking enclosure for the proposed office use internally, at ground floor level. This can be accessed either by the main entrance or to the rear of the building from Cumming Street, allowing for level access from the street to the cycle store.
- 9.106 A total of 16 cycle parking spaces are proposed at ground floor level, plus 1 accessible cycle parking space, in accordance with London Plan policy 6.9 and Islington's Development Management policy DM8.4.

Servicing, deliveries and refuse collection

- 9.107 The site as existing has a very narrow vehicular access from Cumming Street. This open area is to be built over as part of the proposed development. The proposed development would continue to be serviced on-street from Cumming Street. One delivery trip per day is predicted for the proposed development (office use).
- 9.108 Servicing and deliveries cannot take place on Pentonville Road due to being part of the TLRN (with double red lines) and the bus stop located to the front of the site.
- 9.109 Transport for London and the Council's own Highways Officers have accepted this arrangement and it is not considered that, given the relatively low number of deliveries associated with the proposed office use, this would give rise to any highways safety impacts.
- 9.110 Concerning the hours of delivery, a condition is recommended (no.15) requiring details of a finalised Delivery and Servicing Plan, including hours, frequency, location and size of vehicles to be submitted to and approved in writing by the Local Planning Authority.

Vehicle parking

- 9.111 The site does not currently include any formal parking arrangements and no parking is proposed within the site as part of the application. The subject site is located within a Controlled Parking Zone (CPZ) 'Zone B', which operates weekdays between 0830 – 1830 and on Saturdays between 0830 – 1330. Furthermore, Pentonville Road forms part of Transport for London Road Network (TLRN) and is designated as a 'red-route', with no on-parking.
- 9.112 As such, given the lack of dedicated off-street parking and the CPZ discouraging on-street parking, the proposal is not considered to give rise to additional parking stress which would be of detriment to the surrounding road network.
- 9.113 Given the site has an 'excellent' PTAL rating, the highly accessible area alongside on-street parking restrictions, the proposal is considered acceptable in sustainable transport regards.
- 9.114 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). Given the site's constraints in providing for on-site parking, a financial contribution in lieu of wheelchair accessible parking is accepted.
- 9.115 Footway and highway reinstatement works, would be necessary following completion of the proposed development. This matter is referred to in the recommended Section 106 Heads of Terms.

Sustainability, Energy Efficiency and Renewable Energy

- 9.116 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 9.117 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.

- 9.118 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.119 Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.120 The applicant has submitted the relevant detail within the submitted Sustainable Design and Construction Statement, prepared by eb7. Following initial comments on the submitted energy and sustainability documents by the Council's Energy Officer, a revised Sustainable Design and Construction Statement was submitted (v2 prepared by eb7).

Carbon dioxide emissions

- 9.121 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.
- 9.122 Based on the updated energy strategy, the development now achieves a saving of 32.5% on regulated emissions with SAP 2012 carbon factors, and a saving of 53.5% using SAP10 carbon factors. Therefore, the development remains compliant with the London Plan and represents an improvement on previous performance.
- 9.123 Islington Council policy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible.
- 9.124 The revised energy strategy shows a 30.6% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington CS10.
- 9.125 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". 'All' in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement". In order to mitigate against the remaining carbon emissions generated by the development, the revised energy strategy includes a correctly calculated Carbon Offset contribution of £15,768.80 for the 17.14 tonnes of total CO2 emissions. This is to be secured by way of a planning obligation and is outlined further below under 'Planning Obligations'.

Sustainable Design Standards

- 9.126 Council 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.”

- 9.127 A BREEAM Pre-Assessment has been submitted for the development which shows a score of 72.56% meeting the requirements of Islington DM 7.4A which requires a minimum of an ‘Excellent’ rating, which shall be secured through Condition no. __.

Energy Demand Reduction (Be Lean)

- 9.128 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.” Council policy states “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”.
- 9.129 Following clarification with the revised Energy Strategy the proposed design has maximised incorporation of passive design measure to control heat gain and deliver passive cooling.
- 9.130 In accordance with council policy “Applications for major developments are required to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed”.
- 9.131 Thermal modelling has been carried out by the Applicant, indicating that in the absence of artificial cooling, there would be risk of overheating. Council’s Energy Officer accept the proposed use of passive design measures.
- 9.132 Council policy states “Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control”. The submitted revised details confirm that Active Cooling has been specified, which is accepted by Council’s Energy Officer.

Low Carbon Energy Supply (Be Clean)

- 9.133 London Plan Policy 5.6B states: “B. Major development proposals should select energy systems in accordance with the following hierarchy:
1. Connection to existing heating or cooling networks;
 2. Site wide CHP network;
 3. Communal heating and cooling;
- 9.134 It is proposed that space heating and cooling will be provided via air source heat pumps. The applicant has also confirmed that hot water will be provided via point of use electric heaters, due to the very low demand, which is accepted by Council’s Energy Services.
- 9.135 DM Policy DM7.3B states “all major developments within 500 metres of an existing or planned DEN... are required to submit a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.”
- 9.136 The energy strategy includes an excerpt from the London Heat Map which shows that there is no planned or existing Decentralised Energy Network within 500m of the proposed development and as such there is no requirement to submit a feasibility assessment of connection.
- 9.137 Council’s Energy Officer accepts that the proposal cannot be futureproofed any further at this point. Nonetheless, futureproofing the development to ensure potential connection to a DEN should one come forward is secured through a planning obligation within the section 106 legal agreement.

- 9.138 The applicant has not provided evidence of investigation of Shared Heat Network opportunities with neighbouring developments, however, given the very low heat loads and a lack of apparently compatible sites in the vicinity, Council's Energy Officer accepts this approach and do not suggest that this option is pursued further.
- 9.139 The Energy Strategy rules out the possibility of a Carbon Heating Plant due to low heat and hot water demand from the size of the development, which is accepted by the Council's Energy Officer.

Renewable Energy Supply (Be Green)

- 9.140 The use of renewable energy should be maximised to enable the achievement of CO2 targets. The applicant has confirmed that air source heat pumps and a solar PV system will be installed at the development. This is anticipated to have an area of around 30m² to the roof and is supported by Council's Energy Officer.

Green Performance Plan (GPP)

- 9.141 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy.”
- 9.142 A Draft Green Performance Plan has been submitted with measurable targets for gas, electricity, CO2 emissions and water usage. This also includes how data will be collected and details of how this will be collected and monitored and arrangements for addressing any underperformance. The draft GPP has been accepted by Council's Energy Services and a finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.
- 9.143 In summary it is concluded that the proposed development would contribute to the achievement of sustainable development as per the provisions of the NPPF and in accordance with Policies within the London Plan and Local Plan.

Air Quality

- 9.144 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 9.145 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition no.16. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Further, emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition no.16.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.146 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and

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

- 9.147 A Section 106 legal agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:
- A. A contribution of £159,467 towards the provision of affordable housing elsewhere in the borough, as housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council seeks an equivalent contribution for the provision of housing off-site;
 - B. Provision for Affordable Workspace, totalling 5% of the overall GIA floorspace, to be secured at a peppercorn rate for 20 years;
 - C. Compliance with Code of Employment and Training including delivery of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage. If these placements are not provided, LBI will request a fee of £5,000;
 - D. A contribution towards employment and training for local residents of £15,410;
 - E. Compliance with Code of Employment and Training;
 - F. Compliance with the Code of Local Procurement;
 - G. Compliance with the Code of Construction Practice, including a monitoring fee of £1,196;
 - H. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
 - I. A contribution of £4,000 towards 3x accessible parking bays or other accessible transport initiatives;
 - J. A contribution of £15,768.80 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington (currently £920);
 - K. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any on-site solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
 - L. A bond/deposit of £25,174 to cover costs of repairs to the footway and £45,357 for repairs to the highway (total £70,531). This ensures funds are available for the repair and re-instatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/deposit exceeds the cost of the works as finally determined, the balance will be

refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.

M. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).

N. A contribution towards Crossrail of £167,440;

O. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

9.149 The heads of terms that have been agreed with the applicant would suitably mitigate any impacts of the development. They are considered to be fairly and reasonably related in scale and kind to the scale and nature of the proposals. None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured. The full list of contributions is set out at Appendix 1 of this report.

9.150 These obligations sought by the Council satisfy the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (and paragraph 56 of the NPPF 2019), as set out below:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

10 SUMMARY AND CONCLUSION

Summary

10.1 Although there is a loss of D1 use (social infrastructure) without sufficient marketing evidence, which is a departure from the local plan, the proposal is considered acceptable due to the provision of 1,196sqm of business B1a (office) use floorspace within the Central Activities Zone, an Employment Growth Area and the Kings Cross Key Area.

10.2 The revised proposal, is not considered to give rise to unacceptable impacts upon neighbouring residential amenity given the mitigation measures proposed as part of the design and subject to conditions.

10.3 The proposal is considered to deliver a sustainable form of development due to energy efficiency measures, a reduction in carbon emissions, sustainable transport options and sustainable transport options in accordance with planning policy. The proposal is not considered to give rise to unacceptable transport or highways impacts, subject to appropriately worded conditions on construction, delivery and servicing. Furthermore, the proposal is considered acceptable in relation to all other technical matters, subject to the recommended conditions.

10.4 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 policy and is thus recommended for approval subject to conditions and completion of a section 106 legal agreement to secure the necessary mitigation measures.

Conclusion

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

- A. A contribution of £159,467 towards the provision of affordable housing elsewhere in the borough, as housing comprises less than 20% of the total net increase in office floorspace of a major development in the CAZ, the Council seeks an equivalent contribution for the provision of housing off-site;
- B. Provision for Affordable Workspace, totalling 5% of the overall GIA floorspace, to be secured at a peppercorn rate for 20 years;
- C. Compliance with Code of Employment and Training including delivery of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage. If these placements are not provided, LBI will request a fee of £5,000;
- D. A contribution towards employment and training for local residents of £15,410;
- E. Compliance with Code of Employment and Training;
- F. Compliance with the Code of Local Procurement;
- G. Compliance with the Code of Construction Practice, including a monitoring fee of £1,196;
- H. Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- I. A contribution of £4,000 towards 3x accessible parking bays or other accessible transport initiatives;
- J. A contribution of £15,768.80 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington (currently £920);
- K. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (Shared Heating Network) and future proof any on-site solution so that in all case (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- L. A bond/deposit of £25,174 to cover costs of repairs to the footway and £45,357 for repairs to the highway (total £70,531). This ensures funds are available for the repair and re-instatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any

reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.

- M. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- N. A contribution towards Crossrail of £167,440;
- O. Council’s legal fees in preparing the Section 106 agreement and officer’s fees for the preparation, monitoring and implementation of the Section 106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 6 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement of Development (Compliance)
	<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>
2	Approved Plans (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>4102-PA-10 Rev. C – Proposed Plans; 4102-PA-11 Rev. D – Proposed Basement & GF; 4102-PA-12 Rev. B – Proposed Uppers; 4102-PA-13 Rev. C – Proposed Roof Plan; 4102-PA-20 Rev. C – Proposed Elevations 1; 4102-PA-21 Rev. B – Proposed Elevations 2; 4102-PA-22 Rev. D – Proposed Elevations 3;</p>

	<p>4102-PA-30 – Existing & Proposed Street Elevation; 4102-PA-31 Rev. D – Proposed Materials; 4102-PA-32 – CGI View 1; 4102-PA-33 – CGI View 2; 4102-PA-40 Rev. A – Existing & Proposed Street Elevation; 4102-PA-41 – Construction Logistics Plan; 4102-PA-42 – Rear Entrance Elevations; 4102-PA-50 – Overlooking Distances Diagram 1; 4102-PA-51 – Overlooking Distances Diagram 2;</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>
3	Materials (Details)
	<p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works commence on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Window manufacturer's detail including glazing, sections and reveals and sample; b) Details and sample panel of all brickwork; c) Details of all rooftop materials; d) Details of the materiality to the ground floor frontage; e) Details of materiality to the plinth; f) Details of all entrances and openings; g) Any other materials to be used; h) Any external boundary treatments, courtyard landscaping and/or gates; <p>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>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
5	Cycle Storage (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no.4102/PA/11 Rev.D and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

6	Obscured Glazing (Compliance)
	<p>CONDITION: The hereby approved development shall not be occupied until all glazing to the west elevation at first floor and above, as outlined in drawing no.4102/PA/22 Rev.D, have been obscure glazed and either fixed shut or with 150mm opening restrictors. The development shall be maintained as such thereafter.</p> <p>REASON: To safeguard the amenities of the adjoining residential units.</p>
7	No use of flat roofs (Compliance)
	<p>The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
8	Internal Lighting (Details)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include, but not limited to:</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of protecting neighbouring and future residential amenity and future habitats from undue light-spill.</p>
9	Inclusive Design (Details)
	<p>CONDITION: Notwithstanding the approved plans, full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall include:</p> <ol style="list-style-type: none"> a) All entrances to the building must be level, step free; b) The location of the mobility scooter charging points at ground floor. c) A management plan, including a PEEP. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
10	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.</p> <p>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 accommodation is provided.</p>

11	<p>Green/Brown Biodiversity Roofs (Details)</p> <p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <ul style="list-style-type: none"> a) green/brown roofs shall be biodiversity based with extensive substrate base (depth 120 -150mm); b) laid out in accordance with plans hereby approved; and c) 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>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>
12	<p>Tree Protection (Compliance and Details)</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and basement excavation 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 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"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. 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. 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. 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. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. 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 k. Boundary treatments within the RPA

	<p>l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping o. Veteran and ancient tree protection and management</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the 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.</p>
13	BREEAM (Compliance)
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
14	Energy Efficiency (Compliance)
	<p>CONDITION: The energy efficiency measures as outlined within the approved Sustainable Design and Construction Statement and any supporting documents shall be installed and operational prior to the first occupation of the development. Should there be any change to the energy efficiency measures within the approved Sustainable Design and Construction Statement, a revised Sustainable Design and Construction Statement shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The final agreed scheme shall be installed and in operation prior to the first occupation of the development. 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>
15	Delivery and Servicing Plan (Details)
	<p>CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
16	Construction Method Statement (Details)
	<p>CONDITION: Notwithstanding the details submitted with the application, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCEMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p>

- a) The notification of neighbours with regard to specific works;
- b) Advance notification of any access way, pavement, or road closures;
- 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;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
- 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;
- 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;
- 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, 09.30-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- 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;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites on Pentonville Road and Cumming Street at all times, including emergency service vehicles;
- m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;
- o) 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) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

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.

The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.

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

	<p>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.</p>
17	Air Quality (Compliance)
	<p>CONDITION: The Development is to be built in accordance with the hereby approved Air Quality Assessment. The measures outlined within the Assessment are to be completed prior to occupation of the development and shall be permanently maintained thereafter.</p> <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy.</p> <p>REASON: To protect the amenities of the future occupants and to avoid harm to health arising from exposure to poor air quality.</p>
18	Land Contamination (Details)
	<p>CONDITION: Prior to the commencement of development (including demolition) the following assessment shall be submitted to and approved in writing by the Local Planning Authority (in response to the NPPF and in accordance with CLR11 and BS10175:2011).</p> <p>a) A land contamination investigation (including intrusive investigation). Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To avoid unacceptable risk to health arising from contamination.</p>
19	Cross Rail 2 (Details)
	<p>Prior to commencement of works, a detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:</p> <p>(i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,</p> <p>(ii) Accommodate ground movement arising from the construction thereof,</p> <p>(iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures</p> <p>The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs (i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the building is</p>

	<p>occupied.</p> <p>Reason: To ensure that the development does not detrimentally impact on existing Cross Rail 2 transport infrastructure.</p>
20	<p>London Underground (Details)</p> <p>Prior to commencement of works, detailed design and method statements (in consultation with London Underground) for each stage of the development for demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:</p> <ul style="list-style-type: none"> • provide details on all structures; • accommodate the location of the existing London Underground structures and tunnels; • accommodate ground movement arising from the construction thereof; • and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. <p>The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p> <p>Reason: To ensure that the development does not detrimentally impact on existing London Underground transport infrastructure.</p>
21	<p>Removal of Permitted Development Rights – Office Use (Compliance)</p> <p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved B1(a) floorspace shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the borough.</p>
22	<p>Basement Excavation (Compliance)</p> <p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement Ref: 19076/SMS_R01/RS July 2019, unless otherwise agreed in writing.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council’s Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>

List of Informatives:

<p>1</p>	<p>The Building Acts and Building Regulations</p> <p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works. T: 020 7527 5999 E:</p>
<p>2</p>	<p>Street Naming and Numbering</p> <p>If the development results in changes to any postal address or addresses on the site you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p>
<p>3</p>	<p>Environmental Health, Trading Standards and Licensing</p> <p>You may need to comply with various Acts and therefore you should contact Commercial and/or Residential Environmental Health and/or Trading Standards and/or Licensing. The Licensing Team deal with premises that sell alcohol, provide entertainment, late night refreshment, gambling and special treatments such as beauty therapies, tattoos and saunas. T: 020 7527 3186 (Commercial/Residential/Trading Standards) T: 020 7527 3031 (Licensing) E: Street.Trading@islington.gov.uk Licensing@islington.gov.uk Residential.Envh@islington.gov.uk Commercial.Envh@islington.gov.uk</p>
<p>4</p>	<p>Inclusive Design and Access for Disabled People</p> <p>The London Plan, Islington's Core Strategy and relevant Supplementary Planning Documents and Part M of the Building Regulations require the creation/maintenance of an Inclusive Environment. If you require any further information or advice on the application of the principles of Inclusive Design contact the Inclusive Design officers. Other applicable standards and design guidance are set out in:</p> <ul style="list-style-type: none"> • Inclusive Mobility – www.dft.gov.uk/publications/inclusive-mobility • Approved Document M – Access to and use of buildings • Islington's Accessible Housing SPD – http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Publicconsultation/2011-2012/(2012-03-03)-Accessible-Housing-SPD-Adopted-March-09.pdf • Islington's Inclusive Landscape Design SPD - http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-andperformance/Reporting/2011-2012/(2012-03-03)-Inclusive-Landscape-Design-SPDJanuary-2010.pdf • BS8300:2009 – Design of buildings and their approaches to meet the needs of disabled people. <p>Regardless of any Planning or Building Regulations approval your client and or future occupant may have duties under the Equalities Act 2010 (which supersedes the Disability Discrimination Act). Those duties include to take all reasonable steps to ensure that disabled person experiences no less favourable treatment, which will involve the elimination of obstructive physical features. T: 020 7527 2394 E: planning@islington.gov.uk</p>

5	Highways
	In order to comply with the provisions of the Highways Act, and/or other Highways matters, you should contact Highways Services. Hoardings, scaffolding, skips, overhanging structures, anything on the public highway (tables and chairs for example) are regulated by the Streetworks Team. T: 020 7527 2000 E: streetworks@islington.gov.uk
6	Parking Suspensions
	In order to secure parking bays for the sole use of contractors on site, you should contact Parking and CCTV Services. T: 020 7527 1377/6262/6129 E: parkingsuspensions@islington.gov.uk
7	Trees
	Any trees which are the subject of a Tree Preservation Order or within a conservation area may not be lopped, felled, uprooted or wilfully damaged without permission. Should you wish to undertake any such works contact the Tree Service. T: 020 7527 2417/2150 E: treeservice@islington.gov.uk
8	Storage and Collection of Refuse
	In order to ensure the intended approach/strategy to refuse, recycling, waste removal is acceptable, you should contact Street Environment Services. T: 020 7527 2000 E: contact@islington.gov.uk
9	Nuisance from Construction Work
	Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are: <ul style="list-style-type: none"> • 08:00 to 18:00 Monday to Friday • 08:00 to 13:00 Saturday • No work on Sundays and Public Holidays If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties, then you should contact the Pollution Project Team. T: 020 7527 7272 E: pollution@islington.gov.uk
10	Fire Precautions
	If you require continued maintenance of fire precautions in existing buildings where no building work is planned contact the London Fire Brigade. T: 020 8555 1200 (ext: 59163) A: Eastern Command, Fire Safety Department Units 5-6 City Forum City Road, LONDON EC1V 2FB
11	Petrol Storage
	To ensure compliance with the Petroleum (Consolidation) Act and for advice on the storage of petroleum spirit or petroleum mixture, you should contact the London Fire and Civil Defence Authority. T: 020 8555 1200 (ext: 59163) A: Eastern Command, Fire Safety Department Units 5-6 City Forum City Road,

	LONDON EC1V 2FB
12	Thames Water
	<p>As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken 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 wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.</p>

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 2019 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.

Development Plan

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

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.10 CAZ – strategic priorities

Policy 2.11 CAZ – strategic functions

Policy 2.12 CAZ – predominately local activities

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.16 Protection and enhancement of social infrastructure

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.7 Retail and town centre development

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 King's Cross

Strategic Policies

Policy CS8 Enhancing Islington's character

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

Policy CS10 Sustainable Design

Policy CS11 Waste

Policy CS13 Employment Space

Policy CS14 Retail and services

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Shops, culture and services

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.12 Social and strategic infrastructure and cultural facilities

Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Designations

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

- Central Activities Zone
- Kings Cross & Pentonville Road Key Area
- Employment Growth Area
- Article 4 Direction – A1 (Retail) to A2 (Professional and Financial Services)
- Article 4 Direction – B1c (Light Industrial) to C3 (Residential)
- CrossRail 2 Safeguarding Zone
- London Underground Zone of Interest (Tunnels)

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design

Accessible Housing in Islington

Inclusive Landscape Design

Planning Obligations and S106 Urban Design Guide 2011

London Plan

Accessible London 2014

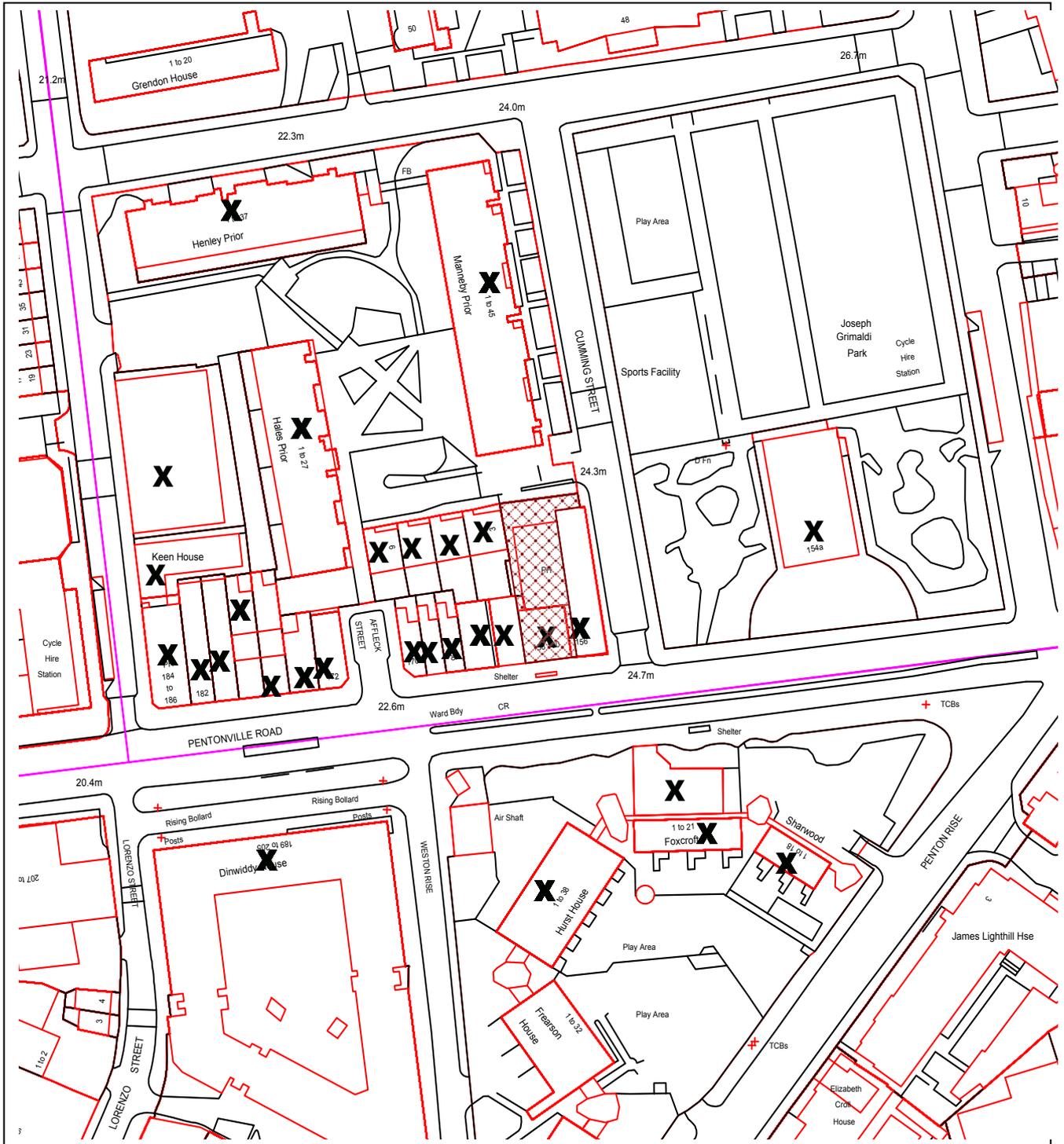
Culture & the night time economy 2017

Sustainable Design & Construction 2014

Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy 2013

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Islington SE GIS Print Template



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P2019/2290/FUL

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COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO: 2
Date:	23 April 2020	

Application number	P2019/3300/FUL
Application type	Full Planning Application
Site Address	22-23 Tileyard Road and part of 226-228 York Way, London, N7 9AX.
Proposal	Demolition of existing buildings and structures and erection of a part 3- and part 5-storey (plus basement) building to create Class B1(c) (light-industrial), Class B1 (office) and A3 (ancillary café) floorspace; service yard; cycle parking; plant refuse / recycling facilities; and associated works.
Ward	Caledonian Ward
Listed building	None
Conservation area	None
Development Plan Context	Locally Significant Industrial Site (Vale Royal) Local View from Dartmouth Park Hill; King's Cross & Pentonville Road Core Strategy Key Area; Article 4 Direction A1-A2 (rest of borough); Article 4 Direction B1(c) to C3; Article 4 Direction (Office to Residential)
Licensing Implications	None

Case Officer	Stefan Sanctuary
Applicant	Tileyard London
Agent	Charles Moran (CMA Planning)

1. RECOMMENDATION

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

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

2. SITE PLAN / PHOTOS OF SITE

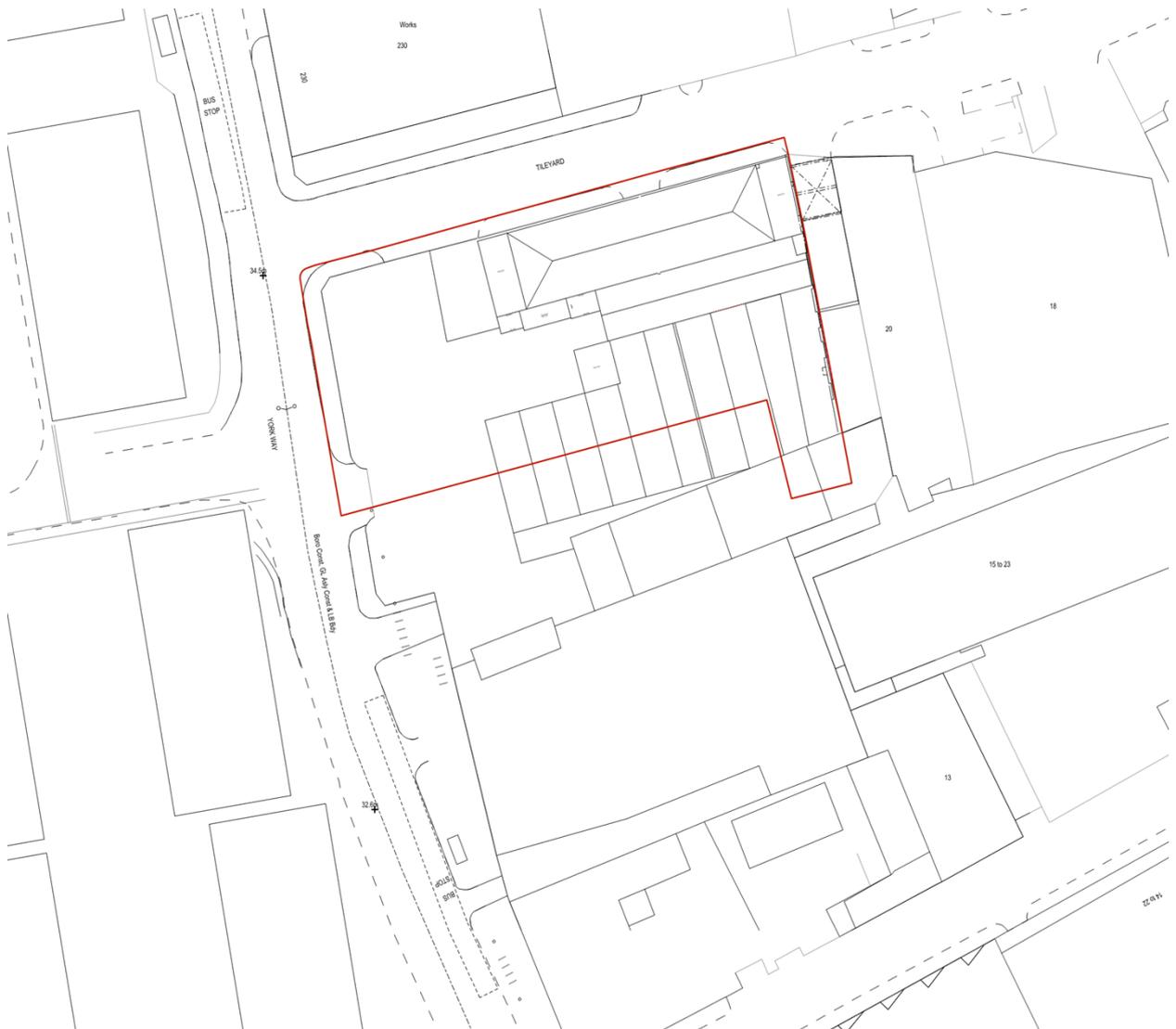


Fig 2.1 Site plan. Application site outlined in red / black

Application Site



Birdseye View looking north

Application Site



Birdseye View looking east



22-23 Tileyard Road & entrance to Fayers Site



Fayers Site and Maiden Lane Estate



From York Way looking north



From Tileyard Road looking west

3 SUMMARY

- 3.1 The application site consists of a two-storey warehouse building, a proportion of the Fayers Building (former plumber's merchants) and an open area at the front providing vehicular access to the site. The site is within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) and is bordered by Tileyard Road to the north and York Way to the west. To the south are a number of warehouse buildings, including the Fayers Buildings. The site is surrounded on three sides by light industrial buildings typical of the LSIS, whilst to the west is the borough's boundary with the London Borough of Camden, mainly characterised by large apartment buildings.
- 3.2 The proposal is to demolish the existing buildings on site and erect a part 3-, part 5-storey (plus basement) building to create Class B1(c) (light industrial), Class B1 (flexible workspace) and A3 (ancillary café) floorspace, as well as a service yard, cycle parking, plant room, refuse / recycling storage and other ancillary works. The proposed mix of uses, which involves an uplift in floorspace suitable for the LSIS in the form of B1c (light industry) uses is considered to be in accordance with Islington's Core Strategy (ICS, 2011) policies CS6 (part D) and CS13 (part B) for the Vale Royal/Brewery Road LSIS, Islington's Development Management Policy DM5.3, adopted London Plan (2016) Policies 4.2 and 4.4, the objectives of the Land for Industry and Transport Supplementary Planning Guidance (2012) as well as the new emerging London Plan Policies E4 and E7.
- 3.3 The proposed development is considered to be well-designed, responding successfully to its context and maintaining the setting of surrounding heritage assets. As such, the application is considered to be in accordance with the objectives of the National Planning Policy Framework Chapter 12 (Achieving well-designed places), the London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington's character) and policy CS9 (Protecting and enhancing Islington's built and historic environment), Islington Development Management Policies DM2.1 (Design), the principles of Islington's Urban Design Guide as well as emerging Islington Local Plan Policy SP3.
- 3.4 The proposed development is not considered to result in undue impacts on neighbouring residential amenity in terms of loss of daylight/sunlight, privacy, or an increased sense of enclosure, overlooking, noise or disturbance subject to appropriate conditions as detailed above. As such, the application is considered to be acceptable and in accordance with London Plan 2016 policies and Islington Development Management Policy DM2.1.
- 3.5 The proposal is considered to be a sustainable form of development on brownfield land in a sustainable location. The application proposes a number of energy efficiency measures, a reduction in carbon emissions and on-site renewable energy in accordance with adopted policy. Moreover, inclusive design measures have been incorporated into the scheme as well as landscape features and biodiversity measures, in accordance with planning policy.
- 3.6 Finally, the application includes a section 106 agreement with suitable planning obligations and financial contributions in order to mitigate the impacts of the development; thus, the planning application is considered to be acceptable and in accordance with adopted planning policy, subject to the planning conditions and planning obligations listed in Appendix 1.

4.0 SITE & SURROUNDINGS

- 4.1 The site is within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) and is bordered by Tileyard Road to the north and York Way to the west. To the south are a number of warehouse buildings, including the Fayers Buildings, for which there is an existing planning application (P2019/3410/FUL). The site is surrounded on three sides by light industrial buildings typical of the LSIS, whilst to the west is the borough's boundary with the London Borough of Camden, mainly characterised by large apartment buildings.
- 4.2 The application site consists of a two-storey warehouse building, a proportion of the Fayers Building (former plumber's merchants) and an open area at the front providing vehicular access to the site. The two-storey warehouse building, on the northern boundary of the site (known as 22-23 Tileyard Road), is an old Victorian warehouse with brick and rendered elevations, a small off-street servicing/parking area and a separate entrance, both accessed from Tileyard Road. The warehouse has an authorised B1 use and previously provided space for artists, composers, producers and editors, but is now vacant.
- 4.3 The Fayers Building, of which a part lies within the application site, was formerly in use as a plumber's/builder's merchant, with an ancillary retail showroom and extensive warehousing. The building is also an old Victorian warehouse with a metal saw tooth roof (226-228 York Way). There is a brick boundary wall with metal railings along the street facing boundaries, with an element of paved forecourt accessed by three crossovers onto York Way.
- 4.4 To the west of the site, across York Way and in the London Borough of Camden, is the Maiden Lane Estate. The eastern half of the estate faces the development site and comprises blocks of 20 storeys (Block A), 7 storeys (Blocks D & E) and 6 storeys (Block H). Further to the south, is a 7 to 9 storey commercial building (the Fitzpatrick Building), which is currently under construction.
- 4.5 The site is located within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS), and the Kings Cross & Pentonville Road Key Area (Core Strategy Policy CS6). All sites within the LSIS are subject to a number of Article 4 directions removing permitted development rights for (i) a change of use from office (B1a) to residential (C3) (ii) shops (A1) to financial and professional services (A2), and (iii) a temporary flexible change of use from A1/B1/D1 to A1, A2, A3 or B1.
- 4.6 The site has a PTAL rating (Public Transport Accessibility Level) of 2 (low). York Way is served by the 390 bus (Archway Station to Notting Hill Gate via Kings Cross). The nearest stations are Caledonian Road (Underground), Camden Road (Overground), Caledonian Road & Barnsbury (Overground), Kings Cross (Underground & National Rail) and St Pancras (Underground, National Rail and Eurostar) which are within 1.3km/15 mins walk. York Way is the northern end of a signposted north-south cycle route to Copenhagen Street.
- 4.7 The site is within the Thornhill CPZ with restricted parking on weekdays from 08.30-18.30, and Saturdays 08.30-13.30. York Way (A5200) is a principal borough road but does not form part of the Transport for London Road Network.
- 4.8 The site is not affected by any formal heritage constraints, and whilst several buildings on the site and within the LSIS are attractive Victorian warehouse style buildings, there are no immediately adjacent designated heritage assets or conservation areas. Two locally significant views are identified which cross the LSIS, and one of these (Dartmouth Hill to St Paul's Cathedral) passes over the site.
- 4.9 There is no green space on the site, and the nearest site of importance for nature conservation (Copenhagen Junction) is not immediately adjacent to the site.
- 5.0 Proposal (In Detail)**
- 5.1 The proposal is to demolish the existing buildings on site and erect a part 3-, part 5-storey (plus basement) building to create Class B1(c) (light industrial), Class B1 (flexible workspace) and A3

(ancillary café) floorspace, as well as a service yard, cycle parking, plant room, refuse / recycling storage and other ancillary works.



Proposed Ground Floor

- 5.2 On the corner of Tileyard Road and York Way, the proposal includes a slightly recessed entrance to the A3 unit, while a further entrance on York Way provides access to an entrance lobby providing access to the B1 (flexible workspace) uses on the floors above. The ground floor also includes 5 No separate B1(c) units with access provided from Tileyard Road. A vehicular entrance is also provided from Tileyard Road to the rear of the site.
- 5.3 The basement level provides further B1c floorspace as well as plant room, cycle storage, shower and locker facilities, refuse and recycling. A lift and stair core provides access to the floors above, which provide further B1 office floorspace and ancillary facilities. Overall the proposal includes 4,961sqm (GIA) of flexible (B1) office floorspace, 1,647sqm(GIA) of designated B1(c) floorspace and 123sqm (GIA) of A3 floorspace.



Proposed Front Elevation

- 5.4 The building has a 3-storey frontage onto York Way with a pitched / gable-end roof-form. The design of the building mirrors a traditional Victorian warehouse design with grid-like fenestration pattern and a strong vertical emphasis. The building rises up to five storeys in height on Tileyard Road with the gable-end roof-form continued. The eastern elevation of the building has a protruding element with an undercroft providing vehicular access to the rear of the site.



Proposed Tileyard Elevation

6.0 RELEVANT HISTORY

6.1 22-23 Tileyard Road

P2015/2933/COLP - Application for a Lawful Development Certificate for the proposed use of this building as office floorspace (B1(a) use class). Granted 01/09/2015

P2015/1204/FUL - Re-configuration and refurbishment of existing two storey office building, a three storey roof extension and five storey side extension to create a total of 2,072sqm (GIA) of

Class B1 space (net increase of 1,159 sqm (GIA) of accommodation). Granted 14/03/2016 (not implemented)

6.2 22-23 Tileyard Road & 196-228 York Way

P2018/2355/FUL – Demolition of the existing buildings and the construction of a new part 6, part 7, part 8-storey building plus double basement (overall height of 29 metres) to provide for 1,628 square metres(GIA) of light industry floorspace (Use Class B1(c)) at basement and ground floor level along with ancillary café at ground floor level, and 9,111 square metres (GIA) of business use floorspace (Use Class B1 (a)/(b)/(c)), and the construction of a part 6, part 9-storey building plus double basement (overall height of 27.3 metres) consisting of 7,400 square metres (GIA) of self-storage floorspace (Use Class B8) and 870 square metres (GIA) of office floorspace (Use Class B1(a)) along with associated access arrangements, plant area, car and cycle parking, refuse storage and ancillary works.

This application was refused for the following five reasons:

- (i) Land use – in particular, that the proposal was for predominantly open B1 floorspace, which did not complement or support the economic and employment role of the LSIS.
- (ii) Design – that due to its height, scale and design, the proposal would be overbearing and fail to respect and respond positively to existing buildings, the streetscape and the wider context.
- (iii) Neighbouring Amenity – that the proposal would have an undue negative impact on neighbouring residential amenity in terms of loss of daylight.
- (iv) Energy - the proposed development would fail to meet the target carbon emissions reductions in regulated and unregulated emissions.
- (v) Section 106 - In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development.

The decision was appealed by the applicant and the Planning Inspector dismissed the appeal. The final two reasons for refusal, energy and lack of a section 106 legal agreement, were addressed through the submission of further details and evidence submitted in advance of the appeal inquiry. While the inspector did not agree with the land use reason for refusal, the two other reasons, design and neighbouring amenity, were upheld, and the appeal was thus dismissed.

Neighbouring / Nearby Sites

6.3 202-228 York Way

991059 - Construction of a 2-storey building for warehouse, offices and bathroom display use. Granted 30/11/1999

6.4 196-200 York Way

P080410 - Use of the first floor for purposes within Class B1 of the Town & Country Planning (Use Classes) Order 1987. Granted 02/05/2008

P070765 - Change of use from use as premises for chauffeur-driven car hire service to use as a club bar and restaurant with a licensed outside courtyard area. Installation of ventilation flue. Granted 20/11/2007

6.4 Fitzpatrick Building, 188 - 194 York Way

P2014/0523/PRA - Prior approval application for proposed change of use to 22 residential flats. Prior Approval granted 02/04/2014

P2016/1999/FUL - Demolition of the existing office building and redevelopment to provide a part 7/part 8/part 9 storey building to provide office (use class B1a) and flexible (Use class B1) floorspace, including basement, ancillary ground floor cafe, cycle parking, plant/storage, landscaping and all other necessary works associated with the development. Granted 30/06/2017

6.5 230-238 York Way

P2017/1834/COLP [Application for a Lawful Development Certificate for a proposed] Change of use of up to 500 square metres of existing Storage and Distribution Floorspace (B8) floorspace to Office B1(a). Granted 07/07/2017

6.6 13 Vale Royal

P2016/2706/FUL Refurbishment of existing nightclub 'Egg London', comprising of excavation to create basement; erection of a new single storey extension in existing ground floor garden area and formation of part ground floor mezzanine, first and second floor balcony areas; addition of part third floor extension to replace existing raised second floor flat roof at rear of no. 13 Vale Royal; formation of curved louvre structure and concave motif on Vale Royal elevation; reinstatement of main entrance on Vale Royal and closing of existing York Way entrance; and other associated alterations. Granted 11/07/2017

Pre-application advice

6.7 There has been no formal pre-application advice since the appeal decision on the 21st August 2019.

7.0 CONSULTATION

Public Consultation

7.1 Letters were sent to occupants of 530 adjoining and nearby properties on the 13/11/2019. A site notice was displayed on the 11th November 2019 and press advert was published on 6th January 2020. The public consultation of the application expired on 30/01/2020.

7.2 At the time of writing, a total of 125 responses (6 objections/119 letters of support) were received from the public with regard to the planning application.

7.3 The responses can be summarised as follows:

Support

- Tileyard are a unique enterprise hub that provide a valuable resource and any addition to their provision of workspace would be welcomed
- Positive impact for local community
- Benefit to the local economy
- Mixed use space preferable to light industrial
- More office space needed
- Offices bring more employment per square foot than industry
- Well-designed buildings

Objection

Of the objections received, the majority appeared to be objecting to the previous application or exclusively to the neighbouring site, referred to as Big Yellow. It can now be confirmed that only two of the objections are to the current application at the subject site, and the issues can be summarised as follows [*with the paragraphs shown in brackets indicating where this is addressed in the report*]:

- The height and scale of the application is excessive and would result in loss of daylight and sunlight to neighbouring residential occupiers [paragraphs 9.34 - 9.44 and 9.65 - 9.71];
- The proposal would result in a loss of privacy and increased overlooking [9.72-9.73].

External Consultees

7.4 Thames Water

No objection. If discharge is proposed to a public sewer, prior approval from Thames Water will be required. As the development is within 15m of underground waste water assets, the standard informative referring to the “working near our assets” is recommended.

Standard conditions and informatives on ‘Impact Piling’, groundwater, waste and water.

7.5 London Fire & Emergency Planning Authority

No comment, but standard informatives apply

7.6 TfL

Transport for London were generally supportive of the proposal but requested the following:

- That a Stage 1 Safety Audit undertaken;
- That the cycle parking provision is increased in line with TfL cycle standards and guidelines;
- That a Delivery & Servicing Plan should be provided; and
- A Construction Logistics Plan should be provided in outline form before the application is approved.

The applicant has now addressed the issues raised to the satisfaction of planning officers.

7.7 Camden Council

Raised no concerns with the application.

Internal Consultees

7.10 Design and Conservation

The design has been demonstrably informed by a thorough analysis and appreciation of the complex and transitioning context of the site. This is reflected in a number of key beneficial design responses including:

- the significant set-back of the building line from the York Way edge and thus from the apartment buildings opposite
- an appropriate storey height to this sensitive edge between 12.4m to 14m (to roof ridge), with a maximum height of 22m to the remainder of the building (to plant)
- the referencing of traditional industrial warehouse architecture.

The ground floor has been designed to effectively and actively address the important interface with the public realm and is complemented by suitably animated elevational treatments to this and the upper floors, reflective of the site’s industrial past and its existing and ongoing industrial future.

The roof line has been given due consideration which, given the relatively long views of the site from York Way and from within the streets and buildings within the LSIS, is an important design

consideration. Its roof ridges, gables and roof lights, are reflective of a traditional industrial architectural language that sits compatibly within this industrial and urbanising context.

Within such a transforming and urbanising urban context, given the site is also an integral part of an important employment generating and intensifying LSIS, and given the form and configuration of the building sits comfortably on its site, and the animated elevations and rooflines will contribute to the streetscape ambience, there are no resulting design or conservation objections to this scheme.

7.11 Planning Policy

The following issues were raised with the application as originally submitted.

- There is only a moderate uplift in industrial floorspace, totalling 180sqm;
- Similar to the previous application, the provision of flexi B1 is offered as large floorplates and is clearly designed for B1a use which will suit a large office occupier.

The application has now been amended by increasing the amount of B1c floorspace and reducing the amount of flexible B1 floorspace. Whilst concerns remain about the potential impacts of the proposal on the primary role of the LSIS, the new mix of uses proposed is now considered acceptable when considered against the current development plan policy.

7.12 Access & Inclusive Design

On inclusive design grounds the building itself is largely workable to cater for the diverse and complex needs of London's population. There were a number of concerns relating to the inclusive transport, the proposed cycle store, the basement layout, toilet facilities and egress and emergency provision. All of the points raised have now been addressed to the satisfaction of the Council's Access Officers.

7.13 Public Protection

No objection in principle. The application is for a major redevelopment to the site with a proposed new 5-storey B1 building and A3 café. It is advised that the development would achieve air quality neutral status.

The application includes a noise report with background sound survey. It is noted that a ASHP pump is referred to in the submission along with extraction for the A3 unit and other building services plant for the office space. This should be conditioned accordingly.

The following condition is proposed for a report to verify that the plant complies with the condition above:

*"A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition **. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter."*

The site does have a delivery yard but the following condition limiting hours of deliveries is proposed to minimize impacts for nearby receptors:

"Deliveries, collections, unloading, loading shall only be between the following hours: Monday to Saturday - (08:00 - 20:00); Sundays/Bank Holidays - not at all"

The site is to be redeveloped with a basement across the whole site. This would entail removing much of the made ground off site and there are no areas of soft landscaping proposed. The developer is advised that the advice in the contaminated land report is followed and site waste is disposed of appropriately, a watching brief is kept and a verification report is completed to validate the assumptions of the report. The following condition is advised:

“Prior to any superstructure works commencing on site the details of the following works 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:

a) *A remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation.*

This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. 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. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing

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). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of any gas membrane placement. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination or the current UK requirements for sampling and testing.”*

Finally, the site is surrounded by other commercial office and industrial space on the Islington side and the Maiden Lane estate residential on the Camden side. There will need to be a site specific CMP to set how impacts will be mitigated following the guidance of our Code of Practice for Construction Sites (and any other relevant guidance). This should be via S106 CoPCS response document obligation or condition.

7.14 Energy/sustainability

We recommend the following:

- The applicant should commit to a correctly calculated Carbon Offset contribution of £112,046.80 (121.79 tonnes x £920) as required by Islington CS10 and Environmental Design SPD.
- The applicant should confirm that all external lighting will be LED.
- The applicant should confirm, by thermal modelling, whether the building is at risk of overheating without active cooling but with the inclusion of the mechanical ventilation included in the design.
- The applicant should confirm that there is a protected pipe route from the site boundary to the capped connections and that the development will meet all of the requirements for future connection to a DEN in Appendix 1 of Islington’s Environmental Design SPD.

PLANNING CASE OFFICER COMMENT: The points raised have now been addressed to the satisfaction of the Council's Energy Officer.

7.15 Transport

No objections. Delivery / Servicing Plan, Construction Logistics Plan, Construction and Environmental Management Plan, Travel Plan should all be secured by condition or Section 106 Agreement.

8 RELEVANT POLICIES

National Guidance

- 8.1 The National Planning Policy Framework (NPPF) 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and the National Planning Practice Guidance (NPPG) are material considerations and have been considered as part of the assessment of these proposals.

Development Plan

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

8.3 **The London Plan 2016 - Spatial Development Strategy for Greater London**

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.17 Strategic industrial locations

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.4 Managing industrial land and premises

Policy 4.10 New and emerging economic sectors

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of

development on transport capacity

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Lifetime neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review

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

8.4 Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

8.5 Development Management Policies 2013:

Policy DM2.1 (Design)

Policy DM2.2 (Inclusive design)

Policy DM2.3 (Heritage)

Policy DM2.4 (Protected views)

Policy DM5.1 (New business floorspace)

Policy DM5.2 (Loss of existing business floorspace)

Policy DM5.3 (Vale Royal/Brewery Road Locally Significant Industrial Site)

Policy DM5.4 (Size and affordability of workspace)

Policy DM6.6 (Flood prevention)

Policy DM7.1 (Sustainable design and construction)

Policy DM7.3 (Decentralised Energy Networks)

Policy DM7.4 (Sustainable design standards)

Policy DM7.5 (Heating and cooling)

Policy DM8.2 (Managing transport impacts)

Policy DM8.4 (Walking and cycling)

Policy DM8.5 (Vehicle parking)

Policy DM8.6 (Delivery and servicing for new developments)

Policy DM9.1 (Infrastructure)

Policy DM9.2 (Planning obligations)

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

Islington SPD

Environmental Design (Oct 2012)

Inclusive Design (Feb 2014)

Inclusive Landscape Design (Jan 2010)

Planning Obligations (S106) (Dec 2016)

Urban Design Guide (Jan 2015)

Development Viability (Jan 2016)

Basement Development (Jan 2016)

Islington Employment Land Study (Jan 2016)

Vale Royal/Brewery Road Locally Significant Industrial Site Height Study (2016)

London Plan

Accessible London: Achieving an Inclusive Environment SPG (adopted October 2014)

The Control of Dust and Emissions During Construction and Demolition SPG (adopted July 2014)

Character and Context SPG (adopted June 2014)

London Planning Statement SPG (adopted May 2014)

Sustainable Design and Construction SPG (adopted April 2014)

Land for Industry and Transport (Sep 2012)

Emerging Policies

Draft London Plan (Intend to Publish Version), December 2019

- 8.7 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspectors’ report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

Policy GG2 Making the best use of land	Policy E7 Industrial Intensification, co-location and substitution
Policy GG5 Growing a good economy	Policy SI2 Minimising greenhouse gas emissions
Policy D1 London’s form and characteristics	Policy SI4 Managing heat risk
Policy D2 Delivering good design	Policy SI5 Water infrastructure
Policy D3 Inclusive design	Policy SI12 Flood risk management
Policy D4 Housing standards	Policy SI13 Sustainable drainage
Policy D9 Basement development	Policy T2 Healthy Streets
Policy D13 Noise	Policy T4 Assessing and mitigating transport impacts
Policy E1 Offices	Policy T5 Cycling
Policy E2 Low cost business space	Policy T6 Car parking
Policy E4 Land for industry, logistics and services to support London’s economic function	Policy T7 Freight and Deliveries, servicing and construction
Policy E6 Locally Significant Industrial Sites	

It is worth noting at this point that the Secretary of State has written to the Mayor of London setting our various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions, which include altering the no net loss of industrial space provisions in the emerging plan. In any event, given what is proposed by the Applicant the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

- 8.8 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. Due to the constraints posed by Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020.
- 8.9 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.11 Emerging policies relevant to this application are set out below:

Policy SP3 Vale Royal/Brewery Road Locally Significant Industrial Site	Policy S9 Integrated water management and sustainable design
Policy B1 Delivering a range of affordable business floorspace	Policy T1 Enhancing the public realm and sustainable transport
Policy B2 New business floorspace	Policy T2 Sustainable transport choices
Policy B3 Existing business floorspace	Policy T3 Car-free development
Policy S1 Delivering sustainable design	Policy T5 Delivery, servicing and construction
Policy S2 Sustainable design and construction	Policy DH1 Fostering innovation while protecting heritage
Policy S3 Sustainable design standards	Policy DH4 Basement development
Policy S4 Minimising greenhouse gas emissions	
Policy S8 Flood risk management	VR1 Fayer's Site, 202-228 Tileyard Road, 22-23 Tileyard Road, 196-200 York Way

9 EVALUATION

Land use

- 9.1 The site is currently occupied by vacant buildings including: 22-23 Tileyard Road (The Abattoir Building), a two-storey former warehouse building, recently subject to a planning consent for refurbishment along with a three-storey roof, and five-storey side extension to create circa. 2,100sqm of B1 space; and the northern part of the Fayers Building (a former plumber's merchants), including a small area of surface parking at the junction of York Way and Tileyard Road. The existing Abattoir Building extends to 993sqm GIA; and the Fayers Building within the application site extends to 1,077sqm GIA.
- 9.2 As opposed to the previous application submitted for this site, which was refused at the 2019 appeal inquiry, this scheme is proposed as a standalone planning application. There is a separate live planning application by Big Yellow (P2019/3410/FUL) for the neighbouring site, which was previously included in the scheme dismissed at appeal (P2018/2355/FUL). The neighbouring site occupies the larger southern section of the 196-228 York Way site, including the former Egg night club.

Policy context

- 9.3 The NPPF includes requirements for planning policies and decisions to build a strong, competitive economy. Paragraph 82 of the 2019 NPPF states that "planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations".
- 9.4 The Vale Royal/Brewery Road Locally Strategic Industrial Site (LSIS) is within close proximity to the CAZ, and serves a strategic purpose to Central London's businesses and the wider borough economy. Vale Royal/Brewery Road LSIS has a longstanding history of industrial activity dating

back to the late 19th Century. It was identified as an Industrial Priority Area in Islington's Development Plan dating back to 1982, where investment on industrial uses were prioritised in the area to support the increasing industrial activity in the area. The current Development Management Policies (DMP, 2013) LSIS designation on the Vale Royal/Brewery Road area was carried over from the Unitary Development Plan (UDP, 2002) which recognised this area as an Industrial and Warehousing Area (IAWA), with policies focusing on safeguarding B2 and B8 uses and land.

- 9.5 Current Core Strategy Policy CS6 (part D) identifies the Vale Royal/Brewery Road area as the only locally significant concentration of industrial warehousing/employment land in the borough. Policy CS13 (part B) explains that the borough has designated the Vale Royal/Brewery Road LSIS to provide employment space and to retain space that is suitable for industrial/warehousing/employment land.
- 9.6 Islington's Core Strategy (ICS, 2011) policies CS6 (part D) and CS13 (part B) for the Vale Royal/Brewery Road LSIS set out the objectives for this LSIS designation and the appropriate land uses that are suited to industrial and warehousing uses, in line with the primary economic activity of the area; ensuring that new development proposals enhance the area's potential to retain industrial capacity. This is reiterated in policy DM5.3 of the Council's Development Management Policies (DMP, 2013), that is specifically concerned with the Vale Royal/Brewery Road LSIS. Part A of this policy states that the council supports the retention and intensification of uses appropriate to the role of the LSIS (i.e. within the B1(c), B2 and B8 Use Classes). Part B protects the Vale Royal/Brewery Road LSIS from loss or reduction of B1c, B2 and B floorspace. Part C states that proposals will be also resisted where they would have a detrimental individual or cumulative impact on the area's primary economic function. Para 5.22 explains that proposals for uses which complement and support the economic and employment role of the LSIS will be considered acceptable "where there is no impact on its primary economic function". Offices are given as an example of the type of use which may fall into this category.
- 9.7 In relation to current regional policy, the London Plan (2016, consolidated with alterations since 2011) and the Land for Industry and Transport Supplementary Planning Guidance (2012) together establish the Mayor's approach to industrial land management. London Plan Policy 4.4 states boroughs should adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London, including for good quality and affordable space. The SPG identifies Islington as a borough of "restricted transfer" - the strongest protection for industrial land. London boroughs categorised under the "restricted transfer" category typically have low levels of industrial land relative to demand and that the loss of industrial sites to other uses should be resisted in LSIS designations. This categorisation has changed in the new London Plan (London Plan – intend to publish version – December 2019) which assigns the "retain" category to Islington, meaning that development should seek to intensify industrial floorspace capacity "following the general principle of no net loss across designated SIL and LSIS".
- 9.8 The new London Plan confirms the above need through policy E4, which is in place to ensure that a sufficient supply of land and premises exist in different parts of London, to meet current and future demand for industrial and related functions. Para 6.4.1 notes that "London depends on a wide range of industrial, logistics and related uses that are essential to the functioning of its economy and for servicing the needs of its growing population, as well as contributing towards employment opportunities for Londoners". Para 6.4.7 identifies the "need to provide essential services to the CAZ and Northern Isle of Dogs and in particular sustainable 'last mile' distribution/logistics, 'just-in-time' servicing (such as food service activities, printing, administrative and support services, office supplies, repair and maintenance) ...".
- 9.9 Policy E4 (part C) of the new London Plan states that "The retention, enhancement and provision of additional industrial capacity across the three categories of industrial land set out in Part B should be planned, monitored and managed. Any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives, including the delivery of strategic

infrastructure, should be facilitated through the processes of industrial intensification, co-location and substitution set out in Policy E7 Industrial intensification, co-location and substitution

- 9.10 The supporting text of the Policy E4 (para 6.4.5) explained that the floorspace capacity is defined as “either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio (whichever is the greater)”. A direction by the Secretary of State has since requested removal of reference to the 65% plot ratio but the Plan still addresses the need to retain provide sufficient industrial, logistics and related capacity through its policies. Part D of E4 states that the retention, enhancement and provision of additional industrial capacity should be prioritised in locations with certain characteristics, such as those that are accessible to the strategic road network; provide capacity for activities such as logistics, emerging industrial sectors or essential industrial-related services that support London’s economy and population; provide capacity for micro, small and medium-sized enterprises; are suitable for ‘last mile’ distribution services to support large-scale residential or mixed-use developments; and support access to supply chains and local employment in industrial and related activities.
- 9.11 Policy E6 requires London boroughs to designate and define boundaries for Locally Significant Industrial Sites, making clear the range of industrial and related uses acceptable in the LSIS to include, where appropriate, hybrid or flexible space under use classes B1c/B2/B8 that is suitable for SMEs. The New London Plan encourages all boroughs to explore the potential to intensify industrial activities on industrial land to deliver additional capacity. (para 6.7.1 of the supporting text to policy E7). Policy E7 instructs both borough local plans and development proposals to be proactive and encourage the intensification of industrial (B1c, B2, B8) uses on all categories on industrial land (meaning SIL, LSIS and non-designated industrial sites) through various measures.
- 9.12 The Mayor’s current approach towards protection of industrial land is underpinned by robust evidence, including the London Industrial Land Demand Study (LILDS, 2017), the London Industrial Land Supply and Economy Study (LILSES, 2015) and The Industrial Land and Transport Study (ILTS, 2017). Para 6.4.4 from the new London Plan indicates that there will be positive net demand for industrial land in London over the period 2016 to 2041, mostly driven by strong demand for logistics to service growth in London’s economy and population. The LILSES (2015) calculates that Islington has released significantly more industrial land than the benchmark set out in the Land for Industry and Transport SPG (2012). However, the actual release has exceeded the 0.3ha benchmark recommended, by the Land for Industry and Transport SPG for 2011-2031, by 462% in just the period from 2011-2015, with further losses reported between 2015 and 2018. Islington’s Employment Land Study (ELS, 2016) also highlights the large losses of industrial land in recent years – 436,000sqm between 2000 and 2012. In addition, the ILTS (2017) concluded that the release of industrial land could have a negative impact on the efficient operations of the firms affected by land release; the labour market, if firms have to relocate a significant distance; the ability to achieve service level agreements and supply chain impacts on third parties more generally; and traffic congestion, air quality and emissions and road safety issues.
- 9.13 The Vale Royal/Brewery Road LSIS accommodates many of type of uses suggested in the Mayor’s evidence, including activities that provide for the expanding Central London business market. Such activities may also exist alongside more traditional forms of industrial uses, as well as emerging forms. The uses identified include:
- companies supplying logistics and sound equipment for live events;
 - props hire companies;
 - artisan bread makers;
 - catering companies;
 - distribution companies (wine distributor);
 - a graphics company who design and manufacture hoardings; and
 - photographic and sound recording studios.

- 9.14 The Inspector's report of the London Plan EiP (2019) confirms that there is merit in taking forward the overall approach set out in policies E4 to E7. Moreover, it recommends strengthening criterion included in policies E4 and E7 to make clear that a sufficient supply of industrial land and premises should be provided as well as maintained, and to ensure that the plan is effective in protecting all viable industrial uses, including those occupied by small businesses, in the future. The Secretary of State has since written to the Mayor of London directing the London Plan, in particular through Policies E4 to E7 to be less restrictive and more 'proportionate' in its requirements to retain industrial capacity and land. As such, reference to the 65% plot ratio would be removed, though the Plan should still address the need to provide sufficient industrial, logistics and related capacity through its policies.
- 9.15 Islington's emerging Local Plan policies consider the latest employment and industrial land evidence base both at local and regional levels, in line with national policy. In response to the new London Plan, Policy SP3 part A of Islington's emerging Local Plan identifies the principal objective of the Vale Royal/Brewery Road LSIS as being "to retain industrial land and intensify B1c light industrial, B2 general industry and B8 storage and distribution uses", while part C from this policy states that "any proposal which introduces additional offices, regardless of whether there is an existing office use on site, and which does not result in the building being in predominantly industrial use, will be refused." Part D expressly confirms the council's continuing support for music and entertainment industries in the area such as Tileyard Studios, and reiterates that any proposals for potential expansion and renovation of existing buildings need to be in line with land use policies defined in part A and C.
- 9.16 Policy B2, from the emerging Local Plan sets out that the overriding priority land uses in LSIS designations are industrial uses (B1(c), B2, B8 and Sui Generis uses which are akin to industrial uses). The retention and intensification of industrial uses and existing clusters of industrial activity in LSISs will be required as part of any proposal within a LSIS. The provision of hybrid space is supported. The development of office use may be permissible as part of a hybrid workspace scheme, but it must only constitute a small proportion of the overall gross floorspace proposed.
- 9.17 Emerging local policies consider that the introduction of a large quantum of non-industrial uses would over time undermine the primary industrial economic function and compromise the future growth of LSISs and will therefore not be permitted unless they are clearly ancillary to a proposal. The provision of hybrid space in LSIS designations is also referenced in Policy SP3, part B, that encourages the provision of a range of flexible industrial uses including those suitable for SMEs, in line with policy E6 from the new London Plan. It is worth noting at this point that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions, which include altering the no net loss of industrial space provisions in the emerging plan. In any event, given what is proposed by the Applicant the direction does not alter the assessment in this case.

Assessment

- 9.18 The proposal does not involve net loss of industrial floorspace, which is in accordance with part B of Policy DM5.3. However, the quantum of B1 open floorspace proposed outweighs the amount of space exclusively dedicated to industrial uses. Flexible B1 use is still the main use proposed, with a proportion of 73.7% of the overall development, or 4,961sqm over 1,647sqm of B1c. Open B1 use could include the provision of light industrial (B1c), research and development facilities (B1b) but also of office space (B1a). It should be noted however, that the policy aspiration for industrial uses to be the predominant use on all development proposals in the LSIS does not form part of adopted policy, rather it is an aspiration of the emerging Local Plan policies which have not been adopted and are not given full weight yet.
- 9.19 More critical to the assessment of the proposal here is considered to be the adopted Development Management Policies and Core Strategy Policies referred to above, the adopted London Plan (2016, consolidated with alterations since 2011) along with the Land for Industry and Transport

Supplementary Planning Guidance (2012) as well as the New London Plan, which although not fully adopted has undergone examination and thus carries more weight than the emerging Local Plan. The application maintains and enhances industrial floorspace on site by proposing an uplift from 1,077sqm to 1,647sqm in accordance with adopted local policy. It can be confirmed that the application site measures 0.18 hectares or 1,800sqm. The 'Intend to Publish' version of the London Plan sought a no overall net loss of overall industrial capacity and referred to a 65% plot ratio as a benchmark, i.e. 65% of the overall site area should be retained as industrial floorspace. While the direction by the SoS advises removal of the 65% plot ratio reference and directs a more flexible approach, the overall aim of providing sufficient industrial and logistics capacity remains so the benchmark still provides a useful exercise. Potential industrial and warehousing floorspace that could be accommodated on site at a 65% plot ratio is approximately 1,172.9sqm, a slightly larger capacity than the existing industrial floorspace. The application proposes 1,647sqm of light industrial (B1c) floorspace, which is considerably above the London Plan's industrial floorspace capacity threshold 65% plot ratio and would thus be considered in accordance with the emerging New London Plan in this regard.

- 9.20 Consideration is also given to Islington's Core Strategy Policy CS6 (King's Cross). Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and accommodation for small enterprises will be particularly encouraged. This is echoed by Core Strategy Policy CS13, which requires new business floorspace to be flexible to meet future business needs and for proposals to offer a range of unit types and sizes, including those suitable for SMEs. The proposals include a wide range of flexible office and industrial units from small (50sqm) units suitable for SMEs to larger office floorplates which maximise employment capacity. The proposal also includes generous floor-to-ceiling heights and suitable on-site servicing and delivery providing flexible business floorspace for a diverse range of potential occupiers in line with planning policy.
- 9.21 Finally, the site allocation schedule of the emerging local plan identifies the site as VR1 and recommends the following: the retention and intensification for industrial uses (B1(c), B2 and B8) to contribute toward the delivery of the strategic priorities for the Spatial Strategy area; that building heights should not exceed five storeys; that the prominent corner location of site warrants a high quality, well-designed building; and that a new proposal should be designed to continue off-street servicing.
- 9.22 This application has been assessed against the adopted and new London Plan which has now reached an advanced stage of preparation. It has also been considered against the adopted as well as the emerging Local Plan policies (contained in the Strategic and Development Management Policies document). While the proposal does not meet the expectations of the emerging Local Plan as the proposal is predominantly for flexible B1 use, the planning application does accord with adopted planning policy by retaining and intensifying industrial floorspace as well as providing floorspace suitable for SMEs. The application is considered to satisfy the intention of retaining industrial capacity in accordance with the new London Plan. The increase in industrial floorspace makes a contribution to the approach in policy E4 to provide a sufficient supply of industrial land, in light of the quantum increase of flexible B1 floorspace. As such, the planning application is considered to be acceptable and in accordance with Islington's Policy DM5.3, Core Strategy Policy CS6 and CS13, London Plan Policy 4.4 and London Plan's Land for Industry and Transport SPG.

Design

- 9.23 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. 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.

- 9.24 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.
- 9.25 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.
- 9.26 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.
- 9.27 Islington's emerging Local Plan Policy SP3 (part G) states that '(d)velopment on York Way or Vale Royal, in proximity to the Maiden Lane tower adjacent to the western boundary of the LSIS, must be clearly sub-ordinate in height'. Furthermore, that '(g)iven the narrow street profile of York Way and Vale Royal, proposals should avoid creating a canyon effect through appropriate set back; and by stepping down heights to avoid adverse impacts on local character and the street scene'. The supporting text of the policy refers to the urban design and character assessment that was undertaken for the LSIS and its wider context (LSIS Heights Study), which concluded that a maximum height of 5 commercial storeys would be appropriate in the LSIS. It also concluded that buildings of over 5 storeys may have a negative impact upon the scale of the streets within the LSIS and may appear overbearing, due to narrow road widths.
- 9.28 Finally, Development Management Policy DM2.4 requires strategic views of St Paul's to be protected and enhanced. View LV7, which is the view from Dartmouth Park to St Paul's goes over the industrial site (LSIS).

Context

- 9.29 The surrounding part of the LSIS is characterised by low-rise industrial buildings of predominantly two – four storeys. The buildings are generally modest and simple rather than architecturally distinguished and there is a broad homogeneity to the area through broadly consistent heights and industrial, low-rise architecture. Practical and robust elevations, commonly in brick and render, are the predominant 'language' coupled with punched fenestration including loading bays.
- 9.30 An exception to this prevailing height, form and language is the emerging redevelopment of the Fitzpatrick building. This is of a contemporary architectural language and is to comprise a relatively tall commercial building being part 7, 8 and 9 storeys. It is however located to the southernmost edge of the LSIS, on the prominent corner of York Way, a primary route, with Vale Royal, opposite the 19 storey residential tower to the western edge of York Way. It is also located at a lower AOD than the application site.
- 9.31 Opposite the site, to the western side of York Way, and within the London Borough of Camden, lie recently redeveloped buildings that form part of the Maiden Lane Estate. These buildings range in height (residential storey heights) from 5, 6 and 7 storeys, culminating at the southern end with a 19 storey tower.

- 9.32 York Way is a heavily trafficked, primary north-south route that connects this intensively urbanising Kings Cross environment to the south with multiple neighbourhoods and local centres in north London and beyond. It is experiencing a high level of transformational change including urban intensification as the effects of the commercially and culturally successful transformation of the King Cross area ripple out into adjacent localities. York Way is currently in the process of being transformed from a vehicle dominated through-route to an attractive and lively urban street. Any proposal for development along its edges must therefore respond to and help facilitate this positive transformation.
- 9.33 The area is characterised by industrial buildings, warehousing and railway infrastructure. There are some residential buildings to the north and opposite the site. The buildings are of varying age but in Vale Royal and Tileyard Road predominantly date from the 20th century. There is a variety of materials, but brick tends to predominate with some render and concrete too. Although there is an element of variety in ages and materials, there is a stronger sense of a prevailing scale with buildings mainly being 2 to 4 storeys high. The London Borough of Camden has taller buildings with the XY building and Maiden Lane housing on York Way, although this is not representative of the area.

Assessment

Height and Scale

- 9.34 The height, bulk and massing are considered to be contextually appropriate and adhere, where relevant, to the key Urban Design Guide (UDG) objectives required to enhance Islington's urban structure. These include responding to the street pattern, reducing the impact of vehicles of the built environment, creating safe streets and spaces, responding to the qualities of the traditional building hierarchy, and respecting the established order and local character of the urban form. The heights do not result in any part of the new building penetrating the protected view corridor LV7.
- 9.35 The approach to height, bulk and massing across the site has been partly informed by the daylight constraints and considerations to the adjacent residential buildings, as established by the Planning Inspector in the recent appeal decision affecting the site. This revised proposal results in a significant reduction in height and mass, as well as a reconfiguration of the building, and building line compared to the previous appeal scheme. Consequently, the proposal creates a significantly enhanced public realm by setting the building line back on the corner of York Way and Tileyard Road and improving the quality and functionality of the adjoining public realm as a result.



View of Proposal Looking South along York Way

9.36 The proposal is expressed as two inter-related buildings with a lower, and significantly smaller, 3 storey frontage building facing onto York Way with a larger and taller, 5-storey building sitting to its rear, with a prominent return frontage onto Tileyard Road to the site's northern edge. The maximum height of the 5-storey element is 22m, a significant reduction to the recently-refused scheme that rose to 29m in height.

9.37 Heights of the proposed building along York Way range from between 12.4m and 14m, while the taller element as it faces onto Tileyard Road ranges between 19m and 22m to the pavement edge (height variations are due to the pitched roof with gable form). Given the animated roof forms and the associated heights coming forward, plus having regard to the primary position the site has in relation to the broader context, including the movement and spatial hierarchy of the LSIS, it is considered that the heights as proposed are acceptable.



View of Proposal from Tileyard Road

Elevational treatment and materiality

9.38 The elevation to York Way includes a three storey element with a double pitched roof with the gable ends facing York Way. The Tileyard Road façade comprises a five storey element with a quadruple pitched roof and accentuated gable ends facing Tileyard Road. Plant is positioned to the south side of this part of the building, at roof level.



York Way Elevation

9.39 These gabled facades and pitched roof lines to both York Way and the Tileyard frontages echo a traditional industrial form and language common throughout England. It has been successfully reinterpreted in a very modern idiom by the renowned architect David Chipperfield to an artist studio complex to Vale Royal just to the south-east of the site. The architectural language for this scheme has adopted an industrial pastiche throughout, strongly referencing 19th century warehouse architecture. The elevations are therefore highly ordered and follow a defined grid comprising three window bays per 'module'. The windows are multi paned, also reflecting a traditional pastiche.



Tileyard Road Elevation

9.40 The building has a well-defined elevational 'order' with a clearly expressed base, middle, and top. The base (ground floor), is markedly taller than each upper floor and includes expansive floor to ceiling windows/doors. These base elements are considered to positively impact on the streetscape by animating the development at its critical interface with the public realm while adding to the building's inherent legibility and quality.

9.41 The first and second floors contain uniformly proportioned windows, traditionally designed, with brick arch window heads and deep reveals, accommodating three windows per 'bay'. The third floor is transitional in design terms. It responds to the fenestration patterning to the floors below but, within each bay, contains a central window of a markedly taller proportion, or a blind / bricked-up window in the case of the York Way elevation. This then pairs with the single elongated window (per bay) to the top (4th) floor on the Tileyard Road elevation, beneath the roof form's apex, giving this top floor a markedly different appearance to the middle and base floors below.

9.42 The rear of the building, to the eastern edge, changes its language with a projecting bay that extends from floors 1 - 3 for part of the rear elevation. It is dressed in a stitched zinc skin which effectively contrasts with the dominant brick. The southern flank will be visually exposed from vistas looking north up York Way until such time as a development comes forward on the site to its south. However, the design of this flank is considered broadly acceptable given the degree of set back from the pavement edge, the interrelationship between the three and 5 storey elements, the articulated roof forms and elevations, and the use of London stock brick. All these elements are collectively experienced from York Way, moving and looking north. They will therefore help to effectively mitigate the impact of this expanse of 'dead' façade as experienced from the public realm.



Proposed Eastern Elevation

- 9.43 While it is likely that the site to the south, 196 – 228 York Way, that formed part of an earlier comprehensive redevelopment scheme that was recently refused planning permission, will come forward for redevelopment in time, the application has been assessed and found to be satisfactory on a standalone basis, and without regard to the effect of a possible adjacent scheme on this exposed southern flank. In leaving the southern flank blank, the applicant is also having regard to the neighbouring site on the understanding that it will also be coming forward for a major redevelopment in time.
- 9.44 The roof form is a particularly strong architectural element of the scheme design echoing a long established and traditional industrial form with its gable ends, multiple pitches and extensively glazed roof lights. The roof form is considered to add visual interest to the streetscape and to beneficially reflect the nature of the uses within the building and the broader LSIS. This also adds to the legibility of place whereby the building ably announces its industrial past and present. As such it accords with the guidance contained within the Urban Design Guide, which requires for rooflines to respond to the articulation of the rest of the façade and to reflect the rhythm, harmony and scale of the longer street frontage.

Materiality

- 9.45 The dominant material is proposed to be a London stock brick. This is considered appropriate for the typology, the architectural language, the nature and character of the LSIS, and this prominently positioned inner urban context. The rear (eastern elevation), which does not front onto a public street, contains a substantial projecting element to the southern section of the façade, to the first to third floors. This is proposed to be clad in stitched zinc panelling, interspersed with rhythmically patterned fenestration. The material proposed to this element is considered acceptable and beneficially adds some richness and intrigue to the elevational treatment of the totality of the building.
- 9.46 The materials proposed for the fenestration are also acceptable being steel-framed, double glazed, openable metal windows and doors, in a ‘gunmetal grey’ colour. The roof ridges will contain aluminium-framed double-glazed roof lights with steel insulated profile roofing panels between steel roof trusses edged with pre cast coping. These materials are considered suitably robust and reflect the traditional warehouse architecture coming forward and the character and context of the LSIS. In the event of planning permission being granted, a condition would require submission of materials and samples to be agreed by the Council.

Impacts on Heritage Assets

- 9.47 Part of the site lies within the Dartmouth Park Hill to St Paul's Cathedral Local View Corridor – designated as LV7. This corridor is highly sensitive to physical intrusions and change within and adjacent to its cone. The applicant has submitted a detailed TVIA. This clearly demonstrates that the development, with a maximum height of 22m AOD, will not be visible within the view corridor and therefore will not have any detrimental impact upon it.
- 9.48 The site is located in the vicinity of the Camden Square Conservation Area which lies to the north west of the site (in the London Borough of Camden), to the junction of York Way with Maiden Lane. While the development will be partially visible as viewed from the edge of this Conservation Area, given the architectural approach, the disposition of the height, bulk and mass across the site, and the use of good quality materials, it is considered that it will not have any adverse impact on its setting.
- 9.49 The other heritage asset within the locality of the site is the Grade II* Listed Caledonian Market Clock Tower. This is located to the north of the LSIS area, within the Caledonian Park, to the north side of Market Road. It is an important Landmark of material significance. Any development coming forward within the LSIS must therefore have regard to its setting and protect the views to and from it. This application will not have any adverse impact on the setting of this Landmark and is not positioned where there are views of it. Therefore, there is no harm arising on the landmark as a result of this proposal.



View from York Way

Conclusion

- 9.50 It is considered that the design has been demonstrably informed by a thorough analysis and appreciation of the complex and transitioning context of the site. This is reflected in a number of key beneficial design responses including:
- the significant set-back of the building line from the York Way edge and thus from the apartment buildings opposite
 - an appropriate storey height to this sensitive edge between 12.4m to 14m (to roof ridge), with a maximum height of 22m to the remainder of the building (to plant)
 - to the referencing of traditional industrial warehouse architecture.
- 9.51 The ground floor has been designed to effectively and actively address the important interface with the public realm and is complemented by suitably animated elevational treatments to this and the upper floors, reflective of the site's industrial past and its existing and ongoing industrial future. The roof line has been given due consideration which, given the relatively long views of the site from York Way and from within the streets and buildings within the LSIS, is an important design

consideration. Its roof ridges, gables and roof lights, are reflective of a traditional industrial architectural language that sits compatibly within this industrial and urbanising context.

- 9.52 Within such a transforming and urbanising urban context, given the site is also an integral part of an important employment generating and intensifying LSIS, and given the form and configuration of the building sits comfortably on its site, and the animated elevations and rooflines will contribute to the streetscape ambience, there are no resulting design or conservation objections to this scheme.
- 9.53 The proposed development is considered to be well-designed, responding successfully to its context and maintaining the setting of surrounding heritage assets. As such, the application is considered in accordance with the objectives of the National Planning Policy Framework Chapter 12 (Achieving well-designed places), the London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington's character) and policy CS9 (Protecting and enhancing Islington's built and historic environment), Islington Development Management Policies DM2.1 (Design), the principles of Islington's Urban Design Guide as well as emerging Islington Local Plan Policy SP3.

Neighbouring Amenity

- 9.54 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 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, impact on direct sunlight and daylight, sense of enclosure and outlook.

Daylight/sunlight

- 9.55 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) Guidelines are 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.
- 9.56 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*".
- 9.57 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).
- 9.58 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value achievable is almost 40% for a completely unobstructed vertical wall.

- 9.59 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.”*
- 9.60 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”.*
- 9.61 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.
- 9.62 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 90° of due south, and any part of a new development subtends an angle of more than 25° 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.”*
- 9.63 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.”*
- 9.64 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.”*

Assessment

- 9.65 A Daylight & Sunlight Report has been submitted by GIA. The report considers the impact on the residential blocks to the west of the site on Maiden Lane Estate, as the other surrounding sites are in commercial use. The report shows there to be moderate losses of daylight / sunlight on Blocks E and H of the Maiden Lane Estate as a result of the development. The affected residential buildings are shown on plan below:



Plan of Site showing nearby residential properties

9.66 As the two residential blocks are not located directly opposite the application site (with Block E located slightly south and Block H located directly north of the development site), the impacts on daylight and sunlight have been kept to a relatively low level. Moreover, only the windows/rooms located on the northern section of the eastern elevation of Block E and the southern section of the eastern elevation of Block H are affected. The image below shows the proposed building in situ with the affected properties opposite.

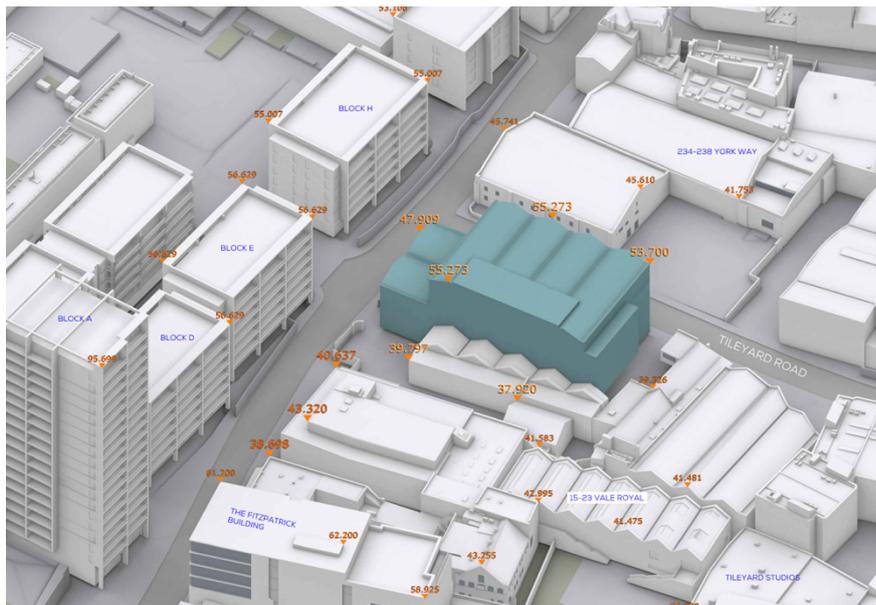


Image showing development in situ with surrounding buildings

9.67 Given the location of existing buildings and the relatively modest size of the proposed development, only 2 No windows, serving bedrooms, on the first floor of Block E, would experience noticeable losses of daylight, i.e. over 20%. The two windows serve rooms whose daylight distribution would not be affected (against BRE standards). None of the other windows within Block E would be noticeably affected. The affected windows and rooms on the first floor in Block E are shown in the table below.

			Vertical Component		Sky	No Sky Line (Daylight Distribution)		
Maiden Lane (Block E)	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
First Floor	R6/W9 Flat 2	Bedroom	15.4	11.6	24.7	84.9	84.9	0
First Floor	R7/W10 Flat 2	Bedroom	18.2	13.8	24.2	94.7	94.7	0

9.68 Similar results are found in Block H, where a number of windows would experience losses of between 20%-30%. In total, of the windows tested in Block H, 7No. would experience losses of daylight above 20% as measured by VSC, but none would experience noticeable losses of daylight distribution.

			Vertical Component		Sky	No Sky Line (Daylight Distribution)		
Maiden Lane (Block H)	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Previous sq ft	Proposed sq ft	Percentage reduction Daylight Distribution
First Floor	R4/W8 Flat 4	LKD	13.2	9.8	25.8			
First Floor	R5/W9 Flat 4	Bedroom	19.4	14.5	25.3	94.4	85.5	9.4
First Floor	R6/W10 Flat 4	Bedroom	19.2	14.6	24	96.9	89.2	7.9
First Floor	R7/W11 Flat 4	Bedroom	15.9	11.6	27	97.1	93.6	3.4
First Floor	R8/W13 Flat 3	LKD	19	15.1	20.5			
First Floor	R9/W14 Flat 3	Bedroom	15.7	12.1	22.9	96.6	96.6	0
First Floor	R13/W18 Flat 2	LKD	11.9	9.3	21.8	99.2	99.2	0

9.69 Of the 178 windows tested in these two blocks, 166 (93%) would meet BRE target values, with only minor transgressions on those windows not meeting target values. Moreover, all of the rooms would meet target values in relation to daylight distribution. An exercise has been carried out to ascertain the impact of the proposed development with the balconies removed from the Maiden Lane Estate properties, as per paragraph 9.84 of this report. It can be confirmed that in this scenario, none of the windows would experience noticeable losses of daylight or losses beyond the BRE target values.

- 9.70 No. 15-23 Vale Royal is the studio of the artist Anthony Gormley and is located in close proximity to the site, to the south-east. The daylight impacts on this property have been tested and it can be confirmed that there would be no daylight impacts to this nearby property. None of the other neighbouring buildings would experience noticeable losses of daylight as measured by the VSC or daylight distribution.

Sunlight

- 9.71 The GIA report suggests there would be very little impact on sunlight as the windows to the main elevations of Maiden Lane facing the application site are generally not within 90° of due south, and the few windows to the southern flank elevations are already obstructed by their neighbours. However, the some of the windows to the main elevations within Block H are within 90 degrees of due south and have been tested for loss of sunlight. It can be confirmed that none of these windows would experience losses greater than the target values set out in paragraph 9.85 above.

Overlooking

- 9.72 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'.
- 9.73 The buildings would face an existing commercial premises to the north and east, and a development site with commercial uses to the south. To the west, the buildings would face Blocks D, E and H of the Maiden Lane Estate. The distance between the interfacing windows would be between 18 and 24m, as such as the minimum distance is not less than 18m and the views are across York Way. It is not considered that residents of the Maiden Lane Estate would suffer from an unacceptable loss of privacy.

Noise

- 9.74 Rooftop plant is proposed for the proposed building and there are surrounding residential occupiers, who would need to be protected from potential noise impacts from plant/equipment. The noise report submitted with the application includes a baseline sound survey which sets out typical background levels for the area. Environmental Health officers consider the report to be acceptable and advise that a standard noise condition be attached if permission were granted to restrict noise from the plant to at least 5dB(A) below the background noise level. Plant noise should be conditioned (11) as below:
- 9.75 *"The design and installation of new items of fixed plant shall be such that, when operating, the cumulative noise level $L_{Aeq Tr}$ 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 $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."*
- 9.76 As there is no specific information about the proposed plant, a further condition (12) is proposed to ensure plant noise is kept to a minimum:
- "A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition the above-referenced condition. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter."*
- 9.77 Another source of noise and disturbance involves impacts from servicing and delivery. As such, a further condition (18) is proposed in the event of planning permission being granted, which would

require a final Delivery and Servicing Plan to be submitted and approved in writing by the Local Authority in order to minimise impacts from servicing and delivery.

Contaminated Land

- 9.78 The submission includes a land quality report, which provides details of potential land contamination among other things. The site is to be redeveloped with a basement across the whole site. This would entail removing much of the made ground off site and there are no areas of soft landscaping proposed. It is advised that the advice of the contaminated land report is followed and site waste is disposed of appropriately, a watching brief is kept and a verification report is completed to validate the assumptions of the report. In the event of planning permission being granted, a condition (24) to that effect is recommended.

Air Quality

- 9.79 As there is no residential accommodation, the air quality limits are less onerous. The development has no boilers or CHPs listed, only an air source heat pump and the development would thus meet Air Quality Neutral.

Construction Impacts

- 9.80 Finally, the site is surrounded by other commercial office and industrial space on the Islington side and the Maiden Lane estate residential on the Camden side. There will need to be a site specific Construction Management Plan to set out how impacts will be mitigated following the guidance of our Code of Practice for Construction Sites (and any other relevant guidance). This should be via S106 CoPCS response document obligation or condition (5).

Conclusion

- 9.81 In conclusion, the proposed development is not considered to result in undue impacts on neighbouring residential amenity in terms of loss of daylight/sunlight, privacy, or an increased sense of enclosure and overlooking subject to appropriate conditions as detailed above. As such, the application is considered to be acceptable and in accordance with London Plan 2016 policies and Islington Development Management Policy DM2.1.

Highways and Transportation

- 9.82 The site has a low PTAL (Public Transport Accessibility Level) of 2 (low) and is served by only one bus route, the 390 (Archway Station to Notting Hill Gate via Kings Cross) with a southbound bus stop outside the site on York Way, however there are stops for other routes within 1km of the site. Five stations are within 1.3km/15 minutes' walk of the site: Caledonian Road (Underground), Camden Road (Overground), Caledonian Road & Barnsbury (Overground), Kings Cross (Underground, National Rail) and St Pancras (Underground, National Rail and Eurostar). York Way is the northern end of a signposted north-south cycle route to Copenhagen Street. Whilst there are options for public transport within the wider surroundings, the site does not benefit from good access to these and would not normally be considered a sustainable location for high density development. The site is within the Thornhill CPZ with restricted parking on weekdays from 08.30-18.30, and Saturdays 08.30-13.30. York Way (A5200) is a principal borough road but does not form part of the Transport for London Road Network.
- 9.83 Chapter 6 of the London Plan sets out transport policies and locally, Core Strategy policies CS10 and CS18 and chapter 8 of the Development Management Policies set out the Council's transport policies.
- 9.84 The applicants have submitted a Framework Travel Plan which suggests 29% of employees will travel by car initially (based on census data), with the plan aiming to reduce this to 24% by year 5.

The building will have its own Travel Plan Coordinator to promote walking, car-sharing and cycling to reduce car use. The Travel Plan would need to be monitored for a period of five years. If the application were acceptable, this would be secured as part of a section 106 agreement.

- 9.85 Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200sqm, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 9.86 The applicants have submitted a Framework Delivery and Servicing Plan which shows a delivery and servicing vehicular entrance with access from Tileyard Road. Swept path diagrams have been provided showing vehicles entering and exiting the site in forward gear. The existing crossovers on Tileyard Road will be removed, and the footway re-instated along with new on-street parking bays to replace the ones lost to make way for the new vehicular access. If the application were acceptable, this should be secure by section 106 agreement.
- 9.87 The vehicular entrance would be used by cycles, deliveries and refuse collection. In order to reduce potential conflict between cyclists, pedestrians and servicing vehicles, an on-site management team will be employed by the office to manage servicing activity at the site. Moreover, the submitted Framework Delivery and Servicing Plan states that all commercial operators will be provided with written/emailed instructions on how to book deliveries and the procedures to be adopted and suppliers will be encouraged to use smaller transit type vans to deliver goods where possible. Finally, the management team would work with delivery companies (including food retailers) to minimise the number of arrivals per day and to consolidate deliveries, where possible and would ensure that delivery vehicles remain in the vicinity of the site for as little time as required and that vehicle engines are switched off while stationary. A more detailed DSP would be required by condition (18) in the event of planning permission being granted.
- 9.88 The proposed development would be car-free with no parking spaces provided. It will provide 58No cycle spaces at basement level as well as 8No cycle parking space for non-standard cycles with associated showers and lockers. Further Sheffield Cycle stands will be provided for visitors in the public realm.
- 9.89 The proposal is considered to be acceptable in terms of highways impacts and sustainable transport options, subject to conditions on cycle parking, servicing/delivery and construction traffic. The application sets out adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. The Council's Highways Officer has raised no objections to the proposal. The proposal would be acceptable in highways terms and would comply with Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM8.2, DM8.5 and 8.6; and the London Plan SPG Land for Industry and Transport (September 2012). The proposal is therefore acceptable subject to conditions and S106 contributions.

Inclusive design

- 9.90 London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.

- 9.91 The inclusive design officer had initially raised some concerns to the proposed inclusive design and accessibility measures of the proposal, however these have now all been addressed in order to comply with London Plan and Islington Development Management Policies. As such, the basement cycle parking is now served by several lifts, sufficient space is provided for non-standard cycles and the guest cycle parking is provided in the form of Sheffield Cycle stands in the public realm.
- 9.92 In terms of toilet facilities, the plans now show sufficient accommodation for wheelchair users and WCs for ambulant disabled staff and guests, which would be Part M compliant. The doors to the B1c (light industrial) units are now shown to open inwards, i.e. not over ramp or stair, which is supported. Entry doors and corridor widths have been sufficiently-sized to comply with local policies, level access has been provided throughout and two refuge areas have been provided in case of emergency in accordance with guidance.
- 9.93 The application would also include financial contributions towards the provision of wheelchair-accessible parking or accessible transport improvements. As such, it is considered that the proposal has been inclusively-designed in accordance with London Plan Policy 7.2 and Islington DM Policy 2.2 subject to planning conditions (8 and 17) and appropriate section 106 obligations.

Energy and Sustainability

- 9.94 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent (below 1990 levels) by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green). 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.
- 9.95 Core Strategy Policy CS10 requires it to be demonstrated that new development has been designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. 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.

BE LEAN (Energy efficiency standards)

- 9.96 The Council's Environmental Design SPD states 'The highest possible standards of thermal insulation and air tightness and energy efficient lighting should be specified'. 'U values' are a measure of heat loss from a building and a low value indicates good insulation.
- 9.97 The proposed U-values for the development are: external walls = 0.15w/m²k, roof = 0.12w/m²k, floors = 0.11 w/m²k and glazing = 1.5w/m²k. These U-values are consistent with (and improvements on) the values suggested in the Council's SPD. The air tightness would be 3.0³/m²/hr.
- 9.98 The Energy & Sustainability Statement specifies LED for all internal lighting with appropriate occupancy sensors. External lighting will be low energy and controlled by timers or daylight sensors. The Council's Energy Team have confirmed the energy efficiency measures to be acceptable.

BE CLEAN (Low-carbon Energy Supply)

- 9.99 Policy DM7.3(B) requires that proposals for major developments within 500m of an existing or planned District Energy Network (DEN) should be accompanied by a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.
- 9.100 The proposed development is not within 500m of an existing or planned DEN and is not required to submit a feasibility assessment of connection. However, it has been confirmed by the application that there will be a protected pipe route to the site boundary to allow future connection to a DEN. Moreover, heating and cooling will be provided by air source heat pumps, which is considered acceptable by the Council's Energy Team.

BE GREEN (Renewable Energy Supply)

- 9.101 The Energy Statement includes a review of biomass, solar thermal, ground source heat pumps and wind turbines which have been discounted for valid reasons. Biomass heating has been discounted due to the biomass/biofuel transportation impact and delivery, access and storage constraints on the site. Adjacency to residential/commercial developments with consequent flue implications also represents a potential constraint. Solar water heating would conflict with the use of a PV system due to the limited roof area available on the building for the installation of panels. A PV system provides a higher carbon reduction than a solar thermal system. Ground source heat pumps (GSHPs) are not considered appropriate for this scheme due to an unbalanced heating/cooling load in the development. Stand-alone wind turbines and roof-mounted wind turbines have been discounted due to the high density of the site and close proximity of surrounding tall buildings, which would reduce the efficiency of any type of wind turbine applicable to the project site. In addition, wind turbines are not considered suitable for the site due to accessibility issues for large delivery vehicles, potential noise impact and shadow flicker and flashes of reflected light on neighbouring residential/commercial properties and public spaces. A 38.4kWp Solar PV array has been proposed for the development with a diagram showing that almost all of the useable roof space has been used. An area of roof has not been included because of a considerable amount of overshadowing from surrounding buildings. This was investigated by the Council's Energy Officer who verified the accuracy of this issue (i.e. the amount of solar panels has been maximised in this instance).
- 9.102 Green Performance Plan: Islington Development Management Policy DM7.1 (Sustainable design and construction) part E requires provision of a Green Performance Plan (GPP) detailing measurable outputs for the occupied development, with respect to energy consumption, CO2 emissions and water use, and setting out arrangements for monitoring the plan over the first years of occupation.
- 9.103 A draft Green Performance Plan has been submitted, which includes measurable targets for water, CO2 and energy consumption. This also includes detail of how the data will be collected, responsibility for managing the GPP and arrangements for addressing poor performance in line with the requirements in Islington's Environmental Design SPD.
- 9.104 It is recommended that the S106 Legal Agreement includes the requirement for a final post occupation Green Performance Plan to be submitted the Local Planning Authority following an agreed monitoring period.
- 9.105 Carbon Emissions: Policy CS10A promotes zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO2 emissions associated with the building through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.
- 9.106 Paragraphs 2.0.8 – 2.0.10 detail the Council's energy hierarchy which should be followed in meeting the Council's CO2 emissions reduction target. The final stage of the hierarchy requires developers to:

'...offset all remaining CO2 emissions (Policy CS10) through a financial contribution, secured via a Section 106 agreement, towards measures which reduce CO2 emissions from the existing building stock (e.g. through solid wall insulation of social housing). For all major developments the financial contribution shall be calculated based on an established price per tonne of CO2 for Islington. The price per annual tonne of carbon is currently set at £920, based on analysis of the costs and carbon savings of retrofit measures suitable for properties in Islington.'

- 9.107 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 revised Energy Statement confirms a reduction of 47.4% in CO2 emissions from a 2013 baseline. This achieves the London Plan target. The application also results in a 27.7% reduction in total (regulated and unregulated) carbon emissions from a 2013 baseline, which achieves the policy target of 27%.
- 9.108 The sum of regulated emissions (after Be Lean, Be Clean & Be Green) and the un-regulated emissions are 121.79 kg CO2 per year. Based on the Council's carbon offset figure (£920/tonne). The scheme therefore gives rise to a requirement for a carbon offset contribution of £112,046.80.
- 9.109 Overheating and Cooling: Policy DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance.
- 9.110 Dynamic Thermal Modelling has been carried out using weather data from CIBSE TM49 and assessed against the criteria of CIBSE TM52 as required by Islington planning policy and guidance. This shows that there is a risk of overheating when only natural ventilation is used and as such active cooling is specified.
- 9.111 Sustainable Urban Drainage System (SUDS): Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate' (8 litre/sec/ha), where feasible. The London Plan requires that drainage run offs in new developments be reduced by 50% including an allowance for climate change.
- 9.112 The existing site has a run-off rate of 20l/s and the site area is 0.14ha. The proposed development will reduce the drainage run off by use of a below ground attenuation tank. The greenfield run-off rate for the site would equate 1.12l/s, which is considered quite challenging given the absence of land on site to accommodate more ambitious SUDS features. However, the application proposes a run-off rate of 2l/s, which achieves the 50% reduction target set by the London Plan and a condition is proposed (7) in the event of permission being granted to ensure that water run-off rates are minimised through SUDS measures.
- 9.113 There are some green roofs proposed on site but there appears to be more roof space that could accommodate more green roof. This would be suitably conditioned (13) in the event that planning permission is granted.
- 9.114 Thames Water have not raised objections to the proposal in relation to foul or surface water drainage subject to informatives. Further details of Sustainable Urban Drainage would be required by condition (7).

Basement and SUDS

- 9.115 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This

includes the need for planning applications to be accompanied by Structural Method Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E).

9.116 The Basement Development SPD sets out inter alia:

“All basement development will need to be appropriate and proportionate to its site and context.

Basement development should be proportionate in scale to the above ground portion of building, not unduly intensify the use of a site, or cause significant environmental harm.

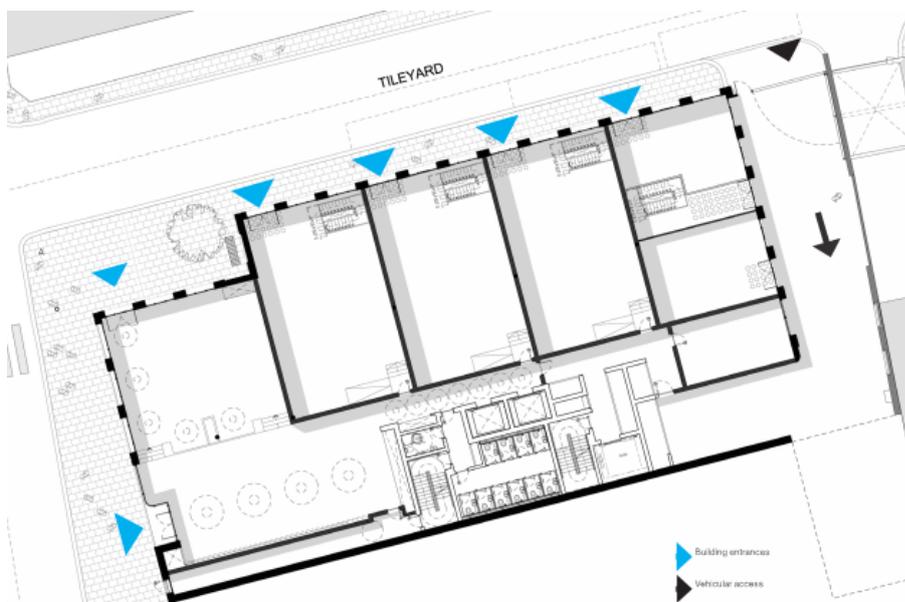
Design of basements and associated structures must be of a high quality and should respect and respond positively to existing buildings; streetscape and the wider context; surrounding heritage assets; and locally distinctive patterns of development and landscape.”

9.117 The extent and depth of the proposed basement accords with the principles of the Basement Development SPD. A Structural Method Statement approved by a chartered Civil Engineer has been submitted. The proposals include excavations at basement level which are considered necessary to enable development and facilitate construction. The Structural Method Statement confirms that the proposed development comprises a steel framed superstructure above a single storey reinforced concrete basement construction. Moreover, the basement will be constructed in insitu reinforced concrete on bored pile foundations supporting structural steel and concrete framed superstructures above ground. This will be conditioned (16) in the event of permission being granted.

Trees and landscaping

9.118 No arboricultural assessments have been submitted in support of the application, however it is unlikely that there would be any impacts on trees as there are no trees on site or in the immediate surroundings.

9.119 The application proposes an increased public realm by widening the pavement and providing a recessed area in front of the front elevation, which would be landscaped. The landscaped area includes the provision of an additional tree as shown on plan below.



Plan showing Public Realm

9.120 In the event of planning permission being granted, a condition (21) would require further details of landscaping to be provided in order to ensure that the landscaping is of an adequate quality and is maintained as such thereafter.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.121 If the application is approved and the development is implemented, a liability to pay the Islington Community Infrastructure Levy (CIL) and Mayor of London CIL will arise. CIL is intended to consolidate financial contributions towards the development's local infrastructure impacts, and additional separate contributions should not be sought towards the same infrastructure unless there is an exceptional and demonstrable need as a direct result of the proposed development. Any further planning obligations which are not covered by the CIL payment should be sought through a legal agreement under s.106 of the Town and Country Planning Act, (1990, amended) and need to comply with the statutory tests set out in the NPPF and CIL Regulations 2010 (amended) to avoid unjustified double counting.
- 9.122 Islington's CIL Regulation 123 infrastructure list (no longer in place, following recent legislative changes) specifically excluded measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.
- 9.123 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended, secured by a s.106 agreement.
- A bond/deposit of £15,732 to cover costs of repairs to the footway and £23,260 for repairs to the highway (total £38,992). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
 - Compliance with the Code of Employment and Training.
 - Facilitation, during the construction phase of the development, of the following number of work placements: 4. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £22,000
 - Compliance with the Code of Local Procurement.
 - Compliance with the Code of Construction Practice, including a monitoring fee of: £4,721 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
 - The provision of 11 additional accessible parking bays or a contribution of £22,000 towards provision of on-street bays or other accessible transport initiatives.
 - A contribution 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). Total amount: £112,046.80.
 - The submission of a Green Performance Plan.
 - Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and

future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Payment towards employment and training for local residents of a commuted sum of: £58,481.
- The full demolition of the Fayer's Building prior to commencement of construction works.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

9.124 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.

10 SUMMARY AND CONCLUSION

Summary

- 10.1 The application site consists of a two-storey warehouse building, a proportion of the Fayers Building (former plumber's merchants) and an open area at the front providing vehicular access to the site. The site is within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) and is bordered by Tileyard Road to the north and York Way to the west. To the south are a number of warehouse buildings, including the Fayers Buildings, for which there is an existing planning application (P2019/3410/FUL). The site is surrounded on three sides by light industrial buildings typical of the LSIS, whilst to the west is the borough's boundary with the London Borough of Camden, mainly characterised by large apartment buildings.
- 10.2 The proposal is to demolish the existing buildings on site and erect a part 3-, part 5-storey (plus basement) building to create Class B1(c) (light industrial), Class B1 (flexible workspace) and A3 (ancillary café) floorspace, as well as a service yard, cycle parking, plant room, refuse / recycling storage and other ancillary works. The proposed mix of uses, which involves an uplift in floorspace suitable for the LSIS in the form of B1c (light industry) is considered to be in accordance with Islington's Core Strategy (ICS, 2011) policies CS6 (part D) and CS13 (part B) for the Vale Royal/Brewery Road LSIS, Islington's Development Management Policy DM5.3, adopted London Plan (2016) Policies 4.2 and 4.4, the objectives of the Land for Industry and Transport Supplementary Planning Guidance (2012) as well as the new emerging London Plan Policies E4 and E7.
- 10.3 The proposed development is considered to be well-designed, responding successfully to its context and maintaining the setting of surrounding heritage assets. As such, the application is considered in accordance with the objectives of the National Planning Policy Framework Chapter 12 (Achieving well-designed places), the London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington's character) and policy CS9 (Protecting and enhancing Islington's built and historic environment), Islington Development Management Policies DM2.1 (Design), the principles of Islington's Urban Design Guide as well as emerging Islington Local Plan Policy SP3.
- 10.4 The proposed development is not considered to result in undue impacts on neighbouring residential amenity in terms of loss of daylight/sunlight, privacy, or an increased sense of enclosure and overlooking subject to appropriate conditions as detailed above. As such, the application is

considered to be acceptable and in accordance with London Plan 2016 policies and Islington Development Management Policy DM2.1.

- 10.5 The proposal is considered to be a sustainable form of development on brownfield land in a sustainable location. The application proposes a number of energy efficiency measures, a reduction in carbon emissions and on-site renewable energy in accordance with adopted policy. Moreover, inclusive design measures have been incorporated into the scheme as well as landscape features and biodiversity measures, in accordance with planning policy.
- 10.6 Finally, the application includes a section 106 agreement with suitable planning obligations and financial contributions in order to mitigate the impacts of the development and as such the planning application is considered to be acceptable and in accordance with adopted planning policy, subject to the planning conditions and planning obligations listed in Appendix 1.

Conclusion

- 10.7 The proposal is considered to comply with local, regional and national planning policy and guidance. It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1– RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- A bond/deposit of £15,732 to cover costs of repairs to the footway and £23,260 for repairs to the highway (total £38,992). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of the following number of work placements: 4. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £22,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of: £4,721 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 11 additional accessible parking bays or a contribution of £22,000 towards provision of on-street bays or other accessible transport initiatives.
- A contribution 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). Total amount: £112,046.80.
- The submission of a Green Performance Plan.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Payment towards employment and training for local residents of a commuted sum of: £58,481.
- Full demolition of the Fayer's Building prior to commencement of construction works.

- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement (compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Existing Plans 1515-PP-00-DR-a-01-0099; 0100; 0101; 0102; 0201; 0202; 0203; 0204; 0250; 0251;</p> <p>Demolition Plans 1515-PP-00-DR-a-02-0099; 0100; 0101; 0102; 0200; 0002;</p> <p>Site Location Plan 1515-PP-00-DR-a-00-0001;</p> <p>Proposed Plans 1502-PP-zz-XX-DR-A-10-099 Rev 14; 100 Rev 16; 101 Rev 14; 102 Rev 14; 103 Rev 14; 104 Rev 14; 105 Rev 14;</p> <p>Proposed Elevations 1502-PP-zz-XXDR-A-11-100 Rev 9; 101 Rev 9; 102 Rev 9; 103 Rev 9;</p> <p>Proposed Sections 1502-PP-zz-XX-DR-A-12-100 Rev 9; 101 Rev 9; 102 Rev 9;</p> <p>Detailed elevations 1502-PP-zz-XX-DR-A-20-100 Rev 09; 001 Rev 9; 002 Rev 9;</p> <p>Cycle Store detail 1515-A-SK-009 Revision 01;</p> <p>Cover Letter by CMA Planning dated 30th October 2019;</p> <p>Construction Logistics Plan by Vectos dated February 2020;</p> <p>Construction Logistics and Indicative Programme;</p> <p>Planning Statement by CMA Planning dated October 2019;</p> <p>Stage 1 Road Safety Audit Ref PW/AJP/20/0106 by Vectos dated 3rd February 2020;</p> <p>Area Schedule Revision 4 by Pilbrow & Partners dated 30th January 2020;</p> <p>Sustainability & Energy Statement Revision 1 dated January 2020;</p> <p>Air Quality Neutral Assessment by RPS dated October 2019;</p> <p>Air Quality Assessment by RPS dated October 2019;</p> <p>Daylight & Sunlight Assessment by GIA dated October 2019;</p> <p>Daylight & Sunlight Addendum by GIA dated November 2019;</p>

	<p>Structural Method Statement by Campbell Reith dated November 2019; Design & Access Statement by Pilbrow & Partners Townscape & Visual Impact Assessment by Peter Stewart Consultancy dated October 2019 Ecology Appraisal by RPS dated October 2019; Framework Travel Plan by Vectos dated October 2019; Transport Statement by Vectos dated October 2019; Health Impact Assessment by CMA Planning; Land Quality Statement by Campbell Reith; Noise Impact Assessment by Sharps Redmore; Surface Water Management Plan by Campbell Reith dated October 2019;</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>
3	<p>Materials and Samples (Compliance and Details)</p> <p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Window manufacturer's detail including glazing, sections and reveals and sample; b) Details and sample panel of all brickwork; c) Details of all rooftop materials; d) Details of the materiality to the ground floor frontage; e) Details of zinc cladding; f) Details of all entrances and openings; g) Any external boundary treatments; h) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Plumbing (No pipes to outside of building) (Compliance)</p> <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>
5	<p>Construction Management Plan and Construction Logistics Plan (Details)</p> <p>CONDITION: No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers</p>

	<p>together with means of mitigating any identified impacts. The CMP must refer to the new LBI Code of Practice for Construction Sites.</p> <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
6	Impact Piling (Compliance)
	<p>CONDITION: No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
7	Sustainable Urban Drainage (Details and compliance)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
8	Cycle Parking Provision (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered, secure and accessible and should provide for no less than 58 bicycle spaces and 8No accessible bike stands in the basement and 7 guest cycle spaces (including 1 accessible space) in the public realm, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
9	Lighting (Details)

	<p>CONDITION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the superstructure works commencing on site.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.</p>
10	Refuse/Recycling Provided (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
11	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.</p> <p>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 accommodation is provided.</p>
12	Noise from Plant (Details and Compliance)
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall include site measurements of the plant in situ. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that an appropriate standard of accommodation is provided.</p>
13	Green/Brown Biodiversity Roofs
	<p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <ol style="list-style-type: none"> a) how the extent of green/brown roof has been maximised b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 120 -150mm); and c) 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>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>
14	BREEAM (Compliance)
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
15	Energy Strategy (Compliance)
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology, which shall provide for a reduction in carbon emissions of no less than 27.7% as detailed within the revised 'Sustainability and Energy Statement' dated January 2020 shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy features/ measures within the approved Energy Strategy, a revised Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
16	Basement Excavation Inspection and Monitoring (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement unless otherwise agreed in writing.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>
17	Inclusive Design (Compliance)
	<p>CONDITION: All inclusive design measures identified within the application submission shall be installed and operational prior to the first occupation of the development hereby approved.</p> <p>The inclusive design measures shall be retained as such in perpetuity.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
18	Final Servicing and Delivery Plan (Details and Compliance)

	<p>CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
19	Green Procurement Plan (Details and Compliance)
	<p>CONDITION: Prior to the commencement of superstructure works, unless otherwise agreed in writing by the Local Planning Authority, a green procurement plan for sourcing the proposed materials shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to minimise the environmental impacts of the development.</p>
20	Lighting and Roller Blinds (Details and Compliance)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the conservation area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> · Automated roller blinds; · Lighting strategies that reduce the output of luminaires closer to the façades; · Light fittings controlled through the use of sensors. <p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
21	Landscaping (Details and Compliance)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved development.</p> <p>The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> a) a scaled plan showing vegetation to be retained and plants to be planted; b) specification to ensure successful establishment and survival of new planting. c) a schedule detailing sizes, species and numbers of all new trees/plants; d) soft plantings: including grass and turf areas, shrub and herbaceous areas; e) hard landscaping: including surface treatments, permeability of hard surfaces, kerbs, edges, ridge and flexible paving, unit paving, furniture, modular soil systems, steps and if applicable synthetic surfaces; f) a plan showing gradients and step free access suitable for wheelchair users to the entrances of the buildings;

	<p>g) details as to how the landscaping design and materials would result in maximum passive on-site sustainable urban drainage (SUDS); h) any other landscaping features forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first available planting season following the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
22	Use of Flat Roofs (Compliance)
	<p>CONDITION: The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
23	Bird / Bat Boxes (Compliance)
	<p>CONDITION: 3 bat boxes and 3 bird boxes (including swift boxes) shall be installed prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
24	Contaminated Land (Details and Compliance)
	<p>Prior to any superstructure works commencing on site the details of the following works 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 remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation.</p> <p>This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. 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. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</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). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of any gas membrane placement.</p> <p>All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination or the current UK requirements for sampling and testing.</p> <p>REASON: In order to minimise the impacts of land contamination.</p>
25	Restrictions of Use
	<p>CONDITION: At least 1,647sqm (GIA) of B1(c) floorspace shall be provided. The B1(c) shall be strictly limited to uses within the B1(c) use class and not for the purposes of Use Class B1a or B1b - of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: To ensure that the use hereby approved is not able to change to B1a via permitted rights allowed under the Town and Country Planning (Use Class) Order 1987 (As Amended) in the interest of preserving the economic function of the Locally Significant Industrial Site.</p>
26	Amalgamation / Subdivision of Units
	<p>CONDITION: The development shall be carried out strictly in accordance with the floorplans so approved, and no change therefore shall take place without the prior written consent of the Local Planning Authority.</p> <p>The commercial units on the ground floor of the building shall not be amalgamated or further subdivided unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The amalgamation or further subdivision of the commercial units is likely to have operational, transportation, aesthetic and amenity implications which would need to be considered under a separate planning application to ensure the provision of premises suitable for small businesses.</p>

List of Informatives:

1	Planning Obligations Agreement
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Community Infrastructure Levy (CIL)
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The</p>

	<p>Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>
3	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
4	Thames Water (Waste Comments)
	<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. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk 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> <p>Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</p> <p>'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.'</p>
4	Thames Water (Water Mains)
	<p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.</p>
5	Thames Water (Groundwater)

	<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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
6	Thames Water (Mains Water Pressure)
	<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>
7	Groundwater Risk Management Permit
	<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 riskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
8	Secured by Design
	<p>You are advised that, where relevant, the development hereby approved should incorporate all of the 'Secured by Design' requirements detailed in the 'Commercial Developments 2015' Guide.</p>
9	CIL Informative
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>
11	Highways Requirements (1)
	<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</p>

	<p>relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. 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 streetworks@islington.gov.uk. 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 streetworks@islington.gov.uk. Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>
12	Highways Requirements (2)
	<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 highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. 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>
13	Highways Requirements (3)
	<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. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk</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>
<p>14</p>	<p>Fire Brigade Requests</p>
	<p>The requirements of B5 of Approved Document B must be met in relation to access and water supply whilst in construction phase and compliance with the Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 once built and occupied.</p> <p>If the building is taken over 18m the Fire Brigade would expect a fire fighting shaft is provided. If approval is granted, it's advised that a building control submission is carried out as early as possible, to ensure any issues found around fire safety are addressed sufficiently and quickly.</p> <p>The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. These quarterly reports to our Members are public documents which are available on our website.</p> <p>The London Fire Brigade promotes the installation of sprinkler suppression systems, as there is clear evidence that they are effective in suppressing and extinguishing fires; they can help reduce the numbers of deaths and injuries from fire, and the risk to firefighters.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2 Development Plan

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

The London Plan 2016 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.17 Strategic industrial locations

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.4 Managing industrial land and premises

Policy 4.10 New and emerging economic sectors

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Lifetime neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

8 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 CS6 (King's Cross)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

Development Management Policies 2013:

Policy DM2.1 (Design)

Policy DM2.2 (Inclusive design)

Policy DM2.3 (Heritage)

Policy DM2.4 (Protected views)

Policy DM5.1 (New business floorspace)

Policy DM5.2 (Loss of existing business floorspace)

Policy DM5.3 (Vale Royal/Brewery Road Locally Significant Industrial Site)

Policy DM5.4 (Size and affordability of workspace)

Policy DM6.6 (Flood prevention)

Policy DM7.1 (Sustainable design and construction)

Policy DM7.3 (Decentralised Energy Networks)

Policy DM7.4 (Sustainable design standards)

Policy DM7.5 (Heating and cooling)

Policy DM8.2 (Managing transport impacts)

Policy DM8.4 (Walking and cycling)

Policy DM8.5 (Vehicle parking)

Policy DM8.6 (Delivery and servicing for new developments)

Policy DM9.1 (Infrastructure)

Policy DM9.2 (Planning obligations)

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington SPD

Environmental Design (Oct 2012)

Inclusive Design (Feb 2014)

Inclusive Landscape Design (Jan 2010)

Planning Obligations (S106) (Dec 2016)

Urban Design Guide (Jan 2015)

Development Viability (Jan 2016)

Basement Development (Jan 2016)

Islington Employment Land Study (Jan 2016)

Vale Royal/Brewery Road Locally Significant Industrial Site Height Study (2016)

London Plan

Accessible London: Achieving an Inclusive Environment SPG (adopted October 2014)

The Control of Dust and Emissions During Construction and Demolition SPG (adopted July 2014)

Character and Context SPG (adopted June 2014)

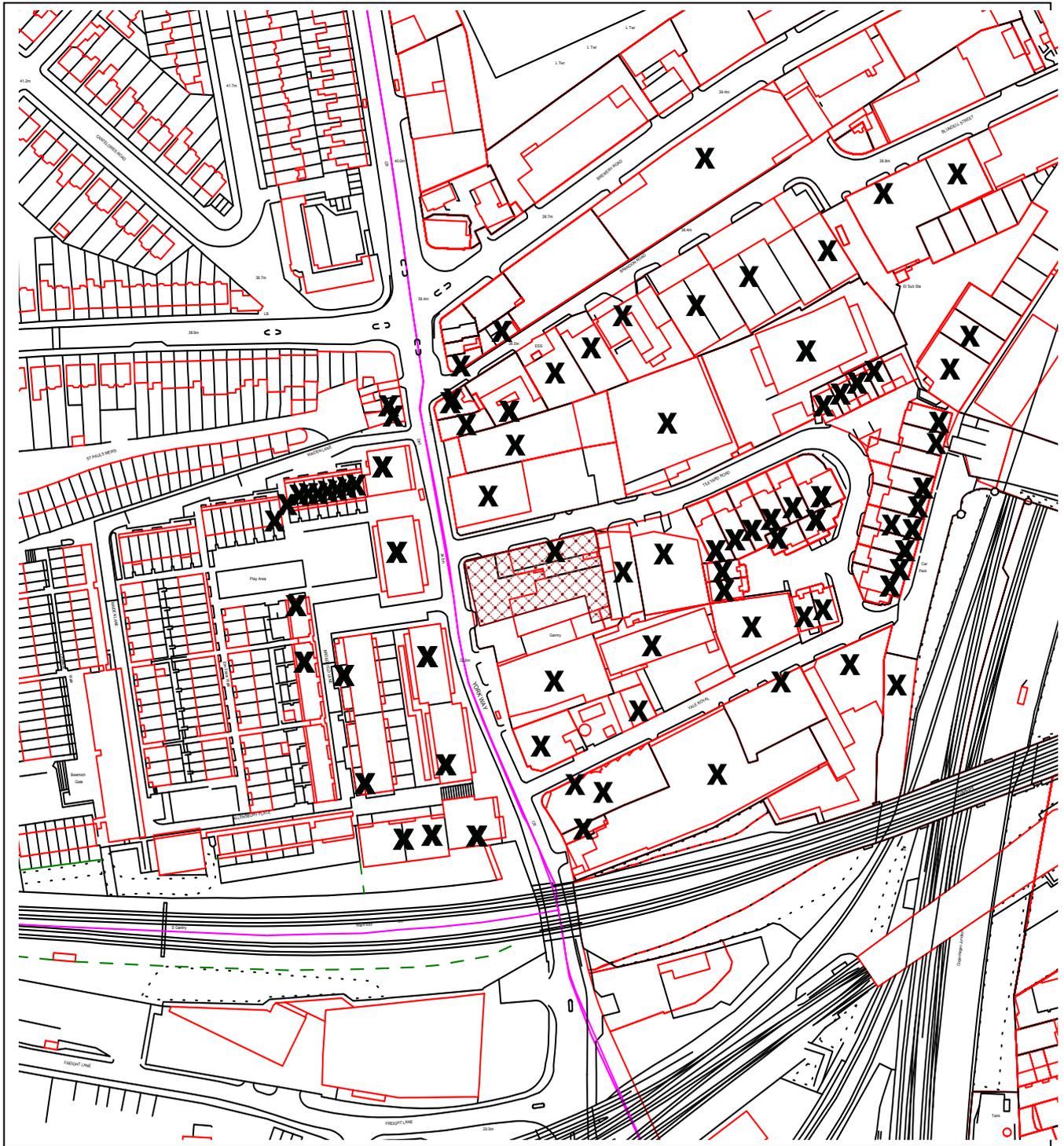
Sustainable Design and Construction SPG (adopted April 2014)

Land for Industry and Transport (Sep 2012)

London Industrial Land Supply & Economy Study (2015)

Industrial Intensification Primer (2017 Draft)

Islington SE GIS Print Template



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P2019/3300/FUL

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COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO: 3
Date:	23 April 2020	

Application number	P2019/3186/FUL
Application type	Full Planning Application
Site Address	5-10 Brandon Road London N7 9AA
Proposal	Demolition of existing building and structures and erection of a 5-storey building (with part basement) to provide a minimum of 3,726m ² of Use Class B1(c) / B8 floorspace and a maximum of 6,902m ² flexible Use Class B1 floorspace, with service yard, cycle parking, and refuse and recycling facilities.
Ward	Caledonian Ward
Listed building	None
Conservation area	None
Development Plan Context	Locally Significant Industrial Site (Vale Royal) Local View from Dartmouth Park Hill; King's Cross & Pentonville Road Core Strategy Key Area; Article 4 Direction A1-A2 (rest of borough); Article 4 Direction B1(c) to C3; Article 4 Direction (Office to Residential)
Licensing Implications	None

Case Officer	Stefan Sanctuary
Applicant	Tileyard London
Agent	Charles Moran (CMA Planning)

1. RECOMMENDATION

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

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

2. SITE PLAN / PHOTOS OF SITE



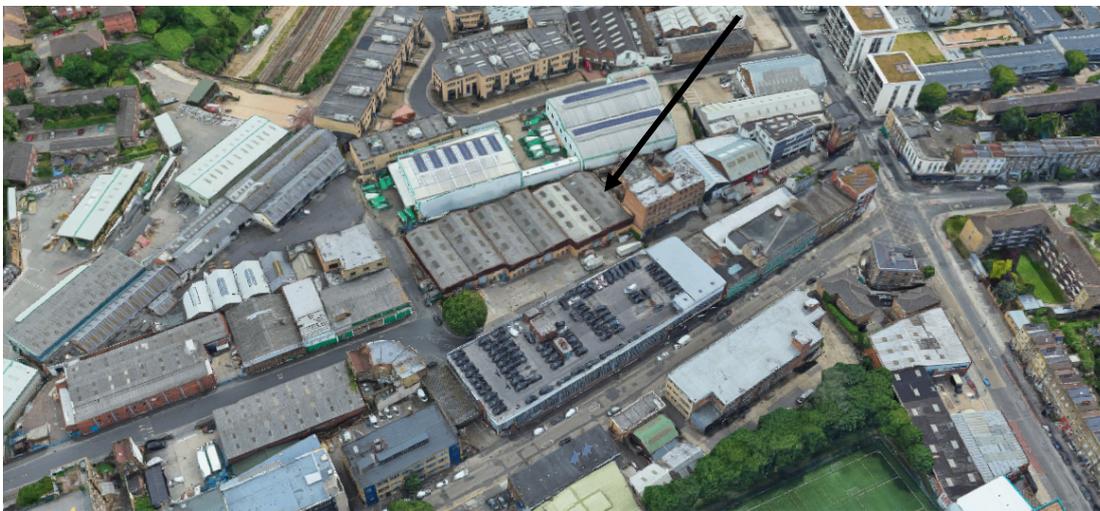
Application Site

Application Site



Birdseye View 1 looking north

Application Site



Birdseye View 2 looking south



View of Site looking east down Brandon Road



View looking south from Brandon Road / Blundell Street



View of Site from Blundell Street looking west

3.0 SUMMARY

- 3.1 The application site is located within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) and is currently occupied by late-20th century light-industrial / warehouse units in a two-storey building along with an external service yard to the front. The facility currently comprises six individual units which provide industrial / warehouse space at ground floor with office accommodation at mezzanine level providing a total of circa. 2,600sqm (GIA) of accommodation.
- 3.2 The proposal is to demolish the existing buildings and structures on site and to erect a new 5-storey building (with part basement) to provide a minimum of 3,726m² of Use Class B1(c) / B8 floorspace and a maximum of 6,902m² flexible Use Class B1 floorspace, with service yard, cycle parking, and refuse and recycling facilities. The application is considered to satisfy the intention of providing industrial capacity. As such, the planning application is considered to be acceptable and in accordance with Islington's Policy DM5.3, Core Strategy Policy CS6 and CS13, London Plan Policy 4.4 and London Plan's Land for Industry and Transport SPG as well as emerging New London Plan policies and policies within the new London Plan.
- 3.3 The proposed development, is considered to contribute positively to the surrounding public realm, streetscape and wider context in accordance with the National Planning Policy Framework Chapter 12 (Achieving well-designed places), London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington's character) and policy CS9 (Protecting and enhancing Islington's built and historic environment) and Islington Development Management Policies 2013 DM2.1 (Design), as well as Policy SP3 of the emerging Local Plan.
- 3.4 The proposed development is not considered to result in undue impacts on neighbouring residential amenity in terms of loss of daylight/sunlight, privacy, or an increased sense of enclosure, overlooking, noise or disturbance subject to appropriate conditions as detailed above. As such, the application is considered to be acceptable and in accordance with London Plan 2016 policies and Islington Development Management Policies DM2.1 (Design).
- 3.5 The proposal is considered to be a sustainable form of development on brownfield land in a sustainable location. The application proposes a number of energy efficiency measures, a reduction in carbon emissions and on-site renewable energy in accordance with adopted policy. Moreover, inclusive design measures have been incorporated into the scheme as well as landscape features and biodiversity measures, in accordance with planning policy.
- 3.6 Finally, the application includes a section 106 agreement with suitable planning obligations and financial contributions in order to mitigate the impacts of the development; thus, the planning application is considered to be acceptable and in accordance with adopted planning policy, subject to the planning conditions and planning obligations listed in Appendix 1.

4.0 SITE & SURROUNDINGS

- 4.1 The application site is located within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS). The site is on the south side of Brandon Road and is bordered to the west by a 5-storey brick-built building (No4 Brandon Road) occupied by an electrical/audio suppliers. To the north, on the opposite side of Brandon Road, are the blank facades of a 3-storey warehouse building mainly used to store London taxis, while to the south are part 2-/ part 3-storey utilitarian warehouse/industrial buildings. To the north-east of the site, on the corner of Blundell Street and Brandon Road is an old converted Victorian public house, currently accommodating residential and office uses, while to the immediate east is a 2-storey building accommodating warehouse and workshop uses.

- 4.2 The application site itself is currently occupied by late-20th century light-industrial / warehouse units in a two-storey building along with an external service yard to the front. The facility currently comprises six individual units which provide industrial / warehouse space at ground floor with office accommodation at mezzanine level providing a total of circa. 2,600sqm (GIA) of accommodation.
- 4.3 The site is located within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS), and the Kings Cross & Pentonville Road Key Area (Core Strategy Policy CS6). All sites within the LSIS are subject to a number of Article 4 directions removing permitted development rights for (i) a change of use from office (B1a) to residential (C3), (ii) shops (A1) to financial and professional services (A2), and (iii) a temporary flexible change of use from A1/B1/D1 to A1, A2, A3 or B1.
- 4.4 The site has a PTAL rating (Public Transport Accessibility Level) of 4 (good). York Way is served by the 390 bus (Archway Station to Notting Hill Gate via Kings Cross). The nearest stations are Caledonian Road (Underground) and Caledonian Road & Barnsbury (Overground), which are 10 mins walk away. York Way, to the west, is the northern end of a signposted north-south cycle route to Copenhagen Street and Brandon Road is itself a local cycle route. The site is within the Thornhill CPZ with restricted parking on weekdays from 08.30-18.30, and Saturdays 08.30-13.30.
- 4.5 The site is not affected by any formal heritage constraints, and whilst several buildings in the immediate vicinity are attractive warehouse style buildings or public houses, there are no immediately adjacent designated heritage assets or conservation areas. Two locally significant views are identified which cross the LSIS, but they do not pass over the site.
- 4.6 There is no green space on the site, and the nearest site of importance for nature conservation (Copenhagen Junction) is not immediately adjacent to the site.

5.0 PROPOSAL (IN DETAIL)

- 5.1 The proposal is to demolish the existing buildings and structures on site and to erect a new 5-storey building (with part basement) to provide a minimum of 3,726m² of Use Class B1(c) / B8 floorspace and a maximum of 6,902m² flexible Use Class B1 floorspace, with service yard, cycle parking, and refuse and recycling facilities.
- 5.2 The application proposes the B1(c)/B8 floorspace across ground floor and mezzanine levels in four separate units with independent access as well as part of the 1st floor accommodating a further two B1c/B8 units. The ground floor of the proposed building also includes a main office entrance in the north-east corner, which is set back from the street. A vehicular entrance is provided to the front elevation of the building, providing access to loading bays towards the rear of the building. A basement is also shown on plan, providing plant room, cycle storage and shower/locker facilities.
- 5.3 At second and third floors, each level incorporates nine separate units of flexible B1 floorspace with separate toilet and ancillary facilities. The building is set back from the side, front and rear on the upper levels, resulting in amenity space at this level. The top floor level provides plant room as well as lift overruns and photovoltaic panels.
- 5.4 The proposal is for a 5-storey building with a maximum height of 22.7 metres above ground level. The building's front façade is composed of four elements: the first consists of two storeys which are formed by steel loading bay shutters and framed by pre-cast concrete cladding; the next element consists of two storeys composed of crittal-style windows in a grid of concrete cladding and robust brickwork; the next level is the glazed set-back top floor; and finally there are the two main lift/stair cores clad in Corten steel and the roof-top plant.
- 5.5 The building's form and shape allows space for the existing London Plan tree and thereby provides a front courtyard space leading to the main entrance lobby. The building's geometry also provides space for a service yard and roof terraces on the upper levels.

6.0 RELEVANT HISTORY

6.1 The only planning application for the subject site is the recently-refused planning application reference P2019/1856/FUL, which proposed the following:

“Demolition of existing buildings and structures and erection of a part 6 and part 7 storey building (with basement) to provide a minimum 2,704sqm (GIA) Use Class B1(c) / B8 floorspace and a maximum 9,983sqm (GIA) flexible Use Class B1 floorspace with service yard, cycle parking, plant, and refuse and recycling facilities.”

The application was refused on the 11th October 2019 for the following reasons:

- (i) The development's failure to propose sufficient floorspace (B1c, B2 and B8) appropriate to the role of the industrial area;
- (ii) The proposed development, by reason of its excessive height, dominant scale and detailed design and materials, would be overbearing, would obscure a view of Caledonian Market Tower and fail to respect and respond positively to existing buildings, the streetscape and the wider context;
- (iii) The application would fall considerably short of the target of reducing carbon emissions by 27% compared to a Building Regulations 2013 Part L baseline as required by Core Strategy Policy CS10 and fails to meet several sustainability targets;
- (iv) In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development.

6.2 There is no other relevant planning history for the site but the following is the relevant history of surrounding sites:

22-23 Tileyard Road and 196-228 York Way

P2018/2355/FUL – Demolition of the existing buildings and the construction of a new part 6, part 7, part 8-storey building plus double basement (overall height of 29 metres) to provide for 1,628 square metres(GIA) of light industry floorspace (Use Class B1(c)) at basement and ground floor level along with ancillary café at ground floor level, and 9,111 square metres (GIA) of business use floorspace (Use Class B1 (a)/(b)/(c)), and the construction of a part 6, part 9-storey building plus double basement (overall height of 27.3 metres) consisting of 7,400 square metres (GIA) of self-storage floorspace (Use Class B8) and 870 square metres (GIA) of office floorspace (Use Class B1(a)) along with associated access arrangements, plant area, car and cycle parking, refuse storage and ancillary works. [Revised Proposal Description]

The application was appealed against non-determination with the Council subsequently offering the following five reasons for refusal:

- i) Land use: that the significant increase in floorspace of open B1 use, designed and suitable for B1a offices, would be inconsistent with the primary economic function of the LSIS, identified in Policy DM5.3, and would compromise the future scope for future intensification of industrial uses (B1c, B2 and B8).
- ii) Design & Appearance: that the proposals height, scale and design would be overbearing and would fail to respect and respond positively to existing buildings, the streetscape and the wider context.
- iii) Impact on amenity: the proposed development would have a significant, major adverse impact on daylight to the neighbouring residential properties.
- iv) Carbon emissions: the proposed development would fail to meet the target carbon emissions reduction in regulated and unregulated emissions;
- v) Section 106: in the absence of a section 106 agreement, the application would fail to provide measures to mitigate impacts of the development through enhancements to services and

the environment necessary as a consequence of demands created by the proposed development.

Further information and documentation was provided during the appeal process which addressed the final two reasons for refusal. The appeal thus considered the first 3 reasons for refusal. The inspector dismissed the land use reason but upheld the height, scale and design as well as impact on amenities reason, thereby dismissing the appeal.

6.3 55-61 Brewery Road

P2017/1770/FUL - Demolition of the existing building and the erection of a 6 storey (plus basement) building including a total of 2,012sqm of Class B1 floorspace comprising office and light industrial commercial floorspace. The application was refused for reasons of height and scale and the subsequent appeal was dismissed.

The appeal is relevant because the height of the appeal scheme here is more modest than the proposal previously proposed at the application site.

6.4 Fitzpatrick Building, 188 - 194 York Way

P2014/0523/PRA Prior approval application for proposed change of use to 22 residential flats. Prior Approval granted 02/04/2014.

P2016/1999/FUL Demolition of the existing office building and redevelopment to provide a part 7/part 8/part 9 storey building to provide office (use class B1a) and flexible (Use class B1) floorspace, including basement, ancillary ground floor cafe, cycle parking, plant/storage, landscaping and all other necessary works associated with the development. Granted 30/06/2017.

6.5 13 Vale Royal

P2016/2706/FUL Refurbishment of existing nightclub 'Egg London', comprising of excavation to create basement; erection of a new single storey extension in existing ground floor garden area and formation of part ground floor mezzanine, first and second floor balcony areas; addition of part third floor extension to replace existing raised second floor flat roof at rear of no. 13 Vale Royal; formation of curved louvre structure and concave motif on Vale Royal elevation; reinstatement of main entrance on Vale Royal and closing of existing York Way entrance; and other associated alterations. Granted 11/07/2017.

Pre-Application

6.6 The appellants did not approach the Council to seek pre-application advice for this proposal in advance of submitting the planning application. There had however been pre-application discussions on previous proposals for the site. The application has also been to the Design Review Panel, details of which are provided below.

7.0 CONSULTATION

Public Consultation

7.1 Letters were sent to occupants of 73 adjoining and nearby properties on the 18th November 2019. A site notice and press advert were displayed on the 21st November 2019. The public consultation of the application expired on the 15th December 2019, though it is the Council's practice to accept comments and objections up until the day of Committee.

7.2 Only one letter was received from the public in response to consultation on this planning application. The letter constitutes a comment (from Islington Swifts) rather than an objections and can be summarised as follows:

- The proposed development is close to areas where swifts are currently nesting and therefore we request that a significant number of integrated swift nestbox bricks are installed near the roof level.
- Bats are also seen in the area and therefore bat boxes are also recommended;
- Finally, a biodiverse living roof would provide foraging opportunities for biodiversity as well as drainage and temperature regulation.

External Consultees

7.3 Thames Water

Thames Water has identified an inability of the existing surface water infrastructure to accommodate the needs of the development proposal. As such, the following condition is recommended in the event that planning permission is granted:

"No buildings shall be occupied until confirmation has been provided that either:

- (i) All surface water network upgrades required to accommodate the additional flows from the development have been completed; or*
- (ii) An infrastructure phasing plan has been agreed with Thames Water to allow buildings to be occupied.*

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents."

The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

No further objection to sewerage infrastructure, water or waste, subject to conditions and informatives.

[PLANNING CASE OFFICER COMMENT: These are listed in Appendix 1].

7.4 London Fire & Emergency Planning Authority

No formal comments received, but strongly recommend that sprinklers are considered for new developments.

7.5 Designing Out Crime

No objection.

Internal Consultees

7.6 The proposal was presented to the Council's Design Review Panel on the 21st January 2020. The following is a summary of the written advice that was provided with the full DRP response provided at Appendix 3:

- The Panel generally considered the height of the building appropriate to the Brandon Road streetscape;
- The approach to the design of the elevation was felt to respond to the current industrial context;

- The Panel considered the materiality to be well-judged with the memory of the double order in the industrial scaled spaces.
- The Panel considered that the entrance could be signalled more emphatically from the York Way approach and that the stairs and circulation of the building could be made visible from reception to help the legibility of the building and enliven external spaces [*Officer's comment: this has now been addressed and further detail on signage and landscaping will be required by condition*];
- The Panel considered that the public realm, entrance and building address to Plane Tree Yard required further development to achieve a more inviting and welcoming character. The Panel considered that the internal spaces would benefit from opening windows and natural ventilation to have a studio type feel [*Officer's comment: further work has gone into achieving a welcoming and inviting character with more glazing, coherent fenestration and enhanced landscaping*];
- The Chair asked the development team to consider how the massing/arrangement of the eastern end of their building could frame the narrow band of the Clocktower view [*Officer's comment: the plant room has been positioned to the western end of the roof in order to minimise impacts on the identified view*];
- The Panel encouraged the development team to ensure that full opportunities were taken at roof top level for green and blue roofs and for roof top PVs [*Officer's comments: the roof includes significant amount of green roof and solar PVs which will be further maximised as required by planning condition*].

7.7 Design and Conservation

Following further amendments to the proposal in response to the DRP the Design & Conservation Team raised the following points:

- The proposed building should ideally not exceed 22m in height;
- There is a recessed area on the eastern elevation, which is bordered by 2 blank walls and a concrete planter on the third side. [*PLANNING OFFICER COMMENT: This has now been revised accordingly.*];
- It is considered that the entrance could still be signalled more emphatically from the York Way approach and that the stairs and circulation of the building could be made visible from reception to help the legibility of the building and enliven external spaces. [*PLANNING OFFICER COMMENT: the entrance is now well-conceived and further details of signage and landscaping would be required by condition to ensure the entrance is signalled more emphatically*];
- The continued location of the substations and plant on this elevation is disappointing. [*APPLICANT COMMENT: We have investigated moving the substation, but unfortunately it is not possible. The existing substation that is being replaced is a 'network substation' serving other properties in the vicinity; therefore, the relocation of the substation must be in very close proximity to the existing.*];
- The materiality of the lift and staircore as it presents to the eastern elevation has changed in this revision. It is still considered that this core is too tall and it is positioned within the viewing corridor of the Cally Clock Tower. [*PLANNING CASE OFFICER COMMENT: The plant room has been realigned in order to protect this view. The DRP raised no objection in this regard and on balance officer do not consider refusal of the scheme can be justified on this matter*]
- The change to the design of the rear elevation with higher level glazing, solar shading and more robust doors onto the terraces is welcome, as is the increased solidity on the Brandon Road elevation top floor.

7.8 Planning Policy

A number of comments have been made by the planning policy team. These can be summarised as follows:

- The proposal exceeds the existing industrial floorspace benchmark (greater than the 65% plot ratio) by providing additional industrial floorspace, meeting both policies E4 and E7 of the new London Plan. It also meets the principle of no net loss as stated in current adopted policy DM5.3.
- However, a concern remains that this constitutes an erosion of industrial land in the LSIS, involving the introduction of a large quantum of office/B1 floorspace.
- The emerging policies SP3 and B2 of the emerging Islington Local Plan, strongly resist proposals that would erode the industrial land capacity in Islington's most significant LSIS, and therefore the scope for further intensification of industrial uses in the LSIS.
- The uplift of B1c/B8 uses proposed is small compared to the proportion of open B1. The provision of open B1 flexible uses doesn't guarantee that the proposed space would be used as B1c.
- The proposal site is right at the heart of the LSIS, where there is a concentration of industrial uses/occupiers. The primary function of the central section of the LSIS would be eroded to the extent that it would no longer be industrial, but, in effect, an extension of an office cluster with some industrial floorspace playing a secondary role.
- Regional and local evidence shows here is still demand for a range of industrial activities, including "servicing the services" and emerging industrial activities. Evidence shows that there are current viable operations on site and that the existing warehouse units are suitable for the current industrial operations that are taking place on site, in line with LSIS use classes B1c, B2 and B8.
- In line with national policy, Islington's existing and emerging Local Plan recognises the specific locational requirements of different business sectors as per NPPF para 82. The Vale Royal/Brewery Road LSIS is a cluster of predominantly industrial sites and buildings, designated for specific business sectors which cannot be accommodated elsewhere (B1c, B2, B8) and occupies less than 1% of the borough's area. The LSIS provides a pool of business premises for a range of occupiers, including SMEs which are genuinely industrial. Predominantly office-based business clusters are able to locate in numerous other locations elsewhere in the borough.
- Further, operational yard capacity is an important policy consideration in the relevant London Plan policy.
- This application has been assessed against the adopted and new London Plan which has now reached an advanced stage of preparation. It has also been considered against the adopted as well as the emerging Local Plan policies (contained in the Strategic and Development Management Policies document).
- The emerging Islington Local Plan has completed the Regulation 19 consultation stage and at the time of writing (January 2020) it is anticipated that the submission for Examination will take place shortly. Therefore, it is considered that the emerging Local Plan policies are a significant material consideration. The Local Plan policies reflect the approach that the council is taking in strengthening existing policies and avoiding further encroachment of office space in the only remaining significant reservoir of industrial land in the borough. This approach is consistent with the evidence that London in general, and Islington in particular, are losing industrial land at a rate which cannot be sustained, and that more stringent policies are needed.

7.9 Access & Inclusive Design

The following comments were made on the revised proposal

- Details are requested regarding the treatment of the steps at Plane Tree Yard. It looks like tapered steps [Officer's comment: this has now been suitably addressed].

- The lobby to the accessible shower at ground floor is inaccessible. The space between the two doors projections should be 1270mm long and clear [*Officer's comment: this now been suitably addressed*].
- Accessible cycle parking needs to be provided [*Officer's comment: this has now been provided*].
- Mobility scooter charging points should not be located in the cycle store [*Officer's comment: this has now been provided in the reception area*].
- Reception: this is where we would like to see mobility scooter charging points. The plans should also show where the furniture would go, especially the counter [*Officer's comment: this has now been provided*].
- GF02: the landing must be at least 1200mm deep at the top and bottom of the stairs [*Officer's comment: this has now been addressed*].
- Platform lifts: there must also be a 1500mmx1500mm clear landing at the top and bottom of the platform lift [*Officer's comment: this has now been addressed*].

All of the points raised above have been addressed.

7.10 Public Protection

No objection, subject to standard conditions on air quality, noise and construction.

7.11 Energy/sustainability

The energy team raised a few points on sustainability and energy, which have now all been addressed. The proposal would now be future-proofed for future DHN connection and propose a significant reduction in carbon emissions.

7.12 Transport

Advised that Delivery/Service Plan, Construction Logistics Plan and Travel Plan should be secured by conditions (5 and 17) /S106.

7.13 Tree Officer

The tree officers raised no objections subject to relevant conditions protecting the London Plane tree in the corner of the site.

8.0 **RELEVANT POLICIES**

National Guidance

8.1 The National Planning Policy Framework (NPPF) 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and the National Planning Practice Guidance (NPPG) are material considerations and have been considered as part of the assessment of these proposals.

Development Plan

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

8.3 **The London Plan 2016 - Spatial Development Strategy for Greater London**

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.17 Strategic industrial locations

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.4 Managing industrial land and premises

Policy 4.10 New and emerging economic sectors

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Lifetime neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

8.4 Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

8.5 Development Management Policies 2013:

Policy DM2.1 (Design)

Policy DM2.2 (Inclusive design)

Policy DM2.3 (Heritage)

Policy DM2.4 (Protected views)

Policy DM5.1 (New business floorspace)

Policy DM5.2 (Loss of existing business floorspace)

Policy DM5.3 (Vale Royal/Brewery Road Locally Significant Industrial Site)

Policy DM5.4 (Size and affordability of workspace)

Policy DM6.6 (Flood prevention)

Policy DM7.1 (Sustainable design and construction)

Policy DM7.3 (Decentralised Energy Networks)

Policy DM7.4 (Sustainable design standards)

Policy DM7.5 (Heating and cooling)

Policy DM8.2 (Managing transport impacts)
Policy DM8.4 (Walking and cycling)
Policy DM8.5 (Vehicle parking)

Policy DM8.6 (Delivery and servicing for new developments)
Policy DM9.1 (Infrastructure)
Policy DM9.2 (Planning obligations)

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

Islington SPD

Environmental Design (Oct 2012)
Inclusive Design (Feb 2014)
Inclusive Landscape Design (Jan 2010)
Planning Obligations (S106) (Dec 2016)
Urban Design Guide (Jan 2015)
Development Viability (Jan 2016)
Basement Development (Jan 2016)
Islington Employment Land Study (Jan 2016)
Vale Royal/Brewery Road Locally Significant Industrial Site Height Study (2016)

London Plan

Accessible London: Achieving an Inclusive Environment SPG (adopted October 2014)
The Control of Dust and Emissions During Construction and Demolition SPG (adopted July 2014)
Sustainable Design and Construction SPG (adopted April 2014)
Land for Industry and Transport (Sep 2012)
London Industrial Land Supply & Economy Study (2015)
Industrial Intensification Primer (2017 Draft)

Emerging Policies

Draft London Plan (Intend to Publish Version), December 2019

- 8.7 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspectors’ report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

Policy GG2 Making the best use of land
Policy GG5 Growing a good economy
Policy D1 London’s form, character and capacity for growth
Policy D2 Delivering good design
Policy D3 Inclusive design
Policy D7 Public Realm
Policy D8 Tall buildings
Policy D9 Basement development
Policy D11 Fire safety
Policy D13 Noise
Policy E1 Offices
Policy E2 Providing suitable business Space

Policy E3 Affordable Workspace
Policy E4 Land for industry, logistics and services to support London’s economic function
Policy E6 Locally Significant Industrial Sites
Policy E7 Industrial Intensification, co-location and substitution
Policy E11 Skills and opportunities for all
Policy HC3 Strategic and local views
Policy HC5 Supporting London’s culture and creative industries
Policy G5 Urban Greening
Policy G7 Trees and Woodlands

Policy SI2 Minimising greenhouse gas emissions
Policy SI4 Managing heat risk
Policy SI5 Water infrastructure
Policy SI7 Reducing waste and supporting the circular economy
Policy SI12 Flood risk management
Policy SI13 Sustainable drainage

Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T7 Deliveries, servicing and construction

8.8 It is worth noting at this point that the Secretary of State has written to the Mayor of London setting our various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions, which include altering the no net loss of industrial space provisions in the emerging plan. In any event, given what is proposed by the applicant the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

8.9 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. Due to the constraints posed by Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020.

8.10 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.11 Emerging policies relevant to this application are set out below:

Policy SP3 Vale Royal/Brewery Road Locally Significant Industrial Site
Policy B1 Delivering a range of affordable business floorspace
Policy B2 New business floorspace
Policy B3 Existing business floorspace
Policy S1 Delivering sustainable design
Policy S2 Sustainable design and construction
Policy S3 Sustainable design standards
Policy S4 Minimising greenhouse gas emissions
Policy S8 Flood risk management

Policy S9 Integrated water management and sustainable design
Policy T1 Enhancing the public realm and sustainable transport
Policy T2 Sustainable transport choices
Policy T3 Car-free development
Policy T5 Delivery, servicing and construction
Policy DH1 Fostering innovation while protecting heritage
Policy DH4 Basement development
VR1 Fayer's Site, 202-228 Tileyard Road, 22-23 Tileyard Road, 196-200 York Way

9.0 EVALUATION

Land use

- 9.1 The site is currently occupied by 5-10 Brandon Road, a two-storey warehouse/industrial building occupied by six operational warehouse units of approximately 2,621sqm of B1c/B8 uses. The site was recently subject to a planning application for the demolition of the existing building and the creation of a part 6-, part 7-storey office-led development. The application was refused for a number of reasons including land use and in particular the lack of floorspace proposed that would be suitable to the Locally Significant Industrial Site (LSIS).

Policy context

- 9.2 The NPPF includes requirements for planning policies and decisions to build a strong, competitive economy. Paragraph 82 of the 2019 NPPF states that “planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations”.
- 9.4 The Vale Royal/Brewery Road LSIS is within close proximity to the CAZ, and serves a strategic purpose to Central London’s businesses and the wider borough economy. The LSIS has a longstanding history of industrial activity dating back to the late 19th Century. It was identified as an Industrial Priority Area in Islington’s Development Plan dating back to 1982, where investment on industrial uses were prioritised in the area to support the increasing industrial activity in the area. The current Development Management Policies (DMP, 2013) LSIS designation on the Vale Royal/Brewery Road area was carried over from the Unitary Development Plan (UDP, 2002) which recognised this area as an Industrial and Warehousing Area (IAWA), with policies focusing on safeguarding B2 and B8 uses and land.
- 9.5 Current Core Strategy Policy CS6 (part D) identifies the Vale Royal/Brewery Road area as the only locally significant concentration of industrial warehousing/employment land in the borough. Policy CS13 (part B) explains that the borough has designated the Vale Royal/Brewery Road LSIS to provide employment space and to retain space that is suitable for industrial / warehousing / employment land.
- 9.6 Islington’s Core Strategy (ICS, 2011) policies CS6 (part D) and CS13 (part B) for the Vale Royal/Brewery Road LSIS set out the objectives for this LSIS designation and the appropriate land uses that are suited to industrial and warehousing uses, in line with the primary economic activity of the area; ensuring that new development proposals enhance the area’s potential to retain industrial capacity. This is reiterated in policy DM5.3 of the Council’s Development Management Policies (DMP, 2013), that is specifically concerned with the Vale Royal/Brewery Road LSIS. Part A of this policy states that the council supports the retention and intensification of uses appropriate to the role of the LSIS (i.e. within the B1(c), B2 and B8 Use Classes). Part B protects the Vale Royal/Brewery Road LSIS from loss or reduction of B1c, B2 and B floorspace. Part C states that proposals will be also resisted where they would have a detrimental individual or cumulative impact on the area’s primary economic function. Para 5.22 explains that proposals for uses which complement and support the economic and employment role of the LSIS will be considered acceptable “where there is no impact on its primary economic function”. Offices are given as an example of the type of use which may fall into this category.
- 9.7 In relation to current regional policy, the London Plan (2016, consolidated with alterations since 2011) and the Land for Industry and Transport Supplementary Planning Guidance (2012) together establish the Mayor’s approach to industrial land management. London Plan Policy 4.4 states boroughs should adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses

in different parts of London, including for good quality and affordable space. The SPG identifies Islington as a borough of “restricted transfer” - the strongest protection for industrial land. London boroughs categorised under the “restricted transfer” category typically have low levels of industrial land relative to demand and that the loss of industrial sites to other uses should be resisted in LSIS designations. This categorisation has changed in the new London Plan (London Plan – intend to publish version – December 2019) which assigns the “retain” category to Islington, meaning that development should seek to intensify industrial floorspace capacity “following the general principle of no net loss across designated SIL and LSIS”.

- 9.8 The new London Plan confirms the above need through policy E4, which is in place to ensure that a sufficient supply of land and premises exist in different parts of London, to meet current and future demand for industrial and related functions. Para 6.4.1 notes that “London depends on a wide range of industrial, logistics and related uses that are essential to the functioning of its economy and for servicing the needs of its growing population, as well as contributing towards employment opportunities for Londoners”. Para 6.4.7 identifies the “need to provide essential services to the CAZ and Northern Isle of Dogs and in particular sustainable ‘last mile’ distribution/logistics, ‘just-in-time’ servicing (such as food service activities, printing, administrative and support services, office supplies, repair and maintenance) ...”.
- 9.9 Policy E4 (part C) of the new London Plan states that “The retention, enhancement and provision of additional industrial capacity across the three categories of industrial land set out in Part B should be planned, monitored and managed. Any release of industrial land in order to manage issues of long-term vacancy and to achieve wider planning objectives, including the delivery of strategic infrastructure, should be facilitated through the processes of industrial intensification, co-location and substitution set out in Policy E7 Industrial intensification, co-location and substitution.
- 9.10 The supporting text of the Policy E4 (para 6.4.5) explains that the floorspace capacity is defined as “either the existing industrial and warehousing floorspace on site or the potential industrial and warehousing floorspace that could be accommodated on site at a 65 per cent plot ratio (whichever is the greater)”. A direction by the Secretary of State has since requested removal of reference to the 65% plot ratio but the Plan still addresses the need to retain provide sufficient industrial, logistics and related capacity through its policies. Part D of E4 states that the retention, enhancement and provision of additional industrial capacity should be prioritised in locations with certain characteristics, such as those that are accessible to the strategic road network; provide capacity for activities such as logistics, emerging industrial sectors or essential industrial-related services that support London’s economy and population; provide capacity for micro, small and medium-sized enterprises; are suitable for ‘last mile’ distribution services to support large-scale residential or mixed-use developments; and support access to supply chains and local employment in industrial and related activities.
- 9.11 Policy E6 requires London boroughs to designate and define boundaries for Locally Significant Industrial Sites, making clear the range of industrial and related uses acceptable in the LSIS to include, where appropriate, hybrid or flexible space under use classes B1c/B2/B8 that is suitable for SMEs. The New London Plan encourages all boroughs to explore the potential to intensify industrial activities on industrial land to deliver additional capacity. (para 6.7.1 of the supporting text to policy E7). Policy E7 instructs both borough local plans and development proposals to be proactive and encourage the intensification of industrial (B1c, B2, B8) uses on all categories on industrial land (meaning SIL, LSIS and non-designated industrial sites) through various measures.
- 9.12 The Mayor’s current approach towards protection of industrial land is underpinned by robust evidence, including the London Industrial Land Demand Study (LILDS, 2017), the London Industrial Land Supply and Economy Study (LILSES, 2015) and The Industrial Land and Transport Study (ILTS, 2017). Para 6.4.4 from the new London Plan indicates that there will be positive net demand for industrial land in London over the period 2016 to 2041, mostly driven by strong demand for logistics to service growth in London’s economy and population. The LILSES (2015) calculates that Islington has released significantly more industrial land than the benchmark set out in the Land for Industry and Transport SPG (2012). However, the actual release has exceeded the 0.3ha

benchmark recommended, by the Land for Industry and Transport SPG for 2011-2031, by 462% in just the period from 2011-2015, with further losses reported between 2015 and 2018. Islington's Employment Land Study (ELS, 2016) also highlights the large losses of industrial land in recent years – 436,000sqm between 2000 and 2012. In addition, the ILTS (2017) concluded that the release of industrial land could have a negative impact on the efficient operations of the firms affected by land release; the labour market, if firms have to relocate a significant distance; the ability to achieve service level agreements and supply chain impacts on third parties more generally; and traffic congestion, air quality and emissions and road safety issues.

9.13 The Vale Royal/Brewery Road LSIS accommodates many of type of uses suggested in the Mayor's evidence, including activities that provide for the expanding Central London business market. Such activities may also exist alongside more traditional forms of industrial uses, as well as emerging forms. The uses identified include:

- companies supplying logistics and sound equipment for live events;
- props hire companies;
- artisan bread makers;
- catering companies;
- distribution companies (wine distributor);
- a graphics company who design and manufacture hoardings; and
- photographic and sound recording studios.

9.14 The Inspector's report of the London Plan EiP (2019) confirms that there is merit in taking forward the overall approach set out in policies E4 to E7. Moreover, it recommends strengthening criterion included in policies E4 and E7 to make clear that a sufficient supply of industrial land and premises should be provided as well as maintained, and to ensure that the plan is effective in protecting all viable industrial uses, including those occupied by small businesses, in the future. The Secretary of State has since written to the Mayor of London directing the London Plan, in particular through Policies E4 to E7 to be less restrictive and more 'proportionate' in its requirements to retain industrial capacity and land. As such, reference to the 65% plot ratio would be removed, though the Plan should still address the need to provide sufficient industrial, logistics and related capacity through its policies.

9.15 Islington's emerging Local Plan policies consider the latest employment and industrial land evidence base both at local and regional levels, in line with national policy. In response to the new London Plan, Policy SP3 part A of Islington's emerging Local Plan identifies the principal objective of the Vale Royal/Brewery Road LSIS as being "to retain industrial land and intensify B1c light industrial, B2 general industry and B8 storage and distribution uses", while part C from this policy states that "any proposal which introduces additional offices, regardless of whether there is an existing office use on site, and which does not result in the building being in predominantly industrial use, will be refused." Part D expressly confirms the council's continuing support for music and entertainment industries in the area such as Tileyard Studios, and reiterates that any proposals for potential expansion and renovation of existing buildings need to be in line with land use policies defined in part A and C.

9.16 Policy B2, from the emerging Local Plan sets out that the overriding priority land uses in LSIS designations are industrial uses (B1(c), B2, B8 and Sui Generis uses which are akin to industrial uses). The retention and intensification of industrial uses and existing clusters of industrial activity in LSISs will be required as part of any proposal within a LSIS. The provision of hybrid space is supported. The development of office use may be permissible as part of a hybrid workspace scheme, but it must only constitute a small proportion of the overall gross floorspace proposed.

9.17 Emerging local policies consider that the introduction of a large quantum of non-industrial uses would over time undermine the primary industrial economic function and compromise the future growth of LSISs and will therefore not be permitted unless they are clearly ancillary to a proposal. The provision of hybrid space in LSIS designations is also referenced in Policy SP3, part B, that

encourages the provision of a range of flexible industrial uses including those suitable for SMEs, in line with policy E6 from the new London Plan.

Assessment

- 9.18 The proposal does not involve net loss of industrial floorspace, which is in accordance with part B of Policy DM5.3. However, the quantum of B1 open floorspace proposed outweighs the amount of space exclusively dedicated to industrial uses. Flexible B1 use is still the main use proposed, with 6,902sqm of B1 floorspace compared to 3,726sqm of B1c/B8 floorspace. Open B1 use could include the provision of light industrial (B1c), research and development facilities (B1b) but also of office space (B1a). It should be noted however, that the policy aspiration for industrial uses to be the predominant use on all development proposals in the LSIS does not form part of adopted policy, rather it is an aspiration of the emerging Local Plan policies which have not been adopted and are not given full weight yet.
- 9.19 More critical to the assessment of the proposal here is considered to be the adopted Development Management Policies and Core Strategy Policies referred to above, the adopted London Plan (2016, consolidated with alterations since 2011) along with the Land for Industry and Transport Supplementary Planning Guidance (2012) as well as the New London Plan, which although not fully adopted has undergone examination and thus carries more weight than the emerging Local Plan. The application maintains and enhances industrial floorspace on site by proposing an uplift from 2,621sqm to 3,726sqm in accordance with adopted local policy. It can be confirmed that the application site measures 0.4 hectares or 4,000sqm. The 'Intend to Publish' version of the London Plan sought a no overall net loss of overall industrial capacity and referred to a 65% plot ratio as a benchmark, i.e. 65% of the overall site area should be retained as industrial floorspace. While the direction by the SoS advises removal of the 65% plot ratio reference and directs a more flexible approach, the overall aim of providing sufficient industrial and logistics capacity remains, so this benchmark still provides a useful exercise. Potential industrial and warehousing floorspace that could be accommodated on site at a 65% plot ratio is approximately 2,600sqm, a slightly smaller capacity than the existing industrial floorspace of 2,621sqm. The application proposes 3,726sqm of light industrial (B1c) or warehouse/storage (B8) floorspace, which is considerably above the London Plan's industrial floorspace capacity threshold 65% plot ratio and would thus be considered in accordance with the emerging New London Plan in this regard.
- 9.20 Consideration is also given to Islington's Core Strategy Policy CS6 (King's Cross), which states that Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and accommodation for small enterprises will be particularly encouraged. This is echoed by Core Strategy Policy CS13, which requires new business floorspace to be flexible to meet future business needs and for proposals to offer a range of unit types and sizes, including those suitable for SMEs. The proposals include a wide range of flexible office and industrial units from small units (the majority of units range between 100sqm and 200sqm) suitable for SMEs to larger office floorplates which maximise employment capacity. The proposal also includes generous floor-to-ceiling heights and suitable on-site servicing and delivery providing flexible business floorspace for a diverse range of potential occupiers in line with planning policy.
- 9.21 As well as requiring new business floorspace to be flexible to meet future need and requiring unit types that are suitable to SMEs, Policy CS13 of the Core Strategy also seeks to safeguard existing business floorspace by protecting against change of use to non-business uses and by retaining the Vale Royal/Brewery Road land for industrial/warehousing/employment land. The proposal retains and significantly increases industrial, warehousing and employment land on site and is considered to provide floorspace suitable for SMEs.
- 9.22 This application has been assessed against the adopted and new London Plan which has now reached an advanced stage of preparation. It has also been considered against the adopted as well as the emerging Local Plan policies (contained in the Strategic and Development Management Policies document). While the proposal does not meet the expectations of the emerging Local Plan as the proposal is predominantly for flexible B1 use, the planning application does accord with

adopted planning policy by retaining and intensifying industrial floorspace as well as providing floorspace suitable for SMEs. The application is considered to satisfy the intention of retaining industrial capacity in the new London Plan. The increase in industrial floorspace makes a contribution to the approach in policy E4 to provide a sufficient supply of industrial land, in light of the quantum increase of flexible B1 floorspace. As such, the planning application is considered to be acceptable and in accordance with Islington's Policy DM5.3, Core Strategy Policy CS6 and CS13, London Plan Policy 4.4 and London Plan's Land for Industry and Transport SPG.

Design

- 9.23 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.
- 9.24 The London Plan Policy 7.4 (Local Character) states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area 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.
- 9.25 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. All development will need to be based on coherent street frontages.
- 9.26 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. Point vii specifically states that buildings should respect and respond positively to existing buildings, the streetscape and the wider context.
- 9.27 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. Of particular significance is paragraph 5.67 which states that 'new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses'.
- 9.28 Emerging Policy SP3 of the Islington Local Plan sets maximum height limits of 5 storeys in the LSIS. The supporting text of the policy refers to the urban design and character assessment that was undertaken for the LSIS and its wider context (LSIS Heights Study), which concluded that a maximum height of 5 commercial storeys (or 20 metres) would be appropriate in the LSIS. It also concluded that buildings of over 5 storeys may have a negative impact upon the scale of the streets within the LSIS and may appear overbearing, due to narrow road widths.

9.29 Finally, Development Management Policy DM2.4 requires strategic views of St Paul's to be protected and enhanced. View LV7, which is the view from Dartmouth Park to St Paul's goes over the industrial site (LSIS).

Context:

9.30 The area is characterised by industrial and warehouse buildings as well as some remaining Victorian buildings including an old converted public house opposite the application site. The buildings in the area are of varying age but on Brandon Road and Blundell Street predominantly date from the 20th century. There are a variety of materials, but brick tends to predominate with some render, stone and concrete too. Although there is an element of variety in ages and materials, there is a stronger sense of a prevailing scale with buildings mainly being 2 to 4 storeys high. The tallest building in the immediate vicinity is a 5-storey building adjacent to the site at 4 Brandon Road. This building is some 17 metres in height, though a lift/stair overrun towards the rear of its roof take its height to just above 20 metres in height.

Height and massing:

9.31 The current buildings are two storeys in height and constitute robust brick and cladding warehouse sheds with roller shutter loading 'doors'. As they are set back from the road behind a fairly deep service yard, the staggered building line provides welcome space in the narrow street, particularly given that the buildings opposite to the north are positioned hard up on the back edge of the carriageway. Generally, the prevailing heights of surrounding buildings are low, usually two to four storeys and the building immediately to the west is five storeys.

9.32 The proposed building is approximately 17 metres tall to the street frontage, with a set-back 5th floor taking it to some 20 metres and further roof-top plant taking its maximum height to 22.7 metres. The site slopes towards York Way and so heights vary according to the slope of the land. The proposed building stands at five storeys, which is line with the limit recommended by Policy SP3 of the emerging Local Plan. However, the building's roof-top plant takes the building to 22.7 metres in height, which takes the building above the 20 metres specified in the supporting text. Moverover, given the considerable increase in height from the existing situation, the building heights and massing should also have regard to Policy DH3, which requires building's that exceed twice the height of the contextual reference to mitigate the individual and cumulative visual, functional and environmental impacts on the surrounding and wider context. It is also noted that the DRP did not object to the height.

9.33 The Design Review Panel responded to the proposed height by stating that they generally considered the height of the building appropriate to the Brandon Road streetscape. The approach to the design of the elevation was felt to respond to the current industrial context. The elevation below shows the proposed building in context with neighbouring buildings.



Proposed Front Elevation

- 9.34 The proposed building's frontage is in line with the parapet height of the existing neighbouring building (4 Brandon Road) and the proposal is not considered to exceed twice the height of the contextual reference, particularly given the height of immediately neighbouring buildings as well as the considerable height on the Camden side of York Way and the taller buildings further south. Moreover, the element of the proposed building which is in excess of 20 metres is essentially plant room that is well set back from the building line and would not be read or perceived from street level. The considerable amount of B1c/B8 floorspace (encouraged and supported by planning policy) on the lower floors essentially results in the building being pushed above the 20metres. Given the near absence of neighbouring residential occupiers, the limited impact on neighbouring amenity and the fact that the main mass of the building is limited to 20metres in height, the proposed height is considered acceptable.
- 9.35 The scale of the development proposed would generally reflect the character of the surrounding area in accordance with ICS Policy CS8, London Plan Policy 7.6 as well as emerging planning policy. The proposed building is considered to be human in scale, ensuring a positive relationship with street level activity.

Detailed Design

- 9.36 The elevation at the base of the building on Brandon Road is expressed as a double storey with double height 'pillars'. The DRP considered this to be well-judged "*with the memory of the double order in the industrial scaled spaces*", adding that the "*sculptural quality of the shutters was positive, with an opportunity to animate the façade during the day*". The proposed façade at lower levels is thus considered contextual and sympathetic to the surroundings and industrial heritage and provides an opportunity to animate the frontage to Brandon Road in accordance with policy (London Plan 7.4 and DM2.1).
- 9.37 The main northern elevation facing Brandon Road is a symmetrical grid framed in brick and stone with crittal-style windows, which is considered sympathetic and contextual. The lighter set-back top floor element, the Corten steel lift/stair core and the recessed roof-top plant is well-considered and has been sympathetically designed.
- 9.38 In terms of the main entrance and its approach via 'Plane Tree Yard', the DRP considered that the entrance could be signalled more emphatically from the York Way approach. It was felt that given the changing nature of the LSIS and the anticipated increase in the volume of pedestrians and cyclists in the area, the entrance space and approach should be more generous. Additional landscaping features and a more legible entrance with more active frontage in the design has now contributed towards a more appropriate and welcoming entrance. The façade to Plane Tree Yard has bene redesigned to ensure a more active engagement with the circulation and reception spaces. The industrial scale of the façade in these places has now been broken up to introduce a more human scale.



Plan of Main Entrance

9.39 The entrance is considered to be sufficiently visible by virtue of the building set-back and place-making response to the protected tree. The main staircase cladding has been adjusted to show vertical Corten 'fins' covering a glazed facade to the east facing elevation; this will provide dynamism to the facade and connectivity for occupants to their surrounds whilst ensuring the conceptual massing and materiality of the scheme remains intact. Further details of signage and landscaping will be required by condition (20 and 25) in order to ensure a welcoming and inviting entrance approach.



View of Plane Tree Yard

9.40 The massing of the building is composed of a number of linear elements. The eastern elevation did not have a human scale in previous iterations of the scheme and was somewhat dominant and oppressive with brickwork to above head height or louvres and other service functions and a set-back which would not be overlooked. This has now been addressed by glazing a larger proportion of the eastern façade and creating a more animated and articulated elevation here.



Eastern Elevation

Conclusion

- 9.41 In summary, proposed scale, height and massing is considered acceptable and working within the scale of the neighbouring building at 4 Brandon Road is considered an appropriate approach. The echoing of industrial quality is an important and successful feature of the design and the materiality and composition of the proposal is considered to be well thought out and sympathetic to the surrounding architecture.
- 9.42 As such, the proposed development, is considered to contribute positively to the surrounding public realm, streetscape and wider context in accordance with the National Planning Policy Framework Chapter 12 (Achieving well-designed places), London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington's character) and policy CS9 (Protecting and enhancing Islington's built and historic environment) and Islington Development Management Policies 2013 DM2.1 (Design), as well as Policy SP3 of the emerging Local Plan.

Neighbouring Amenity

- 9.43 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 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.

Daylight/sunlight

- 9.44 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) Guidelines are 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.
- 9.45 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”.

9.46 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”.

9.47 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).*

9.48 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value achievable is almost 40% for a completely unobstructed vertical wall.

9.49 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.”

9.50 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”.

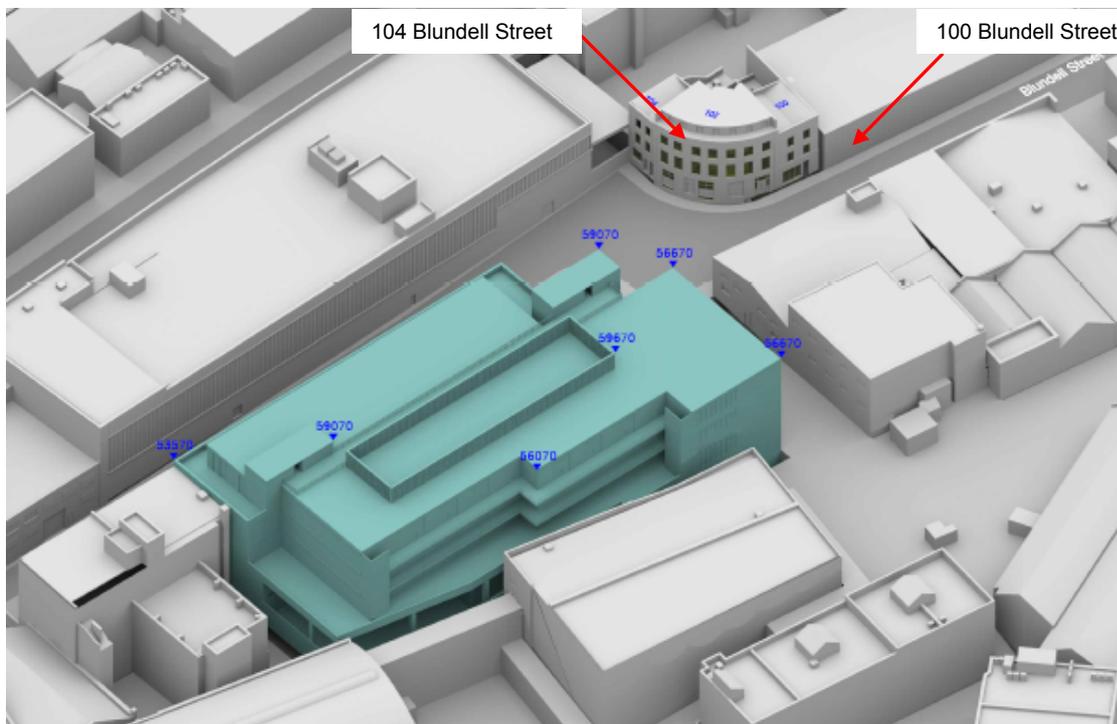
9.51 Sunlight: The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

“If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° 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.”*

Analysis of Daylight/Sunlight Impact on Affected Properties:

9.52 A Daylight & Sunlight Report has been submitted by Point Surveyors. The report only considers the impact on the residential buildings of 100 and 104 Blundell Street to the north-east of the site, as the other surrounding sites are in commercial use. The report does not assess the impacts on 34 Brandon Road, which is also in residential use, as this is considered at a sufficient distance from the application site. The report does also not assess impacts on 102 Blundell Street, which would appear the building most affected by the proposal. No 102 Blundell Street appears to be in office use as well as accommodating a hotel / holiday apartment, though there does not appear to be any planning consent for the latter.



100 Blundell Street

9.53 No 100 Blundell Street, which is on the opposite side of the street to the application site is a 3-storey building in predominantly residential use. The upper floors contain residential uses, though it is unclear in what use the ground floor level is. In any case, all street-facing windows have been assessed in terms of loss of daylight and sunlight: this includes 3 windows on the ground floor and 2 on each of the upper floors. The building actually faces 107 Blundell Street rather than the application site and the proposed building would be at an oblique angle to this property. As such, the existing and proposed daylight levels as measured by the Vertical Sky Component (VSC) remains relatively high. The most-affected window in this building would be a 1st floor window, which would experience a loss of 4.1% of VSC, retaining a VSC of 32% overall. It is considered that these losses are well within levels considered acceptable by the BRE.

104 Blundell Street

9.54 No 104 Blundell Street is also on the opposite side of the street, squeezed between the converted public house and an adjacent warehouse building. Because of this context, the existing building does not benefit from the same level internal daylight as 100 Blundell Street. The building also faces more directly onto the application site, so that the losses of daylight are also more considerable. Nonetheless, none of the street-facing windows would experience losses of daylight beyond the BRE standard levels. The ground floor of this property would experience a loss of VSC of some 15.7%. Because of the dimensions of the room that this window serves and the size of the window itself, the room itself would not suffer any losses of daylight as measured by the no-skyline contour (NSL). Below is an image showing the window most affected by the planning application.



Affected window at 104 Blundell Street

- 9.55 The converted house (The Albion) which is positioned in between these two neighbouring properties described above, appears to accommodate hotel uses (C1). However, the C1 use does not have the benefit of planning permission and thus any effect on the windows within this property will not be given much weight. The lawful use of this property is as an office (B1 use) and though impact on daylight to commercial uses is sometimes considered, this is only in extreme cases and where it can be demonstrated that the loss of daylight to the property would have a harmful impact on the operation of the use. Given the relatively minor impacts on the adjacent neighbouring properties in terms of daylight, the impact on the office accommodation at No 102 Blundell Street is not considered to be harmful. Similarly, the effect on 34 Brandon Road, which is some distance to the east along Brandon Road, is not considered to be harmful either given the distances involved.
- 9.56 The Applicant's sunlight/daylight consultant (Point 2 Surveyors) report suggests there would be very little impact on sunlight as the windows to the main elevations of 100 and 104 Blundell Street do not directly face the application site. The report demonstrates that all of the windows would retain more than 25% annual probably sunlight hours and more than 5% during the winter months and thus would not be unduly affected by the proposed development.

Overlooking

- 9.57 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'.
- 9.58 The buildings would face an existing commercial premises to the north, as well as commercial buildings to the east, west and south. To the north-east, the buildings would face 100-104 Blundell Street, however any overlooking but be across the adopted highways and thus there would not be any undue impacts in terms of loss of privacy or increased overlooking.

Noise

- 9.59 Rooftop plant is proposed on the application building. The plant enclosure would be some distance away from the closest residential building. The noise report includes a baseline sound survey which sets out typical background levels for the area. Environmental Health officers consider the report to be acceptable and advise that a standard noise condition be attached if permission were

granted to restrict noise from the plant to at least 5dB(A) below the background noise level. Plant noise should be conditioned (No 11) as below:

- 9.60 *"The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ 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 $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."*
- 9.61 An internal loading bay is provided. Environmental Health officers consider it appropriate to have control on the hours of operation for comings and goings and the accompanying noise, and advise limiting opening to 0700 to 2300 hours.
- 9.62 The building features terraces at 2nd, 3rd and 4th floor levels, which have the potential for noise nuisance late at night. However, these face away from nearby residential uses and thus it is not considered necessary to limit or restrict their opening hours.

Conclusion

- 9.63 In conclusion, the proposed development is not considered to result in unacceptable impacts on neighbouring residential amenity in terms of daylight, sunlight, overshadowing, privacy or noise and disturbance in accordance with Islington Development Management Policy (2013) DM2.1 (Design).

Highways and Transportation

- 9.64 The site has a relatively good PTAL (Public Transport Accessibility Level) of 4 (good) and is served by several bus routes within walking distance on York Way and Caledonian Road. Several railway stations are also within walking distance: the closest London Underground station is Caledonian Road which is 800m to the north-east, while Caledonian Road & Barnsbury Overground station is approximately 850m to the south-east. Kings Cross St Pancras Railway station with local, regional, national and international destinations is also within close proximity to the site. York Way is the northern end of a signposted north-south cycle route to Copenhagen Street and Brandon Road itself is a local cycle route. The site is within the Thornhill CPZ with restricted parking on weekdays from 08.30-18.30, and Saturdays 08.30-13.30.
- 9.65 Chapter 6 of the London Plan sets out transport policies and locally, Core Strategy policies CS10 and CS18 and chapter 8 of the Development Management Policies set out the Council's transport policies.
- 9.66 The applicants have submitted a Framework Travel Plan which suggests 29% of employees will travel by car initially (based on census data), with the plan aiming to reduce this over time. The building will have its own Travel Plan Coordinator to promote walking, car-sharing and cycling to reduce car use. The Travel Plan would need to be monitored for a period of five years. If the application were acceptable, this would be secured as part of a section 106 agreement.
- 9.67 Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200sqm, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 9.68 The applicants have submitted a Delivery and Servicing Plan and Transport Assessment which provides detail of how servicing and delivery will be managed for the proposed building. While two

of the existing dropped curbs would be removed to improve the pedestrian environment (secured by section 106 agreement), one would be retained to provide access to the three internal loading bays at the rear of the site. Two of the bays measure 3.5m x 10m with 2m clear space behind and would be able to accommodate 10m rigid vehicles or refuse collection vehicles. The other bay measures 3.5m x 8m and would be suitable for use by smaller vehicles include 7.5t box vans, panel vans or cars. The dimensions of the loading bays seek to address the potential needs of the retained light industrial / storage uses at the site. There would be a total of 16 x 1,280l bins and a compactor within the bin store for the building which is positioned at the rear as shown on plan. Refuse collection vehicles would be able to enter the site. On the day of collection bins will be transferred to the refuse vehicle directly, and consequently there will be no reliance on the public highway.

- 9.69 The proposed building would be car-free with no parking spaces provided on site, though two on-street wheelchair accessible parking bays would be provided (secured by section 106 in the event of permission being granted). The application includes the provision of 112 long-stay cycle parking spaces in the basement. Provision of double-stacked cycle racks in the basement are not ideal from an inclusive design point of view and further details would be required by condition (16) in the event of planning permission being granted. The number of cycle parking spaces proposed complies with policy requirements.
- 9.70 The proposal is considered to be acceptable in terms of highways impacts and sustainable transport options, subject to conditions (8) on cycle parking, servicing/delivery and construction traffic. The application sets out adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, and includes a framework travel plan which sets out continued measures to promote sustainable modes of transport. The Council's Highways Officer has raised no objections to the proposal. The proposal would be acceptable in highways terms and would comply with Islington Core Strategy (2011) Policies CS11 and CS13; Islington Development Management Policies DM8.2, DM8.5 and 8.6; and the London Plan SPG Land for Industry and Transport (September 2012). The proposal is therefore acceptable subject to conditions and S106 contributions.

Inclusive design

- 9.71 London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.
- 9.72 In terms of accessible transport, accessible parking bays must be provided for every 33 employees. The development provides two accessible parking bays which are inset on the pavement, which would be an underprovision. Extra parking bays will be secured as S106 contributions for accessible transport or contributions towards accessible transport measures. In terms of cycle parking, the storage layout and types of rack have been amended and this now considered to be more appropriate from an inclusive design point of view. The application now been amended to show parking for non-standard bicycles. Further details of this would be required by condition (16) in the event of permission being granted. Visitor cycle parking must be provided in the public realm, details of which would be required through the section 106 agreement.
- 9.73 The approach to the main entrance via 'Plane Tree' yard involves steps down because of the level changes at this point. Access is also provided directly through a level access approach and the pavement width at this point between street edge and the retained Plane tree when coming from the east is over 2.5m, which is considered acceptable from an inclusive design point of view. Tactile paving has been provided where necessary to aid access to those with visual impairments. The

main entrance itself provides level access to a reception area containing a reception desk with a lowered section for wheelchair users as well as a charging point for mobility scooters.

- 9.74 The provision of lifts has now been amended and there is now accessible lift provision across the building in accordance with policy and guidance. The layout of the accessible shower facilities is considered acceptable as is the provision of accessible toilet facilities. Internal door widths and corridors are in accordance with guidance and provide inclusive access throughout the building. Insufficient detail has been provided in terms of inclusive egress and evacuation. This would be required in the event that planning permission is granted.
- 9.75 As such, if members considered that application were acceptable, an inclusive design condition (16) should be attached to any permission requiring submission of details of inclusive design features, including fire-fighting lifts, refuges and all routes to these to be submitted in order to demonstrate compliance with the requirements of Policy DM2.2 and the inclusive design SPD.

Energy and Sustainability

- 9.76 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent (below 1990 levels) by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green). 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.
- 9.77 Core Strategy Policy CS10 requires it to be demonstrated that new development has been designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. 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.

BE LEAN (Energy efficiency standards)

- 9.78 The Council's Environmental Design SPD states 'The highest possible standards of thermal insulation and air tightness and energy efficient lighting should be specified'. 'U values' are a measure of heat loss from a building and a low value indicates good insulation.
- 9.79 The proposed U-values for the development are: external walls = 0.17w/m²k, roof = 0.13w/m²k, floors = 0.15 w/m²k and glazing = 1.4w/m²k. These U-values are consistent with (and improvements on) the values suggested in the Council's SPD. The air tightness would be 3.0³/m²/hr.
- 9.80 The Energy & Sustainability Statement specifies LED for all internal lighting with appropriate occupancy sensors. External lighting will be low energy and controlled by timers or daylight sensors. The Council's Energy Team have confirmed the energy efficiency measures to be acceptable.

BE CLEAN (Low-carbon Energy Supply)

- 9.81 Policy DM7.3(B) requires that proposals for major developments within 500m of an existing or planned District Energy Network (DEN) should be accompanied by a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.

9.82 The Energy Statement Memo confirms that although the proposed development is within 500m of the Euston Road network, there is a railway line between meaning the shortest possible route would be significantly longer than 500m, making connection unfeasible. However, it has been confirmed by the applicant that there will be a protected pipe route to the site boundary to allow future connection to a DEN. Moreover, heating and cooling will be provided by air source heat pumps, which is considered acceptable by the Council's Energy Team.

BE GREEN (Renewable Energy Supply)

9.83 The Energy Statement includes a review of biomass, solar thermal, ground source heat pumps and wind turbines which have been discounted for valid reasons. Biomass heating has been discounted due to the biomass/biofuel transportation impact. Adjacency to residential/commercial developments with consequent flue implications also represents a potential constraint. Ground source heat pumps (GSHPs) are not considered appropriate for this scheme due to an unbalanced heating/cooling load in the development and limited availability of space for boreholes. Stand-alone wind turbines and roof-mounted wind turbines have been discounted due to the high density of the site and close proximity of surrounding taller buildings, which would reduce the efficiency of any type of wind turbine applicable to the project site. In addition, wind turbines are not considered suitable for the site due to accessibility issues for large delivery vehicles, potential noise impact and shadow flicker and flashes of reflected light on neighbouring residential/commercial properties and public spaces. A solar PV array providing 11,000 kW/year, offsetting 7.8 tonnes of CO₂ is used to calculate CO₂ emissions in the Energy Statement. The use of solar PVs cover a large proportion of the roof, though further details would be required by condition (27) to ensure that the extent of solar PVs has been maximised and carbon emissions thereby minimised.

9.84 Green Performance Plan: Islington Development Management Policy DM7.1 (Sustainable design and construction) part E requires provision of a Green Performance Plan (GPP) detailing measurable outputs for the occupied development, with respect to energy consumption, CO₂ emissions and water use, and setting out arrangements for monitoring the plan over the first years of occupation.

9.85 A draft Green Performance Plan has been submitted, which includes measurable targets for water, CO₂ and energy consumption. This also includes detail of how the data will be collected, responsibility for managing the GPP and arrangements for addressing poor performance in line with the requirements in Islington's Environmental Design SPD.

9.86 It is recommended that the s106 legal agreement includes the requirement for a final post occupation Green Performance Plan to be submitted the Local Planning Authority following an agreed monitoring period.

9.87 Carbon Emissions: Policy CS10A promotes zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO₂ emissions associated with the building through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock.

9.88 Paragraphs 2.0.8 – 2.0.10 detail the Council's energy hierarchy which should be followed in meeting the Council's CO₂ emissions reduction target. The final stage of the hierarchy requires developers to:

'...offset all remaining CO₂ emissions (Policy CS10) through a financial contribution, secured via a Section 106 agreement, towards measures which reduce CO₂ emissions from the existing building stock (e.g. through solid wall insulation of social housing). For all major developments the financial contribution shall be calculated based on an established price per tonne of CO₂ for Islington. The price per annual tonne of carbon is currently set at £920, based on analysis of the costs and carbon savings of retrofit measures suitable for properties in Islington.'

- 9.89 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 revised Energy Statement confirms a reduction of 44.5% in CO2 emissions from a 2013 baseline. This achieves the London Plan target. The application also results in a 27.5% reduction in total (regulated and regulated) carbon emissions from a 2013 baseline, which achieves the policy target of 27%.
- 9.90 The sum of regulated emissions (after Be Lean, Be Clean & Be Green) and the un-regulated emissions are 185.7 tonnes CO2 per year. Based on the Council's carbon offset figure (£920/tonne). The scheme therefore gives rise to a requirement for a carbon offset contribution of £170,844.
- 9.91 Overheating and Cooling: Policy DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance.
- 9.92 Thermal Modelling has been provided as Appendix A of the Energy Strategy Memo, shows how the Cooling Hierarchy has been incorporated into the design. This has been carried out using CIBSE TM49 weather files and assessed against the criteria of CIBSE TM52. This shows that without the use of active cooling the building is at risk of overheating.
- 9.93 Sustainable Urban Drainage System (SUDS): Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate' (8 litre/sec/ha), where feasible. The London Plan requires that drainage run offs in new developments be reduced by 50% including an allowance for climate change.
- 9.94 The existing site has a run-off rate of 44.7l/s for a site of just under 0.4ha. The proposed development will reduce the drainage run-off by use of a below-ground attenuation tank. The greenfield run-off rate for the site would equate 1.1l/s, which is considered quite challenging given the absence of land on site to accommodate more ambitious SUDS features. However, the application proposes a run-off rate of 2l/s, which comfortably achieves the 50% reduction target set by the London Plan and a condition is proposed (7) in the event of permission being granted to ensure that water run-off rates are minimised through SUDS measures.
- 9.95 There are some green roofs proposed at roof level, though further details would be required by condition (12) in order to ensure that areas and water attenuation has been maximised. This would be suitably conditioned (13) in the event that planning permission is granted.
- 9.96 Thames Water have not raised objections to the proposal in relation to foul or surface water drainage, subject to informatives. Further details of Sustainable Urban Drainage would be required by condition (7).

Conclusion

- 9.97 The planning application includes a number of energy efficiency, renewable and green energy and sustainability measures that would deliver a sustainable for of development subject to planning condition and appropriate planning obligations in accordance with London Plan Policies 5.2, 5.3 and 5.6 as well as Islington Core Strategy Policy CS10.

Basement and SUDS

- 9.98 The proposed building involves a basement under a relatively small proportion of the floorspace, which would require some excavation. Further excavation would also be required because of site level changes. Any proposal involving basements should be considered against the Council's Basement SPD, which requires the submission of a Structural Method Statement, which is signed and endorsed by a Chartered Civil Engineer.
- 9.98 A Structural Method Statement (SMS) by (Structural and Civil Engineers) Elliott Wood has been submitted in support of the application. The Statement provides details on ground conditions, groundwater level, underground infrastructure, details of the proposed sub- and superstructures as well as an outline Construction Method Statement. The submission also includes a Structural Monitoring Proposal, which provides details of monitoring of the ground conditions and the building's structure during the construction phase.

Trees and landscaping

- 9.99 There is one mature London Plane tree on the corner of the site where the highway turns into Blundell Street. The proposed building has been designed to retain and protect this tree by recessing the building line at this point. A tree survey has been provided, which provides some information on how the tree would be protected. The submission has been assessed by the Council's tree service and it is considered that with adequate tree protection methods, the tree will not be significantly impacted from the impacts of the demolition and construction works. However, conditions (*condition 26*) requiring standard tree protection measures and appropriate site supervision will be required.
- 9.100 The applicant proposes to plant nine new trees along the site's street frontage with the benefit of helping to soften the impact of the proposals on the street scene. This would be secured by condition (*20*) in the event of permission being granted.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.101 If the application is approved and the development is implemented, a liability to pay the Islington Community Infrastructure Levy (CIL) and Mayor of London CIL will arise. CIL is intended to consolidate financial contributions towards the development's local infrastructure impacts, and additional separate contributions should not be sought towards the same infrastructure unless there is an exceptional and demonstrable need as a direct result of the proposed development. Any further planning obligations which are not covered by the CIL payment should be sought through a legal agreement under s.106 of the Town and Country Planning Act, (1990, amended) and need to comply with the statutory tests set out in the NPPF and CIL Regulations 2010 (amended) to avoid unjustified double counting.
- 9.102 Islington's CIL Regulation 123 infrastructure list (no longer in place, following recent legislative changes) specifically excluded measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a s.106 agreement.
- 9.103 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended, secured by a s.106 agreement.
- A bond/deposit of £35,304 to cover costs of repairs to the footway and £21,859 for repairs to the highway (total £57,163). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the

bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.

- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of the following number of work placements: 7. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £35,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of: £8,529 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 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). Total amount is £177,844.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- The submission of a Green Performance Plan.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- The provision of 20 accessible parking bays or a contribution of £40,000 towards accessible transport measures.
- Payment towards employment and training for local residents of a commuted sum of: £109,584.
- The provision of guest cycle parking in the public realm in accordance with approved plans.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

9.104 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.

10.0 SUMMARY AND CONCLUSION

Summary

10.1 The application site is located within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS) and is currently occupied by late-20th century light-industrial / warehouse units in a two-

storey building along with an external service yard to the front. The facility currently comprises six individual units which provide industrial / warehouse space at ground floor with office accommodation at mezzanine level providing a total of circa. 2,600sqm (GIA) of accommodation.

- 10.2 The proposal is to demolish the existing buildings and structures on site and to erect a new 5-storey building (with part basement) to provide a minimum of 3,726m² of Use Class B1(c) / B8 floorspace and a maximum of 6,902m² flexible Use Class B1 floorspace, with service yard, cycle parking, and refuse and recycling facilities. The application is considered to satisfy the intention of retaining industrial capacity. The increase in industrial floorspace makes a contribution to the approach in policy E4 to provide a sufficient supply of industrial land. As such, the planning application is considered to be acceptable and in accordance with Islington's Policy DM5.3, Core Strategy Policy CS6 and CS13, London Plan Policy 4.4 and London Plan's Land for Industry and Transport SPG as well as emerging New London Plan policies.
- 10.3 The proposed development is considered to be well-designed, responding successfully to its context and maintaining the setting of surrounding heritage assets. As such, the application is considered in accordance with the objectives of the National Planning Policy Framework Chapter 12 (Achieving well-designed places), the London Plan 2016 policies 7.4 (Local character) and 7.6 (Architecture), Islington Core Strategy 2011 policy CS8 (Enhancing Islington's character) and policy CS9 (Protecting and enhancing Islington's built and historic environment), Islington Development Management Policies DM2.1 (Design), the principles of Islington's Urban Design Guide as well as emerging Islington Local Plan Policy SP3.
- 10.4 The proposed development is not considered to result in undue impacts on neighbouring residential amenity in terms of loss of daylight/sunlight, privacy, or an increased sense of enclosure and overlooking as detailed above. As such, the application is considered to be acceptable and in accordance with London Plan 2016 policies and Islington Development Management Policies DM2.1.
- 10.5 The proposal is considered to be a sustainable form of development on brownfield land in a sustainable location. The application proposes a number of energy efficiency measures, a reduction in carbon emissions and on-site renewable energy in accordance with adopted policy. Moreover, inclusive design measures have been incorporated into the scheme as well as landscape features and biodiversity measures, in accordance with planning policy.
- 10.6 Finally, the application includes a section 106 agreement with suitable planning obligations and financial contributions in order to mitigate the impacts of the development and as such the planning application is considered to be acceptable and in accordance with adopted planning policy, subject to the planning conditions and planning obligations listed in Appendix 1.

Conclusion

- 10.7 The proposal is considered to comply with local, regional and national planning policy and guidance. It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1– RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- A bond/deposit of £35,304 to cover costs of repairs to the footway and £21,859 for repairs to the highway (total £51,162). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of the following number of work placements: 7. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £35,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of: £8,529 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 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). Total amount is £177,844.
- Submission of a draft framework Travel Plan (for each building) with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- The submission of a Green Performance Plan.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- The provision of 20 accessible parking bays or a contribution of £40,000 towards accessible transport measures.
- Payment towards employment and training for local residents of a commuted sum of: £109,584.
- The provision of guest cycle parking in the public realm in accordance with approved plans.

- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement (compliance)</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list (compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Existing Plans 1905-EMR-BR-XX-AP-A-0100 PL01; GF-AP-A-0000 PL01; GF-AP-A-0001 PL01; M1-AP-A-0002 PL01; RL-AP-A-0003 PL01; ZZ-AP-A-0004 PL01; ZZ-AP-A-0005 PL01; ZZ-AP-A-0006 PL01; ZZ-AP-A-0007 PL01; ZZ-AP-A-0008 PL01; ZZ-AP-A-0009 PL01; ZZ-AP-A-0010 PL01; ZZ-AP-A-0011 PL01;</p> <p>Proposed Plans 1905-EMR-BR-GF-AP-A-0101 PL03; B1-AP-A-0201 PL04; GF-AP-A-0202 PL06; M1-AP-A-0203 PL04; 01-AP-A-0204 PL03; 02-AP-A-0205 PL03; 03-AP-A-0206 PL03; 04-AP-A-0204 PL07; RL-AP-A-0209 PL03; GF-AP-A-0210 PL02; M1-AP-A-0211 PL02; ZZ-AP-A-0401 PL03; ZZ-AP-A-0402 PL03; ZZ-AP-A-0501 PL04; ZZ-AP-A-0502 PL06; ZZ-AP-A-0503 PL05; ZZ-AP-A-0504 PL05; ZZ-AP-A-0505 PL03; ZZ-AP-A-0506 PL03.</p> <p>Planning Statement by CMA Planning dated October 2019; Design & Access Statement by Emrys dated October 2019; Design Review Panel Design Response Report by Emrys dated February 2020; Energy Assessment & Sustainable Design & Construction by Thornton Reynolds; Energy Statement Memo by Thornton Reynolds dated January 2020; Technical Note CHP by Thornton Reynolds; Structural Statement Basement by Elliot Wood dated October 2019; Utilities Statement by Thornton Reynolds dated October 2019; Tree Survey by JFA dated October 2019; Transport Assessment by TTP Consulting dated October 2019; Townscape Assessment by Peter Stewart Consultancy dated October 2019; SUDS Report by Elliot Wood dated October 2019;</p>

	<p>Structural Statement Basement by Elliot Wood; Noise Assessment by Hoare Lee dated October 2019; Natural Ventilation Feasibility by Thornton Reynolds; Land Quality Statement dated October 2019; Green Performance Plan (Draft) by Thornton Reynolds dated October 2019; Framework Travel Plan by TTP Consulting dated October 2019; Flood Risk Assessment by Elliot Wood dated October 2019; Ecology Survey by RPS dated October 2019; Delivery & Servicing Plan dated October 2019; Daylight & Sunlight Assessment by Point 2; Construction Management Plan by DDC dated October 2019; BREEAM Assessment dated October 2019; Air Quality Assessment by Hoare Lee dated October 2019;</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>
3	<p>Materials and Samples (Compliance and Details)</p> <p>CONDITION: Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the works commence on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Detail of windows including glazing, sections and reveals and samples; b) Details and sample panel of all brickwork; c) Details of all rooftop materials; d) Details of the materiality to the ground floor frontage; e) Details of steel cladding; f) Materials used for lift/stair core including Corten 'fins'; g) Details of pre-cast concrete cladding; h) Details of all entrances and openings; i) Any external boundary treatments; j) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Plumbing (No pipes to outside of building) (Compliance)</p> <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>
5	<p>Construction Management Plan and Construction Logistics Plan (Details)</p> <p>CONDITION: No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority.</p>

	<p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts. The CMP must refer to the new LBI Code of Practice for Construction Sites.</p> <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
6	Impact Piling (Compliance)
	<p>CONDITION: No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
7	Sustainable Urban Drainage (Details and compliance)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha). The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
8	Cycle Parking Provision (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered, secure and accessible and should provide for no less than 112 bicycle spaces and 5No accessible bike stands in the basement, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
9	Lighting (Details)

	<p>CONDITION: Details of any general / security lighting measures shall be submitted to and approved in writing by the Local Planning Authority prior to the superstructure works commencing on site.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps and support structures where appropriate and hours of operation. The general lighting and security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed to not adversely impact neighbouring residential amenity and is appropriate to the overall design of the building.</p>
10	Refuse/Recycling Provided (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
11	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg.</p> <p>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 accommodation is provided.</p>
12	Green/Brown Biodiversity Roofs
	<p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <ol style="list-style-type: none"> a) how the extent of green/brown roof has been maximised b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 120 -150mm); and c) 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>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p>

	REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.
13	BREEAM (Compliance)
	CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'. REASON: In the interest of addressing climate change and to secure sustainable development.
14	Energy Strategy (Compliance)
	CONDITION: The energy efficiency measures/features and renewable energy technology, which shall provide for a reduction in carbon emissions of no less than 27.5% as detailed within the revised 'Energy Assessment' shall be installed and operational prior to the first occupation of the development. Should there be any change to the energy features/ measures within the approved Energy Strategy, a revised Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO ₂ emission reduction targets by energy efficient measures/features and renewable energy are met.
15	Basement Excavation Inspection and Monitoring (Compliance)
	CONDITION: The development shall be constructed in accordance with the approved Structural Statement Basement unless otherwise agreed in writing. The certifying professional that endorsed the Structural Statement Basement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD. REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.
16	Inclusive Design (Compliance)
	CONDITION: All inclusive design measures identified within the application submission shall be installed and operational prior to the first occupation of the development hereby approved. Further details on the following points shall be submitted and approved in writing by the Local Planning Authority prior to the completion of the development hereby approved: - the fire fighting strategy and how the needs of disabled peoples has been addressed including details of refuge areas; - details of cycle storage including that for non-standard bicycles. The inclusive design measures shall be retained as such in perpetuity. REASON: In order to facilitate and promote inclusive and sustainable communities.
17	Final Servicing and Delivery Plan (Details and Compliance)
	CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing

	<p>by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
18	Green Procurement Plan (Details and Compliance)
	<p>CONDITION: Prior to the commencement of superstructure works, unless otherwise agreed in writing by the Local Planning Authority, a green procurement plan for sourcing the proposed materials shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to minimise the environmental impacts of the development.</p>
19	Lighting and Roller Blinds (Details and Compliance)
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties and character/appearance of the conservation area shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> · Automated roller blinds; · Lighting strategies that reduce the output of luminaires closer to the façades; · Light fittings controlled through the use of sensors. <p>The blinds are to be set on an automated timer and automatically lowered daily between the hours of 20:00 to 07:00 the following day, and shall cover the full extent of the windows</p> <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
20	Landscaping (Details and Compliance)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved development.</p> <p>The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> a) a scaled plan showing vegetation to be retained and plants to be planted; b) specification to ensure successful establishment and survival of new planting. c) a schedule detailing sizes, species and numbers of all new trees/plants; d) soft plantings: including grass and turf areas, shrub and herbaceous areas; e) hard landscaping: including surface treatments, permeability of hard surfaces, kerbs, edges, ridge and flexible paving, unit paving, furniture, modular soil systems, steps and if applicable synthetic surfaces; f) a plan showing gradients and step free access suitable for wheelchair users to the entrances of the buildings; g) details as to how the landscaping design and materials would result in maximum passive on-site sustainable urban drainage (SUDS);

	<p>h) any other landscaping features forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first available planting season following the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
21	Use of Flat Roofs (Compliance)
	<p>CONDITION: The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p>
22	Bird / Bat Boxes (Compliance)
	<p>CONDITION: 4 bat boxes and 4 bird boxes (including swift boxes) shall be installed prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
23	Contaminated Land (Details and Compliance)
	<p>Prior to any superstructure works commencing on site the details of the following works 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 remediation method statement of any necessary land contamination remediation works arising from the land contamination investigation.</p> <p>This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved site investigation. 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. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing</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</p>

	<p>accordance with part a). This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of any gas membrane placement.</p> <p>All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination or the current UK requirements for sampling and testing.</p> <p>REASON: In order to minimise the impacts of land contamination.</p>
24	Surface Water (Details and compliance)
	<p>CONDITION: No buildings shall be occupied until confirmation has been provided that either:</p> <p>(i) All surface water network upgrades required to accommodate the additional flows from the development have been completed; or</p> <p>(ii) An infrastructure phasing plan has been agreed with Thames Water to allow buildings to be occupied.</p> <p>Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> <p>REASON: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.</p>
25	Signage Details (Details and Compliance)
	<p>CONDITION: Details of all signage for the development hereby approved shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The agreed details shall be installed prior to the occupation of the development and shall be maintained as such thereafter unless otherwise agreed in writing.</p> <p>REASON: In the interests of visual amenity and to ensure that the entrance approach is both welcoming and inviting.</p>
26	Tree Protection (Compliance and Details)
	<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 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> <p>a. Location and installation of services/ utilities/ drainage.</p> <p>b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</p> <p>c. Details of construction within the RPA or that may impact on the retained trees.</p> <p>d. a full specification for the installation of boundary treatment works.</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>h. a specification for scaffolding and ground protection within tree protection zones.</p> <p>i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</p> <p>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</p> <p>k. Boundary treatments within the RPA</p> <p>l. Methodology and detailed assessment of root pruning</p> <p>m. Reporting of inspection and supervision</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</p> <p>o. Veteran and ancient tree protection and management</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the 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 Policy DM 6.5, policies 7.19 and 7.21 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>
27	Solar PVs (Details and Compliance)
	<p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to: location; area of panels; how the PV output has been maximised and design (including section drawings showing the angle of panels in-situ, and elevation plans).</p> <p>The solar photovoltaic panels as approved shall thereafter be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>

28	Restrictions of Use
	<p>CONDITION: At least 3,726sqm (GIA) of B1(c)/B8 floorspace shall be provided. The B1(c) / B8 shall be strictly limited to uses within the B1(c) or B8 use class and not for the purposes of Use Class B1a or B1b - of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: To ensure that the use hereby approved is not able to change to B1a via permitted rights allowed under the Town and Country Planning (Use Class) Order 1987 (As Amended) in the interest of preserving the economic function of the Locally Significant Industrial Site.</p>
29	Amalgamation/Subdivision of Units
	<p>CONDITION: The development shall be carried out strictly in accordance with the floorplans so approved, and no change therefore shall take place without the prior written consent of the Local Planning Authority.</p> <p>The commercial units on the ground floor of the building shall not be amalgamated or further subdivided unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The amalgamation or further subdivision of the commercial units is likely to have operational, transportation, aesthetic and amenity implications which would need to be considered under a separate planning application to ensure the provision of premises suitable for small businesses.</p>

List of Informatives:

1	Planning Obligations Agreement
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Community Infrastructure Levy (CIL)
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the</p>

	Islington Council website at www.islington.gov.uk/cilinfo . Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/
3	Superstructure 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.
4	Thames Water (Waste Comments) 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. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes . Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. 'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.'
4	Thames Water (Water Mains) There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
5	Thames Water (Groundwater) 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 wwqriskmanagement@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality .
6	Thames Water (Mains Water Pressure)

	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.
7	Groundwater Risk Management Permit
	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 riskmanagement@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality .
8	Secured by Design
	You are advised that, where relevant, the development hereby approved should incorporate all of the 'Secured by Design' requirements detailed in the 'Commercial Developments 2015' Guide.
9	CIL Informative
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</p>
11	Highways Requirements (1)
	<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 streetworks@islington.gov.uk. 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 streetworks@islington.gov.uk. 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 streetworks@islington.gov.uk. Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>
12	<p>Highways Requirements (2)</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. 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>
13	<p>Highways Requirements (3)</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. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington’s public lighting at cost to the developer. Contact streetlights@islington.gov.uk</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. 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>
14	<p>Fire Brigade Requests</p> <p>The requirements of B5 of Approved Document B must be met in relation to access and water supply whilst in construction phase and compliance with the Building Regulations and the Regulatory Reform (Fire Safety) Order 2005 once built and occupied.</p> <p>If the building is taken over 18m the Fire Brigade would expect a fire fighting shaft is provided. If approval is granted, it’s advised that a building control submission is carried</p>

out as early as possible, to ensure any issues found around fire safety are addressed sufficiently and quickly.

The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. These quarterly reports to our Members are public documents which are available on our website.

The London Fire Brigade promotes the installation of sprinkler suppression systems, as there is clear evidence that they are effective in suppressing and extinguishing fires; they can help reduce the numbers of deaths and injuries from fire, and the risk to firefighters.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2 Development Plan

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

The London Plan 2016 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.17 Strategic industrial locations

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.4 Managing industrial land and premises

Policy 4.10 New and emerging economic sectors

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Lifetime neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

8 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 CS6 (King's Cross)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

Development Management Policies 2013:

Policy DM2.1 (Design)

Policy DM2.2 (Inclusive design)

Policy DM2.3 (Heritage)

Policy DM2.4 (Protected views)

Policy DM5.1 (New business floorspace)

Policy DM5.2 (Loss of existing business floorspace)

Policy DM5.3 (Vale Royal/Brewery Road Locally Significant Industrial Site)

Policy DM5.4 (Size and affordability of workspace)

Policy DM6.6 (Flood prevention)

Policy DM7.1 (Sustainable design and construction)

Policy DM7.3 (Decentralised Energy Networks)

Policy DM7.4 (Sustainable design standards)

Policy DM7.5 (Heating and cooling)

Policy DM8.2 (Managing transport impacts)

Policy DM8.4 (Walking and cycling)

Policy DM8.5 (Vehicle parking)

Policy DM8.6 (Delivery and servicing for new developments)

Policy DM9.1 (Infrastructure)

Policy DM9.2 (Planning obligations)

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington SPD

Environmental Design (Oct 2012)

Inclusive Design (Feb 2014)

Inclusive Landscape Design (Jan 2010)

Planning Obligations (S106) (Dec 2016)

Urban Design Guide (Jan 2015)

Development Viability (Jan 2016)

Basement Development (Jan 2016)

Islington Employment Land Study (Jan 2016)

Vale Royal/Brewery Road Locally Significant Industrial Site Height Study (2016)

London Plan

Accessible London: Achieving an Inclusive Environment SPG (adopted October 2014)

The Control of Dust and Emissions During Construction and Demolition SPG (adopted July 2014)

Character and Context SPG (adopted June 2014)

Sustainable Design and Construction SPG (adopted April 2014)

Land for Industry and Transport (Sep 2012)

London Industrial Land Supply & Economy Study (2015)

Industrial Intensification Primer (2017 Draft)

APPENDIX 3: DRP REPORT RESPONSE

Dear Mr Moran

ISLINGTON DESIGN REVIEW PANEL RE: 5-10 BRANDON ROAD LONDON N7

Thank you for coming to Islington's Design Review Panel meeting on 21 January 2020 for a review of the proposed development scheme at the above address. The proposed scheme under consideration is for demolition of the existing building and structures and erection of a 5 storey building (with part basement) to provide a minimum of 3,672m² of Use Class B1(c) / B8 floorspace and a maximum of 7,118m² flexible Use Class B1 floorspace, with service yard, cycle parking, and refuse and recycling facilities.

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), Dorian Crone, Sarah Featherstone, Jonathan Ward and Jeremy Foster on 21 January 2020 including a site visit in the morning followed by presentation, question and answers session and deliberations later in the morning at Islington Town Hall. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

Brandon Road height and scale and elevation

The Panel generally considered the height of the building appropriate to the Brandon Road streetscape. The approach to the design of the elevation was felt to respond to the current industrial context but it could go further by referencing the history of the place and reflecting continuity and change. The Chair considered that an element of art or architectural layer could be introduced to signify the historical narrative more.

The Panel considered the materiality to be well-judged with the memory of the double order in the industrial scaled spaces. They had a preference for Option A for the design of the frontage, feeling that the kinetic, sculptural quality of the shutters was positive, with an opportunity to animate the façade during the day. The shopfront scale of Option C was not supported.

The Panel considered that the entrance could be signalled more emphatically from the York Way approach and that the stairs and circulation of the building could be made visible from reception to help the legibility of the building and enliven external spaces.

Public realm and active frontage

The Panel considered that with the changing nature of the LSIS (Locally Significant Industrial Site), growth of creative industry and the aspiration to deliver north/south links through the area, an uplift in the volume of pedestrians and cyclists should be anticipated. In this context, the building may be too over-powering on pedestrians using routes from the south and Plane Tree Yard not sufficiently generous in size. The Panel regretted the location of plant and substation on the east elevation and encouraged the development team to challenge the location of the substation with UKPN and try to relocate it further back from the street frontage or below ground level.

The east elevation should be more generous and inviting as an arrival point and point of connection to Tileyard. It will benefit from direct sun whereas Plane Tree Yard, facing north and north east, will be more in shade. The façade to Plane Tree Yard could be redesigned to ensure a more active engagement with the circulation and reception spaces as the tall enclosing wall and planting above was considered overpowering to the space and unlikely to make the planned public space inviting for seating and lingering. The industrial scale of the façade in these places could be broken up to introduce a more human scale. The provision of seating with its back to the building could be considered.

There was thought to be scope to open up internal views within the building to create a sense of a 'hub space'. The project was thought to become more exciting if Maker Units could be seen from reception and for there to be a benefit from linkage with internal views and an internal gathering space.

South facade

The Panel considered that the internal spaces would benefit from opening windows and natural ventilation to have a studio type feel. The ratios of glazing needed to be tested as it was considered that the building risks overheating and the extent of glass at the top must be addressed. In particular, the top storey does not benefit from solar shading from overhanging balconies which are provided lower down. A suggestion was made to incorporate high-level clerestorey glazing which opens, to enable overnight cooling. Generally, the facade treatment needed to be considered with greater regard to its practicality and functionality as, for instance, all glass doors were considered impractical and not reflective of the industrial nature of the design.

Clocktower view

The Panel felt that more information about the likely future of the land at Randell Road bridge was needed in order to assess the impact of 5-10 Brandon Road on the view of the Clocktower. It was difficult to protect a view without greater certainty about the future of the viewing point

and the likely cumulative effects of development. It was considered that it was likely there had originally been a brickwall instead of the railings on the bridge and this would have obscured the view. Nonetheless if the land were not built on, it would ideally become a park where there would be views. The Chair asked the development team to consider how the massing/arrangement of the eastern end of their building could frame the narrow band of the Clocktower view. The framing could be analysed and explained as a positive generator of form rather than being reactive.

Sustainability

The Panel considered that the cycle access was not convenient, could discourage cycling and that consideration should be given to the use of the loading bay for cycle store access. More trees and more substantial trees could be introduced on the Brandon Road frontage. This could include trees in large planters if there was a conflict with below ground infrastructure.

In relation to the south façade, as well as the upper storeys, a fully glazed façade in any orientation risked overheating at certain times. The Panel considered that sufficient daylighting levels could be achieved without needing to glaze the façade fully and that more solid areas in the facades should be explored.

The Panel considered that the construction of the building should be taken into account in carbon calculations and noted that storm water attenuation could be dealt with at roof level rather than below ground, as is proposed. The Panel encouraged the development team to ensure that full opportunities were taken at roof top level for green and blue roofs and for roof top PVs.

Summary

In summary, the Panel was generally supportive of the scale of the building overall and working within the scale of the neighbouring building at 4 Brandon Road was an appropriate approach. The echoing of industrial quality was important in the design, with its hardness and sculptural quality and the Panel appreciated the kinetic quality of the design. The Panel considered that the public realm, entrance and building address to Plane Tree Yard required further development to achieve a more inviting and welcoming character. In terms of the Brandon Road elevation, Option A was the Panel's preference. The Chair considered that the Panel's sustainability comments were well made and could be used by the development team to fuel a further challenge to the evolution of the design.

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

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING COMMITTEE		AGENDA ITEM NO:	4
Date:	23 rd April 2020	NON-EXEMPT	

Application number	P2019/2651/FUL
Application type	Full Planning Application
Ward	St Marys
Listed building	Adjacent to Grade II Listed Building (no. 36 Islington Park Street) to west
Conservation area	Barnsbury Conservation Area
Development Plan Context	Locally Listed Building (no. 44 Islington Park Street) Within 50m of the Upper Street (North) Conservation Area (to east) Within 100m of TLRN (Transport for London Road Network) (Upper Street) Local cycle routes Article 4 Direction (Barnsbury Conservation Area) Article 4 Direction A1-A2 (Town Centres)
Licensing Implications	None
Site Address	Hostel and Premises, 38-44 Islington Park Street London N1 1PX
Proposal	Change of use of existing HMO (House of Multiple Occupation) to allow for the creation of 7 no. self-contained residential units (3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house). Excavation at lower ground floor level to increase the floor to ceiling heights and enlarge existing rear lightwells. Alterations to front and rear elevations including installation of metal railings, new access gates and proposed landscaping, refuse and cycle parking provision, and other associated works.

Case Officer	Mr Daniel Jeffries
Applicant	One Housing Group - Mr Parry
Agent	Davies Murch – Mr Jonathan Murch

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET

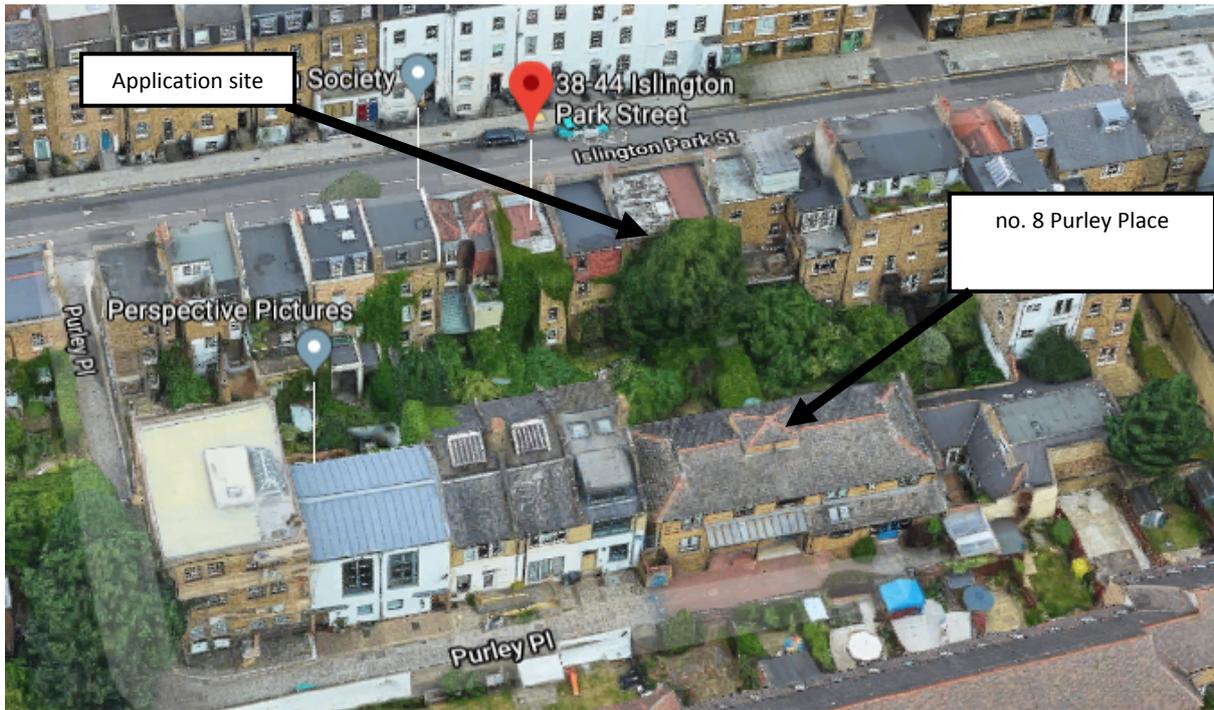


Image 1: Aerial view of the site



Image 2: View of existing Islington Park Street frontage



Image 3: View of existing frontage facing west and access door to no. 8 Purley Place



Image 4: View of existing rear elevation and relationship with adjacent residential property to west (No. 36 Islington Park Street)



Image 5: View of existing rear elevation facing east showing existing covered walkway providing access to no. 8 Purley Place and existing terrace on upper floors



Image 6 View of the building internally within one of the rooms

4. SUMMARY

- 4.1 The application seeks planning permission for the change of use of an existing HMO (House of Multiple Occupancy) to allow for the creation of 7 no. affordable housing units, this is following external alterations to the front and rear elevations, including to the gardens, with the enlargement of the existing rear lightwells and the lowering of the existing lower ground floor level and the provision of refuse and cycle storage, together with associated landscaping.
- 4.2 The loss of the large HMO, which is currently vacant, is considered acceptable given the poor overall quality of the existing unit. The proposal would provide affordable housing which would meet the Council's acute housing need. This view is taken following advice provided by the Council's Environmental Health Team, in relation to the quality of the existing HMO, and the Council's Housing Team, in terms of the proposed affordable housing.
- 4.3 The proposed residential units are considered to provide a good standard of residential accommodation, providing acceptable levels of daylight/sunlight, meeting and exceeding the minimum floorspace standards, outlook and being dual aspect. All of the units would benefit from private amenity space.
- 4.4 The proposal would deliver a 100% Affordable Housing scheme being for social rented housing which will be secured within a legal agreement.
- 4.5 The proposal also involves the introduction of refuse and cycle storage to the rear gardens, alongside alterations to the existing windows and doors, the boundary treatment, including to the front gardens and paving as well as providing improved security at the site.
- 4.6 The proposed external alterations are considered to pay special regard to preserving the visual appearance and historic character of the host building and wider Barnsbury Conservation Area, and are considered to be acceptable in design terms whilst also paying regard to the statutory duties under section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 4.7 The proposed alterations including the basement level works, and the introduction of residential units are not considered to prejudice the residential amenity of neighbouring properties insofar as loss of sunlight and daylight, increased sense of enclosure, overlooking, overshadowing or loss of privacy, or the wider public highway network. Conditions are recommended in relation to noise and the highway, including during the construction phase and upon occupation. The proposal therefore accords with policy DM2.1 of the Development Management Policies 2013.
- 4.8 The application is referred to committee given the number of objections received.
- 4.10 The proposal is, on balance considered to accord with the relevant policies in the Development Plan.

5. SITE AND SURROUNDINGS

- 5.1 The site is located on the south side of Islington Park Street, and consists of 4 no. three storey mid terraced buildings with an existing basement level below and existing front and rear lightwells. The 4 no. properties have previously been laterally converted to form a large HMO (House of Multiple Occupation). The host building benefits from a

rear garden which is subdivided by an existing covered walkway providing street level access from Islington Park Street, through the host building to the residential building to the south, no. 8 Purley Place. The access to no. 8 Purley Street would be maintained and is secure, and there is no access from this to the wider application site. The proposed communal (for the flats within no. 44) cycle/refuse storage is located along this access but would be secured by lockable doors. The access to the rear gardens of the residential units within nos 38, 40 and 42 would also be secured by lockable gates/doors.

- 5.2 Whilst the host building is not a statutory listed building, one of the 4 no. host buildings being no. 44 Islington Park Street, is a locally listed building. The immediately adjacent property to the west, no. 36 Islington Park Street is Grade II listed. The site is located within the Barnsbury Conservation Area.
- 5.4 This area is characterised as “dense urban” containing residential properties, and is located within close proximity to the junction with the public highway of Upper Street, which is a TLRN (Transport for London Road Network) road.

6. PROPOSAL (in Detail)

- 6.1 The application seeks permission for the change of use of the existing HMO (House of Multiple Occupupation) to allow for the creation of 7 no. self-contained affordable housing units (3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house). The proposal also includes excavation at lower ground floor level to allow for the increase in the floor to ceiling heights and enlarge existing rear lightwells. The proposal would also include alterations to front and rear elevations including installation of metal railings, new access gates and proposed landscaping, refuse and cycle parking provision, and other associated works.
- 6.2 The table shows the location and size of the proposed residential units:

Property no.	Bedrooms/Person Bedspaces	Size (sqm)
38	3b/5p	118
40	3b/5p	112
42	5b/7p	152
44 (lower ground)	1b/2p	59
44 (ground)	2b/3p	63
44 (first)	1b/2p	51
44 (second)	1b/2p	55

- 6.3 The proposal is an Affordable Housing scheme and the proposed residential units would consist of 7 no. residential units which would be social rented housing.
- 6.4 All of the proposed residential units would benefit from amenity space, in the form of either rear gardens at ground floor or roof terraces to the upper floors, apart from the lower ground floor flat at no. 44, which would benefit from an enlarged lightwell. The proposal would involve the enlargement of all of the existing lightwells to the rear. The proposed extended lightwells would project into the rear garden by 2.2m, for properties nos. 38-42, and 2.8m to no. 44. The proposal would result in the creation of front gardens and subdivide the rear gardens, which would incorporate refuse and cycle storage. The proposed 3 no. houses (within nos. 38, 40 and 42) would be provided with dedicated refuse and cycle storage at the back of their respective rear gardens.

The flats within no.44 would have communal cycle/refuse storage accessed via the central access from Islington Park Street to the rear.

- 6.5 The proposal would also result in minor excavation works of the existing lower ground/basement floor and extending the rear lightwells into the rear gardens (as noted above). The extent to which the existing lower ground/basement level would be lowered would be 40mm (at no. 44 Islington Park Street), 16mm (at no. 42), and 25mm (at no. 38) with no change at all (at no. 40 Islington Park Street).
- 6.6 The other external alterations include the installation of metal railings to the front lightwells and between gardens, new timber doors, and new metal gates to the entrance to no. 8 Purley Place on the front elevation, as well as the removal of the existing paintwork. The other external alterations include metal railings associated with the roof terraces, as well as a Juliet balcony, alterations to existing openings at lower ground floor level, the replacement of windows on the upper floors and alterations to the materials at roof level.
- 6.6 The application has been referred to the planning sub-committee due to the number of objections received (3 objections/comments received).

7. RELEVANT HISTORY

7 Purley Place

- 7.1 P032585: Erection of front dormer, rear rooflight and elevational alterations in connection with change of use to single family dwelling house. Approved with conditions on 18/03/2004.

8 Purley Place

- 7.2 P061614: Remodelling of existing two storey building incorporating small bay extensions and additional third floor with shallow pitched roof, to provide ten supported self-contained 1 bedroom flats. Refused on 17/11/2006.

REASON 01: The proposed development by reason of an increase in the floorspace would result in an over intensification of the existing use thereby creating the potential for increased disturbance to nearby residents contrary to Policy C3, C7 H7 of Islington's adopted UDP and Islington's Planning Standards Guidelines.

REASON 02: The layout of the proposed development is likely to prejudice a sense of personal safety and security contrary to policy Env.12 of Islington's adopted UDP 2002.

REASON 03: The proposed increase in roof height would have an unacceptable impact on neighbours due to loss of outlook and overshadowing contrary to Policy D3 of Islington's adopted UDP2002

Appeal (Ref: APP/V5570/A/07/2035360) dismissed on 3 July 2007.

- 7.3 P08193: Demolition of existing building and construction of a part two storey part three storey residential care building comprising 9 x 1 bedroom residential units including ancillary facilities, amenity space and cycle parking. Refused on 28/04/2009

REASON 01: The proposed development would result in an over intensification of the existing use thereby creating the potential for increased disturbance to nearby

residents contrary to policies C3, C7 and H7 of Islington's adopted UDP 2002 and Islington's Planning Standards Guidelines.

REASON 02: The proposed increase in roof height and bulk would have an unacceptable impact on neighbours due to loss of outlook and an unacceptable increased sense of enclosure contrary to Policy D3 of Islington's adopted UDP2002

REASON 03: The proposed development would lead to a loss of privacy for neighbours to both the front and the rear and is contrary to policy D3 of Islington's adopted UDP 2002.

REASON 04: The proposed development by virtue of its poor design, particularly at the rear, is considered to be unacceptable and would have a detrimental effect on the character of the adjoining Barnsbury and Upper Street conservation areas and is contrary to policies D1 and D4 of Islington's approved UDP 2002, the aims of the approved Conservation Area Design Guidelines and the Islington Urban Design Guide 2006

Appeal (ref: APP/V5570/A/09/2110403) dismissed on 29 January 2010.

38-44 Islington Park Street

- 7.4 830100: Removal of existing curb and installation of crossover. (Withdrawn)
- 7.5 861968: 13 bedded shared accommodation with offices over. (Withdrawn)
- 7.6 870327: Construction of a three storey building to provide hostel accommodation comprising eleven bedspaces. (Withdrawn)
- 7.7 881725: Construction of a two storey building to provide hostel accommodation comprising 11 bedspaces and ancillary facilities. Approved with conditions 21/10/1988.
- 7.8 P000144: Refurbish and convert property to 12 separate units. (Withdrawn)
- 7.9 P2015/2790/COL: Certificate of Lawfulness for an Existing use as large HMO [house in multiple occupation] Approved with no conditions on 19/10/2015.

Pre-application

- 7.10 Q2018/2718/MIN: Change of use of existing Large HMO (House in Multiple Occupation) to 7 no. self-contained residential units (1 no. 5 bedrooms, 2 no. 4 bedrooms, 2 no. 2 bedrooms, 1 no. 1 bedroom, and 1 no. studio). Alterations at lower ground floor level including enlargement of existing front lightwell and lowering existing floor level. Roof terraces at first and second floor levels to the rear. Associated subdivision of rear garden. Completed on October 2018.

Officers response:

- *In land use terms, the Council protects good quality HMOs and any application would be required to provide robust justification to demonstrate that its loss would be acceptable. Any proposed scheme would need to provide housing which provides a high standard of accommodation to meet Policy DM3.4, and would provide a good mix of accommodation which meets the borough's acute need.*

- *The proposed units would need to provide a good standard of accommodation, however, no details were provided in terms of the layouts, and have an appropriate housing mix and meet inclusive design requirements.*
- *Any design changes would need to be in keeping with the wider area, and there are concerns with the enlargement of the front lightwell*
- *It was advised that a scheme would require a £100,000 Small Sites Affordable Housing contribution reflecting the creation of 2x net additional private dwellings. There may however be potential viability implications of applying a Small Sites Affordable Housing contribution to the scheme if the 2x private units are helping to cross subsidise the provision of the 5x socially rented units. This would need to be demonstrated within a viability assessment. Registered Social Landlords should provide 100% Affordable Housing schemes.*
- *The proposal would need to have an acceptable impact on neighbouring properties.*

7.11 Q2019/0663/MIN: Follow-up pre-application for the change of use of existing Large HMO (House in Multiple Occupation) to 7 no. self-contained residential units (3 no. 1 bedroom units, 1 no. 2 bedroom unit, 2 no. 4 bedroom units, and 1 no. 5 bedroom unit) Alterations at lower ground floor level including enlargement of existing rear lightwell. Roof terraces at first and second floor levels to the rear. Associated subdivision of rear garden, including cycle and refuse storage facilities. Completed on 13th May 2019.

Officers response:

- *Any application should be supported with robust information to demonstrate that the existing HMO is not a good quality. The assessment of good quality should include how it meets the requirements for HMOs in the event that the existing unit was refurbished, rather than current state of disrepair.*
- *The revised scheme of 100% social rented residential units is welcomed. However, any proposed scheme would need to provide housing which provides a high standard of accommodation to meet Policy DM3.4, and would provide a good mix of accommodation which meets the Council's acute need.*
- *In terms of design, any proposal would be required to pay special regard to preserving or enhancing the visual appearance and historic character of the associated heritage assets.*
- *Limited details have been provided regarding the proposed boundaries and access to no. 8 Purley Street. However, you are recommended to consult the MET Police Secured by Design Officer regarding this matter and the scheme overall, prior to any submitted application.*
- *The proposed units would need to provide a good standard of accommodation, have an appropriate housing mix and meet inclusive design requirements. Whilst the proposed standard of accommodation is generally improved and are welcomed bearing in mind the constraints of the site. In addition, details of the daylight/sunlight levels should be provided at basement level within any submission. You are advised to review the size of the four storey units, given the restricted head height at basement level.*

- *The proposal should ensure that it demonstrates it would not have a detrimental impact in regards to amenity of neighbouring properties, in terms the loss of daylight/sunlight, outlook,*

8. CONSULTATION

Public Consultation

- 8.1 Letters were originally sent to occupants of adjoining and nearby properties on 9th September 2019, and Site and Press Adverts were also displayed. The consultation period has expired, on 6th October 2019. However, the Council accepts representations up until the determination of the application.
- 8.2 At the time of the writing of this report, a total of 3no. objections/comments were received. The letters of representation raised the following summarised concerns and comments (with the paragraph that provides responses to each issue indicated within brackets).
- Concerns in relation to the excavation at basement level, including lowering floor level and extension of rear lightwells, would have a detrimental impact on the adjacent Listed Building (paragraphs 10.41 to 10.54)
 - Supportive of reinstatement of metal railings but requests that the details are secured by condition (paragraphs 10.27 to 10.30)
 - Concerns regarding security with the rear bin alley and bike sheds created (paragraphs 10.31 and 10.33)
 - Requests that the paintwork to the front elevation is removed (paragraph 10.33)
 - Requests historically accurate colours are used in the frontage, including windows and doors (paragraph 10.39)
 - Requests that front gardens are not used for parking (paragraph 10.105)

Internal Consultees

- 8.3 **Design and Conservation officer:** No objection, requested that conditions are attached to any approval relating to the details of the materials, the removal of the paintwork and historically accurate railings, which would be a heritage benefit.
- 8.4 **Pollution Officer:** No objection, conditions are recommended in relation to sound insulation and noise control measures to achieve internal noise targets for habitable rooms. The Officer confirmed that the sound insulation measures between the proposed residential dwellings would be controlled by Building Regulations.
- 8.5 **Inclusive Design Officer:** Raised concerns in terms of the proposed access to the units, particularly the lack of ramps from street level (to nos. 38, 42 and 44), and the adaptability of the dwellings, including the lack of through floor lifts. Welcomes the provision of an accessible WC at ground floor level and welcomed the approach at no. 40.
- 8.6 **Housing Officer:** No objections. Confirmed that the proposed units would be acceptable and meet the Council's requirements as Affordable Housing.
- 8.7 **Planning Policy Officer:** No objections to the loss of the existing HMO subject to compliance with Development Management Policies (2013) Policy DM3.9 which seeks to retain good quality HMOs, subject to the proposal providing accommodation which meets an acute need identified by the Council's Housing Department, which may

include social rented housing, which is also compliant with Islington Core Strategy (2011) CS12. However, the Council works on the presumption in favour of protecting HMOs that could be improved to meet standards without conversion, and the assessment of whether the existing building can be described as a good quality HMO is dependent on the views of the Council's Environmental Health Department who manage and licence HMOs in the Borough.

- 8.8 **Public Realm (refuse and recycling) Officer:** No objections to the proposal but requested further details in terms of who would be responsible for moving the refuse/recycling from the proposed bin store to street level.
- 8.9 **Environment Health (HMO) Officer:** Confirmed that property was visited in August 2019 by the Council, and confirmed that it was a laterally converted property occupied by Guardians in three rooms, with the remaining parts of the building not habitable. Confirmed that the property does not have a HMO licence and doesn't require one as its only has 2 occupiers, 2 households. Confirmed the property is not 'good quality'. No objections raised to the proposal.
- 8.10 **Tree Preservation Officer:** Confirmed that subject to a condition relating to tree protection measures the Tree Officer has no objections.

External Consultees

- 8.11 **Crime Prevention Officer (MPS):** Confirmed that the applicant engaged with the Secured by Design Officer prior to the submission of the application to identify a number of security measures to protect future occupiers of neighbouring properties, recommending a number of measures, which are outlined in the Appendix: Secure by Design Notes within the Design and Access Statement, secure doors/gates and glazing, fob access, sensors for lighting in passageway, adequate boundary treatment amongst others. The Officer confirmed that the information within the Appendix is correct and these measures should be implemented in full.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & 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.)
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- 9.4 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.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 9.10 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the adjacent Grade II Listed Building (no. 36 Islington Park Street), its setting and any of its features of special architectural or historic interest.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

Draft London Plan (Intend to Publish Version, December 2019)

- 9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector’s report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

Policy GG4 Delivering the Homes Londoners Need	Policy D1 London’s Form, Character and capacity for Growth
Policy D4 Delivering Good Design	Policy D5 Inclusive Design
Policy D6 Housing Quality and Standards	Policy D7 Accessible Housing
Policy D10 Basement Development	Policy D11 Safety, Security and Resilience to Emergency
Policy D14 Noise	Policy H1 Increasing Housing Supply
Policy H12 Small Sites	Policy H4 Delivering Affordable Housing
Policy H6 Affordable Housing Tenure	Policy H8 Loss of Existing Housing and Estate Redevelopment
Policy H10 Housing Size Mix	Policy HC1 Heritage Conservation and Growth
Policy T4 Assessing and Mitigating Transport Impacts	Policy T5 Cycling
Policy T6 Car Parking	Policy T6.1 Residential Parking
Policy T7 Deliveries, Servicing and Construction	

- 9.14 It is worth noting that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. Given what is proposed in the application, the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

- 9.15 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. Due to the constraints posed by the Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020.

- 9.16 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.17 Emerging policies relevant to this application are set out below:

Policy H1 Thriving Communities	Policy H2 New and existing Conventional Housing
Policy H3 Genuinely Affordable Housing	Policy H4 Delivering High Quality Housing
Policy H5 Private Outdoor Space	Policy H10 Houses in Multiple Occupation (HMOs)
Policy G4 Biodiversity, Landscape Design and Trees	Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction	Policy S3 Sustainable Design Standards
Policy T2 Sustainable Transport Choices	Policy T3 Car Free Development Parking
Policy T5 Delivery, Servicing and Construction	Policy DH1 Fostering Innovation and Conservation and Enhancing the Historic Environment
Policy DH2 Heritage Assets	Policy DH4 Basement Development

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land use
 - Design and assessment of any heritage impacts
 - Impact on the amenity of neighbouring residents.
 - Quality of accommodation
 - Accessibility
 - Highways and refuse facilities
 - Landscaping, trees and biodiversity
 - Affordable housing
 - Other matters

Land Use

- 10.2 The existing site is not within an Employment Growth Area, Employment designated area or within the Central Activities Zone (CAZ). The site is located within the Barnsbury Conservation Area. The application relates to the existing large HMO (House in Multiple Occupation) as confirmed in a lawful development certificate application (ref. P2015/2790/COL) approved in October 2015.
- 10.3 The government confirms that a property is defined as a HMO if *at least 3 tenants live there, forming more than one household and toilet, bathroom or kitchen facilities are shared*. A large HMO is a property that has *at least 5 tenants live there, forming more*

than 1 household who share toilet, bathroom or kitchen facilities with other tenants. A HMO must obtain a licence where it has 5 or more unrelated people live in it and has 2 or more separate households living there. However, it should be noted that HMOs don't need to be licensed if they are managed or owned by a housing association or co-operative, a council, a health service or a police or fire authority.

- 10.4 Whilst a large HMO is the last authorised use of the host buildings, a site visit was made in April 2019 by the case officer, which confirmed that the existing building is currently vacant and no longer occupied or in use as a HMO. As stated in paragraph 3.98 of Development Management Policies (2013) the term HMO refers to a residential property that takes the form of shared houses, flats and non-self-contained units/housing let to three or more unrelated tenants who form two or more households and share a kitchen, bathroom or toilet. Households are families, including single persons and co-habiting couples.
- 10.5 As noted in paragraph 3.103 of the Development Management Policies (2013) In accordance with the Housing Act 2004, the Council's Environmental Health Team licences HMOs with three or more storeys (including basements, attics, shops etc) and five or more occupiers, with certain exceptions. Agreed minimum standards for room sizes and the provision of kitchens and bathrooms are used to determine the maximum number of occupiers and households for an HMO licence. These were designed as minimum standards to protect the health of occupants in existing property by ensuring adequate facilities and space for the number of people a HMO is licensed for. In the case of new development, the council considers that the higher space standards set out in the policy should be possible. These are set out in below.

Non-self contained sleeping accommodation	Minimum room size (m ²)
Single room without kitchen	12
Single room with kitchen	16
Double room without kitchen	17
Double room with kitchen	21

- 10.6 Part C of Policy DM3.9 of Development Management Policies (2013) confirms that the Council resists the loss of good quality HMOs. Paragraph 3.104 of Development Management Policies (2013) confirms that good quality HMOs are those that provide sufficient internal space, provide occupants with a reasonable standard of amenity, and do not give rise to significant adverse amenity impacts to the adjacent and/or surrounding residential neighbourhood. The Council will exercise a general presumption in favour of protecting HMOs that could be improved to meet standards without conversion, with applications to be treated on their merits with the views of the Environmental Health Team sought.
- 10.7 As noted above the host buildings were operating as an unauthorised large HMO until October 2015, upon which time a certificate of lawful development application was approved to regularise the use. This certificate of lawful development provided confirmation that the building was in use as a large HMO for a continuous period of at least 10 years preceding the date of the application.
- 10.8 The Council's Environmental Health (HMO) Officer confirmed that the host premises have not previously benefitted from an HMO licence. An Environmental Health Officer

conducted a site inspection in August 2019 and was able to confirm that the property did not require a licence as it was only occupied by 2 tenants/occupants

- 10.9 As the Council works on the presumption in favour of protecting HMOs that could be improved to meet standards without conversion, the assessment of whether the existing building can be described as a good quality HMO is dependent on the views of the Council's Environmental Health Team who manage and licence HMOs in the Borough. Following the site inspection, the Council's Environmental Health Team commented that there are only 3no. habitable rooms within the 4 no. host buildings, and that the existing HMO is not considered to be 'good quality' and did not raise any objections to the proposed change of use.
- 10.10 Whilst it is acknowledged that the applicant could carry out works to improve the standard of accommodation at the host building, this would require extensive works, given the restricted floor to ceiling heights, and the poor outlook and levels of daylight/sunlight at basement level. Given these restrictions together with the advice provided by the Council's Environmental Health Team it is therefore considered that the loss of the existing HMO is acceptable in principle.
- 10.11 Part D of Policy DM3.9 confirms that where the loss of an HMO is acceptable, development should provide accommodation to meet an acute need identified by the council's housing department, which may include social rented housing.
- 10.12 Islington Core Strategy (2011) Policy CS12 seeks to ensure Islington will meet its housing challenge, to provide more high quality, inclusive and affordable homes. Part G of this policy seeks to ensure the increase in the delivery of affordable housing, especially social rented housing, from other sources such as 100% affordable housing schemes by Registered Social Landlords, building affordable homes on the Council's own land, and from a range of intermediate housing products available on the market.
- 10.13 The proposal would result in the creation of 7 no. self-contained residential units, being 3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house. The seven additional residential units would be affordable, which is welcomed by both Housing and Planning Officers. All of the proposed housing would be socially rented and the overall number of units ensures efficient use of the site in terms of residential accommodation bearing in mind other constraints including the protection of heritage, existing housing stock and reinstatement of housing units.
- 10.14 The proposal, which would be delivered by a Registered Social Landlord, would provide a 100% affordable housing scheme, meeting the Council's objectives identified within Part G of Policy CS12 of the Islington Core Strategy (2011) and addressing an acute housing need for the Council.
- 10.15 Overall, given the Council's Environment Health Team considers that the majority of the host building is inhabitable and cannot be described as a good quality HMO the loss of the existing HMO, which is currently vacant, is considered acceptable. The proposed development would provide accommodation to meet an acute housing need identified by the Council's Housing Department,.
- 10.16 Whilst the acceptability of the proposal, in terms of the housing mix, the standard of accommodation, the design, the amenity impact on neighbouring properties, amongst other material considerations, is assessed later within this report, the proposal is considered to be acceptable in land use terms, and compliant with the relevant policies in the Development Plan.

Design

- 10.17 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.18 Paragraph 192 of the NPPF (2019) states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.19 Policy CS8 of Islington's Core Strategy sets out the general principles to be followed by new development in the Borough. Policy CS9 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.20 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. The proposal is located within Barnsbury Conservation Area, and within the setting of the adjacent Grade II Listed Building (no. 36 Islington Park Street).
- 10.21 In line with Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the adjacent Grade II listed building and Barnsbury Conservation Area, their setting and any of its features of special architectural or historic interest
- 10.22 The design advice found within the Islington Urban Design Guide 2017 and Barnsbury Conservation Area Design Guidelines as well as the Basement SPD should be taken into consideration of the assessment of the proposal in design terms.

Basement

- 10.23 The proposal includes the lowering of the existing lower ground floor level, as well as the alteration and extension of the existing rear lightwells. Paragraphs 5.164 to 5.168 of the Islington Urban Design Guide (2017) provides advice in relation to lightwells and basement development. The design advice recommends that the *excavation to form lightwells should respect the architectural character of the host building, not unduly impact upon amenity/garden area and its growing potential, and be designed as congruent, compatible and complementary features within the streetscape. If a lightwell is being introduced or modified, the most discreet location will generally be to the rear of the property. Lightwells should be modest in scale and be located immediately next to the rear elevation.* This advice reiterated within paragraphs 7.3.2 to 7.3.5 of the Basement SPD.
- 10.24 The position of the existing rear lightwell is considered to be appropriate and compliant with the above guidance. Whilst the proposed enlargement of these existing lightwells would result in a small portion of the rear gardens being excavated, the majority of the garden would be retained. As such, it would continue to preserve the character of the

existing building, the site curtilage and garden form as well as the character and appearance of the Barnsbury Conservation Area.. The proposed fenestration details at this level are considered to be in keeping with the visual appearance of the rear elevation of the upper floors.

- 10.25 The proposal would also include excavation to allow for the lowering of the existing lower ground/basement level to nos. 38 (25mm lower), 42 (16mm lower) and 44 (30mm lower) Islington Park Street. There would be no change to the existing floor level to no. 40 Islington Park Street. The lowering of the floors is to improve the headroom within the basement spaces and to allow installation of insulation and underground drainage to suit the proposed layouts.
- 10.26 The existing floor to ceiling heights at the property are restricted (no. 38: 2.177m, no. 40 2.13m, no. 42: 2.264m and no. 44: 2.29m) and the proposed excavation would result in the floor to ceiling heights being increased as follows; no. 38: 2.215m; no. 40: 2.13m; no. 42: 2.28m; and no. 44: 2.320m. The excavation is considered acceptable in design terms subject to its compliance with the Council's Basement SPD in regards to its structural impact.

Front elevation

- 10.27 The proposed alterations to the front elevation include the reinstatement of the front gardens, with associated paving and landscaping, which would have metal railings and gates around their perimeter to allow their subdivision, as well as the installation of replacement railings to the front lightwells.
- 10.28 Paragraphs 5.30 to 5.33 of the Islington Urban Design Guide 2017 provides advice in relation to defining public and private space, noting that boundary walls/railings should be designed in a manner that is consistent with the existing street and should provide an open aspect. Front boundary walls are typically part of the uniform design of the residential frontage, often incorporating dwarf walls and/or low-level railings. and the above ground floor report has confirmed that the proposal would not result in any underpinning of the existing property. Paragraph 5.168 of the UDG confirms that structures such as railings should not create visual clutter or interrupt the prevailing rhythm of the street and should respect the special architectural or historic interest of heritage assets.
- 10.29 The Barnsbury Conservation Area Design Guidelines confirms that the Council wishes to see traditional ironwork kept in the area which is considered to contribute to the character of the area and complements the existing buildings. Noting that traditional railings and walls of front gardens and corner properties are an important part of the street scene. The number of different patterns of railings and other ironwork creates both a fascinating historical record and visual interest, and will encourage owners to maintain and reinstate traditional railings.
- 10.30 Whilst some details have been provided in relation to the design of the proposed railings and gates to both the lightwell and front boundaries and gardens, in order to ensure their historical accuracy, conditions (no. 4 and 18) have been recommended for the details to be submitted prior to their installation. The Design and Conservation Officer has confirmed that this element of the proposal would represent a heritage benefit to the scheme.
- 10.31 The proposal would also replace the existing central opening at ground floor level (within no. 42) to retain the existing pedestrian access to no. 8 Purley Place, to the south of the host building. The existing front door which covers this opening would be

replaced by a metal security gate, which is suggested should be cast iron with a black coated finish which would be more sympathetic to the historic fabric of the building and the character and appearance of the street. This is in addition to replacing the adjacent ground floor and surrounds at this property (at no. 42) as well as the replacement of the existing timber doors at no. 40 (ground floor) and 44 (basement level), the proposal would also include the removal of the existing paintwork to the front elevation.

- 10.32 The proposed central gate is considered to be a visual improvement on the existing access door which is not considered an original feature and is at odds with the appearance of the host building. As with the proposed railings a condition (no. 4) has been recommended to ensure the gates (no. 18) would be an historically appropriate addition in the context of the host building and street level. The Metropolitan Police Secured by Design Officer has welcomed the proposed metal access doors, which is considered to improve the security at the site, subject to appropriate measures which are identified within the Appendix of the submitted Design and Access Statement (Appendix: Secure by Design Notes. A condition (no. 9) has been recommended to ensure these measures are adhered.
- 10.33 The removal of the existing paintwork to the front elevation located at lower ground floor level is considered to be a heritage benefit to the scheme. The replacement of the front doors whilst their removal is acceptability in principle a condition (no. 15) has been recommended for their details to ensure they are historical appropriate.

Rear elevation

- 10.34 The proposal would result in the subdivision of the rear gardens, as well as proposed roof terraces at first and second floor. Whilst the use of the rear gardens as amenity space currently exists, the UDG paragraphs 5.171 to 5.173 provides advice in relation to the proposed roof terraces. When considering the introduction of a roof terrace or balcony, the main considerations should be the scale and visual prominence, the impact on the established townscape and architectural style and the impact on neighbouring properties (overlooking and visual amenity).
- 10.35 The principle of roof terraces to the rear elevation of the upper floors is considered to have been established, with no. 30 Islington Park Street benefitting from an approved roof terrace at second floor (ref. 980165) in April 1998. Therefore the acceptability of these terraces is dependent on their amenity impact, which is discussed later within this report and the design of the proposed balustrades.
- 10.36 As with the boundary treatment between the subdivided gardens, the proposal includes details of the proposed balustrades. Whilst the roof terraces would not visible from the public realm, a condition (no. 4) has been recommended for details of these elements to ensure they are in keeping with the host building and wider conservation area.
- 10.37 The proposal would result in alterations to the rear elevation of the host building in terms of new windows and doors. This includes new, enlarged and repositioned windows and glazed doors at lower ground floor, following the proposed excavation of the rear lightwells, ground floor, including timber doors to access the rear gardens, and first and second floors, including those associated with the roof terrace. The design and position of the proposed fenestration are considered to be acceptable in design terms, and the application has confirmed that the windows would be timber framed double glazed and doors would be timber. A condition (no. 3) has been recommended to confirm this.

- 10.38 The proposal would also include alterations to the materials to the rear roof at second floor level, proposing new clay tile hangings. These are considered to be acceptable in design terms replacing existing similar materials.
- 10.39 Concerns have been raised in representations requesting assurances that the proposal incorporates historically appropriate materials and colours within the development. Notwithstanding the above assessment including the other recommended conditions, a condition has been recommended to ensure the details of the proposed materials and colour of any paintwork are submitted and approved in writing prior to the commencement of any superstructure including pavements.
- 10.40 Overall, it is considered that subject to the recommended conditions, the proposal would be in keeping with the visual appearance and historic character of the area and does not cause any harm to the conservation area, the adjacent listed building or the locally listed building. In line with Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Barnsbury Conservation Area, its setting and any of its features of special architectural or historic interest, and the setting of the Grade II Listed Building (no. 36 Islington Park Street) and is considered acceptable in design terms.

Structural Impact

- 10.41 Whilst the principle of the lowering of the existing floor levels is acceptable, given the proposal has an existing basement level, in accordance with Appendix B of the Basement SPD (2016), a Structural Method Statement (SMS) has been submitted in support of the application to assess the structural impact of the basement development. This is in addition to a Geotechnical Report titled Ground Investigation dated February 2019, as well as an Opening Up Works and Foundations Report dated January 2019.
- 10.42 The SMS(ref no. 12429 dated 25 July) has been prepared by Andrew Turner of Tully De'Ath consultants, who is a Chartered Structural Engineer (CEng MIStructE) and a Conservation Accredited Engineer with the Institutions of Civil and Structural Engineers.
- 10.43 The SMS is considered to have be written in accordance with Appendix B of the Basement SPD, including the bullet points identified within paragraphs 6.6 and 6.7 of the Basement SPD. The consultation process has raised concerns in relation to the impact on the lowering of the existing floor levels of the host buildings on the adjacent property, which is a Grade II Listed Building, particularly in regard to any potential requirement for underpinning.
- 10.44 The submitted SMS report has provided an assessment of the existing site including the host buildings and the adjacent Grade II listed building, no. 36. Pages 15 and 16 of the submitted report provide an explanation of the proposed lowering of the existing basement floor levels, which are proposed to allow for improved headroom within the basement spaces and to allow installation of insulation and underground drainage to suit the proposed layouts.
- 10.45 The report confirms that trial pit investigations have demonstrated the existing foundations are relatively shallow, at between 210mm and 350mm below existing basement level.

- 10.46 As a result, the report considers that any proposals to lower the basement floors by more than these figures would undermine the existing foundations. Such an approach would require underpinning to be carried out not to undermine the existing foundations. As this approach would be highly disruptive and a costly exercise, with a higher likelihood to cause some disturbance to the existing structures, the report has confirmed that this approach, which would require underpinning is not being proposed.
- 10.47 Instead the report concludes that the proposal includes the provision of a new floor finish at a slightly lower level than existing, laid on a new ground bearing floor over a drainage proof membrane and insulation. The approach stops the insulation and new slab short of the existing corbelled footing so that the existing foundations are not disturbed. The report concludes that the strategy for adjusting the basement floor levels will not undermine the existing foundations, and that they should not have any discernible effects on the existing structures or the ground on which the foundation bear. There are also no discernible changes to existing load paths. As such, significant ground movements are not expected to occur and are predicted to not exceed a Category 2 level of damage as defined in CIRIA Report 580 'Embedded Retaining Walls'. The specification for the works needs to be developed so that the contractor fully appreciates the risks of over-excavating and provides the necessary level of control and supervision to these works. Appendix B of the Council's Basement Development SPD (2016) confirms that damage should be limited to a maximum of Category 2 as set out in the Construction Industry Research and Information Association (CIRIA) Report 580 'Embedded Retaining Walls' (or as updated).
- 10.48 The associated Geotechnical Report has confirmed that investigations have been carried out including the drilling of 6 no. exploratory holes (1 no. to 10m, 2 no. to 4m and 3 no. to 6m below ground level) to assess the underlying soil conditions and prove the thickness of the underlying Made Ground. In addition, a total of 3 no. dual purpose gas and groundwater monitoring wells have been constructed to up to 6m below ground level, as well as a collection of soil samples for laboratory testing. The report concludes measures relating to site preparation works, conventional spread foundations, piled foundations, excavations and drainage, to ensure the proposed works at basement level would have an acceptable impact.
- 10.49 The submitted document titled 'Opening Up Works and Foundations' dated January 2019 provides further investigation to enable an assessment of the state of the walls and supporting joists at the site. The works have included the excavation of a total of 9 no. trial pits by hand to a maximum depth of 2.0m below basement level. Excavation was continued until the underside of the foundation was proven. In addition, a total of 11 no. locations were opened up from within the walls. At each location, the plaster was removed in order to expose the underlying brickwork and supporting lintels. Furthermore, a total of 23 no. locations were opened up from the ceilings. At each location, the plasterboards were removed in order to expose the supporting rafters and walls, as well as the wooden or steel beams. The ceilings were made good at BC-1 and BC-2, which underlie the guardian's apartment. A total of 13 no. locations were opened up from the floors. At each location, the overlying carpet, and plywood sheets and floor boards were removed to expose the underlying services, supporting beams and joists as well as their connection to the adjacent walls. The exposed areas were made good by using replacement floorboards or by ply board cut to size. A manhole was open in the basement to access the drainage system connected to the basement toilets.
- 10.50 The submitted information provided in relation to the proposed basement excavation is considered acceptable and in compliance with Appendix B of the Council's Basement Development SPD. The documents have provided detailed information of

explanatory investigation of the existing ground conditions of the host building and measures to ensure the damage would be limited to a maximum of Category 2 as set out in the Construction Industry Research and Information Association (CIRIA) Report 580 'Embedded Retaining Walls' (or as updated), allowed by the SPD.

- 10.51 Notwithstanding the above, whilst none of the host buildings subject to this application are statutory listed buildings (no. 44 Islington Park Street is locally listed), the site is within the setting of the Grade II Listed Building, being the adjacent property to the west, no. 36 Islington Park Street. Therefore, the proposed basement excavation is required to pay special regard to preserving the visual appearance and historic of this heritage asset.
- 10.52 Whilst it is acknowledged that the proposed basement excavation would not be underneath the adjacent listed building, or within its curtilage paragraph 9.12 of the Basement SPD confirms that *the impact of a proposal on nearby listed buildings and terraces will be assessed on the scale of any harm to the listed building and its setting*. Paragraph 9.7 of the SPD is also relevant, which advises that *the lowering of floor levels to existing historic basements can harm the special architectural or historic interest of a listed building by virtue of detrimental impact on the historic fabric, floor hierarchy and plan form*. It also advises that lowering of an historic basement will only be considered where all of the following points are met:
- i. no underpinning is required i.e. development is retained above footings
 - ii. no significant harmful impact to fabric of heritage significance is demonstrated
 - iii. floor to ceiling heights remain sufficiently subservient to principal floor levels
- 10.53 Given that the excavation does not relate to the Grade II Listed Building or alter the floor to ceiling heights of this property, point (iii) is not applicable. In terms of points (i) and (ii), the applicant has confirmed that there would be no underpinning. The applicant has provided drawing no. 12429-S-SK13 showing sections through the proposed lowered floor levels to demonstrate that no underpinning is proposed. Given the information provided and the extent of the basement excavation in relation to the setting of this listed building, the proposed basement element of the proposal is considered acceptable in design terms, and would preserve the visual appearance and historic character of the heritage assets of the setting of the Grade II Listed Building and wider Barnsbury Conservation Area. This is subject to the choice of materials of the lightwells and associated alterations at basement level being appropriately and sensitively chosen to reflect the materials in the host buildings, which would be secured by condition.
- 10.54 In compliance with paragraph 6.10 of the SPD in the event the application was approved a condition has been recommended to ensure the certifying professional endorsing the SMS must be retained (or replaced with a suitably qualified person with relevant experience) throughout the duration of construction, to ensure that the necessary expertise is available to inform decision making throughout the construction process. It is therefore considered that this element of the proposal is considered acceptable in design terms, including its compliance with the Basement SPD (2016).

Neighbouring Amenity

Overlooking and Loss of Privacy

- 10.55 All new development is subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security,

noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

- 10.56 Paragraph 2.14 of the Development Management Policies 2013 states that *'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.'*
- 10.57 In this instance, the proposed alterations to the existing fenestration details front elevation are not considered to result in any loss of privacy over and above the existing situation, given they face across an existing public highway.
- 10.58 In terms of the alterations to the fenestration to the rear elevation, the proposal would largely retain the existing windows to the host building. The proposal includes alterations to the position and size of some of the existing windows, as well as new windows and doors on this elevation.
- 10.59 Paragraph 2.14 of the Development Management Policies (2013) confirms *to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms.*
- 10.60 In this instance, the separation distance between the rear elevation of no. 38 Islington Park Street and no. 7 Purley Place is 10m. However, the layout of this proposed residential unit would have a bathroom at first floor, and at second floor it would have a single bedroom and a staircore. The Council's planning records show planning permission was granted at no. 7 Purley Place to allow for the change of use of the property to a single dwellinghouse (ref. P032585), along with other external alterations. As part of the approved development at no. 7 Purley Place, a condition was imposed (no. 4) requiring all windows at first and second floor levels to be obscurely glazed and non-openable to a minimum height of 1.7m above the internal finished floor level and maintained thereafter for this neighbouring property. It is considered this would ensure that there would not be any significant overlooking issues from future occupiers.
- 10.61 The separation distance between nos. 40 and 42 Islington Park Street and no. 8 Purley Place is 14.4m. The proposed layout has windows serving bathrooms and bedrooms at first and second floors. In terms of no. 44, due to the shape of the building the lower parts (lower ground to first floor) of the rear elevation are set back in comparison to nos. 38-42. However, at second floor is an 'L-shape' with a setback adjacent to no. 42. The separation distance between no. 8 Purley Place to the south is 12.4m at first floor and below, and between 16.9m and 14.9m at second floor. The proposed windows on the rear elevation at first and second floors serve living rooms, bathrooms and bedrooms.
- 10.62 The existing drawings for the most recent planning application at no. 8 Purley Place (ref. P08193) which was dismissed at appeal shows that the layout had bedrooms and a laundry room at first floor, which is likely to have been retained.
- 10.63 It is acknowledged that the separation distances between the rear elevation windows of the host buildings and those serving the properties along Purley Place, would not meet the recommended 18m separation distance. However, as noted above, the authorised and last known use of the host building is as a large HMO. Therefore,

historically the existing rear elevation includes windows serving habitable rooms, therefore the proposed relationship with neighbouring properties would replicate a pre-existing situation, which had a mutual level of overlooking between the host building and the properties located immediately to the south. It is therefore considered that this situation would be acceptable.

- 10.64 As noted in the design section above, the proposal would result in the creation of roof terraces at first and second floor level. Whilst proposed balustrades have been provided in order to ensure they would not result in any significant privacy issues between residential units or neighbouring properties, a condition (no. 4) has been recommended for further details to be submitted.

Outlook/enclosure and Daylight and Sunlight

- 10.65 The proposed external alterations including the boundary treatment between the subdivided gardens are not considered to result in any significant loss of outlook or enclosure to neighbouring properties, given their position and orientation of the host buildings. A condition (no. 4) has also been recommended in terms of the details to be submitted and approved.
- 10.66 The proposal is therefore considered not to have a detrimental impact, outlook, privacy and overlooking and daylight and sunlight, and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017 in this regard.

Noise/dust and disruption

- 10.67 It is acknowledged that the proposed excavation at basement and proposed construction works may result in increased noise/dust and disruption during the construction phase of the development. In accordance with the Council's Basement SPD a condition (no. 5) has been recommended for a Construction and Environmental Management Plan to be submitted and approved.
- 10.68 Policy DM3.7 seeks to ensure all residential development proposals shall demonstrate how potential adverse noise impact on and between dwellings will be mitigated by housing layout, design and materials. The Council's Pollution Officer has confirmed that the Building Regulations process would ensure adequate noise mitigation between the proposed residential units thereby mitigating against noise transfer between each of the residential units proposed. The Pollution Control Officer has recommended a condition (no. 8) requiring further details of noise mitigation relating to external sources to be submitted and approved in writing.

Quality of Accommodation

Housing mix

- 10.69 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For social rented housing 0% of units should be 1-bed, 20% should be 2-bed, 30% should be 3-bed and 50% should be 4-bed units or more. The proposal provides a mix of 3 no. 1-bed flats (43%), 1 no. 2 bed flats (14.3%), 2 no. 3 bed (29%) houses and 1 no. 5 (14.3%) bed house.
- 10.70 Whilst it is acknowledged that the proposal would not fully comply with the recommended housing mix, paragraph 3.16 of the Development Management Policies

(2013) confirms that where affordable housing schemes are being developed to address short term changes in need/demand as a result of specific interventions (for example, efforts to reduce under-occupation deviation from the required housing size mix may be acceptable.

- 10.71 The most significant deviation is the inclusion of a 5-bedroom house. Specific site constraints are present in this case, inclusive of the standard of accommodation, which is discussed below, floor to ceiling heights and the difficulty in providing circulation space if this property was subdivided.
- 10.72 In addition, the Development Management Policies (2013) recommend that in such cases, the Council needs to be satisfied 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. The Council's Housing Team who manage the Council's Affordable Housing, have confirmed that the proposed unit mix would meet the Council's needs and they consider this housing mix is acceptable.

Quality of residential accommodation

- 10.73 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.74 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.
- 10.75 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy and gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve.
- 10.76 The table below provides a summary of how the proposal meets the minimum floorspace standards:

Table 1: Minimum floor space

No. Bedrooms /Expected Occupancy	Floor Space Provided	Minimum Required
3b/5p house	118 sqm	102 sqm
3b/5p house	112 sqm	102 sqm
5b/7p house	152 sqm	125 sqm
2b/3p flat	63 sqm	61 sqm

1b/2p flat	59 sqm	50 sqm
1b/2p flat	51 sqm	50 sqm
1b/2p flat	55 sqm	50 sqm

- 10.77 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms, additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) and the London Plan (2016) Policy 3.5 providing a good level of floorspace for each unit. Units would provide a good level of storage.
- 10.78 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. Policy DM3.4E also stipulates that all living areas, kitchens and dining spaces should preferably receive direct sunlight. The proposal would result in dual aspect to all units with the proposed units having windows to both the front and rear elevations. It is considered that all of the proposed dwellings would satisfy the requirements for dual aspect.
- 10.79 Officers acknowledge that one of the front elevation windows at lower ground floor (within no. 44), is restricted in terms of the outlook, due to the position and the restricted size of the front lightwell. Whilst the enlargement of the front lightwells were explored by the applicant to improve outlook, this would be unacceptable in design terms and its impact on the wider conservation area. As a result the proposal has improved the outlook to the rear of both this unit, and the basement level to the other dwellings, by the enlargement of the existing rear lightwells. Given the size of the rear lightwell, associated with the lower ground floor flat and that the rear elevation of the host buildings are south facing, means that it would receive direct daylight/sunlight and the restricted outlook would be largely mitigated. Officers do note that the lower ground open plan living spaces for each flat are dual aspect with larger windows/French doors also orientated to the south along the rear elevation thereby increasing the light serving these rooms. The accompanying Daylight Report also provides calculations on the level of light serving each room.
- 10.80 The report titled 'Internal Daylight Report' dated 1st July 2019 by eb7 Ltd was submitted and outlines the results of internal daylight calculations to support the planning application. It outlines the results of the internal daylight calculations undertaken for all the habitable rooms of the proposed scheme. The assessment has been undertaken in line with the guidance available in Building Research Establishment Report 'Site layout planning for daylight and sunlight - A guide to good practice' (2011) and British Standard BS 8206-02 'Lighting for buildings – Part 2: Code of practice for daylighting' (2008).
- 10.81 The report confirms that the Average Daylight Factor (ADF) is used as the measure of general illumination from skylight. The average daylight factor is the ratio of total daylight flux incident on a reference area to the total area of the reference plane, expressed as a percentage of outdoor illuminance on a horizontal plane due to an unobstructed hemisphere of sky of assumed or known luminance distribution. The assessment has been carried out only for the habitable rooms where occupants have a reasonable expectation of daylight. As the BRE guide states that 'The guidelines given here are intended for use in adjoining dwellings where daylight is required,

including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed.’ The assessment was carried out under an overcast sky condition to ascertain the daylight availability within the rooms in worst scenario when the outside illumination is minimum. In London the outside illuminance level in such scenario is approximately 4000lux.

10.82 In addition to the BRE guide, the British Standard BS 8206-02 ‘Lighting for buildings – Part 2: Code of practice for daylighting’ (2008) has also been used to identify the minimum daylighting requirements in a dwelling. These are as following:

- 1% in bedrooms
- 2% in kitchens, and
- 1.5% in living rooms

10.83 The guidance confirms that where rooms are used for more than one function, the higher value of ADF must be met. Therefore, for a living/kitchen or studio apartment the minimum daylighting required is 2%.

10.84 As shown in the table below, the proposal would meet and exceed the required ADF requirements in terms of providing adequate levels of daylight/sunlight to all habitable rooms at ground and lower ground floor level:

Table 2: Annual Daylight Factor (ADF) results of proposed habitable rooms

Building No.	Room Use	ADF achieved (%)	ADF required (%)
38 (3b/5p)	Dining Room (R3) (lower ground)	1.9	1.5
	Kitchen (R1) (lower ground)	2.7	2.0
	Living (R2) (ground)	1.9	1.5
40 (3b/5p)	Dining Room (R5) (lower ground)	1.9	1.5
	Kitchen (R4) (lower ground)	2.0	2.0
	Living Room (R5) (ground)	1.9	1.5
42 (5b/7p)	Dining Room (R7) (lower ground)	2.0	1.5
	Kitchen (R6) (lower ground)	2.0	2.0
	Living Room (R8) (ground)	3.4	1.5
44 (lower ground) (1/2p)	Living/Kitchen/Diner (R8)	2.2	2.0
	Bedroom (R10)	1.6	1.0
44 (ground) (2b/3p)	Living Room (R12)	2.3	1.5
	Kitchen (R9)	3.4	2.0
	Bedroom (R10)	2.1	1.0

	Bedroom (R11)	3.5	1.0
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- 10.85 The ADF assessment has shown that provision of daylight within the proposal would result in 100% of habitable rooms tested to meet and exceed the BRE targets. Overall, the results show excellent levels of internal amenity, exceeding the relevant targets. The individual ADF results will only further improve on the upper floors of the properties. The scheme is therefore considered to fully accord with the BRE guidance in regards to ADF levels.
- 10.86 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. All of the units would achieve at least 2.5m ceiling height in accordance with the London Plan. In addition, the nationally described space standard sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling.
- 10.87 It is acknowledged that none of the units would achieve the Development Management Policies requirements in terms of providing 2.6m floor to ceiling heights. However, in terms of the larger (2 no. 3-bed and 1 no. 5-bed) units, found at nos. 38, 40 and 42, future occupiers would benefit from floor to ceiling heights between 2.3m to 2.5m at ground, first and second floor levels for the main living and bedroom accommodation. It is acknowledged that the basement level to these dwellings would have restricted floor to ceiling heights, being between 2.21m (no. 38), 2.13m (no. 40) and 2.28m (no. 42). However, as discussed in the structural impact assessment earlier in this report, the host buildings have shallow foundations, meaning that further excavation may not be possible. It should be noted that proposed residential units within nos. 38, 40 and 42 benefit from three further floors above. Policy DM3.4C(ii) also confirms that *in residential conversions, including extensions, where the original ceiling height is maintained, a lower ceiling height may be acceptable where it can be demonstrated that overall a good standard of daylight, ventilation and useable floorspace can be provided.* Given the above it is considered that lack of full compliance is considered acceptable.
- 10.88 In terms of the remaining 4 no. flats found at no. 44, all of the units would meet the national described space standards, with both the lower ground floor and second floor flats having 2.3m high floor to ceiling heights. The two remaining flats, whilst not meeting the Council's requirements would have floor to ceiling heights throughout the units at 2.4m (ground) and 2.5m (first floor), which are considered to be acceptable, the first floor flat meeting the London Plan.
- 10.89 The restricted floor to ceiling heights within the proposed units throughout the host building, whilst not ideal, is considered to be acceptable, on balance, given the acceptable standard of accommodation generally, in regards to dual aspect, levels of daylight/sunlight of outlook, the orientation of the property, and that the size of the units.
- 10.90 The Metropolitan Police Secured by Design Officer has considered that the proposal would meet Secured by Design Principles, providing the measures identified within the document within the Design and Access Statement titled Appendix: Secure by Design Notes are implemented in full, and a condition has been recommended in this regard.

- 10.91 Policy DM3.5 identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. In order to address this policy the proposal has included the subdivision of the front and rear gardens and the creation of roof terraces at first and second floor, as well the enlargement of an existing rear lightwell.
- 10.92 The proposal would result in private amenity space for all of the proposed units. The 3 no. houses would benefit from the front and rear gardens (no. 38:61 sqm; no. 40:58 sqm and no. 42:71 sqm). The 4 no. flats within no. 44 would benefit from dedicated private amenity space for each flat with the enlargement of the existing rear lightwell (lower ground flat: 23 sqm), the rear garden (ground floor flat: 39 sqm), and roof terraces at first (22 sqm), and second floors (8 sqm). In addition, located to the front of no. 44, there is a further area (50 sqm) of shared amenity space.
- 10.93 The provision of private and shared amenity space is considered to meet and in some cases exceed the minimum requirements of private amenity space and is therefore, considered acceptable and in compliance with Policy DM3.5.
- 10.94 For the above reasons, it is concluded that the proposed residential element of the development provides acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with policy 3.5 of the London Plan 2016, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2013 and the National Space Standard 2015.

Accessibility

- 10.95 As a result of the change introduced by the Deregulation Bill (Royal Assent 26th March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.96 On 1st October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. Residential development containing fewer than 10 units should be designed so that all dwellings meet Category 2 of the National Housing Standards. A written statement explaining how each of the units meets the requisite standard should be provided with the application (this can be contained within the Planning Statement). Plans should indicate notional furniture layouts.
- 10.97 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.98 The Council's Inclusive Design Officer has raised concerns in relation to the access to the proposed units, particularly the lack of ramps from street level (to nos. 38,42 and 44), and the adaptability of the dwellings, including the lack through floor lifts. However, they have welcomed the provision of an accessible WC at ground floor level and welcomed the approach at no. 40.

- 10.99 The proposal relates to the conversion of existing properties with limited structural interventions to the upper floors and the existing entrances are stepped. It is therefore considered that in this case, the lack of provision of fully accessible units is acceptable, on balance.

Landscaping, Trees and Biodiversity

- 10.100 Policy DM6.5 seeks to ensure developments protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits
- 10.101 The proposal would result in the subdivision and landscaping of the front and rear gardens. Whilst limited information has been provided in this regard a condition (no. 13) has been recommended to provide details of the proposed landscaping, prior to the occupation of the proposed units.
- 10.102 Part B of Policy DM6.5 seeks to ensure trees, shrubs and other vegetation of landscape and/or environmental significance must be considered holistically as part of the landscape plan. It advises that developments are required to minimise any impacts on trees, shrubs and other significant vegetation. 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, must be agreed with the council and suitably reprovided. It also recommends that the council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.
- 10.103 In this instance, there are a number of trees within the application site which are protected due to their location within the Barnsbury Conservation Area. An Arboricultural Impact Assessment and Preliminary Arboricultural Impact Assessment dated March 2020 and prepared by Middlemarch Environmental have been submitted. The Council's Tree Officer has reviewed the submitted documentation and confirmed that he is satisfied with the level of assessment, confirming that the trees potentially affected are of low amenity value and not worthy of TPO protection and the proposed single tree removal is acceptable. A Tree Protection Plan is secured via condition (no. 16) in order to protect the retained and neighbouring trees from construction activities. It is therefore considered acceptable in this regard, subject to this recommended condition.

Highways and refuse facilities

- 10.104 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking.
- 10.105 Car free development means 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. This is to be secured via a s106.
- 10.106 The provision of secure, sheltered and appropriately located cycle parking facilities will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the

Development Management Policies 2013. In accordance with Appendix 6, 16 bicycle spaces should be provided for the 16 bedrooms proposed. The development has identified areas to the rear gardens for dedicated cycle storage. Whilst these arrangements are considered acceptable in principle and these shall be provided subject to a pre-commencement condition for details of the cycle storage. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance

- 10.107 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units. The proposed refuse areas have been shown on the plans as being located within the rear gardens. When taking into consideration that the refuse area would be located not to be visible from the street, the proposed refuse storage requirements are acceptable and would cause no harm to the character or appearance of the host building. Whilst the arrangements are acceptable in principle, further details including plans and sections are required to be provided via condition (no. 6). The Council's Street Environment Services Team have enquired in terms of the management of the communal refuse facilities in terms of who would be responsible to move the refuse and recycling on collection days. These details would be secured by condition.

Sustainability and Ecology

- 10.108 Policy DM7.1 provides advice in relation to sustainable design and construction, stating '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'.
- 10.109 Whilst limited information has been provided in relation to how the proposal meets the Council's sustainable design policies a condition (no. 10) has been recommended requiring the submission of a Sustainable Design and Construction Statement.
- 10.110 In light of comments received from the Islington Swifts Society, it is recommended that a pre-commencement condition (no. 17) be included to ensure bat and bird boxes are implemented based on information on the most suitable locations in accordance with the Council's biodiversity objectives.

Affordable Housing

- 10.111 As noted in paragraphs 3.3.15 of the Islington Core Strategy (2011) confirms the given the level of need in the borough, the council wishes to deliver as many affordable homes as possible. Islington's Core Strategy Policy CS 12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. This policy seeks to increase the delivery of affordable housing, especially social rented housing, from 100% affordable housing schemes by Registered Social Landlords, and from a range of intermediate housing products available on the market.
- 10.112 The proposal would provide seven self-contained residential units, all of which would be secured as social rented units. The applicant has confirmed that four of these units, being those within no. 44 Islington Park Street, would be 'Move-on' accommodation. 'Move-on' accommodation is a Greater London Authority (GLA) grant funding scheme that contributes towards the capital costs of developing

accommodation for people leaving homelessness hostels. The aim of the GLA scheme is to provide self-contained affordable accommodation and to assist the occupiers to move on to independent accommodation within two years, where appropriate.

- 10.113 For the life of the GLA 'Move-on' scheme, referrals to the four relevant units would be via the GLA. However, should the 'Move-on' scheme cease to operate, the nomination rights for the four residential units would revert back to the Council in accordance with the Local Lettings policy. This would be secured through a legal agreement.
- 10.114 The three units not identified as 'Move-on' units would all be allocated through the Council's Local Lettings policy and this would be secured through a legal agreement.
- 10.115 The Council's Housing Team have confirmed that the proposal, inclusive of the 'Move-on' accommodation would meet policy aims of delivering 100% affordable housing. It is therefore considered that the proposal would be acceptable in this regard. The affordable housing would be secured as part of a legal agreement.

Community Infrastructure Levy

- 10.116 The Community Infrastructure Levy 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. The payments would be chargeable on implementation of the private housing.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the loss of the existing vacant HMO is considered to be acceptable in land use terms. This is following consultation with the Council's Environmental Health Team, who manage and licence HMOs within the Borough, assessing the existing accommodation not to be of 'good quality' and subject to the proposal meeting an acute need identified by the Council's Housing Team. This acute need is considered to be the delivery of 7 no. self-contained social rented residential units. The delivery of a 100% affordable scheme is considered to be one of the Council's key objectives in terms of the delivery of housing, identified in Part G of Policy CS12 of Islington Core Strategy Policies (2011), and is therefore considered to be acceptable in land use terms.
- 11.2 The proposal, subject to detailed conditions in relation to the materials, is not considered to cause any harm to the visual appearance and historic character of the host buildings, wider estate (including the adjacent listed building) and the Barnsbury Conservation Area, and is considered acceptable in design terms.
- 11.3 The proposed affordable housing units, are considered to provide an acceptable standard of accommodation, meeting and exceeding the minimum requirements in terms of Annual Daylight Factor, having dual aspect, good levels outlook and exceeding the minimum floorspace standards.
- 11.4 Conditions have been recommended to mitigate the impact of the development on the amenity of the occupiers of the existing residential units in the surrounding area, the trees within surrounding area, and to the surrounding public highway network,

including a legal agreement to restrict future occupiers from obtaining car parking permits.

- 11.5 Overall, subject to conditions, the proposal is considered to accord with the relevant policies found within the Development Plan and is recommended for approval.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Requiring the 7 no. units to be for social rented housing, including the requirement for the nomination rights for the 'Move-on' units to return to Islington, in accordance with Local Lettings policy should the GLA funding cease
- Restrict future occupiers from obtaining car parking permits
- The repair and re-instatement of the footways and highways adjoining the development. Conditions surveys may be required. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.

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

RECOMMENDATION B

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

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: Existing drawings: 202/PL02/Rev.P1 (Site Block Plan), 202/PL03/Rev.P1 (Lower Ground Floor), 202/PL04/Rev.P1 (Ground Floor), 202/PL05/Rev.P1 (First Floor), 202/PL06/Rev.P1 (Second Floor), 202/PL07/Rev.P1 (Roof Plan), 202/PL08/Rev.P1 (Front Elevation), 202/PL09/Rev.P1 (Rear Elevation),

	<p>Proposed drawings: 202/PL01/Rev.P1 (Site Location Plan), 202/PL10/Rev.P1 (Site Block Plan), 202/PL11/Rev.P1 (Lower Ground Floor), 202/PL12/Rev.P1 (Ground Floor), 202/PL13/Rev.P1 (First Floor), 202/PL14/Rev.P1 (Second Floor), 202/PL15/Rev.P1 (Roof Plan), 202/PL16/Rev.P1 (Front Elevation), 202/PL17/Rev.P1 (Rear Elevation), 202/PL18/Rev.P1 (Section),</p> <p>Reports: Town Planning Statement dated July 2019, Design & Access Statement ref. 202_DAS_V4_190730 dated July 2019, Design & Access Statement Supplement: Railings including drawing no. 202/PL19/Rev.D1, Statement of Community Involvement July 2019 - One Housing Group, Structural Method Statement ref.12429 dated 25 July 2019, Factual Report – Opening Up Works and Foundation Pits by Site Remedial Services Limited ref. SRS/18/1389 RPT 1 dated January 2019, Geotechnical Report – Ground Investigations by Site Remedial Services Limited ref. SRS/19/1393/RPT 3 by February 2019, Preliminary Risk Assessment by Site Remedial Services Limited ref. SRS/19/1393 RPT1 dated January 2019, Associated drawings (12429-S-SK30B - General Notes, 12429-S-SK06A - Existing Ground Floor Plan, 12429-S-SK07A - Existing 1st Floor Plan, 12429-S-SK08A - Existing 2nd Floor Plan, 12429-S-SK10 - Existing Roof Plan, 12429-S-SK13 - Slab Lowering, 12429-S-SK09-A - SI Locations Plan, 12429-S-SK1 - Basement Opening Up Plan, 12429-S-SK2 - Ground Floor Opening Up Plan, 12429-S-SK3 - 1st Floor Opening Up Plan, 12429-S-SK31A - Proposed Roof Plan, 12429-S-SK32A - Proposed 2nd Floor Plan, 12429-S-SK33A – Proposed 1st Floor Plan, 12429-S-SK34A - Proposed Ground Floor Plan, 12429-S-SK35A - Proposed Lower Ground Floor Plan, 12429-S-SK4 - 2nd Floor Opening Up Plan, 21695se-01, 21695se-02, 12429-S-SK05A - Existing Lower Ground Floor Plan, 12429-S-SK13 - Slab Lowering Constraints-No Underpinning), Arboricultural Method Statement by Middlemarch Environmental Report No: RT-MME- 152224-02 REV A dated March 2020, Preliminary Arboricultural Impact Assessment by Middlemarch Environmental Report No: RT-MME-152224-01 REV A dated March 2020, 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>
<p>3</p>	<p>Materials (Details)</p>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Roof materials b) Paintwork (including colour) c) window and door treatment (including sections and reveals); d) pavements (including details to retain the granite sets) e) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</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 and preserves the character and appearance of the Newington Green Conservation Area.</p>
4	<p>Details of balustrades/boundaries</p>
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, further details of the balustrades/boundaries to front and rear gardens, and to the second floor roof terrace, shall be submitted and approved in writing prior to the relevant part of the development commences.</p> <p>The balustrading and boundary treatment to the front shall match the neighbouring properties in terms design, materials, colour and detailing.</p> <p>The approved details shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers and ensure they are in keeping with the visual appearance and historic character of the surrounding area.</p>
5	<p>Construction and Environmental Management Plan</p>
	<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. The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; 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; d) Details regarding the planned demolition and construction vehicle routes and access to the site; 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; 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; 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.) h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents;

	<ul style="list-style-type: none"> 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; k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles; m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and 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. o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. <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.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
6	Refuse/Recycling
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The refuse / recycling storage and collection arrangements shall explain how refuse is moved during collection days and ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) 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>
7	Cycle parking
	<p>CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be</p>

	<p>submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure cycle spaces for the proposed residential units hereby approved.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	Details of noise mitigation
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq,8\text{ hour}}$ and 45 dB $L_{max\text{ (fast)}}$ Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16\text{ hour}}$ Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16\text{ hour}}$</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter into perpetuity and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers.</p>
9	Secured by Design
	<p>CONDITION: The security measures identified with the document titled Appendix: Secure by Design Notes (found within the approved Design and Access Statement dated July 2019) shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity, unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interests of safety and security.</p>
10	Sustainable Design Statement
	<p>CONDITION: Prior to the commencement of the approved development details of a Sustainable Design and Construction Statement shall be submitted and approved in writing by the Local Planning Authority. The approved document shall be implemented in full prior to the first occupation of the approved residential units and retained thereafter into perpetuity.</p> <p>REASON: To ensure a sustainable development</p>
11	Water efficiency requirements

	<p>CONDITION: Prior to the occupation of the hereby approved development, details shall be submitted and approved in writing, demonstrating compliance with the water efficiency requirements of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD. The approved measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
12	Carbon efficiency
	<p>CONDITION: The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with <i>Building Regulations Part L 2010</i> (equivalent to Code for Sustainable Homes level 4), unless such provision is not feasible.</p> <p>REASON: In the interest of securing sustainable development.</p>
13	Landscaping
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <p>a) soft plantings: including grass and turf areas, trees, shrub and herbaceous areas;</p> <p>b) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>c) hard landscaping; and</p> <p>d) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
14	Retention of Engineer
	<p>CONDITION: For the hereby approved development the certifying professional endorsing the hereby approved Structural Method Statement must be retained (or replaced with a suitably qualified person with relevant experience) throughout the duration of construction, to ensure that the necessary expertise is available to inform decision making throughout the construction process.</p> <p>REASON: To protect the structural integrity of the host and adjacent buildings</p>

15	Removal of paintwork
	<p>CONDITION: Prior to the occupation of the hereby approved development the existing paintwork found on the front elevation of the host building shall be removed.</p> <p>REASON: To preserve the visual appearance and historic character of the host building and wider conservation area.</p>
16	Tree Protection measures
	<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 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> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. 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. 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. 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. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. 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

	<p>k. Boundary treatments within the RPA</p> <p>l. Methodology and detailed assessment of root pruning</p> <p>m. Reporting of inspection and supervision</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</p> <p>o. Veteran and ancient tree protection and management</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the 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 wider area.</p>
17	Bird boxes
	<p>CONDITION: Prior to the first occupation of the hereby approved development a minimum of 2 no. bird nesting boxes shall be installed and retained thereafter into perpetuity.</p> <p>REASON: To encourage biodiversity</p>
18	Details of access gates
	<p>CONDITION: Notwithstanding the details shown within the hereby approved drawings, further details of the gates allowing access to the rear of the site and no. 8 Purley Place from Islington Park Street shall be submitted to and approved in writing prior to the relevant part of the development commences.</p> <p>The gates shall match the neighbouring properties in terms design, materials, colour and detailing.</p> <p>The approved details shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers and ensure they are in keeping with the visual appearance and historic character of the surrounding area.</p>

List of Informatives:

1	Construction works
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222</p>

	Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
2	Highways Requirements
	<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 streetworks@islington.gov.uk. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</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 streetworks@islington.gov.uk.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p>
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
	<p>TREE PROTECTION MEASURES</p> <p>For condition 16, the following British Standards should be referred to:</p> <ol style="list-style-type: none"> a. BS: 3998:2010 Tree work – Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2019 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.

- NPPF (2019)

2. Development Plan

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

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

Policy 3.3 Increasing Housing Supply
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality & Design of Housing Developments
Policy 3.8 Housing choice
Policy 3.12 Negotiating affordable housing
Policy 3.14 Existing housing
Policy 4.3 Mixed use development and offices
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.9 Overheating and cooling
Policy 6.7 Better streets and surface transport
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Lifetime neighbourhoods
Policy 7.2 An inclusive environment
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology

B) Islington Core Strategy 2011

Policy CS8 Enhancing Islington's character
Policy CS9 Protecting and enhancing Islington's built and historic environment
Policy CS10 Sustainable design
Policy CS11 Waste
Policy CS12 Meeting the Housing Challenge
Policy CS18 Delivery and infrastructure

C) Development Management Policies June 2013

Design and Heritage

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

Housing

DM3.1 Mix of housing sizes
DM3.3 Residential conversions and extensions
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.7 Noise and vibration (residential uses)

Health and Open Space

DM6.3 Protecting open space
DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM7.1 Sustainable Design and Construction
DM7.2 Energy efficiency and carbon reduction in minor schemes

Transport

DM8.4 Walking and Cycling
DM8.5 Vehicle Parking

3. Designations

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

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

The following SPGs and/or SPDs are relevant:

<u>London Plan</u>	Accessible London (2016) Character and Context (2014) Housing (2016) Sustainable Design and Construction (2014) Town Centres (2014)
<u>Islington</u>	Conservation Area Design Guidelines (Canonbury Conservation Area; 2002) Basement Development (2016) Environmental Design (2012)

Inclusive Design in Islington (2014)
Islington Urban Design Guide (2017)

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO:	5
Date:	23 rd April 2020	NON-EXEMPT	

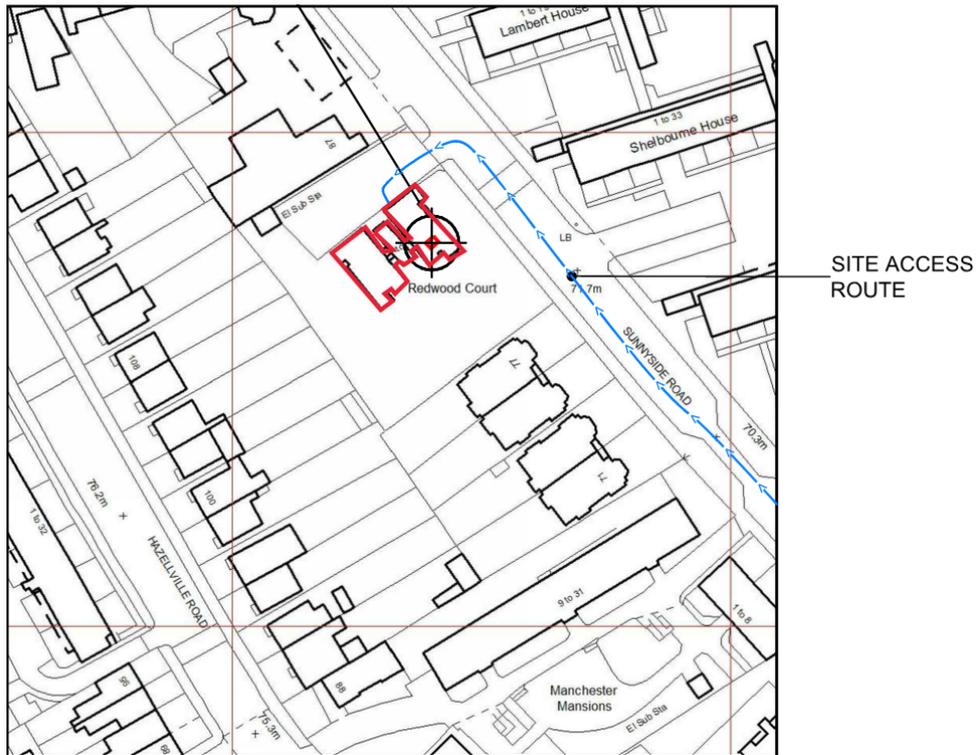
Application number	P2019/1652/FUL (Council Owned Building)
Application type	Full Planning Application
Ward	Hillrise
Conservation area	Whitehall Park
Development Plan Context	None
Site Address	Redwood Court, 85 Sunnyside Road, Islington, London, N19 3SN
Proposal	Proposed rooftop telecommunications upgrade involving; the replacement of existing antennas, dish and cabinet with 6 no. new antennas, 3 no. dishes and 2 replacement equipment cabinets to facilitate 5G coverage.

Case Officer	Owen Griffiths
Applicant	UK Broadband
Agent	Concentric Comms Ltd, Mr C. White

1. RECOMMENDATION

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Image 1: View from Sunnyside Road (north)

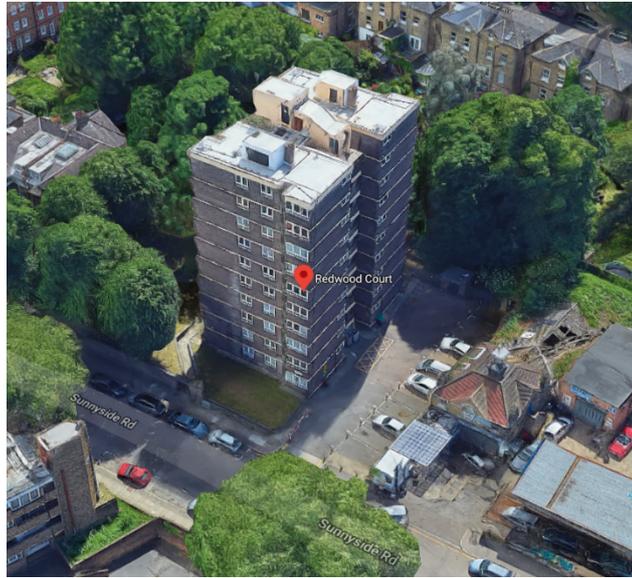


Image 2: Aerial View



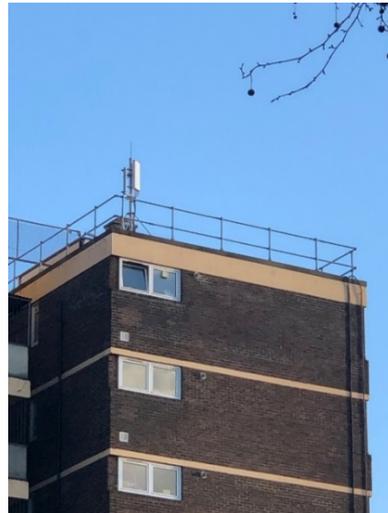
Image 3: View from of Sunnyside Road (south)



Image 4: View from of Sunnyside Road (south) – Zoomed In



Image 5 and 6: Long View from Junction of Sunnyside Road and Beaumont Rise



Images 7 and 8: Long View from Sunnyside Road (north)

SUMMARY

- 3.1 Planning permission is sought for a rooftop telecommunications upgrade involving the replacement of existing equipment with 6 new antennas, 3 dishes and 2 replacement equipment cabinets to facilitate 5G coverage.
- 3.2 The application building is known as Redwood Court, a 10 storey (33.8m) mid-twentieth century building in an area which exhibits a wide variety of building sizes and typologies. The site is situated within the Whitehall Park Conservation Area and there are no statutory or locally listed buildings in the vicinity of the site nor is Redwood Court listed as having any heritage significance.
- 3.3 The main consideration in the assessment of the application relates to the planning balance between the impact of the proposals on the character and appearance of the Conservation Area, public benefits of the proposals as well as consideration of the amenities of surrounding occupiers and public health implications.

- 3.4 The Design and Conservation Team consider that rooftop telecommunications equipment in a conservation area is generally undesirable. However, given that the host building does not constitute an undesignated heritage asset and is considerably higher than its neighbours, the proposals are considered to create a neutral impact on the character and appearance of the conservation area.
- 3.5 The proposals would provide a public benefit by improving electronic communication. The proposals are supported by paragraph 112 of the NPPF which states that *'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning Policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections'*.
- 3.6 Paragraph 196 of the NPPF 2019 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'*. In accordance with the NPPF, public benefits are considered. In this situation, there is public benefit from the overall objective to improve electronic communication and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered against the neutral impact the replacement equipment will have on the surrounding Conservation Area (a heritage asset). Appropriate weight in accordance with the statutory duties of Section 72 have been applied to "preserve" the heritage asset. In addition, the proposals would not be considered to cause harm to the amenities of neighbouring properties.
- 3.7 For the above reasons the recommendation to Committee is to resolve to grant permission subject to planning conditions.
- 3.8 It is concluded that the development accords with all relevant development plan policies, as listed in Appendix 2.

4. SITE AND SURROUNDING

- 4.1 The application site refers to the roofspace at Redwood Court on Sunnyside Road towards the northern boundary of the borough (Hillrise Ward). Redwood Court is a 10 storey residential tower block faced in brick. It is split into two equal blocks on either side of a central stair/lift core. It was commissioned by Islington Council in 1966, contracted to the firm of Roof, and completed in 1968. Although the building is not of striking architectural merit it is nonetheless a sober and dignified block, although some of its original cohesion has been undermined by post-1980s roof accretions which have added visual clutter to its once-clean silhouette. It is situated within the Whitehall Park Conservation Area.
- 4.2 To the east of the site and outside of the conservation area is the New Orleans housing estate with various housing blocks ranging from five to eight storeys in height. To the north of the site is a disused petrol station and a currently occupied MOT car garage. To the north of this is Hornsey Lane, the northern boundary with the London Borough of Haringey. To the south and west of the site are residential houses and apartment blocks along Sunnyside Road and Hazellville Road. These are predominantly formed of semi-detached residential properties between three to four storeys in height.
- 4.3 The surrounding area to the south west is characterised by the Whitehall Park Conservation Area in which the application site is located. The Conservation Area Design Guidelines for Whitehall Park describe the area as including a variety of residential properties with differing architectural qualities and styles and that the Conservation Area contains the grandest houses with the best views, mainly large 3- storey, late Victorian, red brick terrace properties with Westmoreland slated mansard roofs, cast iron decorative railings and gabled dormer windows and, on the end houses, significant turrets.

5. PROPOSAL (IN DETAIL)

- 5.1 It is proposed to replace various pieces of telecommunications equipment on the roofspace at Redwood Court. This includes the replacement of existing antennas, telecommunications dishes and cabinets with 6 new antennas, 3 new dishes and 2 replacement equipment cabinets to facilitate 5G coverage in the surrounding area. The existing and proposed plans submitted in support of the application show the areas on the roofspace where the telecommunications equipment is proposed to be upgraded. These areas being the south-eastern corner of the building along Sunnyside Road, the south western corner towards Hazellville Road and the final location is on the north side of the building in a central location to the west of the stair core.
- 5.2 There is currently telecommunications equipment in the three locations mentioned above, each with a single antenna and a Remote Radio Unit (RRU) fixed to a support pole below the antenna. The south eastern location also includes a 300mm dish as well as a GPS antenna fixed to a support pole. The plans also indicate that the other two locations have brackets installed for the future installation of a 300mm dish.
- 5.3 Each of the three areas will have a new free-standing frame installed covering a ground area of 5sqm. The equipment in the north area will include two antennas, one 300mm dish and 3 RRU's attached to the support poles underneath the antennas. The southeast corner will include 1 relocated GPS antenna, two new antennas and 3 RRU's on the new support poles. Finally, the south west location will incorporate two antennas and 3 RRU's and one 300mm dish.
- 5.4 In addition to the above, two equipment cabinets will be replaced with new cabinets on the existing frame. These will be located in close proximity to the south eastern equipment frame adjacent to the roof level tank room.

6. RELEVANT HISTORY:

- 6.1 **P2017/2576/PRA** - Installation of 3 no. pole mounts each supporting 1no. antenna and 1 no. 300mm diameter dishes, 1 no. equipment cabinet plus ancillary development including fixing, cabling and radio units. **Approved 22/08/2017.**
- 6.2 **P2016/4740/PRA** - Prior Approval determination for the installation of electronic communications apparatus on the rooftop of Redwood Court including: 3no. antennas, 3no. 300mm diameter dishes, together with equipment cabinet and ancillary infrastructure **REFUSED 24/01/2017.**

Reason for Refusal: The proposed new antenna and poles would be located on a building within article 2(3) land. The proposal is therefore contrary to the requirements of Schedule 2, Part 16, Class A(a), 5(a)(i) of the Town and Country Planning (General Permitted Development) Order 2015.

PRE-APPLICATION ADVICE:

- 6.3 None

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 179 adjoining and nearby properties at Redwood Court as well as other properties along Sunnyside Road, New Orleans Walk and Hazellville Road on the 2nd December 2019. A site notice and press advert were displayed on the 5th December 2019. The public consultation of the application therefore expired on the 29th December 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing this report no responses had been received from the public with regard to the application.

External Consultees

7.3 None

Internal Consultees

7.4 Conservation and Design Officer:

The increase in rooftop telecommunications equipment in a conservation area is generally undesirable. However, given that the host building is not considered to be an undesignated heritage asset, is considerably higher than its neighbours, the proposals are considered to create a neutral impact on the character and appearance of the conservation area.

7.5 Environmental Pollution, Policy & Projects Officer:

The proposed equipment is low sound generating and minimal noise impact so no objections from the EPPP team.

Public Health England are responsible for advising the Government on EMF exposure and have provided guidance on mobile phone base stations and the impacts of mobile phone base stations <https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health>. PHE's main advice is that the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) should be adopted and there is no convincing evidence that exposures below the ICNIRP guideline levels cause adverse health effects. ICNIRP is formally recognised as an official collaborating non-governmental organisation by the World Health Organization (WHO) and the International Labour Organization. ICNIRP is also consulted by the European Commission. Advice from PHE includes comprehensive scientific review reports and statements on topics. The submission advises compliance with ICNIRP guidelines.

7.6 Housing

No comment – Generally supportive of these applications.

7.7 Public Health

Islington Council takes the health, wellbeing and safety of its residents very seriously. Having due regard to an assessment of the available national and international scientific evidence and current national guidance for the installation of telecommunications infrastructure, including masts, we do not consider that the deployment of 5G poses a threat to the health and safety of our residents. This position is consistent with the latest guidance from Public Health England (PHE), the statutory body responsible for protecting the nation from public health hazards.

Radiofrequency electromagnetic field exposures include exposures to radio waves produced by Wi-Fi equipment, smart meters and mobile phone base stations. PHE guidance on this matter was last updated in May 2019. Extensive research has been conducted for many years on the impact of exposure to radio waves on health. This research has been examined by groups of UK and international independent experts, and their conclusions from this accumulated evidence is that adverse health effects are unlikely to occur if exposures are below the levels set in current standards.

The management of telecommunications is governed by national and international legislation and guidance, with installations needing to comply with the limitations imposed by the International Commission on Non-Ionising Radiation Protection (ICNIRP). These instruct that the design and placement of sites must ensure that exclusion zones are either in areas that individuals cannot enter (for example in inaccessible clear space adjacent to a rooftop) or be signposted and in a controlled area. Moreover, emissions surveys and audits of similar existing telecommunications installations have found that the levels of all types of radio frequency transmissions found near to mobile phone base stations remain hundreds or even thousands of times lower than the permissible limits set by ICNIRP.

The applicant for this particular planning application has provided a declaration of conformity with ICNIRP guidelines. Moreover, the National Planning Policy Framework is explicit in that local planning authorities must determine applications for telecommunications equipment on planning grounds only. Local planning authorities cannot set health safeguards that are different to the International Commission's guidelines.

This link (<https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health>) includes detailed information on exposure guidelines and health-related evidence and reviews. PHE continues to monitor the latest scientific evidence on this topic and update its advice, and Islington Council will regularly review its position in light of the latest available evidence and national guidance on the health impacts of mobile phone installations.

For your reference, I set out below some further background scientific and technical references.

A general overview of High Frequency Electro-Magnetic Frequency, 100Khz to 300Ghz (HF EMF), can be found here. With all the telecoms installations in the borough, operators must ensure that all equipment is ICNIRP (International Committee on Non-Ionising Radiation Protection) compliant, as stated in the Department for Communities and Local Government's National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>).

- Radio base stations and handsets use Electromotive Force (EMF) to transfer information and make mobile phone communications possible. EMFs are used for television and radio transmissions, by the police, fire and ambulance services, by taxi firms and public utilities. EMFs are also used for a wide range of personal and commercial equipment from electronic car keys, Wi-Fi equipment and baby monitoring devices to shop security tag systems. They are also produced by household electrical appliances like fridges, vacuum cleaners or electric shavers.
- In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature ($> 1^{\circ}\text{C}$) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields" (<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>).
- The Advisory Group on Non-ionising Radiation summarised that: "...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children." [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].
- In addition, the report 'Recent Research on EMF and Health Risk – Tenth report from SSM's Scientific Council on Electromagnetic Fields, 2015' notes that: "new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.
- Radio base stations are designed to comply with the stringent, precautionary public exposure guidelines set out by ICNIRP (International Commission on Non-Ionizing Radiation Protection).

These guidelines have been developed following a thorough review of the science including both thermal and non-thermal effects. UK radio base station installations have been surveyed by independent bodies and found to be hundreds, and sometimes thousands, of times below these guidelines. When ICNIRP reviewed their guidelines in 2009 they concluded: “ICNIRP reconfirms the 1998 basic restrictions in the frequency range 100 kHz–300 GHz until further notice.” [Source: ICNIRP statement on the “Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz)”] (As above, these guidelines are currently being revised, with consultation having been undertaken in July to October 2018 and the results being collated at the moment.)

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

8.1 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)).

8.2 At paragraph 8 the NPPF (2019) states: “that sustainable development has an economic, social and environmental role”.

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

8.4 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.

8.5 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.

8.6 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.

8.7 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.

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

National Guidance

9.1 The National Planning Policy Framework 2019 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

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

Designations

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

- Conservation Area: Whitehall Park
- Article 4 Direction A1-A2

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policy

Draft London Plan (Intend to Publish Version, December 2019)

9.5 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector’s report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

Policy D4 Delivering Good Design
Policy HC1 Heritage Conservation and Growth

Policy D11 Safety, Security and Resilience to Emergency

- 9.6 It is worth noting that the Secretary of State has written to the Mayor of London setting our various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. Given what is proposed in the application, the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

- 9.7 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. Due to the constraints posed by the Covid-19 crisis, it is anticipated that the Examination hearings are likely to take place in September 2020.

- 9.8 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 9.9 Emerging policies relevant to this application are set out below:

Policy DH1 Fostering Innovation and Conservation and Enhancing the Historic Environment
Policy DH2 Heritage Assets

Policy ST1 Infrastructure Planning and Smarter City Approach
Policy ST3 Telecommunications, Communications and Utilities Equipment

10. ASSESSMENT

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

- Design and Impact on the Conservation Area
- Public Benefit
- Impact on Neighbouring Amenity
- Health Risks

Design and Conservation

- 10.2 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

- 10.3 Paragraph 112 of the NPPF 2019 states that advanced, high quality and reliable communications infrastructure is essential for economic and social well-being. Planning policies and

decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

- 10.4 Paragraph 113 of the NPPF 2019 states that where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
- 10.5 Paragraph 114 of the NPPF 2019 states that local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:
 - a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 10.6 Paragraph 192 of National Planning Policy Framework (2019) states in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.7 Paragraphs 194-196 of the NPPF (2018) deals specifically with harm to the significance of a designated heritage asset and whether this harm is substantial or less than substantial. In cases where the harm is less than substantial harm, this should be weighed against the public benefits of the proposal.
- 10.8 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.9 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. The Whitehall Park Conservation Area Guidance highlights that the area has some of the grandest houses with the best views in the borough. These are mainly large 3-storey, late Victorian, red brick terrace properties with Westmoreland slated mansard roofs, cast iron decorative railings and gabled dormer windows and, on the end houses, significant turrets. The guidelines also confirm that the council will operate its land use policies so as to enhance the character and vitality of the area.
- 10.10 Development Management Policy DM2.7 states that telecommunications and utilities equipment will only be permitted where they are sited and designed to minimise their visual impact, do not have a detrimental effect upon the character or appearance of the building or area, innovative design and technological solutions have been explored to minimise visual impact, and there is no reasonable possibility of sharing facilities.

- 10.11 Islington's Urban Design Guide, paragraph 5.189, states that telecommunication aerials and equipment often contribute to physical clutter and that every opportunity should be made to rationalise and reduce their impact within the public realm.
- 10.12 Paragraph 5.191 of the Islington Urban Design Guide SPD states that particular care needs to be taken with mobile phone/telecommunication masts to ensure their size, height and positioning does not dominate the surrounding public realm. Where it will not have a detrimental impact on performance, they should be located where they are largely obscured from the surrounding public realm and do not impact adversely upon the skyline from longer views
- 10.13 The Whitehall Park Conservation Area Design Guidelines at paragraph 7.17 states that special roof policies will be applied in the area as follows:

vi) the Council is opposed to the erection of plant rooms, air conditioning units and other services including water tanks and radio or satellite equipment at roof level where this can be seen from street level or public space, including long views from side streets.

Assessment of Proposals

- 10.14 Redwood Court is a 10-storey residential housing block towards the northern boundary of the borough in the Hillrise Ward. There are already various pieces of similar telecommunications equipment positioned on the roof space at Redwood Court in the same three locations as that of the proposed equipment.
- 10.15 The surrounding area is predominately residential with a built form that is formed of terraces or rows of semi-detached residential properties between three and four storeys in height. There are examples of similar sized properties in the wider area to that of Redwood Court. These are located to the north of Hornsey Lane in the London Borough of Haringey.
- 10.16 The development proposes to replace the existing equipment on the roofspace with new telecommunications equipment, including that which can facilitate 5G mobile communication. The replacement equipment will be situated in three areas on the roof, one on the south-eastern corner of the building next to Sunnyside Road, one on the south-western corner and one to the north of the building in a more central location.
- 10.17 There will be three new freestanding frames installed at roof level which the new equipment will be affixed to. Each new frame will cover an area of 5sqm. There will be two new antennas in two of the locations (north and southeast) and the existing GPS antenna is being retained on the south eastern corner of the building resulting in three antennas in this location. There will also be 3 additional RRU's and one 300 dish installed at each of the three locations.



Image 9: Existing Roof Plan

Image 10: Proposed Roof Plan

10.18 The new equipment will measure 3.3m in height from the roof level of Redwood Court where the existing equipment is 2.6m high. The below images show the existing and proposed equipment in elevation and from street view. The equipment shown is in the southeast corner of the building along Sunnyside Road where the highest volume of equipment is proposed and includes replacement cabinets in a more central location next to the tank room.

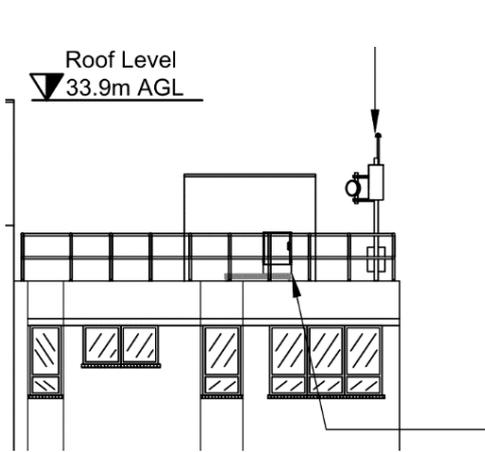


Image 11: Existing Elevation

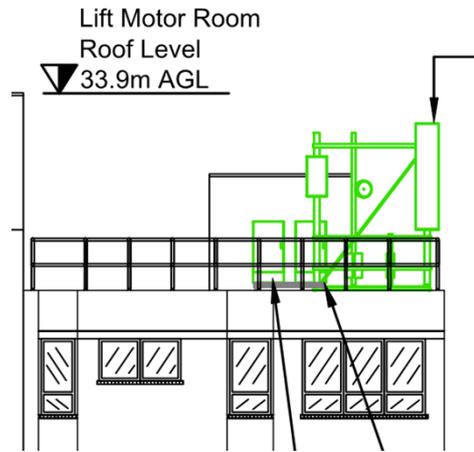


Image 12: Proposed Elevation



Image 13: Existing View



Image 14: Proposed View

- 10.19 The existing and proposed rooftop equipment is positioned towards the edge of the building and it is understood that this is necessary to facilitate the functionality of the equipment proposed. Due to this positioning there is some limited visibility of the equipment from the surrounding public realm along Sunnyside Road but given the height of Redwood Court (30m) the level of visibility is not particularly dominant from street level. The proposal to replace the existing equipment with a higher volume of equipment would not meaningfully exacerbate the existing harm caused by the equipment that is currently in place.
- 10.20 Within the overall context of the Whitehall Park Conservation Area the application site is one of the least harmful locations for locating the proposed new telecommunications equipment. The three frame locations are near the edge of the building and therefore the equipment will be visible, to a very limited degree, from medium to long views within the surrounding public realm. However, these vantage points are limited to points along Sunnyside Road only and the equipment will be further hidden from public views during the summer months while there is foliage on the trees that line Sunnyside Road. For these reasons, the extra telecommunications infrastructure does not constitute a dominant feature that would detract from the character or the appearance of the surrounding conservation area.
- 10.21 The siting of the proposed equipment is considered to be placed appropriately to reduce the prominence of the equipment while still providing the necessary telecommunications functionality. During the course of the application, discussions were held between officers and the applicant in relation to inseting the equipment from the buildings edge to reduce the, albeit limited, visibility of the equipment from street level. The applicants have confirmed that the equipment has been inset from the buildings edge as far as possible while maintaining a strong enough signal for the telecommunications equipment to function efficiently. As there is only a relatively minor increase in the volume of equipment proposed at roof level, it is concluded that overall, there would be a neutral impact upon the surrounding conservation area.
- 10.22 Given the existing and proposed situation, the development is concluded to have a neutral impact on the character and appearance of the Whitehall Park Conservation Area and therefore the development complies with the Framework and with Core Strategy policy CS9, which together

(inter alia) seek to protect local character. The development also complies with Policy DM2.1, Policy DM2.3 and Policy DM2.7 of the Development Management Policies.

10.23 Also recognised is the importance the Government attaches to a high quality communications infrastructure, and the related benefits this brings, in this case, the public benefits of allowing the proposal would not contravene the statutory requirement to pay special regard to the conservation area, a designated heritage asset. Consequently, the application is acceptable as there will be a neutral impact on surrounding heritage alongside public benefits that are addressed below.

Public Benefits

10.24 Paragraph 112 of the NPPF states that *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections”*.

10.25 Paragraph 113 of the NPPF 2019 states that *“Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate”*.

10.26 Paragraph 114 of the NPPF 2019 states that *local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:*

a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and

b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services

10.27 As demonstrated in the preceding section, the proposals would have a neutral impact on the character and appearance of the Whitehall Park Conservation Area. It is considered that the public benefit of next generation communications infrastructure (5G) is a satisfactory public benefit to justify the proposed replacement equipment in the conservation area. In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid (and great weight given to “doing no harm”) to the desirability of preserving or enhancing the character or appearance of the surrounding conservation areas. In this instance there are several mitigating factors to consider: the existing situation, the height and scale of the existing building, limiting public views to the equipment at roof level, as well as the strong government support within the updated NPPF (2019) for increased provision of 5G infrastructure across London.

10.28 The benefits of the proposal, including efforts to improve wireless internet infrastructure and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered to weigh heavily in the planning balance. The proposals would be either not visible or only partially visible from certain points along Sunnyside Road in the winter months. Whilst visible from limited points within the Conservation Area, the design of the proposals and their siting are for the purpose of achieving maximum efficiency.

10.29 The public benefits of improved mobile infrastructure outweigh any perceived visual harm that may be realised from the additional equipment proposed. It is officer's opinion that there will be no visual harm and that there are tangible public benefits as a result of the development. Consequently, the application is assessed as being acceptable in this instance.

Impacts to Neighbour Amenity

- 10.30 Policy 7.6 of the London Plan and Development Management Policy DM2.1 requires that development should have regard to the form and layout of existing and adjacent buildings; good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.31 Paragraph 116 of the Framework states that the need for the telecommunication system should not be questioned, nor should health safeguards be determined if the proposal meets International Commission guidelines for public exposure.
- 10.32 The increase in telecommunications equipment on the roofspace does not raise any adverse issues in terms of impacting neighbouring amenity. The equipment is low sound generating, designed to be in full compliance with ICNIRP and sufficiently separated from nearby residential accommodation to not cause any disturbance.

Health Risks

- 10.33 Paragraph 116 of the National Planning Policy Framework states that Local authorities must determine applications on planning grounds only. They should not question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
- 10.34 The plans submitted by UK Broadband state that they comply with Standard ICNIRP (International Commission of Non-Ionizing Radiation Protection) guidelines and this is referenced within the Supporting Statement Document submitted in support of the application. The applicant has also provided a signed declaration (dated 9th March 2020) confirming that the proposed equipment will be in full compliance with the requirements of the public exposure guidelines of the ICNIRP.
- 10.35 Public Health consider that the risks from EMF are low and that the deployment of 5G does not pose a threat to the health and safety of residents. Overall, it is considered that the electromagnetic radiation emitted by the proposed antennas would comply with ICNIRP Guidelines. As a result, it is considered that the proposed installation of antennas on the roof of Redwood Court would not pose a risk to Public Health.

Summary

- 10.36 A summary of the proposal and its impacts and acceptability is set out at paragraphs 3.1 to 3.8 of this report. Great weight has been afforded to the desirability to preserve the character and appearance of the Conservation area (Section 72). Whilst the proposed antennas will have some limited visibility from medium and long public views within the Conservation Area, given the existing situation and the size, scale and height of the existing building, it is concluded that the proposal in visual terms will have a neutral effect on the surrounding Conservation Area.
- 10.37 The public benefit of improved telecommunications infrastructure is a material consideration in the planning balance when assessing the application. In this instance there is a neutral impact on heritage while public benefits will be realised by way of improved telecommunications infrastructure. Significant weight has been given to National Policy relating to 5G telecommunication infrastructure as stated within the NPPF.
- 10.38 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.
- 10.39 It is recommended that planning permission be granted subject to conditions set out in Appendix 1.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Commencement</p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>ISL0109-PM1 Rev A, ISL0109-PM2 Rev A, ISL0109-PM3 Rev A, ISL0109-100 Rev C, ISL0109-Rev C, ISL0109-102 Rev C, ISL0109-103 Rev C, ISL0109-104 Rev C, ISL0109-105 Rev C, ISL0109-106 Rev C, ISL0109-107 Rev C, ISL0109-108 Rev C, ISL0109-109 Rev C, ISL0109-110 Rev C, ISL0109-111 Rev C, ISL0109-112 Rev C, ISL0109-113 Rev C, ISL0109-114 Rev C, Supplementary Information Document by UK Broadband Ref: ISL0109, Declaration of Conformity with ICNIRP Guidelines dated 9th March 2020.</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>

List of Informatives:

1	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. 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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
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APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Strategic Policies

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

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM2.7 – Telecommunications and Utilities
- Policy DM7.2 – Energy Efficiency and Carbon Reduction in Minor Schemes

3. Designations

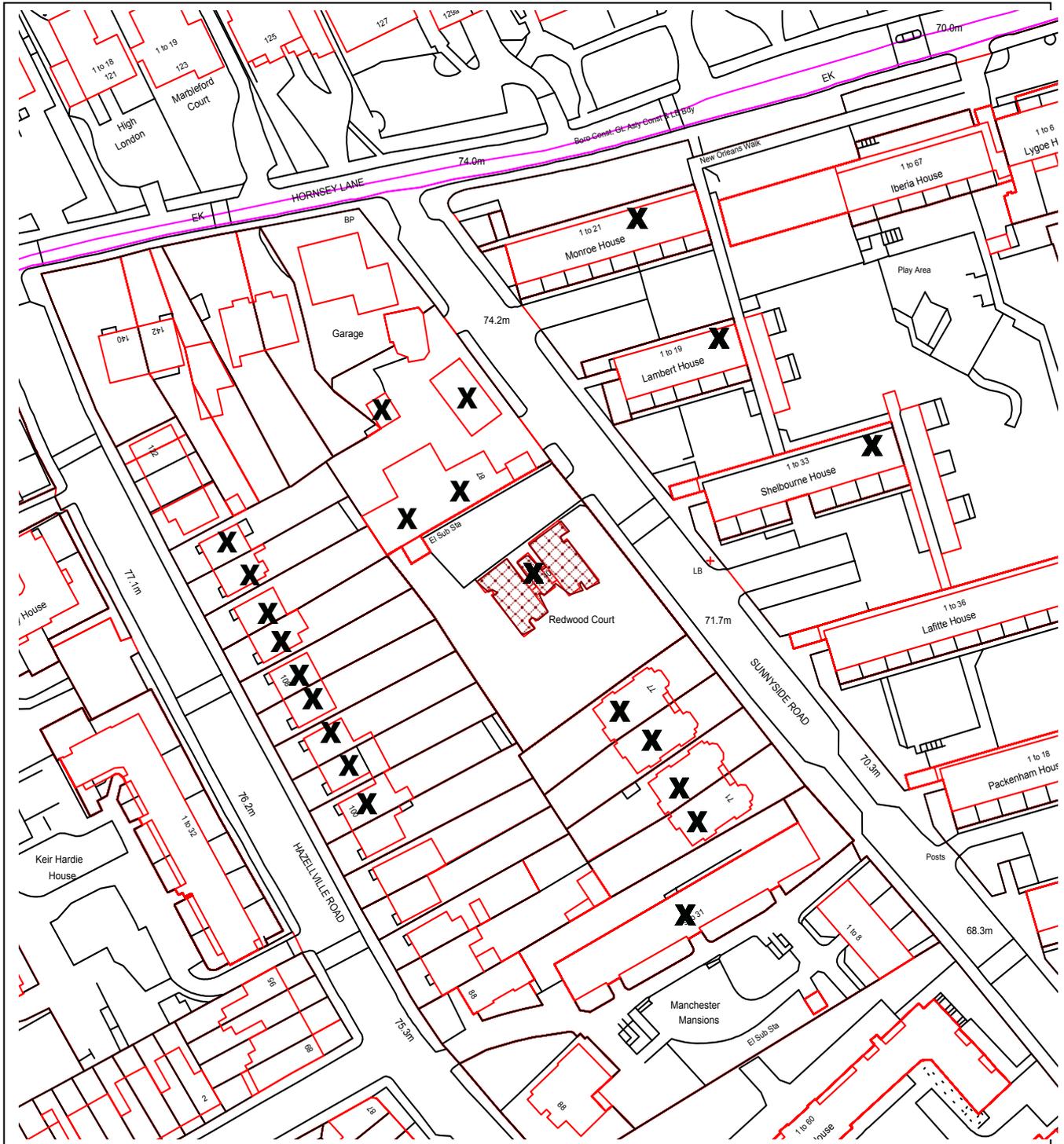
- Whitehall Park Conservation Area
- Article 4 Direction A1-A2 (Rest of Borough)

4. SPD/SPGS

Urban Design Guidelines
Whitehall Park Conservation Area Design Guidelines

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