



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

AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to attend a virtual meeting to be held by Zoom on 18 May at 7.30pm.

To join the meeting via Zoom please click on the following link:

<https://weareislington.zoom.us/j/95340430626>

Meeting ID: 953 4043 0626

If you wish to join by phone only, dial 03380 5830 and use the meeting ID above.

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 10 May 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



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

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

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

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

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

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

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

5.	Order of Business	1 - 2
6.	Minutes of Previous Meeting	3 - 12
B.	Consideration of Planning Applications	Page

1.	139 - 149 Fonthill Road, London, N4 3HF	13 - 90
2.	Edward Rudolph House, 69-85 Margery Street, London, WC1X 0JL	91 - 188
3.	Site of Former Harvist Under Fives Nursery, Hornsey Road, London N7 7NN	189 - 282

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

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, 30 June 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.

Schedule of Planning Applications

PLANNING COMMITTEE - Monday 18 May, 2020

COMMITTEE AGENDA

1 139-149 Fonthill Road
Islington
London
N4 3HF

2 Edward Rudolf House
69-85 Margery Street
Islington
London
WC1X 0JL

3 Site of former Harvist Under Fives Nursery
Hornsey Road
London
N7 7NN

1 139-149 Fonthill Road
Islington
London
N4 3HF

Application Number: P2019/2563/FUL

Ward: Finsbury Park

Proposed Development: Refurbishment and extension of the building to include the erection of a single-storey fourth floor roof extension and a two storey rear extension to the front part of the building and a two storey roof extension to the rear part of the building to provide retail (Use Class A1) floorspace, business floorspace, (Use Class B1 and B8) and flexible floorspace (Use Classes A2/B1/D1/D2) together with 4 no. residential dwellings (Use Class C3) and creation of roof terraces. Basement excavation to increase the depth and extent of the existing basement. Demolition of existing chimney and rebuilding and enlargement of existing tower. Alterations to front elevation including new shopfronts and associated works.

Application Type: Full Planning Application

Case Officer: Thomas Broomhall

Name of Applicant: Polar Romax Limited

Recommendation:

2 Edward Rudolf House
69-85 Margery Street
Islington
London
WC1X 0JL

Application Number: P2019/3464/FUL

Ward: Clerkenwell

Page 1

Proposed Development: Demolition of the existing building and construction of a 5 storey building (plus roof top plant enclosure and further basement excavation to the existing basement/lower ground level), to provide for a total of 5,660sqm (GIA) of office floorspace (Use Class B1a), along with a new substation, cycle parking and changing facilities, refuse and recycling storage, hard and soft landscaping, and associated works.

Application Type: Full Planning Application

Case Officer: Simon Roberts

Name of Applicant: Royal UK Properties III LTD, Mr N. Warwick

Recommendation:

3 Site of former Harvist Under Fives Nursery

Hornsey Road

London

N7 7NN

Application Number: P2018/4131/FUL

Ward: Highbury West

Proposed Development: Erection of a new building, up to 5 storeys in height, to provide 29 flats, together with associated amenity space and detached refuse store. Departure from the Development Plan.

Application Type: Full Planning Application

Case Officer: Robin Tulloch

Name of Applicant: Guinness Developments Ltd

Recommendation:

London Borough of Islington

Planning Committee - 23 April 2020

Minutes of the meeting of the Planning Committee held remotely via Zoom on 23 April 2020 at 7.30 pm.

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

Councillor Martin Klute in the Chair

- 155 **GUIDANCE FOR MEMBERS OF THE PUBLIC PARTICIPATING IN AN ISLINGTON COUNCIL VIRTUAL MEETING USING ZOOM (Item A1)**
The Chair outlined guidance for the virtual meeting for the Committee, officers and the Public
- 156 **INTRODUCTIONS (Item A2)**
Councillor Klute welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.
- 157 **APOLOGIES FOR ABSENCE (Item A3)**
Apologies were received from Councillors Graham, Woolf and Spall
- 158 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A4)**
There were no declarations of substitute members
- 159 **DECLARATIONS OF INTEREST (Item A5)**
There were no declarations of interest
- 160 **ORDER OF BUSINESS (Item A6)**
The order of business would be as per the agenda
- 161 **MINUTES OF PREVIOUS MEETING (Item A7)**

RESOLVED:
That the minutes of the meeting held on 2 March 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 162 **158-160, PENTOVILLE ROAD, LONDON, N1 9LJ (Item B1)**
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). Reconsultation on planning application due to a revised

description of development and submission of revised drawings and supporting documentation

(Planning application number: P2019/2290/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting that no additional updates had been received since the publication of the agenda.
- Members were advised that in terms of Local Plan, the Planning Officer advised that the site is 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.
- On the issue of Land Use, meeting was informed that site had been vacated by an educational operator teaching make-up and beauty application before 2007 and subsequently occupied by a beauty company which vacated the premises in 2017. Members were advised that the site had not been in use recently as a social infrastructure.
- The Planning Officer acknowledged that the existing structures are not appropriate for social infrastructure uses although it had been previously used for this purpose for a short period. Members were informed that the loss of an educational facility is contrary to policy, exceptional circumstances make it acceptable to depart from the policy.
- The Planning Officer informed the meeting that the proposal provides 1,196sqm (GIA) of B1(a) use (office) floorspace, Affordable workspace unit at 5% GIA which is to be leased to the Council, to be secured via a planning obligation within S106 Legal Agreement.
- Members were advised that following consultation responses received from Design and Conservation officers, the scheme is now considered to be in accordance with Policy 7.6 of the London Plan Policies and the aims and objectives of Development Management policies DM2.1 and DM2.3, following a number of revisions carried out by the applicant which are highlighted in the report.
- With regards to housing provision, the Planning Officer informed members that a financial contribution of £159,467 has been secured by legal obligations for the provision of off site housing.
- Member welcomed the proposals especially as the premises had not been in use for an educational function for some time. The proposal is not considered to give rise to unacceptable impacts upon neighbouring residential amenity

Councillor Klute proposed a motion to grant Planning Permission. This was seconded by Councillor Kay and carried unanimously

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

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22-23 TILEYARD ROAD & PART OF 226-228 YORK ROAD ROAD, LONDON N7 (Item B2)

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

(Planning application number: P2019/3300/FUL)

Councillor Picknell left the meeting during consideration of this item and therefore did not take part in the discussion or vote on this item

In the discussion the following points were made:

- Planning Officer advised meeting that site is within the Vale Royal Brewery Road Locally Significant Industrial Site (LSIS) and not affected by any formal heritage constraints. In addition, Members were informed that although several buildings within the site are attractive Victorian warehouse style buildings, there are no immediate adjacent designated heritage assets or conservation areas.
- Members were reminded that an earlier application at the site, and covering an adjoining site was refused planning permission on grounds of land use, neighbouring amenity, design, sustainability and the absence of an appropriate Section 106 legal agreement.
- The meeting was informed of applicants subsequent appeal to the Planning Inspectorate which was dismissed on grounds of design and neighbouring amenity.
- The Planning Officer noted that applicant had endeavoured to address the reasons the appeal was dismissed.
- In response to a question the Planning officer outlined the landscaping proposals, and that it would be implemented prior to occupation of the

building.

- The Planning Officer acknowledged that the proposal will not involve the net loss of industrial floor space which is in accordance with Part B of Policy DM5.3.
- A Member welcomed the proposals following long negotiations between planning officers and applicant especially with the use of the Tileyard site by providing space for the music/entertainment sector.
- The Planning Officer informed the meeting that issues with the design and style of the development and loss of light concerns had been addressed.
- It was further stated that the floor plans encouraged a hybrid style of lettings which is to be welcomed as it encourages flexible use.

Councillor Klute proposed a motion to grant Planning Permission. This was seconded by Councillor Kay and carried unanimously

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

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5-10 BRANDON ROAD, N7 9AA (Item B3)

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.

(Planning application number: P2019/3186/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting that no additional updates had been received since the publication of the agenda and that application site is located within the Vale Royal/Brewery Road Locally Significant Industrial Site (LSIS).
- Members were also reminded that an earlier application was refused on grounds of height, design and land use considerations and (in particular lack of floorspace being proposed which is suitable to the Locally Significant

Industrial Site(LSIS)).

- The Planning Officer informed members that the proposal now proposes a scheme that will ensure no net loss of priority floor space and more than the equivalent of 65% of the plot ratio, and is therefore acceptable in land use terms.
- Members were informed that the proposal had been assessed by the Design Review Panel, and that its suggestions had been included in the scheme by the applicant which has resulted in a scheme which is of a good standard of design. .
- A Member welcomed the proposals, that the design is an improvement on the current site and the proposed landscape features and biodiversity measures are now in accordance with planning policy.
- The Planning Officer acknowledged that the scheme will not result in undue impact on neighbouring residential amenity in terms of daylight/sunlight, privacy or an increased sense of enclosure.
- Members welcomed the scheme, that it is acceptable especially as it is in accordance with Islington's Policy as highlighted in the report.

Councillor Klute proposed a motion to grant Planning Permission. This was seconded by Councillor Kay and carried unanimously.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

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HOSTEL & PREMISES 38-44 ISLINGTON PARK STREET, LONDON N1 1PX
(Item B4)

Change of use of existing HMO (House of Multiple Occupation) to allow the creation of 7 no. self - contained residential units – 3 no.1bed 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 the existing rear light wells. Alterations to the front and rear elevations including installation of metal railings, new access gates, and proposed landscaping, refuse and cycle parking provision and other associated works

(Planning application number: P2019/2651/FUL)

In the discussion the following points were made:

- The Planning Officer informed members of the following updates – Floor plans PL11-PL14 (proposed lower level ground to proposed second level floor plan) in condition 2 of the Committee report need to be amended to Rev. P2. These revisions were submitted during the course of the application to demonstrate a soft spot in the proposed dwelling where a floor lift could be located had been changed to the installation of a lift and to address inclusive Design Officer comments.
- In addition, the Planning Officer highlighted changes to the Heads of Terms – Correct recommendation (a) – 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 authority lettings policy should the GLA 'Move On' scheme cease to exist.
- The Planning Officer advised the meeting that the site is not within an Employment Growth Area, Employment designated area or within the Central Activities Zone.
- Members were reminded that the loss of the existing vacant HMO is considered acceptable having consulted the Council's Environmental Health Team who manage and license HMO's within the Borough. The team had assessed the existing accommodation as not of good quality.
- Members were advised that the Council's Housing Team had not objected to the loss of HMO and welcomes the change of use as the proposal would deliver affordable homes which is one of the Council's key objectives identified in Part G of Policy CS12 of Islington's Core Strategy Policies (2011).
- The Planning Officer acknowledged that excavation works is to be carried out in the basement and is considered acceptable in design terms, and that the proposed works are compliant with the Council's Basement SPD in regards to its structural impact. The Building Control Officer had reviewed the application and raised no objections to the excavation works from a structural perspective.
- A member of the public stated that whilst he supported the proposal and had a good relationship with One Housing Group who had been supportive in discussions with him, he did have concerns over the excavation works to the basement, which according to a structural engineers report could cause cracking and problems to his property. He requested for a waiver especially on this issue. (Following questions from the committee the objector clarified that his use of the term 'waiver' was intended to mean that he was requesting that the committee agree to omit the basement excavations from the application.)

- In response to the objectors concerns, the applicant stated that a structural engineers report had been submitted with the application. The Planning Officer acknowledged no works would commence until a structural report had been submitted and were issues to arise in the future this would be addressed through Party Wall agreement. Meeting was informed that a structural engineer would be engaged on site to assess any problems. The Chair stated that in addition if the applicant wished to engage his own structural engineer then the applicant would be liable for the cost of this under the Party Wall Act.
- Members welcomed and supported the scheme considering that the building that had been abandoned for quite a while and importantly the addition of the new social rented housing units.

Councillor Klute proposed a motion to grant Planning Permission. This was seconded by Councillor Mackmurdie and carried unanimously

RESOLVED:

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

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REDWOOD COURT, 85 SUNNYSIDE LONDON, N19 3SN (Item B5)

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.

(Planning application number: P2019/1652/FUL (Council Owned Building))

In the discussion the following points were made:

- The Planning Officer informed the meeting that although the site is situated within the Whitehall Park Conservation Area, there are no statutory or locally listed buildings in the vicinity of the site nor is Redwood Court listed, so there is no impact on heritage assets.
- Members were reminded that issues for consideration with the proposal include the impact of the proposals on the character and appearance of the Conservation Area, public benefits, impact on the amenities of surrounding occupiers and public health implications.
- With regards to the impact of the proposal on the character and appearance of the conservation area, the Planning Officer highlighted concerns of the Design and Conservation Team with regards to telecommunications equipment being installed on roof tops. The Team recognised that considering the host building is not an undesignated heritage asset and is

considerably higher than its neighbours it will only have a neutral impact.

- Members were reminded that installations of any telecommunications is governed by national and international legislation and guidance which requires the need to comply with limitations imposed by the International Commission of Non-Ionising Radiation Protection (ICNIRP).
- A Member of the public expressed concerns about health risks in connection with 5G masts, especially to children, and that residents had not been informed of the proposals before commencement. A resident requested for public discussion of the dangers of 5G with residents before decisions are taken to erect them on tenants properties prior to applications being approved.
- A neighbouring resident stated that she had concerns about 5G and the effects of radiation and believed that 4G is perfectly adequate for mobile phone use. In addition, she noted that there is evidence of associated dangers with prolonged use of 5G mast and its technology.
- The applicant stated that all telecommunication equipment and its installation operates to international standards and must be in compliance with ICNIRP guidelines. The applicant indicated that the equipment is low sound generating, designed to be in full compliance with guidelines and sufficiently separated from nearby residential accommodation to cause any disturbance.
- In response to public health concerns raised by objectors, the Planning Officer informed the meeting that colleagues in Public Health had considered the proposal and provided guidance that risks to public health is low and that the deployment of 5G does not pose a threat to the health and safety of residents (the public Health commentary on 5G, which was included with the papers was noted by the Committee). In addition members were advised that the electromagnetic radiation emitted by the proposed antennas would comply with ICNIRP Guidelines, and that the proposed installation has the appropriate certification.
- In response to consultation concerns, the Planning Officer stated that 179 letters of consultation had been sent to residents in the block and surrounding area, and no responses were received. The applicant on the other hand stated that although he did not have precise details of the consultation carried out but was sure the company's consultation plan which included contacting the Ward Councillors would have been carried out in addition to the Council letters of consultation.
- A Member stated that whilst recognising that the application met certification standards telecom companies had to recognise the need to be in discussion with the public to allay their fears given the concern over 5G, that for future applications the applicant's consultation process needs to be more robust.

Planning Committee - 23 April 2020

The applicant stated that for future applications they would undertake to contact residents affected in addition to Ward Councillors.

- In response to a suggestion for applicants to facilitate public meetings prior to applications being put forward to planning committee so as to allay public safety concerns, the Planning Officer highlighted Paragraph 116 of the National Planning Policy which states that Local authorities must determine applications on planning grounds only and not question the need for an electronic communication system, or set health safeguards different from the International Commission guidelines for public exposure.
- It was noted that in the report there was evidence from the Director of Public Health on the scientific advice on 5G, and that in view of this and the ICNIRP certificate the Committee were not in a position to reject or ignore such advice.
- A view was expressed that 5G masts seemed to be erected in a haphazard manner across the borough, mainly on high rise Council blocks, and that there needed to be a more co-ordinated approach by providers to the erection of masts.
- Councillor Clarke proposed an amendment to the recommendation for the application to be deferred for further consultation with residents which was seconded by Councillor Mackmurdie. Motion to defer was put to vote, which was lost by 5 votes to 2.

Councillor Klute proposed a motion to grant planning permission. This was seconded by Councillor Kay.

RESOLVED:

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

The meeting ended at 9.35 P.M.

CHAIR

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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		AGENDA ITEM NO:B1
Date:	18 May 2020	
Application number	P2019/2563/FUL	
Application type	Full Planning Application	
Ward	Finsbury Park Ward	
Listed building	N/A	
Conservation area	No	
Development Plan Context	Finsbury Park Town Centre Primary Retail Frontage – Finsbury Park Finsbury Park Core Strategy Key Area Fonthill Road Specialist Shopping Area Article 4 Direction (Office to residential) Article 4 Direction A1-A2(Town Centres) Article 4 Direction B1(c) to C3 Site within 100m of a TLRN Road Locally Listed Grade B	
Licensing Implications	N/A	
Site Address	139-149 Fonthill Road, Islington, London, N4 3HF	
Proposal	Refurbishment and extension of the building to include the erection of a single-storey fourth floor roof extension and a two storey rear extension to the front part of the building and a two storey roof extension to the rear part of the building to provide retail (Use Class A1) floorspace, business floorspace, (Use Class B1 and B8) and flexible floorspace (Use Classes A2/B1/D1/D2) together with 4 no. residential dwellings (Use Class C3) and creation of roof terraces. Basement excavation to increase the depth and extent of the existing basement. Demolition of existing chimney and rebuilding and enlargement of existing tower. Alterations to front elevation including new shopfronts and associated works.	

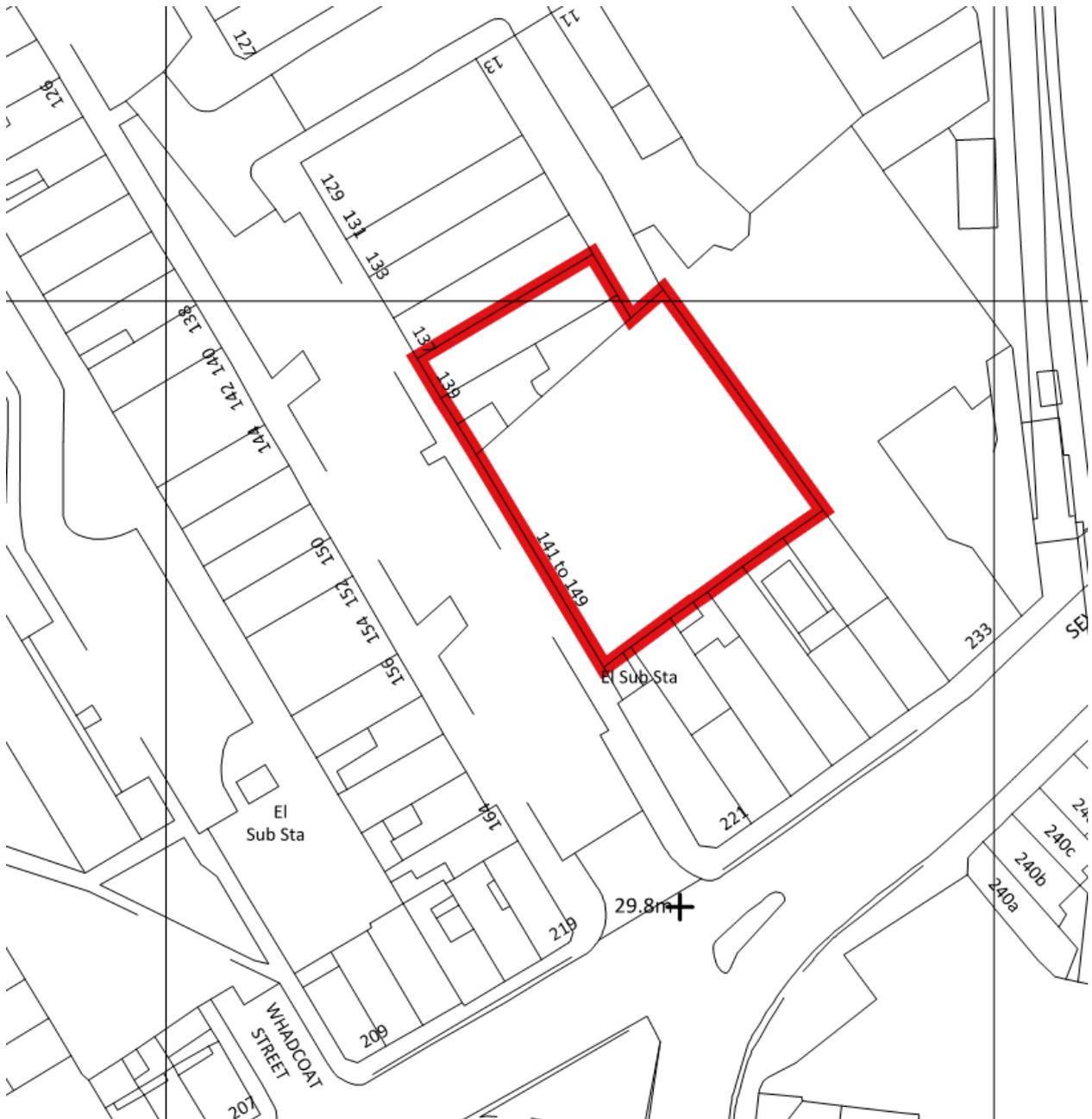
Case Officer	Tom Broomhall
Applicant	Polar Romax Limited
Agent	Mr Christopher Tennant, Tennant Associates

1 RECOMMENDATION

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 section 106 agreement 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/BLACK)



3 PHOTOS OF THE SITE/STREET

Site



Image 1 – Aerial image of the site

Site



Image 2 – Aerial image looking eastwards towards the site



Image 3 – View of the front elevation of the site from Fonthill Road



Image 4 – View of the front elevation of the site from Fonthill Road



Image 5 – View of the rear part of the site from the existing rooftop



Image 6 – View southwards from the existing roof

4 SUMMARY

- 4.1 The application proposes the refurbishment and extension of the building to include the erection of a single-storey fourth floor roof extension and a two storey rear extension to the front part of the building and a two storey roof extension to the rear part of the building to provide A1 retail floorspace, B1 and B8 floorspace and flexible floorspace comprising of A2/B1/D1/D2 use floorspace together with the creation of 4 no. residential dwellings and the creation of associated roof terraces. The proposals include basement level excavation to increase the depth and extent of the existing basement, and the demolition of the existing chimney and rebuilding and enlargement of the existing tower. The proposals include alterations to front elevation of the existing building including the installation of new shopfronts and associated works.
- 4.2 The application is a resubmission following a previous application for the development of the site which was refused in January 2018 and subsequently dismissed on appeal in February 2019. The proposals have been revised to address the reasons for the dismissal of the appeal which related to the provision of multiple single aspect residential units. All the residential units which remain as part of the latest proposals, are dual aspect.
- 4.3 The proposals retain the solely A1 use at ground floor with improvements to layouts, access and frontages. The proposals provide an overall uplift in employment floorspace including in B1 floorspace; and the introduction of flexible A2/B1/D1/D2 use floorspace and a small provision of B8 floorspace. The proposed uses within this Town Centre and primary retail shopping frontage location, are acceptable in land use terms. An Affordable Housing contribution of £9,811, the provision of Unit B.1.3 as 80sqm of Affordable Workspace at a peppercorn (nil) rent for a period of five years and a contribution of £58,751.20 towards Carbon Offsetting are required planning obligations following the outcome of an independent viability appraisal.
- 4.4 The proposals would result in the recladding of the front façade, and extension of the building to include the erection of a single-storey fourth floor roof extension and a two storey rear extension to the front part of the building and a two storey roof extension to the rear part of the building.
- 4.5 The proposed extensions, alterations and additions to the existing building would result in improvements to its overall appearance that are considered to be of sufficient quality to warrant approval. The proposal would also result in improvements to the internal layouts, in particular the accessibility of the building.
- 4.6 The proposed four new residential units would provide an acceptable standard of living accommodation including the provision of private outdoor amenity space.
- 4.7 The scheme is not considered to have any undue impact on nearby residential properties or the area in general in terms of loss of privacy, overlooking, daylight/sunlight, or noise impacts, subject to the imposition of planning conditions.
- 4.8 The application is considered to be in accordance with the aims of the development plan, and is thus recommended for approval subject to appropriate conditions and planning obligations as set out in Appendix 1.

5.0 SITE & SURROUNDINGS

5.1 The site is located on the northeast side of Fonthill Road close to the junction with Seven Sisters Road. The site is approximately 0.1ha in size. The site which is known collectively as Tower House comprises:

- a Locally Listed, four storey (over basement) late-Victorian red-brick terrace building (with front to back pitched roof) at 141-149 Fonthill Road;
- to the south of the terrace is a five storey octagonal tower (the cupola that originally topped the tower has been lost at some point);
- to the north of the site is a modern (1960s/1970s) four storey, flat roofed infill building at 139 Fonthill Road;
- to the rear of the site are 2no. two storey warehouse buildings. The central warehouse building has a stepped flat roof, while the rear warehouse building has a multi-pitched sawtooth roof.

5.2 The site is not within a conservation area and is not statutorily listed.

5.3 The site is the subject of the following designations/restrictions

- Locally Listed Building;
- Primary Retail Frontage - Finsbury Park;
- Finsbury Park Town Centre;
- Finsbury Park Core Strategy Key Area;
- Article 4 Direction - office to residential;
- Fonthill Road Specialist Shopping Area.

5.4 The surrounding area comprises a mix of commercial, retail and residential.

5.5 The rear boundary of the site adjoins 233 Seven Sisters Road known as the Muslim Welfare House, which is a series of single, two and three storey buildings, used as a place of worship and community centre.

5.6 The residential development under construction known as City North, located at City North Islington Trading Estate, Fonthill Road & 8-10 Godwin Street which is comprised of two 21 storey residential towers and associated structures, is located adjacent to the Muslim Welfare House.

5.7 Adjoining the site to the south is the mixed use properties at 221-231 Seven Sisters Road which front on to Seven Sisters Road. The northern boundary of the site adjoins the two storey commercial property at 137 Fonthill Road, as part of a row of five commercial properties.

5.8 The site has a Public Transport Accessibility Level (PTAL) rating of 6b, being the highest.

6.0 PROPOSAL (IN DETAIL)

6.2 The proposal is for the refurbishment and extension of the site, comprising of the following works:

- The erection of a single-storey fourth floor roof extension and two storey rear extension to the front part of the building;
- A two storey roof extension to the rear part of the building;
- Reconfiguration of the existing layout to provide:

- 966 square metres of retail (Use Class A1) floorspace across basement and ground floor levels;
- 1650 square metres of Business floorspace (Use Classes B1) at first, second, third and fourth floors and 77 square metres of B8 storage floorspace at basement level;
- 932 square metres of flexible use floorspace (Use Classes A2/B1/D1/D2) at first, second and third floors in the rear part of building;
- 4 no. residential units (Use Class C3) at first, second, third and fourth floor levels comprising of 1no. 3-bedroom flat and 3no. 2-bedroom flats, and the creation of associated roof terraces and balconies;

6.3 The proposal includes a small scale extension to the extent of the existing basement to facilitate the proposed lift shafts as well as a small scale increase to the depth of the existing basement to increase the internal floor to ceiling heights.

6.4 The proposals also include the demolition of the existing chimney and rebuilding and enlargement of the existing tower and alterations to front elevation including new shopfronts.

6.5 The proposed alterations, extensions and refurbishment comprise of the following alterations to the existing land uses:

Land Use	Existing Floorspace (GIA) (Sqm)	Proposed Floorspace (GIA) (Sqm)
A1	1021	966
A2	509	0
B1	1371	1650
B8	0	77
Flexible (A2/B1/D1/D2)	0	932
C3	0	531
Total	2,901	4,156

6.6 The proposals will provide a total of 76 cycle parking spaces to be located at basement level, comprising of cycle parking for the all the types of commercial use floorspace, and the residential units. 3no. accessible cycle parking spaces are provided for the commercial units.

6.7 The proposals are a resubmission following the refusal of a previous application for the redevelopment of the site, ref: P2017/0333/FUL in January 2018, which was dismissed on appeal in February 2019. The proposals have been revised following the dismissal of the appeal.

Amendments from the appeal scheme

6.8 The latest proposals have been revised from the appeal scheme to remove 5no. residential units. The provision of single aspect residential units formed the basis for the dismissal of the appeal. The 4no. residential units which remain in the latest scheme are all dual aspect located at first to fourth floors. The proposed built form matches that previously proposed, through the provision of additional commercial use floorspace, in place of the residential units, with minor amendments to the design to the remove the cut away balconies at third and fourth floor levels which previously provided outdoor amenity space for the residential units.

- 6.9 The layout and uses of the proposed basement level remains largely the same, comprising of A1 retail floorspace, B8 floorspace with an additional 28sqm of floorspace now being proposed, and plant rooms, and cycle and refuse storage.
- 6.10 The layout and uses at ground floor level remain the same comprising of 14no. A1 retail units and access to the B1 use and flexible use floorspace on the upper floors.
- 6.11 The layout and uses at the first floor level remain largely the same comprising of 1no. 3-bedroom flat, 4no. B1 units and 2no. commercial units in flexible A2/B1/D1/D2 use with the exception of unit C.1.2 at rear of site. This unit is now proposed to be used as flexible use A2/B1/D1/D2 floorspace instead of B1 use floorspace. Additional B1 floorspace is proposed at fourth floor level. There remains a similar overall uplift in B1 floorspace to the previous application.
- 6.12 The layout and uses of the proposed second floor remain the same as the previous application comprising of 1no. 2-bedroom flat, 4 no. B1 units and 2no. flexible A2/B1/D1/D2 units.
- 6.13 At third floor level the proposed uses have been revised whilst retaining the two-bedroom flat. The latest proposals comprise of 1no. 2-bedroom flat, 4no. B1 units and 2no. A2/B1/D1/D2 flexible use units. The revisions comprise: the removal of 2no. single aspect residential units at the front of the site, to be replaced by B1 floorspace, and the inclusion of flexible A2/B1/D1/D2 floorspace on the rear part of the site, in place of B1 office floorspace which was proposed previously.
- 6.14 At fourth floor level, the proposed uses have been revised whilst retaining the two-bedroom flat. The latest proposals comprise of 1no. 2-bedroom flat and 2no. B1 units. The revisions comprise the removal of 3no. residential units at the front of site, which are now replaced with B1 office floorspace.
- 6.15 The proposals remain largely similar to the appeal scheme, in that they result in a similar provision of A1 floorspace, an uplift in B1 floorspace and the provision of flexible use A2/B1/D1/D2 use floorspace, the creation of B8 floorspace and the creation of residential units where none currently exist.



Image 7 - Existing front (southwestern) elevation



Image 8 - Proposed front (southwestern) elevation



Image 9 – Proposed Section D-D – Front elevation of proposed rear building

7 RELEVANT HISTORY

Planning Applications

Application Site:

- 7.1 Planning Application (ref: P2016/1798/FUL) for *Refurbishment and extension of 139-149 Fonthill Road including the erection of a single-storey fourth floor roof extension and two storey rear extension to the front part of the building and a two storey roof extension to the*

rear part of the building, to provide a flexible range of commercial floorspace comprising 1,090sqm of retail floor space at Ground Floor and 1,725sqm of "flexible" commercial floorspace which consists of Use Classes A2/B1/D1/D2 at Basement and Levels 1, 2 and 3 together with the creation of 9 no. residential units (C3) comprising (1x.1bedroom flat, 7x2 bedroom flats and 1x 3 bedroom flat) and creation of roof terraces. Demolition of existing chimney and rebuilding and enlargement of existing tower. Alterations to front elevation including new shopfronts. Refused 21/07/2016.

REASON 1: The application has failed to demonstrate that the proposed works do not result in a loss of A1 floorspace within a Primary Retail Frontage, designated Town Centre and Specialist Shopping Area. As such the proposal would have a harmful effect on the predominantly retail function and character of the Town Centre, and its vitality and viability, and affect the unique function of a specialist shopping area. The proposals are therefore contrary to policies DM4.4, DM4.5 and DM4.9 of the Islington Development Management Policies (2013).

REASON 2: The proposal would result in the loss of guaranteed B1 office floorspace and in the absence of robust evidence, to justify its loss or demonstrate maximisation of business floorspace in this designated Town Centre Area, the proposed change of use would have a detrimental impact on the areas primary economic function. In addition no exceptional circumstances have been demonstrated that there is no demand for the floorspace being used for business purposes. As such the proposed change of use is considered to be contrary to policies DM5.1 and DM5.2 of the Islington Development Management Policies (2013).

REASON 3: The proposal results in residential units with a substandard living environment by reason of a number of units having single aspect, the inadequate provision of private outdoor amenity space and the location of a number of units immediately next to commercial floorspace which would result in noise disturbance. The units would therefore fail to provide an adequate living environment for prospective occupiers. The proposal is therefore unacceptable, contrary to policy 3.5 of the London Plan (2015), policy CS12 of Islington's Core Strategy (2011) and policies DM2.1, DM3.4, DM3.5 and DM3.7 of the Islington Development Management Policies (2013).

REASON 4: The Viability Assessment demonstrates that that the proposal can support a financial contribution and the applicant has failed to submit written confirmation of an agreement to pay the financial contribution, as sought by the Islington Affordable Housing Small Sites Contributions SPD. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy (2011), the Islington Affordable Housing Small Sites Contributions SPD (2012).

- 7.2 Planning Application (ref: P2017/0333/FUL) for Refurbishment and extension of the site including the erection of a single-storey fourth floor roof extension and a two storey rear extension to the front part of the building and a two storey roof extension to the rear part of the building to provide retail (Use Class A1) floorspace, business floorspace (Use Classes B1 and B8) and flexible floorspace (Use Classes A2/B1/D1/D2) together with 9 no. residential Units (Use Class C3) and creation of roof terraces. Basement excavation to increase the depth and extent of the existing basement. Demolition of existing chimney and rebuilding and enlargement of existing tower. Alterations to front elevation including new shopfronts. Refused 09/01/2018.

REASON 1: In the absence of evidence to the contrary, based on the submitted documents, the applicant has failed to demonstrate that the proposed works do not result in a loss of A1

floorspace within a Primary Retail Frontage, designated Finsbury Park Town Centre and Specialist Shopping Area. As such the proposal would have a harmful effect on the predominantly retail function and character of the Town Centre, and its vitality and viability, and affect the unique function of a specialist shopping area. The proposals are therefore contrary to policies DM4.4, DM4.5 and DM4.9 of the Islington Development Management Policies (2013).

REASON 2: The proposed scheme does not result in sustainable development as it fails to maximise the development potential of this urban site. It fails to efficiently use the site or deliver a maximum number of units on the site, and is therefore contrary to Policy CS12 of the Islington Core Strategy (2011) and DM 2.1 of the Development Management Policies (2013).

REASON 3: The proposal results in residential units with a substandard living environment by reason of multiple single aspect units, multiple substandard family sized units, and the proposed layouts result in a harmful relationship with adjoining commercial properties by reason of potential noise disturbance and inadequate provision of private outdoor amenity space. The units would therefore fail to provide an adequate living environment for prospective occupiers. The proposal is therefore unacceptable and is contrary to policy 3.5 of the London Plan (2016), policy CS12 of Islington's Core Strategy (2011) and policies DM2.1, DM3.4, DM3.5 and DM3.7 of the Islington Development Management Policies (2013).

- 7.3 The application was dismissed on appeal ref: APP/V5570/W/18/3199742 dated 11th February 2019. A copy of the Inspector's appeal decision letter is attached at **Appendix 3**.

Officer comments:

- 7.4 With regards to the living conditions of the proposed residential units, the inspector concludes that the proposal would not provide acceptable living conditions for future occupiers with particular regard to the inclusion of single aspect units. This is set out in paragraphs 5, 6, 7, 10 and 18 as follows:

'Four of the proposed units would be single aspect, and in this respect contrary to Policy DM3.4.'

'I accept that none of the units would be north facing however, the main living rooms, and in most cases the bedrooms to flats B.3.1 and B3.3, B.4.1 and B.4.2 would only be served by one window. While the balcony which would partly adjoin some rooms would be open, it would be separated from the rooms by some form of enclosure.'

'The reliance on single aspect windows, together with the depth of the rooms proposed, and the relatively large size of the units, would in my opinion lead to gloomy living conditions.'

'The flats B.3.1, B.3.3 and B.4.1 would only have windows and balconies on the Fonthill Road elevation. I do not doubt that a technical solution could be achieved through details required by the imposition of a condition as suggested by the AO. However, if the design solution would be closed windows with a ventilation system to effectively mitigate the impact of the level of noise from Fonthill Road, this would be far from ideal for the only window in the habitable rooms. To my mind residents would be likely to want to open their windows in fine weather (or would wish to do so at least occasionally). In this instance therefore, the lack of dual aspect design would harmfully restrict natural light and cross ventilation which would create poor living conditions for future occupiers.'

'While the proposal is acceptable in some respects, for the reasons above I conclude that the proposal would not provide acceptable living conditions for future occupiers with particular regard to the inclusion of single aspect units. It would therefore be contrary to Policy 3.5 of

the London Plan (2016), Policy CS12 of the Core Strategy and Policies DM2.1 and DM3.4 of the DMP and the SPG. These seek to ensure developments are functional and fit for purpose and provide a good level of amenity and quality of life, and that residential units have a dual aspect.'

Officer comments:

- 7.5 The inspector concludes that the proposal would not be materially harmful to the retail function, character and vitality and viability of the Finsbury Park Town Centre and the unique function of the Specialist Shopping Area. There would therefore be no fundamental conflict with Policies DM4.4, DM4.5 and DM4.9 of the DMP. This is set out in paragraphs 26, 27 and 28:

'Through the reuse of the floor space currently in use as retail, and the incorporation, and extension of the basement area the appeal scheme would provide 14 retail units. These would be small in size, in broad accordance with the requirements of Policy DM4.1 of the DMP which states that to encourage new provision of small and independent shop units, the council will seek to secure small shop units (generally considered to be units of around 80 sqm gross internal floor space or less) suitable for small and independent retailers throughout the borough. Furthermore, four of the units would have floor space of about 90 sqm which the Council suggest is essential to maintain the existing character of the Specialist Shopping Area. Moreover, the number of shops fronting Fonthill Road would be unaltered, and there would be no break in the continuity of the existing retail frontage.'

'The maintenance of shops on the Fonthill road frontage and The creation of further small shop units would ensure that the retail function Character and viability and vitality of the town centre, primary retail frontage And the specialist shopping area would be maintained and enhanced.'

'For the reasons above, I conclude that the proposal would not be materially Harmful to the retail function, character and vitality and viability of the Finsbury Park town centre and the unique function of the specialist shopping area. There would therefore be no fundamental conflict with policies dm4.4, dm4.5 And dm4.9 of the DMP.'

Officer comments:

- 7.6 The inspector concludes that the proposal delivers the maximum number of residential units at paragraphs 34, 35 and 37:

'..I accept that the total residential floor space is split over four floors, three of which are within the existing fabric of the building. As a result, the fixed position of the existing access stairways through the first, second and third floor provides its own constraint to the layout of the uses, as well as the location of the staircase on the proposed fourth floor. Furthermore, most of the existing building is locally listed which restricts the development potential in terms of additions and alterations to the building. Moreover, I have already identified a need to avoid conflict between the residential units and the flexible commercial use with regard to noise. These matters together with the existing restricted fenestration to the building, means that the layout and size of the units is constrained, unlike with new build accommodation.'

'Furthermore, it appears to me that four of the units that are particularly oversized are those that according to the plans submitted by the Council were either proposed as three bedroom or capable of being used as three bedroom units and the internal layout has subsequently been amended so that the units would be two bedroom (A.2.1, A.3.1 A4.1 and B4.3). The appellant confirms that this is the case and changes were made in order for the scheme to meet the Councils preferred mix of housing set out within Table 3.1 of the DMP and required

in all residential schemes by Policy DM3.1 of the DMP. Had the units remained three-bedroom then it is likely that the amount of oversize would not be significant, and the proposal would not accord with the mix shown in Table 3.1.

'Nevertheless, based on the evidence before me and my observations on site, I am satisfied that the case has been made by the appellant to justify the proposed mix and distribution of uses on the site which limits the space available for residential units. Furthermore, for the reasons above, I conclude that, taking into account the existing building constraints and differing Policy requirements, it has been appropriately demonstrated that the proposal delivers the maximum number of residential units. There is therefore no fundamental conflict with Policies CS12 of the Core Strategy and DM 2.1 of the DMP.'

Officer comments:

- 7.7 Regarding the proposed external alterations and extensions, at paragraph 39 the inspector concludes that:

'There would be a number of external alterations to the building. Some of these would positively improve the appearance of the building such as the alterations to the front façade of No 139 so that the design reflects that on the adjacent locally listed building. However, such alterations only apply to a small part of the building. Furthermore, the appellant proposes to reinstate the cupola on the tower on the building. There is though no guarantee, for example in the form of a legal agreement, that the reinstatement of the cupola would occur. Therefore, I give these benefits limited weight.'

Officer comments:

- 7.8 The inspector notes the provision of two bedroom units meets the council's housing mix policy at paragraph 40:

'The provision of 9 residential units in an accessible location would be a benefit of the scheme. The appellant asserts that there would be a strong emphasis on family accommodation in accordance with Policy CS12 (E) of the Core Strategy given that the majority are two bed units and the draft London Plan (2018) acknowledges that many families live in two-bedroom units in London and this should be taken into consideration when assessing the needs that different sized units can meet. In any case, the Councils preferred housing mix demonstrates a requirement for two-bedroom housing, so irrespective of whether two-bedroom housing is classed as family housing or not it meets the requirements of Policy DM3.1 in this respect.'

Officer comments:

- 7.9 The inspector notes the benefits of additional B1 office floorspace and flexible use floorspace at paragraph 43:

'The provision of additional B1 office space and flexible floorspace is an economic benefit of the scheme. Furthermore, the Framework states that significant weight should be placed on the need to support economic growth and productivity.'

- 7.10 There are planning permissions relating to other sites which are of relevance to the current proposal and these are set out below:

City North Islington Trading Estate, Fonthill Road & 8-10 Goodwin Street, Islington, London, N4

- 7.11 Planning Permission ref: P092492 for the 'Demolition of existing buildings and the construction of a mixed use development comprising two 21 storey buildings above ground and first floor plinth; 10 storey building above ground and first floor plinth; and 3 storey

building above ground floor plinth for: 335 residential dwellings (Use Class C3); 2172sq.m (GEA) of office floor space (Use Class B1); 436 sqm (GEA) of restaurant and cafe floor space (Use Class A3); 9665 sqm (GEA) of flexible floor space for uses within Use Classes A1 - A4 and / or gym (Use Class D2) and / or including up to 2000 sqm (GEA) of office floor space (Use Class B1) at first floor only; together with associated disabled and car club parking spaces, cycle spaces, storage, associated access, public realm and private and public amenity space'. Approved on 19/11/2010.

Enforcement

- 7.12 There are no relevant recent planning enforcement records on the subject site.

Pre-application Advice

- 7.13 No pre-application discussions have taken place prior to the submission of the current application.

8 CONSULTATION

Public Consultation

- 8.1 Individual notification letters were sent to occupants of 716 adjoining and nearby properties on the 6 December 2019. A site notice and press notice were both posted on the 12 December 2019. The initial public consultation on the application formally expired on the 5 January 2020.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of the writing of this report there have been no representations received in response to the Council's public consultation exercise.

Internal Consultees

- 8.4 **Planning Policy:** No objection. In regards to the residential element of the scheme, the mix of 1 x 3 bed dwelling and 3 x 2 bed dwelling is acceptable. The proposal is acceptable. [Officer response: Refer to paragraphs 10.101-10.104 below].
- 8.5 **Inclusive Economy:** No objection. The proposed affordable workspace (80sqm) meets the current 5% minimum requirement, as outlined in the local plan. Whilst we accept space over developer contributions, it is still a relatively small workspace and would likely be used for a single tenant/grow on space, and not an affordable workspace provider.

It is critical the council only secures good quality flexible spaces that continue to meet the needs of micro, small and medium businesses. The proposed space appears to meet the council's minimum standards for an affordable workspace, including but not limited to: a clearly defined plan, non-segregated access, minimum day light standards (office has two out-facing walls with windows) and individual access to a wc/kitchenette. The space must have a cat a fit-out to a good and uniform standard, and be a minimum of 10 years peppercorn rent. [Officer response: Refer to paragraphs 10.51 to 10.53 below and Heads of Terms in the Legal Agreement].

- 8.6 **Design and Conservation:** The designs have been slightly amended since the earlier scheme was refused on grounds other than design, and these amendments are considered

to result in a positive enhancement. They include the removal of the cut-outs at third floor and mansard roof level and their replacement with traditional fenestration.

It is also recommended that the reinstatement of the tower with its cupola feature be subject to a legal agreement to ensure it comes forward as part of the development, and that detailed designs for this feature be subject to control and further consideration by the inclusion of a related planning condition. Recommend conditions are attached regarding samples of facing brickwork, detailed drawings relating to the proposed reconstructed cupola and tower and detailed drawings of the proposed windows [Officer response: Refer to paragraphs 10.75-10.98 below, conditions 3, 4, 5, and 6 and Heads of Terms in the legal agreement]

- 8.7 **Public Protection (Noise):** No objections subject to the use of planning conditions regarding plant equipment noise levels, sound insulation to the proposed residential units and restrictions on hours of deliveries [Officer response: Refer to paragraphs 10.109 - 10.110 below and conditions 7, 8, 9, and 10].
- 8.8 **Access and Inclusive Design:** Confirmed agreement to revised details regarding Egress and evacuation and residential staircase. Requested revised details regarding visitor cycle parking spaces and for the provision of visitor cycle parking on Fonthill Road. [Officer response: Refer to paragraphs 10.164-10.166 below].
- 8.9 **Energy Officer:** The Energy Officer is satisfied with the submitted details. During the course of the application, the applicant has responded to the Energy Officer's comments including Carbon Offset contribution, submission of a full BREEAM pre-assessment, submission of a revised Sustainable Design and Construction Statement, how the development will be futureproofed for connection to a future DEN and submission of a Draft Green Performance Plan. The Energy Officer confirmed that the Carbon Offset figure in the revised Sustainable Design and Construction Statement is correct. Requests that Dynamic Thermal Modelling is provided using CIBSE TM49 weather files and be assessed against the criteria of CIBSE TM52 to identify whether there is a risk of overheating. [Officer response: Refer to paragraphs 10.171 to 10.191 below and condition 25]
- 8.10 **Highways:** No objection to delivery and servicing given the exiting situation and site constraints, subject to a condition requiring the submission of a Construction Management Plan and far more detailed Construction Logistics Plan including details on muck-away and conveyor belt, and the submission of a traffic management plan. [Officer response: Refer to paragraphs 10.212- 10.213 below and condition 12].

External Consultees

- 8.11 **Design Out Crime Officer (DOCO):** Requests that the proposal is conditioned to achieved SBD accreditation. [Officer response: Refer to condition 20.]
- 8.12 **Network Rail:** Response received. No objections.
- 8.13 **Transport for London:** No objections. Requests that as the adjacent Seven Sisters Road, is part of the Transport for London Road Network, the carriageway and footway of this road should not be blocked during demolition and construction works and that construction vehicles should adhere to the existing on-street parking restrictions. [Officer response: See informatives] Welcomes the proposals to avoid peak hours for heavy loads during the construction phases of the development. Requests the submission of a Construction Logistics Plan (CLP) to be approved in conjunction with TfL before construction commences [Officer response: See condition 12]. Accepts the long stay cycle parking provision but

requests short stay cycle parking as required by draft London Plan standards. Requests that the applicant provide dimensions for commercial and residential lifts. Recommends reducing the need to reverse onto the highway and possible suspension of on-street parking bays to avoid HGVs reversing, but defers to the Council's Highways department. [Officer response: See paragraphs 10.212-10.213 below].

- 8.14 **Thames Water:** No Objection. Requests sewage flooding prevention measures, demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer, an informative regarding Groundwater Risk Management Permit. Requests an informative relating to water pressure. [Officer response: Refer to the Informatives].

Interested Parties

- 8.15 **Islington Swifts:** No objection. Requests that a significant number of integrated swift nestbox bricks, reflecting the large scale of the development, are installed near roof level. [Officer response: Refer to condition 17]

9 RELEVANT 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 The National Planning Policy Framework 2019 (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.

- 9.3 Consideration is given to whether the development would support the aims of securing economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to 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 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.5 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.*

9.6 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.

9.7 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.

Development Plan

9.8 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

9.9 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

9.10 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 and characteristics
Policy D2 Delivering good design
Policy D3 Inclusive design
Policy D4 Housing standards
Policy D9 Basement development
Policy D13 Noise
Policy E1 Offices
Policy E2 Low cost business space
Policy E4 Land for industry, logistics and services to support London's economic function
Policy S12 Minimising greenhouse gas emissions
Policy S14 Managing heat risk
Policy S15 Water infrastructure
Policy S112 Flood risk management
Policy S113 Sustainable drainage
Policy T2 Healthy Streets
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T7 Freight and Deliveries, servicing and construction

- 9.11 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.

Draft Islington Local Plan 2018

- 9.12 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.

- 9.13 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).

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

Policy PLAN 1: Site appraisal, design principles and process
 Policy SP6 Finsbury Park
 Policy B1 Delivering a range of affordable business floorspace
 Policy B2 New business floorspace
 Policy B3 Existing business floorspace
 Policy R1 Retail, leisure and services, culture and visitor accommodation
 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

9.15 The emerging policies that are considered relevant to this application are listed at Appendix 2 to this report.

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
 - Affordable Housing Contribution;
 - Provision of Affordable Workspace;
- Design and appearance
- Amenity of new units;
- Neighbour amenity
- Basement Excavation;
- Inclusive Design
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Other considerations (including CIL and S106)

Land Use

Existing Uses

10.2 The existing building contains 7no. A1 retail units at ground floor and basement level stocking fashion and textiles in connection with the areas special shopping area designation. The first floor comprises of B1 uses including a B1(C) use. At second floor there is a large A2 solicitors which occupies the entire floor. The third floor comprises of B1 office floorspace.

Proposed Uses/Floorspace

10.3 The proposal comprises extensions and alterations to the existing layouts and uses on each floor. The proposals result in the following uses on the site:

- 966 square metres of A1 floorspace across ground and basement levels;
- 1650 square metres of B1 Business floorspace at basement to third floor levels;
- 77 square metres of B8 storage floorspace at basement level;

- 932 square metres of "flexible" commercial floorspace which consists of Use Classes A2/B1/D1/D2 at first and second floor levels;
- 432 square metres of communal/access and plant and machinery floorspace;
- Creation of 4 no. residential units at first to fourth floor levels.

10.4 The site is located within the Finsbury Park Core Strategy Key Area, the Finsbury Park Town Centre, within a Primary Shopping Frontage and within the Fonthill Road Specialist Shopping Area.

10.5 Core Strategy Policy CS2 relates to the Finsbury Park Core Strategy Key Area and sets out that the redevelopment of low density employment sites around Finsbury Park station is supported to provide mixed-use developments of housing, employment (office, light industrial, storage and distribution), retail and leisure. The proposed mixed use redevelopment of the site in this location, incorporating housing, business, retail and leisure uses is considered to comply with the aims of the policy.

10.6 Draft London Plan Policy SD6 seeks to enhance and promote the vitality and viability of town centres and encourages a diverse range of uses including main town centre uses, night-time economy, civic, community, social and residential uses.

Provision of A1 floorspace

10.7 The proposed reconfiguration and subdivision of the existing 7no. A1 units at ground floor and basement levels, resulting in a total of 14 no. A1 retail units at ground floor, of which 4no. units are linked to ancillary A1 floorspace at basement level. The appeal decision concluded that the proposal would not be materially harmful to the retail function, character and vitality and viability of the Finsbury Park Town Centre and the unique function of the Specialist Shopping Area and that there would therefore be no fundamental conflict with Policies DM4.4, DM4.5 and DM4.9 of the DMP.

10.8 One of the Council's reasons for the refusal the appeal scheme related to the net loss of A1 floorspace on the grounds that the existing basement level common space, constitutes ancillary A1 floorspace and therefore the appeal scheme resulted in an overall net loss of A1 floorspace. However, the appeal decision established that the area marked as common space in the existing basement does not comprise ancillary A1 floorspace. Improved A1 floorspace is proposed at basement level in addition to ground floor. The latest proposals amount to a similar provision of A1 floorspace and whilst there is a minor reduction in A1 floorspace of 5 percent, this is the result of improvements to the common spaces, enhanced accessibility to the uses on the upper floors, and provision of a larger number of smaller units, more appropriate for this location. A greater provision of A1 floorspace is restricted by the constrained nature of the existing site. The proposals retain a solely A1 use at ground floor and a largely A1 use at basement level. Therefore, this reason for refusal has been addressed.

10.9 Policy DM4.1 requires the retention of small and independent shops considered, to be 80sqm or less. The size of the proposed A1 units ranges from 34.76sqm to 92.83sqm. This is almost identical to the A1 use floor areas provided by the appeal scheme. The appeal decision as a significant material consideration, established that the proposals do not raise conflict with the aims of policy DM4.1.

10.10 Policy DM4.4(C) requires development within Town Centres to:

- i) be appropriate to the scale, character and function of the centre;
- ii) contribute positively to the vitality and viability of the centre;
- iii) promote a vibrant and attractive place;

- iv) respect and enhance the heritage, character and local distinctiveness of the centre;
- v) provide a variety of different sized retail units;
- vi) meet the council's policies on Inclusive Design; and
- vii) not cause detrimental disturbance from noise, odour, fumes or other environmental harm.

10.11 The proposals amount to a minor reduction in total in A1 floorspace, due to the enhanced common spaces and improved accessibility to support the proposed town centres uses on the upper floors, with the constraints of the building preventing further floorspace at ground floor. The proposals also result in an increase in B1 floorspace, and the provision of flexible use floorspace and B8 floorspace. The proposed mix and balance of uses are considered to be appropriate to the scale, character and function of the centre and overall, the scheme contributes positively to the vitality and viability of the centre. The alterations to the frontages of the existing A1 units are considered to result in a more attractive and active frontage, and enhance the heritage, character and local distinctiveness of the centre. The proposals present a variety of different sized retail units. Matters of inclusive design and environmental impacts are proposed to be controlled by conditions. Therefore, the proposals are considered to address each of the criteria required by parts i) to vii) of DM4.4(C) to maintain and enhance the retail and service function of the town centre.

Specialist Shopping Frontage

10.12 The Finsbury Park Town Centre SPD seeks to:
Strengthen the existing retail offer in the town centre, including on Fonthill Road, Stroud Green Road, Blackstock Road and Seven Sisters Road, to include the strengthening of the specialist retail functions, diversification of the retail offer, promotion of creative industries and small and medium-sized enterprises (SMEs), and the improvement of shop fronts and the surrounding public realm.

10.13 The SPD identifies that Fonthill Road as specialist shopping area for clothing, functions extremely well as a shopping area and is a major draw for people from surrounding areas and beyond. The proposed reconfiguration of the existing ground floor layout ensures a solely A1 use at ground floor, retains the existing active retail frontage and is considered to enhance the vitality of the specialist shopping area.

10.14 As a site within a Primary Retail Frontage, in accordance with policy DM4.5, the proposals retain the existing active ground floor retail frontage on Fonthill Road. The revised shopfronts and revised entrance to the internal shopping parade is considered to enhance the vitality and viability of the shopping frontage in accordance with the aims of policy DM4.5.

10.15 Policy DM4.9(B) requires proposals to continue to protect and promote the role of specialist shopping areas in the borough, particularly at Camden Passage and Fonthill Road. Any applications received in and around specialist shopping areas are required to be considered in relation to their compatibility with the predominant existing uses. Any applications which will adversely impact the character of a specialist shopping area and/or fundamentally affect the unique function of these areas will be refused.

10.16 The proposed reconfiguration of the existing ground floor A1 floorspace, retains the existing active retail frontage and provides retail units of appropriate size for the character of the area. The proposals are therefore considered to enhance the character and unique function of the specialist shopping area.

Emerging Local Plan Policies

10.17 Emerging Local Plan Policy *SP6 Finsbury Park (A)* requires a diverse range of shops to be maintained, so that the overall retail offer can cater for the needs of different sections of the

community. Part (B) requires development in the Town Centre must maintain the predominant commercial role of the area, with specific focus on retail and services on ground floors.

10.18 Part (C) of the policy sets out:

The Specialist Shopping Area at Fonthill Road is a unique agglomeration of specialist clothing stores which adds significant value to the character and vitality of the Town Centre and wider area. This specialist shopping role must be strongly protected and enhanced.

10.19 Part (E) sets out:

In principle, residential development will only be suitable on upper floors in the Town Centre. Acceptability on upper floors will be judged on a case-by-case basis, factoring in the need to conserve sufficient ancillary space to allow commercial uses to continue to operate successfully as well as other considerations such as amenity impacts.

10.20 The proposed works to retain the solely A1 use at ground floor and improving the quality of the units are considered to accord with the requirements of emerging policy SP6.

10.21 Emerging Local Plan policy R1(B) sets out:

The Council will seek to ensure that all Town Centres develop in a way that supports their continued vitality and viability to meet the needs of local residents, and provide a diverse retail and leisure experience for residents, workers and visitors alike.

10.22 The extent and layout of A1 floorspace, size of units and enhanced shopfronts, as proposed by the latest application, is considered to accord with policies CS2, DM4.1, DM4.4, DM4.5 and DM4.9 and emerging policies SP6 and R1.

Provision of Additional Business floorspace

10.23 The proposals at the site seek to provide a total of 1650sqm of use class B1 floorspace across the site, resulting in an uplift of 442sqm of B1 floorspace.

10.24 The London Plan (2016) forecast that by 2036, employment in Islington will grow by 27.1%. In order to meet expected demand, forecasts suggest a target of 400,000 sqm of additional office floor space will be needed between 2014 and 2036. The Council's Employment Land Study (2016) shows that vacancy rates in office buildings are much lower than could be expected, reflecting high demand. Given this background along with the known losses of office space (as a result of Permitted Development Rights (PDR)) there is a need to ensure provision of office space is encouraged.

10.25 This policy also requires that developments optimise the amount of office space that can be accommodated on site. The two limbs of this policy (provision of housing and optimising office spaces) 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 (2016) policies 2.10-2.13, 4.1-4.2 and Islington's Core Strategy (2011) policies CS2 and CS13, it is apparent that the thrust of relevant policies is for development which supports the economic functioning of designated areas.

10.26 Policy DM5.1 of the Islington Development Management Policies sets out that for designated Town Centres, proposals are required to maximise the amount of business floorspace reasonably possible on the site, with any redevelopment and as a result the scheme should be employment led and seek to increase the provision of business floorspace.

- 10.27 It is therefore the case that, in land use terms, the policy framework along with the available evidence base provides a strong justification for the provision of new, high quality office floorspace on the application site.
- 10.28 The proposed floor area schedule shows an uplift of 442 square metres guaranteed B1 floorspace (at 1650 square metres up from 1208 square metres) and the introduction of 77sqm of B8 floorspace. This results in an overall uplift of 519 square metres of Business floorspace across the site.
- 10.29 It is noted that the proposed introduction of 932sqm of flexible A2/B1/D1/D2 use floorspace is not guaranteed to be occupied as B1 floorspace in addition to the floorspace solely in B1 use. However, the proposals amount to alterations and extensions to an existing building, and the range of flexible uses which includes B1 use, is considered to be appropriate for this town centre location in accordance with policy DM4.4(A). Therefore, the scheme is considered to accord with the aims of policy DM5.1 of the Development Management Policies.
- 10.30 With regard to the quality of the business floor space as proposed, the standard of office accommodation will be enhanced by the improved layouts, access and outlook. The proposed business floor space has been designed in accordance with the Development Management Policy DM5.1 Part F, which encourages provision of flexible floorspace. As such, the proposed floor space could be configured and laid out to provide flexible and differently sized spaces. In addition, the proposed floorspace has been designed so that it can be flexibly subdivided and reconfigured to facilitate a range of unit sizes.
- 10.31 Part (D) of emerging Local Plan policy SP6 sets out:
- Finsbury Park has potential to develop as a CAZ satellite location for additional business uses, due to its excellent transport links to Central London and to the wider South East, and its relatively low rents. In order to realise this potential, diminution of B1, B2 and/or B8 uses will resisted and further intensification of these uses, particularly units suitable for SME occupation and B1(c) 'maker space', will be strongly encouraged.*
- 10.32 The proposed B1 and B8 units are suitable for SME occupation in addition to the unit designated for Affordable Workspace. The proposals are therefore in compliance with the requirements of this emerging policy.
- Flexible A2/B1/D1/D2 Use Floorspace
- 10.33 Policy DM4.4(A) requires applications for more than 80sqm of floorspace for uses within the A Use Classes, D2Use Class and for Sui Generis main Town Centre uses should be located within designated Town Centres.
- 10.34 The proposals result in the creation of 932sqm of A2/B1/D1/D2 flexible use floorspace comprising of 6no. separate units of ranging in size from 146sqm to 155sqm at first to third floors. The proposed flexible uses are considered appropriate to the Town Centre location and comply with policy DM4.4(A).
- Provision of on-site Affordable Housing
- 10.35 The second reason for the refusal of the appeal scheme related to the failure to maximise the development potential of the site through the failure to deliver a maximum number of residential units on the site. It was considered that the provision of 9 residential units, of which 6 of the 9 units exceed the DCLG, London Plan and Islington DMP minimum floorspace standards by over 30 percent, amounted to the avoidance of a provision of on-site affordable housing, through avoiding the 10-unit threshold.

- 10.36 However, paragraphs 33-37 of the appeal decision considered that as the works amount to conversion and extension, which would be constrained by the existing building fabric and the local listing, the position of stairways, and other land use policy requirements and the need to ensure acceptable standard of residential amenity.
- 10.37 The latest proposals seek to address the reason for the dismissal of the appeal which related to provision of multiple single aspect units through the removal of those single aspect units, which maintaining the same proposed built form. The appeal decision concluded that the development potential of the site is constrained. As a significant material consideration in the determination of the current application, the appeal decision establishes that there are no grounds for the refusal of the application on the basis of the failure to provide on-site affordable housing and therefore raises no conflict with the aims of policy CS12.
- 10.38 Emerging Local Plan Policy R1(F) sets out:
- Residential uses have significant potential to cause adverse impacts on the vitality and viability of designated retail areas. As such, they must be located outside the Primary Shopping Area (where proposed in a Town Centre) and situated on upper floors (where proposed elsewhere in Town Centres or in LSAs). Residential uses must also fully prevent/mitigate risk of future impacts through their design, consistent with relevant Local Plan policies including the agent-of-change principle.*
- 10.39 The proposed creation of new residential units on the first to fourth floors within this Town Centre and Primary Retail Frontage location, would not have an adverse impact on the vitality and viability of this retail area. It is proposed to impose conditions attached to any grant of consent to mitigate future impacts. The proposed new residential units are therefore not considered to raise any conflict with the aims of emerging policy R1.
- Affordable Housing Contribution*
- 10.40 Policy CS12(G) requires all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.41 The proposals have been revised from the previous scheme to remove 5no. residential units to address the Planning Inspector's objections set out in the appeal decision regarding the unacceptable living conditions for the future occupiers with particular regard to the inclusion of single aspect units.
- 10.42 The proposals amount to extensions and alterations to the existing building, and consideration has been given to the constraints of the site in terms of access and layout, and the inspector's comments in the appeal decision regarding the living conditions of the future occupiers of the proposed residential units. As a result, the principle of the provision of 4no. residential units in a commercial-led redevelopment of the site, is not considered to conflict with the aims of policy CS12.
- 10.43 The Council's Small Sites Affordable Housing Contributions SPD requires that all minor residential developments resulting in the creation of one or more net additional residential units are required to provide a commuted sum of £50,000 per unit towards the costs of providing affordable housing units on other sites within the borough. As a result, the proposals for 4 residential units would necessitate a contribution of £200,000 towards off-site affordable housing.
- 10.44 The applicant has submitted a Viability Report which has been appraised by BPS as the Council's Independent Viability Assessors who have concluded that the scheme could

support a contribution of £9,811. The Council's Viability Team has reviewed the independent viability appraisal and agrees with its conclusions that the scheme is not able to provide the full contribution towards off-site affordable housing and remain financially viability.

10.45 Therefore, in this instance a contribution towards offsite provision of affordable housing (via a S106 Agreement) would be the most appropriate response.

10.46 A financial contribution of £9,811 has been agreed and is included in the Heads of Terms (Listed at Appendix 1). Given the site specific circumstances, the applicant's agreement to the provision of a financial contribution in-line with the requirements of the S106 Planning Obligations SPD, is considered to ensure the scheme's compliance with the requirements of policy CS12 and the Small Sites Affordable Housing SPD.

Affordable Workspace

10.47 London Plan Policy 4.1 identifies the need to ensure a good supply of workspaces in terms of type, size and cost as does the Core Strategy. 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."

10.48 LB Islington Core Strategy Policy CS13 and Development Management Policies DM5.1 and DM5.4 require new business floorspace to be flexible to meet future business needs, requiring a range of unit types and sizes.

10.49 Policy DM5.4(A) sets out that within Employment Growth Areas and Town Centres, major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. DM5.4(D) sets out that where affordable workspace is to be provided, evidence should be submitted demonstrating agreement to lease the workspace at a peppercorn rate for at least 10 years to a council-approved Workspace Provider.

10.50 The development provides an uplift in 724sqm (GIA) of gross employment floorspace (combining alterations to the existing A1 floorspace, and uplifts in B1, B8 and A2/B1/D1/D2 flexible use floorspace), and 5% of this should be provided as affordable workspace.

10.51 The scheme necessitates the provision of 36.2sqm of affordable workspace or spaces suitable for SMEs. The proposals provide 80sqm of affordable workspace to be located in unit B.1.3 at first floors level.

10.52 The outcome of the independent viability appraisal concluded that the scheme can only support the provision of 80sqm of floorspace for a period of 5 years rather than the required 10 years as required by the policy. The scheme has been robustly tested through the viability appraisal, and as a result, this provision is not considered to conflict with the aims of the policy. The council's viability team has reviewed the viability appraisal and agrees with the outcomes of the appraisal.

10.53 The Council's Inclusive Economy Team has agreed this provision of on-site Affordable Workspace, which is to be secured through the legal agreement.

10.54 It should also be noted that £9,827 would be secured by way of a s106 agreement for the training and employment of local residents (as per Paragraph 5.23 of the Planning Obligations Section 106 SPD (2016)).

Land Use Summary

10.55 The provision of an overall uplift in employment floorspace of 724sqm, including the introduction of 932sqm of flexible A2/B1/D1/D2 floorspace and 77sqm of B8 floorspace, and the enhancements to the layout of the units, within this Town Centre and primary retail shopping frontage location, is acceptable in land use terms subject to securing the appropriate contributions to affordable housing and affordable workspace. An Affordable Housing contribution of £9,811, the provision of Unit B.1.3 as 80sqm of Affordable Workspace at a peppercorn (nil) rent for a period of five years and a contribution of £58,751.20 towards Carbon Offsetting are required planning obligations following the outcome of an independent viability appraisal.

10.56 As a whole, the proposal would be in accordance with London Plan Policies 2.9 and 4.2, Islington Core Strategy Policies CS2, CS12 and CS13 and Development Management Policies, DM4.1, DM4.4, DM4.5, DM4.9, DM5.1 and DM5.4.

Design & Appearance

Site Context

10.57 The site lies within the Finsbury Park Town Centre, with a designated primary retail frontage. Adjacent to the site, to its northern, southern and eastern edges, lie development sites for which major redevelopment proposals, including high buildings, are being both developed and proposed. The locality is therefore in a degree of transition with an intensification of density and intensity coming forward in multiple emerging and proposed schemes.

10.58 Fonthill Road is an uncharacteristically wide street which has for many years been associated with the clothing industry. It has been subjected to street improvements through the insertion of chicanes and reconfigured parking bays in order to manage traffic flows, improve pedestrian safety, and upgrade the public realm.

10.59 The application site lies on the eastern edge of the street, near its junction with the primary east/west Seven Sisters Road. It comprises three distinct elements:

- The four storey (plus basement) late Victorian red-brick terrace with front to back pitched roof at 141 – 149 Fonthill Road. This building has a highly distinctive chimney and the remains of what was once a highly decorate and distinctive cupola capped tower.
- No. 149 is locally listed. The description within the listing records describes it as: "End of terrace, four storey, with octagonal five story tower. Probably late Victorian/Edwardian with red brick and plaster window surrounds, string courses and detailed cornice. Tower is significant landmark, corniced with decorative metal railing."
- A 1960s – 70s four storey flat roof infill building at 139 Fonthill Road comprising ground floor retail with offices above;
- 2no. two storey warehouse buildings to the rear, the eastern most of these has a distinctive multi pitched saw tooth roof form while the more centrally positioned rear building has a stepped flat roof form.

10.60 The site is not located within a Conservation Area and is not within the setting of any statutorily listed buildings.

Policy

- 10.61 The NPPF (2019) in section 12 '*Achieving well designed places*' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.62 NPPF Chapter 16 '*Conserving and enhancing the historic environment*' sets out the criteria for the conservation and enjoyment of the historic environment in the strategy of local plans as well as relevant criteria for assessing and determining planning applications. Consideration includes harm posed to both designated and non-designated heritage assets and their setting.
- 10.63 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".
- 10.64 Policies CS8, CS9 and CS10 in Islington's Core Strategy, and policies in chapter 2 of Islington's Development Management Policies, are also relevant.
- 10.65 Policy DM2.1 of Islington's Development Management Policies requires development (including alterations and extensions) to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this includes urban form, building heights and massing.
- 10.66 Policy DM2.3 sets out that non-designated heritage assets, including locally listed buildings and shopfronts, should be identified early in the design process for any development proposal which may impact on their significance. The council will encourage the retention, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of an on-designated heritage asset will generally not be permitted.
- 10.67 Policy DM4.8 requires Primary Frontages premises to retain clear views into and out of shop windows and requires inset entrances on shopfronts should be glazed and well-lit, to contribute to the attractiveness, safety and vitality of the Town Centre and avoid blank frontages to the street.
- 10.68 The council's Urban Design Guide SPD and the Mayor of London's Character and Context SPG are also relevant to the consideration of the current application.
- 10.69 Emerging Local Plan Policy *PLAN1: Site appraisal, design principles and process*. Part A of policy sets out:

All forms of development are required to be of a high quality and make a positive contribution to local character, legibility and distinctiveness, based upon an up-to date understanding and evaluation of the defining characteristics of an area. Any development which does not take the opportunities available for improving the character and quality of an area and the way it functions will be refused.

10.70 Part B of the policy requires development to be contextual, connected, inclusive, sustainable.

10.71 The proposed works comprise:

- A single-storey fourth floor mansard roof extension to the front part of the building fronting onto Fonthill Road;
- A two storey extension to the rear of the main building at third and fourth floors, including first floor alterations to open the central part of the site by dividing the front and rear of the site from the first to the fourth floors;
- A two storey roof extension to the rear part of the building;
- Demolition of the existing chimney and rebuilding and enlargement of the existing tower;
- Alterations to the front elevation of the existing building including the installation of new shopfronts and associated works.

Appeal Scheme

10.72 The proposals match the built form of the appeal scheme. The Inspector's appeal decision letter did not raise an objection to the design, height, scale, bulk, and massing of the proposed extensions, nor to the design and appearance of the external alterations. Therefore, these details were considered sufficiently acceptable on the appeal scheme.

10.73 Paragraph 39 of the appeal decision letter noted that some of the external alterations would positively improve the appearance of the building such as the alterations to the front façade so that the design reflects that on the adjacent locally listed building. However, such alterations only apply to a small part of the building. The appeal decision letter also noted the proposals to reinstate the cupola on the tower on the building, however noting that there no guarantee, in the form of a legal agreement, that the reinstatement of the cupola would occur. Therefore, the inspector gave the benefits of the reinstatement of the cupola, limited weight.

10.74 Therefore, the primary design principles of the development have been previously considered acceptable to the Planning Inspectorate. However, a full assessment of the design and appearance of the proposals will be undertaken below.

Assessment of Proposals

10.75 The design of the scheme has been amended from the appeal scheme, through the removal of the 'voids' to the front elevation at third and fourth floor levels which were included to create small roof terraces for the residential units. As these residential units have been removed from the scheme, the front façade reads in a more acceptable, historically sensitive manner, with no recessed cut-outs as befits the locally listed building and associated terrace.

10.76 The Inspector considered that the public benefits associated with the proposed reinstatement of the tower were not sufficiently significant given it was not secured by way of a legal agreement. It is therefore recommended that this be addressed and a legal agreement entered into to secure completion of the tower on site prior to first occupation of any use on any part of the site. A planning condition (5) is also recommended whereby detailed plans for the tower, to a scale of 1:20, be submitted to and agreed in writing by the local planning authority prior to commencement of any development on site.

Height, scale, bulk and massing

- 10.77 The existing building comprises of four storeys fronting onto Fonthill Road, with three storey and two storey elements towards the rear of the site. The site adjoins buildings of two, three and four storeys with a variety of roof forms, which front onto the eastern side of Fonthill Road.
- 10.78 The proposals result in the addition of a fourth floor roof extension to the front of the site facing onto Fonthill Road. The proposed mansard roof form introduced at no. 139 will match the proposed enlarged mansard form at the historic 141 – 149 Fonthill Road. Unlike the previous scheme, there are no ‘cut-outs’ in this proposal and the front elevation is the better for it, reading in a more suitably traditional and rhythmic manner.
- 10.79 The fourth floor roof extension would rise above the height of the highest building in the terrace. However, site’s context comprises of a variety of building heights including heights of ten and twenty-one storeys at the City North Development to the rear of the site.
- 10.80 Paragraphs 5.84 to 5.88 of the Urban Design Guide (UDG) provide guidance on rooflines and the acceptability of roof extensions. The guidance acknowledges that there is usually more scope for change in the roofline and facades within streets where there are a variety of frontages and building heights, particularly where the height of frontages is relatively low in proportion to the width of the street. The guidance considers the impacts on views and on the architectural integrity and quality of the existing or neighbouring buildings, and on the scale and rhythm of the street frontage.
- 10.81 The proposed roof extension would maintain an appropriate height to width ratio between the building and Fonthill Road given the wide proportions of the street. The proposed roof extensions are considered to accord with the UDG guidance on rooflines, with regards to the impact on the architectural integrity and quality of the existing and neighbouring buildings. The proposed single storey roof extension is considered to maintain an appropriate scale to the neighbouring properties, without undermining the rhythm of the varied street frontage. There is variation to the rooflines surrounding the street frontage of the application site, and a roof extension to the site, would not disrupt a consistent roofline.
- 10.82 Therefore, the additional height, bulk and massing of the fourth floor roof extension is not considered to harm the character and appearance of the building. The design and appearance of this new roof form is considered to be acceptable.
- 10.83 The proposal includes a two storey roof extension to the existing two storey structure at the rear of the site. The additional bulk and massing to the rear of the site, is not considered to harm the character and appearance of the building given the existing industrial appearance and continues to remain subservient to the front part of the building.
- 10.84 The design, height, scale, bulk and massing of the proposed extensions are considered to be acceptable in accordance with policy DM2.1, and guidance contained within the UDG and the aims of emerging policy PLAN1.

Elevational treatment and materiality

Front terrace

- 10.85 Paragraphs 5.89 and 5.90 of the UDG provide guidance on elevational treatment including, the need to contribute to an appropriate sense of rhythm, scale and proportion, the relationship with neighbouring properties, to the public realm and with a building’s own architectural integrity.

- 10.86 The front of the terrace will be enhanced given the proposed replacement and redesign of No 139 Fonthill Road, a 1970s block that forms part of the broader terrace. This building varies significantly from its more historic neighbour, 141 to 149 Fonthill Road, with its expanse of horizontally patterned and proportioned fenestration to upper floors, flat parapet roof, and poorly designed shopfronts. This building is to be redeveloped in a manner that is quietly pastiche, with simple fenestration that reflects the proportions and patterning of its historic neighbour and improved shopfronts and ground floor treatment in general.
- 10.87 The rear of the (front) building is to comprise an extensively glazed facade which the design officer considers to be a major deviation from the traditional properties of the rear of the whole of the terrace. However, the appeal decision as a significant material consideration, raised no objection to this elevational treatment which remains as part of the current proposals. Given the variety of styles of façade in the terrace and the extensive glazing on the rear of no. 139, the proposed glazed façade is not considered to conflict with guidance contained within the UDG or policy DM2.1 and emerging policy PLAN1.

Buildings to rear

- 10.88 The proposed two storey roof extension on the rear part of the site comprises of sloping roof with large glazed panels spanning floor to ceiling at first to third floors.
- 10.89 The treatment of the elevations of the rear extension matches that of the appeal scheme. As a significant material consideration, it is noted that the appeal decision letter raised no issue with the elevational treatment or materiality of the rear extension. The details submitted are considered to be acceptable given the varied context of the rear elevation of the terrace and surrounding area.

Impacts on heritage assets

- 10.90 No. 149 Fonthill Road comprises the end of the terrace and the existing tower. This building is locally listed, and therefore forms a non-designated heritage asset, as outlined by policy DM2.3(E).
- 10.91 The proposals would remove the existing chimney, increase the height and bulk of the existing building adjacent to the existing tower and would rebuild the tower, to rise two storeys above the height of the proposed roof extension. Images 20 and 21 show a comparison between the existing and proposed works to the cupola tower.



Images 10 and 11 – Existing and proposed works to Tower House, 149 Fonthill Road and their relationship to the proposed roof extension

- 10.92 The loss of the existing chimney is undesirable due to its positive contribution to the townscape as a distinctive feature. The reinstatement of the tower and its cupola will be a significant improvement to the streetscape and broader public realm which is welcomed.
- 10.93 The appeal decision which is a significant material consideration in the assessment of the current application, did not find that the proposed extensions and alterations, would harm the significance of the non-designated heritage asset and noted the importance of securing the works to rebuild the tower through a legal agreement. The works to rebuild the tower are proposed to be secured through the legal agreement attached to any grant of consent.
- 10.94 Overall, the enhancements from the rebuilding of the cupola tower, offset any harm from the proposed roof extensions to the significance of the non-designated heritage asset, at no. 149 which includes the existing tower and are therefore acceptable in accordance with policy DM2.3.

Design Conclusion

- 10.95 The designs have been slightly amended since the appeal scheme was dismissed on grounds other than design, and these amendments are considered to result in a positive

enhancement. They include the removal of the cut-outs at third and fourth floor levels and their replacement with traditional fenestration.

- 10.96 The existing buildings, although not statutorily listed, have architectural merit and include a locally listed building. The proposed alterations are considered to sympathetically address the character and strong design intentions of the existing buildings in scale, form and materials. The proposed elevations are considered to respond to, and respect the existing site context.
- 10.97 It is recommended that the reinstatement of the tower with its cupola feature be subject to a legal agreement to ensure it comes forward as part of the development, and that detailed designs for this feature be subject to control and further consideration by the inclusion of a related planning conditions (4, 5 and 6).
- 10.98 It is recommended that a condition (3) is attached requiring the submission of materials to ensure that the new materials proposed for the extensions complement the brick of the existing building.
- Internal layout*
- 10.99 The existing internal layout is largely retained, with three cores managing access/escapes, all accessible via the communal access space at ground floor. No access is provided at the rear of the site.
- 10.100 Overall, the design of the proposals is considered to improve the aesthetic of the existing building and the appearance of the street scene subject to conditions and legal agreement, in accordance with planning policies, in particular Policies 7.4 and 7.6 of the London Plan, Core Strategy Policy CS8 and Development Management Policies DM2.1 and DM2.3 and guidance contained within the UDG and Emerging Local Plan policy PLAN1.

Amenity of New Residential Units

Housing Mix

- 10.101 Core Strategy Policy CS12 and Policy DM3.1 of the DMP refers to the requirement for a range of dwelling sizes, and the required housing mix for residential development within the Borough.
- 10.102 Policy DM3.1 seeks to ensure all sites provide a good mix of housing sizes. The purpose of the housing size mix policy is to ensure that new housing meets the housing needs of the population, both for market, social and intermediate housing, in order to create mixed and inclusive communities. The evidence shows that the delivery of different unit sizes has not, overall, responded to housing need. Paragraph 3.14 of the Development Management Policies (2013) confirms *development proposals should provide for a mix of unit sizes in accordance with Table 3.1. The mix of dwelling sizes appropriate to specific developments will also be considered in relation to the character of the development, the site and the area. Developers should demonstrate how the mix of dwelling sizes meets the housing size mix requirements and is appropriate to the site's location.*
- 10.103 The proposal results in the creation of 4 no. residential units at first, second, third and fourth floor levels comprising of 1no. 3-bedroom flat and 3no. 2-bedroom flats, and the creation of associated roof terraces and balconies.
- 10.104 The proposed mix of 1 no. 3bedroom unit (25%), 3no. 2 bedroom units (75%), broadly accords with the housing mix set out by table 3.1 of the Islington Development Management Policies.

10.105 The total floorspace of each unit exceeds the minimum floorspace standards set out by the draft London Plan and DCLG Technical housing standards.

Standard of residential Accommodation

10.106 Policy DM3.4 seeks to ensure all new housing developments (including conversions, Changes of Use, Houses in Multiple Occupation, and sheltered housing) are required to provide accommodation that is of adequate size, with acceptable shape and layout of rooms (with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light).

10.107 Draft London Policy D6(A) requires housing development to be of high quality design and provide adequately-sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Part(C) requires housing development to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.

10.108 The appeal scheme was dismissed on the basis of the failure to provide acceptable living conditions for future occupiers with particular regard to the inclusion of single aspect units. Those single aspect units have been removed from the latest application. All four units in the latest proposals have been retained from the appeal scheme, and provide dual aspect accommodation and are considered to be an acceptable shape and layout, and acceptable levels of aspect and outlook from habitable rooms. Whilst the levels of internal daylight to the proposed units have not been provided, given the position of the units on the upper floors of the building and good levels of outlook and aspect, the units are considered to provide an acceptable standard of living accommodation for future occupiers.

10.109 One of the Council's reasons for the refusal of the appeal scheme included concerns over the layout of the proposed residential units, resulting in a harmful relationship with the adjoining commercial properties by virtue of noise disturbance and inadequate provision of private outdoor amenity space. However, the appeal decision concluded that the issue could reasonably be mitigated through details secured by a condition if the appeal were to be allowed. The latest proposals retain the same relationship between the proposed residential units and the proposed B1 uses at first, second and third floors. At fourth floor the proposed unit A.4.1 would now adjoin a B1 use whereas on the appeal scheme this was a residential use. This replicates the situation on the floors below, which the inspector found to be acceptable subject to condition (9).

10.110 A Noise Assessment has been submitted with the application and the Council's Public Protection (Acoustic) Officer has not raised any objections to the siting of the proposed residential units, subject to conditions (7, 8, 9, and 10).

Private Outdoor Amenity Space

10.111 Policy DM3.5 requires all new residential development and conversions to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. The policy requires buildings which utilise roofs to provide private outdoor space and other outdoor amenity space to take into consideration issues of design, overlooking and crime prevention. Use of roofs for amenity purposes will need to be balanced with the use for green roofs and renewable energy equipment through careful design which integrates the benefits for amenity, biodiversity and carbon reduction. Part C of policy DM3.5 requires dwellings on upper floors to provide a minimum of 5sqm for 1-2 person dwellings and for each additional occupant, an extra 1sqm is required.

10.112 The proposals would provide private outdoor amenity space at the rear of the site for each of the proposed residential units. Unit A.1.1 would have 32 square metres, units A.2.1 and

A.3.1 would both have 7 square metres and unit A.4.1 would have 16 square metres. The provision meets the minimum standards required by the policy and the quality of the private outdoor amenity space is considered to be acceptable with regards to privacy, safety and outlook in accordance with the requirements of policy DM3.5.

Conclusions on residential units

- 10.113 The latest application is considered to have addressed the reasons for the dismissal of the appeal relating to the failure to provide acceptable living conditions and outdoor amenity space for future occupiers with particular regard to the inclusion of single aspect units. The proposed residential units would provide an acceptable living environment for future occupiers. The proposal is therefore acceptable subject to conditions, in accordance with policy 3.5 of the London Plan (2016) and draft London Plan, policy CS12 of Islington's Core Strategy (2011) and policies DM2.1, DM3.4, DM3.5 and DM3.7 of the Islington Development Management Policies (2013).

Neighbouring Amenity

- 10.114 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.
- 10.115 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.116 BRE Guidelines paragraph 1.1 states: "*People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by*". Paragraph 1.6 states: "*The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings*".
- 10.117 Daylight: the BRE Guidelines stipulate that... "*the diffuse daylighting of the existing building may be adversely affected if either:*
- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value;*
 - *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.*" (No Sky Line / Daylight Distribution).
- 10.118 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 gloomier, and electric lighting will be needed more of the time."

10.119 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall. At paragraph 2.2.8 the BRE Guidelines state: *"Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside"*.

10.120 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 is the development or the balcony itself causing the most significant impact.

10.121 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 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

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

10.122 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."* It goes 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."*

Overshadowing

10.123 Para 3.3.17 of the BRE Site Layout Planning for Daylight and Sunlight (2011) sets out that:

"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.'

Analysis of Daylight Impact on Affected Properties

10.124 The assessment focuses on the impact on those surrounding residential properties. The applicants have provided a detailed Daylight/sunlight analysis report (ref: 15-1361) which notes that the following properties have been assessed:

- 11 and 13 Goodwin Street;
- 135 and 137 Fonthill Road;
- 144 to 160 Fonthill Road;
- 221 to 235 Seven Sisters Road;

10.125 The buildings at 11-13 Goodwin Street are all located to the north of the site. The buildings at 135-137 Fonthill Road adjoin the site to the northwest of the site. The buildings at 144-160 Fonthill Road are located to the west of the site on the opposite side of Fonthill Road. The buildings at 221-235 Seven Sisters Road adjoin the rear boundary of the site to the south of the site. The buildings are mixed use with commercial on ground floors and residential above.

10.126 A total of 37 windows from the surrounding properties have been tested, regardless of the use of the property.

			Vertical Sky Component			No Sky Line (Daylight Distribution)			
	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Whole room sqm	Previous sqm	Proposed sqm	Percentage reduction in Daylight Distribution
223 Seven Sisters Road	R24/S21	Bedroom	23.34	19.06	18	8.81	7.76	4.94	36
225 Seven Sisters Road	R26/S23	Living Room	24.38	21.04	14	7.20	6.70	4.97	26
231 Seven Sisters Road	R30/S28	Bedroom	25.46	20.91	18	7.20	7.00	4.00	43

Table 1 – 223, 225 and 231 Seven Sisters Road – VSC and Daylight Distribution result

10.127 The findings of the BRE report as submitted conclude that of the 37 windows tested, three windows would experience transgressions of the BRE guidance. All windows tested achieved a VSC of either above 27% or more than 0.8 times their former values. However, three windows indicate minor deficiencies of the Daylight Distribution test with transgressions showing reductions of 36%, 26% and 43%. The impacts weigh against the scheme, these impacts are at the lower end of the scale and less weight is therefore attributed to them. Overall, the nature of the transgressions above the BRE guidance threshold are minor, and only to a small number of units.

10.128 Muslim Welfare House 233-235 Seven Sisters Road comprises of the part three, part two, part single storey building adjoining the eastern (rear) boundary of the site in use as a place of worship and community centre. It is noted that whilst most of the adjacent windows have been tested and are assessed in the analysis above, the glazed atrium rooflight adjacent to the rear boundary of the site has not been tested.

10.129 This impact on the windows of this building have not been tested against the BRE guidelines. Paragraph 2.2.2 of the BRE Guidelines states:

'The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels, and hostels, small workshops and some offices.'

10.130 However, there are a number factors which necessitate that this building does not need testing. In this instance there are no special space/light circumstances or requirements by the occupiers of the existing Muslim Welfare House building. The nearest windows on the Muslim Welfare House buildings are all either rooflights located in the pitched roof at first floor level and or a glazed atrium rooflight located at first floor level. The site is located in a central urban location, where there are numerous examples of similar separation distances in the surrounding area. As a result, this relationship between the buildings is not out of character with the pattern of development in the area and is considered to suitably balance the competing policy aims whilst maintaining amenity.

Overshadowing

10.131 The Daylight and Sunlight report includes details as to the impact on overshadowing to gardens and indicates that existing amenity area/gardens located at the rear of 13 Goodwin Street and the rear yards to 225 and 227 Seven Sisters Road have been assessed for overshadowing impacts. The properties at 225 and 227 Seven Sisters Road are mixed use properties with commercial uses at ground floor.

10.132 The report indicates that the rear amenity spaces to 11 and 13 Goodwin Street will receive at least 5 hours of sunlight, the rear yard to 225 Seven Sisters Road would not see any change to its existing hours of sunlight and the impact on the rear yard to 227 Seven Sisters Road remains at 0.99 times its former value. Therefore, the proposals would not result in a noticeable loss of sunlight to the rear yards to the surrounding properties which have non-residential uses at ground floor.

Analysis of Sunlight Impact on Affected Properties

10.133 The BRE recommendation is that windows facing within 90° of south should have 25% of Annual Probable Sunlight Hours (APSH) with 5% in the winter months (from the autumn equinox to the spring equinox). Where reductions below the recommended levels are contemplated, these should be target limited to one fifth or 0.2 times the present value (unless a reduction of sunlight received over the whole year is not greater than 4% of annual probable sunlight hours).

Floor/ Room	Annual Probable Sunlight Hours				
	Existing Winter %	Proposed Winter – Target 5% or more	Existing Annual %	Proposed Annual % - Target 25% or more	Percentage Loss – Target less than 20%
Rooflight 1 – 233 Seven Sisters Road	16.93	11.28	63.01	43.10	32
Rooflight 2 – 233 Seven Sisters Road	17.68	11.76	62.32	43.89	30

Table 2 – Average Probable Sunlight results – Rooflights, 233 Seven Sisters Road

10.134 Only 13 windows were required to be tested on surrounding properties, only two windows would experience transgressions of the BRE guidelines (Rooflights 1 and 2 at 233 Seven Sisters Road). No windows to neighbouring residential properties would experience an adverse impact on sunlight in accordance with the BRE guidelines. It should be noted that the affected windows are rooflights, do not relate to a residential property and there are other windows on the flank elevation of the building which would not experience a noticeable loss of sunlight. The use of the building at 233 Seven Sisters is a place of worship and community centre known as Muslim Welfare House, which is not identified by the BRE guidance as having a reasonable expectation of daylight. However even in this instance, in applying the BRE guidelines, the level of transgressions is minor, remains above the 25 per cent annual target, and would be limited to the reduction in Annual Probable Sunlight Hours. The windows would not experience any adverse reduction to the existing Winter Probable Sunlight Hours. Therefore, there would not be an adverse impact on these windows in accordance with the BRE guidelines.

10.135 In summary, no windows to neighbouring residential properties would experience an adverse impact on sunlight. Whilst two windows to a neighbouring non-residential property would experience transgressions of the BRE guidelines, overall none of the windows would a noticeable loss of sunlight and therefore the impacts on sunlight to neighbouring residential and non-residential properties are acceptable.

Privacy and amenity impact (including noise and disturbance)

10.136 Paragraph 2.14 of Islington’s Development Management Policies states that “to protect privacy for residential development and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms”.

10.137 Paragraph 2.3.30 of the Mayor of London’s Housing SPG states that such minimum distances “can still be useful yardsticks for visual privacy.

South-Eastern Elevation

10.138 The proposals result in the creation of an additional floor of office accommodation at third floor level situated adjacent to the south-eastern boundary of the site facing towards the rear of the terrace of properties at 225 and 227 Seven Sisters Road. There are residential properties on the upper floors of these properties with windows facing towards the application site.

10.139 There are existing B1 office windows at first and second floor levels facing towards 221-231 Seven Sisters Road properties. The proposals would maintain these windows and add 3no. additional windows at third floor level serving additional B1 use floorspace.

10.140 These additional windows would be located at least 16 metres from the rear elevation of the Seven Sisters Road properties. Given the presence of existing windows for the B1 use on the first and second floors, the addition of 3 windows at third floor level, above the existing windows, and above the height of the existing windows to the Seven Sisters Road properties, there would not be a significant increase in overlooking on the existing situation. In the circumstances it is not considered that there would be an increase in overlooking or loss of privacy to these neighbouring residential properties as to conflict with the Council's policies on the protection of residential amenity.

South-Western Elevation

10.141 The proposal would introduce additional windows as part of the fourth floor level roof extension (serving the additional office floor space and the new residential unit). The proposals would also change the use of the existing office floorspace at first to third floor levels on the front (west) elevation to no. 139 Fonthill Road, into residential use.

10.142 The proposed roof extensions introduce windows which face in a south-westerly direction at fourth floor. The front of the property faces towards the front of the mixed use properties at 144-160 Fonthill Road with residential units on the upper floors, located on the opposite side of Fonthill Road. The front of these properties are at least 20 metres away from the front elevation, on the opposite side of Fonthill Road. There are existing windows on the front of the property at ground to third floor levels.

10.143 Paragraph 2.14 of Islington's Development Management Policies 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.'*

10.144 The Council's policies do not protect overlooking across a highway, and the distance between the site and 140-160 Fonthill Road exceeds the minimum separation distance which applies where residential uses face towards each other. As a result, the proposals are not considered to result in an unacceptable increase in overlooking or loss of privacy towards these properties.

North-Eastern Elevation

10.145 The rear boundary of the site adjoins the property at 233 Seven Sisters Road, known as Muslim Welfare House. This property has a number of rooflights adjacent to the boundary of the application site, and windows facing towards the boundary at first floor level. The proposals include the provision of windows on the rear boundary of the site adjoining the Muslim Welfare House site at first and second floor levels. There are existing windows on the rear boundary of the site at ground floor level which are to be retained. The Muslim Welfare House site has an emerging site allocation. To ensure the current proposal doesn't prejudice the future development of the adjoining site, it is proposed to add a condition (22) removing the proposed additional windows on the boundary at first and second floor levels.

10.146 As a non-domestic property largely in use as a place of worship and providing community uses, the council's policies do not provide the same level of protection from overlooking or privacy as for a residential property. The windows in the proposed roof extensions at third and fourth floors are not considered to result in a harmful increase in overlooking or loss of privacy to the Muslim Welfare House site given the non-domestic uses, angle of view and separation distances.

10.147 The rear boundary of the site is located approximately 16 metres from the closest boundary of the City North Development, located to the north-east of the site. The angle of view from the proposed roof extension on the rear of the site would not enable direct views towards the City North residential development. The roof extensions and windows on the front part of the application site are located in excess of 30 metres from the boundary of the City North development, do not provide direct views and would not result in harmful loss of privacy or increase in overlooking towards this development.

10.148 The angle of view from the windows in the roof extensions towards the rear of the properties at 11 and 13 Goodwin Street is oblique and would not result in a harmful loss of privacy or increase in overlooking.

North-Western Elevation

10.149 The north-western boundary of the site adjoins 137 Fonthill Road. No windows are proposed on this elevation.

Outlook/Sense of enclosure

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

10.151 The proposals amount to roof extensions and alterations to the existing building. The additional bulk is located at third and fourth floor levels at the front of the site, and at second and third floor levels at the rear of the site. The closest residential properties are located on the upper floors of 221-231 Seven Sisters Road. These properties are likely to benefit from dual aspect accommodation onto Seven Sisters Road. Residential properties are also located on the opposite side of Fonthill Road, some 20 metres from the site. There are commercial and non-domestic properties at the rear of the site. The closest windows are rooflights at the Muslim Welfare Centre at 233 Seven Sisters Road. The Council's policies give little weight to protecting the outlook of non-domestic properties.

10.152 Given the scale of the additional height, bulk and massing and the separation distance from the surrounding properties, the proposals would not have an adverse impact on the amenities of the adjoining or neighbouring properties in terms of loss of outlook or creation of sense of enclosure. In the circumstances and having regard to the pattern of development in the area, the proposals are therefore considered to be acceptable.

Neighbouring Amenity Summary

10.153 It is considered that the proposal would not result in unacceptable impacts on neighbouring residential or non-residential amenity, including with regard to loss of daylight and sunlight, outlook, privacy, nor an unacceptable increased sense of enclosure, and would adhere with the provisions of Policy DM2.1 of the Council's Development Management Policies (2013) document.

Impact on the development/operation of Adjoining land

- 10.154 Development Management Policy DM2.1 part A)xi) sets out that for a development proposal to be acceptable it is required to not '*unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole.*
- 10.155 Existing windows are located at ground floor on the rear boundary of the site with 233 Seven Sisters Road, Muslim Welfare House.



Image 12 – Existing windows on rear boundary with 233 Seven Sisters Road, Muslim Welfare House

- 10.156 Windows are proposed to be located on the flank elevation of the proposed rear roof extension at by retaining the existing windows at ground floor, and adding windows at first and second floor levels, on the north-eastern boundary of the site. As the existing windows at ground floor are to be retained, there is no alteration to the existing situation. However, at first and second floors, additional windows are proposed. These windows would unduly prejudice the development potential of the adjoining site, at Muslim Welfare House, 233 Seven Sisters Road, which is currently a place of worship and community centre.
- 10.157 To prevent unduly prejudicing the short to long term development potential of the neighbouring site at 233 Seven Sisters Road, it is proposed to add a condition (22), which removes these additional windows on the rear boundary of the site, and requires details of the rear elevation to be submitted and approved prior to superstructure works taking place.

Basement Excavation

- 10.158 The proposal includes a small scale extension to the extent of the existing basement to facilitate the proposed lift shafts and stair case and a small scale increase to the depth of the existing basement to increase the internal floor to ceiling heights.
- 10.159 A Structural Method Statement approved by a chartered Civil Engineer has been submitted which accords with the requirements of the Basement Development SPD.

10.160 The Basement Development SPD sets out inter alia that:

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

On commercial and mixed use redevelopment schemes with proposed basements, the extent of basement development should be commensurate to the site context and building design.

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.

10.161 The proposed floor to ceiling height of the basement level is to be increased by 1.4 metres to allow a more useable floor to ceiling height of 3.2 metres. The minor increase in the extent of the existing basement is to facilitate lift shafts and staircase.

10.162 The proposed increases in the extent and depth of the existing basement are small scale in proportion to the existing basement and accord with the aims of the Basement Development SPD.

Inclusive Design

10.163 Paragraph 98 of the NPPF (2019) is relevant to the current proposal in relation to inclusive design. London Plan Policy 7.2 relating to “An Inclusive Environment” 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.

Assessment

10.164 The proposals include alterations to improve the accessibility of the existing mixed use building in addition to the proposed new floorspace. The alterations include revisions to the existing ground floor and basement. The alterations to the accessibility of the building comprise the following:

- Provision of 2no. additional lifts to all floors and improvement to the existing lift;
- Provision of accessible shower and accessible WC;
- Provision of mobility scooter charging;
- Details on egress and evacuation.

10.165 Revisions have been made to address the Inclusive Design Officer’s comments regarding cycle parking, accessible shower and WC, mobility scooter charging and safe refuges for wheelchair users. The proposed residential units comply with Category 2 of the National Housing Standards. The alterations significantly improve the legibility of access to all floors and also improves the safe egress and evacuation to all floors. The officer has requested that it is preferable that the visitor cycle parking for the proposed commercial uses is provided along Fonthill Road. However, given the narrow width of the pavement this is not practical.

10.166 The proposed mixed use floor space in the revised form would comply with relevant planning policies and the relevant parts of the Inclusive Design in Islington SPD.

Sustainability, Energy Efficiency and Renewable Energy

- 10.167 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF.
- 10.168 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.
- 10.169 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.
- 10.170 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.

Carbon dioxide emissions

- 10.171 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.
- 10.172 The Sustainable Design and Construction Statement (11 February 2020) (hereafter referred to as the "SCDS") indicates a 53.3% reduction in regulated CO₂ emissions against a Building Regulations 2013 baseline, thereby exceeding the London Plan target.
- 10.173 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, requiring a 27% reduction where not possible.
- 10.174 The Applicant's SCDS show a 43.06% reduction in total emissions (regulated and unregulated) CO₂ against the Building Regulation 2013 baseline, thereby meeting the requirements of Islington CS10.
- 10.175 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 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 SCDS includes a correctly calculated Carbon Offset contribution of £58,751.20 for the 63.86 tonnes of total CO₂ emissions. This is to be secured by way of a planning obligation.

Sustainability

- 10.176 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”.

BE LEAN

Energy efficiency standards

- 10.177 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.
- 10.178 The applicant proposes various sustainability measures, including improved U-values for the external walls, roof and windows. The new elements of the building all either meet or improve on the recommendations. The SCDS includes a commitment to use LED lighting throughout the proposed development. Occupancy and daylight sensors for lighting have been included in the Energy Statement.
- 10.179 The Energy Officer requested that Dynamic Thermal Modelling is provided using CIBSE TM49 weather files and be assessed against the criteria of CIBSE TM52 to identify whether there is a risk of overheating. This information is required by condition 25.
- 10.180 The SCDS includes a BREEAM pre-assessment. The development has an overall score of 76.48% achieving the required ‘Excellent’ rating, this is secured through condition 13.

BE CLEAN

Decentralised heating

- 10.181 Policy DM7.3(B) requires that proposals for major developments within 500m of an existing or planned Decentralised Energy Network (DEN) should be accompanied by a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.
- 10.182 An extract of the London Heat Map has been included that shows there is no planned or existing DEN within 500m of the proposed development. As a result, there is no requirement to submit a feasibility assessment of connection to a DEN.
- 10.183 The revised SDCS states that a basement plant room capable of housing plant for heating and DHW and a protected pipe route to the site boundary are included in the design. A commitment to including all other aspects of Appendix 1 of Islington’s Environmental Design SPD is also included.
- 10.184 The revised SCDS includes an Appendix which shows emails to neighbouring buildings investigating the formation of SHN which did not receive a positive response.
- 10.185 The applicant has specified ASHP in place of the previously proposed gas boilers. It is accepted that this will be more carbon efficient than the CHP for which the applicant states there will not be sufficient heat load.

BE GREEN

Renewable energy technologies

- 10.186 A 42 square metre panel Solar PV Array is proposed on the rooftop of the fourth floor roof extension which helps the proposal meet the Council’s reduction target of 27% for total emissions. When combined with the green roof which covers part of the fourth floor roof extension and all of the rear roof extension, the scheme is considered to have maximised the area of green roof and the efficiency of the PV array.

10.187 The revised SCDS states that heating and DHW to both elements of the development will be provided by Air Source Heat Pumps.

Overheating and Cooling

10.188 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.

10.189 Active cooling has not been specified for the proposed development. The Energy Officer has not raised any objection in this regard.

Green Performance Plan

10.190 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.

10.191 A Draft Green Performance Plan has been submitted as Appendix F of the revised SDCS. This includes measurable targets for water, Energy and CO₂ and meets the requirements of the Environmental Design SPD. A final Green Performance Plan is to be secured through the S106 Agreement.

Sustainable Urban Drainage System (SUDS)

10.192 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', where feasible.

10.193 The existing building occupies the entire site with entirely hard surfaces. The introduction of new planted areas and green roofs will help to reduce the levels of surface water run-off. It is proposed to impose a condition (23) to secure details to be provided regarding the reduction in surface water run-off rates.

10.194 Thames Water have not raised objections to the proposal in relation to foul or surface water drainage subject to informatives.

10.195 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 is therefore acceptable.

Highways and Transportation

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

Existing conditions

10.197 The site has a Public Transport Accessibility Level (PTAL) rating of 6(b) as the highest rating, 6 being the highest rating. It is within walking distance of Finsbury Park station is (130 metres

walk to the southeast of the site). There are also multiple bus routes along Seven Sisters Road. It should also be noted that there are also cycle lanes which are marked out along stretches of the nearby streets, offering sustainable transport options. The existing main entrances to the site is accessed via Fonthill Road.

Trip generation, parking and cycle parking

10.198 In accordance with the requirements of the Council's car-free policies CS10(H) and DM8.5(Part A), the proposals are to be car free, with future occupiers of the new residential units unable to obtain parking permits. This is to be secured through a planning obligation in the legal agreement.

10.199 The applicant's Transport Statement (TS) details the transportation and highways implications of the proposed development. The proposals amount the provision of 1071sqm of additional B1 and flexible use floorspace to an existing mixed use development located in a town centre location with the highest Ptal rating. The TS considers that there would be a minimal increase in the number of movements from the uplift in commercial floorspace and small number of residential units, as to not have a significant material impact on the local road network.

10.200 Given the site's town centre location, highest PTAL rating, with a wide range of sustainable transport options, it is considered that the proposal would adhere with the provisions of planning policy including that of Core Strategy policy CS10 which encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use.

Cycle Parking

10.201 Policy DM8.4(C) requires the provision of cycle parking in accordance with the minimum standards set out in Appendix 6 of the Development Management Policies document. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. Cycle parking shall include an adequate element of parking suitable for accessible bicycles and tricycles.

10.202 Appendix 6 sets out the cycle parking requirements for each use (the area relates to Gross Internal Area for the purpose of calculations). It is required to provide 1 space per 60sqm of A1 floorspace, 1 space per 60sqm of A2 floorspace, 1 space per 80sqm of B1(a) floorspace, and for residential uses, 1 space per bedroom. Leisure and sports are required to provide 1 space per 275sqm of floorspace.

10.203 As such, the proposals are required to provide 9no. cycle parking spaces for the residential units, 21no. cycle parking spaces for the B1 floorspace, 1no. cycle parking space for the B8 floorspace, and 17no. cycle parking spaces are required for the A1 floorspace and 16no. spaces for the flexible use floorspace based on the A2 use as the highest requirement of 1 per 60 square metres of floorspace. Therefore, the proposals are required to provide a total of 64no. secure and covered on-site cycle parking spaces.

10.204 The TS states that provision is made for 76 cycle spaces to be located within the basement comprising of 16 spaces for the residential units and 60 cycle storage spaces for the retail, office, storage and flexible uses. The quantum of cycle provision would therefore exceed the London Plan and Local Plan requirements and is considered to be acceptable on this basis subject to a condition requiring the cycle parking spaces to be provided prior to occupation of the development (11).

Delivery and servicing and other highways considerations

- 10.205 Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, 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.
- 10.206 The existing building occupies the entirety of the site, providing useable floorspace, and delivery and servicing is undertaken at the kerbside via Fonthill Road. As a result, the provision of on-site delivery and servicing would result in a loss of the existing floorspace, raising conflicts with the priority land use policy requirements. Therefore, it is not practical to accommodate on-site delivery and servicing as part of the proposed redevelopment of the site.
- 10.207 The submitted Transport Statement concludes that the existing commercial properties already generate a demand for deliveries and refuse collections from the adjoining highway and, that the uplift in the commercial floorspace would not result in a substantial increase in deliveries and servicing on the existing situation.
- 10.208 The refuse associated with the development will be stored within the building at basement level and be removed via the service lift and common space, onto Fonthill Road. The TS identifies the location of designated on-street loading only bay positioned along Fonthill Road. Two red-route loading bays are situated within close proximity to the site, immediately opposite 164 Fonthill Road.
- 10.209 Residential refuse collection on Fonthill Road is undertaken on Mondays to Sundays from 0730-0830 and 1930-2030. The addition of four units is not considered to have a significant impact on these existing arrangements, nor generate a significant increase in delivery or servicing trips. Therefore, it is expected that the residential waste would be adequately collected directly from the kerb on Fonthill Road as per the current arrangements for neighbouring residential properties locally. The transport statement outlines the service vehicle route for the adjacent City North Development and indicates how vehicles will pass the front of the application site and service the site from the kerbside.
- 10.210 The proposals for delivery and servicing and refuse collection are therefore considered to be acceptable.
- 10.211 It is proposed to impose a condition (24) requiring details of the refuse storage arrangements to ensure they are sufficient to accommodate the increase in office, commercial and residential uses.
- 10.212 The Council's Highways Officer has raised no objections to the proposed delivery, servicing and refuse collection arrangements which are therefore not considered to conflict with the aims of policy DM8.6 of the Islington Development Management Policies.
- 10.213 Regarding construction impacts, the Highways Officer has raised no objection subject to a condition (12) requiring the submission of a Construction Management Plan.

Local Level Travel Plan

- 10.214 The floor areas of the proposed uses, do not meet the thresholds set out by Appendix 5 of the Development Management Policies document, to require the submission of a Full Travel Plan. However, the proposals do necessitate the requirement for a Local Level Travel Plan

as required by policy DM8.2(B) and Appendix 5 which sets out a template for the requirements for a Local Level Travel Plan which is to be conditioned (22).

- 10.215 Finally, any works to the highway including reinstatement of footways would be secured by section 278 agreement with the costs covered by the developer, and the submission and agreement of a Travel Plan would be required as a planning obligation through the legal agreement. In conclusion, the highways and transportation impacts are considered acceptable subject to the imposition of conditions, and in accordance with relevant planning policy.

S106 / Community Infrastructure Levy and Legal Matters

Community Infrastructure Levy

- 10.216 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 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 10.217 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development (please refer to Appendix 1).

11 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposals retain the solely A1 use at ground floor with improvements to layouts, access and frontages. The proposals provide an overall uplift in employment floorspace including in B1 floorspace; and the introduction of flexible A2/B1/D1/D2 use floorspace and a small provision of B8 floorspace. The proposed uses within this Town Centre and primary retail shopping frontage location, are acceptable in land use terms. The provision of higher quality, more accessible and more flexible office, retail and commercial floorspace and the refurbishment of the existing building are also supported.
- 11.2 The proposals have been revised to address the reasons for the dismissal of the appeal. All the residential units which remain as part of the latest proposals, are dual aspect.
- 11.3 The application secures an Affordable Housing contribution of £9,811, the provision of Unit B.1.3 as 80sqm of Affordable Workspace at a peppercorn (nil) rent for a period of five years and a contribution of £58,751.20 towards Carbon Offsetting. The proposal is considered to be a sustainable form of development that would contribute towards a better than policy reduction in carbon emissions.
- 11.4 The proposals would result in the recladding of the front façade, and extensions to the building to include the erection of a single-storey fourth floor roof extension and a two storey rear extension to the front part of the building and a two storey roof extension to the rear part of the building. The proposed extensions, alterations and additions to the existing building would result in improvements to its overall appearance that are considered to be of sufficient quality to warrant approval. The proposal would also result in improvements to the internal layouts, in particular the accessibility of the building.

- 11.5 The proposed four new residential units would provide an acceptable standard of living accommodation including the provision of private outdoor amenity space.
- 11.6 The proposals have demonstrated that there would be no material impact on the amenities of neighbouring residential occupiers.
- 11.7 In conclusion, given the proposed development's adequate level of compliance with planning policies (including those of the NPPF and the London Plan), it is recommended that planning permission be granted.

Conclusion

- 11.8 It is recommended that planning permission be granted subject to the use of planning conditions and S106 legal agreement to secure 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:

- The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The costs are estimated by LBI Highways as footway £15,647.13 and carriageway £16,480.80. The costs are paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation of 1 work placements during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £5,000 to be paid to LBI. Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £1,071 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.
- The provision of 2 additional accessible parking bays or a contribution of £4,000 towards provision of on-street bays or other accessible transport initiatives.
- The developer should future proof any on-site solution to a local energy network so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a future Decentralised Energy Network if a viable opportunity arises in the future.
- Submission of Green Performance Plan.
- Payment of Council's legal fees in preparing the S106 Agreement and officer's fees for the preparation, monitoring and implementation of the S106 Agreement.
- Payment towards employment and training for local residents of a commuted sum of £9,827;
- Payment towards Affordable Housing Contribution of £9,811.
- Provision of Unit B.1.3 as Affordable Workspace at a peppercorn (nil) rent for a period of five years.
- Payment towards offsetting projected residual CO2 emissions of the development of £58,751.20 (or Affordable Housing TBC).
- Advanced Stage Review Mechanism.
- The tower and its cupola is rebuilt according to the consented plans (which are subject to condition) and completed in full, before the first occupation of any part of the building hereby approved.
- Permit (CPZ) free residential units. i.e. Car-free development.

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 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans and documents list (Compliance)</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Site Map; Location Map; TH19-EX-101 RevP0; TH19-EX-102 RevA; TH19-EX-103 RevP0; TH19-EX-104; TH19-EX-105; TH19-EX-106 RevA; TH19-PR-201 RevP4; TH19-PRD-201 RevP0; TH19-PR-202 RevP2; TH19-PRD-202 RevP0; TH19-PRD-203 RevP2; TH19-PR-203 RevP3; TH19-PR-204 RevP2; TH19-PR-205 RevP2; TH19-PR-206 RevP1; TH19-PR-207 RevP1; TH19-PR-208 RevP0; TH19-PR-209 RevP2; TH19-PR-210 RevP1; TH19-PR-215 RevP1;</p> <p>Area Schedule by SIAW April 2020; Sustainable Design and Construction Statement 11th February 2020; Daylight, Sunlight & Overshadowing Report October 2019 ref: Ref: 15-1361 dated 17/10/2019; Planning Statement ref: RT-001 dated August 2019; Economic Regeneration Statement; Noise Assessment Report 15/0686/R1// Revision 3 dated 21 June 2019; Financial Viability Assessment August 2019 Version 4; Design and Access, Heritage Statement September 2019 TH19; BRUKL Output document; Letter from Tennant Associates dated 16/08/2019 ref: 19/002; Ventilation Assessment; Transport Statement October 2019; Structural Method Statement dated 25/09/2019 RevB; Letter from Tennant Associates dated 06/11/2019 ref: 19/002; Health Impact Assessment – Screening October 2019; Outline Construction Logistics Plan October 2019; Contaminated Land Assessment October 2019; Site Waste Management Plan dated 18 November 2019; Design addendum 28.02.20; Design Response;</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials and Samples (Details)</p> <p>CONDITION: Details of all facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) Roofing materials b) Doors and balustrades; c) Shopfronts; d) Exterior lighting/illumination; e) Any other materials to be used on the exterior of the development. <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that</p>

	the resulting appearance and construction of the development is of a high standard.
4	Facing Brickwork
	<p>CONDITION: Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the local planning authority before the relevant parts of the approved works are commenced and the sample panel shall be retained on site until the work is completed in accordance with the panels to approved. All new facing brickwork shall match the brickwork to the adjacent building.</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.</p>
5	Cupola and Tower
	<p>CONDITION: Detailed drawings to a scale of 1:20 of the proposed reconstructed cupola and tower together with samples of the materials to be used for the cupola and tower, shall be submitted to and approved in writing by the local planning authority prior to the commencement of any superstructure works of the development, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained.</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.</p>
6	Proposed Windows (Details)
	<p>CONDITION: Detailed drawings to a scale of 1:20 of the proposed windows, including the depth of their reveals, shall be submitted to and approved in writing by the local planning authority prior to the commencement of any superstructure works of the development, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained.</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.</p>
7	Scheme for Sound Insulation and Noise
	<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 and no change therefrom shall take place without the prior written consent of the Local Planning Authority.”</p> <p>REASON: To ensure that the development does not have an undue adverse impact on the amenity of the proposed residential units.</p>
8	Plant Noise (Compliance)
	<p>CONDITION: 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</p>

	<p>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.”</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
9	Sound Insulation
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed A1/B1 uses and the residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.”</p> <p>REASON: To ensure that the development does not have an undue adverse impact on residential amenity.</p>
10	Delivery Times
	<p>CONDITION: Deliveries, collections, unloading, loading for the commercial units shall only be between the following hours:</p> <p>Monday to Saturday - (08:00 - 20:00) Sundays/Bank Holidays - not at all”</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
11	Cycle Parking (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved and shown on drawing TH19-PR-201 RevP4, shall be covered, secure and comprise of no less than</p> <ul style="list-style-type: none"> - 9no. cycle parking spaces for the residential units; - 21no. cycle parking spaces for the B1 floorspace; - 1no. cycle parking space for the B8 floorspace; - 17no. cycle parking spaces are required for the A1 floorspace; - 16no. spaces for the A2/B1/D1/D2 flexible use floorspace. <p>The secure bicycle spaces 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>
12	Construction Management Plan and Construction Logistics Plan (Details)
	<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 (in consultation with Transport for London).</p> <p>The reports shall assess the impacts during the construction phase of the</p>

	<p>development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>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>
13	BREEAM
	<p>CONDITION: All business floorspace within the development hereby approved shall achieve the most relevant and recent BREEAM (2018) rating of no less than "Excellent".</p> <p>REASON: In the interests of sustainable development and addressing climate change in accordance with policies 5.2 and 5.3 of the London Plan 2016, Policy CS10 of Islington's Core Strategy 2011 and policy DM7.4 of Islington's Development Management Policies 2013.</p>
14	Green/Brown Biodiversity Roofs
	<p>CONDITION: All green/brown roofs shown across the approved development shall be designed, installed and maintained in a manner that meets the following criteria:</p> <ol style="list-style-type: none"> green/brown roofs shall be biodiversity based with extensive substrate base (depth 120 -150mm); laid out in accordance with plans hereby approved; and 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 run-off.</p>
15	Solar Photovoltaic Panels (Details)
	<p>CONDITION: Prior to the commencement of superstructure works on site, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> - Location; - Area of panels; and - Design (including elevation plans). <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable</p>

	development and to secure high quality design in the resultant development.
16	First Floor
	<p>CONDITION: The flat roof area on the first floor shown on plan no. TH19-PR-202 RevP1 28.02.20 hereby approved, shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency, except the area indicated as roof terrace for flat 1.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
17	Nesting Boxes (Compliance)
	<p>CONDITION: 4no. bird and bat boxes (including swift boxes) shall be installed, prior to the first occupation of the building to which they form a part, or the first use of the space in which they are contained, and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
18	Refuse and Recycling
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);</p> <p>b) a waste management plan</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
19	Accessible Showers/WC's (Compliance)
	<p>CONDITION: For the hereby approved development the accessible showers and WC's shall be implemented in accordance with drawing TH19-PR-201 RevP4 25.3.20, and shall be available for users upon the first occupation of the new floorspace, following completion. The layout shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To provide an accessible environment for future occupiers.</p>
20	Secured By Design Accreditation
	<p>CONDITION: Details of measures to prevent crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority prior to occupation including:</p> <ul style="list-style-type: none"> • Cycle and refuge store be secured with security rated door sets to a minimum rating of LPS1175 SR2 to withstand communal use and likely attack. They should be self closing and self-locking. • Bulk head or column lighting should be utilised with and CCTV complimenting the lighting present. • Entrance doors to the building should also be PAS24 2016 with encrypted fob entry and audio visual access control. These doors should be self closing and self-locking.

	<ul style="list-style-type: none"> • Doors off the stairwells should also be security rated to a minimum of PAS24 with encrypted fob entry, self closing and self-locking. • Any accessible and opening windows should be PAS24 and if not opening then they should be P1A glazing as a minimum. • Fire doors to the outside of the building should have no ironmongery on the outside and be alarmed for any breaches. <p>Full details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the development hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
21	Local Level Travel Plan
	<p>CONDITION: A Local Level Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby approved and the measures shall be implemented in perpetuity, unless otherwise agreed in writing.</p> <p>REASON: To ensure the development deliveries the sustainable transport objectives.</p>
22	Removal of additional windows on rear boundary
	<p>CONDITION: Prior to the commencement of superstructure works on site, revised first and second floor level plan drawings, and revised (northeastern) rear elevation drawing, showing the removal of windows, on the (northeastern) rear boundary of the site at first and second floor levels, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent unduly prejudicing the satisfactory development or operation of adjoining land.</p>
23	Surface Water Drainage (Details and compliance)
	<p>CONDITION: No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details which have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:</p> <p>i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</p> <p>ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.</p> <p>REASON: In order to secure sustainable urban drainage, reducing the risk of flooding and to mitigate the impacts of the development.</p>
24	Refuse Storage (Details)

	<p>CONDITION: Details of the refuse storage for the residential and all commercial uses shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved.</p> <p>REASON: To ensure adequate provision of waste and recycling facilities.</p>
25	<p>Thermal Overheating Model</p> <p>CONDITION: Prior to commencement of superstructure works a Dynamic Thermal Overheating Model to account for future summer temperatures lasting until 2050 should be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to minimise the environmental impacts of the development.</p>

List of Informatives:

1	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington's Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the council at 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:</p> <p>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>
2	<p>Sustainable Sourcing of Materials</p> <p>Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>
3	<p>Means of Escape</p> <p>You are advised that during building works a temporary means of escape must be provided to any surrounding buildings which have an existing means of escape accessed via the application site.</p>
4	<p>Building Control</p> <p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p>

	T: 020 7527 5999 E: building.control@islington.gov.uk
5	The Party Wall Act
	The applicant is advised to comply with the relevant sections of the Party Wall (etc) Act 1996 (as amended) in regards to the proposal, namely in relation to the alteration and building up onto side boundary walls, and the excavation of a single storey basement to the existing side boundary walls.
6	Other Legislation
	You are advised of the need to comply with other legislation outside the realms of planning, namely building regulations and environmental health regulations.
7	Other Operations
	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: " 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
8	Non-Road Mobile Machinery
	INFORMATIVE: An inventory of all NRMM must be registered on the NRMM register https://nrmm.london/user-nrmm/register . 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 shall meet Stage IIIB from 1st September 2020. 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. Relevant details should be provided in the CEMP required by condition 11.
9	Thames Water
	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. We 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 wwqriskmanagement@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.
10	Thames Water
	We would expect the developer to demonstrate what measures will be undertaken 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

	<p>provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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 020 3577 9483 or by emailing wwgriskmanagement@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>
11	Thames Water
	<p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p>
12	Thames Water
	<p>Water Comments</p> <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. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p> <p>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> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. 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>
13	Transport for London
	<ol style="list-style-type: none"> 1. The site of the development proposal is less than 50 metres from Seven Sisters Road (A503) which forms part of the Transport for London Road Network (TLRN). Transport for London is the highway authority for the TLRN and are concerned about any proposal which impacts on the safe and efficient movement of traffic, including buses and also cycles on the carriageway and/or affected the safety and comfort of pedestrians on the footway. 2. The footway and carriageway on the A503 must not be blocked during demolition and construction works. Temporary obstructions must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A503/ Seven Sisters

	<p>Road.</p> <ol style="list-style-type: none">3. All vehicles associated with construction must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.4. No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences.
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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 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.

2 Development Plan

The Development Plan comprises London Plan 2016, Islington's Core Strategy 2011 and Islington's 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

3 London's people

Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and Design of Housing Developments

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.2 Offices
Policy 4.3 Mixed Use Development and Offices
Policy 4.7 Retail and Town Centre Development
Policy 4.9 Small Shops
Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide

Policy 5.11 Green roofs and development site environs

6 London's transport

Policy 6.1 Strategic approach
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion

7 London's living places and spaces

Policy 7.1 Lifetime neighbourhoods
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

8 Implementation, monitoring and review

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

emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS 2 (Finsbury Park)
Policy CS8 (Enhancing Islington's character)

Strategic Policies

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

Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)
Policy CS13 (Employment Spaces)
Policy CS14 (Retail and services)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Islington's Development Management Policies June 2013

Design and Heritage

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

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)

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops
DM4.4 Promoting Islington's Town Centres
DM4.8 Shopfronts
DM4.9 Markets and specialist shopping areas
DM4.12 Social and strategic infrastructure and cultural facilities

Employment

DM5.1 New business floor space
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

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

construction statements
DM7.3 Decentralised Energy Network
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

3 **Designations**

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

- Locally Listed Building;
- Primary Retail Frontage - Finsbury Park;
- Finsbury Park Town Centre;
- Finsbury Park Core Strategy Key Area;
- Article 4 Direction - office to residential;
- Fonthill Road Specialist Shopping Area.

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

The following SPGs and SPDs are relevant:

Islington Local Plan

- Urban Design Guide 2017
- Inclusive Design in Islington SPD
- Affordable Housing Small Sites Contributions SPD
- Environmental Design SPD
- Finsbury Park Development Framework SPD
- Basement Development SPD
- Planning Obligations S106 SPD
- Development Viability SPD

London Plan

- Housing Supplementary Planning Guidance (2016)
- Accessible London: Achieving an Inclusive Environment SPG
- Planning for Equality and Diversity in London SPG
- Shaping Neighbourhoods – Character and Context SPG
- Sustainable Design and Construction SPG

Emerging Policies

Draft London Plan

- 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. 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.

Policy SD6 Town Centres and High Streets
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 D3 Optimising site capacity through the design-led approach
Policy D4 Delivering good design

Policy D5 Inclusive design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D10 Basement development
Policy SI2 Minimising greenhouse gas emissions
Policy H2 Small Sites
Policy H10 Housing size mix

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling
Policy T6 Car parking

Draft Islington Local Plan 2018

- 6 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 and examination is expected to take place in Summer 2020. As such, the draft Local Plan and policies with objection are considered to have limited weight.

Policy PLAN 1: Site appraisal, design principles and process

Policy SP6 Finsbury Park

Policy S1 Delivering sustainable design

Policy S2 Sustainable design and construction

Policy S3 Sustainable design standards

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 DH4 Basement development

Policy H4 Delivering high quality housing



Appeal Decision

Site visit made on 21 January 2019

by Zoe Raygen, Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2019

Appeal Ref: APP/V5570/W/18/3199742

139-149 Fonthill Road, Islington, London N4 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Oksana Protsyuk (Polar Romax) against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2017/0333/FUL dated 24 January 2017, was refused by notice dated 8 January 2018.
 - The development proposed is refurbishment and extension of the site to provide retail (Use Class A1) commercial floor space (Use Class B1) and flexible employment floor space (Use Classes A2/B1/D1/D2) together with 9 No residential units (Use Class C3).
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant has submitted a signed Unilateral Undertaking (UU) under S106 of the Town and Country Planning Act 1990, as amended. The UU contains obligations in respect of ensuring that the development remains car free, and the payment of financial contributions towards the cost of affordable housing and carbon offsetting.

Main Issues

3. The main issues are:
 - Whether or not the proposal would provide appropriate living conditions for future residents with particular regard to the inclusion of single aspect units, noise and external space
 - The effect of the proposal on the retail function, character and vitality and viability of the Finsbury Park Town Centre and the unique function of the Specialist Shopping Area
 - Whether or not it has been appropriately demonstrated that the proposal delivers the maximum number of residential units.

Reasons

Living conditions

4. Policy DM3.4 (A) (i) of the Islington Local Plan Development Management Policies 2013 (the DMP) requires that accommodation should be of an adequate size, with acceptable shape and layout of rooms having due consideration to aspect amongst other matters. Furthermore, part D of the Policy states that new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated. For sites where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room.
5. Four of the proposed units would be single aspect, and in this respect contrary to Policy DM3.4. The appellant refers me to Standard 29 of the Mayor of London's Housing Supplementary Planning Guidance 2016 (the SPG) which states that developments should minimise the number of single aspect dwellings and those that would be north facing should be avoided. It goes on to state that good single aspect one- and two-bedroom homes are possible where limited numbers of rooms are required, the frontage is generous, the orientation/outlook is favourable, and care is taken to mitigate the potential for overheating, which is considered to be an increasing concern in London, without the need for mechanical ventilation.
6. I accept that none of the units would be north facing however, the main living rooms, and in most cases the bedrooms to flats B.3.1 and B.3.3, B.4.1 and B.4.2 would only be served by one window. While the balcony which would partly adjoin some rooms would be open, it would be separated from the rooms by some form of enclosure.
7. At the time of my site visit it was mid-morning on a relatively dull day in winter, and the level of light in the part of the building where the flats would be located was low. The DMP states that dual aspect design is key to maximising natural light, cross ventilation and access to quiet parts of homes. The reliance on single aspect windows, together with the depth of the rooms proposed, and the relatively large size of the units, would in my opinion lead to gloomy living conditions.
8. The appellant's Noise Assessment (NA) identifies that noise on the Fonthill Road side of the building would fall within Noise Exposure Category - C contained within Table 3.4 of the DMP where planning permission should not normally be granted. As a result, mitigation measures are likely to be required to the fenestration on the Fonthill Road elevation. The NA suggests the use of double glazing of a performance beyond basic thermal double glazing together with some form of ventilation system either as part of the window frame or separate to it. Although windows should not be sealed they should be openable only for purge ventilation.
9. This is confirmed in the Council's Acoustic Officer's (AO) consultation response which states that "the Fonthill Road façade is appreciably noisier than the quieter opposite façade and the best design for the flats would enable each one to have access to a quieter side. To enable internal noise targets to be met then there will need to be consideration of the design of the façade, glazing

- and mechanical ventilation to allow the windows to stay shut and noise attenuation to be effective”.
10. The flats B.3.1, B.3.3 and B.4.1 would only have windows and balconies on the Fonthill Road elevation. I do not doubt that a technical solution could be achieved through details required by the imposition of a condition as suggested by the AO. However, if the design solution would be closed windows with a ventilation system to effectively mitigate the impact of the level of noise from Fonthill Road, this would be far from ideal for the only window in the habitable rooms. To my mind residents would be likely to want to open their windows in fine weather (or would wish to do so at least occasionally). In this instance therefore, the lack of dual aspect design would harmfully restrict natural light and cross ventilation which would create poor living conditions for future occupiers.
 11. The appellant has also referred me to appeal decision APP/N5660/W/17/3170507 where the Inspector found that the provision of 9 single aspect units out of 28 minimised their provision as required by the SPG. Furthermore, the Inspector concluded that the narrow linear nature of the appeal site, together with the access restrictions were particular and unusual constraints upon the sites development which amounted to exceptional circumstances so that there was no conflict with local Policy. However, I am not aware of whether the situation regarding noise and ventilation requirements was similar to the case before me now.
 12. In addition, although the appeal building is narrow and linear, there is no substantive evidence before me to suggest that dual aspect accommodation is impossible to achieve for all residential units. Therefore, I am not satisfied that in this instance the appellant has demonstrated exceptional circumstances, to justify the provision of the single aspect units. Furthermore, the provision of 4 units within a scheme of only 9 does not, in my opinion minimise the number of units that are single aspect in accordance with the SPG. Moreover, the maximisation of housing does not outweigh the need to ensure that housing is built to the highest environmental standards.
 13. The Council suggest that 6 of the two-bedroom units have a floorspace large enough to accommodate a three-bedroom unit. In particular it is concerned that if 4 of the units (B.4.3, A.2.1, A.3.1 and A.4.1) were converted to three-bedroom units then there would be insufficient external garden space.
 14. Policy DM3.5 of the DMP states that the minimum requirement for private outdoor space is 5 sqm on upper floors and 15 sqm on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1 sqm is required on upper floors and an extra 5 sqm on ground floors up to a minimum of 30 sqm for family housing (three-bedroom residential units and above).
 15. There is no dispute that the units have sufficient external space to comply with the requirements of Policy DM3.5 for a two-bedroom unit. I understand that the Council’s preference is for three-bedroom units to be provided at ground floor with 30 sqm of external space available. However, all four of the units that the Council raise concerns about are on the upper floors and are shown on the submitted plans for my consideration to be two-bedroom units. Furthermore, while I note the content of the original plans submitted by the Council in respect of these units, there is no substantive evidence before me to suggest that there would be any intention to convert them to three-bedroom

units in the future. I am satisfied therefore that the external space for the residential units is satisfactory and in accordance with Policy DM3.5.

16. The Council also raises concerns regarding the location of residential units adjacent to the proposed B1 units on the first, second and third floors. However, the Council's AO, in their consultation response suggests details of a soundproofing scheme could be secured by a suitably worded condition. Their particularly concern appears to lie in any location of residential units adjacent to a gym or restaurant. However, that is not proposed in the scheme before me.
17. Although the Council suggests that it would be difficult to achieve compliance for a soundproofing scheme for the length of wall between the proposed B1 use and residential units on the third floor, I have seen no technical evidence to support this view. Therefore, I am satisfied that the matter could reasonably be mitigated through details secured by a condition if the appeal were to be allowed. As a result, there would be no conflict with Policy DM3.7 of the DMP which seeks to secure sufficient sound insulation between dwellings and public/communal areas.
18. While the proposal is acceptable in some respects, for the reasons above I conclude that the proposal would not provide acceptable living conditions for future occupiers with particular regard to the inclusion of single aspect units. It would therefore be contrary to Policy 3.5 of the London Plan (2016), Policy CS12 of the Core Strategy and Policies DM2.1 and DM3.4 of the DMP and the SPG. These seek to ensure developments are functional and fit for purpose and provide a good level of amenity and quality of life, and that residential units have a dual aspect.

Retail function, character and vitality and viability

19. The appeal site is located within an area designated as Finsbury Park Town Centre, a Primary Retail Frontage and a Specialist Shopping Area. Policies DM4.4, DM4.5 and DM4.9 of the DMP seek to maintain and enhance the retail and service function of the town centres, protect the predominantly retail function and character of town centres and the unique function of the specialist shopping areas. Within the explanatory text to Policy DM4.9, the small clothing shops at Fonthill Road, where the appeal site is located, are identified as a Specialist Shopping Area that provide a major contribution toward a healthy, diverse retail offer in these centres.
20. The Council raise concerns regarding, in its opinion, a loss of A1 floor space, caused by the proposal. According to the Council the existing basement of the appeal building contributes to the current A1 floor space by virtue of its suitability to be used as an ancillary storage area for the existing A1 units. As a result, the Council considers that although there would be an increase in the number of retail units provided on the site, there would be an overall loss of 207.38 sqm of retail floor space, which would be harmful to the retail function and character of the Town Centre, Primary Retail Frontage and Specialist Shopping Area.
21. There is no dispute between the parties that the basement area meets the definition of Gross Internal Area which is contained within the DMP. In addition, it is agreed that part of the basement has planning permission for A1

- use and is currently being used by one of the retail units fronting Fonthill Road. I saw this to be the case at my site visit.
22. The appellant has submitted details of the planning history of the buildings and believes that use of the basement was abandoned between the 1970's and 2001. The Council refer to a letter from Simon Powell Architects dated 2 April 2001 submitted by the appellant, which it considers lends support to the case that the basement was, at that time, being used for ancillary A1 storage uses. However, the letter states that "some of the shops fronting Fonthill Road utilise other parts of the building for storage and wholesale distribution". It does not specify that the other parts of the building referred to in the letter includes the basement area. Therefore, I cannot be sure that the letter is sufficient evidence to identify the use of the basement area as an ancillary storage area to the retail units.
 23. Photographs within the appellant's appeal statement show the basement to be vacant and not used other than the area where plant is situated providing heating and hot water for the building. The Council state that given its location and accessibility the plant operates ancillary to the A1 use. However, I am not persuaded by this argument. The plant provides heating and hot water for the whole building and is accessible by all tenants of the building from the front entrance.
 24. At the time of my site visit the basement area was little changed from its state shown in the appellant's photographs. The appellant also confirms that use of the basement is not contained in any of the leases for the shop units. I am satisfied from the evidence submitted and my observations on site that the area is not currently being used for A1 floor space or has been for some time. Furthermore, I saw at my site visit that the basement is accessible by all tenants of the building by a front entrance from Fonthill Road and not just the tenants of the shops.
 25. At my site visit I noted that the basement ceiling is low and pipes in places located even lower, making it necessary for people to duck down to access the area. In addition, the basement is accessed by a steep narrow staircase with no handrail, there is very limited ventilation, no windows and the area is poorly lit. To my mind this is not ideal, in terms of safety, for people to access on a regular basis, even for storage purposes.
 26. Through the reuse of the floor space currently in use as retail, and the incorporation, and extension of the basement area the appeal scheme would provide 14 retail units. These would be small in size, in broad accordance with the requirements of Policy DM4.1 of the DMP which states that to encourage new provision of small and independent shop units, the council will seek to secure small shop units (generally considered to be units of around 80 sqm gross internal floor space or less) suitable for small and independent retailers throughout the borough. Furthermore, four of the units would have floor space of about 90 sqm which the Council suggest is essential to maintain the existing character of the Specialist Shopping Area. Moreover, the number of shops fronting Fonthill Road would be unaltered, and there would be no break in the continuity of the existing retail frontage. I note the comments of an interested party stating that units in excess of 90 sqm would be required to ensure their viability. However, I have seen no substantive evidence in support of this claim.

27. Therefore, even if the basement area does have the capacity to form an ancillary storage area to the shops and there would be an overall loss of retail floor space, I have seen no substantive evidence to suggest it is either currently in use or is critical to the viability and vitality of the existing shops in its current form. The maintenance of shops on the Fonthill Road frontage and the creation of further small shop units would ensure that the retail function character and viability and vitality of the Town Centre, Primary Retail Frontage and the Specialist Shopping Area would be maintained and enhanced.
28. For the reasons above, I conclude that the proposal would not be materially harmful to the retail function, character and vitality and viability of the Finsbury Park Town Centre and the unique function of the Specialist Shopping Area. There would therefore be no fundamental conflict with Policies DM4.4, DM4.5 and DM4.9 of the DMP.

Efficient use of the site

29. The appellant proposes the provision of 9 residential units with a total floor space of 859 sqm. The Council consider that the 9 units are oversized when considering the Technical housing standards – nationally described space standard 2015 (the Space Standards), and that the scheme could provide 10, 11 or 12 units which would trigger the requirement for the provision of on-site affordable housing. Therefore, in its opinion, the number of units has not been maximised and the proposal is not sustainable development in accordance with Policy DM2.1 of the DMP.
30. Policy CS12 (G) of Islington's Core Strategy 2011 states that all sites capable of delivering 10 or more units are required to provide affordable homes on site. The Council relies considerably on appeal decision APP/V5570/W/15/3131288 where it had similar concerns to those raised in the appeal before me now. The Inspector accepted the Council's case regarding the provision of Policy CS12 and that it was reasonable that ensuring sites reach their maximum potential should be a material consideration. The Inspector concluded that the appellant had not satisfactorily demonstrated that the appeal site was not capable of accommodating 10 or more units and dismissed the appeal.
31. However, that appeal was in relation to the demolition of the existing buildings on site and the construction of a new five storey building purely for residential use. The case before me is a mix of conversion and extension, which would be subject to constraints due to the retention of the existing building fabric. Furthermore, at that time, the Inspector had clear evidence in front of them that the appeal site could accommodate 10 dwellings in the form of an alternative proposal for the site. Therefore, I am not persuaded that the two cases are sufficiently comparable for me to reach a similar decision.
32. The Inspector in the decision also makes the point about the Policy referring to all *sites* capable of delivering 10 or more units gross to provide affordable homes on-site rather than *developments* or *proposals*.
33. The appeal site here is large and if a mixed-use scheme were not being proposed would be likely to be capable of accommodating 10 or more dwellings. However, the scheme before me now, seeks to meet the requirements of other Policies of the DMP in terms of an uplift in B1 floor space, the preferred mix of housing, the maintenance and delivery of an enhanced retail offer and improvements to the appearance of the building. Nevertheless,

most of those aspirations have been met while providing 859 sqm of residential floor space and about 483 sqm of "flexible" commercial floor space. Therefore, the nub of the Council's case, as I understand it, is that such an amount of residential floor space could be alternatively delivered as 10, 11 or 12 residential units and still meet the requirements of Policy DM3.1 regarding the preferred mix of sizes of residential units in new developments.

34. However, I accept that the total residential floor space is split over four floors, three of which are within the existing fabric of the building. As a result, the fixed position of the existing access stairways through the first, second and third floor provides its own constraint to the layout of the uses, as well as the location of the staircase on the proposed fourth floor. Furthermore, most of the existing building is locally listed which restricts the development potential in terms of additions and alterations to the building. Moreover, I have already identified a need to avoid conflict between the residential units and the flexible commercial use with regard to noise. These matters together with the existing restricted fenestration to the building, means that the layout and size of the units is constrained, unlike with new build accommodation.
35. Furthermore, it appears to me that four of the units that are particularly oversized are those that according to the plans submitted by the Council were either proposed as three bedroom or capable of being used as three bedroom units and the internal layout has subsequently been amended so that the units would be two bedroom (A.2.1, A.3.1 A4.1 and B4.3). The appellant confirms that this is the case and changes were made in order for the scheme to meet the Council's preferred mix of housing set out within Table 3.1 of the DMP and required in all residential schemes by Policy DM3.1 of the DMP. Had the units remained three-bedroom then it is likely that the amount of oversize would not be significant, and the proposal would not accord with the mix shown in Table 3.1.
36. The appellant has submitted a viability report dated 6 March 2018 that demonstrates that a scheme providing 10 residential units which would be fully compliant with Policy CS12 would not be viable, and the contents of the report are not disputed by the Council. I accept though that this is only one scenario, and there is no further evidence regarding a combination of market and affordable houses which the Council has stated may be acceptable.
37. Nevertheless, based on the evidence before me and my observations on site, I am satisfied that the case has been made by the appellant to justify the proposed mix and distribution of uses on the site which limits the space available for residential units. Furthermore, for the reasons above, I conclude that, taking into account the existing building constraints and differing Policy requirements, it has been appropriately demonstrated that the proposal delivers the maximum number of residential units. There is therefore no fundamental conflict with Policies CS12 of the Core Strategy and DM 2.1 of the DMP.

Planning Balance

38. I have found that the retail function character and viability and vitality of the Town Centre, Primary Retail Frontage and the Specialist Shopping Area would be maintained and enhanced. I have seen no substantive evidence though to suggest that the retail area is in decline. Indeed, at my site visit I saw a vibrant retail area with very few vacant units. Therefore, I give limited weight

- to this enhancement. Even if I were to accept the appellant's case that the scheme delivers an increase in retail floor space, the additional amount is very limited, and the consequent economic benefits have not been quantified.
39. There would be a number of external alterations to the building. Some of these would positively improve the appearance of the building such as the alterations to the front façade of No 139 so that the design reflects that on the adjacent locally listed building. However, such alterations only apply to a small part of the building. Furthermore, the appellant proposes to reinstate the cupola on the tower on the building. There is though no guarantee, for example in the form of a legal agreement, that the reinstatement of the cupola would occur. Therefore, I give these benefits limited weight.
 40. The provision of 9 residential units in an accessible location would be a benefit of the scheme. The appellant asserts that there would be a strong emphasis on family accommodation in accordance with Policy CS12 (E) of the Core Strategy given that the majority are two bed units and the draft London Plan (2018) acknowledges that many families live in two-bedroom units in London and this should be taken into consideration when assessing the needs that different sized units can meet. In any case, the Councils preferred housing mix demonstrates a requirement for two-bedroom housing, so irrespective of whether two-bedroom housing is classed as family housing or not it meets the requirements of Policy DM3.1 in this respect.
 41. However, as I have found that some of these units would not provide acceptable living conditions this limits the weight I can give to the units and therefore they only attract limited weight.
 42. The Affordable Housing Small Sites Contributions Supplementary Planning Document 2012 requires a contribution of £50,000 per new unit towards the cost of affordable housing in the Borough. Therefore, in this instance there would be a requirement for a payment of £450,000. The Council is satisfied that the appellant's Viability Report 2017 justifies a reduction in this amount to £300,000 and this is secured within the UU. I have seen nothing to lead me to disagree with this view and therefore this is a significant benefit of the scheme.
 43. The provision of additional B1 office space and flexible floorspace is an economic benefit of the scheme. Furthermore, the Framework states that significant weight should be placed on the need to support economic growth and productivity.
 44. While I have found no conflict with the development plan in some instances, the proposal is contrary to the development plan as a whole in that it fails to provide acceptable living conditions for future residents' contrary to Policies Policy CS12 of the Core Strategy and Policies DM2.1 and DM3.4 of the DMP.
 45. In such circumstances, paragraph 12 of the Framework indicates that planning permission should not be granted unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the appeal proposal would be contrary to the development plan policies I have referred to, and the very significant resultant harm would not be outweighed by other material considerations.

Conclusion

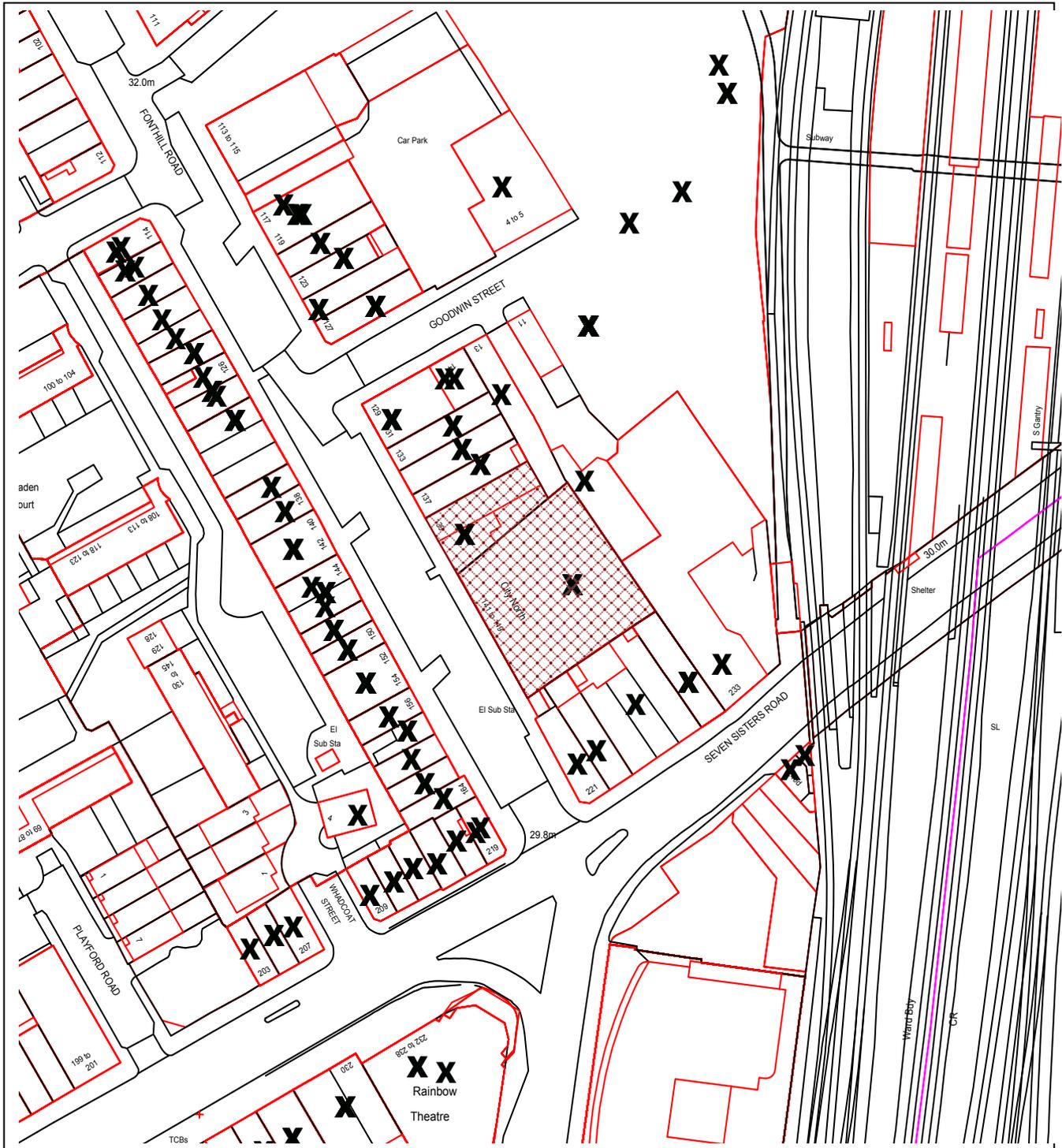
46. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 333
 Town Hall
 LONDON N1 2UD

PLANNING COMMITTEE	AGENDA ITEM NO:B2
Date: 18 May 2020	

Application number	P2019/3464/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Adjacent to Grade II Listed 21 – 23 Yardley Street
Conservation area	Adjacent to New River Conservation Area (CA2) Within 50m of Rosebery Avenue Conservation Area (CA34)
Strategic	Central Activities Zone (CAZ) Margery Street/Easton Street Employment Growth Area (EGA) GLA Protected Vista (Kenwood viewing gazebo to St Paul's Cathedral) Strategic Cycle Route Local Cycle Route Article 4 Direction – B1a (Office) to C3 (Residential)
Licensing Implications	n/a
Site Address	Edward Rudolph House, 69 - 85 Margery Street, Islington, WC1X 0JL
Proposal	Demolition of the existing building and construction of a 5 storey building (plus roof top plant enclosure and further basement excavation to the existing basement/lower ground level), to provide for a total of 5,660sqm (GIA) of office floorspace (Use Class B1a), along with a new substation, cycle parking and changing facilities, refuse and recycling storage, hard and soft landscaping, and associated works.

Case Officer	Simon Roberts
Applicant	Royal UK Properties III Ltd
Agent	ROK Planning

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

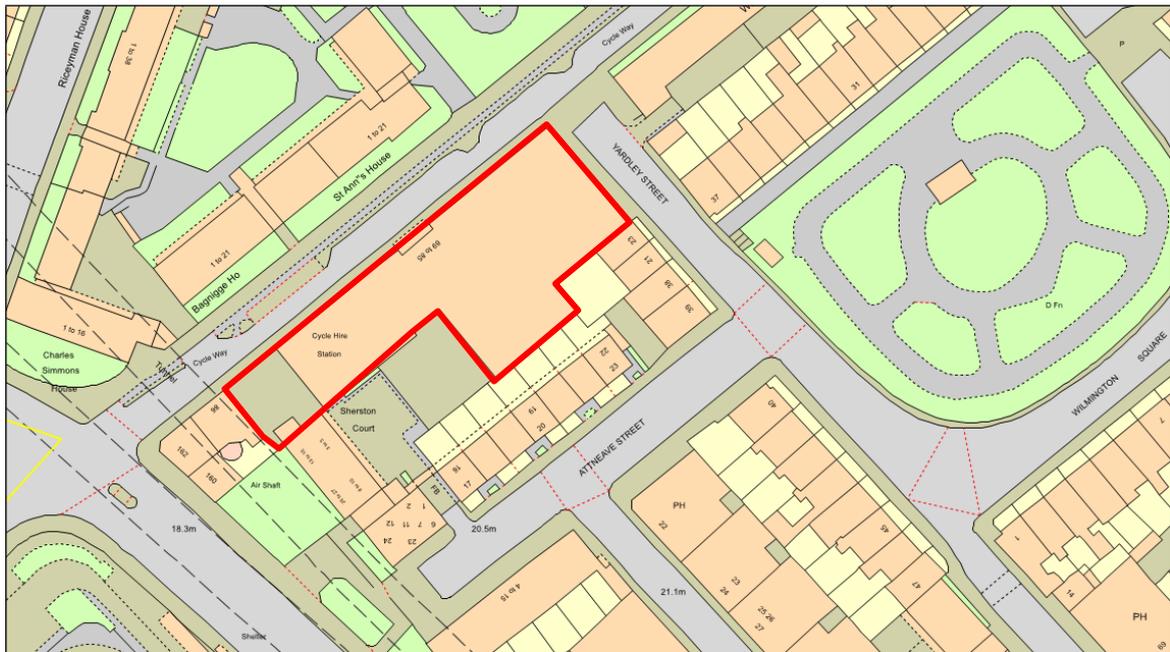


Figure 1: Site Location Plan (outlined in red)

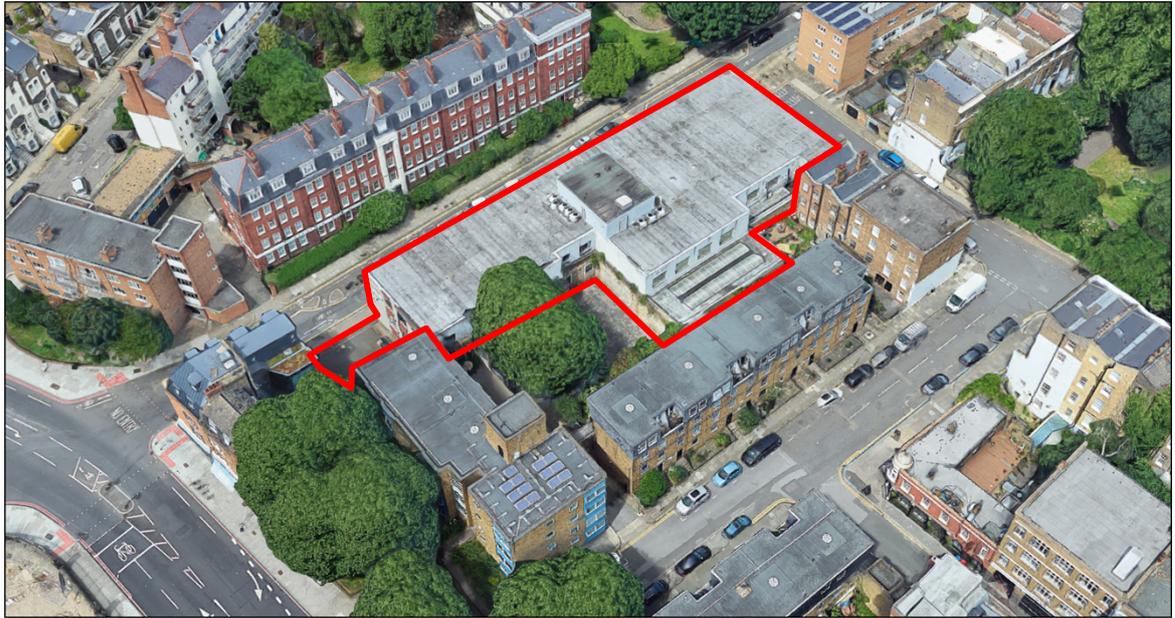


Figure 2: Aerial view from the south

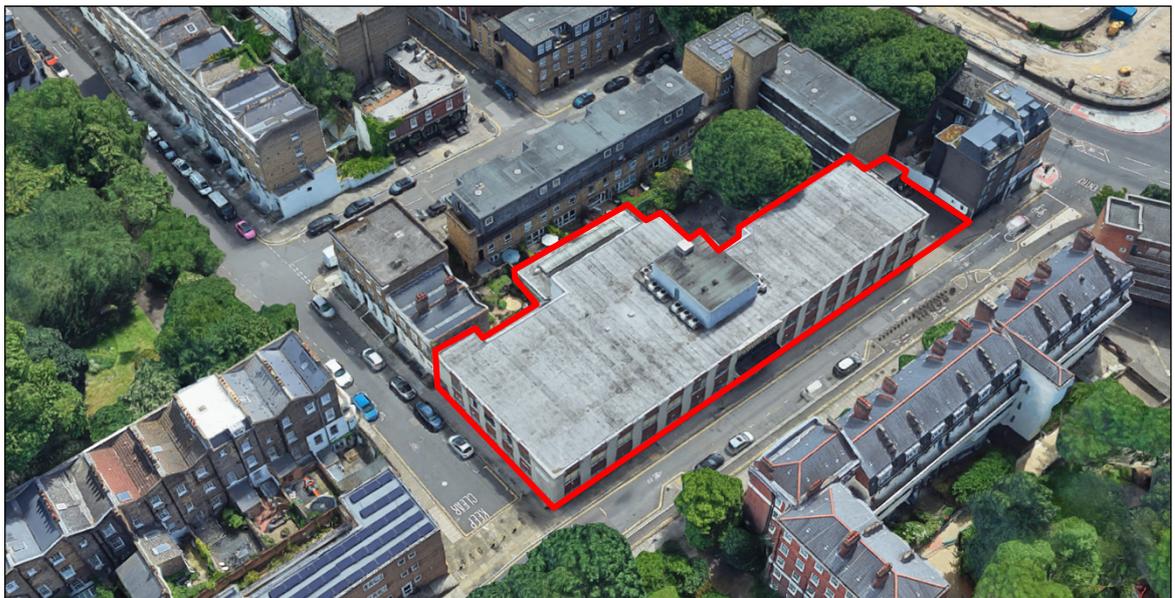


Figure 3: Aerial view from the north



Figure 4: Photographs of the Margery Street elevation and the existing main entrance

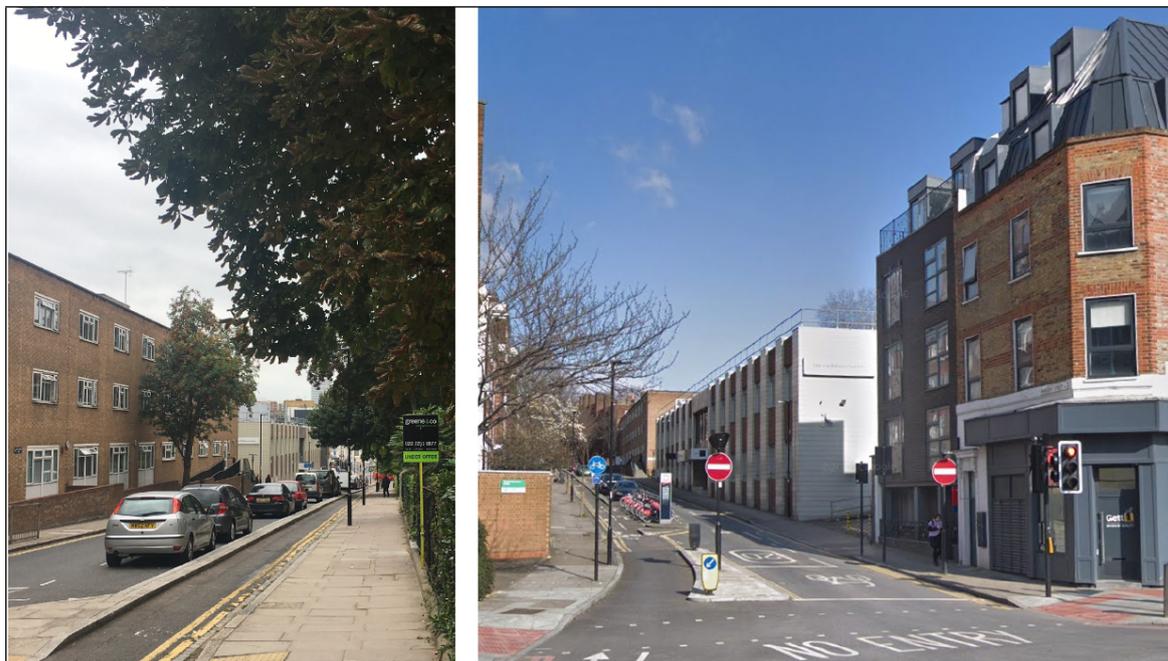


Figure 5: Photograph (left) from the top of Margery Street and (right) from the bottom of Margery Street on the junction with Farringdon Road.



Figure 6: Photograph of the existing service yard on-site, accessed from Margery Street

3. SUMMARY

- 3.1. The application seeks to redevelop the site following demolition of the existing building, to be replaced with a two to five storey building for office (Use Class B1a). The development would provide 5,660sqm (GIA) for office use, an uplift of 3,117sqm on the existing office building to be demolished.
- 3.2. The proposal has been amended during the course of the application, with revisions to the scale and height of the building, detailed design in regards to materiality and fenestration, and the internal layout of the building, in response to suggestions made by the Design Review Panel, consultee and neighbour comments on the scale and massing of the proposal as well as impacts upon neighbouring amenity by reason of loss of privacy and loss of daylight/sunlight.
- 3.3. The main planning considerations are land use, design and appearance, impact upon neighbouring heritage assets, and impact upon neighbouring residential amenity.
- 3.4. In land use terms, the provision of additional B1a (office) floorspace within the Central Activities Zone (CAZ), Bunhill and Clerkenwell Key Area and Margery Street/Easton Street Employment Growth Area is supported. The proposed office development is considered to accord with all the pertinent land use policies with the London Plan and Islington Development Plan and therefore, the proposal is considered to be acceptable in land use terms
- 3.5. The scale, height, design and appearance of the proposal is now considered acceptable. That said the Council's Design and Conservation Officer does raise concern that the proposal would have an impact on the way near-by listed buildings would be seen, and that there would be impacts to the character and appearance of the Conservation Area. This impact weighs against the scheme in the planning balance.
- 3.6. The development would lead to the loss of daylight to neighbouring residential properties adjoining and close to the site. Again, this impact to the level of daylight to neighbouring

properties weighs against the scheme in the overall planning balance. The weight given to this impact has been carefully considered and is discussed in detail within this report.

- 3.7. Impacts upon neighbouring privacy from overlooking would be sufficiently mitigated through design measures and through the recommended planning conditions.
- 3.8. The site has excellent public transport accessibility level (PTAL) due to its proximity with Kings Cross Road / Farringdon Road. The proposal would be a car-free development. It has been shown that servicing and deliveries can safely take place on-street, whilst there would be sufficient cycle parking facilities located at lower ground level.
- 3.9. The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change.
- 3.10. 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.
- 3.11. A comprehensive package of mitigation measures would be secured through a s106 legal agreement, including provision of public realm improvements, affordable workspace, contributions towards employment and training initiatives as well as other mitigating measures.
- 3.12. The proposal would deliver high quality office accommodation in an area of high demand whilst enhancing the street scene and the character of the area. While the impacts of the scheme are acknowledged, the scheme would also bring forward benefits, including affordable workspace, employment space, enhanced energy, sustainability, security and accessibility. There will be jobs and spending during construction and contributions towards employment and training. All other matters relevant to planning are also considered to be acceptable. As such, on balance 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 site has an area of approximately 0.16 hectares and is located on the south side of Margery Street and comprises a two-storey office building, previously occupied by the Children's Society, with approximately 2,543sqm of office floorspace and a servicing yard accessed from Margery Street. The site is predominantly surrounded by residential accommodation at Margery Street, Yardley Street, Wilmington Square and Attneave Street.
- 4.2. The site is not located within a conservation area but lies immediately adjacent to the New River Conservation Area and the Rosebery Avenue Conservation Area to the south. The site also immediately adjoins Grade II listed buildings at 21 to 23 Yardley Street and 38 to 39 Wilmington Square.
- 4.3. In terms of the Local Plan, the site is located within the Bunhill and Clerkenwell Key Area, the Central Activities Zone (CAZ), Margery Street/ Easton Street Employment Growth

Area, and the Kenwood to St Paul's Cathedral viewing corridor. The western most section of the site (service yard) is adjacent to the route of London Underground tunnels.

- 4.4. The site has a Public Transport Accessibility Level (PTAL) rating of 6(a), with bus routes on Kings Cross Road and the proximity to Kings Cross and Farringdon stations giving the site excellent public transport connectivity.

Internal

- 4.5. The building is split across two levels, and is accessed from Margery Street. Due to the topography of Margery Street, part of the ground floor area is set lower than the surface level of Yardley Street and as such high level windows serve these areas. To the lower end of the building on Margery Street is a loading bay and external area.

5. PROPOSAL (IN DETAIL)

- 5.1. The proposal seeks the redevelopment of the site following the demolition of the existing building with the erection of two to five storey building for office (Use Class B1a). The development would provide 5,660sqm (GIA) of office floorspace, an uplift of 3,117sqm on the existing office building onsite.
- 5.2. The building would be accessed from a main entrance lobby on the corner of Margery Street and Yardley Street. The main core to the building would be central and to the south-east of the building and includes a staircase, 2x passenger lifts and a goods lift, allowing level access to all levels within the building. A secondary staircore is located to the south-west of the building.
- 5.3. At lower ground floor level, plant and equipment, cycle storage and WCs would be located to the north-east of the building where it is more of a basement without any outlook. Provision of 439qm of affordable workspace and further general office is located at lower-ground floor level with outlook either onto the streetscape or rear courtyard of the building.
- 5.4. At upper ground floor level would be the main entrance and lobby to the building, a dedicated entrance to the affordable workspace, office floorspace, a refuse and recycling enclosure, accessible cycle and mobility scooter enclosures.
- 5.5. To the upper floors (first, second and third floors) of the building would be further office floorspace. Each of these floors would have access to external amenity space by way of terraces.
- 5.6. The area schedule of the building is as follows:

Floor Level	Gross Internal Area (GIA) sqm	Net Internal Area (NIA) sqm
Lower Ground	1,384	903
Upper Ground	1,316	815
First	1,259	1,104
Second	1,052	916
Third	649	512
Total:	5,660	4,439

5.7. During the course of the application, the height, scale and massing of the proposed building has been reduced by lowering the floor to floor heights, seeking to address harm to neighbouring resident's daylight and sunlight amenity. Further amendments have been secured following consultation responses in regards to:

- Reduction of the overall height of the building by 1.5metres through reducing the floor to floor, and floor to ceiling heights of each of the upper floors;
- Alteration to the red line site boundary to make sure there is no ambiguity over the boundary of the site (which include a wall to the rear of the building);
- Increasing the provision of affordable workspace to 439sqm (10.3% of the overall floorspace);
- Reconfiguring of the layout of the building to respond to the Council's Access officer, improving accessibility and cycle provision;
- Reduction of the roof top plant and it's screening, in both extent and height;
- Facades amendments following comments made by the Design Review Panel, including improvements to all elevations, the fenestration, stone and brickwork;

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

6.1 The application site has been the subject of a number of planning applications as follows:

6.2 850946 – The installation of roller shutter doors in the eastern elevation – **Approved with Conditions** on 06/03/1986.

6.3 860541 – Fitting of non-illuminated perspex sign on the south western elevation immediately adjacent to Margery Street approximately 7.7 metres above ground level – **Approved with Conditions** on 31/07/1986.

6.4 880618 – Installation of illuminated box sign (Advertisement Consent) – **Approved with Conditions** on 31/10/1988.

6.5 891630 – Wheelchair access ramp to Margery Street frontage – **Approved with Conditions** on 31/01/1989.

6.6 P080406 – Display of 1 x non-illuminated fascia sign to front of main entrance canopy fronting Margery Street – **Approved with Conditions** on 15/04/2008.

PRE-APPLICATION ADVICE

6.7 Pre-application engagement between the Applicant and the Council was undertaken from January 2019. It was advised by the Council's Policy Team that business floorspace is a priority in this location and 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.

6.8 In terms of proposed design, it was acknowledged that there is scope to raise the built form on site in regards to bulk, height and scale. The pre-application scheme was also presented to Design Review Panel (DRP) three times prior to submission of the full

planning application. This is detailed further below with the Consultation section. The Applicant amended the design each time to respond to the comments made by the DRP.

7 CONSULTATION

Public Consultation

- 7.1 A site notice was erected and letters were sent to occupants of 313 adjoining and nearby properties on 05 December 2019, the initial public consultation of the application therefore expired on 29 December 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, re-consultation was undertaken on 26 March 2020, providing the opportunity for further representations to be made by 17 April 2020.
- 7.3 To date, a total of 30 representations have been received on the application, raising objection to the application.
- 7.4 The material planning considerations raised within the objections are summarised below [with reference to which sections of this report address those particular concerns indicated in brackets]:
- The site should be used for residential or as a hotel;
[see paragraphs 9.12 – 9.22 considers the acceptability of the proposed land use solely for Office (B1(a) Use Class), and why other uses are not proposed.]
 - Loss of privacy as a result of overlooking from windows and terraces;
[see paragraphs 9.91 – 9.99 for consideration of loss to neighbouring privacy and overlooking]
 - Loss of outlook and sense of enclosure;
[see paragraphs 9.100 – 9.102 for consideration of the development upon outlook.]
 - Loss of daylight and sunlight to neighbouring properties, including Bagnigge House, St Annes House, Yardley Street, Attneave Street and Sherston Court;
[see paragraphs 9.132 – 9.163 which outline the transgressions to all neighbouring properties in relation to daylight. See paragraphs 9.164 – 9.169 which outline transgressions to the sunlight received to neighbouring windows is minimal.]
 - Overshadowing to neighbouring garden spaces;
[see paragraphs 9.170 – 9.74 which outline that the proposal would see thee increase to sun on the ground for neighbouring amenity spaces at 21 – 23 Yardley Street, whilst no transgressions to other amenity spaces are reported.]
 - Noise and disruption from construction of the development;
[see paragraph 9.178 which outlines mitigation during demolition and construction for the development.]
 - Increase in parking stress, traffic and road safety;

[see paragraphs 9.92 – 9.197 considers the impact of the development of the surrounding road network, including on-street parking provision.]

- Increase in servicing on-street would be disruptive

[see paragraphs 9.89 – 9.191 for consideration of deliveries and servicing of the building.]

- Increase in occupiers of the site close to residential properties would cause noise, smell, hygiene and disruption;

[see paragraphs 9.103 – 9.108 for consideration of the proposal in regards potential noise and disruption.]

- Consultation should not be undertaken during the restrictions imposed due to COVID 19. A resident doesn't have access to the internet, and can't visit other homes to use it.

[Officer response: Government advice is that the Council is still expected to perform its statutory function relating to the processing of planning applications (there has been no allowance made by the Government for Local Planning Authorities to place applications on hold). Where the Council has been made aware that a resident doesn't have access to the internet, hard copies of plans and documents have been sent to that resident.]

Amenity and Interest Groups

7.5 Amwell Society – The Amwell Society is the Civic and Amenity Society for the area that includes the site in question, the Margery Street Estate and the New River and Rosebery Avenue conservation areas. In summary we are objecting on the basis that (a) the renovate & retrofit option has not been adequately considered, (b) the loss of daylight/sunlight is unacceptable, and (c) elements of the design are unsatisfactory given the importance of the site.

- (a) The case for Demolish & Rebuild vs Renovate & Retrofit has not been made convincingly. Given Islington's ambition to get to zero carbon as quickly as possible, we should only be demolishing and rebuilding where absolutely necessary. Is there any good reason why the existing building cannot be renovated to contemporary standards? An additional storey recessed from the Margery Street elevation would go some way to closing the gap between the current 30000 sq ft and the 60000 sq ft ambition for the site. We could find no evidence of an impact assessment of the carbon footprint over the life of the building, taking into account the carbon embodied in the current building.

[Case officer response: see paragraph 9.23 – 9.30 which details the Applicant's case for renovation vs redevelopment, and highlights the difficulty in providing any meaningful additions to the current structure.]

- (b) The building will cause an unacceptable loss of daylight/sunlight for residents in the lower floors of St Anne's House and Bagnigge House, and possibly in Sherston Court too. The 213-page report from GIA admits that neighbouring homes will be adversely affected, but maintains that this is acceptable because of the overall benefits to the area. Acceptable to whom? The Society is concerned that the loss of light will affect some of the most

vulnerable residents of the Margery Street Estate, those least able to fight their own corner. As far as they are concerned this building will be overbearing and unneighbourly. This problem could probably be dealt with by reducing the height of the building by one storey, at least at the western end of the site, and by recessing the two upper storeys (as was done with the block of flats at the corner of Naoroji Street and Margery Street, following objections by neighbours).

We note that only a short distance away, 6-figure sums were paid to residents affected by another development to forego some of their right to daylight/sunlight.

[Case officer response: Paragraphs 9.114 highlights national government guidance on how daylight and sunlight, and 'right to light' is regulated. Further, paragraphs 9.132 – 9.163 outline the reduction in daylight, whilst paragraphs 9.164 – 9.169 outline impacts to sunlight for neighbouring properties.]

- (c) The building is in a very prominent position, highly visible not only to neighbours but to the many cyclists, pedestrians and motorists who use Margery Street on a daily basis. Though not in the conservation area, the building borders the Rosebery Avenue Conservation Area. The least the site deserves is a good building. But is this a good building? In short, our answer is that it is not good enough. The proposal is for a building that is on a corner but doesn't address the corner, a building that links onto a Georgian terrace but doesn't finish it, a building that runs down the hill without relating properly to it. To address these issues in turn:

The corner of Yardley and Margery Streets: The problem is twofold, the view coming down Margery Street and that coming along Yardley Street. Margery Street is the more important as it is the major street. It is clear from the application documents that there have been numerous iterations of the design for this corner. What a pity that we have ended up with a blank upper wall that faces up Margery Street. This is no way to treat a corner. The views shown are from the opposite side of the street but mostly the view that will be retained by the passer-by is that from much further up the hill. The view from here will be just a cantilevered blank wall. A rather sad addition to the urban scene.

Viewed from Yardley Street, the view is probably even worse, the dull two storey element is prominent and hides the corner which is set back from the street. A non-corner.

[Case officer response: Paragraphs 9.42 – 9.46 consider the building in regards to height, scale and massing, and the impact of the building on the surrounding townscape.]

Linking to the Georgian Terrace: The first design had large glazed panels at three storeys abutting the Georgian buildings. The scale, detailing and proportion of this elevation was wrong, but most importantly, the height was wrong. Whilst there is a taller building on the other end of the terrace, to have three storeys immediately is too much too soon. But then to replace it with a two storey element that runs all the way to the corner is also wrong. Georgian terraces have balance and proportion. To propose an eight bay extension to the terrace that is the same height as far as the corner is wrong. It is poor urban design. To make matters worse, hiding behind the two storey facade is

a taller element set back from the facade. This totally destroys any semblance of the building being a development of the older buildings. Yardley Street needs an end to it, this design doesn't provide it. In addition, as noted above, this two-storey element prevents a proper corner being provided onto Margery Street.

The elevation to Margery Street: This is a very difficult thing to do. Internally the building is a single floor plate and externally it is broadly a flat facade. The Design and Access statement notes that there has been criticism of how the building relates to the slope; this has still not been resolved satisfactorily. Just putting faint shadow gaps doesn't seem to work, but surely it must be possible to do better? The perspectives of the final building show that the horizontal elements are far more prominent than they should be and just serve to emphasise the divergence between the hill and the building. In this respect it is no better than the present building. Further up the street, Grade 2 listed Charles Rowan House shows one means of addressing this problem. Strong vertical brick columns divide the Margery Street elevation into a series of bays, some 2- and some 3-windows wide. This emphasis on the vertical distracts attention almost completely from the fact that the two most westerly bays are half a storey lower than the rest of the building.

[Case officer response: Paragraphs 9.47 – 9.54 consider the building in regards to detailed design and appearance.]

In relation to the revised proposal, we were pleased to see the changes to the fenestration on the north elevation. The Design and Access Statement makes great play of "Corner Expression", cyclists, pedestrians and motorists passing down Margery Street will see the unrelieved blank wall of the east elevation. The choice of grey brick for the facings seems to be about being different for the sake of being different. All other buildings in Margery St use a warm red or orange brick. We are not saying that this building should be entirely clad in red brick, but there should be at least an acknowledgement of the prevailing palette. We think it most unfortunate that there was so little consultation with residents prior to submission of the first planning application. The design has gone through numerous iterations, but sadly it has not become more acceptable.

7.6 Mount Pleasant Neighbourhood Forum ('MPNF') – The Mount Pleasant Neighbourhood Forum is a community group working across Camden and Islington. Our area of focus includes Margery Street and surrounds. We are also in the process of taking forward a Neighbourhood Plan on behalf of local residents.

The MPNF supports productive and appropriate development in the area and strives to work in partnership and dialogue with local government wherever possible. We have a number of objections to the proposal (detailed below), but before we address these, would like to express an overall concern about the timing and brief length of this consultation just before the holidays. The short, poorly timed window to respond, combined with the extreme number and complexity of documents makes it difficult for local residents to respond and does not seem in the spirit of genuine consultation or any real engagement with the impacted community. This is made worse by the distinct lack of any serious local, community engagement earlier in the planning process (the one event held on site was not effective in engaging locals in meaningful or material dialogue but rather an exercise in marketing with the cursory and leading feedback process at the end). More proactive, direct and meaningful engagement with impacted residents in St

Anne's and Bagnigge House in Margery Street, as well as Sherston Court and the buildings on the north side of Attneave Street undoubtedly would have produced a better outcome. This is a universal issue around the imbalance of a process run by paid, full time experts where community volunteers are expected to engage within unrealistic context and time frames.

[Case officer response: Public consultation by the Local Planning Authority was undertaken in line with statutory requirements as outlined in paragraphs 7.1 – 7.2.]

Bearing these points in mind, the MPNFs specific objections are:

- (a) Greater consideration should have been given to an option to refurbish and refit the building versus demolition and rebuild. The cumulative pursuit of demolition in this area (Mount Pleasant, Charles Simmons House and now this) puts undue burden and directly impacts the well being (noise and air pollution, large vehicles, etc.) of local residents compounding air quality issues in an area that is already one of the worst in London. Given Islington's ambition to get to zero carbon as quickly as possible and to protect residents from further negative health impact, we should only be demolishing and rebuilding where absolutely necessary. In addition to local residents, there are increasing and real concerns about the impact of demolition and air quality on construction workers as cited in this piece by the British Safety Council. It appears that at the pre-app stage, the Council did not press the applicant to consider renovating the existing building instead of encouraging yet another major demolition. Did the Council explore with the developer viable, cost effective options to increase space in the existing building to similar level and contemporary style? We could find no evidence of an impact assessment of the carbon footprint over the life of the building, taking into account the carbon embodied in the current building.

[Case officer response: see paragraph 9.23 – 9.30 which details the Applicant's case for renovation vs redevelopment, and highlights the difficulty in providing any meaningful additions to the current structure.]

- (b) The building will cause an unacceptable loss of daylight/sunlight for residents in the lower floors of St Anne's House and Bagnigge House. The 213-page report from GIA admits that neighbouring homes will be adversely affected (losing up to 35% of existing light levels), but maintains that this is acceptable because of the overall benefits to the area. It is shocking that Islington is not better able to investigate and balance the needs of planned development with obligations as council landlord to protect the welfare of local residents. In this case, the current proposals for purported benefits show little of any meaningful, positive change for local residents in the immediate area. The proposed gardens in the back and front of the building, the tiny area of planting on Yardley Street and "designs to combat anti-social behaviour" are hardly benefits that will outweigh such a drastic and permanent loss of light and increased massing at what is already shaping up to be an overcrowded and corridor-like corner.

The loss of light will affect some of the most vulnerable residents of the Margery Street Estate, those least able to fight their own corner. We strongly encourage the council to consider refitting and refurbishing the current building, expanding the space by adding set back upper floors, as was done with the block of flats at the corner of Naoroji Street and Margery Street. We note that only a short distance away, 6-figure sums were paid to residents

affected by another development to forego some of their right to daylight/sunlight while council tenants here risk a very significant loss of light with no real consultation or mitigation.

[Case officer response: Paragraphs 9.132 – 9.163 consider the reduction in daylight, whilst paragraphs 9.164 – 9.169 consider impacts to sunlight for neighbouring properties.]

- (c) This building is on a visible and important corner, with the impact of design, massing and overlooking impacting local residents and the many cyclists, pedestrians and motorists who use Margery Street on a daily basis. Though not in the conservation area, the building borders the Rosebery Avenue Conservation Area. The least the site deserves is a good building and the proposals and design for this building are poor.

The proposals do not appropriately address the corner site. The nature of the corner is important as this is a major street and they also relate to the massing and views of buildings nearby including the new Charles Simmons House and the Mt Pleasant development. The current multi story brick proposals present a dull, heavy and pointless corner and a missed opportunity (earlier designs included more glazing). The views for those living around and those frequently travelling down the hill will be a blank upper wall, dead to light and not at all in keeping with stated council commitments to good design and well-being of Islington residents.

In terms of the views from Yardley Street, the proposals are not in keeping with the Georgian surrounds and do not link well to the Georgian terrace. The scale, height and proportion is out of balance with neighbouring buildings and the building does not represent a good use of this corner (where Yardley Street meets Margery Street). Yardley Street deserves a proper end to it with a well-designed corner that references and integrates with the existing, adjacent Georgian terrace (and Wilmington Square!), not one that is disjointed, jarring and not in flow. As indicated earlier, the MPNF would like to see positive, integrated development on this site that is aligned with Islington's stated intention. The loss of light, poor design and lack of consideration of the option to refurbish and refit makes the current proposals unacceptable to the local community.

Should you wish to engage with the local community for a better outcome, we, along with the Amwell Society, Margery Street Association and many local residents, are ready and prepared to give our time and effort to a constructive dialogue.

[Case officer response: see paragraphs 9.39 – 9.79 which gives consideration to the scale, height, massing, design, appearance and heritage impacts of the proposal.]

The MPNF is very keen to see an appropriate, well integrated, neighbourhood enhancing building on this important corner. Unfortunately, the revised proposals are an unsatisfactory compromise that will result in a poor outcome for local residents and local office workers alike. Even with the recent revisions, the core issue remains: the building proposal is still at least a storey too high, resulting a compromised building and a missed opportunity for real improvement to the local area. Furthermore:

- the revised proposals now show internal ceiling heights at the minimum acceptable. This is not a good result for potential office workers. If the internal design has to be compromised to this extent to achieve only minor and

unacceptable improvements in light and outlook for local residents, this is a clear indicator of the lack of viability of this building as currently proposed.

- The sheer proximity of the proposed building to residences on Attneave Street and Sherston Court is inappropriate. The shaded windows do not adequately address how Attneave St and Sherston Court residents will be overlooked. The corner is simply too crowded under current proposals.
- While some amendments have been made to integrate the building with the established Georgian Terrace, the overall design could do more to integrate with and reference the immediate area. The proposals show extensive research on important local architectural references, but this information doesn't appear to be integrated into the proposals. An example of this is the cold, grey brick and stone proposed for the building that is not at all aligned with the cited references for other nearby architectural landmarks.
- The proposals still do not go far enough to enhance the local area. A stark missing piece is the lack of reference to the relationship of the building with Wilmington Square and resulting proposals for improvements there.

7.7 Margery Street Tenant and Residents Association – We were invited to a desultory "consultation" long after decisions were made to develop this site, putting the current plans before us as a fait accompli. Later we had access to the 213-page application which we wish to register our objections most strongly for the following reasons:

- The building will cause an unacceptable loss of daylight/sunlight for residents in the lower floors of St Anne's House and Bagnigge House as recognised in the report from GIA which admits that these blocks will lose up to 35% of existing light levels. This is unacceptable.
- Furthermore, we support the Mount Pleasant Forum and the Amwell Society's key objections to the redevelopment.

In response to the revised plans, the new proposals have fractionally lowered the ceiling height for each floor, and also the height of the services box on the roof (more substantially in this case). However, the overall improvement for local residents is negligible as is clear from the applicant's letter accompanying the appendix on Daylight and Sunlight Results.

[Case officer response: Paragraphs 9.132 – 9.163 consider the reduction in daylight, whilst paragraphs 9.164 – 9.169 consider impacts to sunlight for neighbouring properties.]

The design has gone through numerous iterations, but sadly it has not become more acceptable. The grey brick facade for the proposed new development is not in keeping with the buildings around it. If the current developer had consulted with us in a meaningful way they might have produced a more sympathetic building.

[Case officer response: Paragraphs 9.47 – 9.54 consider the building in regards to detailed design and appearance.]

7.8 Islington Swifts – We welcome proactive commitment to a BREEAM assessment, but would like to see specific biodiversity measures. Welcome the provision of a green roof and request that this is a biodiverse type. Request a significant number of swift nest box bricks near roof level which would provide an aesthetically acceptable and zero maintenance way to provide a long term resource to protect this species and improve local biodiversity. Integrated bat boxes could further enhance local biodiversity.

[Case officer response: A 'Bat roost and nesting bird potential building assessment report' was submitted in support of the application. It concludes that no signs of roosting bats or nesting birds were identified internally or externally of the current building. The presence of street lighting and security lights around the property are also likely to deter bats. Therefore, it should be considered that the property has a negligible potential to support roosting bats and a negligible potential to support barn owls.]

External Consultees

- 7.9 Historic England – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.
- 7.10 Network Rail – The Applicant has engaged with Network Rail to discuss and agree the proposed demolition and construction due to the proximity with operation railway tunnels. Subject to the continuation of these discussions and the developer entering into any necessary agreements with Network Rail prior to work commencing on site, we have no further observations to make.
- 7.11 Transport for London (London Underground) – No comment to make on the application, however there are Network Rail assets close to the site, and they should be contacted directly for their comment.
- 7.12 Transport for London (Spatial Planning) – No objection in principle to the proposed development. A Road Safety Audit should be carried out at the planning stage, however given the works to public realm have not yet been finalised, TfL is willing to support the Borough in including a Condition that this is submitted prior to works commencing. TfL supports the Borough in securing the removal of general on-street CPZ bays to Yardley Street and as such should be secured through a legal agreement.
[Officer response: Noted, relevant conditions are recommended, no.20.]
- 7.13 Thames Water – No objection subject to conditions and informatives.

Design Review Panel

Pre-Application Stage

- 7.14 At pre-application stage, the proposal was presented three times to the Design Review Panel (DRP) in April, August and October 2019. The Panel's pre-application stage written comments are appended as **Appendix 3** to this report.
- 7.15 The panel thought that, combined with landscaping and public realm improvements to the pavement and pedestrian area in the vicinity of the intersection of Yardley Street from Margery Street, the relocated entrance position had the potential to be an appropriate location and rewarding space. The Panel were comfortable in principle with regards to the building shoulder height in the townscape. More work was required on the facades, particularly rhythm, proportion and subdivision and the relationship to ground plane.
- 7.16 Set out below is a summary of the key issues raised by the DRP and the way in which the Applicant has responded:

Issue / suggestion	Response
<p><i>Massing and height</i> - Although justification had been given for not relocating the two eastern third floor bays to the western end of the building, the third floor still has a presence to the rear of the adjoining listed buildings, especially to the chimney stacks, within views from Wilmington Square and the appearance would be improved by the removal of these two bays;</p>	<p>The Applicant provided views of the proposed building from Wilmington Square, showing that views of the top part of the building would be limited from Wilmington Square, Yardley Street and Margery Street, showing limited impact.</p>
<p><i>Yardley Street</i> - lacks interest and articulation appearing somewhat bland and flat, and changes to the fenestration would help;</p> <p>Introduce a solid 'base';</p>	<p>White reconstituted stone base introduced.</p> <p>Mullion introduced</p>
<p><i>Margery Street</i> – The pilasters would benefit from visual weight and a generous cornice;</p> <p>The division to the glazing is eccentric and would be improved by having functionally opening windows with additional framing;</p> <p>Increase height of parapet line of the building shoulder;</p> <p>Introduce a 'base' where the building hits the street level;</p>	<p>The depth of the windows was increased so they sit further back from the brickwork.</p> <p>A rusticated basement is proposed to give the building a solid base where it meets the surface level of Margery Street.</p> <p>These changes improve the reading of a top, middle and bottom to avoid monotony</p>
<p><i>Cube element</i></p> <p>Division of glazing into 5 bays rather than 4 to avoid duality;</p>	<p>5 bays introduced to the Cube as suggested, which successfully reflects the vertical proportions of the main Margery Street facade.</p> <p>Jointing lines adjusted at three levels to create improved alignment with Yardley Street datum lines</p>
<p>Opportunity for operable / openable windows to Yardley Street and Margery Street;</p>	<p>Operable windows introduced to window units behind Juliette balconies on Yardley Street elevation.</p> <p>To Margery Street, additional centralised mullions introduced whilst the possibility of operable windows demonstrated non-viable for energy and sustainability reasons.</p>

Application Stage

- 7.17 During the course of the Application, a Chair's Review was undertaken on 18 February 2020. In summary, the Chair said that there had been a distinct improvement since DRP 3 (October, 2019), and the changes have been positive.

- 7.18 The fenestration is adding a layer of interest. The massing, height and scale needs to respond to the historic setting and consider how it turns the corner. Yardley Street is comfortable as the articulation is understood. There has been an improvement to the Cube and its jointing. However, there is work to be done on the challenges to Margery Street which is repetitive and in danger of monotony.

Issue / suggestion	Response
<p><i>Massing</i> - Removal of part of the third floor at the western end of the building to reduce the presence of the building from Wilmington Square had not been pursued as previously requested.</p> <p>Reduce the scale of the roof top plant</p>	<p>Instead of removing part of the third floor, the overall height of the building has been reduced by 1.5m, through lowering each of the floor plates floor-to-floor heights. Views have been provided to show the impact of the building upon neighbouring listed buildings is negligible.</p> <p>The roof top plant area was reduced both in area and in height.</p>
<p><i>Margery Street</i> - Additional weight requested on the western end of Margery Street to terminate the building where it adjoins neighbouring 86 Margery Street</p>	<p>Increased width added to western-most pilaster of the facade to create a stronger 'end' to the building.</p>
<p><i>Yardley Street</i> - Missed opportunity not to have operable windows on this elevation and further encouraged the use of balconettes further towards Margery Street as the fenestration still causes duality within the elevation.</p>	<p>Black metal balconettes introduced to the two windows closest to Yardley Street. These two windows would appear to operable.</p>

Internal Consultees

- 7.19 Access Officer – Entrance: All entrances to the building must be level, step free. The treatment of the main entrance is acceptable in terms of access. A tapered step is proposed and is not ideal.

[Case Officer response: Level access is provided for both the main and affordable workspace entrances. The level change due to the topography of Margery Street means a tapered step to this location is unavoidable, it should be noted that level access is provided from Yardley Street.]

Mobility scooter charging points and cycle parking: Location at ground floor level mobility scooter parking is supported.

[Case Officer response: A sufficient number of cycle parking spaces is provided to the lower ground of the building which can be accessed via lifts.]

Accessible WC provision: At lower ground floor, the lobby to reach the accessible toilet is inaccessible. A clear space of at least 1570mm should be achieved between the door swings. It is noted that some doors swing across stair landings at Stair 1 and Stair 2. It is a Part K of Building Regulations that for office buildings all stair landings have a 1200mm deep space, clear of all door swings.

[Case Officer response: Notwithstanding the submitted plans, Condition 9 requires the submission of details ensuring that all WC's, corridors and refuges as part of a management plan shall be submitted to and approved by the Local Authority, ensuring sufficient accessibility.]

7.20 Design & Conservation Officer – In summary, the Design and Conservation officer raised the following matters:

Height, scale and massing – With regard to massing, the existing building is a simple two storey elevating of the floor plan. However, the proposed massing is staggered and modelled and has led to a building which is bulky.

[Case Officer response: The DRP were comfortable with the overall height of the proposed building, which has nonetheless been reduced further by 1.5 metres. The height, scale and massing of the proposed building is considered further at paragraphs 9.42 – 9.46.]

Materials and detailed design – A pre-fabricated brick panel and pre-cast concrete panel system are proposed which will be raised on site section-by-section. Design officer advice has been for solid brickwork to be used across the elevation. There is concern about quality and longevity of the proposed materials and the nature of how the bricks are fixed and relate to the surrounding reconstituted stone.

To Margery Street has floor to ceiling fenestration and one offset non-functioning mullion frame per glazing panel. There is a lack of solidity in this elevation and the brickwork is visually operating as a slim frame to an otherwise glass elevation.

[Case Officer response: The applicant has provided justification of the use of a high quality pre-fabricated brick panel system. The design does not feature any junctions where one brick panel meets another in the same plane, eliminating the need for any mastic joints between bricks. All panel-to-panel joints will take place within shadow gaps or at material changes. This method has been used successfully on other buildings in the borough, most notably the 'Ray' building on Farringdon Road. Paragraphs 9.47 – 9.54 consider the detailed design and appearance of the proposed building further.]]

The “cube” feature operates as the entrance. Design Officer advice has been that choice of this location for the entrance prevents there being an opportunity to break the monotony of the Margery Street elevation and bringing the core further down the site. A more centrally placed core and entrance could facilitate longevity/robustness with potentially easier subdivision of the floor plates for separate occupiers.

[Case Officer response: The DRP considered that, combined with a re-landscaping of the pavement and pedestrian area which closes Yardley Street from Margery Street, the relocated entrance position had the potential to be an appropriate location and rewarding space. As such, the location and principle of the Cube element and entrance is supported by Officers and is considered further in paragraphs 9.53 – 9.54.]

Setting of Heritage Assets – The Yardley Street and Wilmington Square listed buildings and the New River Conservation Area have a significance which includes the setting of a townscape of squares and terraces from the earlier part of the 19th century, interspersed with early to mid-20th century exemplars of taller trail-blazing social housing sponsored by the radical Metropolitan Borough of Finsbury. This architectural and historical character and background and setting contributes to significance. It is considered that the proposed development harms the significance and the ability to appreciate it.

The proposed development impacts on the setting of neighbouring listed buildings. In harming setting, it fails to preserve or enhance the character or appearance of the New River Conservation Area, contrary to DM policies DM2.1 and DM2.3.

[Case Officer response: Given the revisions made to the height, scale, massing and detailed design of the proposal, the impact to heritage assets is given considerable weight and importance in the planning balance within paragraphs 9.68 – 9.78.]

- 7.21 Highways and Transport Officer – No objection to the proposal in principle. Servicing from Yardley Street can be supported subject to demarcation of a parking bay and the Applicant working with the Council in improving the public realm to the corner of Yardley Street and Margery Street. A finalised Delivery and Servicing Plan should be secured via condition, whilst a financial contribution towards accessible transport initiatives should be secured.

[Case Officer response: Noted. Condition 15 seeks the submission of a finalised Delivery and Servicing Plan, whilst terms within a section 106 legal agreement will secure funding towards improved public realm to the corner of Margery Street/Yardley Street, car-free development and sustainable transport initiatives.]

- 7.22 Energy Services – No objection, all of the initial comments raised by the Council's Energy Team have been addressed following receipt of the revised Sustainability and Energy Statement Rev 5 and the Draft Green Performance Plan Rev B. 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 9.201 – 9.228 consider energy and sustainability credentials of the proposal, whilst also reflected in Conditions 13 and 14 and the planning obligations recommended.]

- 7.23 Environmental Health (Acoustic Officer) – The EPPP team raise no objections, subject to conditions restricting the use of roof terraces past standard office hours, limiting fixed plant noise and the submission of an Environmental Construction Management Plan.

[Case Officer response: Noted, relevant conditions are recommended.]

- 7.24 Tree Protection Officer – No objection to this proposal subject to adherence to the Tree Protection Plan within the submitted Arboricultural Method Statement, in accordance with BS5837:2012. There are no trees on site and the existing, Council owned, trees located at the rear of the site should not be detrimentally impacted upon by the proposed development. Minor pruning of one tree close to the development boundary line will be required but this pruning is minor and the trees are cut back from the existing building already in any case.

The additional tree planting/landscape improvement works proposed at the end of Yardley Street are welcome and should be detailed in a conditioned landscape plan. It is noted that as this element is 'off-site' it will be funded via S106 and works completed by LBI.

[Case Officer response: Noted, tree protection measures are secured through Condition 12.]

Other

- 7.25 The Applicant submitted a Statement of Community Involvement ('SoCI') dated October 2019 in support of the application.
- 7.26 The SoCI indicates that a programme of consultation with the local community prior to the submission of the planning application. A public exhibition was held on 06/09/2019 (a Friday) between 14:00 and 19:00 following notification of the event to 1,184 neighbouring properties via a letter drop. Ward Councillors were also directly approached, inviting them to the exhibition. The proposals were on display at the exhibition alongside members of the Applicant's project team to discuss.
- 7.27 The SoCI indicates that 18 members of the public attended the exhibition, with 17 leaving feedback with the Applicant's project team. The SoCI states that the proposal had "*generally been well received by the public*".
- 7.28 Further, the Applicant submitted a document containing a survey undertaken by the Applicant during the Application process, in which 40 responses in support of the scheme were inputted into an electronic device by nearby residents.

8 RELEVANT 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 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)); and
 - As the development is within close proximity to or adjacent to a statutory listed building(s) or its setting, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s66(1))
- 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.

Development Plan

- 8.10 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

8.11 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.

8.12 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 G5 Urban Greening |
| Policy GG2 Making the best use of land | Policy SI2 Minimising greenhouse gas emissions |
| Policy GG5 Growing a good economy | Policy SI4 Managing heat risk |
| Policy D1 London’s form, character and capacity for growth | Policy SI5 Water infrastructure |
| Policy D2 Delivering good design | Policy SI7 Reducing waste and supporting the circular economy |
| Policy D3 Inclusive design | Policy SI12 Flood risk management |
| Policy D7 Public Realm | Policy SI13 Sustainable drainage |
| Policy D9 Basement development | Policy T2 Healthy Streets |
| Policy D11 Fire safety | Policy T3 Transport capacity, connectivity and safeguarding |
| Policy D13 Noise | Policy T4 Assessing and mitigating transport impacts |
| Policy E1 Offices | Policy T5 Cycling |
| Policy E2 Providing suitable business space | Policy T6 Car parking |
| Policy E3 Affordable Workspace | Policy T7 Deliveries, servicing and construction |
| Policy E11 Skills and opportunities for all | Policy S3 Education and child care facilities |
| Policy HC5 Supporting London’s culture and creative industries | |

Draft Islington Local Plan

8.13 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. 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).

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

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;

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;

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

Designations

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

- Central Activities Zone (CAZ)
- Employment Growth Area (EGA) (Margery Street/Easton Street EGA)
- Article 4 Direction – B1c (office) to C3 (residential) (CAZ)
- Article 4 Direction – A1 to A2 (Rest of Borough)
- Within 50m of a Conservation Area (New River)
- Within 50m of a Conservation Area (Rosebery Avenue)
- Major Cycle Route
- Local Cycle Route

Supplementary Planning Guidance (SPG) / Document (SPD)

8.17 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 & Sustainability; and
- Waste Management.

Land Use

Policy Context

9.2 This section of the report sets out the policy context against which the proposal will be assessed in regards to existing and proposed land use.

9.3 The National Planning Policy Framework ('NPPF') (2019) states that in building a strong, competitive economy, 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

9.4 The site is located in the Central Activities Zone ('CAZ') and within the Margery Street/ Easton Street Employment Growth Area ('EGA').

9.5 London Plan (2016) policies 2.10 to 2.12 relate to the strategic priorities, functions and predominately local activities of 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' indicates that there is a strong long term office demand within the CAZ and seeks to encourage renewal and modernisation of existing office stock in viable locations to improve its quality and flexibility.

9.7 Islington Core Strategy ('ICS') policy CS13 'Employment spaces' seeks to encourage and secure employment space for businesses within the Borough. Part A of policy CS13 encourages employment floorspace, in particular business floorspace, to locate in the CAZ or town centres where public transport is greatest, to be flexible to meet future needs and have a range of unit types and sizes, including those suitable for Small and Medium Enterprises ('SMEs'). Part B of policy CS13 states that in relation to existing

employment floorspace, development which improves the quality and quantity of existing business floorspace provision will be encouraged.

- 9.8 The definitions of “business” and “employment” floorspace/buildings/development/uses provided in the glossary of the adopted Core Strategy. Business floorspace accommodates activities or uses that fall within the “B” use class (i.e. offices, industry, or warehousing).
- 9.9 Islington’s 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: i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and ii) a mix of complementary uses, including active frontages where appropriate.
- 9.10 DM policy DM5.2 ‘Loss of existing business floorspace’ states that the reduction of business floorspace will be resisted where the proposal would have a detrimental individual or cumulative impact on the area’s primary economic function (including by constraining future growth of the primary economic function).
- 9.11 DM policy DM5.4 ‘Size and affordability or workspace’ seeks to ensure an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises within development proposals. Part B of this policy states that within Town Centres, proposals for the redevelopment of existing low value workspace must incorporate an equivalent amount of affordable workspace and/or workspace suitable for micro and small enterprises. Part C of the policy requires applications to demonstrate that where space for micro or small enterprises are provided, the floorspace would meet their needs through design, management and/or potential lease terms.

Officer Assessment

- 9.12 The application seeks a full redevelopment of the site which would bring forward an uplift in business floorspace (GIA) of 3,117sqm, to bring to a total of 5,660sqm business floorspace on site.
- 9.13 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.
- 9.14 Office floorspace is proposed to lower ground level, which includes basement level areas (without direct outlook). Given the majority of the lower ground/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.
- 9.15 The office floorspace has been designed to allow for maximum flexibility, and would be appropriate for subdivision for different tenant sizes and allows for a diverse range of

tenants, in accordance with policy DM5.1. Provision of business floor space in this location is supported.

- 9.16 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 the CAZ.
- 9.17 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 (3,117sqm), using the formula in the Planning Obligations SPD. The application thus includes a contribution towards the provision of affordable housing off-site of £498,720.

Affordable Workspace

- 9.18 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.”*
- 9.19 Policy DM5.4 requires that within Employment Growth Areas, major development proposals for employment space must incorporate an appropriate amount of affordable workspace. Paragraph 5.25 of the Development Management Policies states that when considering the amount of affordable that should be provided, a figure of around 5% of the total proposed employment floorspace should be used as a guidance.
- 9.20 The proposal involves the delivery of 439sqm of affordable workspace, which equates to 10.3% of the total proposed office floorspace (NIA). The proposed affordable workspace provision, in excess of the required 5%, is considered to be a public benefit which weighs in favour in the planning balance.

- 9.21 DM policy DM2.1, in particular subsection x), requires development to provide a good level of amenity for all including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 9.22 The proposed affordable workspace area is located at lower ground floor level; however, it can be accessed at ground floor level. It would have dedicated reception entrance onto to Yardley Street to allow for its access, with stairs and a platform lift. Access could also be gained through the main reception and also at lower ground floor level from the main office floorspace. Part of the affordable workspace area would have outlook to the southwest overlooking the neighbouring ball court. There are also skylights to the roof of the affordable workspace area ensuring sufficient daylight and sunlight can be enjoyed by occupiers. As the affordable workspace has access to natural light, outlook and good floor to ceiling heights, it is considered that the proposed office floorspace would comprise a good working environment.

Redevelopment vs. refurbishment and extension

- 9.23 A number of objections to the proposals sought to understand why the Applicant was seeking to demolish of the existing building and erect a new building rather than refurbishment and minimal extensions.
- 9.24 The applicants have been asked to justify the demolition of the existing building and provide details of why the building cannot be retained (refurbished) in this instance, addressing objections received on the application. The Applicant has submitted a 'New build versus refurbishment statement' dated 05 May 2020.
- 9.25 The statement outlines that refurbishment and extension was investigated by the Applicant initially, in the hope that this might be possible (and more cost effective). However, the building was formerly a car park before being converted in to offices in the 1970s. The existing building is a two-storey structure constructed from a combination of steel frame and load bearing masonry, supported on shallow pad foundations in the London Clay. The floor plates comprise of 225mm thick filler joists spanning between the primary steel beams. The ground floor level is at street level half way along the building elevation on Margery Street. As Margery Street is sloping down from East to West, this means that at Yardley Street, the ground floor is approximately 1.5m below street level. Conversely at the west end of the site, the building projects out of the ground by about the same amount.
- 9.26 The existing building would not support additional capacity for additional storeys. To add any further storeys would require penetrating new columns through the existing structure onto new foundations. The existing building was not designed to enable additional storeys and is therefore not robust enough to take such additional loading. Further, the current roof is unsuitable to support floor loads and would need to be replaced. Note that the floor has already been strengthened in 1985, so it is unlikely that there is any spare capacity in the structure.
- 9.27 The existing floor plates are constructed from filler joisted slabs spanning between primary steel beams. Due to the nature of the construction, this will prove difficult to alter without introducing significant amounts of secondary support steelwork. Any openings required for service penetrations, revised cores or fire escapes would then require steelwork to trim around them.

- 9.28 The statement goes on further to state that the existing building services systems date back to the 1970's when the building was converted from a car park into offices and are beyond the end of their economic and operational life expectancy. The existing air handling unit and boilers are located in the roof top plant room and are in poor condition. In order to refurbish the existing building, all services would require replacement and would likely be installed in their existing location, therefore limiting potential to improve floorplates and maximise open plan office space.
- 9.29 In summary, it is not considered that a modern office layout could be achieved in a practical and economic manner by retention and modification of the existing concrete frame. Further, as outlined below within the Sustainability and Energy section of the assessment, the proposed building would achieve outstanding energy and sustainability qualifications.
- 9.30 It is considered that this provides sufficient justification for the demolition and rebuild approach and that the redevelopment proposed is in accordance with relevant planning policy.

Land Use Summary

- 9.31 The proposal is considered to comply with the overarching land use policy directives, as it would increase business use floorspace (office) within the EGA and CAZ. The proposed land use is therefore acceptable in principle, subject to compliance with other development plan policies as outlined further below.

Design, appearance and impact upon heritage

Policy Context

- 9.32 Paragraph 124 of the NPPF 2019 highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.33 Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 129 goes on further to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. 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.
- 9.34 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.
- 9.35 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*".

- 9.36 Planning policies relevant to design are set out in chapter 7 of the London Plan, Policies CS8 and CS9 of Islington's Core Strategy (2011) and policies in chapter 2 of Islington's Development Management Policies (2013).
- 9.37 Islington's Core Strategy (2011) ('ICS') policy CS8 sets out that in the areas of Islington outside of the key areas the scale of development will reflect the character of the area. The successful urban fabric of streets and squares, which is a key asset of the borough, will be maintained and poorer quality public realm will be improved.
- 9.38 ICS policy CS9 sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Further, the historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.

History and site context

- 9.39 The site fronts Yardley Street and Margery Street and is occupied by an office building which was initially built as a garage and car showroom in the earlier part of the 20th century and then adapted mid-late 20th century. There is a significant slope down Margery Street and the office building's 2 storeys of accommodation navigates the slope by being partly sunk at the higher end. There is a small service yard at the lower end of the site.
- 9.40 The building, which is not considered to be of architectural or historic merit, is not in a conservation area, but abuts New River Conservation Area. The adjoining 21 and 23 Yardley Street are statutorily listed at grade II and there are listed buildings surrounding Wilmington Square adjacent. Opposite on Margery Street are red brick 20th century housing blocks in a loosely neo-Georgian style with decorative finishes.
- 9.41 The New River Conservation Area comprises the New River, Lloyd Baker and Brewer's Company Estates and is a townscape of squares and terraces of early to mid-19th century character. They include some of the finest terraces and squares in the borough with a rare quality and consistency of scale, material, design and detailing. There are the former industrial buildings of the New River Company and the cultural destination of Sadler's Wells Theatre which together with the housing blocks on Margery Street and at Spa Green and Bevin Court, introduce slightly taller buildings into the area.

Height, scale and massing

- 9.42 The current building height is a maximum of two storeys towards the lower end of Margery Street, whilst there is no built form to the south-east of the site for a loading bay and parking bays.
- 9.43 The height of the proposed building, staggered to a maximum of 5 storeys plus roof plant, is considered by Officers to be acceptable given the surrounding context. The overall height of the building would be level or in most part lower than the mansion blocks

along Margery Street. To the Yardley Street elevation, the Applicant has taken great care in ensuring that the building is level with the neighbouring Grade II listed Yardley Street properties, whilst rising to 3 storeys to the corner with Margery Street.

- 9.44 Although the design officer objected to the overall height and scale of the building, the DRP were comfortable with this, however raised concerns with regards to the fourth (top) floor and plant enclosure. The case officer considers that the Applicant, with the submission of the revised plans, has sufficiently reduced the overall height of the building to the fourth floor, whilst the area and height of the roof plant has also been significantly reduced. The fourth floor has been set back from the main elevations of Margery Street to adequately address concerns relating to an overbearing scale, bulk and mass within the streetscene. The plant screen presented to DRP at both pre-application and application stage was considered too large, and this has now been sufficiently reduced so it is not overbearing within the streetscene.
- 9.45 The DRP suggested that further setback at fourth floor level, to remove the half-bay (two windows) overlap, could improve the setting of the cube, and form a better relationship with the three components of Yardley Street, the cube and Margery Street. The exercise by the Applicant indicates that this area at fourth floor level would not be highly visible in views from Wilmington Square.
- 9.46 Officers consider that the revised plans adequately respond to the suggestions and concerns highlighted throughout the DRP process in regards to height, scale and massing. 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.

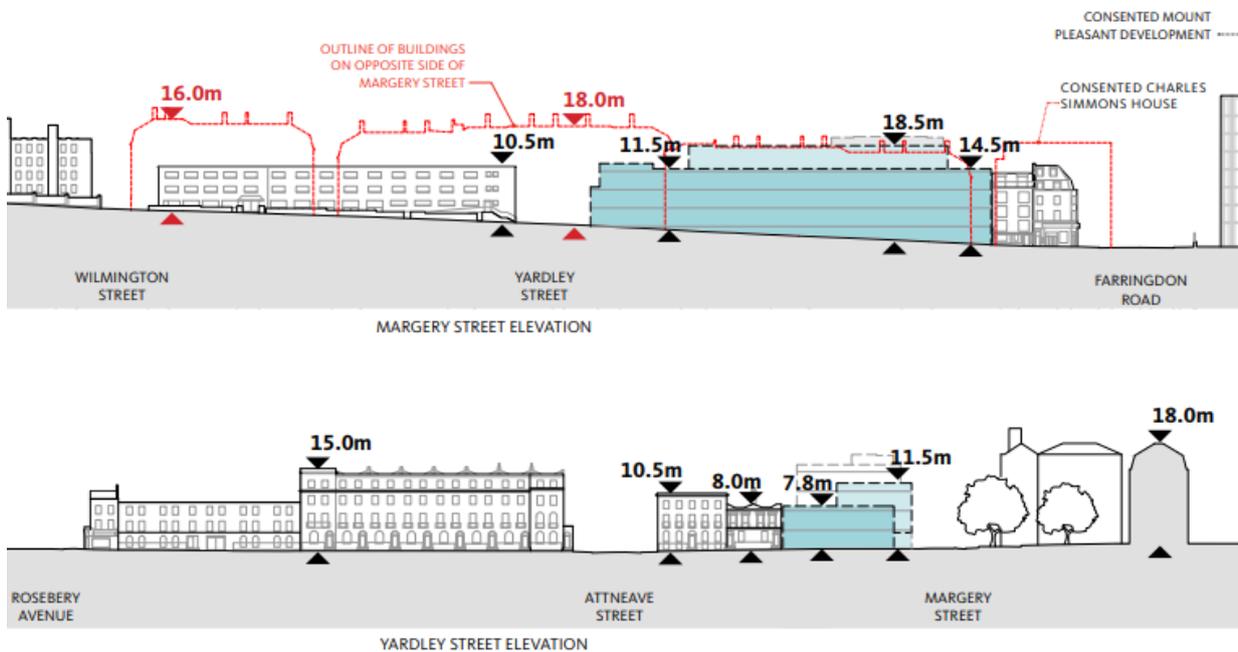


Figure 7: Image showing the height of the building within the surrounding context.

Detailed design and appearance

- 9.47 The DRP considered that the materials and elevation treatment of the proposed building would be very important to the success of the scheme.
- 9.48 The majority of the elevations would be constructed from a brick system, using warm grey bricks and white reconstituted stone. The lower ground floor brickwork will have recessed courses to reference similar detailing within the Margery Street Estate opposite the site. The brick panels are pre-fabricated as pre-cast concrete panels, which will be raised on site section-by-section. The brickwork would contain real bricks which would precision cut and engineered into the panel system.
- 9.49 The DRP in particular, stated that the joints and the technological approach needs to be carefully considered. The design does not feature junctions where one brick panel meets another brick panel, eliminating the need for mastic joints between the bricks of the panel. The Applicant has highlighted the Ray building at 188 Farringdon Road as an example in practice for the pre-fabricated panel system within Islington.
- 9.50 Following the advice of the DRP, the Applicant has ensured that the pilasters to the Margery Street elevation benefit from visual weight and a generous cornice. The elevation includes a 'rusticated basement' to the pavement across the lowest part of the Margery Street elevation which allows for a greater hierarchy. The recession between the 12 metre bays along Margery Street improves the expression of this elevation and adds interest.
- 9.51 Within the latest DRP response, the Panel considered that there was a monotony to the Margery Street elevation, and as such the revised plans include a more solid and announced pilaster to the end of the elevation where it adjoins neighbouring no.86 Margery Street. Further, as per the advice of the DRP, the revised scheme has seen additional mullions centralised within window bays; and increased an increase in width to the western-most pilaster of the facade to create a stronger 'end' to the building.
- 9.52 To Yardley Street, the horizontal reconstituted stone elements will be aligned with the horizontal elements of neighbouring 21-23 Yardley Street. Black metalwork railing balconettes are proposed at first floor level, to only the two closest bays to neighbouring 21-23 Yardley Street, offering a modern reference to the neighbouring heritage assets. This was encouraged by the by the DRP to allow for a transition from the neighbouring historic fabric towards the modern cube element on the corner of Margery Street. As per the advice of the DRP central mullions have been introduced dividing all windows into two panels; operable windows have been introduced to windows behind the balconettes; and a white reconstituted stone band at the base of the elevation at ground floor level has been replaced with grey stone to match brickwork.



Figure 8: CGI of the proposed Yardley Street elevation

- 9.53 The cube feature has been introduced by the Applicant as a “*special element which functions as a wayfinding element and announces the entrance of the building*”. The cube element is clad in reconstituted stone, with a large area of glazing to the north-facing facade. The top and bottom of the glazed facade will be shadow boxes in order maintain a feeling of depth across the entire glazed area. Rainwater collection will be integrated into the base of the glazing and where visible behind the glazing, the slab edges will be carefully dressed in metalwork finishing elements.
- 9.54 Council’s Design Officer has objected to the cube feature and entrance point, as a “*choice of this location for the entrance prevents there being an opportunity to break the monotony of the Margery Street elevation and bringing the core further down the site*”. However, the DRP were comfortable with the cube feature and considered that this element to be key in the overall success of the building’s appearance. The DRP considered that the cube could create a special space within it at the focal point of the building and had no objections to its inclusion. The entrance at this location is supported by the DRP subject to public realm improvements at Yardley Street and Margery Street. These are proposed and funding would be secured by way of a planning obligation.



Figure 9: CGI of proposed building at the corner of Margery Street and Yardley Street

Impact upon Heritage Assets

- 9.55 The site is not within a conservation area nor is any part of the building and curtilage statutory listed. However, the site's north-eastern and north-western boundaries adjoins the New River Conservation Area, whilst the eastern boundary adjoins Grade II listed properties (21-23 Yardley Street).
- 9.56 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.57 Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The South Lakeland District Council V Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that "preserving" in both s.66 and s.72 means "doing no harm".
- 9.58 The NPPF defines a "heritage asset" as: *"A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest"*.
- 9.59 The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing)
- 9.60 'Significance' is defined within the NPPF as being: *"the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset's physical presence, but also from its "setting"*.

- 9.61 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 9.62 Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting), taking account of the available evidence and any necessary expertise. That assessment should then be taken into account when considering the impact of the proposal on the heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.63 At the local level, policy DM2.3 encourages development to make a positive contribution to Islington's local character and distinctiveness whilst conserving and enhancing heritage assets in a manner appropriate to their significance.
- 9.64 In considering the application of the legislative and policy requirements, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset. This has been done by the Council's Design and Conservation Officer, who has identified that less than substantial harm would be caused by the proposal, due to its impact on the setting of neighbouring listed houses and the character and appearance of the Conservation Area.
- 9.65 Where the decision-maker concludes that there would be some harm to a heritage asset, in deciding whether that harm would be outweighed by the advantages of the proposed development (in the course of undertaking the analysis required by s.38(6) PCPA 2004) the decision-maker is not free to give the harm such weight as the decision-maker thinks appropriate. Rather, *Barnwell Manor* establishes that a finding of harm to a heritage asset is a consideration to which the decision-maker must give considerable importance and weight in carrying out the balancing exercise.
- 9.66 There is therefore a "strong presumption" against granting planning permission for development which would harm a heritage asset. In the *Forge Field* case the High Court explained that the presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But a local planning authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 9.67 Where more than one heritage asset would be harmed by the proposed development, (in this case the setting of listed building and the character and appearance of the Conservation Area) the decision-maker also needs to ensure that when the balancing exercise is undertaken, the '*cumulative effect*' of those harms to individual assets is properly considered. Considerable importance and weight must be attached to each of the harms identified and to their cumulative effect.

Officer Assessment

- 9.68 What follows below is an officer assessment of the extent of harm(s), if any, which would result from the proposed development to the scoped heritage assets provided by the

applicant as part of its submission. This includes the Conservation Area and Listed buildings. This is then considered in more detail in the Planning Balance, which is discussed later in this report.

9.69 The Yardley Street and Wilmington Square listed buildings and the New River Conservation Area have a significance which includes the setting of a townscape of squares and terraces from the earlier part of the 19th century, interspersed with early to mid-20th century exemplars of taller trail-blazing social housing sponsored by the radical Metropolitan Borough of Finsbury.

9.70 This architectural and historical character and background and setting contributes to significance. It is therefore clearly important in this case to assess what impact the proposal would have on nearby heritage assets.

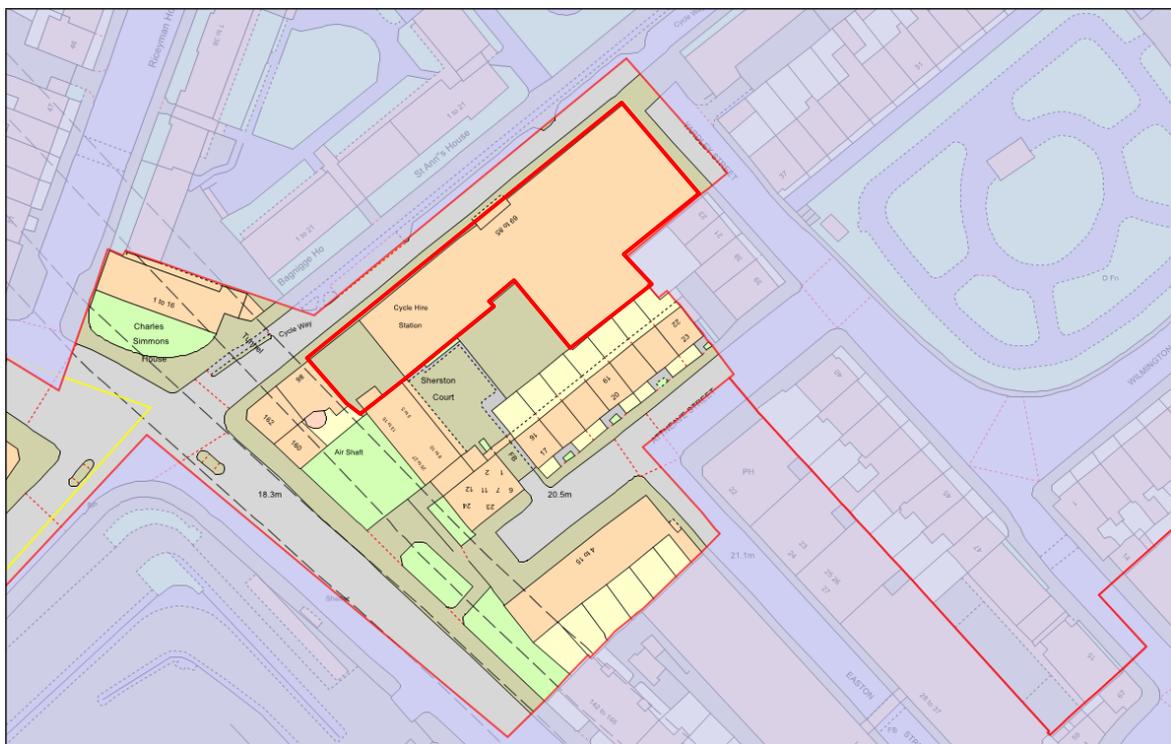


Figure 10: Site (identified in red) in relation to nearby Conservation Areas (purple)

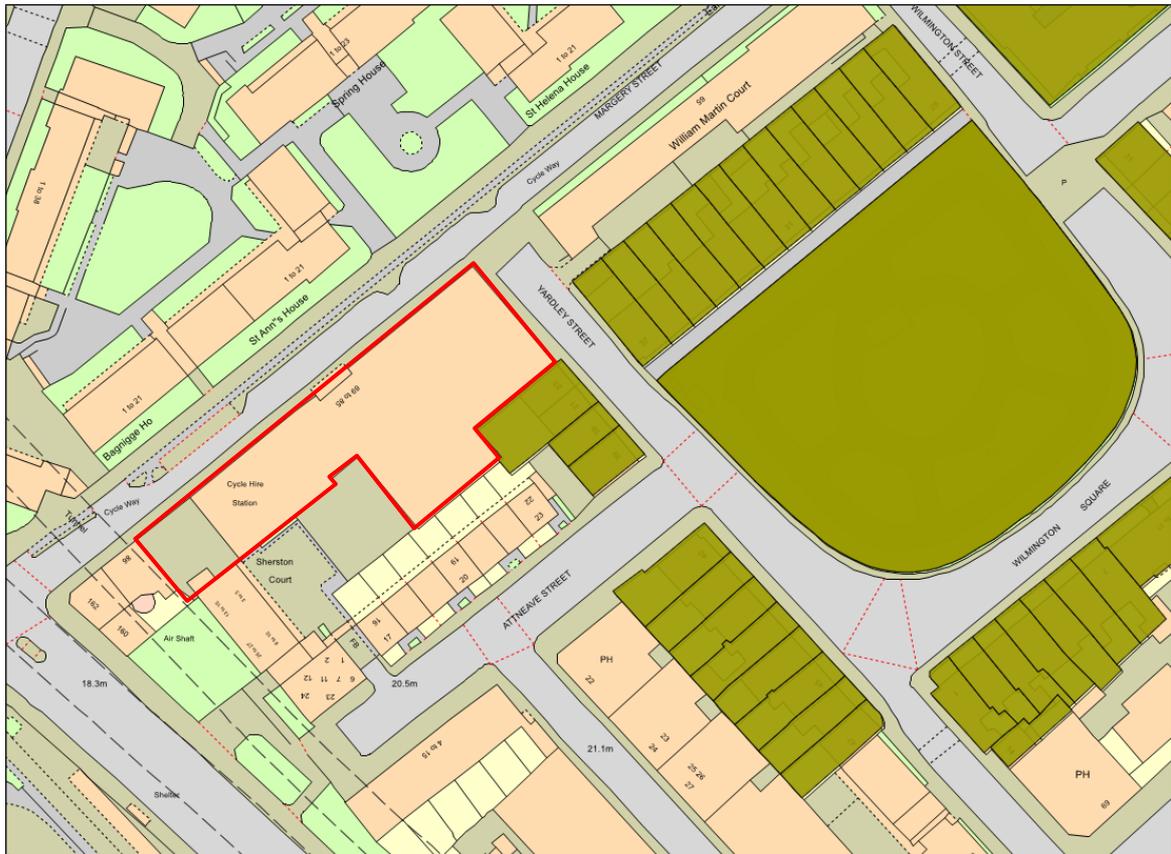


Figure 11: Site (identified in red) in relation to nearby Listed Buildings (identified in green)

- 9.71 The Council's Design & Conservation Officer has advised that the originally submitted scheme harms the significance and ability to appreciate the neighbouring heritage assets.
- 9.72 Opportunities to decrease the height, scale and detailed design have been taken within the submitted revised plans with the reduction in overall height of the building, reduction of the roof top plant and detailed design to the elevations and features to both Yardley Street and Margery Street, suggested by the DRP.
- 9.73 It is acknowledged that the scale and architectural language of the proposal would change the character of the locality and the setting of the listed buildings and the conservation area. The existing context of Yardley Street is that of taller Georgian terraces to the south, late 20th Century buildings to the east and west, and taller 20th Century housing to the north.
- 9.74 The proposed building includes features and elements which would resonate with the neighbouring listed buildings such as proportions (elevation height to Yardley Street and fenestration heights), detailing (such as balconettes and banding), centralised mullions and the appearance of operable windows. The heights of the fenestrations, the joints and the parapet would match the neighbouring listed buildings also.
- 9.75 The reduction in overall height of the building by 1.5 metres results in a change to the views of the proposed building from Margery Street, Yardley Street and Wilmington

Square, including increased 'revealing' of the chimneys of the neighbouring listed buildings.

- 9.76 The activation of the street frontage alongside the new elevation along Yardley Street, all combine to mitigate any impact to the heritage and townscape setting. Whilst the listing does not reference the setting of the buildings, setting of the listed buildings needs to be taken into account.
- 9.77 The proposed Yardley Street elevation is considered to respect the adjoining listed buildings with balconettes at first floor level.
- 9.78 It is considered that the proposal successfully creates a narrative with the gradual transition of the fenestration language from the finer residential language adjacent to Wilmington Square, to a larger more commercial and mansion block scale on Margery Street. The activation of the street frontage alongside the new elevation along Yardley Street, all combine to provide enhancement to the heritage and townscape setting. While the impact to setting has been taken into account, there is demonstrable evidence that the Applicant has designed and revised the scheme to mitigate impacts.

Design, Appearance and Heritage Summary

- 9.79 In summary, the revised proposal is considered to have adequately responded to the comments and concerns raised by the DRP in regards to scale, height and massing, detailed design and has been designed and revised to mitigate the impact upon neighbouring and nearby heritage assets. That said, the Council's Design and Conservation officer advises that some harm would still be caused (less than substantial) as such great weight and importance needs to be given to this in the Planning Balance.

Accessibility and Inclusive Design

- 9.80 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.
- 9.81 The proposal would see modern accessibility and inclusive design features.
- 9.82 2x mobility scooter charging points and accessible parking spaces are proposed to the upper ground floor allowing level access with the entrances onto either Yardley Street or Margery Street.
- 9.83 Entrance doors, approaches, wheelchair accessible refuge areas to each level, corridor widths, lifts and bathrooms would meet national and local guidelines and permission would be suitably conditioned to ensure that the needs of those with mobility and visual impairments are suitably met.
- 9.84 For the uplift in employees on the site, for every 33 additional employees, an accessible parking bay is required. The proposal would see an uplift in employees of 171 and as

such 5x accessible parking bays are required. No on-site parking bays are proposed as part of the development. Where provision is not made as part of the development, a contribution toward the cost of provision will be secured to enable the Council to install the accessible parking spaces. Where it is not possible or acceptable that designated spaces are provided on street (e.g. as a result of opposition to amending the traffic management order), the Council will use the contribution toward the delivery of other accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments. A contribution of £10,000 would be secured through a section 106 agreement.

- 9.85 The proposal is considered acceptable in relation to accessibility and inclusive design, in accordance with the aforementioned policies.

Trees and Public Realm

- 9.86 An Arboricultural Method Statement ('AMS') produced by SJA Trees dated February 2020 was submitted in support of the application. It identifies that there are no trees on site, however there are neighbouring street and garden trees within close proximity to the site. Minor pruning of one tree to the development boundary line will be required but this pruning is minor and the trees are cut back from the existing building already in any case.
- 9.87 The Council's Tree Officer raises no objection to the development given the submitted AMS outlines adequate tree and root protection measures during construction and post-completion. Condition 12 ensures that the development is constructed in accordance with these measures in order to protect nearby trees.
- 9.88 Further, the proposal seeks to improve the public realm to the corner of Margery Street and Yardley Street. This final design will need to be agreed in detail with the Council who would undertake the work. Preliminary designs have been prepared to understand potential costs and a planning obligation is to be secured to ensure a contribution from the Applicant is made to cover the full costs of the improvements to this area.

Neighbouring Amenity

- 9.89 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

- 9.90 The subtext to Policy DM2.1 states at paragraph 2.14 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 guidance, 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 or little harm.

- 9.91 A number of objections raise overlooking and loss to privacy. The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement is not directly relevant. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties.
- 9.92 The closest residential properties to the site are neighbouring 21-23 Yardley, 17-23 Attneave Street and Sherston Court.
- 9.93 The proposed windows to the southern elevation of the core are located 13 metres away from the rear elevation of 17-23 Attneave Street. As these windows serve staircase, landing area and toilets, these are to be obscured glazed to protect neighbouring privacy. Condition 7 is recommended to requires obscured glazing to be inserted prior to occupation of the development and maintained thereafter.
- 9.94 The office floorspace windows would be set between 20.75 and 21.8 metres separation distance from the rear elevation 17-23 Attneave Street. As such, it is not considered that neighbouring properties 17-23 Attneave Street would be adversely affected by overlooking given a minimum 18 metres is achieved.
- 9.95 It is not considered that windows to neighbouring Sherston Court would be adversely affected by the development due to the orientation of the windows would allow for direct overlooking, whilst these windows serving kitchens which face out onto shared walkways.
- 9.96 Neighbouring 21-23 Yardley Street would not be adversely affected given the closest windows within the development would serve the core and would be obscured glazed to avoid overlooking.

Roof terraces

- 9.97 A number of external amenity areas in the form of roof terraces are proposed to the southern elevation of the building at upper ground, first, second, third floor levels. The roof terraces are identified as follows:

Level	Area
Upper ground	34sqm
First floor	26sqm
Second floor	42sqm
Third floor	69.5sqm
Total	171.5sqm

- 9.98 All of the terraces would be set away from the buildings elevations, whilst privacy screens ensure that users of the terraces cannot overlook into neighbouring windows

and amenity spaces. The separation distance between the third floor roof terrace and windows of properties facing Margery Street would be at least a minimum of 18 metres plus.

- 9.99 Access to these roof terraces is recommended to be restricted to daytime hours to minimise potential noise and disturbance, Condition 7. Furthermore, other areas of flat roofs, including green roofs, will be restricted from being used as external amenity areas as outlined in Condition 7.

Outlook

- 9.100 The visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces – can be affected by the close siting of another building or structure, which – depending on its proximity, size and appearance – can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property, particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.
- 9.101 A number of objections received cited concerns that the proposal would be overbearing and lead to the loss of outlook, especially to neighbouring properties at Yardley Street Attneave Street, and Sherston Court. Whilst the increase in height would be noticeable from neighbouring properties, it is considered that the building is sufficiently set away from neighbouring Attneave Street, Sherston Court and Yardley Street properties. The building does increase in height on site, however it is sufficiently set away from neighbouring properties and also rises in a staggered manner at certain points.
- 9.102 The proposal is therefore not considered to give rise to an unduly harmful loss of outlook or unduly harmful increased sense of enclosure when viewed from neighbouring residential properties.

Noise and Disturbance

- 9.103 The proposed development would be unlikely to result in an unduly harmful impact by reason of noise and disturbance affecting neighbouring occupiers given that office uses do not typically generate significant noise and are compatible with residential uses.
- 9.104 The building would be accessed via entrances onto the corner of Yardley Street and Margery Street, and it is not considered that the level of pedestrian activity, which would result from the intensification of the business use, would give rise to any discernible increase in the level of noise and disturbance at nearby properties.
- 9.105 Objections received cited the location of roof top plant as potential for increase mechanical noise to service the building. A 'Planning Noise Report' prepared by Hydrock dated 5 November 2019 was submitted in support of the application. Council's Environmental Health Officers raise no objection to the proposals subject to restrictive conditions relating to maximum noise outputs, which is secured via Condition 10.
- 9.106 All servicing for the building would be carried out using a proposed on-street loading bay on Yardley Street. Objections have been received in relation to the storage of bins and activity close to neighbouring properties, the location of the servicing entrance of the

building ensures quick and easy access for collection. Nonetheless, a Delivery and Servicing Plan is to be secured through Condition 15, to ensure that servicing is done at an appropriate time during the day to avoid disruption.

Light Pollution

- 9.107 Given the proposed number and proximity of new full height glazing panels facing the adjoining buildings to Margery Street, Yardley Street, Attneave Street and Sherston Court. It is acknowledged that light emanating from the proposed development could 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. However, it is not recommended that the hours of use of the office be restricted as this could prove onerous for potential occupants. It is considered that potential light pollution could be adequately mitigated through measures such as the use of daylight and occupancy sensors for internal lighting and automated roller blinds.
- 9.108 Furthermore, it is recommended that the use of the external roof terraces is to be limited to daytime only with external lighting to be restricted. Condition 8 are recommended to address light pollution concerns.

Daylight, Sunlight and Overshadowing

- 9.109 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.
- 9.110 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.
- 9.111 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings
- 9.112 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be understood. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'
- 9.113 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 9.114 Of note is the recent publication of Government's Planning Practice Guidance (PPG) revised on 22/07/2019, as follows:

How are daylight and sunlight regulated?

Where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants.

In some cases, properties benefit from a legal 'right to light', which is an easement that gives a landowner the right to receive light through specified openings, and can be used to prevent this from being obstructed without the owner's consent. Such rights are not part of the planning system, but may affect the scope for development on neighbouring sites.

Paragraph 006 Reference ID: 66-006-20190722

What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?

All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings. In such situations good design (such as giving careful consideration to a building's massing and layout of habitable rooms) will be necessary to help make the best use of the site and maintain acceptable living standards.

Paragraph: 007 Reference ID: 66-007-20190722

Daylight Guidance

- 9.115 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).
- 9.116 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."*
- 9.117 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.118 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".

- 9.119 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.
- 9.120 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"*.
- 9.121 Further, BRE Guidelines suggests that, in some scenarios, it may be appropriate to test daylight and sunlight impacts with reference to a hypothetical mirror image of an impacted building. This concept is often referred to as "mirror massing", and involves an imaginary building of the same height and size, and of an equal distance away from the site's boundary (or centre line of the street), as the impacted building – this, arguably, represents the massing that might reasonably be found on a development site. The mirror massing concept involves setting the impacts of this hypothetical building as a bar or baseline, and then ascertaining how the impacts of a proposed development would worsen or improve on the hypothetical scenario.

Sunlight Guidance

- 9.122 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".*
- 9.123 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.”

- 9.124 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*”.
- 9.125 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

- 9.126 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’.
- 9.127 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

- 9.128 The Applicant has submitted a Daylight & Sunlight Impacts Report dated 14 November 2019 and prepared by Gordon Ingram Associates. Revised Daylight and Sunlight update dated 17 March 2020 and prepared by GIA was submitted following revisions to scheme. The original report and update considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.
- 9.129 The submitted Daylight and Sunlight report includes information on where internal arrangements have been sourced (planning applications and estate agent detail). Further, the Report incorporates recent planning permissions (either implemented or unimplemented) within its assessment. Charles Simmons House, to the west of the site, is currently under construction.
- 9.130 The submitted report surmises that “*Whilst there will be changes in VSC and NSL at neighbouring properties in breach of the BRE Guidelines, we would consider the impact on daylight amenity to be appropriate and acceptable in consideration of emerging and current policy, the specific site context, the retained daylight values, alternative baseline assessments (mirror massing and no balconies) and high sunlight compliance*”.

9.131 Alternative target exercises have also been investigated by the Applicant. Balconies/overhangs have been removed from neighbouring Sherston Court and a mirror massing exercise has been undertaken by the Applicant, where removed the existing building on site and replicated Bagnigge House and St Ann's House onto the site.

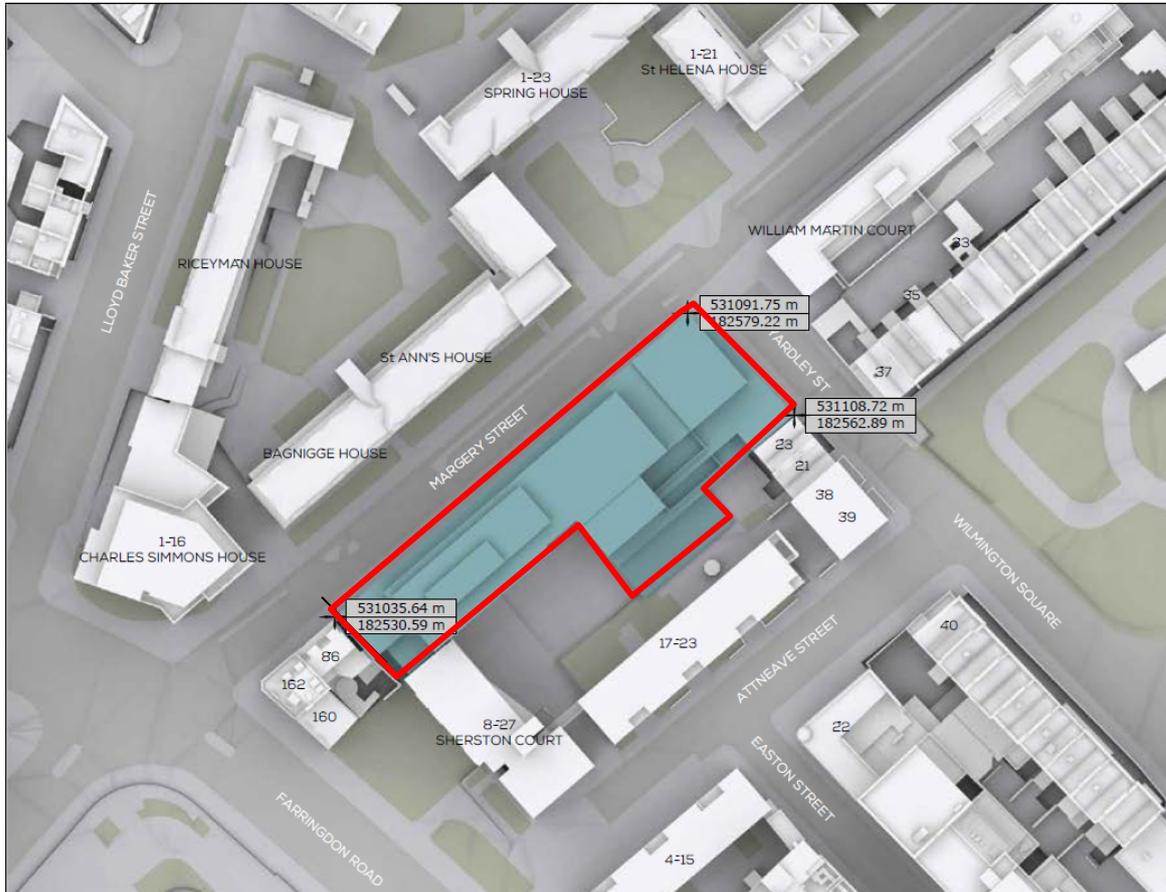


Figure 12: Map of adjoining properties tested

Impacts to Daylight

9.132 The submitted report indicates that a total of 242 windows facing the site and 168 rooms were assessed. The updated report demonstrates that 102 (39.3%) of the windows and 50 (29.8%) of the rooms assessed would fail BRE criteria. It is noted that in regards to VSC, the majority of the reductions are within the 20 - 29.99% range.

9.133 The following properties comply with the BRE guidance:

- Riceyman House;
- 1-23 Spring House;
- 1-21 St Helena House;
- William Martin Court;
- 33, 35, 37, 38, 39 and 40 Wilmington Square; and
- 21 and 23 Yardley Street;

9.134 Transgressions are reported to neighbouring Charles Simmons House, Bagnigge House, St Ann's House, 17-23 Attneave Street and 8-27 Sherston Court. These are individually assessed further below:

Charles Simmons House

9.135 Charles Simmons House is currently under construction and is not yet complete following planning permission: P2015/3050/FUL. 53 windows and 22 rooms for NSL were assessed at Charles Simmons House. The transgressions to neighbouring Charles Simmons House properties are reported for reference in Table 1 below:

Table 1		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Charles Simmons House								
<i>First Floor</i>								
R3 / W4	LKD	7.8	6.2	20.5%	25.3	21.7	14.0	35.5%
R4 / W5	LKD	8.6	6.4	25.6%	28.3	28.2	19.4	31.1%
R4 / W6	LKD	20.8	17.8	14.4%				
R5 / W7	LKD	4.7	3.6	23.4%	29.3	25.8	25.8	0
R5 / W8	LKD	21	21	0				
R5 / W9	LKD	21	21	0				
<i>Second Floor</i>								
R3 / W5	LKD	10.7	9	15.9%	32.6	32.6	24.7	24.1%
R3 / W6	LKD	24.7	22.1	10.5%				

9.136 As shown in the table above, 3 windows to the first floor of Charles Simmons House would see reductions in VSC of between 20% and 30%. Further, 3 of the 22 rooms tested would see reductions of between 24.1% and 35.5% in NSL, 2 of which also see reductions in VSC. Given these windows have low level of existing VSC (0.85%) it is considered sensitive to any change, and any change would therefore be perceptible.

Bagnigge House



9.137 53 windows and 29 rooms for NSL were assessed at Bagnigge House. The transgressions to neighbouring Bagnigge House properties are reported for reference in Table 2 below:

Table 2		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
Bagnigge House								
<i>Ground Floor</i>								
R1 / W1	Bedroom	29.4	22	25.2%	16.5	16.3	16	2%
R1 / W2		29.5	21.6	26.8%				
R1 / W11		11.6	11.5	0.9%				
R2 / W3	Bedroom	29.5	21.2	28.1%	14.4	14.4	11.5	20%
R2 / W4		29.5	20.8	29.5%				
R3 / W5	Reception	29.4	20.3	31.7%	16.0	15.9	10.7	32.6%
R3 / W6		29.3	20	31.7%				
R4 / W7	Bedroom	29.2	19.6	32.9%	14.4	14.4	9.4	34.5%
R4 / W8		29.1	19.5	33%				
R5 / W9	Bedroom	29	19.3	33.4%	14.4	14.4	9.2	35.8%
R5 / W10		28.8	19.2	33.3%				
<i>First Floor</i>								
R1 / W1	Living	33	25.8	21.8%	16.5	16.4	16.4	0
R1 / W2		33.2	25.4	23.5%				
R1 / W11		14.4	14.3	0.7%				
R2 / W3	Living	33.3	25	24.9%	14.4	14.4	13.8	3.8%
R2 / W4		33.4	24.5	26.6%				
R3 / W5	Reception	33.5	23.9	28.7%	16	15.9	13.4	16%

R3 / W6		33.5	23.6	29.6%				
R4 / W7	Living	33.6	23.2	31%	14.4	14.4	11.3	21.4%
R4 / W8		33.5	23	31.3%				
R5 / W9	Living	33.5	22.8	31.9%	14.4	14.4	10.4	24.6%
R5 / W10		33.4	22.7	32%				
Second Floor								
R3 / W5	Reception	36.2	27.8	23.2%	16	15.9	15	5.5%
R3 / W6		36.3	26.5	24.2%				
R4 / W7	Bedroom	36.3	27	25.6%	14.4	14.4	13.5	6.4%
R4 / W8		36.4	26.8	26.4%				
R5 / W9	Bedroom	36.4	26.7	26.6%	14.4	14.4	13.5	6.3%
R5 / W10		36.4	25.5	27.2%				

- 9.138 As shown in Table 2 above, 24 of the 53 (39.3%) windows assessed at Bagnigge House would see reductions of more than 20% in VSC. Further, 10 of the 53 (18.9%) windows assessed would see reductions of more than 30% in VSC. It is noted that although there would be reductions of up to 33.4%, all of the windows would retain a value of at least 19.2% or more in VSC.
- 9.139 5 of the 29 (17.2%) rooms assessed at Bagnigge House would see reduction of more than 20% in NSL, whilst 3 rooms (10.3%) would see reduction of more than 30%.
- 9.140 A mirror massing exercise has been undertaken by the Applicant in relation to Bagnigge House and St Annes House. The Mirror Massing exercise shows that of the 53 windows assessed, 4 windows would experience no change, 12 windows would see a reduction of up to 2% in VSC and 37 window would see a reduction of 2% – 4.3%, versus the proposal. It is noted that utilising mirror massing to establish an alternate baseline, that there would be no transgressions beyond the BRE guidelines (above 20% reductions). This provides a useful insight, but nonetheless, the actual impacts to both VSC and NSL to the ground and first floor rooms remain of concern and weigh against the scheme in the planning balance.

St Ann's House



- 9.141 78 windows and 54 rooms for NSL were assessed at St Ann's House. The transgressions to neighbouring St Ann's House properties are reported for reference in Table 3 below:

Table 3		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
St Anne's House								
<i>Ground Floor</i>								
R2 / W12	Bedroom	29.6	20.6	30.4%	13.6	13.5	8.9	33.9%
R2 / W13		28	19.1	31.8%				
R3 / W2	Bedroom	30.3	20.2	33.3%	15.4	15.2	8.8	42.2%
R3 / W3		30.3	20.3	33%				
R4 / W4	Bedroom	30.3	20.3	33%	15.8	15.7	8.6	42.1%
R4 / W5		30.3	20.4	32.7%				
R5 / W6	Bedroom	30.3	20.4	32.7%	16.5	16.4	9.5	39%
R5 / W7		30.2	20.5	32.1%				
R6 / W8	Bedroom	30.2	20.6	31.8%	16.5	16.4	9.8	36.7%
R6 / W9		30.2	20.7	31.5%				
R7 / W10	Bedroom	30.1	20.8	30.9%	15.8	15.7	10.4	33.4%
R7 / W11		30	20.8	30.7%				
R8 / W14	Unknown	30.9	21.8	29.4%	11	10.7	7.2	33.1%
R9 / W15	Unknown	30.9	22.1	29.4%	7.7	7.6	5.1	32%
R10 / W16	Unknown	30.9	22.4	27.5%	7.7	7.6	5.3	30.6%
R11 / W17	Unknown	30.9	22.6	26.9%	11.9	11.5	7.4	35.9%
<i>First Floor</i>								
R1 / W1	Unknown (Core)	32.9	22	33.1%	10.1	10	5.5	44.8%
R2 / W12	Living	34	24.5	27.9%	15.2	15.1	12.1	19.9%
R2 / W13		32.2	23	28.6%				
R3 / W2	Living	34.6	23.8	31.2%	17.1	16.9	11	35%
R3 / W3		34.7	23.9	31.1%				
R4 / W4	Living	34.6	23.9	30.9%	15.7	15.6	10.1	34.9%
R4 / W5		34.7	24	30.8%				
R5 / W6	Living	34.6	24.1	30.3%	17.4	17.2	11.7	32.1%
R5 / W7		34.6	24.2	30.1%				
R6 / W8	Living	34.6	24.4	29.5%	17.4	17.2	12.2	28.9%
R6 / W9		34.5	24.5	29%				
R7 / W10	Living	34.5	24.6	28.7%	15.7	15.6	12.4	20.3%
R7 / W11		34.3	24.7	28%				
R8 / W14	Unknown	35.3	26.2	25.8%	11	10.7	9.5	11.5%
R9 / W15	Unknown	35.3	26.5	24.9%	7.7	7.6	7	8.2%
R10 / W16	Unknown	35.3	26.7	24.4%	7.7	7.6	7.4	3.2%
<i>Second Floor</i>								
R1 / W1	Unknown (Core)	35.6	25.7	27.8%	10.1	10	7.3	27.3%

- 9.142 As shown in Table 3 above, 33 of the 78 (42.3%) windows assessed at St Anne's House would see reductions of more than 20% and have a retained value of less than 27% in VSC. Further, 19 of the 78 (24%) windows assessed would see reductions of 30% or more.
- 9.143 Turning to daylight distribution, 17 of the 54 (31.5%) rooms assessed at St Anne's House would see reduction of more than 20% in NSL. 11 of the 54 (20%) rooms assessed would see reductions of between 30% - 39.99%, whilst 3 of the 54 (5.5%) of the rooms assessed would see reductions in excess of 40% in NSL.
- 9.144 As with Bagnigge House above, a mirror massing exercise has been undertaken by the Applicant in relation to both Bagnigge House and St Annes House. The Mirror Massing exercise shows that of the 78 windows assessed, 1 window would experience no change, 12 windows would see a reduction of up to 2% in VSC and 37 window would see a reduction of 2% – 4.3%, versus the proposal. It is noted that utilising mirror massing to establish an alternate baseline, that there would be no transgressions beyond the BRE guidelines (above 20% reductions). This provides a useful insight, but nonetheless, the actual impacts to both VSC and NSL to the ground and first floor rooms remain of concern and weigh against the scheme in the planning balance.

17-23 Attneave Street



- 9.145 28 windows and 28 rooms were assessed at 17-23 Attneave Street. The transgressions to neighbouring 17-23 Attneave Street properties are reported for reference in Table 4 below:

Table 4		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
17 – 23 Attneave Street								
<i>Ground Floor</i>								
R1 / W1	Living	24.5	18.7	23.7%	20.4	18.5	12.3	33.3%
R2 / W2	Living	26.6	18.9	28.9%	21.3	21	12.3	41.6%
R3 / W3	Living	28	19.2	31.4%	21.2	20.9	12.1	41.9%
R4 / W4	Living	28	19.3	31.4%	20.3	20.3	11	45.8%
R5 / W5	Living	26.9	18.7	30.5%	21.3	21.2	11.1	47.9%
R6 / W6	Living	23.4	19	18.8%	21.3	18.6	13.4	27.7%
R7 / W7	Living	21.5	18.9	12.1%	20.3	17.9	12.2	31.9%
<i>First Floor</i>								
R1 / W1	Bedroom	30.9	22.4	27.5%	9.7	9.6	5.7	40.7%
R2 / W2	Bedroom	31.1	22.2	28.6%	10.3	10.2	5.6	45.2%
R3 / W3	Bedroom	31.5	22.3	29.2%	11.2	11	5.9	46.3%
R4 / W4	Bedroom	31.8	22.3	29.2%	9.7	9.6	5.4	43.8%
R5 / W5	Bedroom	31.8	22.7	28.6%	9.7	9.6	5.2	46.1%
R6 / W6	Bedroom	31.9	22.9	28.2%	11.1	11	5.9	45.8%
R7 / W7	Bedroom	31.7	23.1	27.1%	10.3	10.2	5.8	42.6%
R8 / W8	Bedroom	31.4	23.1	26.4%	9.7	9.6	5.4	43.2%
R9 / W9	Bedroom	31	22.9	26.1%	9.7	9.6	5.5	42.7%
R10 / W10	Bedroom	30	22.4	25.3%	11.2	11	5.9	43.1%
R11 / W11	Bedroom	29.6	23.3	21.3%	9.7	9.6	7.6	16%
R12 / W12	Bedroom	30.3	23.5	22.4%	11.2	11.1	8.1	22.3%
R13 / W13	Bedroom	30.6	23.2	24.2%	10.2	10.1	6.5	36.1%
R14 / W14	Bedroom	30.8	22.7	26.3%	9.7	9.6	5.4	43.7%

- 9.146 As shown in Table 4 above, 19 of the 28 (68%) windows assessed at 17 – 23 Attneave Street would see reductions of more than 20% in VSC. 3 of the 28 (10.7%) windows assessed would see reductions of more than 30% in VSC. It is noted however that although there would be reductions of up to 31.4%, all of the windows would retain a value of 18.7% or more in VSC.
- 9.147 Turning to daylight distribution, 27 of the 28 (96.4%) rooms assessed would see reductions of more than 20% in NSL, ranging between 22.3% and 47.9%.
- 9.148 It is considered that the properties at 17-23 Attneave Street are the worst affected by the proposed development, given the number of transgressions to both VSC and NSL.

8-27 Sherston Court



9.149 16 windows and 16 rooms were assessed at 8-27 Sherston Court. The transgressions to neighbouring Sherston Court properties are reported for reference in Table 5 below:

Table 5		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
8 – 27 Sherston Court								
<i>Ground Floor</i>								
R1 / W8	Kitchen	2.4	1.6	33.3%	5.9	4.6	4.6	0
R4 / W11	Kitchen	2.4	1.7	29.2%	6	4.7	4.6	2.7%
R5 / W10	Kitchen	2.3	1.5	34.8%	6	4.8	4.7	1%
R14 / W14	Kitchen	15.8	10.2	35.4%	11.9	11.7	5.4	54.4%
<i>First Floor</i>								
R1 / W8	Kitchen	3.5	2	42.9%	5.9	4.6	4.6	0
R4 / W11	Kitchen	4.1	2.3	43.9%	6	4.8	4.6	2.9%
R5 / W10	Kitchen	3.8	2.1	44.7%	6	4.8	4.8	0.8%
R14 / W14	Kitchen	3.4	0	100%	11.9	10.6	1.9	81.8%
<i>Second Floor</i>								
R1 / W8	Kitchen	4.6	3	34.8%	5.9	4.7	4.7	0
R4 / W11	Kitchen	6.1	3.6	41%	6	4.8	4.6	3.5%
R5 / W10	Kitchen	6.2	3.3	46.8%	6	4.8	4.8	0.0%
R14 / W14	Kitchen	19.8	15.8	20.2%	11.9	11.7	8.2	26.7%
<i>Third Floor</i>								
R1 / W8	Kitchen	5.7	4.4	22.8%	5.9	4.2	4.2	0
R4 / W11	Kitchen	7.7	5.2	32.5%	6	4.3	4.2	2.6%
R5 / W10	Kitchen	7.6	4.7	38.2%	6	4.3	4.3	0
R14 / W14	Kitchen	21	18.1	13.8%	11.9	11.7	11.7	0

9.150 As shown in the table above, 15 of the 16 (93.7%) windows at 8-27 Sherston Court would see reductions of more than 20% in VSC. 12 of the 16 (75%) windows assessed

would see reductions of more than 30%, whilst 5 of the 16 (31.25%) windows would see reductions of over 40%.

- 9.151 Turning to daylight distribution, 3 of the 16 rooms (19%) assessed would see reductions of more than 20% in NSL, ranging between 26.7% to 81.8% reductions.
- 9.152 At first floor level, Room 14 Window 14 would see a reduction in VSC of 100% and an 85.5% reduction in NSL.
- 9.153 The identified windows look out onto the access to Sherston Court properties via walkway balconies. The BRE recognises that existing architectural features on neighbouring properties such as balconies and overhangs inherently restrict the quantum of skylight to a window. The BRE guidelines state that *“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even the modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and the area receiving direct skylight, for both the existing and proposed situations, without the balcony in place”*.



Figure 13: Existing balcony walkways to neighbouring Sherston Court

- 9.154 Appendix 4 of the Applicant’s Daylight and Sunlight Report gives ‘without balconies’ results, in which the additional calculations of the VSC for both the existing and proposed situations, without the balconies in place.
- 9.155 The results of the Applicant’s ‘without balconies’ calculations indicate that the balconies do cause harm to the windows at Sherston Court. Table 6 below shows the ‘without balconies assessment’ undertaken. 10 windows of the 16 windows assessed would still have reductions to daylight (in particular VSC) beyond BRE guidelines.

Table 6 - Without Balconies Assessment		Vertical Sky Component			Comparison with Balconies assessment
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Reduction (%)
8 – 27 Sherston Court					
<i>Ground Floor</i>					
R1 / W8	Kitchen	20.6	16.8	19.4%	33.3%
R4 / W11	Kitchen	26.6	20.7	22.2%	29.2%
R5 / W10	Kitchen	24.9	19.1	23.3%	34.8%
R14 / W14	Kitchen	15.8	10.2	35.4%	35.4%
<i>First Floor</i>					
R1 / W8	Kitchen	22.5	18.8	16.4%	42.9%
R4 / W11	Kitchen	31.2	23.6	24.4%	43.9%
R5 / W10	Kitchen	30.1	21.7	27.9%	44.7%
R14 / W14	Kitchen	3.4	0	100%	100%
<i>Second Floor</i>					
R1 / W8	Kitchen	24	21	12.5%	34.8%
R4 / W11	Kitchen	34.6	27	22%	41%
R5 / W10	Kitchen	34.9	24.7	29.2%	46.8%
R14 / W14	Kitchen	19.8	15.8	20.2%	20.2%
<i>Third Floor</i>					
R1 / W8	Kitchen	25.4	23.3	8.3%	22.%
R4 / W11	Kitchen	36.5	30.7	15.9%	32.5%
R5 / W10	Kitchen	36.6	28.2	22%	38.2%
R14 / W14	Kitchen	21	18.1	13.8%	13.8%

- 9.156 Balconies cannot actually be removed, and while the testing shows that the existing levels of light to these windows is low as a result of the deck access, light would be reduced, and this impact weighs against the development in the planning balance.

160 Farringdon Road

- 9.157 3 windows for VSC and 3 rooms for NSL were assessed at 160 Farringdon Road. The transgressions to neighbouring 160 Farringdon Road are reported for reference in Table 7 below:

Table 7		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
160 Farringdon Road								
<i>Ground Floor</i>								
R1 / W1	Unknown	15.9	12.1	23.9%	11.5	8.6	5.2	40%
<i>First Floor</i>								
R1 / W1	Unknown	22.7	18.6	18.1%	11.5	10.7	8.5	20.5%

9.158 As shown in Table 7 above, 1 of the 3 windows assessed at 160 Farringdon Road would see a reduction over 20% in VSC whilst 2 of the 3 windows assessed would see reductions in NSL. At ground floor level, the window would see a marginal transgression of 20.5% reduction in VSC coupled with a 40% reduction in NSL to the room.

86 Margery Street

9.159 17 windows for VSC and 11 rooms for NSL were assessed at 86 Margery Street. The transgressions to neighbouring 86 Margery Street are reported for reference in Table 8 below:

Table 8		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room / Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
86 Margery Street								
<i>Fourth Floor</i>								
R1 / W1	Unknown	24.4	4.8	80.3%	12.9	12.7	12	5.1%
R1 / W3		17.4	17.4	0				
R1 / W6		31.4	29.8	5.1%				
R1 / W7		37	29.9	19.2%				

9.160 As shown in Table 8 above, 1 of the 17 windows assessed would see reductions of more than 20% and have a retained value below 27% in VSC. This window is located at fourth floor level and serves as a secondary window to a dormer projection. Although there is a reduction of 83.6% in VSC to Window 1, the NSL of the room which it serves would not be reduced beyond BRE guidance.

9.161 Window 1 is within a dormer projection to the roof and faces the application site, and as such is sensitive to any change, and any change would therefore be perceptible.

Officers consider the development would therefore not be of detriment to the daylight enjoyed by occupiers of 86 Margery Street.

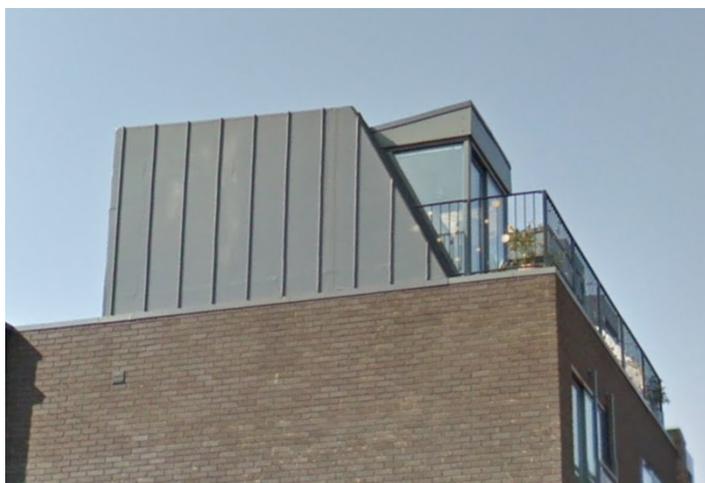


Figure 14: Photograph showing the side facing dormer window to neighbouring no.86 Margery Street

Daylight Summary

9.162 In summary, the proposal would see the reduction in daylight to a number of neighbouring residential properties. Whilst neighbouring properties at Bagnigge House and St Annes House would see reductions in VSC of up to 33%, these windows would still receive in excess of 18% in VSC values. 60.7% of neighbouring windows assessed would not see reductions to VSC contrary to BRE, whilst 67.5% of neighbouring rooms assessed would not reductions to NSL contrary to BRE.

9.163 Properties to the rear of the proposed building, namely Attneave Street properties, would be worst affected by the proposal, with reductions in both VSC and NSL in excess of 20%. Reductions to both VSC and NSL to the ground and first floor rooms weigh against the scheme in the planning balance.

Impacts to Sunlight

9.164 The submitted Daylight & Sunlight Impacts Report highlights that a total of 112 rooms facing the site were assessed for Annual Probable Sunlight Hours ('APSH'). The report highlights that 110 (98.2%) of the rooms assessed are BRE compliant.

9.165 The following properties comply with the BRE guidance:

- Riceyman House;
- Bagnigge House;
- St Ann's House;
- 1-23 Spring House;
- 1-21 St Helena House;
- William Martin Court;
- 33, 35, 37, 38, 39 and 40 Wilmington Square;
- 23 Yardley Street; and
- 86 Margery Street;

9.166 The transgressions to neighbouring these neighbouring properties are reported for reference in the below table:

<u>Table : Sunlight Transgressions</u>		Annual (APSH)			Winter (WPSH) (between 21 September and 21 March)		
Room / Window	Room Use	Existing	Proposed	Reduction %	Existing	Proposed	Reduction %
21 Yardley Street							
First Floor R4	Unknown	34	28	17.6%	4	3	25%
Charles Simmons House							
Third Floor R5	LKD	20	19	5%	4	3	25%

9.167 The transgressions occur to one window at 21 Yardley Street and one window at Charles Simmons House.

9.168 The window at 21 Yardley Street is located at first floor level to the rear of the building and would serve an unknown room.

9.169 The window at Charles Simmons House is located at third floor level and would serve a LKD. This room is served by three windows, with two facing northeast. The affected window is southeast facing and is the largest of the three windows serving the room. As such, this reduction is not considered to give rise to undue loss of sunlight to the room which the window serves.

Overshadowing

9.170 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).

9.171 The submitted Daylight & Sunlight Impacts Report highlights that due to the proposed development's orientation in relevance to neighbouring properties, only 21-23 Yardley Street is required to be tested in accordance with BRE guidance.

9.172 23 Yardley Street adjoins the south eastern boundary of the site and is split into self-contained units. As such, the rear amenity space is also split into two separate spaces for occupiers of 23 Yardley Street. The two separate amenity areas are identified in Figure 13 below as A1 and A2. Both A1 and A2 will experience an increase in 'sun on the ground', A1 increases from 39.66% to 86.54% and A2 increases from 0.58% to 1.50%.

9.173 21 Yardley Street has a rear amenity area of 22.21sqm. It currently benefits from 2.84% of sunlight coverage which would increase to 19.95% following the development.

- 9.174 The proposed development would therefore see an increase to ‘sun on the ground’ to the nearest neighbouring properties external amenity, to the benefit of those occupiers. This is due to the proposed reduction of mass to the building along the south-eastern boundary adjoining neighbouring 21 and 23 Yardley Street.

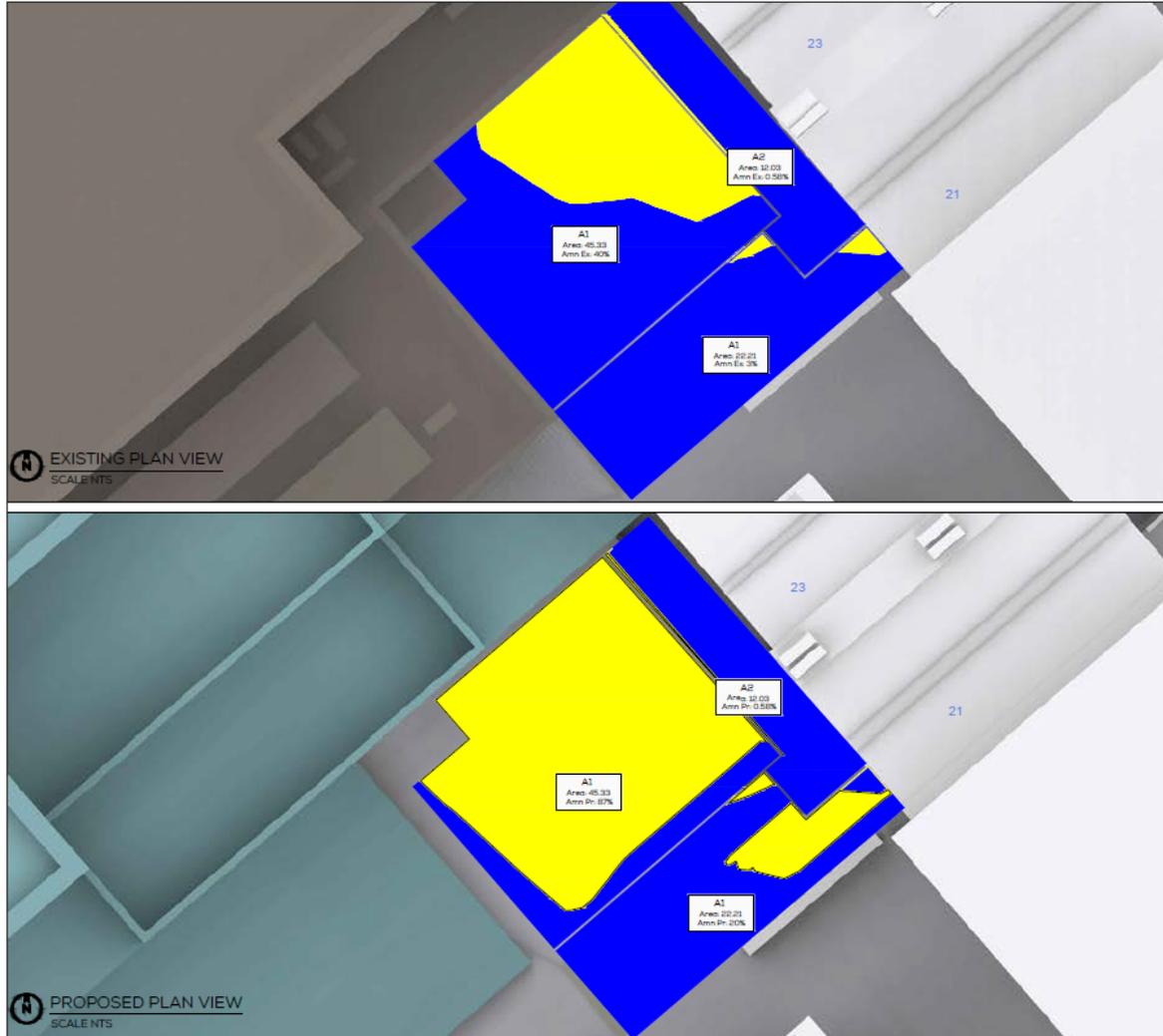


Figure 15: Existing vs Proposed ‘sunlight on ground’ to neighbouring properties on Yardley Street.

Daylight, Sunlight and Overshadowing Summary:

- 9.175 A comprehensive assessment of the proposed development on surrounding windows, rooms and gardens in nearby dwellings has been undertaken in accordance with BRE guidance and practice.
- 9.176 The results show the development would see the reduction in daylight to a number of neighbouring residential properties. Transgressions beyond the BRE guidance are not a benefit and weigh against the scheme in the planning balance. The ‘without balconies’ and ‘mirror massing’ exercise undertaken by the Applicant are useful in outlining the impacts of the development and understanding the extent of how under-developed the site currently is.

- 9.177 The BRE guidelines must be viewed flexibly and considering the wider adherence to the required standards, allowance should be made for the Central London location and the surrounding context of the site which includes 5 storey mansion blocks.

Construction Impacts

- 9.178 It is anticipated that the construction of the proposed development would cause some degree of noise and disruption affecting neighbouring residents and a number of objections have been received raising this point. A Construction Environmental Management Plan would be required to be submitted to and approved by the Council prior to the commencement of work in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. This would be secured by recommended condition 16. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

Highways and Transportation

- 9.179 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.
- 9.180 The application site has a PTAL of 6a, which is considered 'excellent', due to the numerous bus links along Kings Cross Road / Farringdon Road.
- 9.181 Margery Street is a one-way single carriageway road with on street parking and a cycle lane. Yardley Street is a cul-de-sac which does not allow vehicles to join onto Margery Street, however, the cycle route allows cyclists to ride between Margery Street and Yardley Street.

Trip Generation

- 9.182 The submitted Transport Statement dated 29 October 2019 indicates that 707 daily trips to and from the existing building is expected based on floorspace. There are minimal trips within a personal car (a total of 10 daily equating to 1.4%) with the primary mode of trips (a total of 600 equating to 85%) coming from public transport such as underground/tube, trains and buses. Cycles account for 12 daily trips.
- 9.183 The proposal is anticipated to generate a total of 1,501 daily trips to and from the site. There would be minimal trips within a personal car (a total of 21 daily equating to 1.4%) with the primary mode of trips (a total of 1,274 equating to 85%) coming from public transport. Cycle trips would increase to 25 daily trips.

Pedestrian / Cycle Improvements

- 9.184 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. The proposal is highly accessible for pedestrians given its two entrances front onto Yardley Street and Margery Street.

- 9.185 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.
- 9.186 The proposal provides a secure cycle parking enclosure for the proposed office use internally, at lower ground level. This would be accessed by two lifts to allow for level access.
- 9.187 A total of 88 long-stay cycle parking spaces could be accommodated within the lower ground floor enclosure to serve the entire building in accordance with London Plan policy 6.9 and Islington's Development Management policy DM8.4. A further 4 accessible cycle parking spaces are also provided.
- 9.188 Lockers, shower and changing facilities are also proposed next to the cycle storage area so that they can be accessed by both the office building and the affordable workspace unit.

Servicing, deliveries and refuse collection

- 9.189 The existing building is serviced from a yard to the south-west part of the site, accessed from Margery Street. This is to be built-over as part of the proposal and as such the building is to be serviced on-street.
- 9.190 The proposed service entrance is from Yardley Street and as such refuse and recycling collection is to be undertaken from Yardley Street. The waste collection vehicle would reverse down Yardley Street towards the site and waste collection operatives would wheel the containers to the vehicle. This is supported by Council's Highways officers.
- 9.191 A condition (no.15) is recommended requiring details of the proposed Delivery/Servicing Plan, including hours, frequency, location and size of vehicles to be submitted to and approved in writing by the Local Planning Authority.

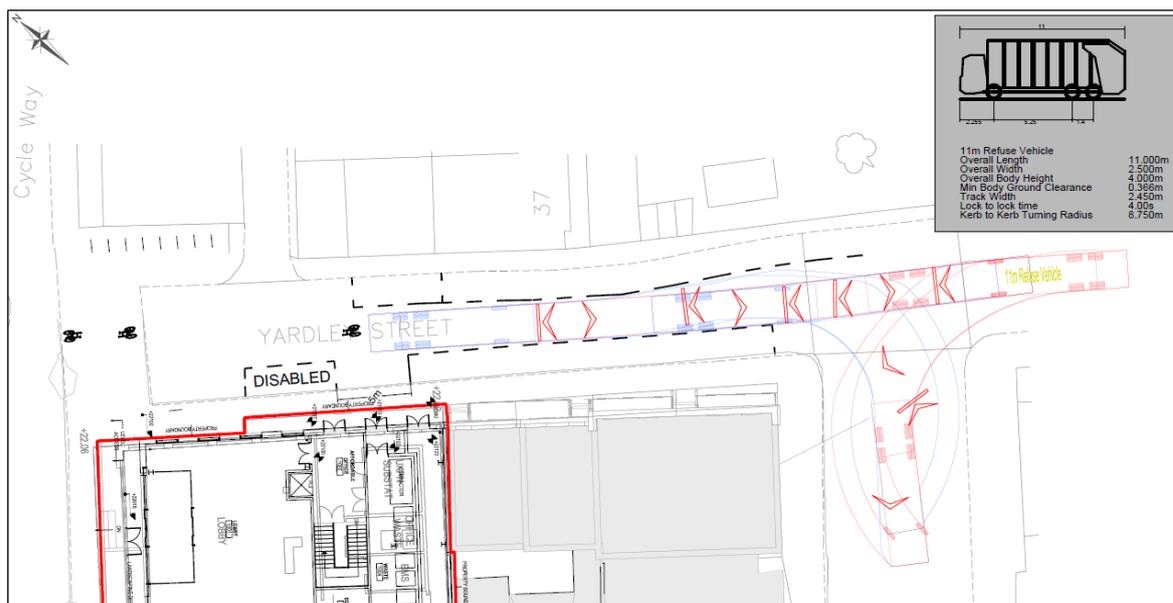


Figure 16: Swept paths for proposed refuse collection vehicles servicing the site

Vehicle parking

- 9.192 The site does not currently include any on-site formal parking arrangements and no parking is proposed within the site as part of the application. The subject site is located within a 'residents only' Controlled Parking Area (CPZ) 'Zone A', which operates weekdays between 0830 – 1830 and on Saturdays between 0830 – 1330. 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. An objection raised concerned the loss of controlled parking bays being lost to facilitate a loading bay, at the expense of nearby residents.
- 9.193 Within the submitted 'Transport Statement', a parking survey was conducted. It concludes that the overall parking stress to on-street bays to the surrounding streets at approximately 72% capacity, outlining that on average 9 parking bay spaces are available. The reduction of on-street parking bays to Yardley Street is supported by Transport for London.
- 9.194 Given the site has a 'excellent' PTAL rating of 6a, the highly accessible area alongside on-street parking restrictions, a car-free proposal is considered acceptable in sustainable transport regards.
- 9.195 Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). For commercial developments, an uplift in 33 employees would require one additional accessible parking bay.
- 9.196 The proposal would see an uplift in approximately 240 employees and therefore at least 7 accessible parking bay is required. Given the site's constraints in providing on-site wheelchair parking, a financial contribution of £14,000 is sought towards the delivery of other accessible transport initiatives to increase the accessibility of the area.
- 9.197 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.

Air Quality

- 9.198 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.
- 9.199 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. Emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition 16.

- 9.200 Furthermore, an Air Quality report, which includes air quality neutral assessment, was submitted by the Applicant in support of the scheme. It highlights that with the assumption of no CHPs/boilers, the development will achieve air quality neutral status. This is accepted by the Council's Environmental Health Team and Condition 17 ensures the measures outlined within the Air Quality report are to be completed prior to occupation and maintained thereafter.

Energy & Sustainability

- 9.201 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 148, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.202 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.
- 9.203 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 7.1 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.
- 9.204 The applicant has submitted the relevant detail within the Sustainability and Energy Statement, prepared by FHP Engineering Services Solutions, October 2019; Draft Green Performance Plan, prepared by FHP Engineering Services Solutions, October 2019; and BREEAM pre-Assessment Report, prepared by Verte Sustainability, October 2019
- 9.205 Following initial comments on the submitted energy and sustainability documents by the Council's Energy Officer, revised information was submitted (Sustainability and Energy Statement Rev 5, prepared by FHP Engineering Services, dated 16/03/20 and

Carbon emissions

- 9.206 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.

- 9.207 The initial Energy Strategy submitted indicated a 49% reduction in regulated CO2 emissions against a Building Regulations 2013 baseline, however this has been increased to 69% within the revised energy strategy thereby exceeding the London Plan target.
- 9.208 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.
- 9.209 The revised Energy Strategy shows outstanding total (regulated and unregulated) emissions equivalent to 39% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington CS10.
- 9.210 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 Assessment Report includes a correctly calculated Carbon Offset contribution of £128,690.52 for the 139.881 tonnes of outstanding emissions. This is to be secured by way of a planning obligation.

Sustainable Design Standards

- 9.211 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."
- 9.212 A BREEAM Pre-Assessment has been submitted for the non-residential area of the development. This shows a score of 72.82% meeting the requirements of Islington DM 7.4A which requires a minimum of an 'Excellent' rating, which shall be secured through Condition 3.

Energy Demand Reduction (Be Lean)

- 9.213 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".
- 9.214 Following clarification with the revised Energy Strategy, the fabric values met or improve on the recommendations of Islington's Environmental Design SPD, including external

walls, roof, floor, windows, doors and air tightness. Further, LED lighting is proposed throughout with presence and daylight sensors.

- 9.215 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”.
- 9.216 Thermal modelling has been carried out by the Applicant which shows that the building is at risk from overheating without active cooling. However, once active cooling is introduced the overheating risk is removed, which is accepted by Council’s Energy Officer.

Low Carbon Energy Supply (Be Clean)

- 9.217 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;”*
- 9.218 Air Source Heat Pumps (‘ASHP’) / Virtual Routing and Forwarding (‘VRF’) system have been specified by the Applicant. The Energy Strategy explains that the proposed system is more carbon efficient than communal gas. This is shown in the fact that there is a 48% reduction in regulated emissions at the ‘Be Clean’ stage where ASHP/VRF is introduced. The baseline figure allows for communal gas.
- 9.219 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.
- 9.220 Furthermore, the revised Energy Strategy states that a protect pipe route and space in the plant room have been reserved to allow future connection and that the required ventilation provisions in the plant room will be made. 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.
- 9.221 The revised Sustainability and Energy Statement shows includes evidence of an investigation into the possibility of forming a Shared Heating Network with neighbouring buildings. It is accepted by the Council’s Energy Officer that this is not feasible.
- 9.222 The revised Energy Strategy also rules out the possibility of a Carbon Heating Plant (‘CHP’) due to the projected yearly figure for the amount of hours the smallest commercially available CHP unit would run and demonstrates that CHP would not be viable for this development, which is accepted by the Council’s Energy Officer.

Renewable Energy Supply (Be Green)

- 9.223 The use of renewable energy should be maximised to enable the achievement of CO2 targets.

- 9.224 A suitable range of renewable technologies has been reviewed and Wind Turbines, Solar Thermal, Biomass and Ground Source Heat Pumps ruled out for valid reasons. The revised Sustainability and Energy Strategy specifies a 14.kWp / 100m² PV array at roof level.

Green Performance Plan (GPP)

- 9.225 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.” The council’s Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 9.226 A Draft Green Performance Plan (‘GPP’) has been submitted and includes measurable targets for gas, electricity, CO₂ emissions and water usage. The GPP 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 GPP is to be submitted and is secured through a section 106 agreement.
- 9.227 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.

Basement and Sustainable Urban Drainage System (SUDS)

- 9.228 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).
- 9.229 The Basement Development SPD sets out inter alia:
- 9.230 *“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.”*
- 9.231 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. Furthermore, the Applicant is in ongoing discussion with neighbouring stakeholders, such as Network Rail and Transport for London, in relation to basement excavation near railway tunnels.

Planning Balance

- 9.232 This section will identify the adverse impacts caused by the development and compare these to the benefits of the development, and weigh them in the planning balance of decision making.
- 9.233 As outlined within the assessment of the application above, Officers have identified that the proposed development would cause harm to the amenity of neighbouring residential properties, specifically to sunlight/daylight. Harm to neighbouring amenity weighs against the scheme in the planning balance. To understand what weight to give to the impact, it is important to note the urban context in which the site is set, which is dense (some amount of impact is almost unavoidable in situations where buildings are close together).
- 9.234 It is also worth noting that the existing building is much lower than existing buildings on the opposite side of Margery Street. This is relevant in that a Mirror Massing exercise was undertaken, and this showed that using alternate targets (a methodology allowed by the BRE guidance) the impact to properties on the opposite side of Margery Street would be within or very close to the BRE guidance. The units currently receive very high levels of light (more than would be usual in such a dense urban area).
- 9.235 It is also noted that there are deck accesses to residential properties to the rear (east) of the site, which limit light to windows in the deck access elevation. Additionally, some of the affected window are high level (slot like) windows. These narrow windows, by virtue of their location and size will always receive limited light.
- 9.236 In many cases dwellings that have some rooms or windows which are impacted, these units also have other rooms and windows which will not be impacted. Some units are dual aspect and the main living areas face away from the application site, and this means the impacts will cause less of an issue for those units. Officers consider that there are circumstances in this case which mean that the weight afforded to this impact is moderated.
- 9.237 In terms of heritage impacts, this would be less than substantial and that the Applicant has designed and revised the proposal to mitigate impacts, such that they would be at the lower end of the spectrum. That said, there would still be less than substantial harm, and as such great weight and importance must be afforded to this before considering and benefits.
- 9.238 In terms of the public benefits that would arise from the development, these have been discussed throughout the report where relevant, and are surmised as follows:
- Significant uplift in office (B1a) floorspace within the CAZ and ERG, with associated jobs and support for the economy;
 - 439sqm (10.3% of the total NIA floorspace) of the development for affordable workspace (adding social value to the scheme);
 - Financial contribution in-lieu of on-site affordable housing provision of £498,720;
 - Public realm improvements to the corner of Yardley Street and Margery Street;
 - Improved energy efficiency and sustainability of the new building (reduction in carbon emissions in a time of climate emergency and a green performance plan);
 - Enhanced accessibility into and through the building;
 - Enhanced facilities for cyclists (encouraging travel by sustainable forms of transport);

- Contributions towards sustainable transport initiatives;
- Contributions towards employment and training initiatives;
- Jobs during construction and in the future building;
- A high quality design, improving the appearance of the area;

9.239 In summary, while officers have been mindful of their statutory duty in relation to harm to heritage assets and amenity impacts, given nature and number of public benefits that the scheme would deliver, these would outweigh the harm in the overall planning balance.

Planning Obligations, Community Infrastructure Levy and local finance considerations

9.240 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 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

9.241 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- a) A contribution of £498,720 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 of Affordable Workspace, totalling 10.3% of the overall NIA to be secured at a peppercorn rate for 10 years;
- c) Contribution TBC towards Public Realm improvements on the corner of Margery Street and Yardley Street;
- d) Compliance with the Code of Employment and Training including delivery of 2x 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 £10,000;
- e) Compliance with the Code of Construction Practice, including a monitoring fee of £3,117, 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;
- f) Payment towards employment and training for local residents of a commuted sum. Calculated at £28,617 based on the current proposal;

- g) Compliance with the Code of Local Procurement;
- h) Contribution towards 5x bays or other accessible transport initiatives of: £10,000;
- i) 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).
- j) The removal of redundant dropped kerbs to be paid for by the applicant and carried out by LBI Highways;
- k) A bond/deposit of £31,970.86 to cover costs of repairs to the footway and £34,014.20 for repairs to the highway (total £65,985.06). 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.
- l) A contribution of £128,690.52 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington (currently £920);
- m) Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- n) 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.
- 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.

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

10 SUMMARY AND CONCLUSION

Summary

10.1 The provision of additional business use floorspace is considered acceptable in land use terms given its location with an Employment Growth Area and the Central Activities Zone.

- 10.2 It is recommended that conditions are attached to minimise the impact of the development upon neighbouring amenity, such as privacy and overlooking, noise and/or light disturbance to an acceptable level.
- 10.3 The proposal is considered to constitute a sustainable form of development in regards to energy efficiency, renewable energy and sustainable transport subject to the recommended conditions.
- 10.4 While officers have been mindful of their statutory duty in relation to harm to heritage assets and amenity impacts, given the nature and number of public benefits that the scheme would deliver, these would outweigh the harm in the overall planning balance. In the overall planning balance, the benefits of the proposal to be secured through a s106 legal agreement, are considered to outweigh the harm caused to neighbouring residential amenity.

Conclusion

- 10.5 It is recommended that planning permission be granted subject to conditions and legal obligation as set out in Appendix 1 – RECOMMENDATION.

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 £498,720 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 of Affordable Workspace, totalling 10.3% of the overall NIA to be secured at a peppercorn rate for 10 years;
- c) Contribution TBC towards Public Realm improvements on the corner of Margery Street and Yardley Street through ongoing talks with the Local Planning Authority;
- d) Compliance with the Code of Employment and Training including delivery of 2x 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 £10,000;
- e) Compliance with the Code of Construction Practice, including a monitoring fee of £3,117, 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;
- f) Payment towards employment and training for local residents of a commuted sum. Calculated at £28,617 based on the current proposal;
- g) Compliance with the Code of Local Procurement;
- h) Contribution towards 5x bays or other accessible transport initiatives of: £10,000;
- i) 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).
- j) The removal of redundant dropped kerbs to be paid for by the applicant and carried out by LBI Highways;

- k) A bond/deposit of £31,970.86 to cover costs of repairs to the footway and £34,014.20 for repairs to the highway (total £65,985.06). 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.
- l) A contribution of £128,690.52 towards offsetting projected CO2 emissions of the development, charged at the established price per tonne of CO2 for Islington (currently £920);
- m) Submission of a final post-occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period;
- n) 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.
- 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.

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

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>A010010 P02 - Location Plan; A010015 P02 - Site Plan; A-012109 P02 - Lower Ground Floor Plan; A-012110 P02 - Upper Ground Floor Plan; A-012111 P02 - First Floor Plan; A-012112 P02 - Second Floor Plan; A-012113 P02 - Third Floor Plan; A-012114 P02 - Roof/Plant Floor Plan; A-012310 P02 – North Elevation; A-012320 P02 - South Elevation; A-012330 P02 - East Elevation; A-012340 P02 - West Elevation 1; A-012341 P02 - West Elevation 2; A-012410 P02 - Section A; A-012420 P02 - Section B; A-012430 P02 - Section C; A-012440 P02 - Section D; A-012450 P02 - Section E; A-012460 P02 - Section F;</p> <p>Air Quality Neutral Assessment v2 February 2020; Arboricultural Method Statement February 2020; Bat Roost & Nesting Bird Potential Building Assessment Report September 2019; Design and Access Statement rev.2 March 2020; Drainage Strategy Report ERH-HYD-XX-XX-RP-C-0002 October 2019; Environmental Report AEL-0219-TSR-942484 April 2018; Heritage and Townscape Assessment Framework Workplace Travel Plan October 2019; Islington Health Impact Assessment Screening; Planning Noise Report ERH-HYD-ZZ-XX-RP-YA-1001 November 2019; Site Waste Management Plan October 2019; Structural Method Statement Sustainability and Energy Statement rev.5, March 2020; Sustainable Design and Construction Statement October 2019; Transport Statement 18119-01-TS01 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	Materials (Details)
	CONDITION: Details and samples of the following facing materials shall be submitted

	<p>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> <p>a) Detail of windows including glazing, sections and reveals and samples; b) Details and sample panel of the prefabricated brick, stone and concrete panel system, including joint detailing; c) Details of all rooftop materials, including louvres and screens; d) Details of the materiality to the ground floor frontage; e) Details of any steel cladding; f) Materials used for lift/stair core equipment; g) Details of the privacy screens to the roof terraces; h) Details of all entrances and openings; i) Any external boundary treatments; and j) Any other materials to be used.</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>
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 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 of the core staircase and corridor windows to the first, second and third floors, have been obscure glazed and either fixed shut or with 150mm opening restrictors, as outlined within pages 35 and 36 the Design and Access Statement revision 2, 17 March 2020. The development shall be maintained as such thereafter.</p> <p>REASON: To safeguard the amenities of the adjoining residential units.</p>
7	Roof Terraces (Compliance)
	<p>CONDITION: Only the areas defined as terrace areas within the hereby approved plans shall be used as external amenity spaces. The development shall not be occupied until the 1.8 metre high, obscured glazed.</p>

	<p>The roof terraces shall only be used between the hours of 0800 and 1800 Monday to Friday</p> <p>The flat roofs of the development hereby approved, unless designated as roof terraces, 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 lights and blinds (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. The details shall include:</p> <ul 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. d) WC provision - clear space of at least 1570mm should be achieved between the door swings. All stair landings must have a 1200mm deep space, clear of all door swings. <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. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>A report is to be commissioned by the applicant, using an appropriately experienced &</p>

	<p>competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance. 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 prior to first occupation of the development hereby approved.</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: 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). 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. 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: The development shall be carried out in accordance with the tree protection measures, monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required), as outlined within the Arboricultural Method Statement produced by SJA Trees dated February 2020. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>The completed schedule of site supervision and monitoring of the arboricultural protection measures hereby approved shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>REASON: In order to ensure trees will not be damaged during demolition and construction and to protect and enhance the appearance and character of the site and Locality.</p>
13	<p>BREEAM (Compliance)</p> <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</p>

	development.
14	Energy Efficiency (Compliance)
	<p>CONDITION: The energy efficiency measures as outlined within the hereby approved Sustainability and Energy Statement Rev 5 dated 16/03/20 prepared by FHP Engineering Services 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. 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	Demolition and 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> <ol 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;

	<p>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;</p> <p>g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)</p> <p>h) Details of any proposed external illumination and/or floodlighting during construction;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites at all times, including emergency service vehicles;</p> <p>m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;</p> <p>n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;</p> <p>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> <p>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/usernrmm/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.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCEMP.</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>
17	Air Quality (Compliance)
	CONDITION: The Development is to be built in accordance with the hereby approved

	<p>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. 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	Basement Excavation (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement (ERH-HYDXX-XX-RP-S-0005 Issue 06) (Dated 03 March 2020, 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>
19	Removal of Permitted Development Rights – Office Use (Compliance)
	<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>
20	Road Safety Audit (Details)
	<p>CONDITION: Prior to the commencement of highway works secured to support the development, a Stage 1 Road Safety Audit (RSA) of the local highway network from the junction of Margery Street with King's Cross Road A201 up to the junction of Margery Street with Yardley Street should be undertaken due to the presence of Quietway 2 which is a TfL Cycleway.</p> <p>It shall identify any additional highway safety measures required to ensure and improve safety and it will include a timetable for implementation. Subsequent to this, Road Safety Audit/Assessment Stages 2, 3 & 4 (Detailed Design, Post Opening Audit & Post Opening Audit + 12 months) shall be carried out, unless otherwise agreed in writing by the Council in consultation with TfL. All stages shall be carried out in accordance with TfL's Road Safety Audit procedure (SQA 170). After each Stage of Road Safety Audit/Assessment, the approved measures shall be implemented as approved.</p>

	REASON: In the interests of road safety and Vision Zero; the Mayor's aim to eliminate all deaths and serious injuries on London's roads by 2041.
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List of Informatives:

<p>1</p>	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<p>2</p>	<p>Community Infrastructure Levy (CIL)</p> <p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at 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>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 www.planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/</p>
<p>3</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.</p> <p>T: 020 7527 5999 E: building.control@islington.gov.uk</p>
<p>4</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.</p> <p>T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</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	
<p>1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London</p> <p>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</p> <p>3 London's people Policy 3.1 Ensuring equal life chances for all Policy 3.2 Improving health and addressing health inequalities Policy 3.9 Mixed and balanced communities Policy 3.10 Definition of affordable housing Policy 3.11 Affordable housing targets Policy 3.12 Negotiating affordable housing on individual private residential and missed use schemes Policy 3.13 Affordable housing thresholds</p> <p>4 London's economy Policy 4.1 Developing London's economy Policy 4.2 Offices Policy 4.3 Mixed use development and offices Policy 4.12 Improving opportunities for all</p> <p>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 network Policy 5.6 Decentralised energy in development proposals Policy 5.7 Renewable energy Policy 5.8 Innovative energy technologies Policy 5.9 Overheating and cooling Policy 5.10 Urban greening Policy 5.11 Green roofs and development site environs</p>	<p>Policy 5.12 Flood risk management Policy 5.13 Sustainable drainage Policy 5.18 Construction, excavation and demolition works Policy 5.21 Contaminated land</p> <p>6 London's transport Policy 6.3 Assessing effects of development on transport capacity Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing traffic flow and tackling congestion Policy 6.12 Road network capacity Policy 6.13 Parking</p> <p>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 7.12 London view management framework Policy 7.13 Safety, security and resilience to emergency Policy 7.14 Improving air quality Policy 7.15 Reducing noise and enhancing soundscapes Policy 7.18 Protecting open space and addressing deficiency Policy 7.19 Biodiversity and access to nature Policy 7.21 Trees and woodlands</p> <p>8 Implementation, monitoring and review Policy 8.1 Implementation Policy 8.2 Planning obligations Policy 8.3 Community infrastructure levy</p>
B) Islington Core Strategy 2011	
<p>Strategic Policies Policy CS8 Enhancing Islington's character Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment Policy CS10 Sustainable Design</p>	<p>Policy CS11 Waste Policy CS13 Employment Space</p> <p>Infrastructure and Implementation Policy CS18 (Delivery and Infrastructure)</p>
C) Development Management Policies June 2013	

<p>2. Design and Heritage DM2.1 Design DM2.2 Inclusive Design DM2.3 Heritage DM2.4 Protected views</p> <p>3. Housing DM3.1 Design DM3.2 Inclusive Design DM3.3 Heritage</p> <p>5. Employment DM5.1 New business floorspace DM5.2 Loss of existing business floorspace DM5.4 Size and affordability of workspace</p> <p>6. Health and open space DM6.1 Healthy development DM6.5 Landscaping, trees and biodiversity DM6.6 Flood prevention</p>	<p>7. Energy and Environmental Standards DM7.1 Sustainable design and construction statements DM7.2 Energy efficiency and carbon reduction in minor schemes DM7.3 Decentralised Energy Networks DM7.4 Sustainable design standards DM7.5 Heating and cooling</p> <p>8. 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</p> <p>9. Infrastructure DM9.1 Infrastructure DM9.2 Planning obligations DM9.3 Implementation</p>
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Designations

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

- Central Activities Zone (CAZ)
- Adjacent to Strategic and Local Cycle Route
- Within 50m of a Conservation Area (New River)
- Within 50m of a Conservation Area (Rosebery Avenue)
- Within 100m of a TFL Road Network (TLRN)
- Adjacent to National Rail Owned Land
- Adjacent to Transport for London Tunnels
- Article 4 Direction (B1c to C3)
- Article 4 Direction (A1 to A2)
- Heathrow Safeguarding Area

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

APPENDIX 3: DESIGN REVIEW PANEL RESPONSE LETTERS

April 2019



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Our ref: Q2019/0809/DRP

Date: 25 April 2019

Dear Mr Dempster,

ISLINGTON DESIGN REVIEW PANEL

RE: Edward Rudolf House, 69-85 Margery Street London WC1X 0JL

Thank you for attending Islington's Design Review Panel meeting on 9 April 2019 for a first review of the above scheme. The proposed scheme under consideration is for the demolition of the existing building on the site and the erection of a part 3 part 5 storey (plus rooftop plant) building for B1(a) and affordable office space (officer's description).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair), Dorian Crone, Stuart Piercy, Tim Attwood and Lotta Nyman on 9 April 2019 including a site visit, presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

Panel's observations

The panel congratulated the design team on a succinct and relevant presentation of the emerging proposals. The panel welcomed the re-provision of office accommodation on the site and thought that, combined with a re-landscaping of the pavement and pedestrian area which closes Yardley Street from Margery Street, the relocated entrance position had the potential to be an appropriate location and rewarding space. They considered that the current scheme had maximised the site and there was an opportunity to be more neighbourly by lessening the height and massing through reconsidering the structural form. The panel was not persuaded that the proposal to have an air-conditioned building with no opening windows on the principal elevations was the right environmental approach nor did it lead to a suitably rich elevational expression.

Topography and Margery Street elevation

The panel considered that the façade to Margery Street took insufficient account of the topography and expressed concern with the way the building related to the ground plane and slope of the site. They considered that this long elevation lacked subtlety or differentiation with a relentless repetition of bay column and glazing which risked threatening and overwhelming the context. Reference was made to how the surroundings contained expressive and joyful

buildings with a more powerful horizontal layer which was often a rusticated base. They suggested a base plinth be explored and that subdivision and increasing the scale towards the bottom of the site could enrich its expression.

Yardley Street elevation and servicing

The panel was unconvinced by the Yardley Street elevation and thought that the design should respond more robustly to its practical functions. Whilst they considered that recycling and refuse servicing was best accommodated on this elevation, its current form and materiality was unrealistic and the required functionality could be expressed, perhaps with fretted ironwork gates. The panel considered that there was an opportunity to reconsider the alignment and form of the junction with the listed buildings. The proportion and rhythm of the façade also failed to respond positively to the neighbouring listed buildings through an unrepresentative scale. The brickwork had been reduced to a pilaster effect against overlarge fenestration and these proportions needed reconsideration.

Height, scale and massing

The panel considered that the massing at the top end of the building had too much impact on Wilmington Square and that the core position should shift lower down on the site. The panel was concerned by how the building would appear as a considerably significant development to the properties on Attneave Street and have too great an impact on daylight and sunlight considerations. As well as lowering the currently generous floor to floor heights, they recommended reconsidering the structure of the building since an alternative structure to steel could reduce heights and make the building more neighbourly. The use of internal columns could also facilitate subdivision of the floor space for more flexible lettable space.

Quality of facilities and integration of affordable workspace

The panel expressed concern about the location and quality of the affordable workspace and its lack of integration with the facilities of the rest of the building. The proposed route for the storage of bicycles needed simplification and the lack of an internal route from these facilities to the affordable workspace was considered a weakness. Internal servicing generally was underprovided with likely inadequacy of lavatory facilities.

Landscaping

The panel considered that the early engagement of a landscape architect would benefit the scheme and queried the need for private external amenity space given the proximity and quality of Wilmington Square gardens. The panel was enthusiastic about the potential interaction of the building with the pedestrianised section of Yardley Street and encouraged the developer team to engage with the owners of the land to ensure high quality re-landscaping of this area.

Energy and ventilation

A traditional air conditioning strategy was proposed and although an aspiration for the building to achieve BREEAM excellent was noted by the panel, they considered this was a missed opportunity to use natural cross ventilation. They felt that natural ventilation provided interesting clues to finessing the fenestration and greening the building. They recommended that the energy strategy be developed with that in mind.

Summary

The panel welcomed B1a office and affordable workspace on the site and was encouraged by the entrance location and potential for engagement with Yardley Street and Wilmington Square. The intentions for delivery servicing on Margery Street and waste and recycling on Wilmington Square were supported in principle. More work was required on the facades, particularly rhythm, proportion and subdivision and the relationship to ground plane. Rethinking the structure could lead to a more neighbourly massing and height and a reformulated energy strategy to a greener building with more engaging fenestration.

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

Confidentiality

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

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.

Yours sincerely,

Rachel Godden
Design & Conservation Officer

August 2019



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Our ref: Q2019/2318/DRP

Date: 21 August 2019

Dear Mr Dempster,

ISLINGTON DESIGN REVIEW PANEL

RE: Edward Rudolf House, 69-85 Margery Street London WC1X 0JL

Thank you for attending Islington's Design Review Panel meeting on 7 August 2019 for a second review of the above scheme. The proposed scheme under consideration is for the demolition of the existing building on the site and the erection of a part 2 part 5 storey (plus rooftop plant) building for B1(a) and affordable office space (officer's description).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair), Dorian Crone, Tim Attwood and Lotta Nyman on 7 August 2019 including a site visit, presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council. This letter has been reviewed by the Panel members and the Chair, and is considered to be an accurate reflection of the discussion held.

Panel's observations

The panel welcomed the progression of the proposals in attempting to respond to the previous DRP comments. The design was considered to have moved on, however there are further comments which arise from the revised design. These are as follows:

Height, scale and massing

There are outstanding questions regarding the impact to daylight of neighbouring properties that need careful consideration and resolution. Notwithstanding this, the Panel are comfortable in principle with regards to the building shoulder height, however concerns/questions remain about the fourth floor and plant enclosure. The applicant should investigate options for reducing the fourth floor and plant room footprint and height.

The Panel welcome that the fourth floor has been pulled back from the north-east elevation, however the Panel still finds that the elevation onto Yardley Street and the view from further back, has too strong a close presence against the cube element. The Panel wondered whether further setback at fourth floor level, to remove the half-bay (two windows) overlap, would

improve the setting of the cube, and form a better relationship with the three components of Yardley Street, the cube and Margery Street. If a quantum issue arises, then subject to daylight considerations, the displaced volume could potentially go on to the south-west of the building. This could give a clearer balance to the Margery Street elevation and would help views from Wilmington Square.

The plant enclosure to the roof was still considered too large and it was felt that the drawings should clearly show materiality as the indicative light grey tone flattered the 3D mock-up drawings.

Further, the Panel also queried the structure of the building, in regards to floor to floor heights, as 3.63 metres was considered relatively tall in this context and that reduction could be achieved through introducing central columns and removing downstands. Although the Panel have no issues in particular on the proposed building shoulder height, this may be a solution to deal with the resultant height of the top floor plant enclosure.

Yardley Street elevation

The Panel considered that this elevation has improved, the proportions are more successful with the removal of the last corner bay. However, the Panel requested the design team look at the subtlety and detailing of the design of the Yardley Street elevation, to bring in abstract and referential elements to the building for example from the iron work balconettes at first floor level of the adjacent listed buildings.

The Panel encouraged that the affordable workspace entrance (if it is not part of the main lobby entrance) should not be separated from reception by the gated servicing access, and suggested that the entrances are flipped, and primacy given for the office entrance.

Margery Street elevation

The Panel considered that the Margery Street elevation, although improved, is still relentless and monotonous due to repetition. It was considered that the corners lacked strength and are currently quite weak, the 12m bays could be improved in expression with recessive elements to make the elevation more interesting.

It was considered that further work to the base of the building and how it meets the ground is required. This could be achieved through incised brickwork and more consistency in the size and stepping down of the windows.

The Panel considered the single sheet glazing of the fenestration inappropriate to the context. The site is not in an office only location and needs to acknowledge the scale and character of the residential surroundings. Having subdivision and opening elements would introduce detailing to the fenestration that would improve the scale and appearance of the building.

Cube Element

The Panel considered this element to be key in the overall success of the building's appearance. The Cube was considered to be quite large in scale and further consideration was needed to the detailing, and in particular how it contributes to the overall spatial quality of the building layout and function. It needs to be special, announce the entrance and not just general office floorspace. Opportunities exist to create special spaces within it at the focal part of the building. The Panel noted that bulkheads and structure would be visible, as would furniture, and highlighted the importance of resolving these details with the Local Planning Authority with detailed drawings and sections at this stage of the pre-application. The detailing of the Cube, including rainwater drainage, is vitally important to the success of the proposal and should be considered and resolved prior to planning decision rather than through post decision condition stage.

The Panel queried whether the concept of the glazed cube could be successfully achieved given critical necessary detailing and issues such as fire spread.

The Panel considered that a critical component to the entrance location and design is the accompanying public realm proposal and that the client and design team need to enter into serious and detailed discussions with the Local Planning Authority about the proposed landscaping to Yardley Street.

Affordable workspace

The Panel could potentially prefer a supplementary proposal which was not shown in the presentation, for an internal courtyard to the rear of the affordable workspace unit due to the unworkable proposed floor to ceiling glazing on the boundary with Council land. This would need to be provided to the Local Planning Authority for review. A shared reception was also preferred to ensure equality for an entrance shared by all.

Energy and ventilation

The Panel remained committed to the principle of natural cross ventilation to the building and noted that opening elements would improve the character and appearance of the building.

Summary

The chair concluded that moving forward the success of the proposal is fundamentally about resolution of the final massing along with the quality of the architectural modelling and detailing, with issues such as weathering, staining and longevity of materials being key. This together with the quality of the adjoining public realm particularly to Yardley Street and the building entrance will be critical to the success of the proposal. The application needs to contain this level of detailing and address these issues.

The panel would welcome the return of the proposal once revised.

Confidentiality

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

Yours sincerely,

Alex Bowring
Design Review Panel Coordinator

October 2019



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Our ref: Q2019/2846/DRP
Date: 29 October 2019

Dear Mr Dempster,

ISLINGTON DESIGN REVIEW PANEL
RE: Edward Rudolf House, 69-85 Margery Street London WC1X 0JL

Thank you for attending Islington's Design Review Panel meeting on 8 October 2019 for a third review of the above scheme. The proposed scheme under consideration is for the demolition of the existing building on site and the erection of a part 2 part 5 storey above basements (plus rooftop plant) building for B1(a) and affordable office space (officer's description).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair), Dorian Crone, Tim Atwood and Lotta Nyman on 8 October 2019 following presentation from the design team and by a question and answer session and deliberations at the offices of Ryder Architecture in London W1. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council. This letter has been reviewed by the Panel members and the Chair, and is considered to be an accurate reflection of the discussion held.

Panel's observations

The Panel welcomed the design development of the proposals in attempting to respond to the previous DRP comments. Overall the Panel was appreciative of the scheme's progression and justification on decision making on the scheme's resulting design and appearance. The design was considered to have moved on, however there are further comments which arise from the revised design. These are as follows:

Height, scale and massing

The Panel considered that although justification had been given for not relocating the two eastern third floor bays to the western end of the building owing to daylight issues with the neighbour, the third floor still has a presence to the rear of the adjoining listed buildings, especially to the chimney stacks, within views from Wilmington Square and the appearance would be improved by the removal of these two bays.

Yardley Street Elevation

The design progress to the elevation including the detail presented is positive, however, it lacks interest and articulation appearing somewhat bland and flat, and changes to the fenestration would help. Another mullion would add interest and detail to the fenestration on Yardley Street. The base to Yardley Street would benefit from appearing to be heavier as the pilasters currently do not sit on anything and the Panel consider a base would provide a stronger element than the proposed cills. The Panel also noted that the horizontal banding on the cube element does not align with the storey bands on the Yardley Street elevation.

Margery Street elevation

The pilasters would benefit from visual weight and a generous cornice as they do not currently carry any parapet. In relation to the windows, the division to the glazing is eccentric and would be improved by having functionally opening windows with additional framing. The elevation would be given greater hierarchy and improved with a base across the rusticated basement. The Panel suggested that the resolution of the design of the 'top' and 'bottom' will necessarily inform each other. The removal of the glazed balustrading at roof level was welcomed.

In relation to the expression of both elevations, the Panel concluded by suggesting that there was an interesting narrative that could be told regarding the transition between Yardley Street, the cube and Margery Street which are currently too harsh on each other. Whereas the Yardley Street elevation could be reflective of the adjoining Georgian listed buildings, there was an opportunity to provide a transition to a more modern idiom to Margery Street via the Cube.

Cube Element

The division into four glazing panels gives a visually static appearance and an uncomfortable duality. The Panel suggested that a subdivision into odd numbers, preferably five, would give the required verticality and be more dynamic. The Panel also suggested that there should be an exploration as to how rainwater is drained from the base of the Cube glazing and suggested this could be allowed to run off into the soft landscaping below in an interesting manner.

Affordable workspace

The Panel were pleased that the affordable workspace entrance was now connected to the main lobby of the building.

Ventilation

The Panel reiterated the need to build in an opportunity to have openable windows to both Yardley Street and Margery Street elevations, and where balconettes are provided the windows must open to avoid appearing meaningless.

Summary

The Chair concluded that the Panel were appreciative overall of the revised scheme. The Chair encouraged the Applicant to pursue further work to create a fine piece of architecture and was pleased that the landscaping and new public realm is being negotiated with the Local Authority.

Confidentiality

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning

application, the views expressed in this letter may become public and will be taken into account by the Council in the assessment of the proposal and determination of the application.

Yours sincerely,

Rachel Godden
Design and Conservation Officer

March 2020

CONFIDENTIAL

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Our ref: Q2020/0247/DRP

Date: 04 March 2020

Dear Mr Dempster,

ISLINGTON DESIGN REVIEW PANEL – CHAIR’S REVIEW
RE: Edward Rudolf House, 69-85 Margery Street London WC1X 0JL

Thank you for attending Islington’s Design Review Panel – Chair Review meeting on 18 February 2020 for a fourth review of the above scheme. The proposed scheme under consideration is for demolition of the existing building and construction of a 5 storey building (plus roof top plant enclosure and further basement excavation to the existing basement/lower ground level), to provide for a total of 5,981sqm (GIA) of office floorspace (Use Class B1a), along with a new substation, cycle parking and changing facilities, refuse and recycling storage, hard and soft landscaping, and associated works (Application description).

Review Process

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (Chair) and Dorian Crone on 18 February 2020 following presentation from the design team and by a question and answer session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel’s discussions as an independent advisory board to the Council. This letter has been reviewed by the Panel members and the Chair, and is considered to be an accurate reflection of the discussion held.

Panel’s observations

The Panel once again welcomed the progression of the proposals in attempting to respond to the previous DRP comments. Overall the Panel was appreciative of the scheme’s progression and was a distinct improvement and the changes had been positive. However, there is work to be done on the challenges to scale, massing and the Margery Street elevation. These are as follows:

Height, scale and massing

The Panel considered that although the design team had sought to justify the lack of removal of the eastern third floor bays, the third floor is still noticeable in regard to its impact on views of the neighbouring listed building terrace from Wilmington Square. This is particularly seen in views K, L & M. Their removal would be part of increasing the clarity of expression of the new building, would distinguish the corner cube element and would improve the corner as a better relationship with the adjoining terrace. The Panel considered this would be a better response to the historic environment and would work better compositionally with the cube. The Panel considered that the relevant context was the immediate historic environment, rather than the emerging Mount

Pleasant development. The Chair also raised questions about the daylight and sunlight transgressions which could inform the overall height and scale.

Yardley Street Elevation

The Panel considered it was a missed opportunity not to have openable windows on this elevation and further encouraged the use of balconettes further towards Margery Street as the fenestration still causes duality within the elevation. However, the Chair liked the 'conversation' that is present in the fenestration as it transforms across the facades which is adding a layer of richness.

Margery Street elevation

The Panel considered there was an awkwardness in the even number of bays and felt that there was a weak termination at the junction with the building to the south, 86 Margery Street. There is still a sense of monotony to the elevation and a more solid and announced pilaster should be introduced to the end of the elevation adjoining 86 Margery Street. The cornice and the base of the elevation has been improved with the proposed rustication and the Panel encourage the use of an alternating A-B-A rhythm to the bays. The deeper the reveals to the windows the better in articulating the elevation. Nonetheless, there have been improvements through the use of rustication at the base and the pairing of the pilasters and use of a cornice. The Panel commented that they had consistently encouraged the use of openable windows within the context of a robust energy and ventilation scheme but noted that openable windows had not been provided.

Cube

The division of the cube glazing panels into five improves the appearance of the Cube and gives the required verticality. Further, the line of joints better responds to the rest of the building.

Materials

The Chair considered that materials would be very important in the success of the scheme. Softer handmade brick feel to the elevation is particularly important in Yardley Street. The joints and the technological approach needs to be carefully considered. Coloured CGI's will need to be produced to accurately represent and assess the proposals within their context.

Summary

In summary, the Chair said that there had been a distinct improvement since last time and the changes have been positive. The fenestration is adding a layer of interest. The massing height and scale needs to respond to the historic setting and consider how it turns the corner. Yardley Street is comfortable as the articulation is understood. There has been an improvement to the Cube with its jointing. However, there is work to be done on the challenges to Margery Street which is repetitive and in danger of monotony. The Chair remarked that the application would benefit from coloured perspective drawings showing the building in context.

Confidentiality

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

Yours sincerely,

Rachel Godden
Design and Conservation Officer

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PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO:	B3
Date:	18 May 2020		

Application number	P2018/4131/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	N/A
Conservation area	No
Development Plan Context	Site Allocation OIS11 - 100 Hornsey Road, London, N7 7NG Local Flood Risk Zone Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	Site of Harvist Under Fives, Hornsey Road, London, N7 7NN
Proposal	Erection of a new building, up to 5 storeys in height, to provide 29 flats, together with associated amenity space and detached refuse store. Departure from the Development Plan

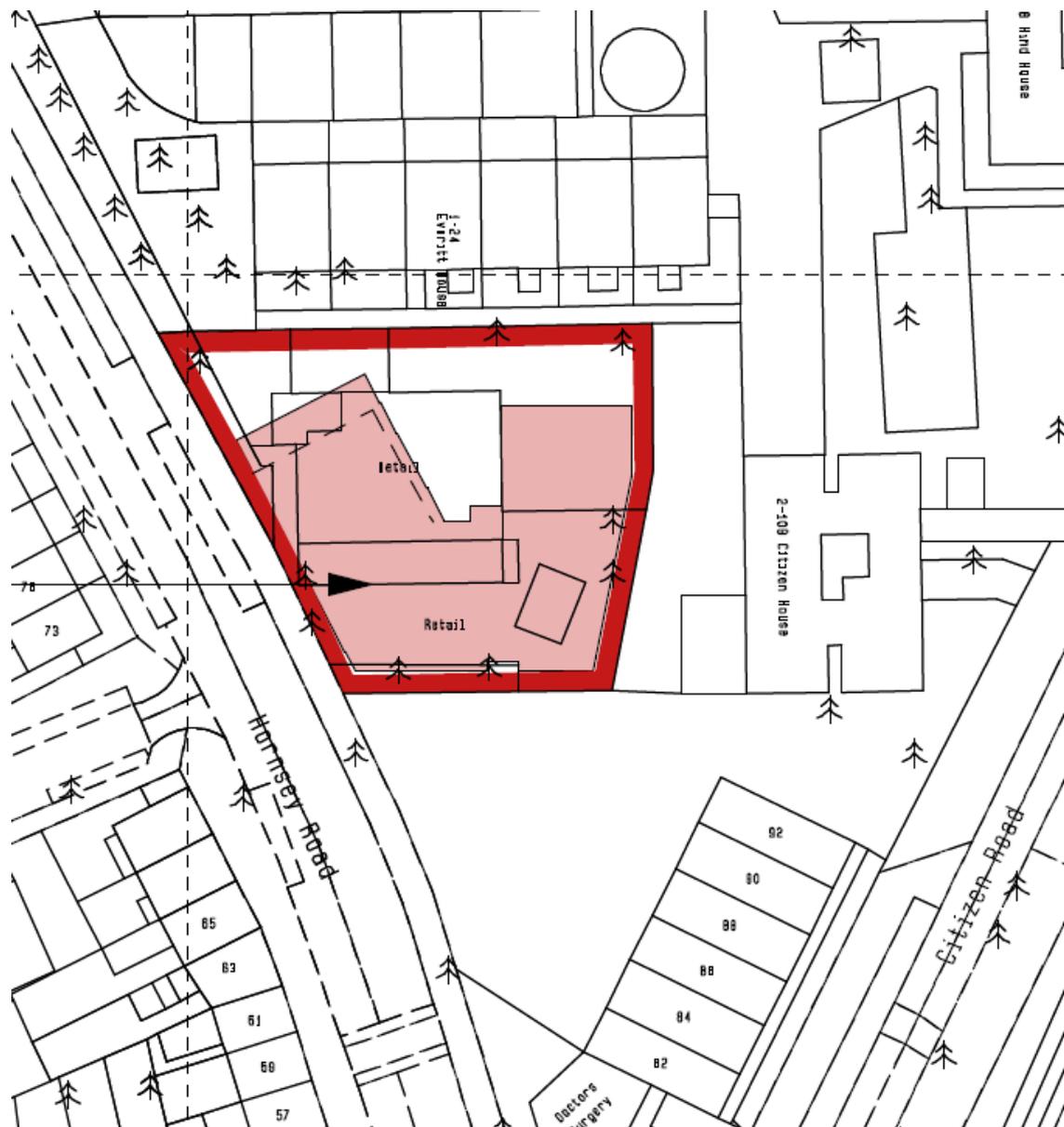
Case Officer	Rob Tulloch
Applicant	Guinness Developments Ltd
Agent	Nicholas Taylor & Associates

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
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



Fig 1 Aerial view of site



Fig 2 View south along Hornsey Road



Fig 3 View north along Hornsey Road



Fig 4 View west across the site towards Hornsey Road

4. SUMMARY

- 4.1 The development proposes a mix of high quality residential accommodation comprising 29x new dwellings in a 3 to 5 storey block. The flats would comprise 7x 1-bed, 20x 2-bed, and 2x 3-bed units, of which 15 would be affordable and 14x would be private homes.
- 4.2 The affordable housing would amount to 52% of the total number of units with 11x units for social rent and 4x for shared ownership. The development delivers the maximum viable level of affordable housing in accordance with London Plan (Policy 3.3) and Islington Core Strategy (CS12), which seek to ensure a supply of affordable housing for residents.
- 4.3 The proposal's housing density and dwelling mix are considered acceptable and in line with the London Plan and the Council's own policies. The proposed housing is considered to be of a high quality in terms of unit sizes, amenity space, natural lighting, floor-to-ceiling heights, storage provision and access to refuse, recycling and bicycle storage facilities.
- 4.4 The application originally included a nursery, which has now been removed from the proposal, as the Early Years team advised there was no demand for a new nursery in the area. As a nursery forms part of the site's allocation, its omission is a departure from the plan.
- 4.5 The proposal will make optimum use of previously developed land in accordance with the aims and objectives of London Plan and Islington Core Strategy Policies, and given the existing poor condition of the site, provides the opportunity to enhance the appearance of the area.
- 4.6 The recent planning history of the site includes a similar application for 24x flats and a nursery submitted in 2016, which was appealed due to the Council's failure

to make a decision within the statutory period. This appeal was dismissed, principally due to the lack of affordable housing. The applicant, the Guinness Trust, submitted a revised scheme to the Design Review Panel (DRP), and following their response sought formal pre-application advice from the Council.

- 4.7 The overall height and massing is considered appropriate for the site, given the context of 4 storey and 20 storey buildings on the estate, and was considered appropriate at appeal.
- 4.8 The proposal is not considered to have an unacceptable impact on neighbouring residential amenity in terms of daylight, sunlight, outlook, privacy, noise and disturbance or sense of enclosure subject to appropriate conditions. The application is considered to be a sustainable form of development in terms of energy efficiency, renewable energy and the provision of sustainable forms of transport.
- 4.9 The proposal is considered to provide considerable planning benefits in the provision of 29 new residential units, more than 50% of which would be affordable and 14% of which would be wheelchair accessible, and the redevelopment of a site whose current state of disrepair is harmful to the appearance of the estate, the streetscene and wider area.
- 4.10 For the reasons given above and explained in greater detail in this report, the proposal is considered to be acceptable and in accordance with relevant planning policies and guidance, and is therefore recommended for approval subject to conditions and the completion of a S106 Agreement to secure the necessary mitigation measures.

5. SITE AND SURROUNDING

- 5.1 The application relates to a parcel of land on the eastern side of Hornsey Road and on western edge of the Harvist Estate. It covers approximately 1,625 square metres and previously housed a single storey nursery, which has since been demolished. The site is now empty and overgrown, and protected by a mixture of brick walls, timber fencing, and hoardings which are in a poor state of repair. The overall appearance of the site is harmful to the character and appearance of the estate and the surrounding area.
- 5.2 The site is surrounded on three sides by the Harvist Estate, a 1960s development comprising four 4-storey blocks, four 20-storey towers and a row of shops. To the north is Everett House, the southernmost block of the group of 4-storey blocks, to the east is Citizen House, one of the 20-storey towers on the estate, and to the south is a row of seven 2-storey commercial units. The surrounding area is predominantly residential and, other than the estate, comprises late 19th and early 20th Century terraces.
- 5.3 To the west, on the other side of Hornsey Road, are nos. 73-93 Hornsey Road which form a traditional late Victorian three storey terrace with a small commercial unit on the ground floor of no. 73 on the corner of Caedmon Road. To the south

of Caedmon Road are nos. 49-71 Hornsey Road, which form a similar three storey terrace, but with roof extensions and the addition of a recently built four storey block of flats at no. 71. This terrace has a small parade of shops at ground floor level. Approximately 80 metres to the south east of the site is the mainline railway from Kings Cross, and beyond that the Emirates Stadium. The Sobell Leisure centre is approximately 200 metres to the north and Holloway Road is 300 metres to the south west.

- 5.4 There are no nearby heritage assets that would be affected by the proposal. St Mary Magdalene Conservation Area is 430 metres to the south of the site and Hillmarton Conservation Area is a similar distance to the south west. The site is not within the setting of any statutorily listed buildings, nor are there any locally listed buildings nearby. The closest designated open space is the Arsenal Podium (OS10) which surrounds the Emirates Stadium 130 metres to the south east of the site, and the closest Site of Importance for Nature Conservation is Gillespie Park and Sidings (25) which runs alongside the railway lines.
- 5.5 The site is within the Nag's Head Controlled Parking Zone which operates Mon-Fri 8.30am – 6.30pm and Saturdays 8.30am – 1.30pm. On match days the restriction is Mon-Fri 8.30am – 8.30pm, Saturdays 8.30am – 4.30pm, and Sundays & Public Holidays Noon – 4.30pm.
- 5.6 The site has a PTAL rating of 6a (Excellent). This section of Hornsey Road is not served by buses, but Tollington Road is 150 metres to the north and served by route numbers 4, 29, 153, 253, 254, and 259 going to Kings Cross, Euston, Charing Cross and Archway. Holloway Road is served by routes 17, 43, 153, 263, 271 and 393 towards London Bridge, Moorgate, Clapton, Highgate and High Barnet. Arsenal and Holloway Road stations (Underground) are approximately 420 metres away to the north east and southwest respectively, and Drayton Park (National Rail) is 560 metres to the south east.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal is for 29x flats in a 3 to 5 storey "U" shaped building on the site of the former Harvist Under 5s Nursery. The site forms part of the Council's Site Allocations, and is identified for residential and nursery use. In a recent appeal, the Inspector considered the proposed uses appropriate.
- 6.2 The development would provide 29x flats (7x 1-beds, 20x 2-beds & 2x 3-beds). A total of 15 flats (52% in terms of number of units) would be affordable. The affordable mix would be 5x 1-beds, 9x 2-beds, and 1x 3-bed, resulting in an affordable housing provision by habitable room of 41 out of 82 (50%). The affordable tenure would be 11x units for social rent and 4x shared ownership units resulting in a 73/27 split. A total of four ground floor flats (14%) would be fully wheelchair accessible, and the remainder of the flats would be adaptable (Category 2).

- 6.3 The former nursery closed in 2010 and was demolished in 2013. The Site Allocations document identifies a requirement for re-provision of the nursery, and the original submission, and previous applications, included a replacement nursery at ground floor level. This has now been removed from the proposal, and there is no objection to the omission of a nursery as part of the scheme. This is a departure from the Plan, but evidence from the Council's Early Years team indicates there is no under provision of nursery spaces in the area, and they do no object to the omission of the nursery. The Council's policy team also raise no objection.
- 6.4 A broadly similar scheme for 24x units and a ground floor nursery was submitted in 2016. Although the Council was negotiating with the applicant to make appropriate revisions, the applicant submitted an appeal against the Council's failure to make a decision within the statutory period. The Inspector would not consider any of the revisions the applicant had made, or further ones they were proposing, as none of these had been formally consulted on.
- 6.5 The Inspector determined that the original un-revised proposal should form the basis of the appeal and dismissed the appeal on a number of grounds, primarily the under-provision of affordable housing (37.5% in terms of number of units). The current scheme seeks to address the deficiencies of the previous application, with a higher and policy compliant affordable housing offer, which has been reviewed by the Council's viability consultants and found to be the maximum viable offer. The current proposal also includes various improvements to the design, removal of a servicing bay, more cycle storage and better energy efficiency.
- 6.6 The proposed residential units would all benefit from private amenity space in the form of balconies, patios and terraces, as well as a 420sqm communal garden to the north of the block. All flats would exceed the DCLG housing standards in terms of floorspace and provide a good level of residential amenity. All flats would be dual aspect and benefit from good natural ventilation. The majority of the proposed flats would comply with the BRE standards for daylight, and the rooms that do not are principally kitchen/living/diners with overall daylight levels similar to those required for living rooms rather than kitchens, which is considered acceptable.
- 6.7 There would be limited impact on neighbouring properties in terms of sunlight and daylight, as only a small number of neighbouring windows/rooms would be affected and the degree of impact would only be slightly outside the BRE guidelines. A small amount of screening has been introduced to protect the privacy of adjoining occupiers.
- 6.8 The new building would be articulated to address concerns about height and overall massing, with the top floor (4th floor) being set in from all sides. It will be constructed using a buff coloured brick, similar to the stock brick of the terraces on the western side of Hornsey Road, with a darker engineering brick used for the ground floor. In determining the appeal, the Inspector considered the height

and massing to be appropriate given the context, but identified minor failings in design, principally concerning the Hornsey Road elevation that, when taken together harmed the overall appearance of the building. A revised proposal was then submitted to the Design Review Panel, which in turn raised a number of concerns about design and the architect's understanding of the site, but which officers consider to have now been addressed.

- 6.9 The proposal would be car-free with no parking provision on site. The proposed residential use is not considered to have a significant impact on the local transport network, as residents would have no access to parking permits. A total of 52x cycle spaces and spaces for mobility scooters will be distributed throughout the site.

Revision 1

- 6.10 A number of revisions were made to the proposal to respond to the Inspector's comments, the Design Review Panel and the Council's design officers.
- North elevation simplified by removing recessed brickwork and other recesses, using single brick type and colour (Mystique) for upper storeys
 - Elevations revised to show brown brick base rather than blue
 - Screening added to 1st and 2nd floor balconies and 3rd floor terrace on north elevation to prevent overlooking
 - Obscure glazing added to 1st, 2nd and 3rd floor windows on north elevation.
 - Terrace on top of nursery set back to prevent overlooking
 - Improved signage to nursery
 - Updates to energy information

Revision 2

- 6.11 Following presentation of the scheme at a Members Briefing, and comments from the Early Years team, it was suggested that nursery provision was no longer required on site and that the provision of housing would be a better use. The scheme was duly revised to omit the ground floor nursery and replace it with 3x flats. Elevational changes were introduced to reduce the reveals around windows to give them less prominence, landscaping changes were introduced and additional cycle parking spaces provided.

7. RELEVANT HISTORY:

Planning Applications:

P2015/0045/FUL

- 7.1 The erection of a part three/part four storey building to provide three townhouses with private gardens, four x three bedroom flats and two x two bedroom flats, and a nursery of 3.12sqm, with external toddler and pre-school play areas. Withdrawn 02/02/2017.

- 7.2 The application proposed the erection of a part 3, part 4 and part 5-storey building to provide a children's nursery at ground floor level and 24 self-contained residential units, together with amenity spaces, emergency vehicle parking space and detached cycle and refuse store.
- 7.3 Whilst the principle of development was considered acceptable, the Council raised a number of concerns about affordable housing, design, access, and sustainability. The applicant submitted an appeal against the Council's failure to make a decision within the statutory period. The appeal against Non-Determination was dismissed on 5 March 2018.
- 7.4 As discussions with the applicant were still ongoing up to the submission of the appeal, the Council had received some revisions during the course of the application, and the applicant submitted further revisions with their appeal. No formal consultation had been carried out on any of the revisions, and the Inspector determined that the extent of the changes were so great (an increase in the number of units, moving the building closer to Everett House, increased footprint of the nursery, decrease in nursery amenity space, removal of parking area, alterations to balconies and elevations, and an increase in affordable housing offer) that formal consultation should have taken place. As such, the Inspector concluded that the appeal be decided on the basis of the proposal as set out in the original application, and in the submitted plans and documents which were originally consulted on.
- 7.5 The Inspector considered the main issues to be:
- Affordable housing provision
 - The mix of uses
 - Quality of design
 - Living conditions
 - Impact on amenity
 - Access, parking, loading and unloading
- 7.6 The Inspector determined that a mix of residential and nursery, as identified in the Site Allocations albeit with a slight decrease in nursery floorspace, would be acceptable. In terms of affordable housing, 9 out of 24 units were proposed as affordable (37.5%). The Council commissioned BPS Surveyors to review the applicant's viability appraisal, and BPS advised that 50% would be viable. The Inspector accepted this and concluded the proposal would not provide the maximum amount of affordable housing achievable. The Inspector also concluded that that sustainability, energy efficiency and renewable energy matters could not be addressed within the scheme or via offset contributions.
- 7.7 In terms of design the Inspector considered a substantial building on this site to be acceptable in principle, given the context of the adjacent 4 and 20 storey blocks on the estate. However, the design was considered to be too top heavy, with an overly prominent stairwell on Hornsey Road, a monotonous western elevation,

and boundary treatments, balconies and balustrades that were out of context with the surrounding area.

- 7.8 The Inspector acknowledged that there would be a slight shortfall in sunlight/daylight for a small number of proposed rooms, but raised no objection, and did not consider the proposed nursery to raise any noise issues if adequate sound insulation were secured by condition. The sunlight/daylight report found the vast majority of windows to neighbouring properties would retain good levels of daylight and sunlight, and the Inspector stated that the proposal would not have such an unacceptable effect on the living conditions of neighbouring properties as to justify refusing the proposal on that basis.
- 7.9 An emergency vehicle parking area was proposed in the north west corner of the site, but was not large enough for large vehicles to turn within the site and leave in a forward gear. Cycle storage was also below the level required by the Council's standards, and the Inspector determined the proposal unacceptable in terms of access and parking.
- 7.10 Taking into account the benefits of the proposal, the Inspector found that the scheme would fall seriously short in terms of the provision of achievable affordable housing at a time of great need. Furthermore, he considered that the building would not achieve the highest quality of design, adequately address matters of sustainability and energy efficiency, provide insufficient cycle storage, and not satisfactorily provide for service vehicles. As such, the appeal was subsequently dismissed.

Harvist Estate P2018/2767/FUL

- 7.11 The construction of 24 new dwelling units (100% social rent) on Citizen Road with associated amenity space provided in two terraced blocks ranging from 2 to 3 storeys, including provision of refuse storage and bicycle parking spaces, improvements to the public realm and reconfiguration of existing car parking on Citizen Road. Granted 20/03/2019.

ENFORCEMENT:

- 7.12 N/a

PRE-APPLICATION ADVICE:

- 7.13 Following the appeal decision, the applicant submitted a revised scheme for 24x flats and a ground floor nursery to the Design Review Panel in March 2018. The Panel felt the proposals comprised only minor amendments to the dismissed appeal scheme and that there was considerable potential to go further to ensure a higher quality proposal:
- The building requires a simpler more elegant form to all elevations
 - More consideration needed to be given to the landscaping and further information on this to be provided.

- Boundary conditions and edge treatments required more detailed investigation and design.
- Conceptual drawings illustrating the design intent and rationale were not evident and were important in order to form a basis for generating the design proposal and providing justification for the scheme.
- Context drawings required to include the surrounding buildings and landscape/streetscape.
- u-values (thermal transmittance) could be improved, thermal mass and treatment of balconies;
- Concern expressed over the lack of sunlight to the nursery's outdoor space.
- The Panel encouraged greater consideration to the design of the nursery and that it should be informed by examples of successful/exemplary nursery schemes.
- The panel advised that applicant seek further pre-application advice before submission of an application.

7.14 The applicants applied for formal pre-application advice on 10th May 2018. This proposal was for 25x flats and a nursery.

7.15 The Council was similarly concerned that, other than the addition of rooflights to the nursery the, scheme remained broadly the same as the one previously presented to the DRP and had changed little in comparison with the appeal scheme.

7.16 There remained no in principle objections to the proposed overall height (given the varied surrounding context), but the Council shared the DRP's concerns that the elevation/form of the building, particularly the west elevation on Hornsey Road, required further work to respond positively to the context and provide a building which would be considered of sufficient architectural quality.

7.17 In terms of materials, it was advised that the use of brick would be welcomed, subject to an appropriate brick being proposed – multi stock was not considered appropriate. There was mention of render for the balconies, but a lighter glazed brick as suggested by the DRP would be preferable. It was also indicated that railings would be in galvanized steel which was not considered to be appropriate as it has an industrial character and would not be sympathetic to the residential character of the building, a dark coloured powder coated aluminium may be preferable. If aluminium were proposed for the windows, they ideally should have an anodized finish. Window reveals should be deep to provide depth and articulation to the elevations.

7.18 It concluded that the proposal still required refinement of design to be considered to comply with the relevant policies.

8. CONSULTATION

Public Consultation

Original submission

- 8.1 Letters were sent to occupants of 366 adjoining and nearby properties on the estate and on Hornsey Road at on 04/01/2019. A site notice and press advert were displayed on 10/01/2019. The public consultation of the application expired on 03/02/2019.
- 8.2 A total of 4 responses (3 objections) were received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Overlooking and loss of privacy
 - Loss of light to neighbouring properties
 - Contrary to the Human Rights Act which protects the right to peaceful enjoyment of one's home and the right to respect private and family life
 - Visually overbearing impact of a development of this scale on a predominantly low rise residential community
 - Not a sensitive response to the site
 - Permission has already been granted for development elsewhere on the estate, which will add to disturbance and disruption
 - Increased parking and the estate already suffers from parking stress
 - Swift boxes should be part of the proposal

Officer comment: the amenity impacts of the scheme are addressed in paragraphs 10.72 – 10.109. The proposal would have a limited effect on daylight, with only three of the assessed windows (6%) marginally failing the VSC test. Most adjoining properties are more than 18m (the minimum distance to protect privacy) from windows and terraces within the proposed development, and screening will prevent overlooking from the few areas closer than 18m to neighbouring properties. The appeal decision established that a substantial building on the site would be acceptable given the context (paras 7.6 & 10.31). The impact of construction on the amenity of adjoining occupiers would be controlled by a Construction and Environmental Management Plan if permission were granted (10.118). The development would be car-free, therefore future occupiers would not be eligible for parking permits (10.116-10.117). Swift boxes will be secured by condition.

- 8.3 The Harvist Estate Action Group object that the previous application was rejected for many reasons, but nothing has really changed. They objected that there will still be an impact on sunlight and daylight to the lower floors of Everett and Citizen Houses. There will also be overlooking to these two blocks. The approved development on the other side of Citizen Road will mean the estate will be sandwiched between two building sites at the same time which will cause years of noise and environmental pollution. There may be risk to human health from exposure to contaminants and dust. If something has to be built they would prefer

a small building that would not take too long to build that would contribute to the community such as a doctors' surgery or nursery.

February 2020 revision

- 8.4 Letters were sent to occupants of 370 adjoining and nearby properties on the estate and on Hornsey Road at on 03/03/2020 and 02/04/2020. A site notice and press advert were displayed on 05/03/2020. The public consultation of the application therefore expired on 26/04/2020 however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.5 At the time of writing the report, seven further objections were received. The objections can be summarised as follows:
- The building is too big for this area.
 - This area already has a number of tall buildings and high density blocks.
 - Loss of privacy, including direct overlooking, which was a problem with the nursery, and which is contrary to the human right of privacy and living peacefully.
 - Loss of outlook, and views which can be detrimental to residents' mental health
 - Loss of daylight/sunlight and overshadowing
 - Everett house is already overshadowed by Citizen House and does not receive sunshine due to Citizen House and the Emirates Stadium, which is compounded by a tree. My flat doesn't get enough light, it is always dark and cold, and I have to put the lights on during the day and the heater on because it gets colder. I have developed Migraine as a result.
 - Do not need more private housing.
 - The development will not have sufficient amenity space putting, unreasonable and un-necessary pressure on already pressurised community facilities and amenities.
 - We enjoy the beautiful wilderness of the empty plot, the application is insensitive to the area, which already lacks green space for local residents.
 - The London Plan and Council policies recognise the importance of gardens which contribute to local character and provide safe secure amenity and play space. The council policy also stresses the importance of protecting and enhancing green infrastructure and essential bio diversity and help mitigate against flooding.
 - A dedicated wild garden would better for residents' mental health and wellbeing, or a child friendly recreational facility
 - In light of recent media coverage about the Covid 19 virus I would hope that the Council could see sense and lead the way to create safe neighbourhood with open spaces for residents to enjoy.
 - Increased traffic generation and harm to highway safety.
 - Inadequate parking.
 - Pressure on schools, GP practices and recreational facilities.
 - There is already a drug problem on the estate, and young people would be at increased risk of harm

- Rubbish is everywhere, high crime, no green areas and no safe places for kids to play outside. By building another high tower, you are bringing more crime, adding rubbish and creating detrimental effect to the already ugly dense place.
- Due to the current COV 19 pandemic and the Grenfell Tower fire, cramming people and having another tower in already area full of high rise buildings is dangerous and scary.
- How can the Council propose to develop new properties on the estate when it is not clear whether the cladding of the tower blocks meets current MHCLG standards post-Grenfell and the money should be spent on making existing housing safe.

8.6 Officer comments:

The appeal decision established that a substantial building on the site would be acceptable given the context (paras 7.6 & 10.31), density complies the London Plans density matrix.

The amenity impacts of the scheme are addressed in paragraphs 10.72 – 10.109. The proposal would have a limited effect on sunlight daylight, with only three of the assessed windows (6%) marginally failing the VSC test of daylight, and three rooms experiencing similarly marginal losses of sunlight.

Outlook is considered in paragraphs 10.100-10.105, and views are not a material planning consideration.

Most adjoining properties are more than 18m (the minimum distance to protect privacy) from windows and terraces within the proposed development, and screening will prevent overlooking from the few areas closer than 18m to neighbouring properties.

The impact of construction on the amenity of adjoining occupiers would be controlled by a Construction and Environmental Management Plan if permission were granted (10.118). The development would be car-free, therefore future occupiers would not be eligible for parking permits (10.116-10.117). Swift boxes will be secured by condition.

The site is a brownfield (previously developed) site and is not designated open space nor does it constitute estate open space, furthermore the site is identified in the Site Allocation document as a development site for housing and a nursery. Transport and servicing matters are considered in paragraphs 113-115. The development would be car free and the applicants have consulted with Highways officers to ensure there would be no detrimental impact from servicing. The development would have a dedicated refuse store.

The objection regarding cladding to existing blocks may relate to a Council's own application for the erection of 24 units on the eastern side of the estate. The application for consideration is not on Council land and the applicant is a housing association, not the Council.

External Consultees

- 8.7 Metropolitan Police (Crime Prevention) It was recommended that Secure by Design accreditation be secured by condition.
- 8.8 Thames Water Advise no objection if the developer follows the sequential approach to the disposal of surface water. Prior approval required if the developer proposes to discharge to a public sewer. No objection with regard to waste water network and waste water process infrastructure capacity. No objection to impact on water network and water treatment infrastructure capacity. Request condition requiring piling method statement due to the proximity of the site to a strategic sewer. Advise an informative on water pressure and discharge informative to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.
- 8.9 London Fire Brigade There should be fire brigade access to the perimeter of the building(s) and sufficient hydrants and water mains in the vicinity. 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.
- 8.10 Islington Swifts Group Welcome the reference to swift bricks, bat bricks, and living roofs. The development is in an area where swifts are currently nesting and will potentially nest, so request that a significant number of integrated swift nestbox bricks are installed, as well as sparrow terraces and bat bricks.

Internal Consultees

- 8.11 Access Officer
- Flat layouts are acceptable
 - Good to see workable storage and charging facilities for mobility scooters in both halves of the development but a space for an adapted cycle in only one half.
 - The approach to all units is step free – this is welcome.
 - It is proposed to locate a number of accessible parking bays on the adjacent estate.
 - Accessible parking bays provided for the residents of the wheelchair accessible units should be no more than 70m from the front door of their respective units.
- 8.12 Design and Conservation Officer Although the amendments are not necessarily far-reaching, overall the design has improved and is considered to respond positively to its surroundings in its revised form. The surrounding context does not prompt an obvious response, given how varied the built form is from one side of the road to the other. The proposed building would respond to the surviving

Victorian townscape in its materials, proportions and reinstatement of the building line along Hornsey Road.

- 8.13 Energy Conservation Officer Following receipt of a revised Thermal Comfort and Adaptability Analysis and confirmation of the protected route for pipework for connection to a future DEN, the proposals are now considered to be acceptable with the appropriate conditions for solar panels and green performance plan.
- 8.14 Tree Preservation / Landscape Officer Requests the submission of an Arboricultural report including method statement and tree protection measures and seeks additional tree planting on the public highway on Hornsey Road be secured by condition or obligation.
- 8.15 Public Protection Division (Air Quality) Details of mechanical ventilation/heat recovery (MVHR) and any planned mitigation should be required to minimise future occupiers' exposure to air pollution. These details are to be secured by condition.
- 8.16 Public Protection Division (Noise Team) Although there was a nursery on site previously, the use of the external play area should be restricted. Details of sound insulation between the nursery and adjoining flats should be submitted. Noise from external plant should be subject to the standard noise conditions.
- 8.17 Public Protection Division (Land Contamination) There are no previous polluting uses highlighted within the report or our records. Therefore, there is no clear pollution linkage to be formed and we would not require further investigation or a contaminated land condition. Watching Brief should be secured by condition.
- 8.18 Highways Officer Initially raised an objection to the proposed on-street servicing due to the impact on traffic flow on Hornsey Road. However, following a site meeting with the applicant's highways consultant it was agreed that to allow on-street servicing of the site to be conducted in a safe manor, two parking bays to the south of the existing entrance to site need to be removed and replaced with a single yellow line. This would allow adequate room for refuse vehicles to park without impacting on the flow of traffic on Hornsey Road. The Highways Officer has provided confirmation that the Council's Parking Team would not object to the removal of the two bays nearest the existing entrance.
- 8.19 Refuse Officer The proposed on street refuse collection arrangements have been agreed by the highways officer to overcome these concerns.

9. RELEVANT POLICIES

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

National Guidance

9.2 The National Planning Policy Framework 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

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

Emerging Policies

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

9.4 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:

GG2 Making the best use of land
GG4 Delivering the homes Londoners need
Policy D4 Delivering good design
Policy D6 Housing quality and standards
Policy H1 Increasing housing supply
Policy H4 Delivering affordable housing
Policy H6 Affordable housing tenure
Policy SI 2 Minimising greenhouse gas emissions
Policy S3 Education and childcare facilities

9.5 It should be noted 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 any event, given what is proposed in the application the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

9.6 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.

9.7 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).

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

Policy H2: New and existing conventional housing

Policy H3: Genuinely affordable housing

Policy H4: Delivering high quality housing

Policy S1: Delivering Sustainable Design

Policy SC1: Social and Community Infrastructure

Policy T3: Car-free development

Policy DH1: Fostering innovation and conserving and enhancing the historic environment

Designations

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

- Cycle Routes (Local) -
- Local Flood Risk Zone
- Site Allocations (100 Hornsey Road)
- Article 4 Direction (A1-A2)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Affordable Housing (and Financial Viability)
- Quality of Residential Accommodation
- Density
- Dwelling Mix
- Neighbour Amenity
- Inclusive Design
- Energy and Sustainability
- Highways and Transportation
- Trees and Landscaping
- Planning Obligations

Land-use

Policy Context

10.2 The application site is the site of a former nursery within the Harvist Estate in the Highbury West ward. Given the proposal is for new housing, the following planning policies are of particular relevance in assessing the planning application: London Plan Policies 2.9 (Inner London), 3.3 (Increasing Housing Supply) and 3.9 (Mixed and Balanced Communities); and Core Strategy Policies CS8 (Enhancing Islington's Character), CS12 (Meeting the housing challenge) and CS15 (Open space and green infrastructure) and policy DM6.3 (Protecting open space) of the Development Management Policies.

London Plan

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

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

studying or visiting there. Boroughs should develop more detailed policies and proposals taking into account the above principles

- 10.5 Policy 3.9 (Mixed and Balanced Communities) states that communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.
- 10.6 Whilst the Secretary of State made various recommendations about the draft London Plan, the thrust of his objections was that the draft plan was not ambitious enough and would fail meet the required housing targets for London. As the draft plan is a material consideration, it is not considered that a proposal that would provide additional housing, including more than 50% affordable housing, on previously developed land would be contrary to the draft plan or its aims for housing delivery.
- 10.7 Similarly, the draft Local plan prioritises housing.

Islington Core Strategy

- 10.8 Policy CS12 of the Core Strategy seeks to meet the housing challenge by identifying sites which can significantly increase the supply of good quality residential accommodation across the borough. The Policy seeks to ensure that Islington has a continuous supply of land for housing, but crucially also that the housing supply is affordable for existing and future residents. Islington's Housing Needs Study, which informs the policy, demonstrates that affordability is, and will continue to be, a major issue in the borough. In addition to the existing backlog of unmet need, which has led to overcrowding, there will be future need made up of newly formed households unable to buy or rent in the borough
- 10.9 At the same time, Policy CS8 seeks to maintain the successful urban fabric of streets while improving on poorer quality of public realm and enhancing open space and the pedestrian environment around them. Core Strategy Policy CS15 protects all existing local open spaces and seeks to improve access to open space while maximising opportunities for further provision across the borough. In addition, the policy looks to make better use of housing amenity spaces so that they can provide an open space function.
- 10.10 The draft local plan prioritises housing, and whilst there have been objections to the plan, and at this stage the policies have limited to moderate weight depending on the level of objection, it is not considered that the provision of new housing would be contrary to the aim of the emerging plan.

Development Management Policies

- 10.11 Policy DM4.12 (Social and strategic infrastructure and cultural facilities) mainly deals with the protection of social infrastructure, but also requires any replacement facility to provide a level of accessibility and standard of provision at least equal to that of the existing, or in this case former, facility.

Site Allocations

- 10.12 The site is also identified in the Site Allocations Document (2013). It identifies the site (OIS11) for a residential-led mixed use development including the re-provision of nursery and open space.

Assessment

Housing

- 10.13 Housing is the priority land use of the development plan and the development proposes a mix of high quality residential accommodation, including family-sized homes, in accordance with the aims and objectives of the London Plan and Islington Core Strategy Policies.
- 10.14 The application proposes a total of 29 new homes, of which 15 (52%) would be affordable homes for social rent and shared ownership. The affordable mix would be 5x 1-beds, 9x 2-beds, and 1x 3-bed, resulting in an affordable housing provision by habitable room of 41 out of 82 (50%). The affordable tenure would be 11x units for social rent and 4x shared ownership units resulting in a 73/27 split. A total of four ground floor flats (14%) would be fully wheelchair accessible, and the remainder of the flats would be adaptable (Category 2).
- 10.15 In accordance with Policy 3.9 of the London Plan, introducing some private housing into the estate in would provide more a mixed and balanced community and the provision of private housing is fundamental to the viability of the scheme as the sale of the private units will help to fund the development.
- 10.16 Notwithstanding the policy support for mixed and balanced communities, it is also a policy requirement to achieve the maximum reasonable amount of affordable housing on a site, and Policy CS12 of the Core Strategy seeks 100% affordable housing schemes from registered Social Landlords.
- 10.17 The previous scheme would have been refused had an appeal not been made, and the appeal was dismissed mainly due to the under-provision of affordable housing, only 37.5% was offered. As part of the application process, the applicant's viability assessment was tested by BPS, who advised that a higher contribution of 50% was viable.
- 10.18 The offer of 50% affordable housing (before the omission of the nursery) was tested by BPS and is considered in the Affordable Housing and Financial Viability section of this report.

Nursery

- 10.19 The proposal originally included a new nursery, as required by the Site Allocation and to compensate for the loss of the previous nursery. As such, the omission of a nursery is a departure from the plan.
- 10.20 The former nursery comprised 362sqm of floorspace (GIA) and was used by the London Metropolitan University. The facility closed in 2010 and was demolished in 2013.
- 10.21 Development Plan policy DM4.12 (Social and strategic infrastructure and cultural facilities) states that the Council will not permit any loss or reduction in social infrastructure uses unless either a replacement facility is provided or the specific use is no longer required on site. In the case of the latter, the applicant must normally provide evidence demonstrating that the proposal would not lead to a shortfall in provision within the local catchment and that there is either no demand for another suitable social infrastructure use on site, or that the site/premises is no longer appropriate for social infrastructure uses.
- 10.22 The Early Years team are responsible for, among other things, nursery provision and early education. They advise that there is no requirement for a new nursery in the area. In local terms, there are 27 nurseries in the N7 and N5 area within 1km of the site which provide a variety of children's services:

Nurseries in the N7 postcode	Type	Distance from site
Bennett Court Playgroup	Sessional playgroup	620m
Bridge School Nursery	Primary school nursery	630m
Brightstart Community Nursery	Community nursery	740m
City and Islington College Nursery	Workplace nursery	550m
Curio City Childcare	Private nursery	1km
Diana School	Private nursery	1km
Fatiha Nursery	Private nursery	730m
Gooding Early Years Centre	Early Years Centre	1.1km
Gower School	Private nursery	1.2km
Grafton Primary School Nursery	Primary school nursery	580m
Hornsey Road Children's Centre	Children's centre	580km
Hungerford Children's Centre	Children's centre	1.4km
Hungerford Primary School Nursery	Primary school nursery	1.3km
Les Petites Etoiles	Private nursery	960m
Little Nemo Nursery	Private nursery	1.1km
Little Racoons Day Nursery	Private nursery	930m
Manor Gardens Nursery	Sessional playgroup	830m
Montem Primary School Nursery	Primary school nursery	550m
Mount Carmel Day Nursery	Private nursery	550m
Pakeman Nursery	Primary school nursery	410m

Paradise Park Children's Centre	Children's centre	760m
Robert Blair Nursery & Children's Centre	Early Years centre	1.4km
Robert Blair Primary School Nursery	Primary school nursery	1.4km
Sacred Heart Primary School Nursery	Primary school nursery	715m
Sam Morris Centre	Community nursery	395m
Tufnell Park Primary School Nursery	Primary school nursery	1.2km
Westbourne Early Years Centre	Early Years centre	1km
Willow Children's Centre	Children's centre	740m

Nurseries in the N5 postcode	Type	Distance from site
Aberdeen park Nursery	Children's centre	1.3km
Conewood Street Children's Centre	Children's centre	830m
Drayton Park Primary School Nursery	Primary school nursery	650m
Gillespie Primary School Nursery	Primary school nursery	800m
Highbury Community Nursery	Community nursery	800m
Highbury Day Nursery	Private nursery	520m
Highbury Quadrant Primary School Nursery	Primary school nursery	1.4km
Monkey Puzzle Day Nursery	Private nursery	900m
New Park Nursery & School	Private nursery	1.4km
St Augustine's Nursery	Sessional playgroup	1.3km
St Joan of Arc Nursery	Primary school nursery	1km

10.23 As of January 2019, the vacancy rate in local authority run nurseries was 12% overall. In school nurseries it was 13% and 11% in the PVI sector. Vacancy rates in Islington, therefore, point towards sufficient childcare capacity in the borough. Vacancy rates reduce over the course of the academic year with the summer term having the least vacancies. There needs to be some vacancies during the year to accommodate children moving to a different Early Years age group. A 10% vacancy rate is sufficient to accommodate children who take up places in the summer term.

10.24 As can be seen from the above tables, there are a wide variety of services for pre-school children in the local area and it is therefore considered that the omission of the nursery from the proposal would not prejudice the provision of children's services in the area and therefore comply with policy DM4.12. Furthermore, the as the previous building has been demolished, the site is not suitable for any alternative community use. As such, although the omission is contrary to the development plan, as there is no objection from the Early Years team and there is sufficient capacity, there is no objection to the removal of the nursery from the proposal.

Design

Policy Context

- 10.25 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. All proposals for development in Islington are expected to be of good quality design, respecting their urban context in accordance with planning policy and guidelines.
- 10.26 The London Plan Policy 7.6 (Architecture) expects architecture to make a positive contribution to a coherent public realm, streetscape and wider cityspace. It should incorporate the highest quality materials and design appropriate to its context. Moreover, buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architecture.
- 10.27 Islington's Core Strategy Policy CS8 (Enhancing Islington's character) states that the scale of new development will reflect the character of a surrounding area. Policy CS9 (Protecting and enhancing Islington's built and historic environment) states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. Moreover, where areas of Islington suffer from poor layout, opportunities will be taken to redesign them by integrating new buildings into surviving fragments of historic fabric and by reconfiguring spaces based on streets and perimeter blocks, particularly in housing estates. All development will need to be based on coherent street frontages and housing developments should not isolate themselves from surrounding areas.
- 10.28 Development Management Policy DM2.1 (Design) requires all forms of development to be of a high quality, incorporating inclusive design principles while making positive contributions to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. All new developments are required to improve the quality, clarity and sense of space around or between buildings, reinforce and complement local distinctiveness and create a positive sense of place. Finally, Islington's Urban Design Guide (2017) provides guidelines and principles for good urban design, e.g. how buildings look and fit into their setting, the layout and organisation of public spaces and the appearance of street frontages.

Site Context

- 10.29 The application site occupies a plot within the Harvist Estate, a 1960s estate comprising 4-storey blocks, 20-storey towers and a row of shops. To the north is Everett House, the southernmost block of the group of four storey residential blocks, to the east is Citizen House, one of four 20-storey towers on the estate, and to the south is a row of seven 2-storey commercial units. The eastern side of the estate is bordered by railway lines, with the Emirates Stadium on the other side of the track.
- 10.30 To the west, on the other side of Hornsey Road, are more conventional rows of late 19th and early 20th century terraces, with Hornsey Road providing a number of small shops. The surrounding area is predominantly residential.
- 10.31 The former nursery was demolished in 2013, and since then the site has remained empty and overgrown, and surrounded by a mixture of brick wall, hoardings and timber fencing. The derelict nature of the site detracts from the character and appearance of the estate and the wider area.

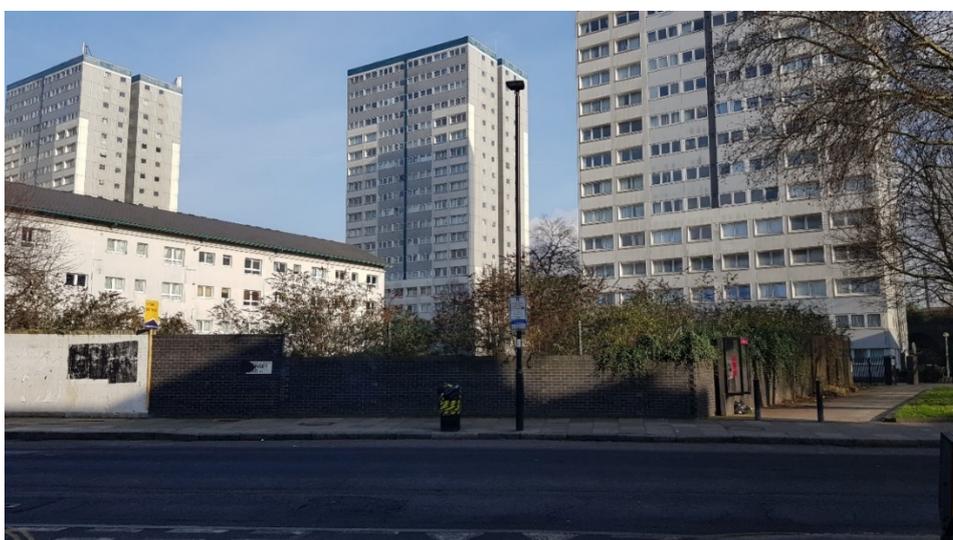


Fig 5 View east towards the site from Hornsey Road

Assessment of proposal

- 10.32 The proposal would provide a 3-5 storey building with a “U” shaped footprint fitting into the trapezoidal shape of the site and enclosing a large area of communal amenity space to the north. The building would be predominantly four storeys, with a central set back fifth storey, and tapering down to three storey sections at its northern ends. At its highest point the building would be approximately 16m tall. The building would be constructed from a buff brick (Mystique) on a base of a darker brown engineering brick (Staffordshire Brown). The building would be set back from the highway behind a low brick wall with railings on top, similar to the boundary treatments of the neighbouring terraces.
- 10.33 As mentioned in the history section of this report, a previous scheme was submitted in 2016 (P2016/3478/FUL) for a part 3, part 4, part 5 storey building to provide 24x flats and a nursery. This scheme was appealed on the grounds of

non-determination as the Council had failed to make a decision within the statutory period. However, the Council was working with the applicant to secure revisions to the scheme to make it acceptable. As no consultation on the revisions had been carried out by the Council at the time of the appeal, the Inspector determined that the appeal must proceed on the basis of the originally submitted plans.

- 10.34 The appeal was dismissed in 2018 principally because the scheme failed provide the maximum viable level of affordable housing, but also, among other things, on design grounds. The Inspector considered a substantial building on this site to be acceptable in principle, given the context of the adjacent 4 and 20 storey blocks on the estate. However, the design was considered to be too top heavy, with an overly prominent stairwell, a monotonous western elevation, and boundary treatments, balconies and balustrades that were out of context with the surrounding area. As such, he concluded that the overall design would not be of the highest quality.



Figure 6 Hornsey Road elevation (P2016/3478/FUL) – Appeal Scheme



Figure 7 South Elevation (P2016/3478/FUL) – Appeal Scheme

- 10.35 The applicant sought to address the Inspector's concerns over design and submitted a revised scheme for consideration by the design review Panel in March 2018. The main changes to the Hornsey Road elevation were a reduction in overall height following the removal of the parapet and the use of more varied brickwork, including recessed brickwork to some of the planes, to add more variety to the elevation.
- 10.36 The Panel welcomed the removal of the parapet and the resultant reduction in height, but did not consider that sufficient progress had been made or that the applicant had fully addressed the concerns of the Inspector. They advised, among other things:
- A simpler more elegant form to all elevations. (for example the staircore on the Hornsey Road elevation adds to the massing whereas the elevation could respond better to the Victorian townscape by having a simpler massing, form and proportions).
 - Greater consideration to the design of the nursery and that it should be informed by examples of successful/exemplary nursery schemes.
 - More consideration to be given to the landscaping the communal space proposed at the estate side of the building did not appear well considered and its purpose/function was unclear.
 - Boundary conditions and edge treatments require more detailed investigation and design. The mesh screen should be covered with planting.
 - Conceptual drawings illustrating the design intent and rationale were important in order to form a basis for generating the design proposal and providing justification for the scheme.
 - Context drawings to include the surrounding buildings and landscape/streetscape.
 - A greater understanding of the context required with visuals to show the relationship between the building and the differing surrounding townscape of the post-war estate, Victorian streetscape and a green open space.
- 10.37 The panel advised that applicant seek further pre-application advice before submission of an application, and the applicant duly sought pre-application advice prior to submission.
- 10.38 In terms of design, to address the Inspector's concerns and those of the DRP, the parapet has been removed and the overall height of the building reduced by 700mm (2200mm when taking into account the stair enclosure). The parapet of the staircore on the Hornsey Road elevation has been reduced by 2000mm, the recess has been increased from 100mm to 450mm and the top of the staircore angled away from the front elevation. A higher quality brick is now proposed (Mystique), and being a stock brick, relates better to the Victorian terraces to the west. The brickwork at the base of the building has changed from a blue engineering brick to a dark brown brick.
- 10.39 The Applicant has enhanced the boundary treatment with more brick walling, enhanced landscaping and tree planting to the north and west boundaries. The

steel zigzag balustrading had been replaced with more conventional black painted railings.

- 10.40 To address the concerns of the Design Review Panel, and Council's pre-app response, the applicants have provided more contextual drawings and more CGIs. The brickwork to the balconies is now a light coloured glazed brick (Ibstock: Kennington London White) which not only improves the appearance of the building but would also increase daylight levels to the new units.
- 10.41 Landscaping has been enhanced and the amount of close boarded fencing reduced with dwarf walls and brick piers introduced. The mesh fencing around the communal amenity space is proposed to be softened by the addition of planting. The nursery has been made more prominent with better signage and a decorative gate.



Figure 8 Current application (South western elevation – Hornsey Road)



Figure 9 Current application - Image of south western elevation facing Hornsey Road



Figure 10 Contextual drawing of south western elevation with Citizen and Hind Houses in the background



Figure 11 Current application (Southern Elevation)



Figure 12 Current application - Image of southern elevation

Conclusion

- 10.42 The Inspector, and the Design Review Panel, were not opposed to the principle of the redevelopment of the site with a 3-5 storey residential block, nor did they seek wholesale changes to the scheme. The main issues relate to specific elements of the design which both the Inspector and the Panel considered detracted from the overall quality of the design when considered as a whole. The applicant has simplified the design, by omitting recessed brickwork and using fewer types of brick, and introduced higher quality materials, such as the proposed Mystique brick, to enhance the appearance of the building and to better refer to the original materials of the local area. Boundary treatments and balustrading have been improved, more detail has been provided for the landscaping, and the nursery's presence has been enhanced.
- 10.43 The design and conservation officer advises that overall the design has improved and is considered to respond positively to its surroundings in its revised form. The surrounding context does not prompt an obvious response, given how varied the built form is from one side of the road to the other. The proposed building would respond to the surviving Victorian townscape in its materials, proportions and reinstatement of the building line along Hornsey Road.
- 10.44 Officers consider that the individual improvements have addressed the concerns of the Inspector and the Panel and, when taken as a whole, incrementally enhance the appearance of the proposed building and its relationship with the surrounding area. Furthermore, a new building on the site will enhance the character and appearance of the area, removing the visual blight caused by the poorly maintained vacant plot which has stood derelict and overgrown for the last seven years.

Affordable Housing and Financial Viability

- 19.45 London Plan Policy 3.11 (Affordable housing targets) states that boroughs should set an overall target for the amount of affordable housing provision needed over the plan period in their area with separate targets for social rented and intermediate housing that reflect the strategic priority afforded to the provision of affordable family housing. Part (f) of this policy identifies that in setting affordable housing targets, the borough should take account of “the viability of future development taking into account future resources as far as possible.”
- 10.46 Policy CS12 (Meeting the housing challenge) of the Islington Core Strategy sets out the policy approach to affordable housing. Policy CS12G establishes that “50% of additional housing to be built in the borough over the plan period should be affordable” and that provision of affordable housing will be sought through sources such as 100% affordable housing schemes by Registered Social Landlords and building affordable housing on Council own land”. With an understanding of the financial matters that in part underpin development, the policy states that the Council will seek the “maximum reasonable amount of affordable housing, especially social rented housing, taking into account the overall borough wide strategic target. It is expected that many sites will deliver at least 50% of units as affordable subject to a financial viability assessment, the availability of public subsidy and individual circumstances of the site.”
- 10.47 The proposed development would provide a total of 29 new residential units, with 15 of these units (52%) being affordable. Policy CS12 (G) of the Core Strategy seeks 70% of the affordable provision to be social rent and 30% as intermediate/shared ownership. It is proposed that 11 units (73%) would be social rent and the remaining four shared ownership (27%), which is considered acceptable as social rented units are genuinely affordable. In terms of habitable rooms, the affordable housing contribution would be 41 habitable rooms out of 82, or 50%.
- 10.48 The proposal does not provide the aspiration of 100% affordable housing as sought by policy CS12 for developments by Registered Social Landlords as such provision would not be financially viable. In accordance with policy requirements, a financial assessment has been submitted with the application to justify the proportion of affordable housing offered.
- 10.49 The financial viability assessment which considered the inclusion of the nursery indicates that the scheme would be unviable in a purely commercial sense as it requires investment to address the shortfall between the revenues generated by the development and the costs of providing it as the build costs and site acquisition outweigh the total revenue from the development. Therefore, the maximum affordable housing contribution is being made. In order to properly and thoroughly assess the applicant’s viability assessment, the documents were passed to BPS Surveyors for independent assessment. their review is attached as Appendix 4.

- 10.50 The site was purchased in June 2015 for £3,600,000. With the previous affordable housing offer (of 26 units), the scheme would generate a residual land value of £1,364,292 which is £533,641 below the applicant's benchmark land value of £1,820,000.
- 10.51 Build costs were estimated to be £6,111,906, and based on those agreed by BPS previously with adjustment made for changes to the Tender Price Index. The applicant's viability assessment estimated revenues of £9,015,208 for the private housing, £1,520,072 for the affordable housing and £457,942 for the D1 space, which BPS considered to be realistic.
- 10.52 On this basis the scheme with a nursery would have been in deficit (£533,641 at completion) and could not provide any additional affordable housing. Even with minor adjustments suggested by BPS, such as a minor increase in shared ownership values or a decrease to the profit on the nursery, the viability deficit could not be overcome.
- 19.53 It should be noted that in the previous application, which was refused at appeal, the affordable housing contribution was lower at 37.5%. When this was reviewed by BPS, they came to the conclusion, which was accepted by the Inspector, that the scheme could viably provide 50% affordable housing (albeit with slightly higher estimated sales revenues).
- 10.54 The revised scheme no longer includes a nursery, but the applicant advises that due to changes in the market, particularly a rise in build costs and stagnation of sales costs, the scheme remains unviable and the deficit would actually increase. The Council's viability officers do not agree with the scale of deficit suggested by the applicant, but do concur that even with the omission of the nursery the scheme would remain unviable. Nevertheless, officers have negotiated an improved 52% affordable housing offer, with a 73% social rent tenure, which the Council's viability officers consider to be acceptable and policy compliant.
- 10.55 It is apparent that in a typical commercial sense, the proposed scheme and level of affordable housing proposed is unviable, this was the case at submission and continues to be so with the omission of the nursery. However, the applicant, the Guinness Trust, is not a commercial developer and its main purpose is the provision of social housing. The affordable housing offer proposed is considered to be the maximum reasonable offer, and in terms of the quantity, quality and mix is considered to make a positive contribution to the housing needs of the borough.
- 10.56 Although Core Strategy Policy CS12 seeks 100% affordable housing schemes from RSLs, it is not considered that the failure to provide 100% affordable housing is contrary to that policy where it has been demonstrated that such a proposal is not viable.

Quality of Resulting Residential Accommodation

- 10.57 Core Strategy policy CS12 advises that to help achieve a good quality of life for Islington residents, residential space and design standards will be significantly

increased and enhanced from their current levels. Development Management Policy DM3.4 sets out the detail of these housing standards. In accordance with this policy, all new housing is required to provide functional and useable spaces with good quality amenity space, sufficient space for storage and flexible internal living arrangements.

Unit sizes

- 10.58 All of the proposed residential units comply with the minimum unit sizes as expressed within this policy. Part C of Policy 3.4 requires for floor-to-ceiling heights to be a minimum of 2.6 metres. All proposed units would meet this standard.

Aspect/daylight Provision

- 10.59 Policy DM3.4 (part D) sets out that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'
- 10.60 All of the proposed dwellings would be dual aspect and generally receive good natural daylight and ventilation.
- 10.61 Daylight to newly built dwellings is assessed using the Average Daylight Factor (ADF) and 25 (30%) of the 82 habitable rooms in the proposed development would not comply with the BRE guidelines for ADF. However, 9 of the rooms that fail are bedrooms with an ADF of 0.8-0.9% which is only marginally below the recommended 1%. The remaining 14 rooms are all living/kitchen/diners, and 11 of these have an ADF of between 1.5 and 1.9%. Whilst the nominal target for such rooms is 2% (the same as a kitchen), an ADF of 1.5% is the target for a living room and as such rooms would primarily be used as living spaces rather than kitchens such levels of ADF are considered acceptable.
- 10.62 In the appeal scheme there were similar results and the Inspector noted "*There is a slight shortfall in the sunlight/daylight figures for a small number of proposed rooms when assessed against the Building Research Establishment guidelines. The Council raises no objections in these respects and I see no compelling reason to disagree.*"

Amenity Space

- 10.63 Policy DM3.5 (Amenity Space) of the Development Management Policies Document 2013 states in part A that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. The policy in part C then goes on to state that the minimum requirement for private outdoor space is 5 square metres on upper floors and 15sqm on the ground floor for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on

upper floors and 5 square metres on ground floor level with a minimum of 30sqm for family housing (defined as 3 bed units and above).

- 10.64 All of the proposed units would have private balconies, roof terraces or patios, but due to the irregular footprint of the block the spaces fall short of the minimum requirements at ground floor level, however the proposed units would have access to the wider communal amenity space. The previous scheme comprised four ground floor units with outdoor amenity space averaging 8.3sqm, which was considered appropriate and the Inspector noted “*sufficient private amenity space would be provided for each unit*” (para. 28). The proposal, with the omission of the nursery, would comprise eight ground floor units with an average outdoor amenity space of 10sqm, along with 430sqm of communal amenity space at the rear of the block.

Playspace

- 10.65 Policy DM3.6 requires all housing development of more than 10 dwellings to make provision for play based on anticipated child yield. The London Plan sets a benchmark standard of a minimum of 10sqm of suitable child playspace per child for new developments, with Islington’s Development Management Policy DM3.6 setting a minimum of 5sqm. Private gardens and other private outdoor spaces suitable for play, alongside semi-private informal space, are considered to contribute towards this provision in line with policy DM3.6.

	Child yield	Playspace required	Proposed
Islington Calculator	11	54.5	430
GLA Calculator	13.2	132.4	430

- 10.66 As well as a total of 462sqm of private amenity space, the housing block would benefit from approximately 430sqm of communal amenity space in the north of the site. This extent of amenity space would be capable of significantly exceeding the minimum provision of playspace required.
- 10.67 In addition, there is dedicated playspace on the estate and the site is approximately 300 metres from the Sobell Leisure Centre which is a large multi-purpose sports centre providing a wide range sports facilities and sports clubs. As a result, the site is well served by a range of playspace. Details of landscaping and play equipment are recommended to be secured by condition.

Dwelling Mix

- 10.68 Part E of Core Strategy policy CS12 requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy

DM3.1 (Mix of housing sizes) of the Development Management Policies. The policy also requires for provision to be made for intermediate or shared ownership housing.

10.69 Policy DM3.1 requires all sites to provide a good mix of housing sizes as follows.

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

10.70 The proposed scheme would provide the following

Tenure	1-bed	2-bed	3-bed	4-bed or more
Market	2 (14%)	11 (79%)	1 (7%)	0%
Intermediate	2 (50)%	2 (50%)	0%	0%
Social rent	3 (27%)	7 (64%)	1 (9%)	0%

10.71 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy DM3.1 of the Development Management Policies. The policy also requires for provision to be made for intermediate or shared ownership housing.

10.72 Development Management Policies require a large amount of family-sized social rented dwellings to be provided. The dwelling mix proposed for the social rented units is not strictly in accordance with dwelling mix required by the current policy.

10.73 The supporting text of policy DM3.1 states that infill development, by its nature, presents constraints in terms of the physical spaces available for development and therefore it may not be possible to provide the preferred housing mix set out and that “the mix of dwelling sizes that is appropriate to specific developments should be considered in relation to the character of the development, the site and the area”. Furthermore, it should be noted that due to changes in demand for social rent units across the Borough, the draft Local Plan now prioritises 2-bed units as high priority and 4-bed units as low priority

10.74 Paragraph 64 of the NPPF 2019 states the following

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

- 10.75 The proposal would provide 4x shared ownership units (out of a total of 29) which equates to 14%.

Neighbour Amenity

- 10.76 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.77 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.78 BRE Guidelines paragraph 1.1 states: *“People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by”*. Paragraph 1.6 states: *“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”*.
- 10.79 Daylight: the BRE Guidelines stipulate that... “the diffuse daylighting of the existing building may be adversely affected if either:
- the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*
- 10.80 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value achievable is almost 40% for a completely unobstructed vertical wall. This is important to note particularly given the (in some cases) very high levels of existing VSC currently held by surrounding properties due to the very low scale school buildings currently on this site.

- 10.81 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 10.82 At paragraph 2.2.8 the BRE Guidelines state: *“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.*
- 10.83 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 is the development or the balcony itself causing the most significant impact.
- 10.84 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degree. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”*
- 10.85 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPD states that:
‘Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.
The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large

sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.'

- 10.86 *'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.*
- 10.87 Sunlight: The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:
"If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:
- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
 - Receives less than 0.8 times its former sunlight hours during either period and*
 - Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours."*
- 10.88 The BRE Guidelines state at paragraph 3.16 in relation to orientation: *"A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit."*
- 10.89 They go on to state (paragraph 3.2.3): *"... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun."*
- 10.90 Open spaces: The Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: *'gardens to existing buildings (usually the back garden of a house), parks and playing fields and children's playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains'.*

10.91 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

10.92 A Daylight & Sunlight Report by Waterslade dated February 2018 has been submitted which assesses the impact of the proposal on daylight and sunlight to the properties listed below. A total of 308 windows to 180 rooms within the estate and to the properties surrounding it were assessed for the impact of the proposal on daylight. A total of 97 rooms were assessed for sunlight impact. The report suggests that the proposal would have a minimal impact on neighbouring residents. Despite the attempts of the consultants, it was not possible for them to access all neighbouring properties to determine room use.

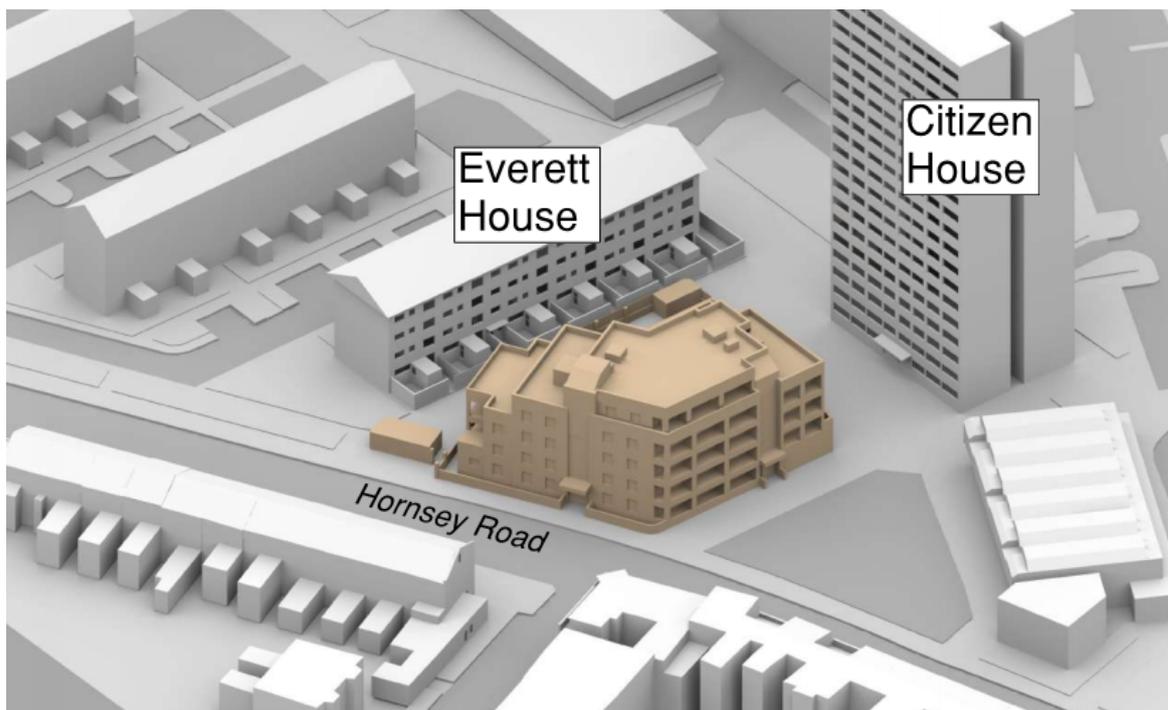


Figure 13 Sunlight/daylight model

Daylight

10.93 The daylight/sunlight report looked at the impact of the development on Everett House, Citizen House and nos. 55-93 Hornsey Road (odd numbers). A total of 308 windows to 180 rooms were tested, with 19 (6.2%) windows failing the VSC test. However the impact on these windows is not considered to be significant.

The report included commercial units at 88-92 Hornsey Road and the ground floors of 49-73 Hornsey Road which need not be assessed.

Everett House

Everett House	69 windows to 51 rooms assessed	16 windows to 14 rooms fail VSC	3 rooms fail NSL
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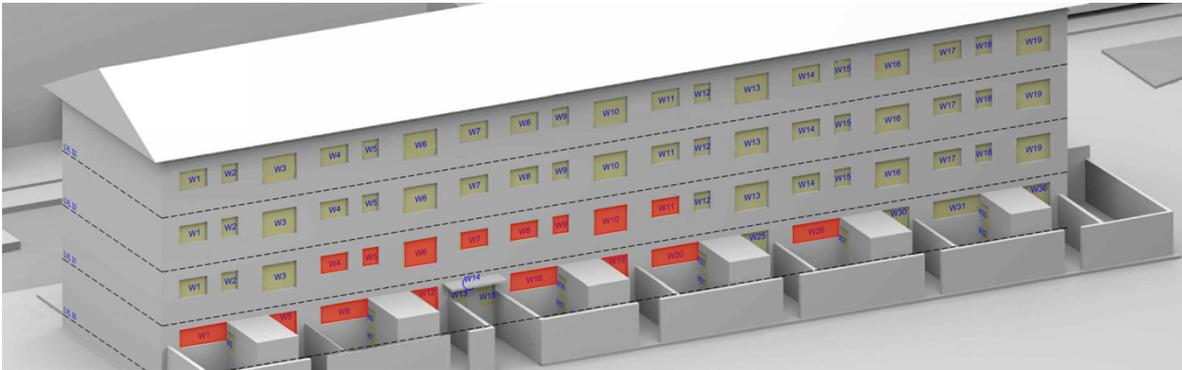


Figure 14 Everett House affected windows

Everett House (only failure to meet Targets included in table)		Vertical Sky Component (VSC)			No Sky Line (Daylight Distribution)		
Window	Room use	Existing (%)	Proposed (%) - Target 27% or more	Percentage reduction in VSC -	Existing sqm	Proposed sqm	Percentage reduction in Daylight Distribution -
W1/30	Kitchen/diner	32.2	25.6	21	12.4	11.8	5
W5/30	Living room	22.6	15.5	31	14.1	9.1	35
W6/30	Kitchen/diner	31.9	23.1	28	12.4	11.5	7
W12/30	Living room	21.2	15.0	29	13.9	9.2	34
W16/30	Kitchen/diner	30.7	21.5	30	12.4	11.5	8
W19/30	Living room	20.0	15.7	21	14.1	11.1	21
W20/30	Kitchen/diner	29.6	21.9	26	12.4	12.1	3
W26/30	Kitchen/diner	28.0	22.1	21	12.4	12.4	0
W4/31	Bedroom	34.2	26.6	22	15.7	15.1	4
W5/31		34.1	26.2	23			
W6/31	Bedroom	33.6	25.4	24	10.3	8.7	17
W7/31	Bedroom	33.1	25.2	24	8.8	7.3	17
W8/31	Bedroom	32.8	25.0	24	15.6	14.8	5
W9/31		32.5	25.0	23			
W10/31	Bedroom	32.0	24.7	23	10.3	9.5	7

W11/31	Bedroom	31.5	25.1	21	15.8	15.4	2
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- 10.94 The affected rooms are at ground floor and first floor level. Although the loss of VSC would be more than 20%, the losses range from 21-31% which is considered acceptable for an urban location, and the resultant VSC would be close to the target of 27% in the majority of cases. Three rooms would notice a loss of daylight distribution of more than 20%, but the resultant levels of daylight distribution remain relatively high.
- 10.95 The results are virtually the same as the appeal scheme where the Inspector noted: *“The Report finds that the vast majority of windows serving existing properties would retain good levels of daylight and sunlight following the proposed development. On this basis I conclude that the proposal would not have such an unacceptable effect on the living conditions of occupants of neighbouring properties as to justify refusing the proposal on that basis. Accordingly I find no significant conflict with Policies 7.6, 7.14 or 7.15 of the London Plan or Policies DM2.1 or DM6.1 of the DMP in these respects.”* (para 30).

Citizen House

46 windows to 46 rooms assessed	2 windows to 2 rooms fail VSC	All rooms pass NSL
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Figure 15 Citizen House affected windows

Citizen House		Vertical Sky Component (VSC)			No Sky Line (Daylight Distribution)		
Window	Room use	Existing (%)	Proposed (%) – Target 27% or more	Percentage reduction in VSC –	Existing sqm	Proposed sqm	Percentage reduction in Daylight Distribution
W3/10	unknown	33.9	25.3	25	12.8	11.4	11
W4/10	unknown	33.5	25.5	24	10.6	9.5	10

10.96 Only two ground floor windows to Citizen House would see a loss of VSC contrary to the BRE guidelines, however the losses (24 and 25%) are only slightly above the 20% and the resultant VSC (25.3-25.5%) is only marginally below the recommended 27%. Daylight distribution would remain relatively high. As such the level of impact on daylight is not considered to be significant.

49-93 Hornsey Road

193 windows to 82 rooms assessed	1 windows to 1 room fails VSC	All rooms pass NSL
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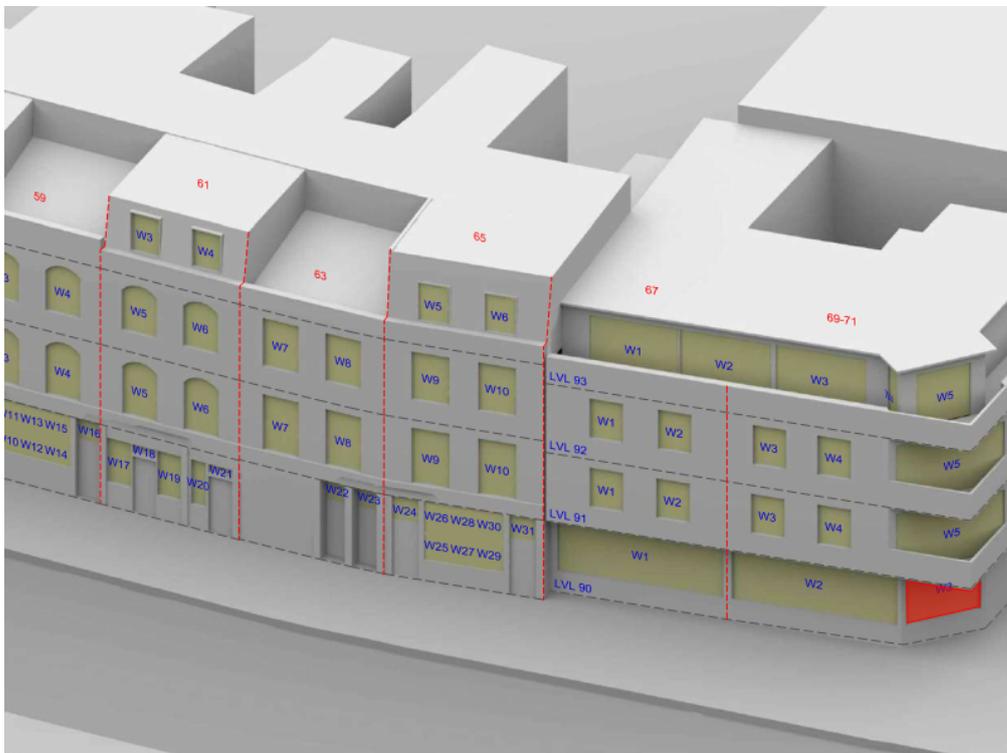


Figure 16 Hornsey Road affected windows

69-71 Hornsey Road		Vertical Sky Component (VSC)			No Sky Line (Daylight Distribution)		
Window	Room use	Existing (%)	Proposed (%) – Target 27% or more	Percentage reduction in VSC -	Existing sqm	Proposed sqm	Percentage reduction in Daylight Distribution
W3/90	unknown	10.6	8.1	23	25.7	25.7	0

- 10.97 Only one window along Hornsey Road would suffer a loss of VSC of more than 20%, and at 23% the loss is only marginally above the baseline. However, the affected ground floor unit is a supermarket and therefore need not be assessed.
- 10.98 In summary, a total of 308 windows to 180 rooms were tested, with 19 (6.2%) windows failing the VSC test (including a window to a retail unit). The BRE guidelines advise that a level of 27% VSC provides an acceptable level of daylight, and the proposed VSC for the affected windows remains close to 27% (12 of the windows would retain a VSC of between 23.1 and 26.6%). The guidelines also advise that losses should be kept to a minimum, with losses of more than 20% being noticeable. Losses would generally be between 21 and 26%, with only 4 of the windows suffering greater losses (27 to 31%).
- 10.99 The daylight/sunlight results are virtually identical to the appeal scheme due to the almost identical bulk and massing of the current application. The Inspector considered that conclude that the proposal would not have such an unacceptable effect on the living conditions of occupants of neighbouring properties as to justify refusing the proposal and found no significant conflict with London Plan or Islington policies.
- 10.100 As such, given the relatively small number of windows affected, the scales of the losses and the level of resultant VSC, it is not considered that there would be a significant impact on daylight to neighbouring properties.

Sunlight – Annual Probable Sunlight Hours (APSH)

- 10.101 For sunlight assessment, only windows that face within 90° of due south need to be assessed. All living rooms should be checked, but kitchens and bedrooms are less important although care should be taken not to block too much sun. The measurement of sunlight is Annual Probable Sunlight Hours (APSH) and the guidance states that sunlighting may be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours (or less than 5% of annual probable sunlight hours, the resultant value is less than 0.8 times its former value, and the overall loss is more than 4%).
- 10.102 A total of 115 windows to 97 rooms were tested for sunlight. Only three rooms would fail the APSH test (two rooms in Everett House and one in Citizen House)

by receiving 4% winter sunlight, and 0.66 and 0.77 times their annual sunlight. However these rooms would continue to receive more than 25% annual sunlight (27% to 36%). All other rooms tested would pass the APSH test by continuing to receive more than 5% APSH in winter and more than 25% overall. The applicant has not tested the amenity space of these properties for overshadowing, but given the sunlight results it is likely that the three properties would suffer a similar minor impact on winter sun.

Floor Room	Annual Probable Sunlight Hours				
	Existing Winter %	Proposed Winter – Target 5% or more	Existing Annual %	Proposed Annual % - Target 25% or more	Percentage Loss – Target less than 20%
Gnd Floor Living Room Everett House R3/30	15	4	47	36	23
Gnd Floor Living Room Everett House R6/30	13	4	36	27	25
Gnd Floor Citizen House R3/10	6	4	41	27	34

10.103 Only 3 rooms out of 97 would fail to meet the BRE guidelines for sunlight with a reduction of winter sunlight to 4%, which is only marginally lower than the target of 5%. Furthermore, these rooms would continue to receive annual sunlight in excess of the recommended 25%. As such, the proposal is not considered to have a detrimental impact on sunlight to neighbouring properties.

Overlooking

10.104 Policy 7.6 (Architecture) of the London Plan seeks to protect privacy. Part D states that development should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

10.105 Islington’s Development Management Policy 2.1 advises that to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.

10.106 Both policies align with the Human Rights Act in which Article 8 seeks to protect the right to respect for private life, family life, and your home.



Figure 17 Overlooking plan

10.107 The plan shows the distances from the first floor of the proposed building to neighbouring buildings. The west elevation faces Citizen House, with a distance of approximately 18.5m between facing windows at first floor level. The north east elevation would be 21m away from Everett House, a small terrace at first floor level is proposed at first floor level, but would be set back 3m from the edge of the flat roof maintain a separation of 18m.

10.108 At its closest point, the north western side of the building would be 11m away from Everett House. The closest balconies would be at first and second floor levels and approximately 13m away, with a third floor roof terrace approximately 16m away. To protect the privacy of residents of Everett House and the proposed development, screening is proposed to the balconies and terrace (shown in red), and three windows would be obscure glazed (shown in blue). This would be secured by condition



Figure 18 Privacy measures

10.109 The closest properties on Hornsey Road would be at least 21m away, and on the other side of Hornsey Road, so there would be no loss of privacy to any of the properties on this side of Hornsey Road in accordance with Council guidance. As such, given the distances between adjoining properties and the proposed mitigation, it is not considered that adjoining occupiers would suffer a loss of privacy.

Noise and disturbance

10.110 The addition of a new residential block within the estate is not considered to create any potential noise problems for existing residents.

Trees and landscaping

10.111 Core Strategy Policy CS15 (Open space and green infrastructure) states that the Council will provide inclusive spaces for residents and visitors and create a greener borough by protecting all existing local spaces, including open spaces of heritage value, as well as incidental green space, trees and private gardens. Policy DM6.5 (Landscaping, trees and biodiversity) states that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas. Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation. Furthermore, developments are required to minimise any impacts on trees, shrubs and other significant vegetation. At the same time any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits.

- 10.112 The proposal would not build on open space as the site was previously developed. As such the site is a brownfield site and not designated or estate open space. As mentioned, the proposal would provide approximately 420sqm of amenity space in the north of the site. The applicants have submitted a landscaping plan which shows a planted border on the Hornsey Road elevation and the planting of 8x new trees. Whilst the planting of trees is welcomed the three proposed for the Hornsey Road elevation are smaller specimens and bunched together in the north west corner of the site. Tree officers advise that new trees could provide better amenity with larger trees planted on the footway and advise that three street trees would enhance the street scene. This would be secured by section 106 agreement.
- 10.113 There are no trees on site, but there is a tree to the north of the site and a number of trees to the south. The applicant has not provided any arboricultural information and tree officers advise that if permission is granted, conditions should secure a tree survey, Arboricultural Impact Assessment and tree protection details and site supervision to ensure the existing trees are properly protected.

Highways and Transportation

- 10.114 The application site has a very good level of public transport accessibility (PTAL 6a) and is well served by numerous bus routes on Hornsey Road, Holloway Road and Tollington Road. Holloway Road Underground Station is 530m from the site and Drayton Park (Great Northern Line) is 910m away. The site is within the Nag's Head CPZ with parking restrictions between 8.30am-6.30pm Mon-Fri, 8.30am-1.30pm Saturdays and additional suspensions on match days.

Cycle parking

- 10.115 Appendix 6 of the Development Management Policies document sets out minimum cycle parking requirements for both residential and non-residential uses. Given the number of bedrooms is 53, then an equivalent number of spaces would be required.
- 10.116 Cycle parking has been provided in two dedicated cycle stores comprising hoops (5 spaces in total) and racks (44) for each core as well as three hoops outside the block. This is one below the requirement. A condition will require details of cycle storage for 53 cycles and mobility scooter storage.

Servicing deliveries and refuse collection

- 10.117 Refuse and recycling facilities would be provided for new residents in line with Islington's refuse and recycling storage requirements. The new block would have a standalone refuse and recycling store in the north west corner of the site. Refuse collection will take place from Hornsey Road at the same time as the collection on the west side of the street.
- 10.118 The existing service bay will be removed, with service vehicles using Hornsey Road for collections and deliveries. This is not considered problematic

considering there was an existing nursery on the site and nursery uses are not considered to be heavily reliant on daily deliveries.

- 10.119 Initially the Highways officer raised an objection to the proposed on-street servicing due to the impact on traffic flow on Hornsey Road. However, following a site meeting with the applicant's highways consultant it was agreed that to allow on-street servicing of the site to be conducted in a safe manor, two parking bays to the south of the existing entrance to site need to be removed and replaced with a single yellow line which would be secured through the Section 106 Legal Agreement. This would allow adequate room for refuse vehicles to park without impacting on the flow of traffic on Hornsey Road. The Highways Officer has provided confirmation that the Council's Parking Team would not object to the removal of the two bays nearest the existing entrance.

Vehicle Parking

- 10.120 Core Strategy Policy CS10 (Sustainable development), Part H, requires car free development. Development Management Policy DM8.5 (Vehicle parking), Part A (Residential parking) requires new homes to be car free, including the removal of rights for residents to apply for on-street car parking permits. Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking).
- 10.121 No car parking is proposed and the new residential units will be car free in line with policy DM8.5. In line with policy 4x accessible parking bays for the wheelchair units are required. As there is no parking proposed on site, this will be provided along Hornsey Road, with the application required to pay a contribution for the creation of four bays as part of a section 106 agreement.

Construction Traffic

- 10.122 In the event that planning permission is granted, permission would be subject to a condition requiring a Construction and Environmental Management Plan to be submitted and approved in writing to the local planning authority in the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development. A financial contribution will be required to repair any damage to the highway as a result of construction, this will be secured as part of a Section 106 agreement.

Inclusive Design

- 10.123 In October 2015, the Deregulation Bill (March 2015) was implemented. It introduced a new National Standard for Housing Design as an enhancement of Part M of the Building Regulations: Category 1 (Visitable Dwellings), Category 2 (Accessible and Adaptable Dwellings, similar to Lifetime Homes) and Category 3 (Wheelchair Accessible dwellings, similar to Islington wheelchair accessible housing standard).

- 10.124 Following this, London Plan Policy 3.8 has been altered to require that 90% of new housing is built to Category 2, and 10% to Category 3.
- 10.125 Policy CS12 (H) of the Core Strategy requires all new housing to comply with “flexible homes” standards, with at least 10% wheelchair housing (calculated against total habitable rooms) provided as part of all new developments. This requirement is reflected in Development Management Policy DM3.4 Part (A) (v). These policies pre-date the Deregulation Bill, although it is considered that wheelchair accessible equates to Category 3 housing. Policy DM2.2 (Inclusive Design) requires all new developments to demonstrate inclusive design.
- 10.126 Four of the new units (13.8%) at ground floor level would be fully wheelchair accessible (Category 3). All the units are 2-bed/3 person units so will provide a total of 12 rooms out of a total of 82(14.6%) which exceeds the policy requirement. The remainder of the flats will meet the Category 2 criteria.
- 10.127 The inclusive design officer welcomed step free access to all units, workable storage and charging facilities for mobility scooters in both halves of the development. They considered that the layout of the flats was broadly acceptable, but raised some concern over the exact location of toilets (being too far from the flank walls) and hand basins encroaching into wheelchair turning circles. A condition will require detailed drawings to be submitted demonstrating that the inclusive design officer’s comments have been addressed, specifically bathroom compliance with category 2 of the Building Regulations, cycle storage for ambulant disabled cyclists and baby changing facility for the nursery.

Energy Conservation and Sustainability

- 10.128 The London Plan (2016) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.129 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). The London Plan sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations 2013. In accordance with Islington Planning Policy, developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock (CS10).

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

Carbon Emissions

10.131 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. The Sustainable Construction and Design Statement (SCDS) shows a reduction of regulated emissions of 57.8% and a site-wide reduction of 27.2% of CO2 emissions against the Building Regulations 2013 as required by policy CS10, exceeding local targets.

10.132 After minimising CO2 emissions onsite, developments are required to offset **all** remaining CO2 emissions (Policy CS10) through a financial contribution. The Energy Strategy quotes a carbon offset payment of £56,948, based on emissions of 61.9 tonnes. This calculated correctly according to Islington Policy.

Sustainable design

10.133 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." The Summary Report shows that the development will meet the requirements of policy DM7.4 for major developments. The applicant has submitted a Sustainable Construction and Design and although the Code for Sustainable Homes standard has now been withdrawn, the SCDS commits to a standard of 110 litres per person per day and water efficiency measures.

Energy Demand Reduction (Be Lean)

10.134 Council policy DM 7.1 (A) states "Development proposals are required to integrate best practice sustainable design standards (as set out in the *Environmental Design SPD*), during design, construction and operation of the development." And that "developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy". 100% Low energy lighting is proposed.

10.135 A Thermal Comfort Analysis Report has been submitted. Thermal modelling was carried out using IES Virtual Environment software. Analysis was carried using IES Virtual Environment software. This report shows that the huge majority of rooms pass against all three criteria of CIBSE TM52. A small number of rooms fail against either Criteria 1 or 2 but no rooms fail against more than one, meaning that the development meets the overall requirements of CIBSE TM52

Low carbon Energy Supply (Be Clean)

10.136 London Plan Policy 5.6B states: B Major development proposals should select energy systems in accordance with the following hierarchy: Connection to existing heating or cooling networks; Site wide CHP network; Communal heating and cooling.

10.137 Heating to the whole development will be provided via a high efficiency communal gas boiler. Hot water will also be supplied from this system, via centralised hot water storage. Artificial cooling is not proposed for the development. The energy statement includes an extract from the London Heat Map which shows there is no existing or planned DEN within 500m of the development, and no further investigation of a network connection will be required.

10.138 The development will be served by a communal system and the applicant has committed to embedding the principles of Appendix 1 of the Environmental Design Planning Guidance into the design. Pipework will also be insulated in compliance with CIBSE Heat Networks: Code of Practice for the UK. Map 3 in the Energy Strategy shows a route that is described as 'Opportunity for DHN Pipework'.

10.139 The Energy Strategy includes an assessment of the opportunities to form a Shared Heat Network and concludes that this is not feasible due to their being no existing network in the area and the fact that the surrounding properties is mostly terraced housing, a doctors' surgery and a low rise building.

10.140 The Energy Strategy shows heat and hot water demand for the development. These show that there is insufficient heat load to make a CHP viable.

Renewable Energy (Be Green)

10.141 The Energy Strategy considers wind, solar thermal, air source heat pumps, ground source heat pumps and biomass and rules these out for valid reasons. The applicant has chosen a 26 kWp solar PV array. Map 4 in the Energy Strategy shows this covering a larger proportion of the available flat roof area. This is supported as the applicant is meeting both Islington and London Plan carbon targets.

Draft Green Performance Plan

10.142 A Draft Green Performance Plan has been included which includes details of how performance will be measured for energy use, CO₂ emissions and water use. The

GPP Coordinator will be appointed by Islington Council. Islington Council will also be responsible for recommendations for improvement.

- 10.143 A drainage and SUDS strategy has been submitted with the application. The details indicate that post development run-off levels will be greater than existing levels. Whilst this fails to achieve the greenfield water run-off rate suggested by policy, the nature of the development proposed, which essentially involves infill housing within an established housing estate, limits the potential of achieving more substantial water runoff rate reductions. It is proposed that a flow restriction within the demarcation manhole and on-site storage (green roofs) will reduce the volume and rate of run-off to below existing levels

Conclusion - Energy

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

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.145 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.
- 10.146 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. As the development would be phased and the affordable housing is exempt from CIL payments, the payments would be chargeable on implementation of the private housing.
- 10.147 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. As the development would be phased and the affordable housing is exempt from CIL payments, the payments would be chargeable on implementation of the private housing.
- 10.148 A number of site-specific contributions will be sought, which are not covered by CIL. None of these contributions were included in Islington's proposed CIL during

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

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

National Planning Policy Framework

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

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The application proposes the construction of 29x new dwellings comprising 7x 1-bed, 20x 2-bed, and 2x 3-bed units, provided in a 3 to 5 storey block, with associated amenity space. A total of 15 units (52%) would be affordable and 14 would be private homes. 11 of the affordable units would be for social rent and 4x for shared ownership. The development delivers the maximum viable level of affordable housing in accordance with London Plan (Policy 3.3) and Islington Planning Policies (CS12), which seek to ensure a supply of affordable housing for residents.
- 11.2 The development proposes a mix of high quality residential accommodation, including family-sized homes, by making optimum use of previously developed land in accordance with the aims and objectives of London Plan and Islington Core Strategy Policies.
- 11.3 The scheme proposes a new building and the opportunity to enhance the existing estate. The proposals would provide quality amenity and open space, and more natural surveillance. The scheme has evolved as a result of the previous appeal, Design Review Panel, and pre-application advice. The overall height and massing is considered appropriate for the site, given the context of 4 storey and 20 storey buildings on the estate, and would enhance the character and appearance of the area given the existing poor condition of the site.
- 11.4 The proposal's housing density and dwelling mix is considered acceptable and in line with the London Plan and the Council's own policies. The proposed housing is considered to be of a high quality in terms of unit sizes, amenity space, natural lighting, floor-to-ceiling heights, storage provision and access to refuse, recycling

and bicycle storage facilities.

- 11.5 The proposal is not considered to have an unacceptable impact on neighbouring residential amenity in terms of loss of daylight, sunlight, outlook, privacy, noise and disturbance or an increased sense of enclosure subject to condition. The application is considered to be a sustainable form of development in terms of energy efficiency, renewable energy and the provision of sustainable forms of transport.
- 11.6 Thus, the proposal is considered to provide considerable planning benefits in the provision of new housing, and the redevelopment of a site whose current state of disrepair is harmful to the appearance of the local area. Any negative impacts of the scheme, such as minor transgressions in daylight to neighbouring properties are not considered to be significant.

Conclusion

- 11.7 It is recommended that planning permission be granted subject to conditions and S106 legal agreement heads of terms for the reasons and details 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.

- Affordable Housing contribution of at least 15x units, with a minimum of 70% for social rent and the remainder for shared ownership.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation, during the construction phase of the development, of the following number of work placements: 2
- 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 practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 20/05/2019).
- If these placements are not provided, LBI will request a fee of: £10,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of: £4,725 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of an additional number of accessible parking bays: 4 or a contribution towards bays or other accessible transport initiatives of: £8,000
- Developments providing wheelchair accessible private or shared ownership units will be required to market them as such for a minimum period of 6 months. Developers should include prominent information on the design standards met by all units and the specific qualities and capacity of the wheelchair accessible units in their marketing brochures and show rooms, on their websites and any billboards used to advertise the development.
- 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: £56,948.
- 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 Green Performance Plan to the Local Planning Authority following an agreed monitoring period.
- 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).
- Payment of Council’s legal fees in preparing the S106 and officer’s fees for the preparation, monitoring and implementation of the S106.
- A S278 agreement to be entered into with the Highways Department.
- Car Free Housing – All future occupiers of the residential units hereby approved, shall not be eligible to obtain an on street residents' parking permit except: i) In the case of disabled persons; ii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.
- The provision of 3x trees to be provided on the highway.
- To allow the servicing of the site to be conducted in a safe manor, two parking bays need to be removed to the south of the existing entrance to site and replaced with a single yellow line and alterations to the existing vehicular entrance.

That, should the Section 106 Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) 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, and that there is delegated to each of the following: the Head of Development Management, the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

List of Conditions:

1	3 Consent Period (compliance)
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	<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:</p> <p>Site Location Plan; 15/12/01B; 15/12/02X (Ground Floor and Site Plan); 15/12/02L (Proposed Ground Floor Plan East); 15/12/03T; 15/12/04T; 15/12/05P; 15/12/06L; 15/12/07H; 15/12/08E; 15/12/09E; 15/12/10F; 15/12/11I; 15/12/12E; 15/12/13E; 15/12/14H; 15/12/15F; 15/12/16F; 15/12/17H; 15/12/18F; 15/12/19F; 15/12/20E; 15/12/21G 15/12/22E; 15/12/24E; 15/12/25G; 15/12/26E; 619/16/1B; 3d Views; Revised Design & Access Statement by NTA dated January 2020; Planning Statement by NTA dated November 2018; Revised Energy Statement by Energy Lab Rev H dated 19/02/2020; Energy Strategy by Energist dated 05/03/2018; Thermal Comfort and Adaptability Analysis by Method Consulting dated 16/02/2017; Air Quality Assessment by Gem dated September 2016; Surface Water Drainage Strategy by Ambimental dated June 2017; Surface Water Disposal maintenance Plan by Michael Ward dated 11/10/2016; Green Performance Plan; Sustainable Design & Construction Addendum to the Energy Strategy by Energist dated 05/03/2018; Transport Statement by PTP dated October 2018; Transport Statement Addendum by PTP dated February 2020; Travel Plan Statement by PTP dated October 2018; Construction and Traffic Management Plan by PTP dated October 2018; Construction Logistics Plan by PTP dated October 2018; Construction Management Plan by Train and Kemp dated October 2016; Delivery and Service Plan by PTP dated October 2018; Daylight Sunlight Report by Waterslade dated November 2018; Contaminated Land Report by SWEL dated April 2016; HIA Screening; Noise Impact Assessment Report by KP Acoustics dated 28 September 2016; Landscape Specification and Maintenance by Elizabeth Greenwood dated March 2016</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 (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> <ol style="list-style-type: none"> a) all brickwork (including brick panels and mortar courses) b) window treatments (including sections and reveals); c) roofing materials; d) balustrading treatment (including sections); e) doors and gates; f) 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>Boundary treatments (Details)</p> <p>CONDITION: Details of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure.</p>
5	<p>Piling Method Statement (Details)</p> <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 impact on local underground sewerage utility infrastructure</p>
6	<p>Air Quality (Details)</p> <p>CONDITION: Prior to the commencement of works on the development hereby permitted, a site report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
7	<p>Construction Management Plan (Details)</p> <p>CONDITION: A Construction Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
8	<p>Green Performance Plan (Details)</p> <p>CONDITION: A Full Green Performance Plan including details of monitoring arrangements shall be submitted to the local planning authority in accordance with the draft Green Performance Plan within 6 months of the occupation of the development</p>

	<p>hereby permitted, and a final report on the implementation of the Green Performance Plan shall be submitted in writing to the local planning authority in accordance with the approved details.</p> <p>REASON: In order to ensure sustainable development, which minimises CO2 emissions, energy consumption and water usage.</p>
9	Bird Boxes (Details)
	<p>CONDITION: Details of swift boxes, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the hereby approved development. The number and position of bird boxes needs to be determined on site by a qualified ecologist. The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	Photovoltaic panels (Details)
	<p>CONDITION: Prior to the commencement of superstructure works on site, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> - Location; - Area of panels; and - Design (including elevation plans). <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development and to secure high quality design in the resultant development.</p>
11	Green/brown roofs (Details)
	<p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ol style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with the plans hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
12	Inclusive Design (Details)

	<p>CONDITION: Prior to occupation of the development, to ensure compliance with the principles of Inclusive Design, the following amendments/details shall be provided unless otherwise agreed in writing:</p> <ul style="list-style-type: none"> a) Repositioning of the WCs to ensure the basins should not encroach on the turning circle (Cat 2) or turning square (Cat 3) by more than 200mm. b) The layout of the regular bike racks to ensure a 1500mm clear space alongside to facilitate access for ambulant disabled cyclists. <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
13	Privacy Screens to balconies (Details)
	<p>CONDITION: Notwithstanding the drawings hereby approved, details and samples of the proposed privacy screens to the balconies and terrace at first, second and third floors on the north west elevation, as shown on drawings 15/12/05P and 15/12/17/H shall be submitted to and approved in writing prior to first occupation of the residential units hereby approved.</p> <p>The privacy screens shall be installed prior to first occupation of the residential units hereby approved and maintained in perpetuity.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
14	Obscurely Glazed Windows (Compliance)
	<p>CONDITION: The three no. windows at first, second and third floors, to the north west elevation shown on elevation drawing 15/12/05P as being obscure glazed shall be installed as such prior to occupation and permanently fixed shut, and maintained as such in perpetuity.</p> <p>REASON: For the protection of neighbouring residential amenity and the local transport network.</p>
15	Servicing arrangements (Details)
	<p>CONDITION: Prior to occupation full details of all service vehicle deliveries / collections / visits to and from the site shall be submitted to and approved in writing. Servicing shall be carried out in compliance with the details approved unless agreed in writing with the Council.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
16	Landscaping and Play Equipment (Details)
	<p>CONDITION: A landscaping scheme for the communal amenity area shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the relevant phase. The scheme shall include the following details:</p> <ul style="list-style-type: none"> a) <i>existing and proposed underground services and their relationship to both hard and soft landscaping;</i> b) <i>proposed trees: their location, species, size and section showing rooting area (along with details to show the trees would not cause any undue shadowing of existing dwellings);</i> c) <i>soft plantings: including grass and turf areas, shrub and herbaceous areas;</i> d) <i>topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</i> e) <i>enclosures and boundary treatment: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</i>

	<p>f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces;</p> <p>g) inclusive design principles adopted in the landscaped features,</p> <p>h) all playspace equipment and structures; and</p> <p>i) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the relevant phase of the development hereby approved in accordance with the approved planting phase. 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, playspace and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
17	Arboricultural Impact Assessment/Tree Survey/Tree Protection (Details)
	<p>CONDITION: No development (including demolition works) shall take place on site until a tree survey and details of the retention and adequate protection of all trees and tree root systems bordering and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The tree retention and protection shall be carried out strictly in accordance with the details so approved, installed/carried out prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
18	Secure By Design Accreditation (Compliance)
	<p>CONDITION: Prior to occupation evidence of Secure by Design accreditation shall be submitted to the Council.</p> <p>REASON: To ensure that the security details relating to the residential communal entrances are appropriate and adequately secure of the development.</p>
19	Cycle storage (Details)
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 54 cycle spaces.</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>

20	<p>Wheelchair homes (Details)</p> <p>CONDITION: Details of a minimum of three wheelchair/ wheelchair adaptable units shall be provided prior to the first occupation of the development.</p> <p>Notwithstanding the plans hereby approved, the layout/design of the wheelchair / wheelchair adaptable units shall be designed in accordance with Wheelchair Accessible Housing standards and details shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be provided in the following format:</p> <p>a) Plans (and if necessary elevations) to scale 1:50; and</p> <p>b) An accommodation schedule responding to Islington's 17 Wheelchair Accessible Housing standards.</p> <p>The development shall be constructed strictly in accordance with the details so approved and permanently retained as such.</p> <p>REASON: To secure provision of the appropriate number of wheelchair accessible units in a timely fashion and to: address the backlog of and current unmet accommodation needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families.</p>
21	<p>Roof top plant (Details)</p> <p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <p>a) roof-top plant;</p> <p>b) ancillary enclosures/structure; and</p> <p>c) lift overrun</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>

List of Informatives:

1	<p>S106</p> <p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>

3	Community Infrastructure Levy (CIL) (Granting Consent)
	<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>
4	Car-Free Development
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5	London Fire Commissioner
	<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>
7	Thames Water - 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 wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.</p>
8	Thames Water - water network and water treatment
	<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</p>

	Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development .
9	Watching Brief
	We would advise a watching brief is kept during the development for any unexpected contamination and best practice is followed with disposal of soils and importation of clean soils.
10	Secured by Design:
	You are reminded to refer to the provisions of the Secured by Design Commercial Developments 2015 Guide (or any replacement guidance), in relation to the risk of crime within both the public and non-public areas of the proposed development, and preventative measures

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 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.

2. Development Plan

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

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

1 Context and strategy	5 London's response to climate change
Policy 1.1 Delivering the strategic vision and objectives for London	Policy 5.1 Climate change mitigation
	Policy 5.2 Minimising carbon dioxide emissions
2 London's places	Policy 5.3 Sustainable design and construction
Policy 2.1 London in its global, European and United Kingdom context	Policy 5.4 Retrofitting
Policy 2.2 London and the wider metropolitan area	Policy 5.5 Decentralised energy networks
Policy 2.3 Growth areas and co-ordination corridors	Policy 5.6 Decentralised energy in development proposals
Policy 2.4 The 2012 Games and their legacy	Policy 5.7 Renewable energy
Policy 2.5 Sub-regions	Policy 5.8 Innovative energy technologies
Policy 2.9 Inner London	Policy 5.9 Overheating and cooling
Policy 2.10 Central Activities Zone – strategic priorities	Policy 5.10 Urban greening
Policy 2.11 Central Activities Zone – strategic functions	Policy 5.11 Green roofs and development site environs
Policy 2.12 Central Activities Zone – predominantly local activities	Policy 5.12 Flood risk management
Policy 2.13 Opportunity areas and intensification areas	Policy 5.13 Sustainable drainage
Policy 2.14 Areas for regeneration	Policy 5.14 Water quality and wastewater infrastructure
Policy 2.15 Town centres	Policy 5.15 Water use and supplies
Policy 2.17 Strategic industrial locations	Policy 5.16 Waste self-sufficiency
	Policy 5.17 Waste capacity
	Policy 5.18 Construction, excavation and demolition waste

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

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments

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

Policy 3.7 Large residential developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

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

Policy 3.13 Affordable housing thresholds

Policy 3.14 Existing housing

Policy 3.15 Coordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.17 Health and social care facilities

Policy 3.18 Education facilities

Policy 3.19 Sports facilities

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 4.5 London's visitor infrastructure

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision

Policy 5.19 Hazardous waste

Policy 5.20 Aggregates

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.6 Aviation

Policy 6.7 Better streets and surface transport

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

Policy 6.15 Strategic rail freight interchanges

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 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.10 World Heritage Sites

Policy 7.11 London View Management Framework

Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small shops
Policy 4.10 New and emerging economic sectors
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all

Policy 7.12 Implementing the London View Management Framework
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.16 Green Belt
Policy 7.17 Metropolitan Open Land
Policy 7.18 Protecting local open space and addressing local deficiency
Policy 7.19 Biodiversity and access to nature
Policy 7.20 Geological conservation
Policy 7.21 Trees and woodlands
Policy 7.22 Land for food
Policy 7.23 Burial spaces
Policy 7.24 Blue Ribbon Network
Policy 7.25 Increasing the use of the Blue Ribbon Network for passengers and tourism
Policy 7.26 Increasing the use of the Blue Ribbon Network for freight transport
Policy 7.27 Blue Ribbon Network: supporting infrastructure and recreational use
Policy 7.28 Restoration of the Blue Ribbon Network
Policy 7.29 The River Thames
Policy 7.30 London's canals and other rivers and waterspaces

8 Implementation, monitoring and review
Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

Policy CS15 (Open Space and Green Infrastructure)
Policy CS16 (Play Space)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the Housing
Challenge)

Policy CS17 (Sports and
Recreation Provision)

Infrastructure and Implementation
Policy CS18 (Delivery and
Infrastructure)

Policy CS19 (Health Impact
Assessments)

Policy CS20 (Partnership Working)

C) **Development Management Policies June 2013**

Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design

Housing

- DM3.1 Mix of housing sizes
- DM3.2 Existing housing
- DM3.3 Residential conversions and extensions
- DM3.4 Housing standards
- DM3.5 Private outdoor space
- DM3.6 Play space
- DM3.7 Noise and vibration (residential uses)
- DM3.8 Sheltered housing and care homes

Health and open space

- DM6.1 Healthy development
- DM6.2 New and improved public open space
- DM6.3 Protecting open space
- DM6.4 Sport and recreation
- 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
- DM7.3 Decentralised energy networks
- DM7.4 Sustainable design standards
- DM7.5 Heating and cooling

Transport

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

Infrastructure

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

D)

Site Allocations June 2013

Site Allocation OIS11 - 100 Hornsey Road,
London, N7 7NG

5. **Designations**

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

- Local Flood Risk Zone

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

The following SPGs and/or SPDs are relevant:

- | | |
|-----------------------------------|---|
| Islington Local Development Plan | London Plan |
| - Environmental Design | - Accessible London: Achieving and Inclusive Environment |
| - Accessible Housing in Islington | - Housing |
| - Inclusive Landscape Design | - Sustainable Design & Construction |
| - Planning Obligations and S106 | - Providing for Children and Young Peoples Play and Informal Recreation |
| - Urban Design Guide | - Planning for Equality and Diversity in London |

CONFIDENTIAL

ATT:

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Our ref: Q2018/0736/DRP

Date: 4 April 2018

Dear Muireann Murphy

**ISLINGTON DESIGN REVIEW PANEL
RE: Harvist Under 5s Nursery, Hornsey Road**

Thank you for attending Islington's Design Review Panel meeting on 16 February 2018 for a first review of the above scheme. The proposed scheme presented to the Panel was for the erection of a part 3-, part 4- and part 5-storey building to provide a children's nursery at ground floor level and 24 self-contained residential units, together with amenity spaces, emergency vehicle parking space and detached cycle and refuse store.

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), Ben Gibson, Richard Brown, Ludwig Tewksbury and Clare Murray including a site visit, presentation from the design team followed by a question and answers session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

Panel's observations

The Panel welcomed the opportunity to review the proposals. While acknowledging the positives of the scheme the Panel noted that the proposals comprised of minor amendments to the dismissed appeal scheme and that there is considerable potential to go further to ensure a higher quality proposal.

Conceptual drawings illustrating the design intent and rationale were not evident and are important in order to form a basis for generating the design proposal and providing justification for the scheme. In order for the design to be understood in relation to the surrounding context drawings need to include the surrounding buildings and landscape/streetscape.

The sustainability expert on the Panel recognised that the proposal was quite good in terms of sustainability but could improve on its U-values. Advice was provided that the thermal mass should not be decoupled as the mass needs to be exposed to the internal finish for it to work effectively. The introduction of a white glazed brick to the walls of the lower balcony could help

improve spaces that might otherwise feel quite dark. The balconies should have taps and drainage to ensure that any planting to these survives.

All the Panel members recognised further positives of the scheme including the double aspect units, contextual materials, good sized balconies and defensible space. However, the Panel thought that a greater understanding of the context was required and visuals provided that show the relationship between the building and the very differing surrounding townscape of the post-war estate, Victorian streetscape and a green open space. In particular visuals are required showing the proposed building as viewed from Harvest Estate. As the proposed building was thought to be an 'object' building to be viewed in the round it requires a simpler more elegant form to all elevations. For example the staircore erupts projects out of the Hornsey Road elevation and adds to the massing whereas this elevation could respond better to the Victorian townscape by having a simpler massing, form and proportions.

The Panel felt that more consideration needs to be given to the landscaping and further information on this provided. The communal space proposed at the estate side of the building did not appear well considered and its purpose/function is unclear. Boundary conditions and edge treatments require more detailed investigation and design. The mesh screen should be covered with planting. Concern was expressed over the lack of sunlight to the nursery's outdoor space. The Panel encouraged greater consideration to the design of the nursery and that it is provided with as much 'joy' as possible by looking at exemplary examples of how to achieve this.

Summary

The Panel acknowledged the positive aspects of the scheme but thought that there is considerable potential for a higher quality proposal. —The Panel thought that a greater understanding, representation and response to the context was required and that the building needs to comprise of a simpler more elegant form to all elevations. The Panel felt that more consideration needs to be given to the landscaping and the nursery to ensure that these are of the highest quality. Advice was also provided on a number of small changes that could improve the scheme. The Panel stressed that it is essential to have a pre-application meeting with Council officers before submission of a planning application.

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

Confidentiality

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

Yours sincerely,



Luciana Grave
Design Review Panel Coordinator
Design & Conservation Team Manager

Appendix 4 - BPS Viability Assessment review

1.0 INTRODUCTION

1.1 We have been instructed by the London Borough of Islington ('the Council') to review a November 2018 Financial Viability Assessment, which has been submitted by S106 Affordable Housing ('S106AH') on behalf of the Applicant, Guinness Partnership South. The current planning application (P2018/4131/FUL) is for, "Erection of a part 3-, part 4- and part 5-storey building to provide a children's nursery at ground floor level and 26 self-contained residential units, together with amenity spaces and detached refuse store".

1.2 There was a previous application in 2017 by Guinness Partnership South, for a similar scheme with 24 units rather than 26, under reference P2016/3478/FUL, which was for "erection of a part 3-, part 4- and part 5-storey building to provide a children's nursery at ground floor level and 24 self-contained residential units". We provided a viability review (dated March 2017) in respect of this earlier application.

1.3 Prior to this, in 2015 Telford Homes applied for a mixed scheme of nursery and residential (P2015/0045/FUL) but they subsequently withdrew the application. Then the P2016/3478/FUL application was made. This previous application was appealed on the grounds of non-determination by the planning authority. The appeal was dismissed, and the reasons for dismissal were: the shortfall of affordable housing (as only 37% was offered), and that the Inspector was in agreement with the Council's following concerns with the scheme:

"The Council is concerned that 1) the top storey would appear too high and, 2) combined with the parapet above the third and fourth floors, would result in a top heavy appearance to the building; 3) that the stairwell would be overly prominent; 4) that the western elevation would appear monotonous; 5) and that the proposed boundary treatments; 6) balcony balustrades and 7) materials would be out of character with the area."

1.4 In the current application scheme, the applicant has amended the scheme in light of a) the appeal decision; b) the views of the Design Review Panel and c) the pre-application meetings with the Planning Department.

1.5 The current proposal has the same GIA as the previous scheme, and the additional two units have been created via an additional residential unit on the ground floor, and a duplex flat being split into two single-level one-bed flats. The nursery space retains the same size of 296 sq m.

1.6 The residential element of the proposed scheme, as sought by the planning application, is for 26 residential units comprising the following accommodation:

Floor	One bedroom	Two bedroom	Three bedroom	Total
Market	1	11	1	13
Social Rented	2	7	1	10
Intermediate	3	0	0	3
Total	6	18	2	26

1.7 The 0.1 Ha site was purchased by the current owner (the applicant) in June 2015 for £3,600,000. The nursery building on the site was demolished in 2013, and is currently vacant, cleared land. It is located between Finsbury Park, Highbury and

Lower Holloway. Finsbury Park and Drayton Park stations are in close proximity. The surrounding area is predominantly residential, with a small parcel of landscaped open space to the south of the site and a number of smaller convenience stores nearby.

- 1.8 The subject site is bounded by Hornsey Road to the west, a small open area and a two-storey retail building to the south, and the Harvist Estate's existing building to the north and east. It is effectively within the Harvist Estate, which includes four social housing tower blocks together with smaller social housing blocks. Previous use of the Site was as a single-storey day nursery used by the London Metropolitan University. This facility closed in 2010 and has since been demolished.
- 1.9 The subject site is allocated as 'Site OIS11' in the Islington Site Allocations document, for a residential-led mixed use development including the re-provision of the nursery. There does not appear to be any significant planning history between the erection in the 1970's of the nursery and 2015 when Telford Homes applied for a mixed scheme of nursery and residential uses, which was a scheme (P2015/0045/FUL) for nine residential units and a day nursery but the application was withdrawn by Telford Homes.
- 1.10 We have reviewed the costs and values that have been adopted in the November 2018 viability assessment and have carried out additional research in order to reach a view as to whether the proposed scheme delivers the maximum reasonable amount of affordable housing. We have had regard to, among others, the following documents from the 2017 application:
 - Affordable Housing Viability Report by S106 Affordable Housing Ltd
 - Contract Build Cost Estimate Appraisal by Ansonia Consulting Ltd
 - HCA Development Appraisals by S106 Affordable Housing Ltd
 - Benchmark Valuation by Lamberts Chartered Surveyors
- 1.11 This Viability Review does not constitute a 'Red Book' valuation, therefore Valuation Practice Statements 1-4 of the Red Book (RICS Valuation - Professional Standards, January 2014) are not of mandatory application. The Valuation Date for this Viability Review is the date of this report, as stated on the title page. This Viability Review has been undertaken in accordance with the Terms & Conditions provided to the Council and with any associated Letters of Engagement, and should only be viewed by those parties that have been authorised to do so by the Council.

2.0 CONCLUSIONS AND RECOMMENDATIONS

- 1.12 The applicant is currently proposing to deliver 50% affordable housing, with a tenure split of 77% social rented and 23% shared ownership, which is a greater provision than the 70/30 split required by Islington. The applicant concludes that this offer of 50% is the maximum affordable housing provision that the scheme can reasonably deliver. This falls short of the Council's target of 100% affordable housing for schemes delivered by Registered Providers - as set out in Core Strategy Policy CS1.
- 1.13 With the current affordable housing offer, the scheme is shown in S106AH's viability assessment to generate a residual land value of £1,364,292 which is £533,641 below their benchmark land value of £1,820,000. On this basis the scheme is in deficit and cannot provide any additional affordable housing contributions. Since then, there has been an increase of £54,441 to the CIL requirement which reduces the above residual value.
- 1.14 We have suggested a minor increase to shared ownership values (£151,000), a decrease to capitalised ground rents (£29,250), and a decrease to the profit on the D1 element of the scheme (£36,636). This gives a total change which is clearly insufficient to overcome the substantial viability deficit. Thus we are in agreement with the overall conclusion that no additional affordable housing contributions can viably be delivered by the proposed scheme.
- 1.15 We have referred to the contents of Appeal Decision APP/V5570/A/14/2227656, and to the changes that have been made to the scheme in response to the Decision. These changes have limited impact on sales values or any major changes to the overall build cost rate. The changes are, among others:
- 1) The top storey has been reduced in height by 700mm.
 - 2) The parapet above the third and fourth floors has been reduced by 700mm.
 - 3) The face of the stairwell has been lowered by 2.2m and is recessed from the building line by 450mm (previously the recess was only 100mm).
 - 4) The architect has introduced variety into the west elevation
- 1.16 S106AH's Benchmark Land Value is based on our previous estimate of £70,000 per plot (i.e. per dwelling) as set out in our March 2017 report. Applying this to the current 26 unit scheme, gives £1.82m. The rate per unit was based upon analysis of comparable land transactions in the local area, having full regard to the cost of meeting planning obligations (including affordable housing targets). However, in view of the Mayor of London's Affordable Housing SPG (August 2017) and the revised/updated NPPG on viability (July 2018), it is more appropriate to assess land value on an Existing Use Value basis. In this case, this is a cleared site and therefore possesses a negligible EUV. In this circumstance it is suitable to consider the site value on an *Alternative Use Value* basis, in this case based on a version of the applicant scheme which exactly meets the affordable housing requirements.
- 1.17 The residual land value generated by the application scheme (50% AH based on 77% social rent and 23% shared ownership) is £1,313,317 (after allowing for the recent

increase of £54,441 to CIL). And with tenure mix of the affordable housing switched to 70%:30%, this would have a minimal impact. It would involve switching a one-bed from social rent to shared ownership, which would give a tenure split with 30.8% shared ownership by unit. This would lead to an increase of £33,623 in GDV, and an increase of £31,000 to the residual land value after allowing for purchaser's cost changes. So this gives £1.34m as a benchmark land value, based on a policy compliant scheme. This is based on the unit values of £197,572 for a shared ownership bed and £163,949 for social rented one-bed.

- 1.18 The scheme includes 26 residential units, 13 of which are allocated for affordable housing and 13 for market sale, and 296.46 sq m of replacement D1 space intended to be used as a nursery. We have reviewed S106AH's assessment of the proposed scheme's revenues. Their total estimate is £9,015,208 for the private housing, £1,520,072 for the affordable housing and £457,942 for the D1 space.
- 1.19 Our review of recent apartment sales in the local area does indicate that the pricing now adopted by S106AH is reasonable. The previously-adopted (higher) pricing (discussed in our March 2017 report) does appear to now be optimistic, which may be due to a fall in achievable prices for new-builds in this location. For apartments of a similar standard, in a similar quality location, it is clear that the pricing currently adopted is realistic, taking into account this site's disadvantages (and advantages).
- 2.1 The shared ownership units are based on a 25% initial equity share and 1.5% rent on unsold equity. The total value for the 3 one-bed shared ownership units is £592,715, which is £197,572 per unit. Based on the average capital value of the private one-bed (£450,890) we estimate (using a bespoke valuation model) £248,000 per unit which suggests that S106AH's valuation is somewhat pessimistic (by £151,000 in total). For the social rent units, these are reasonable and broadly in line with the previous valuation (albeit the three beds are higher priced than before).
- 1.20 Ground rents have been assigned at £250 per flat and the income has been capitalised at 5.5%. We suggest the yield should be increased to 10% to reflect the risk posed by the Government's intention to outlaw ground rents. We suggest a yield of 10% is applied, giving a value of £35,750, which is lower than the £65,000 in the appraisal.
- 1.21 The profit in the appraisal is 18% on GDV for the private housing and 6.0% for the affordable housing, which are realistic allowances. However, the nursery profit is higher than we would expect, especially given that the nursery has a pre-let (which serves to de-risk this part of the scheme); we suggest a profit of 10% on GDV for this, which would reduce the profit by £36,636.
- 1.22 Build costs in the appraisal are based on those agreed by BPS, with adjustment made for changes to the BCIS Tender Price Index, which is a valid approach to updating scheme costs.

3.0 FURTHER COMMENTS ON APPRAISAL INPUTS

Benchmark Land Value

- 1.23 S106AH have now based their benchmark land value on the value given by BPS in our March 2017 review of their viability assessment. In the previous application, S106 adopted the price the applicant acquired the site for (£3.6 million) as the benchmark land value.
- 1.24 In March 2017 BPS considered a range of comparable land transactions from the surrounding area and noted the Savills *Multi-Use Land Index* showing limited growth from the dates of transactions to the date of writing the report. We used the evidence provided to indicate a market value of circa £70,000 per unit.
- 1.25 Since then, the Planning Practice Guidance has been updated (July 2018) and further appeal decisions have taken place, which have both favoured an Existing Use Value approach to determining benchmark land value. This SPD advocates the use of an Existing Use Value approach. The Council considers that the 'EUV plus a premium' approach "*best reflects the need to ensure that development is sustainable and should form the primary basis for determining the benchmark land value in most circumstances*". In this case, the site is vacant, cleared land with a negligible existing use value, therefore it is legitimate to adopt another approach - i.e. based on analysis of comparable land transactions, as we previously explained:
- Based on the comparable land transactions that we have analysed, a Market Value of circa £70,000 per unit is indicated for this site, which gives £1.68m. At this level of Site Value, the proposed scheme can viably deliver 50% affordable housing which demonstrates that this Site Value fully reflects the cost of meeting planning obligations. This Market Value estimate is in line with the PPG's requirement that Site Value should reflect planning policy, and in line with the Council's SPD which require the 50% target to be fully taken into account when determining land value.*
- 1.26 S106AH suggest that our estimate constituted an EUV (plus premium). However, this was not the case as we did not categorise this as an EUV; it was a 'Market Value' estimate based on comparable land transactions (having regard to the cost of meeting planning policies).
- 1.27 When determining viability it is standard practice to disregard the specifics of the applicant, and to instead adopt a 'generic' approach based on a typical developer. In this case, the typical affordable housing requirement is 50% delivery. Our land transaction analysis was on the basis of RICS Guidance (*Financial Viability in Planning*) which states that, "*The market value subject to the following assumption: that the value has regard to development plan policies and all other material considerations and disregards that which is contrary to the development plan...*" However, in view of the Mayor of London's Affordable Housing SPG (August 2017) and the revised/updated NPPG on viability (July 2018), it is more appropriate to assess land value on an Existing Use Value basis. In this case, this is a cleared site and therefore possesses a negligible EUV. In this circumstance it is suitable to consider the site value on an *Alternative Use Value* basis, in this case based on a version of the applicant scheme which exactly meets the affordable housing requirements.
- 1.28 The residual land value generated by the application scheme (50% AH based on 77% social rent and 23% shared ownership) is £1,313,317 (after allowing for the recent

increase of £54,441 to CIL). And with tenure mix of the affordable housing switched to 70%:30%, this would have a minimal impact. It would involve switching a one-bed from social rent to shared ownership, which would give a tenure split with 30.8% shared ownership by unit. This would lead to an increase of £33,623 in GDV, and an increase of £31,000 to the residual land value after allowing for purchaser's cost changes. So this gives £1.34m as a benchmark land value, based on a policy compliant scheme. This is based on the unit values of £197,572 for a shared ownership bed and £163,949 for social rented one-bed. The updated unit mix is detailed below:

Application scheme unit mix - applicant's version

Floor	One bedroom	Two bedroom	Three bedroom	Total
Market	1	11	1	13
Social Rented	2	7	1	10
Intermediate	3	0	0	3
Total	6	18	2	26

Application scheme unit mix - benchmark AUV version

Floor	One bedroom	Two bedroom	Three bedroom	Total
Market	1	11	1	13
Social Rented	2	7	1	10
Intermediate	3	0	0	4
Total	6	18	2	26

Private Residential Values

The pricing of the proposed units is detailed below:

Unit type	Avg NSA (sq m)	Avg Value	Price per sq ft	No of units
1B2P	55	£450,000	£760	1
2B3P	82	£672,000	£762	2
2B4P	89	£710,000	£747	9
3B5P	101	£828,000	£762	1

- 1.29 S106AH have arrived at these values based on analysis of recently sales within the local area. They do not appear to have based them off the previously adopted pricing, which was considerably higher, at £836-£907 per sq ft:

Bedrooms	Size (sq m)	Size (sq ft)	Estimated price	Price per sq ft
1-bed	55	592	£536,910	£907
1-bed	56	603	£546,672	£907
2-bed	70	753	£700,000	£929
2-bed	75	807	£750,000	£929
2-bed	88	947	£800,000	£845
2-bed	123	1,324	£900,000	£680
3-bed	94	1,012	£846,000	£836
3-bed	97	1,044	£875,000	£838

- 1.30 In our March 2017 report we were satisfied with the pricing, which was in fact at higher levels than some comparable developments nearby and could arguably be said to be optimistically priced. Since then the House Price Index has not overall changed much, having been 100.9 in March 2017 and now being 100.0. It is unclear why such a substantial change in pricing has been adopted.

- 1.31 S106 have valued the market sale units based on asking and sold prices for new build properties within a mile of the site from the last 6 months. They have not provided dates or address detail on the comparable evidence listed so we have been unable to verify these prices.
- 1.32 We have compiled recent sales of apartments within ¼ mile of the subject site. These do suggest that the pricing now adopted is at the top end of locally achievable pricing:

Address	Last sale price	Last sale date	Property type	Year built	Bedrooms
9 Annette Road N7 6ET	£400,000	04-Jul-18	Flat	1995	1
123 Ashburton Triangle Drayton Park N5 1GD	£335,000	02-Jul-18	Flat		1
Apartment 3 The School House 69 Tollington Road N7 6DW	£395,000	05-Oct-18	Flat	2005	1
89 Ashburton Triangle Drayton Park N5 1GB	£195,000	27 Jul 2018	Flat		1
Flat 78 Hind House 74 Hornsey Road N7 7NB	£195,000	03-Apr-18	Flat		1
116 Ashburton Triangle Drayton Park N5 1GD	£140,000	15 Oct 2018	Flat	2000	1
13 Ashburton Triangle Drayton Park N5 1GB	£296,250	29 Mar 2018	Flat	2005	1
44 Thame Villas N7 7PG	£566,100	25 Jul 2018	Flat	1880	1
Flat B 60 Jackson Road N7 6EE	£630,000	02-Nov-18	Flat	1880	2
3a Berriman Road N7 7PN	£800,000	20 Jun 2018	Flat		2
Apartment 12 Aspect House 19 Shelburne Road N7 6DY	£585,000	15 Jun 2018	Flat	2005	2
25 Shelburne Road N7 6DL	£635,000	01-Jun-18	Flat	2005	2
127 Ashburton Triangle Drayton Park N5 1GD	£265,000	19 Oct 2018	Flat	2013	2
Flat B 64 Jackson Road N7 6EE	£660,000	16 May 2018	Flat		2
56 Isledon Road N7 7LD	£623,000	02-Nov-18	Flat	1998	3
36b Jackson Road N7 6EJ	£670,000	26 Mar 2018	Flat	1880	4

- 1.33 With respect to current availabilities of new-build apartments locally, a 2-bed flat on Caledonian Road is available at £782,000 (£962 per sq ft). This is just to the south of the proposed scheme, and in a better location, with a terrace and high specification thus we would not expect as high prices at the Under Fives site. And there is a 2-beds at £775,000 in the South Stand Apartments (the converted Highbury Stadium) which is £775 per sq ft (only just over the rate used in the Under Fives appraisal), and this is a superior location and scheme to the proposed scheme. And a new-build apartment on Dalmeny Avenue is available at £625,000 which is £757 per sq ft; this is just to the west of the subject site, and is in a similar-quality location. This is close comparator and does support the adopted pricing.
- 1.34 There are a large number of nearby new-build one-beds that are available at the £475,000-£500,000, and these do support the adopted pricing.
- 1.35 We have also considered the comparable schemes that S106AH make reference to, including a number of recently built developments:

52 Tollington Way

Located approximately 0.5 miles North West of the subject. It is smaller than the proposed development with 7 apartments, and is on a quieter residential road but still within walking distance of Holloway Road and Archway stations. There are two units currently listed on the market:

- Apartment 2 - 2 bed, 1 bath, ground floor, 1,023 sq ft, £740,000 asking price.

- Apartment 5 - 2 bed, 2 bath, first floor, 990 sq ft, £760,000 asking price.

S106 state there was a 1 bed unit of 50 sq m with an asking/sold price of £432,500 and an additional 2 bedroom unit of 78 sq m with an asking/sold price of £600,000.

The units are of similar sizes to those proposed in the subject and the property is of similar desirability.

We have identified additional new build schemes in the surrounding area to the subject, which have the following asking prices:

99 Parkhurst Road

This comprises a small 7 unit development at the Northern end of Parkhurst Road, approximately 0.4 miles West of the subject. The property is a converted listed building, previously used as a bank, and the rooms are finished to a high specification with underfloor heating. The development is just off the main Holloway Road, and is therefore closely located for amenities, and is approximately 0.4 miles from Holloway Road underground station. The following units are currently listed on the market:

Floor	Beds	Square Ft	Price PSF	Asking Price
2	2	695	£856	£595,000
1	2	634	£891	£565,000
2	2	635	£882	£560,000
2	1	520	£885	£460,000

We consider period and character properties are likely to secure a premium over new build values, while the two bedroom units are smaller in size than those proposed in the subject. There are drawbacks to these units such as being located near the main road, converted from the interior of an existing building and do not have the ability to generate their own environment.

Collingwood House, Mercers Road

Smaller than the subject with only 13 apartments the scheme also includes a gym at ground floor level. It is approximately 1 mile west of the subject site, just off the busy Holloway road and still within walking distance of Holloway Road station. The following asking prices have been found on Rightmove:

- 1 bed - 47 sq m / 511 sq ft, asking price of £460,000 (£900 per sq ft)
- 1 bed - 64 sq m / 695 sq ft, asking price of £545,000 (£784 per sq ft)
- 2 bed - 107 sq m / 1,150 sq ft, asking price £750,000 (£652 per sq ft)

The smaller one bedroom unit is of similar size to that proposed in the subject, while the two bedroom unit is again of similar size to the larger two bedroom unit proposed in the subject.

Ground Rents

- 3.1 Ground rents have been assumed at £250 per annum for each of the flats. The income has been capitalised at a yield of 5.5% and the investment has been valued by S106 at £65,000. Given the recent government announcement to reduce ground rent charges for tenants there is increased uncertainty surrounding their future income. We suggest a yield of 10% is applied, giving a value of £35,750.

Parking

- 3.2 There are no proposed car parking spaces in the development. The plans include provision for 45 bicycle storage spaces, 20 for the residential units and 20 for the nursery with 5 short stay spaces.

Build costs

- 3.3 For our March 2017 review our Cost Consultant, Geoffrey Barnett Associates, assessed the cost plan submitted by S106, dated March 2017. They concluded that the cost at the time proposed by S106 was too high, and concluded an overall cost of £4,883,697 inclusive of contingency cost, or £2,112 per sq m before contingency.
- 3.4 S106 have valued the build costs for the proposed scheme based on the Geoffrey Barnett cost plan of March 2017. They have updated the build cost in line with the BCIS All In Tender Price, by 6.38% to give a revised rate of £2,246 per sq m. They then apply their own contingency fee of 5% and design fees of 7%. We have checked the TPI which shows a 7.4% rise from Q1 2017 to Q1 2019.
- 3.5 All other cost allowances in the appraisal are in line with the previous appraisal and remain reasonable - such as, among others, the interest rate of 7% and professional fees of 7.0%.
- 3.6 CIL charges have been included at £420,617 which S106 state has been calculated using the Islington CIL Calculator and has made allowance for affordable housing dwellings.
- 3.7 Developer profit has been included at a rate of 18% on GDV for the market housing, 6% on GDV for the affordable housing, and 18% on GDV for the D1 nursery space. This nursery profit is higher than we would expect, especially given that the nursery has a pre-let (which serves to de-risk this part of the scheme); we suggest a profit of 10% on GDV for this, which would reduce the profit by £36,636.

Affordable housing values

- 3.8 S106AH have valued the social rented units based upon levels in the BPS report of March 2017 which were given by the council. These were given at the following rates:

Bed Size	Ave Net Rent	Ave Net Rent + Maintenance
Bedsit	£87.97	£97.19
1 Bed	£101.46	£110.07
2 Bed	£118.16	£126.79
3 Bed	£128.35	£137.52

- 3.9 The adopted tenure mix is the provision of 10 x social rented units and 3 x shared ownership units, which is 50% delivery by unit. This meets the 70:30 target for

social rent: intermediate tenures, as the split is 77:23. For the social rented, there are 2 one-beds, 7 two-beds, and 1 one-bed. The capital values adopted in the appraisal are:

- £81,975 for 1-bed flat - social rented
- £94,427 for 2-bed flats - social rented
- £102,418 for the 3-bed flat - social rented

- 3.10 The above pricing is little different from the previous appraisal for the 2-beds which were £103,120 per unit, but the three-beds were £123,079 thus marginally higher. The assumptions used in the latest valuation are realistic, including the 5% yield.
- 3.11 The shared ownership units are based on a 25% initial equity share and 1.5% rent on unsold equity. The total value for the 3 one-bed shared ownership units is £592,715, which is £197,572 per unit. Based on the average capital value of the private one-bed (£450,890) we estimate (using a bespoke valuation model) £248,000 per unit which suggests that S106AH's valuation is somewhat pessimistic.

Nursery values

- 3.12 The estimated capital value of the 297 sq m Nursery is £457,942 in the appraisal. This is based upon an agreed rent of £50,000 pa equating to 16 per sq ft. Given that this is the actual rent that has been agreed with a nursery operator, this can be accepted as a suitable rent (in spite of this potentially being lower than the maximum that can be achieved in the market). This have been capitalised at 7%, which we accepted previously and remain of the view this is a suitable yield for this type of property - and this is supported by the additional yield evidence below.
- 3.13 We have conducted our own research into the rental value of D1 Use Class property, with the recent transactions below obtained from across London. There is a wide range of rents of D1 facilities, and whilst the agreed rent is lower than may be expected, it is a pre-let and tenants can typically secure a better deal this way.

Address	Description & GIA	Date	Rent (per annum)	Rent psf
278 Watford Way, London, NW4 4UR	2 Storey former doctors surgery. Space for 1 car, D1 use, in moderate condition. In a residential area of Southern Edgware, North London, further from Central London. 3,694 sq ft	01/05/18	£65,000	£18
St Laurence Church Hall, Shepherds Close, Uxbridge, UB8 2EZ	Church hall with ancillary office, kitchen and toilet rooms. Used as a nursery, car parking provided. In Cowley, between West Drayton and Uxbridge, West London and more suburban than the subject. 3,357 sq ft	03/08/18	£65,000	£19

3 Old Park Road, London, N13 4RG	Semi-detached period property used as a doctors surgery. In Southgate North London, close to Palmers Green station. 4,218 sq ft	22/02/18	£105,500	£25
Plumstead High Street SE18	End of terrace ground floor unit in D1 use. High Street location In need of some updating Rear yard and access 600 sq ft	31/01/2019	£15,500	£25
Pugin Place, Woolwich New Road SE18	Former church hall space in D1 use Ground floor only with kitchen and toilets - dated condition 2,152 sq ft	Asking	£40,000	£18

3.14 The rental values achieved range between £18-£39 per sq ft. This suggest that the agreed rental figure for the units is largely undervaluing the D1 space proposed in the subject, although the low rental figure could be reflective of the self-fit out required by the tenant.

3.15 Below are investment deals for D1 units from across Greater London.

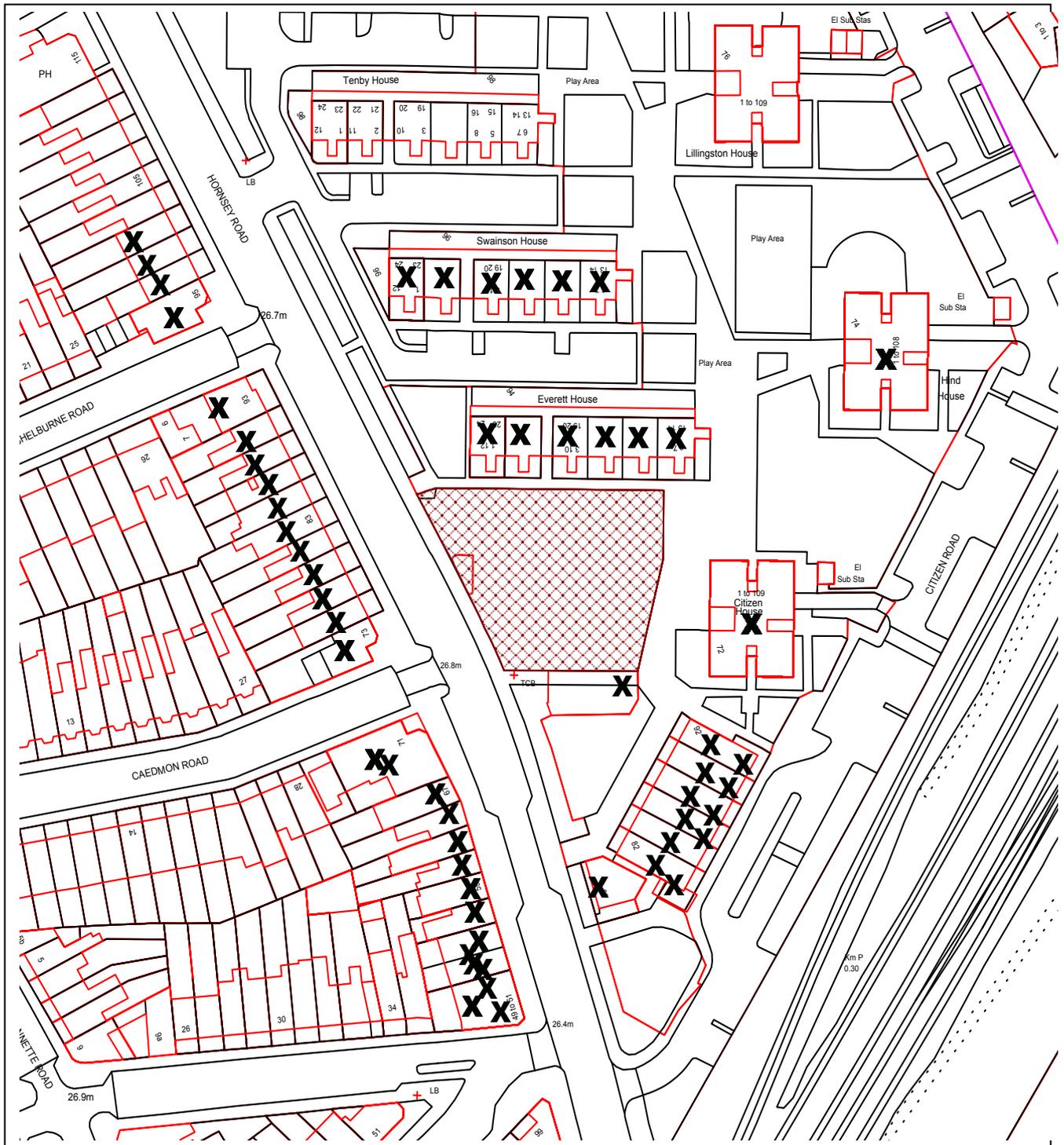
Address	Description (and Floor Area)	Date	Sale Price	Price psf	Yield
176 Charlton Road, London, SE7 7DW	Two storey nursery with a modern interior and large outdoor space. Charlton, South East London. a 20-year lease of £187,500 pa with fixed 2.5% uplifts 5 yearly. 4,823 sq ft	15/11/17	£3,700,000	£767	5%
The Halo, Warton Road, London, E15 2GD	Ground floor unit in a new build development. Operating as a dental surgery on a 10 year lease. In a mixed use area in Stratford near Pudding Mill Lane DLR station. 916 sq ft	17/10/17	£405,000	£442	6.54%
Units C5 & C6, 2 Wharf Street, London SE8 3FZ	Virtual freehold investment sale (999 year lease) Ground floor of a small modern residential block Let for 14 years from 2016 at a current rent of £37,500 per annum	27/03/17	£520,000	£289	7.21%

	with rent reviews at 5 th and 10 th years 1,798 sq ft				
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- 3.16 The yields ranged between 5% and 7.21%. Higher yields were seen on the two smaller units, at Wharf Street and Warton Road which are in less desirable locations for D1 usage than the subject. 176 Charlton Road is on a long lease and is a modern unit, which is reflective of the lower yield seen of 5%.

BPS Chartered Surveyors

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