



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

AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held remotely by Zoom on, **14 July 2020 at 7.30 pm.**

Link to meeting: <https://weareislington.zoom.us/j/96405569438>

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 6 July 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 Kay (Chair)	- Mildmay;	Councillor Picknell	- St Mary's;
Councillor Klute	- St Peter's;	Councillor Convery	- Caledonian;
Councillor Poyser	- Hillrise;	Councillor Graham	- Bunhill;
Councillor Spall	- Hillrise;	Councillor Nathan	- Clerkenwell;
Councillor Woolf	- Canonbury;	Councillor Chowdhury	- Barnsbury;
		Councillor Clarke	- St George's;
		Councillor Hamitouche	- Barnsbury;
		Councillor Mackmurdie	- Clerkenwell;
		Councillor Turan	- St Mary's;
		Councillor Wayne	- Canonbury;
		Councillor Webbe	- Bunhill;

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 - 4
6. Minutes of Previous Meeting 5 - 10

B.	Consideration of Planning Applications	Page
1.	15-21 Benwell Road,N7 7BL	11 - 62
2.	48 Seven Sisters Road,N7 6AA	63 - 80
3.	48 Seven Sisters Road,N7 6AA	81 - 98
4.	89-91 Mildmay Park, N1 4NB	99 - 148
5.	Moore Court, Anderson Square, London, N1 2TF	149 - 190
6.	Armoury House, City Road, London, EC1Y 2BQ	191 - 218
7.	Armoury House, City Road, London, EC1Y 2BQ	219 - 246
8.	Davina House, 137-149 Goswell Road, London, EC1V 7ET	247 - 272

C.	Consideration of other planning matters	Page
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D. Urgent non-exempt items

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
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G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Sub Committee B, 6 October 2020

Please note all committee agendas, reports and minutes are available on the council's website: www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Jackie Tunstall on 020 7527 3068. 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 - Tuesday 14 July, 2020

COMMITTEE AGENDA

Item B1 15-21 Benwell Road
London
N7 7BL

Items B2 and B3 48 Seven Sisters Road
Islington
London
N7 6AA

Item B4 89-91 Mildmay Park
London
N1 4NB

Item B5 Anderson Square
London
N1 2TF

Items B6 and B7 Armoury House
City Road
London
EC1Y 2BQ

Item B8 Davina House
137-149 Goswell Road
London
EC1V 7ET

Item B1 15-21 Benwell Road
London
N7 7BL

Application Number: P2019/3070/FUL

Ward: Highbury West

Proposed Development: Proposed erection of infill block side extension over the yard entrance to 11-13 Benwell and 2 storey roof extension to create six new residential units plus associated internal alterations and provision of a new communal entrance, lift core, cycle parking facilities and PV panels.

RE-CONSULTATION: Wording to development description altered to include '2 storey'. No changes made to proposed development.

Application Type: Full Planning Application

Case Officer: Jake Shiels

Name of Applicant: Clearwell Creek Properties Ltd

Recommendation:

Page 1

Items B2 and B3 **48 Seven Sisters Road**
Islington
London
N7 6AA

Application Number: P2020/1194/FUL

Ward: Finsbury Park

Proposed Development: Installation of a replacement shopfront with associated fascia, internal security shutter and internal accessibility improvements. Retention of D1 (Non-residential institution) use at ground floor, and B1 (office) use at upper floor levels. Associated application for Advertisement Consent ref: P2020/1264/ADV also submitted.

Application Type: Full Planning Application

Case Officer: Zeb McInnes

Name of Applicant: Mr Ayodele Daodu

Recommendation:

Application Number: P2020/1264/ADV

Ward: Finsbury Park

Proposed Development: Display of 1no. internally illuminated fascia sign with LED matrix panel below, and associated vinyl graphics. Associated Full Planning Application ref: P2020/1194/FUL also submitted.

Application Type: Advertisement Consent

Case Officer: Zeb McInnes

Name of Applicant: Mr Ayodele Daodu

Recommendation:

Item B4 **89-91 Mildmay Park**
London
N1 4NB

Application Number: P2020/0937/FUL

Ward: Mildmay

Proposed Development: Erection of a part four/part five storey building (following demolition of existing single storey building (165sqm use D1 (clinic)) to allow for the creation of 7x self-contained residential flats (use C3) (3x 1bedroom units and 4x 2bedroom units) and ground floor (154sqm) chiropody/dental clinic (use D1).

Application Type: Full Planning Application

Case Officer: Samir Benmbarek

Name of Applicant: Mrs Nagina Kauser-Zaman

Recommendation:

Item B5 **Anderson Square**
London
N1 2TF

Application Number: P2019/0031/FUL

Ward: St. Marys

Proposed Development: The construction of two new residential units on the existing flat roof of Moore Court, forming a 4th storey, as well as an additional refuse store and associated cycle parking .
Re-consultation due to: Amended design and New description .

Application Type: Full Planning Application

Case Officer: Owen Griffiths

Name of Applicant: Ishguard Limited

Recommendation:

**Items B6
and B7** **Armoury House
City Road
London
EC1Y 2BQ**

Application Number: P2019/2369/FUL

Ward: Bunhill

Proposed Development: Proposed erection of stables and tack room adjacent to the existing rugby pitch (for a temporary period of 2 years), Listed Building consent application reference: P2019/2411/LBC also submitted.

Application Type: Full Planning Application

Case Officer: Jake Shiels

Name of Applicant: Mr Sunil Singh

Recommendation:

Application Number: P2019/2411/LBC

Ward: Bunhill

Proposed Development: Proposed erection of stables and tack room, adjacent to the existing rugby pitch (for a temporary period of 2 years), together with internal alterations to the 'Specials' office within the mezzanine floor of the west wing of Armoury House.. Full planning application reference: P2019/2369/FUL also submitted.

Application Type: Listed Building

Case Officer: Jake Shiels

Name of Applicant: Mr Sunil Singh

Recommendation:

Item B8 **Davina House
137-149 Goswell Road
London
EC1V 7ET**

Application Number: P2019/0778/FUL

Ward: Clerkenwell

Proposed Development: Replacement of existing antennas, dish and cabinet with 6 no. new antennas, 1 no. dish and 2 replacement equipment cabinets. Removal and replacement of 3 x Remote Radio Units.

Application Type: Full Planning Application

Case Officer: Amanda Peck

Name of Applicant: UK Broadband

Recommendation:

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London Borough of Islington

Planning Sub Committee B - 21 May 2020

Minutes of the virtual meeting of the Planning B Sub-Committee held on 21 May 2020 at 7.30 pm.

Present: **Councillors:** Kay (Chair), Klute, Poyser and Woolf

Councillor Jenny Kay in the Chair

17 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Spall

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

There were no declarations of substitute members

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

There were no declarations of interest

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

The Chair stated that the order of business would be as per the agenda

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

RESOLVED:

That the minutes of the meeting held on 6th April 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

23 **GARAGES ADJACENT TO 29 MERSEY ESTATE, RINGCROFT STREET, ISLINGTON, LONDON, N7 8ND (Item B1)**

The proposed demolition of disused single storey garages and their replacement with 3No. three bed terraced houses, with associated private amenity space. The proposals also include the construction of a bicycle shelter and the replacement of a brick wall at the end of Ringcroft Street with new boundary treatment.

(Planning application number: P2018/4056/FUL)

In the discussion the following points were made:

Planning Sub Committee B - 21 May 2020

- The Planning Officer informed the meeting that proposal before Committee is a council owned development considered by Committee in May 2019 and deferred due to concerns with elevation and plans, amenity concerns as a result of the use of roof terrace.
- The Planning Officer informed members that plan numbers in condition 2 to be amended to read as follows –
Existing Drawings: RS/00; RS/01; RS/02; RS/03; RS/04
Proposed Drawings: RS/05 Rev1; RS/06 Rev1; RS/07 Rev 1; RS/08 Rev 1; RS/09 Rev 1; RS/10 Rev 1; RS/11 Rev 1; RS/12 Rev 1; RS/13 Rev 1; RS/14 Rev 1; RS/15 Rev 1; RS/17;Rev; RS/18 Rev 1; RS/19 Rev 1; RS/20 Rev 1; RS/21 Rev 1; RS/22 RS/23,RS/24, RS/25
Revised Landscaping Plan RS/16 Rev 1
Swept Path Analysis Drawing No 18152.OS.105.01 rev 1
Planning Statement dated April 2020 by Islington Architects;
Design & Access Statement Rev 1 by Islington Architects;
Revised Daylight & Sunlight Assessment – Updated March 2019 by Avison Young
Heritage Statement Rev 1 dated April 2020
Site Investigation Report dated June 2018;
Sustainable Design & Construction rev P04 dated April 2020;
- The Planning Officer updated the Committee about changes to condition 2, to be amended to now read bat or bird boxes.
- In response to concern raised about the materiality of the highway at the last committee, the Planning Officer reassured the Committee that the highway materials would be in keeping with the remainder of the street, which is to be secured by the Directors Level Agreement. A suggestion to include an informative to ensure that the materials used on the highway pavement is similar and not different was agreed.
- In response to concerns about the use of the roof terrace, the Planning Officer informed the Committee of condition 13 restricts the use of the roof terrace only for the purpose of maintenance and that the access to the roof terrace was a window and not a door. Members were advised that any breaches to the conditions which restricts the use of the roof terrace will result in enforcement action be taken.
- In response to members request at the earlier meeting for the agent to consider the provision of balconies, the agent informed the meeting that all options had been thoroughly considered and it was felt that issues of overlooking and height would arise, so was not considered feasible.
- The Planning Officer also noted that a landscaping scheme is part of the proposal and is considered acceptable. In addition
- Members welcomed the revised scheme, acknowledging that the scheme will provide housing which was of high quality design which is considered to enhance the character and appearance of the St Magdalene Conservation Area.
- Members agreed that the proposal is considered acceptable and in accordance with Development Plan policies subject to relevant planning.

Councillor Kay proposed a motion to grant planning permission subject to an additional informative about the highway material noted above and amendments to conditions outlined above. This was seconded by Councillor Poyser 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, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and referred to above, 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.

24 HAYWARD ADVENTURE PLAYGROUND, MARKET ROAD, LONDON, N7 9PL
(Item B2)

Refurbishment and extension of adventure playground facility and associated landscaping.

(Planning application number: P2019/3723/FUL)

In the discussion the following points were made:

- The Planning Officer informed the Committee that condition 7 be amended, that the word 'or' be removed and replaced with the word 'and' such that it now reads bird and bats.
- The meeting was informed that lengthy discussions had taken place with Children's Services, who welcome the scheme as excellent one. In addition discussions with the applicant to ensure that the existing building is retained and the facilities enhanced.
- In response to a question about the S106 funding agreement, the meeting was advised that discussions had taken place with the developer and the Council would also be making a contribution to the scheme to ensure the long term viability of the facility.
- It was noted that whilst there was a loss of external playspace this was compensated by the provision of additional internal playspace.

Councillor Kay proposed a motion to approve the recommendations. This was seconded by Councillor Poyser and carried unanimously

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations, planning permission be granted subject to the conditions, the

amendment made above, 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.

25 UNIT 1, FONTHILL HOUSE, 113-115 FONTHILL ROAD ISLINGTON, N4 3HA
(Item B3)

Full Planning Application-Alterations to existing shop front and associated fascia, and installation of internal security shutter; creation of replacement access ramp at ground floor rear; new automatic gate to front; and erection of timber fencing at rear.

Advertisement Consent-Display of 1no. internally illuminated fascia sign with integrated LED matrix panel, 1no. internally illuminated projecting sign, 1no. illuminated signboard at rear, and associated vinyl graphics.

(Planning application number: P2020/0217/FUL and P2020/0224/ADV)

Members were informed that although the report before committee is listed as one item on the agenda, the two issues specified above and the recommendations are to be considered and voted on separately.

In the discussion the following points were made:

- The Planning Officer informed the meeting that the item before committee is a council own proposal. The building is of little architectural merit and is not listed, nor is it located within a conservation area
- Members were advised that considering the proposed alterations to the glazed shopfront are minor in nature and includes the installation of an internal ramp and new glazed doors and handles, it would not cause harm to the character or appearance of the host building or to the wider streetscene.
- With regard to the advertisement consent, meeting was informed that condition 3 has been recommended so as to ensure that the LED display is static, not animated or flashing with a maximum illuminance level of 250 cd/m².
- On the impact of the display on the street scene, the Planning Officer indicated that the hanging sign will be modest in scale and projection so will not cause harm to the character or appearance of the host building or to the wider Fonthill Road streetscene.
- A Member welcomed the provision of more affordable workspace in the area.
- On the issue of public safety, the meeting was advised that the proposed projecting hanging sign would sit approximately 2.3metres above the pavement level below and would therefore not cause harm to pedestrian safety. In addition meeting was informed that as the illuminance level of the signs and LED matrix display is limited, officers are of the view that the proposal would not cause undue harm to road safety.

Planning Sub Committee B - 21 May 2020

- Members were informed that the scheme had been quality checked and is supported by the GLA and that it provides an opportunity for the community and businesses to exhibit their work to the community. The applicant congratulated the Council on their positive involvement in the scheme.

Councillor Kay proposed a motion to approve the recommendations in relation to the full planning application. This was seconded by Councillor Klute 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.

That the Committee grant advertising consent, subject to the conditions set out in Appendix 1 of the report

The meeting ended at 8.25 p.m.

CHAIR

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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB-COMMITTEE B		AGENDA ITEM	B1
Date:	14 July 2020	NON-EXEMPT	

Application number	P2019/3070/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	No
Conservation area	Within 50m of St Mary Magdalene Conservation Area
Development Plan Context	Archaeological Priority Areas (Ring Cross) Core Strategy Key Areas Conservation Areas (inc. Article 4 Direction) Cycle routes (Major and local) Site allocation (11-13 Benwell Road) Site within 100m of a TLRN Road (Holloway Road)
Licensing Implications	None
Site Address	15-21 Benwell Road, London, N7 7BL
Proposal	Proposed erection of infill block side extension over the yard entrance to 11-13 Benwell and 2 storey roof extension to create six new residential units plus associated internal alterations and provision of a new communal entrance, lift core, cycle parking facilities and PV panels.

Case Officer	Jake Shiels
Applicant	Clearwell Creek Properties Ltd
Agent	Josh Carver - CarverHaggard Architects

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)**

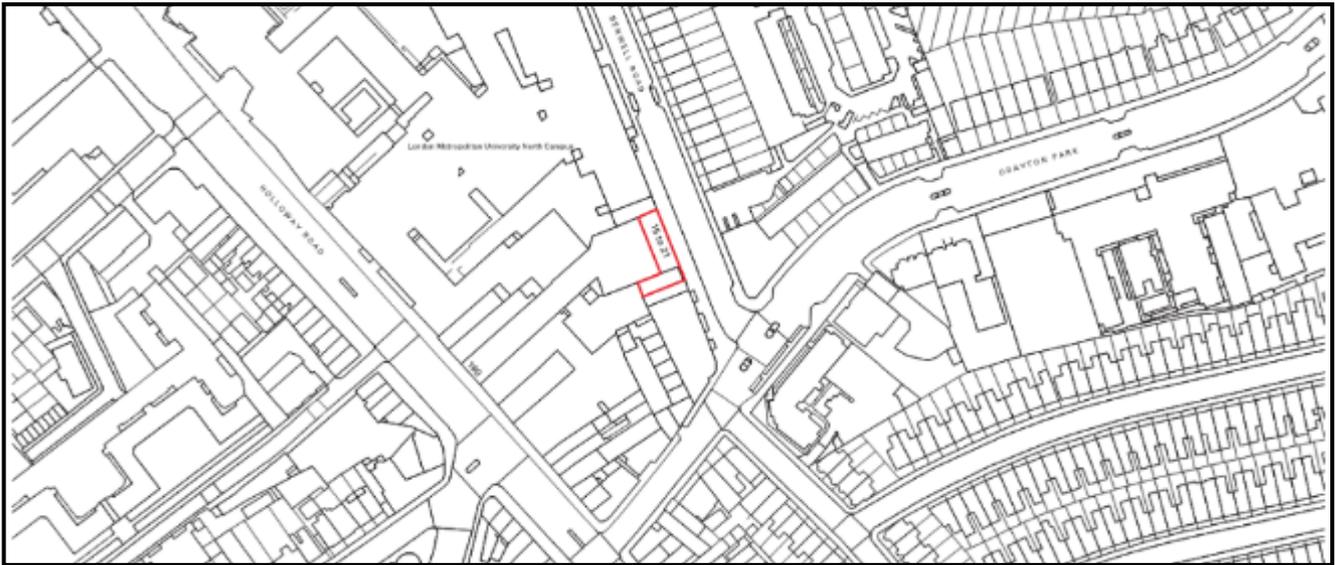


Image 1: Location Plan



Image 2: Block Plan

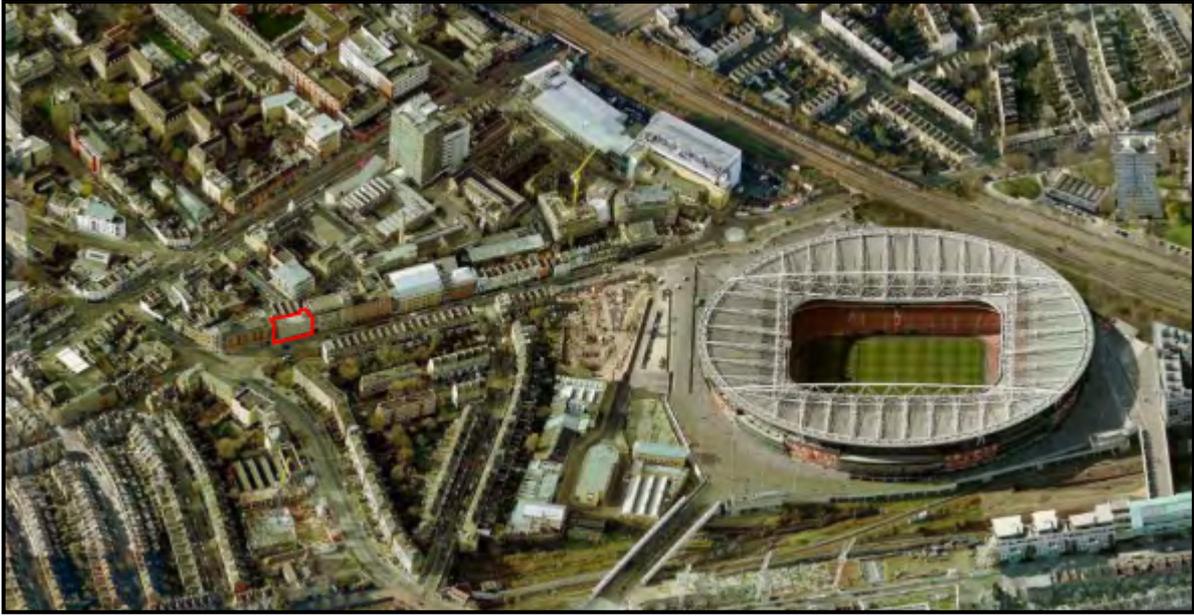


Image 3: Aerial Photograph



Image 4: Aerial Photograph

3. PHOTOS OF SITE/STREET



Image 5: Front Elevation Photograph



Image 6: Front Elevation Photograph North-East of site



Image 7: Front Elevation Photograph South-East of site

SUMMARY

- 3.1 The application proposes the extension of the existing building at 15-21 Benwell Road and above the entrance access yard of 11-13 Benwell Road by virtue of an infill extension, and 2 storey extension above the existing roof level to provide 6 additional residential units. The proposal also involves ground floor front alterations, including a new canopy, glass blocks and metal doors to improve the appearance of the front entrance. Internally, at ground floor, a new lift would be provided (Part M Compliant) and vertically mounted bicycle storage space, plus mobility scooter storage, services and a dry riser with new dedicated residential entrance are proposed along with a separate refuse and recycling store. PV panels are proposed upon a green roof with associated rooflights for the residential space below.
- 3.2 The site as existing contains a four storey mid-late 20th Century building which has been converted into a mixed use building with commercial and residential uses. The ground floor area is currently in B1 use, and the first, second and third floors contain 12 x studio flats.
- 3.3 The existing building would be extended with 2 storeys at roof level, resulting in an additional height of approximately 6m, consisting of a fourth floor level (2.95m in height) and fifth floor level (3m in height). The infill extension is proposed between the application site and 9 Benwell Road to the south. It would infill the space for a width of 5m, depth of 14.5m and height of 9.8m, allowing an undercroft below to allow for the retention of the access to the yard at 11-13 Benwell Road to the rear of the site.
- 3.4 The proposed units would comprise 2x 1-bed flats (Flat 2A and 3A) on the 2nd and 3rd floors, 2x 2-bed duplexes (Flat 2B and 3B) over the 1st and 4th floors and 2 x 3-bed duplexes (Flat 4 and 5) over the 4th and 5th floors.
- 3.5 The design, layout, scale and massing of the proposed development is considered acceptable. The Design and Conservation Team have been consulted during the application process and are satisfied that the proposed external alterations would preserve the character and appearance of the host building and the adjacent conservation area

- 3.6 The proposed extensions are considered to be of an appropriate scale, and the proposal is not considered to prejudice the adjacent commercial premises and residential amenity of neighbouring properties insofar of loss of sunlight and daylight, increased sense of enclosure, overlooking, overshadowing or loss of privacy and noise and disturbance. The proposal therefore accords with policy DM2.1 of the Development Management Policies 2013.
- 3.7 The application is referred to committee given the number of responses received (6).
- 3.8 The proposal is considered to cause no harm to the character and appearance of the surrounding area, and to accord with the Development Plan.

4. SITE AND SURROUNDING

- 4.1 The application site contains the land and building at 15-21 Benwell Road and the yard entrance of 11-13 Benwell Road. The site contains a four storey mid-late 20th Century building which has been converted into a mixed use building with commercial and residential uses. The ground floor area is currently in B1 use, and the first, second and third floors contain 12 studio flats. It also includes the access route along its southern flank which services commercial activities to the rear within the workspace courtyard, at 11–13 Benwell Road. The service yard is screened by a secure metal gated entrance.
- 4.2 The site is located on the southern end of Benwell Road, to its western edge. This stretch of the street, between Bryantwood Road to the north and Drayton Park to the south, has been mostly rebuilt post WWII. It comprises 4–6 storey commercial and mixed residential/commercial buildings. A number of these, although not the application site, back onto and form part of the substantial London Metropolitan University Campus while others, including this site, back onto and form part of the Benwell Road workshop complex.
- 4.3 The eastern side of this stretch of Benwell Road comprises 4 storey Victorian residential terrace which retains a high degree of architectural uniformity. Where this terrace ends, directly opposite the application site, the streetscape changes, accommodating as it does a vehicular entrance and parking and servicing court to a residential housing estate fronting onto Drayton Park.
- 4.4 The site immediately abuts a contemporary 5-6 storey mixed use block to its south. This is a large building that includes a primary return onto Drayton Park. It is characterised by deep protruding balconies to upper floors, and a heavily glazed cylindrical atrium to the apex where Benwell Road and Drayton Park meet and the building cranks. It comprises commercial uses to ground and first floors with residential to the upper floors. The application site is separated from this building by a service road that provides a secure vehicular and pedestrian access to the Benwell Courtyard workshops to the rear. The proposal includes the infill of this gap, save for the retention of a service route at ground floor level. Immediately to the north of the site lies a 5 storey commercial building with a deeply recessed 6th floor.
- 4.5 The site is in close proximity to Drayton Park and Holloway Road whilst the Emirates Stadium to the north is visible from street level.
- 4.6 The site is not within a Conservation Area, however, the rear of the building lies in close proximity to part of the long eastern edge of the St Mary Magdalene Conservation Area.

5. PROPOSAL (IN DETAIL)

- 5.1 It is proposed to extend and alter the existing building at 15-21 Benwell Road and above the entrance access yard of 11-13 Benwell Road, to improve the existing communal residential facilities, and increase the number of residential units by six.
- 5.2 The proposed extension would provide 6 additional residential units, including:
- 2x 1-bed flat (Flat 2A and 3A) on the 2nd and 3rd floors
 - 2x 2-bed duplexes (Flat 2B and 3B) over 1st and 4th floors
 - 2x 3-bed duplexes (Flat 4 and 5) over 4th and 5th floors
- 5.3 The existing building would be extended with 2 storeys at roof level, resulting in an additional height of approximately 6m, consisting of a fourth floor level (2.95m in height) and fifth floor level (3m in height). The extensions would have a length of 22m above the existing built form. The fourth floor would have a width of 8.8m matching the lower floors, whilst the fifth floor would be setback from the front parapet with a width of 7.7m.
- 5.4 The fifth floor extension would consist of pre-cast concrete panels with recessed decorative pattern, pre-cast concrete coping, fascia and fins with Portland cement admixture with painted metal balcony doors, powder coated metal framed windows and pre-cast concrete panel balustrade with inlaid glass panels. The fourth floor extension would consist of red brickwork to match the existing tones to the front elevation with alternate laid courses with painted metal balcony doors. The rear elevation would consist of painted render to match the existing building to the rear with powder coated metal framed windows. The existing 3rd floor rear elevation would be rendered. Recessed balconies are proposed to the flats upon the fourth and fifth floor. 8no. rooflights are proposed above the fifth floor extension and 10no. photovoltaic (PV) panels. The lift run would be retained and would be in a precast concrete material.
- 5.5 The infill extension is proposed between the application site and 9 Benwell Road to the south. It would infill the space for a width of 5m, depth of 14.5m and height of 9.8m, allowing a headroom height of 3.5m below to allow retention to the access yard at 11-13 Benwell Road to the rear of the site. The extension would consist of grey brickwork with metal channels between each floor with glass block balustrade to front and rear elevation with painted metal balcony doors. Recessed balconies are proposed to the front elevation from 1st to 4th floor. 2no. skylights are proposed.
- 5.6 Ground floor front alterations, include a new canopy, glass blocks and metal doors to improve the appearance of the front entrance.
- 5.7 Internally, at ground floor a new lift would be provided (Part M Compliant) and vertically mounted bicycle storage space, plus mobility scooter storage, services and a dry riser. A new dedicated residential entrance is proposed and separate refuse and recycling store.
- 5.8 An accessible parking space is proposed and dropped kerb to meet Part M compliance.

6. RELEVANT HISTORY:

RELEVANT PLANNING APPLICATIONS:

11-13 Benwell Road, Islington

Application Number	Development Description	Decision	Decision Date
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861684	The use of the second floor Unit 4B as a rehearsal and recording studios and equipment repair workshop.	Approved	17/12/1986
P050707/ P051076	Construction of six storey plus basement building to accomodate 276m ² B1 floorspace, 10 x live-work units and 40 residential units (12 x 1 bed flats, 25 x 2 bed flats, 3 x 3 bed flats).	Refused	02/08/2005
P061250/ P061251	Conversion and extension to provide mixed use development of 37 flats (23 x 1 bed and 14 x 2 bed) and 627 sq m of B1 floor space (Conservation Area Consent application ref: P061251 also submitted)	Refused	11/08/2006
P090106	Change of use of existing warehouse building including erection of part single, part 2-storey roof extension and erection of a 6-storey infill building fronting Benwell Road to provide for 21 residential units, 588 sqm business (Class B1) floor space; together with the provision of a disabled car parking space, cycle provision, refuse/recycling enclosures, landscaping and associated works.	Approved with conditions and legal agreement	25/01/2011

15-21 Benwell Road

Application Number	Development Description	Decision	Decision Date
P091815	Proposed extension to existing flats at first, second and third floor levels to provide nine 1-bed flats.	Withdrawn	29/02/2012
P2015/5195/FUL	Change of use from wholesalers (B8 use) to restaurant (A3 use), insertion of new shop front and associated works, alterations to loading bay and introduction of air extract unit. P2015/5195/FUL		15/02/2016
P2016/3347/FUL (inc. 11-13 Benwell Road)	Change of use of the existing buildings from 1,795sqm of warehouse (B8) floorspace to B1 (office) use and to A1/A3 use on the Holloway Road frontage. The application also involves a refurbishment of the existing buildings, including alterations and extensions resulting in 1,845sqm of office and 50sqm of restaurant / café floorspace.	Approved with conditions and legal agreement	09/03/2017
P2017/1292/AOD	Approval of details pursuant to conditions 3 (materials), 7 (SUDs), 16 (privacy screen), 17 (shopfront), 18 (Delivery and Servicing Plan), 19	Approved with no conditions	13/06/17

	(Construction Management Plan and 20 (Roof Level Structures) of planning application reference P2016/3347/FUL.		
P2018/3450/COL	Application for a Lawful Development Certificate for an Existing Use as 12 x C3 Residential Units.	Approved with no conditions	10/12/2018
P2018/3168/FUL	Proposed erection of infill block side extension over the yard entrance to 11-13 Benwell and roof extension to create six new residential units plus associated internal alterations and provision of a new communal entrance, lift core, cycle parking facilities and PV panels.	Withdrawn	N/A

RELEVANT PRE-APPLICATION ADVICE:

- 6.1 Q2017/3897/MIN: Alterations and roof extension to 15-21 Benwell Road and new infill block over the yard entrance to 11-13 Benwell Road, to create six new residential units. **Completed** on 11/01/18.
- 6.2 Q2018/1584/MIN: Follow up pre-application 'Alterations and roof extension to 15-21 Benwell Road and new infill block over the yard entrance to 11-13 Benwell Road, to create six new residential units'. **Completed** on 25/06/18.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of **381** adjoining and nearby properties at Benwell Road, Drayton Park, Drayton Park Mews, Courtney Road, Holloway Road, Tinniswood Close, on 30th October 2019/10/19. The public consultation of the application therefore expired on 23rd November 2019 however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 A further re-consultation period started on 28th April 2020 and ended on 12th May 2020. This was by virtue of the wording of development description being altered to include '2 storey' to reflect the proposal in detail. No changes were made to the proposed development.
- 7.3 At the time of the writing of this report a total of **6** responses had been received from the public with regard to the application, and **1** comment received from the Islington Swift Society. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Comments

Design

- The building in question does need a renovation and that's something the council should push for.

(Paragraphs 9.12-9.57)

Construction Hours

- Request on behalf of residents of next door property to ensure that construction be kept to business hours during the week and ideally not on weekend but, if so, for any loud works to take place after 9 am at the earliest.

(Construction hour restrictions noted within Informative 1 and Condition 4)

Objections

Land use

- Objection to applicant's assertion that there are no issues pertaining to matters of principle, owing to the fact that the site is allocated for mixed use development as part of the adopted LB Islington Site Allocations DPD (Site Ref. HC4), most of the site is not within the site allocation and so it cannot be argued that the site is allocated for a mixed use development.
- The recent loss of employment floorspace to provide 12 residential units from the first to fourth floors at 15-21 Benwell Road has already diluted the commercial uses at the site to the point where nearly all the commercial floorspace within the building has been removed. This is considered unsustainable and desirable and so the proposal does not comply with Policy CS13 'Employment Spaces.

(Paragraphs 9.2-9.11)

Overdevelopment

- Objection to additional flats in the area as the area is already overly congested with new developments already near the Emirates Stadium.

(Paragraphs 9.2-9.11)

Design

- The proposal conflicts with Islington Council Development Management DPD – Policy DM2.1. The proposals conflict with the aims of this policy and therefore are unacceptable in terms of design.

(Paragraphs 9.12-9.57)

Access

- Accessibility and parking for deliveries will be impeded for users of commercial yard at 11-13 Benwell Road.
- Adverse impact on commercial floorspace at ground floor.
- Building works during the proposed development will significantly compromise access and parking and will hinder and disrupt the flow of goods vital to the business

- Any impedance or obstruction of these deliveries can seriously affect work and any delays will have a negative effect on the businesses' ability to work efficiently
- Ability to trade will be adversely impacted by the building works
- With such extensive building works in such close proximity and over the only entrance into the site access for staff and clients alike will be compromised on a regular basis. There has been no information about how this will be managed.
- The construction period would also impinge on disabled access to the site including parking.
- Access point is for emergency services, concern raised in regards to this impact.

(Paragraphs 9.109-9.124)

Neighbouring Amenity

Privacy and overlooking

- Commercial space very confined as existing and overlooking would compromise this space for amenity purposes.
- Privacy and Communal Amenity Space would be adversely affected as the communal courtyard is an essential part of the character and quality of the environment and is a high quality amenity space for existing tenants and workers.
- The proposal will result in the infill flats directly overlooking the communal courtyard hindering privacy and increasing the sense of enclosure.
- The proposed design and additional bulk and mass will have an unacceptable detrimental impact on the immediate and surrounding properties.
- Proposal would fail to comply with DM2.1 in regards to unduly prejudicing adjoining land and/or the development of the surrounding area as a whole.

(Paragraphs 9.58-9.66)

Daylight and sunlight

- There would be an overbearing impact on Design & Daylight/Sunlight to studio spaces that are creative spaces.
- Loss of daylight and sunlight to commercial space.
- Commercial courtyard is used for meetings and outdoor space, and it is expected that the extension would compromise daylight to commercial area.

(Paragraphs 9.71-9.79)

Construction impacts

- Noise levels and pollution are high enough as it is and have been increasing over the years and not much has been done to address it.

- Disruptive and noisy building works will have a significantly detrimental impact on the ability to work in neighbouring commercial premises.
- Building work in such close proximity will have a direct impact on employees and their ability to work effectively as well as their general wellbeing.
- Impact on visitors to offices and the existing relative calm and peaceful surroundings being affected from construction work and as such destroy any such positive working environment.
- Building works would contravene the “Quiet Enjoyment” clause in the tenant lease and the Landlord Covenants. With this in mind what steps are the landlords proposing to take to minimise disturbance to the tenants. As pointed out above the extent of the impact to all tenants on the 11-13 Benwell site will be enormous.
- It is important to recognise that one of the selling points of the commercial site was the courtyard and the part it plays in creating a positive workspace that will be ruined if these plans go ahead.

(Paragraphs 9.109-9.124)

Safety

- Concern raised in regards to how infill extension could impact safety and/or effect crime.

(Paragraphs 9.410)

Ecology

Islington Swift Society

- *We welcome the proactive specification of a green roof and request that this is a biodiverse type to ensure an enhancement of biodiversity.*
- *This development is in an area where swifts (on the RSPB amber list due to rapidly declining numbers) are currently nesting and will potentially nest, with swifts known to nest on nearby Drayton Park (from the national RSPB swifts survey database).*
- *We therefore request that a significant number of integrated swift nestbox bricks are installed near the highest level of new brickwork or masonry which would provide an aesthetically acceptable and zero maintenance way to provide a long-term resource to protect this species and improve the local biodiversity, in line with Islington Council's guidance on this issue (Biodiversity Strategy & Action Plan 2010 section 5.4.1 Biodiversity Going Through Planning, and the Green Construction Supplementary Planning Guidance).*

(Paragraph 9.139)

Other

- Application P2018/3168/FUL was withdrawn at the end of 2018 for an almost identical development. Many of the points that were raised previously with regard to the proposals still stand, particularly with regard to issues pertaining to overlooking, privacy

and overbearingness of the proposals and the implications that this will have on neighbouring business and employees.

Internal Consultees

7.4 Design and Conservation Officer: No objection, summary of comments:

The scheme has been designed with appropriate regard to both the proposed new and reconfigured living accommodation and to the characteristics of the site and its context.

The increase in height is acceptable given the effect will be for the building to be of a comparable height to its immediate neighbours and is proportionate to the scale and nature of the street and broader urban context.

The architectural treatment to this primary building, including the selection and application of the proposed materials, is also satisfactory and is considered that it will have a positive impact on the host building, introducing some elements of animation and variation to an otherwise unremarkable façade.

The proposed infill element is also successfully addressed. It retains and enhances the secure entranceway into the Benwell workshops to the rear, at ground floor level, while adopting a subservient and ancillary architectural form and language to the new build element that successfully acts as a transition between two larger 'primary' buildings.

The resulting impact on the character and qualities of the adjacent St Mary Magdalene Conservation Area and the locally listed buildings is considered to be neutral.

7.5 Inclusive Design Officer: No objection, further requirements made on accessible unit, layout of flats, compliance with Part M(4) Category 2 and comments on bicycle storage.

Officer comment: No accessible wheelchair unit is proposed given the existing provision of a single lift rather than two that would be required.

7.6 Energy and Energy Efficiency: No comments to make on application.

7.7 Highways Officer: No objection. Requested the following to be carried out:

- *A conditions survey to the building boundary and the public highway.*
- *No vehicles removing/delivering materials are to reverse from Benwell Road onto site.*
- *Traffic management to be in place at all times when construction vehicles/building delivery vehicles are entering or leaving site.*
- *Highways requires a SEC 278 Agreement.*

External Consultees

7.8 London Fire Brigade: The Brigade is satisfied with the proposals subject to the requirements set out in B5 of Approved Document B are met in relation to access and water supply.

7.9 Metropolitan Police (Crime Prevention): No objections to the proposal. Recommendations made to ensure safety for future occupiers.

7.10 Transport for London: TfL Spatial Planning has no specific comments to make on this planning application other than to ensure the development should comply with the

transport policies set out in the draft London Plan. In particular, the car and cycle parking standards in tables 10.2 - 10.6 (inclusive).

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 8.1 The National Planning Islington Council (Planning Sub-Committee B), 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.)
- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-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.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council

under a legal duty to have due regard to the advancement of 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.

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

8.10 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

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. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

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

8.12 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.

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 with the examination process in progress.

8.14 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).

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

Policy H1 Thriving Communities	Policy H2 New and existing Conventional Housing
Policy H3 Genuinely Affordable Housing	Policy H4 Delivering High Quality Housing
Policy H5 Private Outdoor Space	
	Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction	Policy S3 Sustainable Design Standards
Policy T2 Sustainable Transport Choices	Policy T3 Car Free Development Parking
Policy T5 Delivery, Servicing and Construction	Policy DH1 Fostering Innovation and Conservation and Enhancing the Historic Environment
Policy DH2 Heritage Assets	

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design and assessment of heritage impacts
- Impact on the amenity of commercial and neighbouring residents
- Quality of accommodation and residential mix
- Accessibility
- Highways
- Refuse facilities
- Small sites and affordable housing
- Other areas.

Land-use

- 9.2 There are 12 studio flats within the upper floors of no.15-21 Benwell Road (4 studios each on the first, second and third floors). An application for a Certificate of Lawful Development (Existing use and operation) was submitted (Application reference P2018/3450/COL) in order to regularise the lawful use of the studios and allow the lawful land use of the building to be clarified and ultimately assessed within any subsequent application to develop the site and upper floors of the building. This application was granted permission on 10th December 2018 and confirmed the 12 x C3 Residential Units are lawful.
- 9.3 The proposed new residential units are therefore acceptable in principle, given that there would be a net gain of residential floorspace and of a better quality overall.

Residential development and allocated site at 11-13 Benwell Road

- 9.4 The site comprises a building that currently is in mixed use, with residential use on the upper floors (C3) and commercial use (Class B1) on the ground floor.
- 9.5 In context, Benwell Road is predominantly residential in character, with some commercial uses along Holloway Road and sections of Benwell Road; the Emirates Stadium is located at the north end of the road. Policy CS12 states that developments are expected to meet the current residential space and design standards, the proposal should provide a range of units which meet the needs in the borough. It is also required to provide affordable housing, which in minor development (10 units or less) will be required in the form of a financial contribution towards affordable housing provision off site.
- 9.6 The main entrance to the site at 11-13 Benwell Road, which the proposed infill extension would be sited above, is part of the allocated site (HC4) within the Islington Site Allocation SPD. The site is designated for:

“Mixed use redevelopment/conversion providing business (B class) and residential uses including infill development above the entrance on the Benwell Road building. This would facilitate the reinstatement of employment use on the site and provide regenerative benefits for the local area. An element of residential use would also help to meet identified need in the borough.”

- 9.7 The proposed residential use above the yard entrance of 11-13 Benwell Road is not considered to be in conflict with the Site Allocation policies and the wider strategic objectives of the site and the wider area. However, given the site at no.11-13 is designated for redevelopment including a mix use of business and residential, it is crucial that the proposed infill development would not materially affect or prejudice the use or operation of the adjoining site at 11-13 Benwell Road and any potential redevelopment opportunities in the future.
- 9.8 The proposal does not result in loss of commercial floorspace, and the proposed intensification of the residential use of the site is not considered to hinder the operation nor the vitality of the commercial use on the ground floor unit nor have an adverse impact on the local area that is primarily residential facing Benwell Road.
- 9.9 The proposed infill extension would sit above the entrance of 11-13 Benwell Road, the existing access to the rear of the site is retained. There is no principle objection to this approach, provided that the infill extension would not restrict large vehicles (inclusive of emergency vehicles) from entering the courtyard of 11-13 Benwell Road.
- 9.10 The infill extension is proposed to have a 3.5m high gap from ground level. It has also been noted by the applicant that there is a dry riser within the courtyard of 11-13 Benwell Road for firefighting purposes and the fire management strategy for the building is based on fire engines parking on the pavement of Benwell Road in the case of a fire. When considering

the changes made, there is no objection, subject to this fire strategy. London Fire Brigade were consulted as part of the application process and raise no objection.

- 9.11 The wider impacts of the proposal will be assessed within the upcoming sections of this report relating to access and impact on the allocated site.

Design and Conservation

- 9.12 Core Strategy Policy CS8 states that the scale of development will need to reflect the character of the area. The businesses and shops which provide the mixed use character of Islington will be maintained through employment, retail and design policies.

- 9.13 Core Strategy Policy CS9 states that the Islington's heritage assets and historic environment will be conserved and enhanced whether they are designated or not. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.

- 9.14 Development Management Policies DM2.1 requires all forms of development to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.

- 9.15 Development Management Policies DM2.3 states that development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted. It is worth noting that the council will have to paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

- 9.16 The Council's Design and Conservation Team has been consulted as part of the application assessment.

- 9.17 The site does not form part of the conservation area, however, it abuts the St Mary Magdalene Conservation Area and therefore, that the potential impact of the proposed roof and infill extension would towards the character and setting of the conservation area must be considered. The proposed external physical changes include:

- Two storey roof extension over the top of 15-21 Benwell Road, to create the additional residential units.
- Four storey infill extension between the 11-13 Benwell Road and 15-21 Benwell Road, to provide additional floorspace for the site. It will be internally connected to the existing building at 15-21 Benwell Road at second, third and fourth floor level. The extension comprises new residential units.
- Ground floor front alteration to improve the access of the residential units on Benwell Road. Works include a new canopy, glass blocks and metal doors to improve the appearance of the front entrance. The commercial part of the building remains unchanged (the commercial unit was subject to the previous application P2016/3347/FUL).

Principle of development

- 9.18 The principle of the development being sought, a side infill extension and two new floors at roof level, is considered acceptable from a design perspective.

9.19 This is because of the existing nature and scale of the immediate context whereby the resultant changes would ensure that the building sits comfortably and unobtrusively within the streetscene in a manner and of proportions that are compatible with its neighbours.

Scale, massing, height

9.20 The proposed two storey roof level extension will raise the building more in line with its adjoining neighbours, to its immediate north and south, increasing its height from a 4 storey to a 6 storey building. The top floor is proposed to be recessed from the front elevation by some 0.8m and expressed somewhat differently architecturally to the floors below. Both of these impacts effectively and sufficiently help to mitigate the impact of the increase in height that would not appear significantly prominent within the streetscape.

9.21 The host building extends deeply into the site, beyond the redline of the application site, and is a substantial building in its totality. Those areas outside the redline contain a range of managed workshops.

9.22 The proposed increase in height, bulk and mass, is considered proportionate to the massing and bulk of the totality of the host building, being of a scale and within a mixed commercial context that can accommodate the additional built form without becoming 'overwhelmed' or harmed by it.

9.23 The Islington Urban Design Guide (UDG) stresses, in regard to streetscape objectives, the importance of ensuring that building heights be considered in terms of their proportions, maintaining the prevailing plot width to height ratio

9.24 The guidance suggests, as a Key Objective with regard to Streetscape, that:

"Buildings should maintain an appropriate height to width ratio between the buildings and the street they flank", and that "building heights should be considered in terms of their proportion and in relation to the space of the space they define and/or enclose".

9.25 In this respect the proposed increase in height will actually complement and relate to the prevailing townscape and therefore adheres to these elements of the UDG.

9.26 The infill extension is similarly considered acceptable sitting comfortably between the host building and the adjacent building to the south, rising up to 4th floor height – the 'ground floor' being void to continue providing vehicular and pedestrian access to the Benwell workshops to the rear.

9.27 It has been successfully designed to read as a transitional and a subservient element being recessed from the primary building line, sitting below the eaves of the adjoining buildings, and receiving a different but complimentary architectural treatment to the primary building.

9.28 It is similarly successful from the rear where it simply fills the existing void in a simple, well-mannered and proportionally acceptable way.

9.29 The principle of infilling this gap was previously agreed in relation to a scheme at 11- 13 Benwell Road, Planning ref P2014/1909/FUL, whereby the council's Design and Conservation officer stated:

"In terms of the design, the infill building to the entrance in Benwell Road is considered to make an acceptable transition between the flanking buildings".

9.30 Similarly, this proposed infill element also achieves an acceptable transition.

Elevational treatment and materiality

- 9.31 The proposed elevational treatment is considered acceptable to both front and rear, to the host building as well as the infill element.

Front elevation

- 9.32 The front elevation will be enhanced as a result of this scheme. The ground floor will see one of the existing primary 'bays' redesigned to accommodate a new residential entrance to better service the existing studio flats and the proposed new larger flats as well as a secure cycle store. This reconfigured entrance will be positioned beneath a pre-cast concrete decorative canopy, annotating and celebrating the entrance function and its location within the building and broader streetscape. The smaller scaled northern most bay is proposed to be reconfigured to accommodate the refuse storage facilities. It is to be screened behind metal louvered doors and panelling.
- 9.33 The existing simple yet rhythmic, and uniformly patterned, fenestration to floors 1 – 3 to the host building are to remain as existing while the proposed 4th floor will have a more decorative and generous fenestration treatment. The treatment at this new level successfully adopts the same width and vertical alignment as the primary windows to floors 1 – 3. This creates an appropriate degree of uniformity to the front façade and maintains the established rhythm.
- 9.34 However, the design of the fenestration to the proposed new 4th floor differs from those existing windows to the lower floors in that the new openings are comprised of single panelled glazed doors, inward opening, and recessed behind by a glass block balustrading. The treatment reads as a floor to ceiling aperture which, given other proportional similarities, plus its location at this upper level, together with the nature of the host building's architecture, is considered acceptable.
- 9.35 The fenestration to the proposed new top floor, (5th floor) differs considerably from the host building being treated as a more 'lightweight' and playful element. It is set back from the primary front façade. The lightness of materials and design and the set-back help to make this treatment relatively unobtrusive and acceptable at the top of the building.
- 9.36 The proposed materials to the new 4th floor include a red brick to tonally match the existing red brick, but laid with alternative recessed courses. Coupled with the use of glass blocks to the balustrading to the Juliet balconies, this creates a more vibrant element to the front elevation which is considered appropriate in this location and in relation to the simplicity of the existing front façade.
- 9.37 The recessed top floor comprises rhythmic modules of pre cast concrete copings, fins and fascia, of a Portland cement admixture which alternatively accommodates floor to ceiling glazed modules interspersed with decorative pre case concrete panels, with recessed circular patterning.
- 9.38 The UDG states the importance of well-defined building lines, Ref para 5.34, and cautions against creating concealed recesses, projections that draw unwarranted attention and undermine sight lines, or gaps that expose land and structures to the rear that were not designed to have a public frontage. It also stresses the importance of securing active ground frontages (Para 5.48 – 49). In this respect the proposed scheme addresses and adheres to these principles.

Rear elevation

- 9.39 The treatment to the rear elevation is appropriately quieter. It is proposed to include painted render as the dominant material to the proposed new 4th floor, as per the host building to

the rear, with windows that, again importantly, align vertically with the retained existing windows to the floor below, but which are taller than the existing buildings thereby creating a better quality of residential accommodation to the new and larger flats they serve. The proposal also seeks to re-paint the wearing render at 3rd floor level which would improve the appearance of the building.

- 9.40 The top floor element is similar to the treatment to the front but slightly simplified with fewer glazed elements.
- 9.41 The elevational treatment and selected materials, to both the front and rear of the host building, are both considered to be an acceptable design response for this building within this particular mixed context.

Infill extension

- 9.42 The infill retains the vehicular and pedestrian access at ground floor level to the workshops and businesses to Benwell Yard to the rear of the application site while creating four new floors of residential accommodation above.
- 9.43 The infill has been appropriately designed to read as a transitional, ancillary, element between two dominant existing buildings. It has successfully achieved this subservience by utilising a number of architectural devices that include:
- setting the building line deeply back from the established building lines of the adjacent buildings;
 - providing large glazed elements to the front façade and thereby visually lightening the mass;
 - placing balconies up to the established building line treated with a glass block balustrading, maintaining the visual lightness of the elevation while introducing animation to the street;
 - using a different coloured brick to the host (and adjacent) building;
 - creating a suitably robust and graphically animated entrance to the existing Benwell Studios to the rear at ground floor level.
- 9.44 To the rear façade, the fenestration treatment of this infill element adopts a simple language with single glazed doors set behind a Juliet ‘balconies’ protected by glass block balustrading.
- 9.45 It is considered to be an acceptable design solution to the scheme, to the host building, and to the broader streetscape.
- 9.46 In all, the building design adheres to stated principles of creating a good elevational treatment as specified within para 5.90 of the UDG in that has a well-defined roofline, a suitably designed treatment at ground floor level, an appropriate articulation of fenestration, and a well-considered choice of materials and detailing.
- 9.47 Given the broad range of materials within this part of Benwell Road, the selected materials have been selected to match those of the existing building save for the use of the decorative concrete panelling. They are therefore considered entirely appropriate materials for use on this building and within this context.

Impacts on heritage assets

- 9.48 The heritage assets that need to be considered in terms of impact by this proposal is the St Mary Magdalene’s Conservation Area whose eastern boundary is located near to the rear of the host building and actually to the rear of the infill element. The impact arising and therefore assessed is one of ‘setting’

Conservation Area Setting

- 9.49 The site lies immediately outside of the eastern edge of the conservation area. However, the NPPF requires the local authority to consider the impact of any changes on the setting of such heritage assets. The objective is to ensure that any changes help enhance or reveal heritage assets and their significance or, at the very least, do not harm or impede.
- 9.50 Policy CS9 of Islington's Core Strategy required new buildings to be sympathetic in scale and appearance, and to be complimentary to local identify in order to help conserve and enhance heritage assets.
- 9.51 Local Plan Policy DM1 also requires new development to respect and respond positively to existing buildings, the streetscape and wider context.
- 9.52 Local Plan Policy DM2.3 requires that the Borough's heritage assets should be conserved and enhanced in a manner that is appropriate to their significance.
- 9.53 The St Mary Magdalene Conservation Area contains many historic, predominantly Victorian, buildings. While its streets vary in their individual character, the quality of architecture and townscape throughout the area is high.
- 9.54 Much of the guidance is focused on the residential streets and buildings. However, the guidance does note the principle of the significance of adhering to a building line to the commercial Holloway Road frontage (para 6.8iv) and for the need to ensure flues and plant are dealt with sensitively and discretely (para 6.8vii) and should not be located where they can be seen from street level or other public spaces.
- 9.55 There is a lift overrun which is to be enclosed in a precast concrete screen to match that proposed additions, and which is discretely located to the rear of the building at top floor level. Relative to the scale of the building, and that of its neighbours, the impact of the plant room is considered minimal and as such will not have an adverse impact on the setting of the conservation area.
- 9.56 The Conservation Area Guidance also seeks the retention of original shopfronts in the area (Para 6.34). However, in this instance there are no shopfronts, merely large service voids to ground floor. The proposal will significantly enhance the building at street level including introducing enhanced levels of animation and removing the movement of vehicles over the public pavement, converting the voids into active and storage related uses.

Conclusion

- 9.57 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The application therefore complies with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policy CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, and the guidance contained within the Urban Design Guide 2017 and the Conservation Area Design Guidelines.

Neighbouring Amenity

- 9.58 All new development is subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy 7.6 requires for

buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Overlooking and Loss of Privacy

- 9.59 The surrounding buildings comprise various land uses including commercial, residential with some light industrial buildings at the rear.
- 9.60 A number of objections have been received in regard to overlooking and a loss of privacy from the glazing within the proposed development to commercial premises predominantly within 11-13 Benwell Road to the rear of the site.

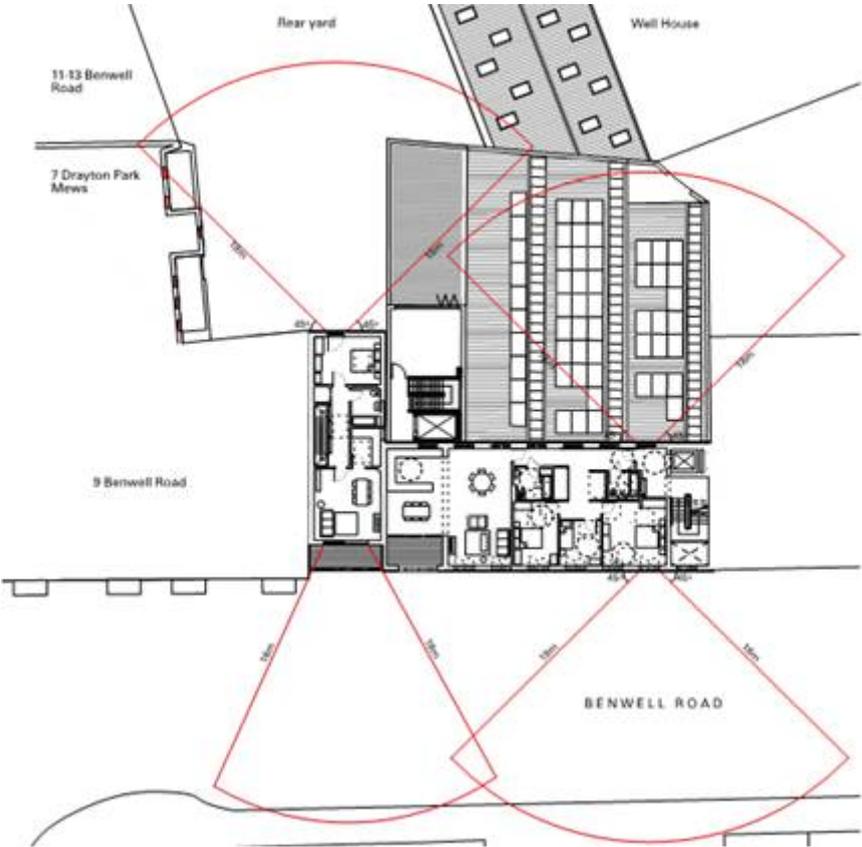


Image 9: Views

- 9.61 Paragraph 2.14 of the Development Management Policies 2013 states that *'there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.'*
- 9.62 As noted within the drawing above, the proposed development is separated from residential properties to the east (2 Benwell Road – approx. 20m) and flank elevation of 48-62 Drayton Park Road to the south east by approximately 30m. The proposal complies with this requirement with the separation of the highway and spacing of over 18m, ensuring the additional front glazing would not result in more harm than the existing circumstances
- 9.63 To the north, Well House (23a Benwell Road), a mixed use building, contains residential properties above ground level with habitable windows facing the site. There is a spacing of at least 20m between the proposed development and these windows. At present there is some mutual overlooking from the neighbouring windows and the proposal complies with the above requirement with a separation of over 18m. Rear glazing within the proposed development has been reduced following the pre-application submission for this proposal and is considered to not result in harm by way of overlooking.
- 9.64 Directly south west of the site are a number of commercial units that are in a B1/B1c with an associated courtyard for amenity purposes at 11-13 Benwell Road. The infill extension of the development would be closest to this site and courtyard, with a spacing of over approximately 27m. Officers acknowledge that this building houses a number of office and production type companies which benefit from the courtyard space. Whilst this is acknowledged, the site as existing is overlooked by a number of residential properties around the site to the north and east (including the application site). The addition of glazing within the rear elevation is considered appropriately sized to the building design and use of the building and has been reduced during pre-application discussions. There is significant spacing between the windows of the proposal and this building, and officers do not consider additional glazing in this location to result in such demonstrable harm to the adjacent space in regards to overlooking and privacy.
- 9.65 1-2 Drayton Park Mews, is located south west of the site. The proposed infill extension would be located closest to these residential properties. The much taller building of 9 Benwell Road (5 storeys) screens a significant proportion of proposed development from this residential property. The 4no. bedroom windows proposed would be 15.7m from 1no. window that would be visible at No.1 Drayton Park Mews, whilst there would be direct overlooking towards No.2 Drayton Park Mews nor the 2no. windows within No.1 Drayton Park Mews. Given the separation distance, the oblique views towards this neighbouring building because of its setback from No.9 Benwell Road and the siting of the extension and its windows, it is not considered to result in demonstrable harm towards this neighbouring property.
- 9.66 Overall, the development is considered acceptable, in the context of the site surroundings, separation distances and design and scale of the proposal in regards to overlooking, privacy and outlook.

Outlook and enclosure

- 9.67 In regards to impacts on outlook and enclosure, the additional two storey height would align with the development scale at 1-9 Benwell Road directly to the south and at 23 Benwell Road to the north which are both 6 storey buildings featuring setback 6th floors. This is depicted in the image below.



Image 10: Front and Rear Elevations and Context

- 9.68 The development is therefore not considered to have a harmful impact to those directly adjacent or over the highway at 2, 4 and 6 Benwell Road for the reasons mentioned above relating to existing building heights and separation distances.
- 9.69 To the rear of the site it is acknowledged that the building would be taller than the rear buildings at 11-13 Benwell Road (Part 3, 4 storey) and 23 Benwell Road (5 storeys). It is acknowledged that 11-13 is one of the smaller buildings in proximity of the site, however the extension proposed infills space above the existing roof form and to the flank in-between the application building at No.9 therefore conforming with the existing built form to either flank. A degree of outlook would be affected, however given the spacing (28m from infill and 38m from roof extension) and the existing taller built form that this building faces, the proposed development would not have a significant impact on outlook nor result in unacceptable levels of enclosure.
- 9.70 Drayton Park Mews is of 3 storeys and is located in between 11-13 Benwell Road and the 6 storey, 1-9 Benwell Road. The residential building is setback from both neighbouring properties and would therefore have little view of the proposed development, albeit 1no. window to the deepest part of the east elevation. Given the setback and existing enclosure, the proposed development would not be considered to be prominent towards this building and would not have an adverse impact in regards to outlook and enclosure.

Daylight and Sunlight

- 9.71 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. A number of objections have been raised with regard to the impact of the proposed development upon the levels of sunlight and daylight provided to surrounding properties. The applicant has provided a Sunlight and Daylight analysis, which has assessed the impact of the proposal on the windows that could potentially be affected of the adjoining residential properties on

- London Metropolitan University North Campus
- 162 Holloway Road
- 156 Holloway Road
- 154 Holloway Road
- 152 Holloway Road
- Holloway Mosque
- 1-7 Drayton Park Mews
- Courtney Court, Courtney Road
- 2 Benwell Road

9.72 **Daylight:** the BRE Guidelines stipulate that there should be no noticeable loss of daylight provided that either:

- the Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value (Skylight); or
- the daylight distribution, as measured by the No Sky Line Contour (NSC) test where the percentage of working plane area receiving light is measured, is not reduced by greater than 20% of its original value.

9.73 All windows within London Metropolitan University North Campus; 162 Holloway Road; 156 Holloway Road; 154 Holloway Road; 152 Holloway Road; Holloway Mosque; 1-7 Drayton Park Mews; Courtney Court and Courtney Road pass the above daylight tests.

9.74 2 Benwell Road, a 4 storey residential property north east of the site, passes 6 out of 7 front windows assessed. The 1no. window affected is the front basement window, which results in a loss of 20.66%, this is considered a minor transgression, when considering the original value should not be greater than 20%. Officers consider this is a reasonable assessment with primary living spaces served by ground and upper floor windows passing within this dual aspect building.

9.75 **Sunlight:** the criteria within the BRE Guidelines advise that calculation of the annual probable sunlight hours (the amount of sun available in both the summer and winter for each given window) should be calculated for all windows which face within 90° of due south. In existing buildings, the BRE guide suggests that; *'If a living room or an existing dwelling has a main window facing 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting to 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 21st September and 21st 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.

9.76 All windows within London Metropolitan University North Campus; 162 Holloway Road; 156 Holloway Road; 154 Holloway Road; 152 Holloway Road; Holloway Mosque; 1-7 Drayton Park Mews; Courtney Court and Courtney Road pass the above sunlight tests.

9.77 2 Benwell Road would experience some loss in annual probable sunlight hours from 22% to 19% at basement level, whilst a ground floor hallway window would drop from 6% to 4%

in winter probable sunlight hours. These are considered minor reductions, to windows that do not serve primary habitable spaces, whilst the majority of the property would remain unaffected.

Commercial properties

- 9.78 Officers note that a number of objections received are in regards to loss of daylight and sunlight to commercial premises to the west of the site. The BRE tests within the Guidelines are usually limited to existing neighbouring residential buildings and sensitive uses. Non-domestic and commercial buildings are usually excluded where they do not constitute a sensitive use, it is generally accepted that these uses normally rely primarily on supplementary artificial lighting throughout the day and are therefore not fully dependent on natural daylight as the sole source of amenity.
- 9.79 Overall, the proposal is considered to satisfy the tests as set out within the Daylight and Sunlight Assessment and demonstrates that the proposed development ensures that existing/future neighbouring residents will continue to enjoy a reasonable level of amenity.

Dwelling Mix

- 9.80 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For market housing, 10% of units should be 1-bed, 75% should be 2-bed and 15% should be 3-bed.
- 9.81 The proposal provides 2x 1-bed flats, 2x 2-bed duplexes and 2x 3-bed duplexes, equating in a 33% split. Whilst it is noted that the dwelling mix is not compliant with DM3.1, the proposal results in a better mix of dwelling sizes over the existing circumstance that contains 12 studio flats. There would be 2no. 1 bed studios removed to allow for 2no. new 1 bed (2 person) units of a greater space and quality of accommodation, plus the addition of 2no. 2 bedroom units and 2no. 3 bedroom units, one of which can form part of an accessible unit (Unit 5). Overall, it is considered that the proposal results in a better quality of accommodation within the building as part of the extension of the building.

Quality of Resulting Residential Accommodation

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

- 9.85 Policy 3.5 of the London Plan 2016 states that new developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The Mayor of London’s Housing Supplementary Planning Guidance (SPG) (2012) provides guidance on the quality of new housing and internal space standards.
- 9.86 Core Strategy CS9 part F of the same policy states that new homes need to provide dual-aspect units with clear distinction between a public and private side.
- 9.87 Tables 3.2 and 3.3 of Policy DM3.4 of the Islington’s DMP stipulate the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within the proposed flats.
- 9.88 There are six units proposed within this proposal:
- 2x 1-bed flat (Flat 2A and 3A) on the 2nd and 3rd floors
 - 2x 2-bed duplexes (Flat 2B and 3B) over 1st and 4th floors
 - 2x 3-bed duplexes (Flat 4 and 5) over 4th and 5th floors
- 9.89 The plans propose a new internal layout following the extension of the building, in order to accommodate six flats. The table below sets out the expected spatial standards that should be met for the residential units:

No.	Bedrooms/ Expected Occupancy	Floor Space Provided (Approx.)	Minimum Required Floor Space	Provided Storage (Approx.)	Required Storage
Flat 2A – Second floor	1 bedroom 2 person	51 m ²	50 m ²	1.7 m ²	1.5 m ²
Flat 2B – First/second floor	2 bedroom 4 person	102 m ²	83 m ²	3 m ²	2.5 m ²
Flat 3A – Third floor	1 bedroom 2 person	51 m ²	50 m ²	1.7 m ²	1.5 m ²
Flat 3B – Third/fourth floor	2 bedroom 4 person	102 m ²	83 m ²	5 m ²	2.5 m ²
Flat 4 - Fourth floor	3 bedrooms 5 person	135 m ²	86 m ²	3 m ²	3 m ²
Flat 5 – Fifth floor	3 bedrooms 5 person	110 m ²	86 m ²	2 m ²	3 m ²

Table 1: Floor areas

Flat 2A	Floor Space (Approx.)	Minimum Required Floor Space
Double Bedroom	12 m ²	12 m ²

Flat 2B	Floor Space (Approx.)	Minimum Required Floors Space
Double Bedroom 1 (first floor)	15 m ²	12 m ²
Double Bedroom 2 (second floor)	15 m ²	12 m ²

Flat 3A	Floor Space (Approx.)	Minimum Required Floors Space
Double Bedroom	12 m ²	12 m ²

Flat 3B	Floor Space (Approx.)	Minimum Required Floor Space
Double Bedroom 1 (third floor)	15 m ²	12 m ²
Double Bedroom 2 (fourth floor)	15 m ²	12 m ²

Flat 4	Floor Space (Approx.)	Minimum Required Floor Space
Double Bedroom 1 (LH)	13 m ²	12 m ²
Double Bedroom 2 (RH)	19 m ²	12 m ²
Single Bedroom (Centre)	8 m ²	8 m ²

Flat 5	Floor Space (Approx.)	Minimum Required Floor Space
Double Bedroom 1 (LH)	12 m ²	12 m ²
Double Bedroom 2 (RH)	14 m ²	12 m ²
Single Bedroom (Centre)	9 m ²	8 m ²

Table 2: Bedroom sizes

9.90 All units comply with the minimum floorspace standards.

Private outdoor space

9.91 In terms of amenity space, policy DM3.5 details how all new residential development should provide good quality private outdoor space, in accordance with the minimum required figures.

9.92 The minimum requirement of outdoor space for the units is as follows:

Unit	Outdoor space Provided	Minimum required outdoor space as per policy DM3.5
Flat 2A	8 m ²	5 m ²
Flat 2B	8 m ²	7 m ²
Flat 3A	8 m ²	5 m ²
Flat 3B	8 m ²	7 m ²
Flat 4	8 m ²	30 m ²
Flat 5	8 m ²	30 m ²

Table 3: Outdoor areas

9.93 The above table shows that units 2A, 2B, 3A and 3B consist of adequate quantity of outdoor space. The larger 3 bed units upon the 3rd and 4th floors would not comply with the space standards for amenity space. Whilst this is noted, the proposal is a flatted development above existing flats that seeks to utilise the width and footprint of the existing building, without prejudging the design of the building and extensions themselves by supporting an amenity space of 30sq.m. Officers also note that the site is in walking distance of Highbury Fields (5-7 mins walk) to utilise a much larger open green space.

9.94 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms, additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (Page 40, June 2013) and the London Plan (2016)

Policy 3.5 providing a good level of floorspace for each unit. Units would provide a good level of storage.

- 9.95 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months.
- 9.96 Units (2A, 2B, 3A and 3B) within the infill extension would have a floor to ceiling height of approximately 2.7m, whilst the fourth floor and fifth floor unit would have a floor to ceiling height of 2.6m (Flat 4 and 5). The units would therefore consist of adequate floor to ceiling heights in line with policy.

Daylight and Sunlight for proposed flats

- 9.97 The submitted daylight and sunlight assessment has also provided an assessment of the daylight and sunlight amenity to habitable rooms within the proposed development in accordance with BRE guidelines and BS8206 Part 2. These documents suggest minimum target values of 2% ADF for kitchens, 1.5% for living/dining rooms and 1% for bedrooms. It is also suggested that where a room is multi-use and contains a kitchen, this should be the target value for the room as a whole.
- 9.98 The assessment takes into account the 12 bedrooms, 4 living/dining rooms and 2 living/kitchen/dining rooms within the proposed development. From the assessment, the key figures to note are:
- All 12 bedrooms will be far in excess of the 1% target value, ranging between 1.57% and 7.33%.
 - All 4 L/Ds will be in excess of the 1.5% target value with values ranging between 2.94% and 3.20%.
 - All L/K/Ds will be in excess of the 2% target value for kitchens, with values of 4.89% and 8.44%.
- 9.99 The assessment states that in relation to sunlight, only windows that face within 90° of due south have a reasonable expectation of receiving direct sunlight. Those windows that are predominately east or west facing are likely to only receive half the sunlight hours. The assessment notes all habitable spaces considered contain at least one window that receives the guidelines values of 25% annual and 5% winter sunlight.
- 9.100 This is considered to result in all habitable rooms achieving excellent daylight and sunlight levels with BRE guidelines satisfied.

General comment on each unit

- 9.101 Flat 2A – This unit “incorporates” one of the existing studio flats on the second floor and utilise the front part of the infill extension to create a moderate size 1 bed, 2-person unit that fronts the streetscene. The main issue in relation to this unit is the single aspect nature, however, the submitted daylight/sunlight report shows an adequate level of daylight/sunlight as well as natural ventilation. It should be noted also that the unit measures 51sq.m and is a de facto 1 bedroom, 2-person unit, providing a much better quality of accommodation than the existing 1-person studio with a front balcony for amenity purposes. Therefore, on balance, this provides an overall improvement in the quality of accommodation and is considered to be acceptable.

- 9.102 Flat 2B – This is a duplex unit that spans across the first and second floor of the infill extension. This unit would benefit from dual aspects and the provision of living room and balcony to the front and bedrooms to the rear is considered appropriate.
- 9.103 Flat 3A – This unit is on the third floor, part of the unit is converted from an existing studio flat of which follows a similar layout as Flat 2A, which is single aspect. The same concerns regarding 2A are noted here, however, the submitted daylight/sunlight report shows an adequate level of daylight/sunlight as well as natural ventilation. Additionally the proposed development would be an improvement on daylight in comparison to the existing daylight that the flat receives and as detailed within section 9.98 is considered acceptable on balance.
- 9.104 Flat 3B – This is a two bed duplex on the third and fourth floor of the infill extension, which follows a similar layout as Flat 2B. The unit is accessed on the third floor, which provides glazing to the rear of both floors and front balcony to be dual aspect compliant. The provision of living room and balcony to the front and bedrooms to the rear is considered appropriate.
- 9.105 Flat 4 – This is a three-bedroom duplex unit, located and accessed upon the extended fourth floor of the main building. This unit is spacious and considered appropriate for an accessible unit. The unit is dual aspect and would benefit from good outlook, aspect and daylight/sunlight, ventilation and privacy given its fourth floor location.
- 9.106 Flat 5 – This is a three-bedroom duplex unit, located and accessed upon the extended fifth floor of the main building. This unit is spacious and considered appropriate with dual aspect and would benefit from good outlook, aspect and daylight/sunlight, ventilation and privacy given its fourth floor location. The unit has glazing to the rear in comparison to the fourth floor and would mitigate overlooking from the highest level, while roof lights are proposed upon the roof to provide natural daylight that may have been received from the rear aspect.
- 9.107 The proposed glazing that is proposed within the north flank of the infill extension would serve bathrooms and are angled to not allow overlooking between units.
- 9.108 For the above reasons, it is concluded that the proposed development provides acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with policy 3.5 of the London Plan 2016, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2013 and the National Space Standard 2015.

Construction Impacts and Disturbance

- 9.109 A number of objections have been received in regards to construction impacts and impacts on public access and vehicular access to 11-13 Benwell Road to the rear of the application site.



Image 11: View from Yard at 11-13 Benwell Road

9.110 It is worth noting that the site at 11-13 Benwell Road, which the proposed infill extension would be sited above the main entrance, is part of the allocated site (HC4) within the Islington Site Allocation SPD. The site is designated for:

“Mixed use redevelopment/conversion providing business (B class) and residential uses including infill development above the entrance on the Benwell Road building. This would facilitate the reinstatement of employment use on the site and provide regenerative benefits for the local area. An element of residential use would also help to meet identified need in the borough.”

9.111 The proposed residential use above the yard entrance of 11-13 Benwell Road is not considered to be in conflict with the Site Allocation policies and the wider strategic objectives of the site and the wider area. However, given the site at no.11-13 is designated for redevelopment including a mix use of business and residential, it is crucial that the proposed infill development would not materially affect or hinder the use or operation of the adjoining site at 11-13 Benwell Road and any potential redevelopment opportunities in the future. Details would be requested prior to commencement of the development as part of a CEMP (Construction and Environmental Management Plan) to ensure the adjoining site is not hindered (Condition 4)

Shared Access way

9.112 A Transport Statement by David Tucker Associates has been submitted to support the application. It is noted that the commercial units within Benwell Road, including the Jamie Oliver Group which accommodates around 1,845sq.m of B1 floorspace. Benwell Studios also houses a number of other companies including October Films Ltd (B1C), Field Grey (B1c) and 59 Productions City of Glass Limited (B1C) as well as some B1 space.

9.113 As part of the development proposals the existing residential accommodation will be extended over the shared access-way which will limit clearance to 3.5m. The central courtyard layout provides a turning head for the servicing to 11-13 Benwell Road and a single disabled car parking space as consented within the plan of P2016/3347/FUL. The

courtyard is also used as a communal space with a number of benches and seated areas to the end of the yard as observed on site.



Image 12: View of Yard

Delivery and servicing impacts

9.114 It is noted within the Transport assessment that:

- *Jamie Oliver Group have separate servicing arrangements from Benwell Road based on the prior arrangements on the site frontage as the capacity of the courtyard is limited by the width of the access-way. One of the three previous servicing bays was retained for use by JOG.*
- *Refuse from JOG is collected on-street but bins are stored in the loading bay facing Benwell Road. Access for deliveries and refuse collection for the A1/A3 unit on Holloway Road will be taken from Holloway Road.*
- *Access for pedestrians and cyclists is also via a courtyard which is shared with 11 – 13 Benwell Road. The courtyard and accessway are not fully shared surfaces as bollards have been provided to differentiate pedestrian only areas. These areas are well lit.*

9.115 In addition to the above, the assessment notes that JOG scheme refuse collection, which will involve larger refuse vehicles, continue to be made on-street on Benwell Road and that given the width of Benwell Road this does not represent an operation or safety issue as two-way traffic flow on Benwell Road would be unimpaired.

- 9.116 At present, the courtyard access spaces are restricted to vans that are able to turn within the available space. The assessment notes that there is no height restriction on vans rather there is a practical limit relating the ability to safely load a vehicle and the volume of load that can be transported within the maximum for a vehicle of this type. The assessment advises further that in practice the majority of vans within this category are likely to have an overall height of 2.0–2.5m. These will still be unaffected by the available clearance. As detailed within the assessment.
- 9.117 It is understood that there will be structural elements introduced to support the building as part of the building works. The assessment notes that these will reduce the width of the accessway from 3.2m to 3.0m. The maximum UK vehicle width is noted as 2.55m. Vans which can be used to service the site are typically narrower at around 2.0–2.2m. An ambulance will typically be 2.0m. As such the assessment considers there will remain a reasonable tolerance either side, and would be further aided by providing a kerb line. To further aid drivers it is proposed to provide a kerb line. The footway will be maintained at 1.65m. A Construction and Environmental Management Plan for the approval of the Local Planning Authority is required, this should detail in plan this arrangement prior to the commencement of construction.

Emergency access

- 9.118 Ambulances are typically at a height of 2.5m as detailed within the assessment. The 3.5m clearance would not impede access.
- 9.119 It has also been noted by the applicant that there is a dry riser within the courtyard of 11-13 Benwell Road for firefighting purposes and the fire management strategy for the building is based on fire engines parking on the pavement of Benwell Road in the case of a fire, there is no objection, subject to this fire strategy.
- 9.120 It should be noted also that London Fire Brigade raise no objection to the proposal and are satisfied with the proposals subject to the requirements set out in B5 of Approved Document B are met in relation to access and water supply.

Public access

- 9.121 Within the courtyard space itself, there is a metal panelled single storey building which provides a bike store, bathroom facilities and a wheelchair accessible toilet for Jamie Oliver Group. It also provides a space for communal access to the yard for employees and visitors for the commercial units within Benwell Studios.
- 9.122 Whilst, it is understood that there may be some 'temporary' disturbance by virtue of the proposed construction of the infill extension in particular, this is not considered a reason for refusal as the proposal is not considered to permanently hinder or damage the commercial operations to the rear of the site.
- 9.123 However, in order to ensure that management practices are implemented to ensure that the impact of construction on neighbouring residents and commercial properties is minimised, a condition (Condition 4) has been recommended requiring the applicant to provide a Construction and Environmental Management Plan for the approval of the Local Planning Authority prior to the commencement of construction. The applicant has agreed to this requirement for a pre-commencement condition.
- 9.124 For the reasons above, and subject to the conditions recommended, it is considered that the proposed development would not unacceptably harm the commercial site at 11-13 Benwell Road to justify refusal of the application. Accordingly, the proposal does not

conflict with policy DM2.1 of the Development Management Policies 2013 or policy 7.6 of the London Plan 2016 insofar as they aim to safeguard residential amenity.

Highways

- 9.125 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. This is to be secured via a s106.
- 9.126 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6, 12 bicycle spaces should be provided for the 12 bedrooms proposed. The allocation proposed (13) would fulfil the requirements under Appendix 6. The arrangements are acceptable in principle, however further details including plans and elevations shall be provided subject to a pre-commencement condition. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance.
- 9.127 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units. The proposed bin stores have been shown on the proposed plan as being located within a separate accessible area for the residential units facing Benwell Road. When taking into consideration that the bin stores would not be visible from the street, the proposed refuse storage requirements are acceptable and would cause no harm to the character or appearance of the host building. The arrangements are acceptable in principle, however further details including plans and sections shall be provided subject to a pre-commencement condition for the approval of the Local Planning Authority prior to occupation of the development.

Inclusive Design

- 9.128 As a result of the change introduced by the Deregulation Bill (Royal Assent 26th March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 9.129 On 1st October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. Residential development containing fewer than 10 units should be designed so that all dwellings meet Category 2 of the National Housing Standards. A written statement explaining how each of the units meets the requisite standard should be provided with the application (this can be contained within the Planning Statement). Plans should indicate notional furniture layouts.
- 9.130 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.

- 9.131 In respect of the non-residential parts of the proposal, the applicant should have regard to the guidance contained within Section 4 of the Inclusive Design in Islington SPD (2014). The approach to all units should be step-free and the approach to the main entrance should be level or ramped.
- 9.132 Internally, at ground floor a new lift would be provided (Part M Compliant) which is welcomed by the Inclusive Design Officer. The 5th floor unit, would not be an accessible unit, given that the unit would rely on only 1 lift within the building, which would be unsuitable if it were to break down.
- 9.133 The application is supported by an Access Statement by David Bonnett Associates. This Statement describes the access provisions for the proposed development including the step-free external and internal routes, lifts, stairs, WCs and other access features. The document also notes that all new dwellings will be designed to meet building regulation M4(2). In addition to this, vertically mounted bicycle storage space, a mobility scooter, services and dry riser are proposed within a new communal area. Whilst the Inclusive Design Officer would ideally not request Sheffield Stands, given the constraints of the floor area, the option proposed within the new space is considered the most efficient. 1no. accessible stand is proposed for a child carrier.
- 9.134 A condition is therefore recommended (Condition 11) to ensure the residential dwellings shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards in order to secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.
- 9.135 Officers note that an accessible parking bay is proposed. There is however no accessible unit proposed. As detailed within paragraph 9.21, the development would be car free. Officers would note that car free Policy DM8.5 makes an exception for parking needed to meet the needs of disabled people which can be applied for.

Sustainability and Ecology

- 9.136 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'. Policy DM7.2 seeks to ensure Energy efficiency and carbon reduction in minor schemes.
- 9.137 The proposal seeks to impose a sustainable design enhancement to the existing building, including installation of PV panels on the roof and green biodiversity roof to achieve carbon emission reductions.
- 9.138 The application is supported by an Energy Assessment has been prepared in accordance with Islington's Sustainable Design and Construction SPG by Eight Associates. This Assessment demonstrates that the proposed development will achieve a 19% carbon reduction target. This will follow the methodology of the London Plan Policy 5.2 and will exceed requirements under Part L of the Building Regulations 2013. The development also includes low and zero carbon technologies including the installation of PV panel on the roof. In addition to this, the Statement demonstrates the development's holistic approach to sustainable design and construction including the contribution the design will make to sustainable development. It identifies key features critical to achieving a low carbon development including the following:

- A 23.3% reduction of total carbon emission over Buildings Regulations;

- Sets out a water consumption target of 95lpd as a result of water efficiency measures;
- Provision of sustainable transport options, namely cycle parking;
- Minimising construction waste going to landfill; and
- Maximised health and welling being measures through design and operation features such as levels of light and thermal comfort.

9.139 Overall the proposed development is in full accordance with the Sustainable Design SPD, London Plan Policy 5.2 and Policies DM7.1 and DM7.2 of the Development Management Policies Document (2013).

9.140 The permission is also subject to a Carbon emission offset contribution of £6,000 for the 6no. units proposed. This would be secured within the S106/Unilateral Agreement.

9.141 In light of comments received from the Islington Swifts Society, it is recommended that a pre-commencement condition be included to ensure swift nestbox bricks are installed near highest level of new brickwork based on information on the most suitable locations in accordance with the Council's biodiversity objectives.

Crime Prevention

9.142 The Crime Prevention Officer does not object to the proposal, but has made a number of recommendations. The Officer also advises the submission of details in regards to how the development achieves secured by Design accreditation which would be conditioned.

Small Sites Affordable Housing Contribution

9.143 Islington's Core Strategy Policy CS 12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.

9.144 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of 1 or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units. Based on a study of the level of financial contribution that would be viable, the required contribution is £300,000 per additional (net) unit.

9.145 The applicant has agreed to contribute the full sum of £300,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This has been secured through a Unilateral Undertaking.

Community Infrastructure Levy

9.146 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The principle of the development is considered acceptable and would provide a residential scheme of high quality, providing townscape benefits, and residential development that would have a good level of amenity for future occupiers, whilst the scale and design of the external development would not appear out of character within the streetscene, nor would the development harm the adjacent St Mary Magdalene Conservation Area and is considered conducive to the surrounding character and use which is varied in character.
- 10.2 Overall, subject to conditions, the proposal would significantly improve the host building and would not harm the surrounding area. The proposal accords with policies DM2.1 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the Urban Design Guide 2017.
- 10.3 It is considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties having regard to the daylight and sunlight assessment against BRE guidelines. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor direct overlooking and would not regard have a detrimental impact upon nearby amenity levels taken as a whole and accords with Policy DM2.1.
- 10.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 10.5 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:

- Contribution of £300,000 towards affordable housing within the borough
- Contribution of £6000 towards carbon off-setting
- Section 278 Agreement to protect pavement and highway during construction and for any works to the proposed dropped kerb.

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.

List of Conditions:

1	COMMENCEMENT
	<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 LIST
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>155de-05-001 Rev H, 155de-06-001 Rev H, 155de-06-002 Rev H, 155de-06-003 Rev H, 155de-06-004 Rev H, 155de-06-005 Rev H, 155de-06-006 Rev H, 155de-06-007 Rev H, 155de-07-001 Rev H, 155de-07-002 Rev H, 155de-08-001 Rev H, 155de-08-002 Rev H, 155de-08-003 Rev H, 155de-08-004 Rev H, 155de-09-001 Rev H, 155de-09-002 Rev H, 155de-09-003 Rev H, 155de-09-004 Rev H, 155de-09-005 Rev H, Design and Access Statement by Carver Haggard (September 2019), Planning Statement by Indigo (September 2019), Access Statement prepared by David Bonnett Associates (September 2019), Daylight Sunlight Report prepared by GVA t/a Avison Young, Transport Statement prepared by David Tucker Associates (September 2019), Energy Assessment prepared by Eight Associates (September 2019) and Sustainable Design and Construction Statement prepared by Eight Associates (September 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>
<p>3</p>	<p>MATERIALS (DETAILS)</p>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Final colour, type and sample panel for the main elevations b) window and door treatment (including sections and reveals); c) balustrading; d) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the Canonbury Conservation Area.</p>
<p>4</p>	<p>CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (DETAILS)</p>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP should refer to Islington's Code of Practice for Construction Sites (2018) and include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)

	<p>h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;</p> <p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads. The report should contain detailed information on the minimizing of noise, demolition methods and best practice measures in line with Islington’s Code of Practice for Construction Sites (2018).</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
5	REFUSE/RECYCLING (DETAILS)
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p>

	<p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
6	CYCLE PARKING (DETAILS)
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure and provide for no less than 11 cycle spaces for the proposed residential units and 12 spaces for the commercial uses hereby approved.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
7	WATER EFFICIENCY REQUIREMENTS (DETAILS)
	<p>CONDITION: Prior to the occupation of the hereby approved development, details shall be submitted and approved in writing, demonstrating compliance with the water efficiency requirements of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD. The approved measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
8	CARBON EFFICIENCY (DETAILS)
	<p>CONDITION: The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with <i>Building Regulations Part L 2010</i> (equivalent to Code for Sustainable Homes level 4) unless such provision is not feasible.</p> <p>REASON: In the interest of securing sustainable development.</p>
9	GREEN ROOF
	<p>CONDITION: The biodiversity green roof as indicated on Drawing No. 155de-06-007 Rev H shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan number 450-PT-20-LRF-PL-2001 PL2 hereby approved; and

	<p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity green 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 shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	ECOLOGY PROTECTION (DETAILS)
	<p>CONDITION: Prior to the commencement of the hereby approved development details of swift brick locations shall be submitted and approved. The details shall include information an investigation of the most suitable location and shall include nesting location and boxes for swifts. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p>
11	ACCESSIBLE HOME STANDARDS (COMPLIANCE)
	<p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
12	SECURED BY DESIGN ACCREDITATION (DETAILS)
	<p>CONDITION: Prior to commencement of the development hereby approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
13	CAR FREE DEVELOPMENT (COMPLIANCE)

	<p>CONDITION: All future occupiers of the residential unit hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons ii) In the case of the resident who is an existing holder of a resident's parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>REASON: To ensure that the development remains car free and therefore prevent undue impacts on parking availability as well as provide more sustainable means of travel to support improvement of air quality.</p>
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List of Informatives:

1	Construction works
	<p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
2	Highways Requirements
	<p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk</p>

3	<p>Crime Prevention Recommendations</p>
	<p>INFORMATIVE: The main communal entrance to be security rated to LPS 1175 SR2 or STS 202 Issue 3 and controlled with an encrypted FOB access for residents and ideally this door should be single leaf secured with a minimum of two magnetic locks integral to the frame, two thirds from the top and bottom of the frame. To allow access for visitors the resident should have the ability to remote release the primary entrance door set from their dwelling which also allows audio and visual communication between the occupant and visitor.</p> <p>" A secondary door within the hallway to create a 'air lock' between the entrance and access to the stair core/lift should be considered to reduce the risk of tail gaiting by unauthorised persons and to restrict their access and movement throughout the entire building. This door should be security rated to a PAS24:2016, this will have the same remote release capabilities as the primary entrance but will only require audio communication between the occupant and the visitor. Once again single leaf is preferable with two magnetic locks.</p> <p>" The primary entrance should not have a 'trades' button fitted or if present not activated. If Fire Brigade access is required then this location should be protected with a 'Gerda Access Control Box' security rated to STS 205 Level II.</p> <p>" Postal Strategy - Communal mail delivery facility within the 'air lock' lobby beyond the primary entrance/exit point is preferable covered by CCTV. If this not achievable then a 'through the wall' system can be implemented as long as they are of a robust construction, with a maximum aperture size of 240mm x 40mm and have anti-fishing properties. Fire retardation can be considered and they should be installed to the manufactures specifications. Letter boxes certified to TS009 will meet the required recommendations. It is not recommended, due to the number of units within this proposal, to have the post delivered to individual flats.</p> <p>" For the new residential units their primary door set should be security rated to PAS24:2016. If the building is being updated and refurbished as it is then I would recommend that the existing residential units primary door sets be upgraded to the same security standard of PAS24:2016.</p> <p>" Cycle Storage - cycles to be secured by a minimum of three points of locking (both wheels and the frame) and the use of 'Sold Secure' products used for this. The addition of doors to these storage areas will add extra security in conjunction with the use of 'Sold Secure' padlocks up to Silver standard. The door to the cycle storage unit itself should ideally be single leaf, security rated to either LPS 1175 SR2 or PAS24:2016 with two magnetic locks, two thirds from the top and bottom of the frame and controlled with encrypted FOB access for residents. It should also have a self-locking and self-closing mechanism installed. It is recommended that the use of the room is not advertised externally as 'Cycle Storage' as this will attract unwanted attention.</p> <p>" Bin Storage - A single leaf door is preferable and should be of a robust and fit purpose design. If this cannot be achieved due to the width of the bins then consideration to how</p>

	<p>the doors will be locked and secured will be required. Ideally residents should have access via the use of an encrypted FOB to control access. The doors themselves should be self-closing and self-locking to prevent unwanted access and reducing the risk of fly tipping within the room. Minimum of two magnetic locks, two thirds from the top and bottom of the frame is preferable and once agin no advertising the use of the room on the exterior.</p> <p>" Utility meters should be placed externally of the building in a secure place. Ideally the use of 'Smart Meters' should be encouraged to actually remove the need for a meter to be read.</p> <p>" Gated entrance to 11-13 Benwell Road should be security rated to LPS 1175 SR2. Consideration should be given to its positioning within the gap to make sure that it cannot be either climbed over or crawled under. Self-locking and self-closing mechanism installed and controlled with FOB access.</p>
4	Section 106 agreement
	INFORMATIVE: 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.
5	Car-Free Development
	INFORMATIVE: 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.

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2019)

2. Development Plan

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

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

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

B) Islington Core Strategy 2011

Policy CS8 Enhancing Islington's character
Policy CS9 Protecting and enhancing Islington's built and historic environment
Policy CS10 Sustainable design
Policy CS11 Waste
Policy CS12 Meeting the Housing Challenge
Policy CS13 Employment spaces
Policy CS18 Delivery and infrastructure

C) Development Management Policies June 2013

Design and Heritage

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

Housing

- DM3.1 Mix of housing sizes
- DM3.3 Residential conversions and extensions
- DM3.4 Housing standards
- DM3.5 Private outdoor space

Energy and Environmental Standards

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

Transport

- DM8.4 Walking and Cycling
- DM8.5 Vehicle Parking
- DM8.6 Delivery and servicing for new developments

3. Designations

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

- Archaeological Priority Areas (Ring Cross)
- Core Strategy Key Areas
- Conservation Areas (inc. Article 4 Direction)
- Cycle routes (Major and local)
- Site allocation (11-13 Benwell Road)
- Site within 100m of a TLRN Road (Holloway Road)
- Within 50m of St Mary Magdalene Conservation Area

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

The following SPGs and/or SPDs are relevant:

<u>London Plan</u>	Accessible London (2016) Character and Context (2014) Housing (2016) Sustainable Design and Construction (2014) Town Centres (2014)
<u>Islington</u>	Affordable Housing Small Sites Contributions (2012)

Conservation Area Design Guidelines (Canonbury Conservation Area; 2002)
Environmental Design (2012)
Inclusive Design in Islington (2014)
Islington Urban Design Guide (2017)

5. Emerging Policies

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

The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

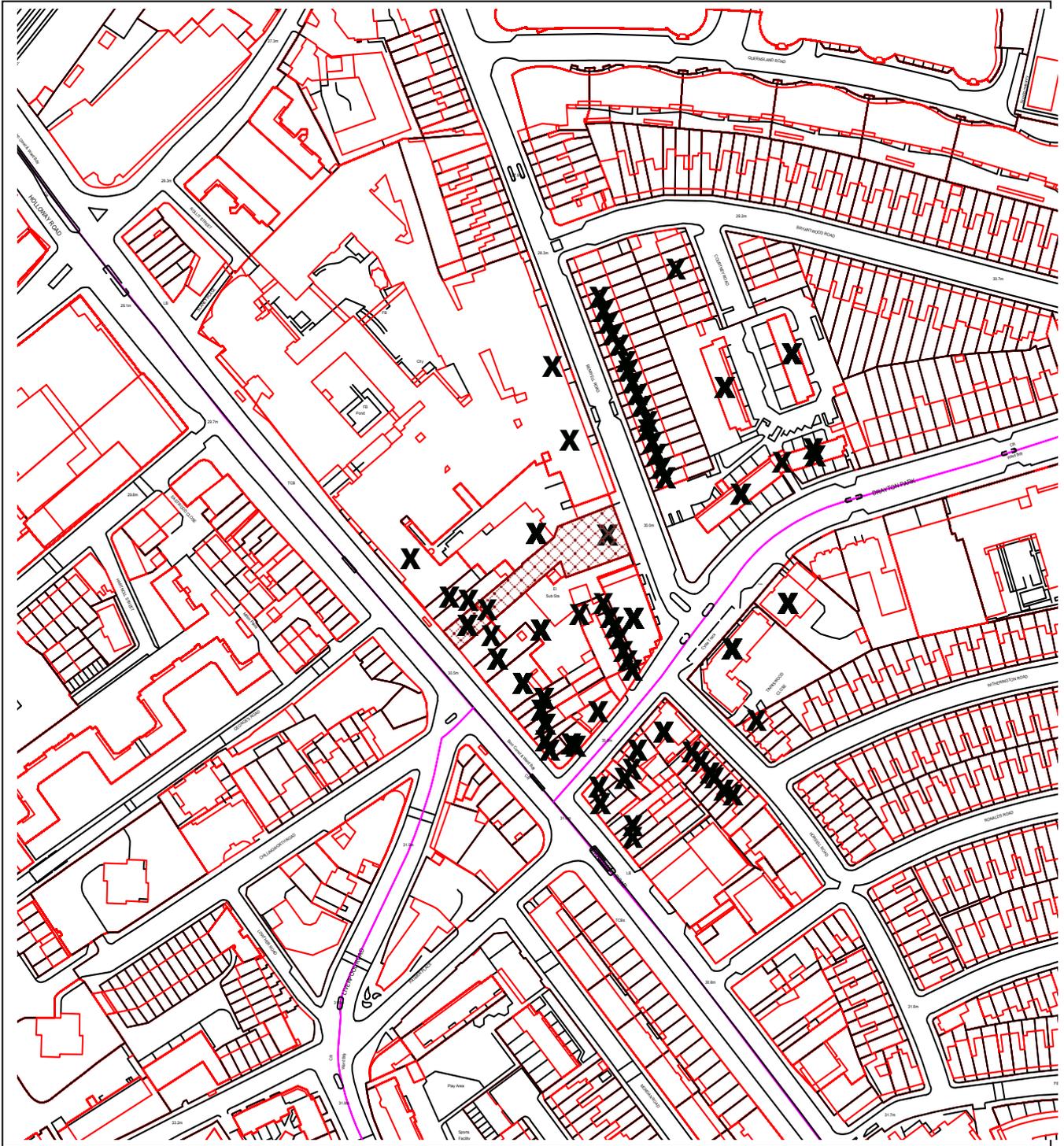
Policy GG4 Delivering the Homes Londoners Need	Policy D1 London's Form, Character and capacity for Growth
Policy D4 Delivering Good Design	Policy D5 Inclusive Design
Policy D6 Housing Quality and Standards	Policy D7 Accessible Housing
Policy D14 Noise	Policy D11 Safety, Security and Resilience to Emergency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

Draft Islington Local Plan 2019

Emerging policies relevant to this application are set out below:

Policy H1 Thriving Communities	Policy H2 New and existing Conventional Housing
Policy H3 Genuinely Affordable Housing	Policy H4 Delivering High Quality Housing
Policy H5 Private Outdoor Space	
Policy S2 Sustainable Design and Construction	Policy S1 Delivering Sustainable Design
Policy T2 Sustainable Transport Choices	Policy S3 Sustainable Design Standards
Policy T5 Delivery, Servicing and Construction	Policy T3 Car Free Development Parking
Policy DH2 Heritage Assets	Policy DH1 Fostering Innovation and Conservation and Enhancing the Historic Environment

Islington SE GIS Print Template



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P2019/3070/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE B		AGENDA ITEM: B2
Date:	14 July 2020	NON-EXEMPT

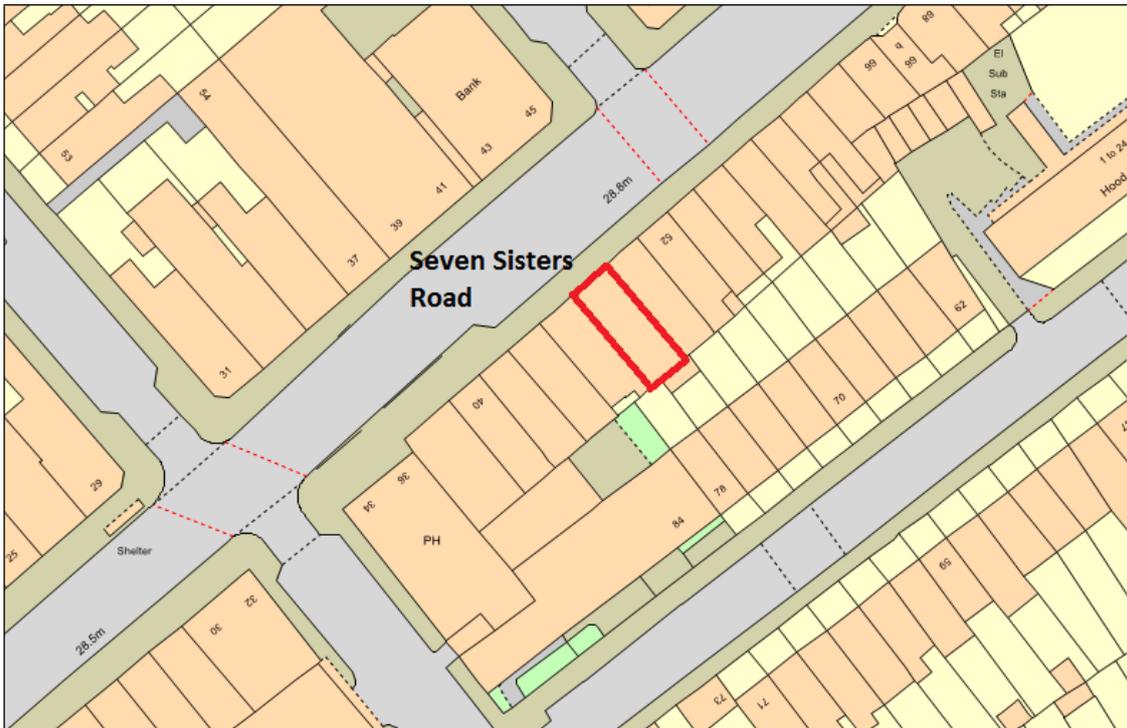
Application numbers	P2020/1194/FUL
Application type	Full Planning Application
Ward	Finsbury Park
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	Core Strategy Key Area – Nags Head & Upper Holloway Road Nags Head Town Centre (Secondary Retail Frontage) Major cycle route TLRN road Article 4 Direction (office to residential) Article 4 Direction (A1-A2 Town Centres)
Licensing Implications	None
Site Address	48 Seven Sisters Road, Islington, London, N7 6AA
Proposal	Full Planning Application: Installation of a replacement shopfront with associated fascia, internal security shutter and internal accessibility improvements. Retention of D1 (non-residential institution) use at ground floor and B1 (office) use at upper floor levels.

Case Officer	Zeb McInnes
Applicant	Islington Council–Mr Ayodele Daodu (Inclusive Economy)
Agent	N/A

1. RECOMMENDATION

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

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET

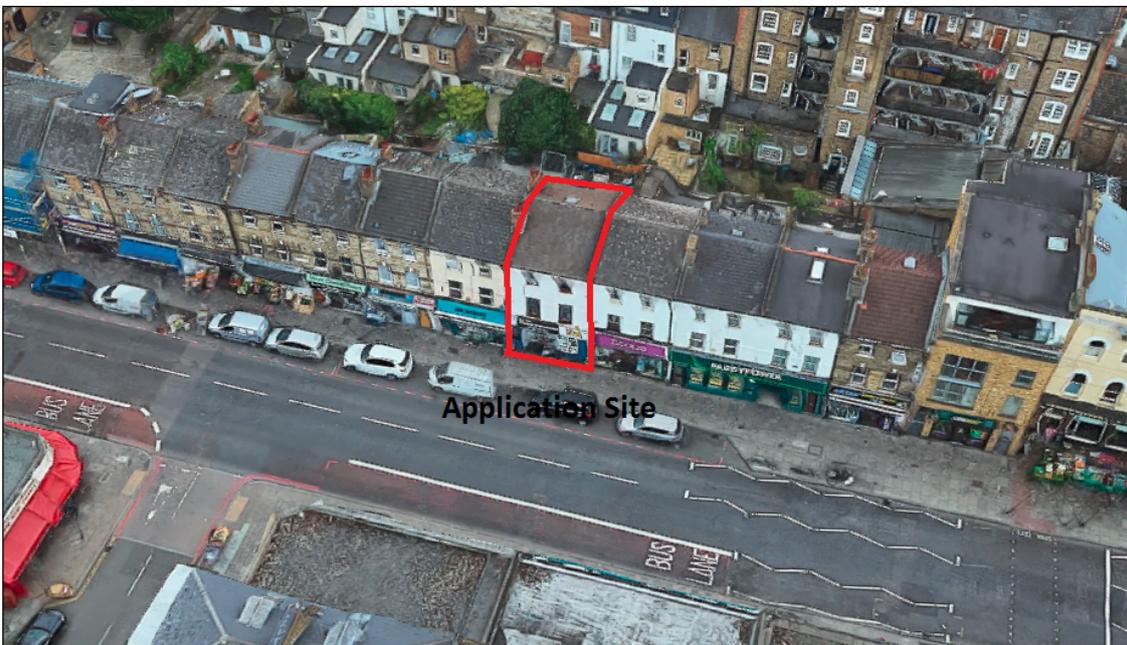


Image 1: Aerial view of the application site



Image 2: Front elevation (site in centre)



Image 3: Seven Sisters Road looking east (site on right)



Image 4: Seven Sisters Road looking west (site on left)

4. SUMMARY

- 4.1 Planning permission is sought for the Installation of a replacement shopfront with associated fascia, internal security shutter and internal accessibility improvements, and the retention of D1 (non-residential institution) use at ground floor level and B1 (office) use at upper floor levels. A separate advertisement consent is also sought for the display of advertisements, comprising of 1no. internally illuminated fascia sign with an integrated LED matrix panel below, and associated vinyl graphics within the shop frontage. The key considerations in determining the applications relate to the acceptability of the retained D1/B1 uses, and the design and appearance of the shopfront and signage.
- 4.2 The proposal is brought to committee because it is a Council own application.
- 4.3 The application site comprises a three storey mid-terrace Victorian property located on the southern side of Seven Sisters Road. The building is not locally nor statutorily listed, nor is it located within a conservation area. Whilst in need of some general repairs and maintenance, the host terrace of which the building forms a part thereof, is of architectural group value as an example of a Victorian retail shopping frontage. The site is located within Nags Head Town Centre (Secondary Retail Frontage) and the Nags Head and Upper Holloway Road Core Strategy Key Area.
- 4.4 The building is very likely to have been in continuous D1/B1 usage since at least May 2009, and potentially as early as 1984. Therefore, no concerns are raised with regard to the proposed retention of this use. The proposed replacement shopfront would represent a positive improvement to the front elevation of the host building, and the proposed replacement signage would not cause harm to the character or appearance of the building or the wider streetscene of Seven Sisters Road. The proposed internal access improvements would represent a positive improvement. The proposals are therefore considered to be acceptable and it is recommended that the planning and advertisement consent applications are approved subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site at No. 48 Seven Sisters Road is a three storey mid-terrace Victorian property located on the southern side of Seven Sisters Road, on the block bounded by Hertslet Road to the west and Hornsey Road to the east. The building is not locally nor statutorily listed, nor is it located within a conservation area. Whilst in need of some general repairs and maintenance, the host terrace of which the building forms a part thereof, is of architectural group value as an example of a Victorian retail shopping frontage.
- 5.2 The site is located within Nags Head Town Centre (Secondary Retail Frontage) and the Nags Head and Upper Holloway Road Core Strategy Key Area. The surrounding area is predominantly mixed-use in character with a heavy emphasis on retail along Seven Sisters Road, and mostly residential properties located to the north and south along Hertslet, Eburne and Salterton Roads and Mayton Street. The buildings along Seven Sisters Road in the immediate vicinity of the site are generally three storeys in height.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the Installation of a replacement shopfront with associated fascia, internal security shutter and internal accessibility improvements, and the retention of D1 (non-residential institution) use at ground floor level and B1 (office) use at upper floor levels.

6.2 Advertisement consent is also sought for the display of advertisements, comprising of 1no. internally illuminated fascia sign with an integrated LED matrix panel below, and associated vinyl graphics within the shop frontage.

7. RELEVANT HISTORY:

7.1 **831132:** Change of use from employment agency to retail shop. Approved with conditions 29/08/1983.

7.2 **840424:** The use of ground floor to provide reception area recreation room crèche and coffee bar with the use of the upper floors as offices. Temporary use approved with conditions 10/05/1984. Condition 1 of the permission states:

CONDITION 01: The limited period for the use hereby permitted shall be until 31.12.86 on or before which date the use shall be discontinued and determined.

7.3 **851307:** Alterations to ground floor front elevation. Approved with conditions 04/10/1985.

7.4 **861222:** Continued use of ground floor to provide reception room crèche coffee bar and the use of the upper floors as offices. Temporary use approved with conditions 11/12/1986. Condition 1 of the permission states:

CONDITION 01: The limited period for the use hereby permitted shall be until 31.12.88 on or before which date the use shall be discontinued and determined.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties on 2 June 2020. The public consultation of the application therefore expired on 26 June 2020, however it is the Council's practice to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report, 0 comments or objections had been received from the public with regard to the applications.

Internal Consultees

8.3 **Accessibility Officer:** The provision of an internal platform lift is welcomed. A clear space of 1570mm between the platform lift and the main entrance door, clear of the door swings, should be provided. All thresholds should not exceed 15mm.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 Islington Council (Planning Sub-Committee B), in determining the planning applications 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 affects the setting of listed buildings, Islington Council (Planning Committee) is required to 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 (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development."

9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.

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

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

9.6 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.

9.7 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.

9.8 Members of the Planning Sub-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.

9.9 The Quality 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

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Core Strategy Key Area – Nags Head and Upper Holloway Road
 - Nags Head Town Centre (Secondary Retail Frontage)
 - Major cycle route
 - TLRN road
 - Article 4 Direction (A1-A2 Town Centres)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

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

- 9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector’s report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:
- Policy SD6: Town centres
 - Policy D2: Delivering good design
 - Policy D3: Inclusive design
- 9.14 It is worth noting that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. Given what is proposed in the application, the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

- 9.15 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.
- 9.16 In Line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 9.17 Emerging policies relevant to this application are set out below:
- Policy PLAN1: Site appraisal, design principles and process
 - Policy SP5: Nag's Head and Holloway
 - Policy R1: Retail, leisure and services, culture and visitor accommodation
 - Policy R3: Islington's Town Centres

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land Use
 - Design, Appearance and Visual Amenity
 - Public Safety
 - Neighbouring Amenity

Land Use

- 10.2 The application seeks permission for the retention of the existing D1 (non-residential institution) use at ground floor level and B1 (office) use at upper floor levels. The site is located within the Nags Head Town Centre Secondary Frontage, and the Nags Head and Upper Holloway Road Core Strategy Key Area.
- 10.3 The historic lawful use of the ground floor unit is likely to have been as an A1 retail unit, however no planning records to confirm this are available. Policies CS3 and CS14 of the Core Strategy 2011, and Policy DM4.5 of the Development Management Policies 2013, outline the importance of retail use within Islington's Town Centres, including within the Secondary Retail frontage of the Nag's Head Town Centre. Together, they seek to protect retail floorspace in these locations.
- 10.4 The D1 and B1 uses at the site are subject to planning history spanning over 30 years. In 1983, permission was granted under Ref: 831132 for the change use of the unit from employment agency (B2) back to retail use (A1). However, there are no records to indicate whether this permission was ever implemented. The building was subsequently

subject to two temporary planning permissions for a D1 use at ground floor level with B1 use on the floors above under planning permission Refs: 840424 and 861222. The most recent temporary planning permission granted this use up until the date of 31 December 1988, after which the building was to revert to its lawful use. There are, however, no further planning records available to confirm that the use reverted back to its lawful use, and the applicant has advised that the temporary use was never discontinued. However, no certificate of lawful use (existing) has been sought to confirm that the continued D1/B1 uses are lawful and immune to enforcement action procedures.

- 10.5 Government property tax records provided by the Valuation Office Agency (VOA) demonstrate that the building has been taxed as a 'Community Centre and Premises' dating from at least 1 April 2010. There are no further VOA records that pre-date this. This record also applies to the entirety of the building, and is therefore not solely limited to the ground floor D1 floorspace. Further, Google Streetview imagery dating back to 2009 demonstrates that the building has been in use as the 'Islington Link Up' Community Centre since at least May 2009 (the earliest street view and photographic imagery available).
- 10.6 Given the above, officers consider that on the balance of probabilities, the building has been occupied for D1 and B1 use purposes since at least May 2009, and highly likely since the grant of the first temporary permission for such uses in 1984 under Ref: 840424. Therefore, it is likely that the existing lawful use of the building is as D1 at ground floor and B1 at upper floors. As such, no concerns are raised with regard to the retention of these uses as proposed under this current application proposal.
- 10.7 The retention of the D1 (non-residential institution) at ground floor level and B1 (office use) at first and second floor levels is therefore considered to be acceptable, and the application accords with policies CS3 and CS14 of the Core Strategy 2011 and policy DM4.5 of the Development Management Policies.

Design, Appearance and Visual Amenity

- 10.8 The planning application seeks permission for the installation of a replacement shopfront and associated fascia, internal security shutter and internal accessibility improvements. Advertisement consent is sought for the display of advertisements, comprising 1no. internally illuminated fascia sign with an integrated LED matrix panel below and associated vinyl graphics within the shop frontage.
- 10.9 Policy CS9 of Islington's Core Strategy 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

Replacement shopfront

- 10.10 The Islington Urban Design Guide 2017 (UDG) at paragraphs 5.194-5.217 provides guidance with regard to the design of shopfronts within Islington. It advises that new or refurbished shopfronts should respect the local street scene, the building as a whole and its design detail.
- 10.11 Paragraph 5.226 of the UDG advises that security shutters should always be placed internally and be of an open mesh or grille design because, when in use, security shutters

attract graffiti, obscure the shopfront and window display and create hostile and unsafe streets. External security shutter boxes are bulky and visually unattractive.

- 10.12 The existing shopfront, the majority of which is recessed, is of timber construction with significant tiled framing. Overall, it is of little architectural interest, however it does not detract from the streetscene. The proposed replacement timber shopfront would not be recessed from the pavement and would be more traditional in appearance, incorporating a stallriser, transoms and mullions, and a fanlight above the entrance door. The shopfront would be set within ceramic tiled cheeks. The existing solid metal roller shutter would also be replaced by a visually permeable 'shell' roller shutter, to be installed internally behind the new shopfront.
- 10.13 The replacement shopfront would enhance the character and appearance of the building by re-introducing many of the features common within traditional Victorian shopfronts. The removal of the existing bulky external shutter and installation of the replacement internal 'shell' roller shutter is also a welcomed addition. Overall, the proposed shopfront and roller shutter represents a significant improvement to the character and appearance of the host building and the wider streetscene.

Advertisement displays

- 10.14 Paragraphs 5.218-5.225 of the UDG provides guidance with regard to the design of fascias, signage and advertisement displays. It advises that that signage should be of an appropriate size (in line with the principles of inclusive signage) and not dominate a shopfront.
- 10.15 The existing non-illuminated fascia signage would be replaced by a signage of the same height but with a reduced width (4.8m rather than 5.6m as existing). The new fascia aluminium box sign would incorporate an internally illuminated signboard with a translucent white acrylic fascia and an 'open' or 'closed' indicator controlled via a switchboard. Beneath the box sign, the fascia would incorporate an integrated LED matrix panel, which would be static (i.e. not animated or flashing). Overall, the new fascia display would have a height of 870mm, width of 4800mm and would project 145mm beyond the fascia board. The internally illuminated vinyl element of the sign would be static with a maximum illuminance level of 300 cd/m²; whilst the LED matrix portion of the sign would also be static, with a maximum illuminance level of 250 cd/m².
- 10.16 For the avoidance of doubt, a condition has been recommended (Condition 3) for the advertisement consent to ensure that the LED matrix display is static, not animated or flashing, with a maximum illuminance level of 250 cd/m².
- 10.17 A small vinyl window graphic would also be displayed at the bottom of the bottom of the shopfront glazing, measuring 870mm in width and 155mm in height. This would be installed interior to the glazing. The UDG advises that vinyl signage to shop windows is discouraged as this can create a blank frontage to the street. However, given the small scale of the vinyl proposed and its location towards the base of the shopfront frame, it would not create a blank street frontage and this element of the proposal is considered to be acceptable in this instance.
- 10.18 Overall, the proposed replacement signage is considered to be acceptable. Whilst concerns were initially raised by officers regarding the proposed LED matrix signboard integrated within the fascia, the applicant has confirmed that the signboard would be static illuminated rather than flashing or animated, and that the matrix would be modified on a monthly/seasonal basis in consultation with the Council's Affordable Workspace Team. Overall, the replacement fascia sign would not detract from the streetscene, and the vinyl

display to the glazed shopfront would be modest in scale. Therefore, the proposals would not cause harm to the character or appearance of the host building or to the wider Seven Sisters Road streetscene.

Public Safety

- 10.19 In accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, consideration must be given to the effect of proposed advertisements on public safety, including considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians).
- 10.20 The proposal does not incorporate any projecting hanging signs, and therefore would not cause any harm to pedestrian safety. The illuminance level of the fascia sign and LED matrix display would also be limited, and therefore the proposal would not cause undue harm to road safety. Overall, the proposed advertisements would not cause harm to public safety.

Inclusive Design

- 10.21 Policy DM2.2 stipulates that all developments must demonstrate that they provide for ease of and versatility in use; delivery safe, legible and logical environments; produce places and spaces that are convenient and enjoyable to use for everyone; and bring together the design and management of a development from the outset and over its lifetime.
- 10.22 The proposal includes the installation of a chair lift within the ground floor shopfront within the entrance lobby, to provide level access to the unit. The Council's Inclusive Design Officer has reviewed the proposal and advises that the platform lift represents a very positive improvement with regard to accessibility of the site. Overall, the proposal is considered to be acceptable with regard to accessibility, and accords with policy DM2.2 of the Development Management Policies 2013.

Neighbouring Amenity

- 10.23 Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise, overshadowing, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook.
- 10.24 The proposed shopfront alterations would be minor in nature, and do not involve significant enlargements to the existing opening. The proposed replacement signage would be minimal in size. It must be noted that there are no residential properties within the application building, and the illuminated signage would not cause harm with regard to light disturbance. The proposals would therefore not cause undue harm to neighbouring amenity with regard to overshadowing, overlooking, privacy, access to natural light, over-dominance, sense of enclosure or outlook. Overall, the proposals accord with policy DM2.1 of the Development Management Policies 2013.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 A summary of the proposal is set out at section 4 of this report.

Conclusion

- 11.2 It is recommended that planning permission and advertisement consent be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A – FULL PLANNING APPLICATION

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

Full Planning Permission List of Conditions:

1	Commencement
	<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 list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement 255_48SS_P_PlanningStatement, Statement of Use 255_48SS_P_UseStatement, 255_48SS_P_113_01e and 255_48SS_P_113_01.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the approved plans and documents. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Hours of Operation (Compliance)
	<p>CONDITION: The ground floor unit hereby approved shall not operate outside the hours of 7.00am to 10.00pm Monday to Sunday.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>

Full Planning Permission List of Informatives:

1	Other Legislation
	<p>INFORMATIVE: You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.</p>

RECOMMENDATION B – ADVERTISEMENT CONSENT

That the grant of advertisement consent be subject to **conditions** to secure the following:

Advertisement Consent List of Conditions:

1	Standard advertisement condition (compliance)
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).</p>
2	Advertisement illumination intensity (compliance)
	<p>CONDITION: The advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 450 candelas per square metre.</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
3	LED matrix display (compliance)
	<p>CONDITION: Notwithstanding Condition 2, and for the avoidance of doubt, the hereby approved LED matrix display must be static illuminated (i.e. not animated or flashing), and shall not exceed a maximum steady brightness of 250 candelas per square metre.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2019 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

a. The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 7.4 – Local character

Policy 7.6 – Architecture

b. Islington Core Strategy 2011

Policy CS3 – Nag's Head and Upper Holloway Road

Policy CS9 – Protecting and enhancing Islington's built and historic environment

c. Development Management Policies June 2013

Policy DM2.1 – Design

Policy DM2.3 – Inclusive design

3. Designations

- Core Strategy Key Area – Nags Head and Upper Holloway Road
- Nags Head Town Centre (Secondary Retail Frontage)
- Major cycle route
- TLRN road
- Article 4 Direction (A1-A2 Town Centres)

4. SPD/SPGS

- Urban Design Guide 2017

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE B		AGENDA ITEM: B3
Date:	14 July 2020	NON-EXEMPT

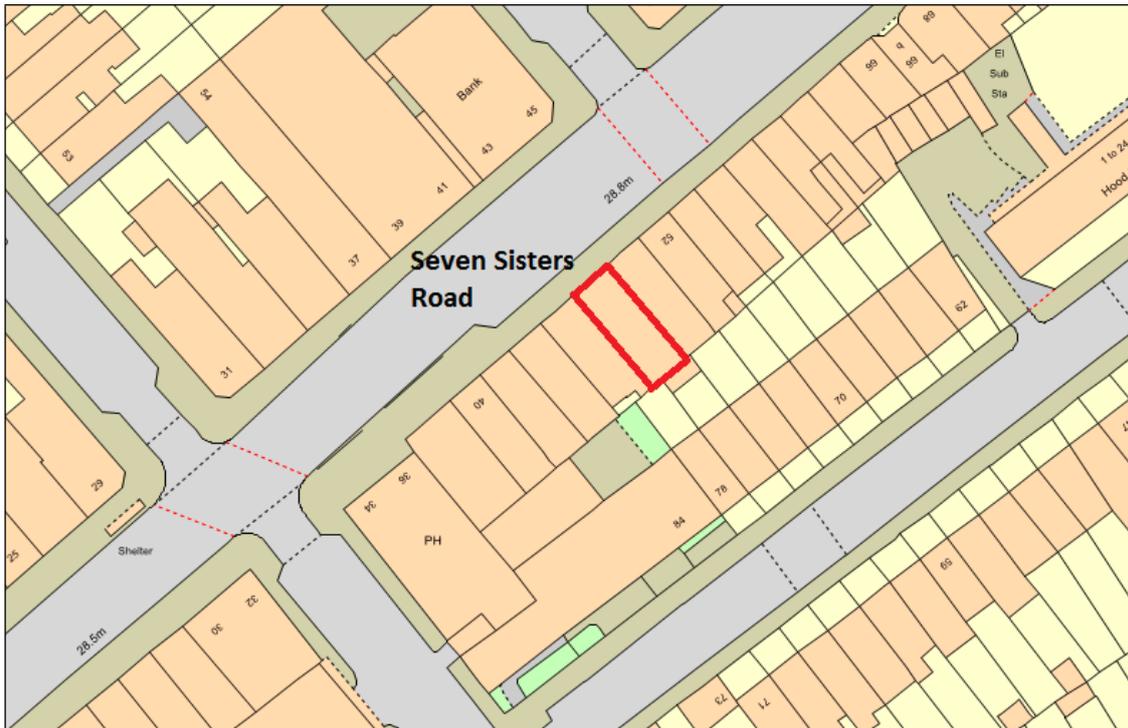
Application numbers	P2020/1264/ADV
Application type	Advertisement Consent
Ward	Finsbury Park
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	Core Strategy Key Area – Nags Head & Upper Holloway Road Nags Head Town Centre (Secondary Retail Frontage) Major cycle route TLRN road Article 4 Direction (office to residential) Article 4 Direction (A1-A2 Town Centres)
Licensing Implications	None
Site Address	48 Seven Sisters Road, Islington, London, N7 6AA
Proposal	Advertisement Consent: Display of 1no. internally illuminated fascia sign with LED matrix panel below, and associated vinyl graphics.

Case Officer	Zeb McInnes
Applicant	Islington Council–Mr Ayodele Daodu (Inclusive Economy)
Agent	N/A

1. RECOMMENDATION

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

2. SITE PLAN (SITE OUTLINED IN RED)



3. PHOTOS OF SITE/STREET

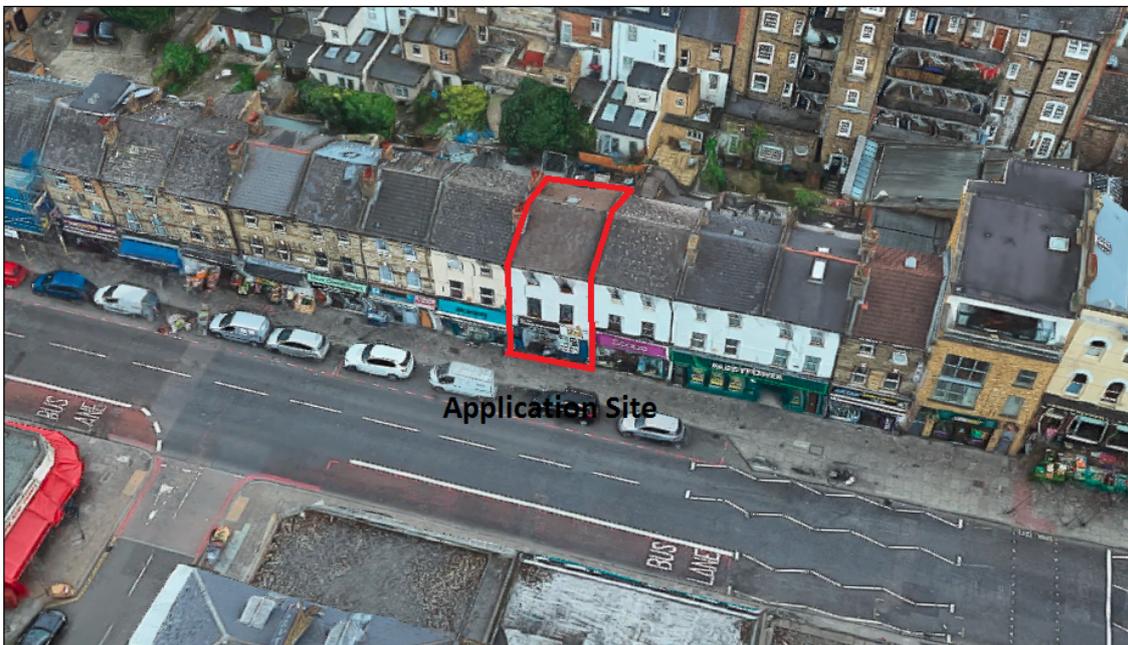


Image 1: Aerial view of the application site



Image 2: Front elevation (site in centre)



Image 3: Seven Sisters Road looking east (site on right)



Image 4: Seven Sisters Road looking west (site on left)

4. SUMMARY

- 4.1 Planning permission is sought for the Installation of a replacement shopfront with associated fascia, internal security shutter and internal accessibility improvements, and the retention of D1 (non-residential institution) use at ground floor level and B1 (office) use at upper floor levels. A separate advertisement consent is also sought for the display of advertisements, comprising of 1no. internally illuminated fascia sign with an integrated LED matrix panel below, and associated vinyl graphics within the shop frontage. The key considerations in determining the applications relate to the acceptability of the retained D1/B1 uses, and the design and appearance of the shopfront and signage.
- 4.2 The proposal is brought to committee because it is a Council own application.
- 4.3 The application site comprises a three storey mid-terrace Victorian property located on the southern side of Seven Sisters Road. The building is not locally nor statutorily listed, nor is it located within a conservation area. Whilst in need of some general repairs and maintenance, the host terrace of which the building forms a part thereof, is of architectural group value as an example of a Victorian retail shopping frontage. The site is located within Nags Head Town Centre (Secondary Retail Frontage) and the Nags Head and Upper Holloway Road Core Strategy Key Area.
- 4.4 The building is very likely to have been in continuous D1/B1 usage since at least May 2009, and potentially as early as 1984. Therefore, no concerns are raised with regard to the proposed retention of this use. The proposed replacement shopfront would represent a positive improvement to the front elevation of the host building, and the proposed replacement signage would not cause harm to the character or appearance of the building or the wider streetscene of Seven Sisters Road. The proposed internal access improvements would represent a positive improvement. The proposals are therefore considered to be acceptable and it is recommended that the planning and advertisement consent applications are approved subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site at No. 48 Seven Sisters Road is a three storey mid-terrace Victorian property located on the southern side of Seven Sisters Road, on the block bounded by Hertslet Road to the west and Hornsey Road to the east. The building is not locally nor statutorily listed, nor is it located within a conservation area. Whilst in need of some general repairs and maintenance, the host terrace of which the building forms a part thereof, is of architectural group value as an example of a Victorian retail shopping frontage.
- 5.2 The site is located within Nags Head Town Centre (Secondary Retail Frontage) and the Nags Head and Upper Holloway Road Core Strategy Key Area. The surrounding area is predominantly mixed-use in character with a heavy emphasis on retail along Seven Sisters Road, and mostly residential properties located to the north and south along Hertslet, Eburne and Salterton Roads and Mayton Street. The buildings along Seven Sisters Road in the immediate vicinity of the site are generally three storeys in height.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the Installation of a replacement shopfront with associated fascia, internal security shutter and internal accessibility improvements, and the retention of D1 (non-residential institution) use at ground floor level and B1 (office) use at upper floor levels.

6.2 Advertisement consent is also sought for the display of advertisements, comprising of 1no. internally illuminated fascia sign with an integrated LED matrix panel below, and associated vinyl graphics within the shop frontage.

7. RELEVANT HISTORY:

7.1 **831132:** Change of use from employment agency to retail shop. Approved with conditions 29/08/1983.

7.2 **840424:** The use of ground floor to provide reception area recreation room crèche and coffee bar with the use of the upper floors as offices. Temporary use approved with conditions 10/05/1984. Condition 1 of the permission states:

CONDITION 01: The limited period for the use hereby permitted shall be until 31.12.86 on or before which date the use shall be discontinued and determined.

7.3 **851307:** Alterations to ground floor front elevation. Approved with conditions 04/10/1985.

7.4 **861222:** Continued use of ground floor to provide reception room crèche coffee bar and the use of the upper floors as offices. Temporary use approved with conditions 11/12/1986. Condition 1 of the permission states:

CONDITION 01: The limited period for the use hereby permitted shall be until 31.12.88 on or before which date the use shall be discontinued and determined.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties on 2 June 2020. The public consultation of the application therefore expired on 26 June 2020, however it is the Council's practice to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report, 0 comments or objections had been received from the public with regard to the applications.

Internal Consultees

8.3 **Accessibility Officer:** The provision of an internal platform lift is welcomed. A clear space of 1570mm between the platform lift and the main entrance door, clear of the door swings, should be provided. All thresholds should not exceed 15mm.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 Islington Council (Planning Sub-Committee B), in determining the planning applications 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 affects the setting of listed buildings, Islington Council (Planning Committee) is required to 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 (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development."

9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.

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

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

9.6 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.

9.7 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.

9.8 Members of the Planning Sub-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.

9.9 The Quality 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

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Core Strategy Key Area – Nags Head and Upper Holloway Road
 - Nags Head Town Centre (Secondary Retail Frontage)
 - Major cycle route
 - TLRN road
 - Article 4 Direction (A1-A2 Town Centres)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

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

- 9.13 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector’s report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:
- Policy SD6: Town centres
 - Policy D2: Delivering good design
 - Policy D3: Inclusive design
- 9.14 It is worth noting that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. Given what is proposed in the application, the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

- 9.15 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.
- 9.16 In Line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 9.17 Emerging policies relevant to this application are set out below:
- Policy PLAN1: Site appraisal, design principles and process
 - Policy SP5: Nag's Head and Holloway
 - Policy R1: Retail, leisure and services, culture and visitor accommodation
 - Policy R3: Islington's Town Centres

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land Use
 - Design, Appearance and Visual Amenity
 - Public Safety
 - Neighbouring Amenity

Land Use

- 10.2 The application seeks permission for the retention of the existing D1 (non-residential institution) use at ground floor level and B1 (office) use at upper floor levels. The site is located within the Nags Head Town Centre Secondary Frontage, and the Nags Head and Upper Holloway Road Core Strategy Key Area.
- 10.3 The historic lawful use of the ground floor unit is likely to have been as an A1 retail unit, however no planning records to confirm this are available. Policies CS3 and CS14 of the Core Strategy 2011, and Policy DM4.5 of the Development Management Policies 2013, outline the importance of retail use within Islington's Town Centres, including within the Secondary Retail frontage of the Nag's Head Town Centre. Together, they seek to protect retail floorspace in these locations.
- 10.4 The D1 and B1 uses at the site are subject to planning history spanning over 30 years. In 1983, permission was granted under Ref: 831132 for the change use of the unit from employment agency (B2) back to retail use (A1). However, there are no records to indicate whether this permission was ever implemented. The building was subsequently

subject to two temporary planning permissions for a D1 use at ground floor level with B1 use on the floors above under planning permission Refs: 840424 and 861222. The most recent temporary planning permission granted this use up until the date of 31 December 1988, after which the building was to revert to its lawful use. There are, however, no further planning records available to confirm that the use reverted back to its lawful use, and the applicant has advised that the temporary use was never discontinued. However, no certificate of lawful use (existing) has been sought to confirm that the continued D1/B1 uses are lawful and immune to enforcement action procedures.

- 10.5 Government property tax records provided by the Valuation Office Agency (VOA) demonstrate that the building has been taxed as a 'Community Centre and Premises' dating from at least 1 April 2010. There are no further VOA records that pre-date this. This record also applies to the entirety of the building, and is therefore not solely limited to the ground floor D1 floorspace. Further, Google Streetview imagery dating back to 2009 demonstrates that the building has been in use as the 'Islington Link Up' Community Centre since at least May 2009 (the earliest street view and photographic imagery available).
- 10.6 Given the above, officers consider that on the balance of probabilities, the building has been occupied for D1 and B1 use purposes since at least May 2009, and highly likely since the grant of the first temporary permission for such uses in 1984 under Ref: 840424. Therefore, it is likely that the existing lawful use of the building is as D1 at ground floor and B1 at upper floors. As such, no concerns are raised with regard to the retention of these uses as proposed under this current application proposal.
- 10.7 The retention of the D1 (non-residential institution) at ground floor level and B1 (office use) at first and second floor levels is therefore considered to be acceptable, and the application accords with policies CS3 and CS14 of the Core Strategy 2011 and policy DM4.5 of the Development Management Policies.

Design, Appearance and Visual Amenity

- 10.8 The planning application seeks permission for the installation of a replacement shopfront and associated fascia, internal security shutter and internal accessibility improvements. Advertisement consent is sought for the display of advertisements, comprising 1no. internally illuminated fascia sign with an integrated LED matrix panel below and associated vinyl graphics within the shop frontage.
- 10.9 Policy CS9 of Islington's Core Strategy 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

Replacement shopfront

- 10.10 The Islington Urban Design Guide 2017 (UDG) at paragraphs 5.194-5.217 provides guidance with regard to the design of shopfronts within Islington. It advises that new or refurbished shopfronts should respect the local street scene, the building as a whole and its design detail.
- 10.11 Paragraph 5.226 of the UDG advises that security shutters should always be placed internally and be of an open mesh or grille design because, when in use, security shutters

attract graffiti, obscure the shopfront and window display and create hostile and unsafe streets. External security shutter boxes are bulky and visually unattractive.

- 10.12 The existing shopfront, the majority of which is recessed, is of timber construction with significant tiled framing. Overall, it is of little architectural interest, however it does not detract from the streetscene. The proposed replacement timber shopfront would not be recessed from the pavement and would be more traditional in appearance, incorporating a stallriser, transoms and mullions, and a fanlight above the entrance door. The shopfront would be set within ceramic tiled cheeks. The existing solid metal roller shutter would also be replaced by a visually permeable 'shell' roller shutter, to be installed internally behind the new shopfront.
- 10.13 The replacement shopfront would enhance the character and appearance of the building by re-introducing many of the features common within traditional Victorian shopfronts. The removal of the existing bulky external shutter and installation of the replacement internal 'shell' roller shutter is also a welcomed addition. Overall, the proposed shopfront and roller shutter represents a significant improvement to the character and appearance of the host building and the wider streetscene.

Advertisement displays

- 10.14 Paragraphs 5.218-5.225 of the UDG provides guidance with regard to the design of fascias, signage and advertisement displays. It advises that that signage should be of an appropriate size (in line with the principles of inclusive signage) and not dominate a shopfront.
- 10.15 The existing non-illuminated fascia signage would be replaced by a signage of the same height but with a reduced width (4.8m rather than 5.6m as existing). The new fascia aluminium box sign would incorporate an internally illuminated signboard with a translucent white acrylic fascia and an 'open' or 'closed' indicator controlled via a switchboard. Beneath the box sign, the fascia would incorporate an integrated LED matrix panel, which would be static (i.e. not animated or flashing). Overall, the new fascia display would have a height of 870mm, width of 4800mm and would project 145mm beyond the fascia board. The internally illuminated vinyl element of the sign would be static with a maximum illuminance level of 300 cd/m²; whilst the LED matrix portion of the sign would also be static, with a maximum illuminance level of 250 cd/m².
- 10.16 For the avoidance of doubt, a condition has been recommended (Condition 3) for the advertisement consent to ensure that the LED matrix display is static, not animated or flashing, with a maximum illuminance level of 250 cd/m².
- 10.17 A small vinyl window graphic would also be displayed at the bottom of the bottom of the shopfront glazing, measuring 870mm in width and 155mm in height. This would be installed interior to the glazing. The UDG advises that vinyl signage to shop windows is discouraged as this can create a blank frontage to the street. However, given the small scale of the vinyl proposed and its location towards the base of the shopfront frame, it would not create a blank street frontage and this element of the proposal is considered to be acceptable in this instance.
- 10.18 Overall, the proposed replacement signage is considered to be acceptable. Whilst concerns were initially raised by officers regarding the proposed LED matrix signboard integrated within the fascia, the applicant has confirmed that the signboard would be static illuminated rather than flashing or animated, and that the matrix would be modified on a monthly/seasonal basis in consultation with the Council's Affordable Workspace Team. Overall, the replacement fascia sign would not detract from the streetscene, and the vinyl

display to the glazed shopfront would be modest in scale. Therefore, the proposals would not cause harm to the character or appearance of the host building or to the wider Seven Sisters Road streetscene.

Public Safety

- 10.19 In accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, consideration must be given to the effect of proposed advertisements on public safety, including considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians).
- 10.20 The proposal does not incorporate any projecting hanging signs, and therefore would not cause any harm to pedestrian safety. The illuminance level of the fascia sign and LED matrix display would also be limited, and therefore the proposal would not cause undue harm to road safety. Overall, the proposed advertisements would not cause harm to public safety.

Inclusive Design

- 10.21 Policy DM2.2 stipulates that all developments must demonstrate that they provide for ease of and versatility in use; delivery safe, legible and logical environments; produce places and spaces that are convenient and enjoyable to use for everyone; and bring together the design and management of a development from the outset and over its lifetime.
- 10.22 The proposal includes the installation of a chair lift within the ground floor shopfront within the entrance lobby, to provide level access to the unit. The Council's Inclusive Design Officer has reviewed the proposal and advises that the platform lift represents a very positive improvement with regard to accessibility of the site. Overall, the proposal is considered to be acceptable with regard to accessibility, and accords with policy DM2.2 of the Development Management Policies 2013.

Neighbouring Amenity

- 10.23 Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise, overshadowing, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook.
- 10.24 The proposed shopfront alterations would be minor in nature, and do not involve significant enlargements to the existing opening. The proposed replacement signage would be minimal in size. It must be noted that there are no residential properties within the application building, and the illuminated signage would not cause harm with regard to light disturbance. The proposals would therefore not cause undue harm to neighbouring amenity with regard to overshadowing, overlooking, privacy, access to natural light, over-dominance, sense of enclosure or outlook. Overall, the proposals accord with policy DM2.1 of the Development Management Policies 2013.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 A summary of the proposal is set out at section 4 of this report.

Conclusion

- 11.2 It is recommended that planning permission and advertisement consent be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A – FULL PLANNING APPLICATION

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

Full Planning Permission List of Conditions:

1	Commencement
	<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 list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement 255_48SS_P_PlanningStatement, Statement of Use 255_48SS_P_UseStatement, 255_48SS_P_113_01e and 255_48SS_P_113_01.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the approved plans and documents. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Hours of Operation (Compliance)
	<p>CONDITION: The ground floor unit hereby approved shall not operate outside the hours of 7.00am to 10.00pm Monday to Sunday.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>

Full Planning Permission List of Informatives:

1	Other Legislation
	<p>INFORMATIVE: You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.</p>

RECOMMENDATION B – ADVERTISEMENT CONSENT

That the grant of advertisement consent be subject to **conditions** to secure the following:

Advertisement Consent List of Conditions:

1	Standard advertisement condition (compliance)
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).</p>
2	Advertisement illumination intensity (compliance)
	<p>CONDITION: The advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 450 candelas per square metre.</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
3	LED matrix display (compliance)
	<p>CONDITION: Notwithstanding Condition 2, and for the avoidance of doubt, the hereby approved LED matrix display must be static illuminated (i.e. not animated or flashing), and shall not exceed a maximum steady brightness of 250 candelas per square metre.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2019 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

a. The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 7.4 – Local character

Policy 7.6 – Architecture

b. Islington Core Strategy 2011

Policy CS3 – Nag's Head and Upper Holloway Road

Policy CS9 – Protecting and enhancing Islington's built and historic environment

c. Development Management Policies June 2013

Policy DM2.1 – Design

Policy DM2.3 – Inclusive design

3. Designations

- Core Strategy Key Area – Nags Head and Upper Holloway Road

- Nags Head Town Centre (Secondary Retail Frontage)

- Major cycle route

- TLRN road

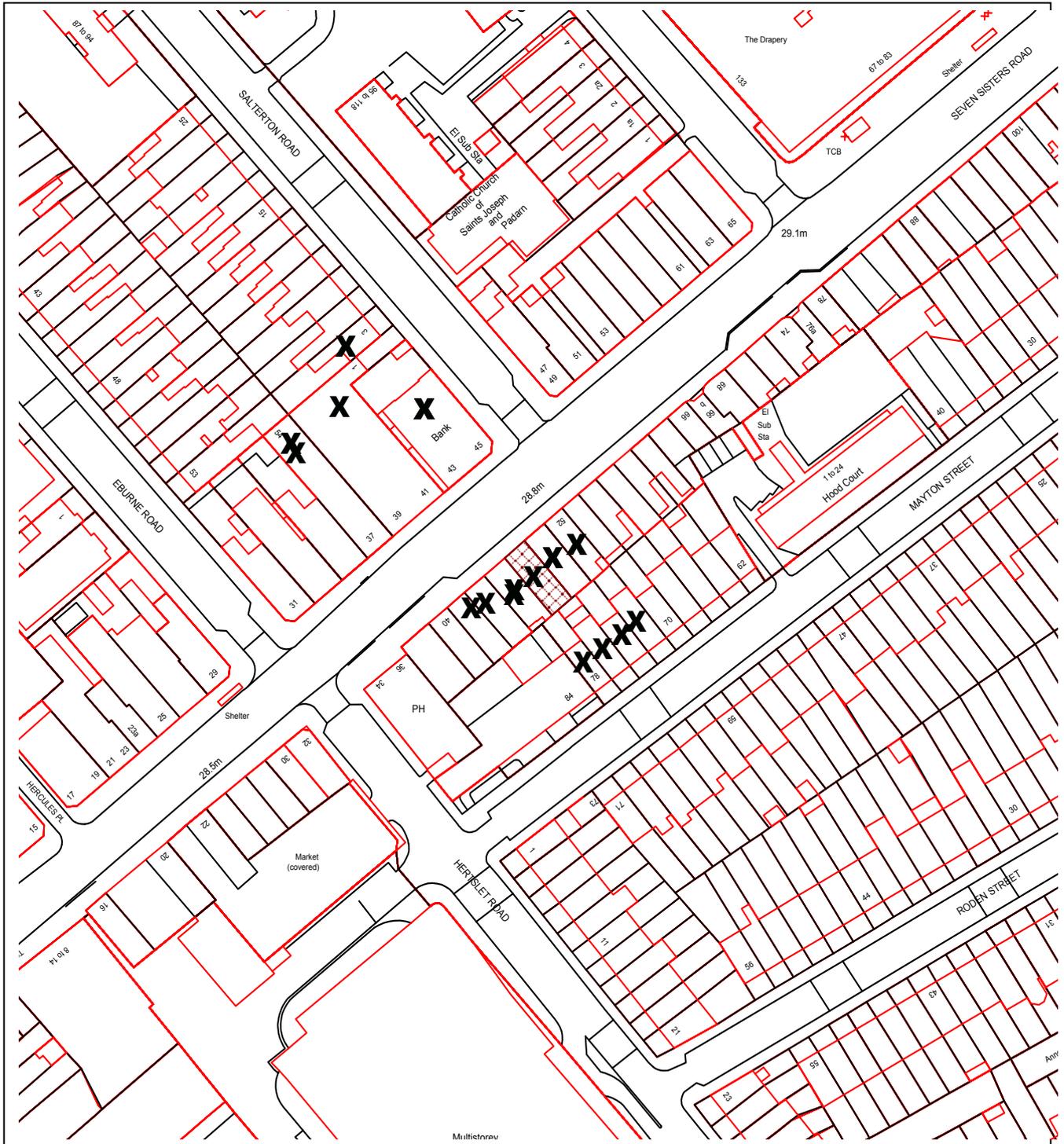
- Article 4 Direction (A1-A2 Town Centres)

4. SPD/SPGS

- Urban Design Guide 2017

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE B		AGENDA ITEM:	B4
Date:	14 July 2020	NON-EXEMPT	

Application number	P2020/0937/FUL
Application type	Full Planning Application
Ward	Mildmay
Listed building	No
Conservation area	Newington Green
Development Plan Context	Article 4 Direction A1-A2 (Rest of the borough)
Licensing Implications	None
Site Address	89-91 Mildmay Park, London, N1 4NB
Proposal	Erection of a part four/part five storey building (following demolition of existing single storey building (165sqm use D1 (clinic)) to allow for the creation of 7x self-contained residential flats (use C3) (3x 1bedroom units and 4x 2bedroom units) and ground floor (154sqm) chiropody/dental clinic (use D1).

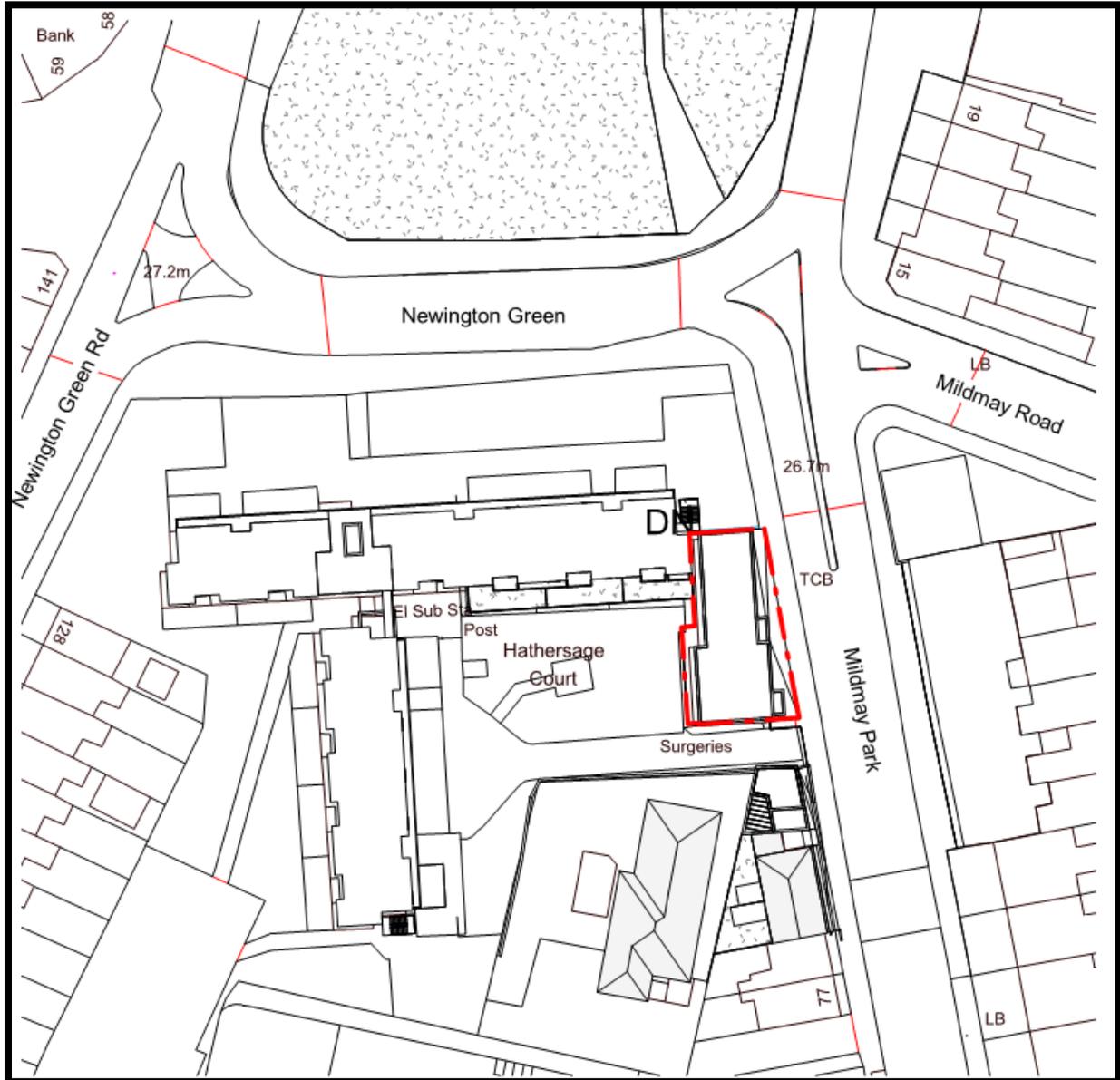
Case Officer	Samir Benmbarek
Applicant	Mrs Nagina Kauser-Zaman
Agent	Bubble Architects

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



Image 1: Aerial View of the site (viewed north)



Image 2: View of existing building and frontage with Hathersage Court behind.



Image 3: Front elevation of existing building with Hathersage Court behind



Image 4: Context of Mildmay Park: No.83 Mildmay Park in the foreground with the application site behind; Lady Mildmay Pub on the opposite side and Newington Green in centre background (viewed south to north).



Image 5: Context of Mildmay Park from junction of Mildmay Park, Mildmay Road and Newington Green: Lady Mildmay Pub to the left in foreground, Hathersage Court to the right behind the trees with No. 89-91 Mildmay Park behind.



Image 6: Northern elevation of existing building (viewed south).



Image 7: Existing relationship between No. 89-91 Mildmay Park and Hathersage Court (as viewed from junction of Mildmay Park and Mildmay Road).



Image 8: Existing context of Mildmay Park from Newington Green.

4. SUMMARY

- 4.1 The application proposes the demolition of the existing single-storey building and the erection of a part-five/part-four storey mixed use building. The proposed building would comprise D1 use (non-residential institution) at ground floor level and C3 use (residential) at first to fourth floor levels to accommodate 7x residential units. The proposed building would front Mildmay Park on its western side, opposite the Lady Mildmay Public House, immediately south of Newington Green.
- 4.2 The building, as existing is made up of D1 floorspace, with a gross internal area (GIA) of 167sqm. The floorspace is split into two units with a dental surgery (Kindandental 2) and a chiropodist (Angel Chiropody).
- 4.3 The proposed new build would introduce a five storey building. This would comprise of 154sqm of reprovided D1 floorspace at ground floor level, divided into two separate units: 89sqm for the chiropody unit and 65sqm for the dental surgery. Centrally located between the 2x D1 units, there would be 60sqm of ancillary C3 space proposed as the entrance lobby, refuse and recycling storage and cycle storage.
- 4.4 At first to fourth floor levels, 648sqm of residential floorspace is proposed which would accommodate 3x 1bedroom (2 persons) flats, 3x 2bedroom (4 persons) flats and 1x 2bedroom (3 persons) flat. Each flat would have its own private outdoor amenity terrace.
- 4.5 The proposed design, layout, scale and massing of the proposed development is considered acceptable. The Council's Design and Conservation Team have been consulted during the application process and are satisfied that the proposed development would preserve the character and appearance of the Newington Green Conservation Area.
- 4.6 The proposed building including the residential amenity terraces are considered to be of an appropriate scale, and the proposal is considered to not unduly impact the residential amenity of neighbouring properties in terms of loss of daylight and sunlight, overshadowing, reduction in outlook and increased sense of enclosure, loss of privacy and overlooking. The proposal therefore accords with policy DM2.1 of the Islington Development Management Policies 2013.
- 4.7 The application is referred to committee given the number of objections received (7).
- 4.8 The proposal is considered to cause no harm to the character and appearance of the surrounding area, and to accord with the Development Plan.

5. SITE AND SURROUNDINGS

- 5.1 The application site is located on the western side of Mildmay Park, located immediately south of Newington Green and the junction of Mildmay Park and Mildmay Road. The site has one principal frontage along Mildmay Park.
- 5.2 The site is not statutorily or locally listed; however, it is located within the Newington Green Conservation Area. The site is not located in any core areas, employment or retail designations under the Islington Core Strategy.
- 5.3 The existing building is of a post-war construction and the exterior of the building consists of cement with white painted panelling and white painted timber framed doors and windows. The entrances have small overhangs which features signage of the existing occupiers. The site internally is made up of D1 floorspace, accommodating an area of 167sqm.

- 5.4 To the west of the site is Hathersage Court, a seven storey purpose built post-war housing block which fronts onto Newington Green with an external stair core that sides onto Mildmay Park behind the application site. The rear of the building features residential balconies as well as habitable windows which overlook the site. The building is constructed from pre-cast panelling and render.
- 5.5 On the opposite side of Mildmay Park (east) is a row of traditional three-storey over basement buildings. The ground floor of these buildings appear to have been originally in use as commercial units but overtime have been converted into residential floorspace associated with the uses above and below. Only one commercial unit remains at ground floor level at No. 86 Mildmay Park as a restaurant (Suruchi Indian Restaurant). The terrace of buildings is bounded at the north by the Lady Mildmay Public House, which is although is also three-storey in height, is slightly larger in scale with a frontage along Mildmay Park and Mildmay Road.
- 5.6 To the south of the site is No. 83 Mildmay Park, a detached modern dwelling house constructed in the early 2000s. It's exterior comprises stock brick with timber framed windows and a roof terrace on the flat roof. The building and the application building are separated by a gated driveway.
- 5.7 The site is in close proximity to Newington Green which features a variety of buildings including traditional, post-war and modern with a range and mix of uses including commercial and residential. Many main roads such as Mildmay Road lead onto Newington Green in which a roundabout circulates the green itself which is the focal point of the vicinity. Overall, the area is characterised as dense urban containing a mix of uses with commercial and retail spaces at ground floor with residential and some office uses on the upper floor levels within the surrounding buildings, especially around Newington Green.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission for the demolition of the existing single storey building and the erection of a replacement part-five/part-four storey mixed use building to accommodate 154 sqm of D1 use at ground floor level and C3 (residential) use at first to fourth floor levels. The development would provide 3x 1bedroom (2 persons), 3x 2bedroom (4 persons) and 1x 2bedroom (3 persons) residential units.
- 6.2 The proposed building would result in an increase of an additional four storeys from the existing building with a terminating height of 17.2m from ground level. When viewed in front elevational view, the building's first storey would be 23.8m in width. This is the same width as the existing single storey building. The first, second and third floor levels would be proposed at a width of 22.5m and the top storey would have a width of 14.5m. The building is stepped in its design with the majority of the bulk towards the north of the site.
- 6.3 The building's frontage would consist of Bronsgroen brick with perforated brick patterns, aluminium framed windows and doors with a bronze finish, metal balustrading for the residential terraces and a metal ventilated door for the refuse and recycling store. The brickwork with perforated patterns, bronze finished aluminium framing and metal balustrading is also used throughout the rest of the building's design on the other elevations. The proposed residential terraces would be inset within the building's envelope and not protrude from the elevation.

7. RELEVANT HISTORY:

Hathersage and Beasant Court:

- 7.1 P2018/1970/FUL- The demolition of 154sqm Use Class D1, the demolition and relocation of the sub-station, the re-use of two existing residential units for bicycle storage, the construction of 45 new dwelling units with associated amenity space for affordable and private homes, provided in seven new blocks ranging from 2 to 6 storeys, bicycle parking spaces, improvements to the public realm, and the provision of 293 sqm of flexible Use Class D1 / B1. **Approved with conditions and legal agreement 24/01/2019.**

Application Site:

- 7.2 P2019/1017/FUL- Erection of a part four/part five storey building (following demolition of existing single storey building (165 sqm Use Class D1 (clinic)) to allow for the creation of 7 no. self-contained residential flats (1 no. 1 bed unit, 5 no. 2 bed units, and 1 no. 3 bed units) and ground floor (177sqm) chiropody/dental clinic (Class D1). **Refused 15/07/2019.**

REASON: The proposed development, by reason of its inappropriate massing, poor quality design, prominent location, recessed residential entrance and proximity of windows to an external staircase would fail to achieve a high standard of design, would detrimentally impact the character and appearance of the conservation area and would not provide adequate provision for safety and security. The public benefits of the proposal would not sufficiently outweigh the harm to the conservation area. The proposed development is therefore contrary to the NPPF 2019, policies 3.5, 7.3, 7.4, 7.6 and 7.8 of the London plan (2016), CS8 and CS9 of the Islington Core Strategy (2011) and DM2.1 and DM2.3 of the Development Management Policies (2013) and the guidance in the Islington Urban Design Guide (2017), the Newington Green Conservation Area Design Guidelines (2014) and the Mayor's Housing SPG (2016).

REASON: By reason of its height and excessive depth, the proximity of the west facing windows to neighbouring windows and amenity areas, and the low quantum of private amenity space serving the proposed family unit, the proposed development would be overbearing, visually intrusive and result in an unacceptable loss of daylight and sunlight to the neighbouring occupiers, would result in an unacceptable perception of overlooking and light spill between the proposed development and Hathersage Court, and would provide an unacceptable standard of residential amenity for the future occupiers of the proposed units. The proposed development would therefore detrimentally impact the residential amenity of the occupiers of the neighbouring building and the future occupiers of the proposed units, contrary to policy 3.5 of the London Plan, policies DM2.1, DM3.4 and DM3.5 of the Development Management Policies (2013) and the guidance in the Mayor's Housing SPG (2016).

Pre-application

- 7.3 Q2019/3238/MIN- Erection of a part four/part five storey building(following demolition of existing single storey building –165 sqm Use class D1) to allow for the creation of 7 no, self-contained residential flats (4x2 Bed, 3x1 Bed) and Ground Floor Chiropody/Dental Clinic. **Completed 27/02/2020.**

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 227x adjoining and nearby properties at Mildmay Park, Mildmay Road, Wolsey Road and Newington Green Road (including Hathersage Court) on 23/04/2020. There was an error in the initial consultation letter as the properties at Nos. 68-90 Mildmay Park (located on the opposite side of the application site) were not sent consultation letters.

- 8.2 Consultation letters were addressed to neighbouring properties again on 26/05/2020; however the same properties on the opposite side of Mildmay Park did not receive consultation letters which was again due to an error by the Council. A third round of consultation letters were addressed on 10/06/2020 and it is confirmed that all requested neighbouring properties were addressed these letters.
- 8.3 A site notice and press advert were displayed on 30/04/2020. The public consultation of the application therefore expired on 04/07/2020; however it is the Council's practice to continue to consider representations made up until the date of a decision. It is also confirmed that the application material has been for public viewing on the Council's website since 23/04/2020.
- 8.4 At the time of the writing of this report a total of **11** responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Consultation

- No consultation letters sent to neighbouring properties;
- Submission material does not display online.

(Paragraphs 8.1-8.3)

Access and Parking

- Bin store located at the front with access to main road would cause congestion as there is existing traffic issues.

(Paragraphs 10.117-10.123)

Design and Character

- Size, bulk and massing of the proposed development is over-bearing and out of scale. Should conform to the heights of the traditional terraces;
- Proposed building is far too high;
- Design impact on Newington Green Conservation Area and should be reconsidered.

(Paragraphs 10.17-10.42)

Neighbouring Amenity

- Daylight and sunlight report has incorrectly labelled No. 90 Mildmay Park opposite as a non-domestic when it is a residential property.
- Significant reductions in daylight to the properties on the opposite side of Mildmay Park
- Proposed development would diminish the little amount of light to lower ground floor properties opposite
- Neighbours opposite would need to close blinds/curtains due to overlooking.

- Proposed front windows and terraces would cause overlooking and noise to residents opposite.

(Paragraphs 10.43-10.83)

External Consultees

- 8.5 **Metropolitan Police (Crime Prevention):** Proposed development has addressed concerns of the previous scheme. Proposed entrance, communal and residential doors and windows should be to recommended security standard.

Internal Consultees

- 8.6 **Conservation and Design Officer:** No objection, their comments conclude:

'A very recent planning precedent has established development parameters of what is an acceptable height, bulk and mass. These have been 'replicated' within this scheme.

The proposed development will provide a suitably high standard of design within the Newington Green Conservation Area using good quality materials with a quiet architectural expression in the style of contemporary contextualism.

While the building has been designed to formally face onto Mildmay Park, it has also carefully addressed and responded to its varying edge conditions and constraints. In particular, the highly prominent Newington Green frontage has been treated with the required level of animation and formality, while the residentially sensitive southern and western edges have been designed to minimise associated privacy concerns.

The building will add to the richness and variety of the Conservation Area and is therefore supported'.

- 8.7 **Inclusive Design Officer:** If the development is to provide wheelchair accessible units, 2x lifts are a requirement. Cycle parking is required for D1 staff and Bathroom layouts are not currently adaptable, nor wheelchair accessible.
- 8.8 **Planning Policy:** No objection in principle to the redevelopment of the site. The marginal loss of D1 space is acceptable given the overall improvement of the site and useable D1 space reprovided.
- 8.9 **Environmental Health:** No comments received.
- 8.10 **Energy:** No comments received.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

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

National Guidance

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the main following statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.

Development Plan

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

Designations

- 9.12 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Newington Green Conservation Area
 - Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.13 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

- 9.14 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') which opened on 15 January 2018 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the 'Intend to Publish' version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector's report. Whilst the draft London plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account.

Relevant policies in the emerging London Plan are set out below:

- Policy D1- London's form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D5- Inclusive design
- Policy D6- Housing quality and standards
- Policy D7- Accessible housing
- Policy H1- Increasing housing supply
- Policy H2- Small sites

- Policy H10- Housing size mix
- Policy S2- Health and social care facilities
- Policy HC1- Heritage conservation and growth
- Policy SI 2- Minimising greenhouse gas emission

9.15 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 state what response the Mayor will make to the directions. In any event, given that is proposed in the application, the direction does not alter the assessment in this case.

9.16 Draft Islington Local Plan 2019

9.17 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 with the examination process in progress.

9.18 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).

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

- Policy H4- Delivering high quality housing
- Policy H5- Private outdoor space
- Policy SC1- Social and community infrastructure
- Policy SC4- Promoting social value
- Policy S1- Delivering sustainable design
- Policy S2- Sustainable design and construction
- Policy S4- Minimising greenhouse gas emissions
- Policy T2- Sustainable transport choices
- Policy T3- Car-free development
- Policy T5- Delivery, servicing and construction
- Policy DH1- Fostering innovation and conserving and enhancing the historic environment
- Policy DH2- Heritage assets
- Policy DH7- Shopfronts
- Policy ST2- Waste

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Quality of Accommodation

- Inclusive Design
- Secure by Design
- Highways and Transport
- Refuse and Recycling
- Energy and Sustainable Design and Construction
- Trees and Landscaping
- Small Sites Affordable Housing Contribution
- Community Infrastructure Levy (CIL)
- Other Matters

LAND USE

10.2 The site is not located within a designated Town Centre, Local Shopping Area, or within an Employment Growth Area, Employment designated area. The site is also not located within the Central Activities Zone (CAZ). The proposed development would involve the demolition of the existing D1 use building and its replacement with a mixed-use building incorporating D1 use at ground floor and C3 use above to accommodate 7x residential units.

Social Infrastructure

10.3 The proposal would result in the net loss of 11sqm of D1 floorspace with the GIA of the reprovided D1 floorspace measured at 154sqm. This would form 89sqm of floorspace for the chiropodist occupying the south of the site and 65sqm of floorspace for the dental surgery occupying the north of the site. The units would be separated by the entrance core to the residential floors above.

10.4 Policy DM4.12 (A) of the Islington Development Management Policies details that the Council will not permit any loss or reduction in social infrastructure uses unless: a replacement facility is provided on site which would, in the Council's view, (i) meet the need of the local population for the specific use ; (ii) or the specific use is no longer required on site.

10.5 It is considered that the marginal loss in floorspace is justified as two separate designated D1 use units are formed as a result of the development with each unit possessing a simple and efficient layout. Additionally, the continued D1 uses on the site would benefit from a modern building with anticipated modern internal facilities. The reprovided D1 units would also provide an active frontage at ground floor level to this part of Mildmay Park which is considered to be absent within the existing context. It should also be noted that the approved development at Hathersage and Beasant Court (ref: P2018/1970/FUL) included the demolition and rebuilding of this site, with a similar level of D1 re-provision on this part of the site.

10.6 Part C of policy DM4.12 states that new social infrastructure, including extensions to existing infrastructure and facilities must: (i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; (ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the need of intended occupiers; (iii) be sited to maximise shared use of the facility; (iv) and complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.

10.7 Whilst not technically a new form of social infrastructure or an extension to such, as the proposal is redevelopment of the site, it is considered the above considerations should apply. Newington Green is considered a focal area of local communities aided by its high accessibility and as such the existing site is considered convenient. The site and immediate

area is efficiently served by public transport with bus stops around Newington Green and cycle parking facilities located nearby. The uses are considered complementary to the existing surrounding uses and character given the dental surgery and chiropodist are accommodated in the existing single storey building.

- 10.8 The proposed ground floor units are considered to be accessible by all users and the proposed space of the individual units can accommodate the continued occupation of the dental surgery and chiropodist. Also the design and layout of the units can adapt to flexible or shared spaces should this be required in the future.
- 10.9 Therefore, on balance, the reprovided D1 space complies with policy DM4.12 of the Islington Development Management Policies 2013. Consideration has been had to policy SC4 (Promoting Social Value) of the draft Islington Local Plan. Policy SC4 encourages all development within the borough to maximise social value in order to deliver as many public benefits as possible. The provision and therefore the continued use of the chiropodist and dental surgery is considered to promote social value as it would still provide a health and social benefit to the local community as well contribute to the local economy through their services.

Housing

- 10.10 Policy CS12 of the Islington Core Strategy 2011 provides a clear direction of seeking new housing of good quality to meet identified and pressing housing needs, particularly affordability and inclusivity needs.
- 10.11 Policy DM3.1 of the Islington Development Management Policies 2013 seeks for all sites to provide a good mix of housing sizes and ensure the range of housing sizes in the borough is provided in line with Islington's Housing Needs Assessment as reflected in Table 3.1 of the Development Management Policies. For market housing the required housing mix is 10% one-bedroom units, 75% two-bedroom units and 15% three-bedroom units (0% larger units).
- 10.12 The accompanying text in paragraph 3.14 and 3.15 of the Development Management Policies reads that whilst all development proposals should provide the mix as listed in Table 3.1, the requirement is expected to be met within major developments. Within minor developments there can be some flexibility to dwelling mix when taking into consideration to the size, character and context of the development, as long as the overall mix is appropriate.
- 10.13 The proposed development would provide 4x two-bedroom flats and 3x one-bedroom flats. This would result in a dwelling mix of 57% two bedroom units and 43% one-bedroom units. Whilst the dwelling mix of housing is skewed towards smaller units, given that the proposal would still provide 4x two-bedroom units (which is the most sought market tenure), the smaller site plot (in comparison to the previously approved major development) and that the proposed scale of the building has been decreased following the previous refusal and as such less residential floorspace proposed to incorporate larger units, on a balance the dwelling mix is acceptable.
- 10.14 It is noted that the dwelling mix of the proposal is the same mix approved for Block K of planning permission Ref: P2018/1970/FUL.
- 10.15 Policy H2 of the Draft Local Plan and associated Table 3.2 seeks for all development proposals for conventional residential housing to provide a good mix of unit size. Two-bedroom units and above are considered 'family-dwellings' and Table 3.2 of the Draft Local Plan has no prescribed percentages of the different tenures within the mix. Two-bedroom market units are listed as 'high' whilst one-bedroom market units are listed as 'low'. On

balance, the proposed dwelling mix is considered acceptable given the majority of the proposed units are family dwellings.

- 10.16 Therefore, in regards to land use considerations, the proposed development is considered acceptable as it would re-provide D1 floorspace to the site of a higher quality than the existing whilst providing a suitable mix of residential units within the constraints and context of the site. This overall acceptability is subject to an assessment of all other relevant policy and material planning considerations.

DESIGN, CONSERVATION AND HERITAGE

- 10.17 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.18 Paragraph 131 of the NPPF (2019) states that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.19 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development
- 10.20 Policy DM2.3 of the Development Management Policies will ensure that the borough's heritage assets are conserved and enhanced in an appropriate manner whilst development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. The site is located within the Newington Green Conservation Area.
- 10.21 As the site is located within a conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal, special regard must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 10.22 The part of the Newington Green Conservation Area where the application site is located has two distinct characters. There are the traditional three storey Victorian properties with a vertical emphasis, repeated fenestration patterns at upper floor level and in the case of the properties on Mildmay Park opposite the application site regularly spaced shopfronts at ground floor level. The other distinct character is the more recent form of Hathersage and Besant Court Estate, which has open planted areas and most prominently a large 1960s residential block (Hathersage Court) facing onto Newington Green that also demonstrates strong repetition in its façade treatment.
- 10.23 The application site is located on a prominent corner set between Newington Green and Mildmay Park, marking a clear junction between the two differing characters within this part of the conservation area. As such, it is essential that any building on this site is of a high design quality and appropriately responds to the differing context.
- 10.24 Supplementary to local planning policy, the Islington Urban Design Guide, at paragraph 5.76 states that '*new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the*

space or street that it defines or encloses, while also enhancing and complementing the local identity of an area'. It further details that high quality contemporary design is sought that respects the rhythm, scale and proportions of the existing street frontage.

- 10.25 Furthermore, the Newington Green Conservation Area Design Guidelines (2014) state that *'Where new buildings are deemed acceptable in principle the Council will require them to be of high quality contextual design so that they conserve or enhance the conservation area's significance'*.
- 10.26 One of the reasons for refusal of the previous application (P2019/1017/FUL) was on conservation and design grounds. Officer's concluded that the previous scheme by reason of its inappropriate massing, poor quality design and prominent location would fail to achieve a high standard of design, would detrimentally impact the character and appearance of the conservation area. Furthermore, it considered that in comparison to Block K of planning permission ref: P2018/1970/FUL, whilst the previous scheme was of a similar height and bulk, the design differed substantially from the design of Block K which would lead to a detrimental impact on the character of the conservation area.

Scale and Bulk

- 10.27 The proposed building would be part-five/part-four storeys in height and would occupy the majority of the site. Given the extant planning permission (Ref: P2018/1970/FUL), the scale, mass and height of the proposal is acceptable. The proposed development follows a similar footprint and envelope whilst also conforming to the parameters of established height, massing and bulk.

Detailed Design

- 10.28 The proposed design is considered to sit comfortably within its context with its predominance of brickwork, strong vertical fenestration echoing the historic architectural language of the Georgian and Victorian terraces, and quiet architectural expression. The ground floor presents a suitably rhythmic and coherent presence to the street with its two shopfronts separated by a clearly demarcated residential entrance, and a discretely screened refuse store.
- 10.29 The top floor element is considered skilfully designed. It is deeply recessed from its eastern (Mildmay Park) and southern edges in order to achieve a more respectful contextual fit. It has been further 'lightened' to these edges by a generous and appropriate void to solid ratio. However, where it abuts the 7 storey Hathersage Court, fronting the primary route and open space of Newington Green, it sits flush with its northern facade and is designed as an integral and primary architectural element, reading as an acceptably bold fifth storey.
- 10.30 This entire northern facade faces out towards Newington Green, over a Council owned surface parking court and therefore set considerably back from the street edge. Whilst technically a flank of the scheme, it has been given an appropriate degree of architectural frontage formality, including vertically arranged fenestration and decorative brickwork, as befits this visually prominent edge. The southern return frontage has also been appropriately animated with fenestration and balconies that have been carefully positioned so as not to impair or adversely impact on the adjacent residential uses.
- 10.31 The rear of the building sits hard up against the flank and rear of Hathersage Court, and immediately abuts part of its garden amenity space. There is limited fenestration to this façade and that which there is has been carefully positioned towards the southern edge, and away from existing homes. The building is successfully angled, from 1st floor and above, to this rear edge in order to limit any adverse impact on the amenity of Hathersage Court.

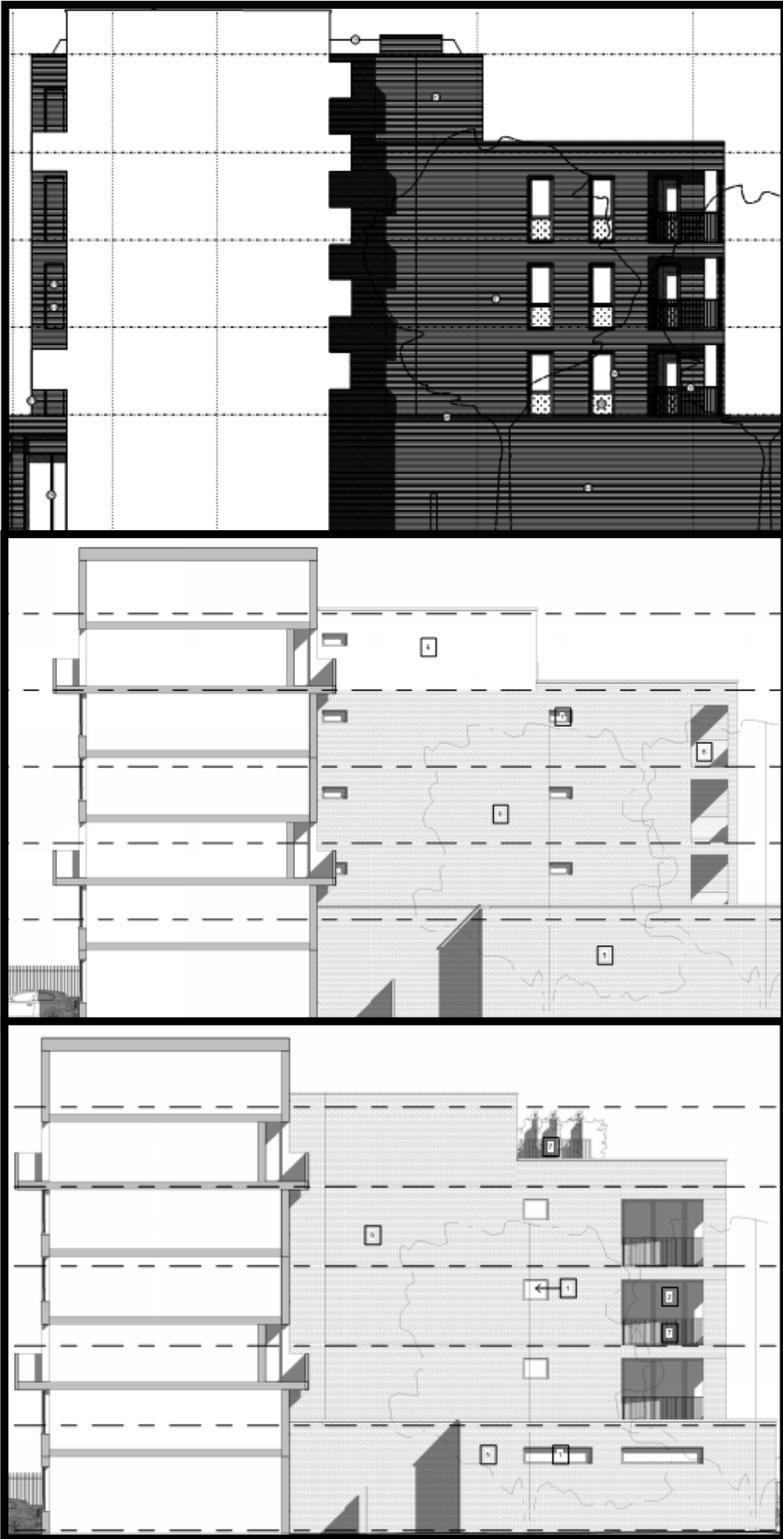
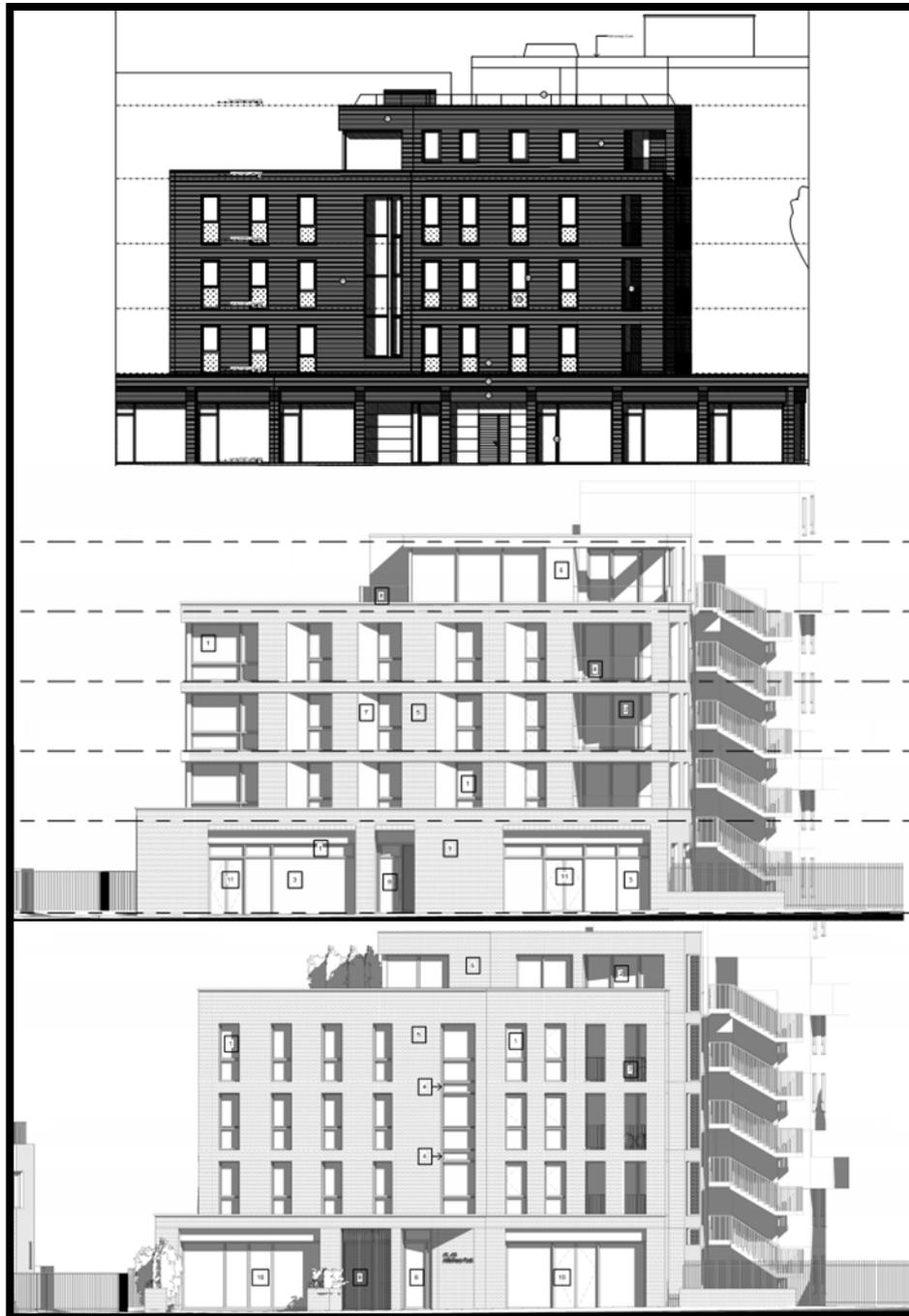


Image 9, 10 and 11: Rear elevations of Block K of P2018/1970/FUL(top); P2019/1017/FUL(middle); and the proposed development (bottom).

10.32 The front façade to Mildmay Park is architecturally successful with a clear demarcation between the commercial ground floor and the residential above and a deep recess of the top floor element. It is vertically rhythmic and yet animated as befits a front façade in this urban context.



Images 12, 13 and 14: Front elevations of Block K of P2018/1970/FUL(top); P2019/1017/FUL(middle); and the proposed development.

- 10.33 The proposed materials are considered suitable for this sensitive context and given the proposed contemporary contextual architectural language. The extensive use of brickwork is supported including to the top floor level, providing a unity and urbanity to the design.
- 10.34 The fenestration is to comprise bronze coloured aluminium windows and sliding doors with a simple metal balustrading to the balconies which is considered acceptable and appropriate to this new build. The shopfronts are also to comprise bronze coloured aluminium which is considered acceptable and will help serve as well to unify these D1 uses and ground floor element of the building with the upper parts.

Impact on Heritage Assets

- 10.35 The site is located within a heritage rich and therefore sensitive context. It sits within the Newington Green Conservation Area, specifically within the 'Newington Green Character Zone' which includes the public Green itself and those buildings and spaces that front it. These buildings are noted as being varied but mostly 19th century in origin and of London stock or red brick.
- 10.36 Paragraph 189 of the Newington Green Conservation Area guide states that the buildings which face and relate to the Green are varied, but include several groups of buildings of historic and architectural interest, most notably 52 – 55 Newington Green which date from 1658 and are London's oldest surviving brick terraced houses. These are positioned mid-way along the Green's western boundary and not visible from the site.
- 10.37 The application site was formerly home to the Mildmay Hospital Complex, demolished to make way for the Hathersage Estate. Founders Lodge, that lies to the rear of the application site, is the only surviving building associated with the former Hospital. The 7 storey Hathersage Court, that fronts onto Newington Green, was built in the late 1960s/early 1970s. It is a negative feature within this zone and detracts from the Green and the broader qualities and characteristics of the conservation area.
- 10.38 The scheme has had demonstrable regard to the design requirements of the Newington Green Conservation Area Statement SPD 2014. Specifically, paragraph 219 states that "*New buildings should be carefully designed to respect the setting of any significant historic buildings by virtue of their scale, proportion, height, massing, alignment, and use of materials*". Paragraph 222 goes on to state that where considering new buildings, "*all opportunities should be taken to enhance the significance of the Conservation Area*". Paragraph 225 advises that window openings should be set back within adequate reveals and be appropriately proportioned and positioned. It states explicitly that "*excessive areas of blank elevation should be avoided*".
- 10.39 The proposed development will provide a suitably high standard of design within the Newington Green Conservation Area using good quality materials with a quiet architectural expression in the style of contemporary contextualism. While the building has been designed to formally face onto Mildmay Park, it has also carefully addressed and responded to its varying edge conditions and constraints. In particular, the highly prominent Newington Green frontage has been treated with the required level of animation and formality, while the residentially sensitive southern and western edges have been designed to minimise associated privacy concerns.
- 10.40 The building will add to the richness and variety of the Conservation Area and is therefore supported. The proposed development is considered to significantly overcome the previous concerns and reason for refusal and is now considered a development that corresponds well to its surrounding context, in the same manner as Block K within the extant planning permission P2018/1970/FUL.

- 10.41 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Newington Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The proposed development is considered to be of a high quality design that is sensitive to its context. It would enhance and not detract from the character and appearance of the Newington Green Conservation Area as seen within public and private views. Therefore, the proposed development complies with the National Planning Policy Framework 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, policies CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013. The development also adheres to the guidance in the Islington Urban Design Guide 2017 and the Newington Green Conservation Area Design Guidelines 2014.
- 10.42 Consideration has also been taken into policies DH1 (Fostering innovation and conserving and enhancing the historic environment) and DH2 (Heritage assets) of the Draft Islington Local Plan. The proposed development is considered a high quality contemporary build which would contribute to the diverse character of this part of Newington Green Conservation Area. It is noted that the aims of policy DH2 of the Draft Local Plan does not diverge significantly from that of policy DM2.3 of the Development Management Policies in respect to heritage assets.

NEIGHBOURING AMENITY

- 10.43 The Development Plan contains policies that 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.

Daylight, Sunlight and Overshadowing

- 10.44 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.
- 10.45 BRE Guidelines paragraph 1.1 states: *“People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by”*. 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”*.

- 10.46 The applicant has submitted a Daylight and Sunlight Study by Right of Light Consulting dated 3rd April 2019 which assesses the impact of the proposed development on the properties at:

- 1-69 Hathersage Court; and
- 75A, 80, 82-86 (inclusive), 88, 90 and 92 Mildmay Park.

Daylight

- 10.47 In respect to 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 or 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).”
- 10.48 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.
- 10.49 At paragraph 2.2.7 of the BRE Guidelines it states: “*If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times is 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.*”
- 10.50 At paragraph 2.2.8 the BRE Guidelines state: “*Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside*”.
- 10.51 Paragraph 2.2.11 states: *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.*” The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 10.52 The BRE Guidelines at 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*”
- 10.53 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPG 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.

10.54 In term terms of assessing the impact of the proposed development on daylight, the study identifies that 17 of the 315 windows tested would fail to retain VSC values in accordance with the BRE Guidelines and would have a reduction of VSC in excess of 20%. These are detailed in the table below:

<u>Daylight</u>			Vertical Sky Component		
Flat No.	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC
Address					
Flat No. 11-69 Hathersage Court	Gnd Floor Window 190	Unknown	5.7	4.3	24*
	First Floor Window 192	Unknown	11.7	8.5	27*
	First Floor Window 193	Unknown	13.1	9.9	24*
	Second Floor Window 195	Unknown	24.6	18.2	26
	Third Floor Window 196	Unknown	7.8	5.7	27*
	Third Floor Window 197	Unknown	8.5	6.2	27*
	Gnd Floor Window 206	Unknown	30.4	18.9	37
	First Floor Window 207	Unknown	23.6	14.8	37
	Second Floor Window 208	Unknown	11.7	6.8	42*
	Second Floor Window 209	Unknown	13.7	8.7	36*
	Second Floor Window 210	Unknown	11.1	8.6	22*
	Third Floor Window 211	Unknown	36.3	23.1	36
	Fourth Floor Window 212	Unknown	26.8	17.7	34
	Fifth Floor Window 213	Unknown	12.5	9.1	27*
	Fifth Floor Window 214	Unknown	14.7	10.9	26*
90 Mildmay Park	Gnd Floor (door top-light) Window 245	Unknown	11.6	8.1	30
85 Mildmay Park	First Floor Window 306	Unknown	29.6	20.3	31

Table 1: VSC

10.55 The losses of daylight are mostly experienced within the windows of Hathersage Court that are the closest to the development. This corresponds with the findings of the daylight and sunlight assessment and conclusions for Block K in planning permission P2018/1970/FUL. Fifteen windows in this assessment were found to experience noticeable losses whilst fourteen were concluded to experience such in P2018/1970/FUL. Despite the difference of one window, the location of the impacted windows is in the same location of Hathersage Court which is immediately to the west of the proposed development.

10.56 Of the windows in Hathersage Court identified, 10 are located below balconies/recesses (asterisked in the above table). In accordance with the BRE Guidelines these windows have also been tested with the balconies/recesses omitted. The below tables shows the result of the re-assessment.

<u>Daylight</u> (Balconies/Recess omitted)			Vertical Sky Component		
Flat No.	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC
Address					
Flat No. 11-69 Hathersage Court	Gnd Floor Window 190	Unknown	31.8	27.9	27
	First Floor Window 192	Unknown	39.6	30.3	23
	First Floor Window 193	Unknown	39.6	29.1	26
	Third Floor Window 196	Unknown	39.6	32.9	17
	Third Floor Window 197	Unknown	39.6	31.6	20
	Second Floor Window 208	Unknown	39.6	26.5	33
	Second Floor Window 209	Unknown	39.6	24.9	37
	Second Floor Window 210	Unknown	39.6	23.3	41
	Fifth Floor Window 213	Unknown	39.6	34.6	13
	Fifth Floor Window 214	Unknown	39.6	32.1	19

Table 2: VSC with balconies/ recess omitted

10.57 The results of this show that there remain some reductions in excess of 30% in VSC to 3 of the windows re-tested. Omitting the balconies/recesses would result in 7 windows demonstrating compliance with the BRE Guidelines.

10.58 This therefore results in a total of 8 windows at Hathersage Court with transgressions in daylight in excess of BRE Guidelines. This comprises predominantly those windows located closest to the proposed development. This again correlates with the findings for Block K of planning permission P2018/1970/FUL.

10.59 In light of this, the applicant has carried out Daylight Distribution assessments for the properties at Hathersage Court in which the property layouts were known. This demonstrated that sufficient daylight would be provided to these rooms. Considering the extant permission and the details noted above, it is considered that the proposed development would not result in unacceptable reductions to daylight to the neighbouring properties.

10.60 It is noted that the windows at 85 and 90 Mildmay Park identified in the table above have considerable reductions in VSC. However, the window at 85 Mildmay Park is a secondary window to a room with other larger windows receiving good levels of daylight, while the window at 90 Mildmay Park is a toplight above a ground floor entrance door that is not considered to be a sensitive window. As such, the reductions in daylight to these windows are considered to be acceptable in this case.

Sunlight

10.61 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.”*

10.62 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.”*

10.63 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.”*

10.64 The submitted study identifies 7 windows that would have reductions to APSH in excess of the BRE Guidelines, of which 2 windows would also have reductions in WPSH in excess of BRE Guidelines. These are detailed in the table below:

Sunlight			Annual (APSH)			Winter (WPSH) (between 21 September and 21 March)		
Flat No.	Room / Window	Room use	Existing	Proposed (target 25% or more)	Percentage reduction	Existing	Proposed (target 5% or more)	Percentage Reduction
Address								
Flat No. 11-69 Hathersage Court	Third Floor Window 165	Unknown	8	6	25	8	6	25
	Third Floor Window 196	Unknown	8	6	25	8	6	25
	Fourth Floor Window 199	Unknown	16	12	25	16	12	25
	Second Floor Window 208	Unknown	15	9	40	15	9	40
	Second Floor Window 209	Unknown	16	11	31	16	11	31
	Second Floor Window 210	Unknown	16	12	25	16	12	25
	Fifth Floor Window 213	Unknown	16	11	31	16	11	31

Table 3: APSH and WPSH figures

10.65 It is noted that half of the windows experience a reduction in APSH in excess of 30%. Of the windows in Hathersage Court identified above 3 are located below balconies/recesses and in accordance with the BRE Guidelines these windows have also been tested with the balconies/recesses omitted. All 3 windows re-tested would have acceptable levels of sunlight. It is noted that the existing level of sunlight receipt to these windows is low and this therefore results in any reduction being disproportionately represented in percentage change. The perceivable reduction in sunlight would be less apparent. These findings and number of windows with APSH reductions correlate with the results of Block K of extant permission P2018/1970/FUL.

10.66 It would appear that the windows/balcony doors immediately adjacent to the proposed development are not the sole access to daylight and sunlight for the habitable room they serve. The neighbouring windows/balcony doors to its west also provide amenity to the same rooms (as seen in image 2). Therefore, it is considered impacts are lessened given there is another form of daylight/sunlight access.

Open Space

10.67 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”*.

- 10.68 Paragraph 3.3.17 it states: *“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”*
- 10.69 The proposal would lead to a small increase in overshadowing to the open space immediately to the west of the site. However, the majority of this space (in excess of 50%) would continue to receive at least 2 hours of sunlight on the 21st March, such that the impact on this space would be acceptable.
- 10.70 All of the other amenity spaces tested would continue to receive acceptable levels of sunlight.

Conclusion on Daylight, Sunlight and Overshadowing

- 10.71 The proposed development would result in some reductions in daylight and sunlight to a number of windows in Hathersage Court in close proximity to the development..
- 10.72 It is noted in the BRE Guidelines and London Plan policies that a level of flexibility is required when assessing daylight and sunlight, with a consideration of the site context and circumstances. In this case, the site is located within close proximity to large amounts of estate open space, generally five to seven storey existing and approved buildings across the Hathersage and Besant Court Estate and the traditional lower residential scale of the wider surrounding buildings. Together these represent an urban context.
- 10.73 The extant previous permission at the site (ref: P2018/1970/FUL) forms a material consideration in the assessment of the current application. The assessment and results of the daylight and sunlight report of the proposal do not significantly diverge from the results of Block K of the extant 2018 permission.
- 10.74 Considering the extant permission at the site, the limited transgressions from the BRE Guidelines and that the proposal would introduce 7 residential dwellings and improved D1 facilities, it is considered that the proposal would be acceptable in regard to daylight and sunlight considerations.

Outlook

- 10.75 The proposal would introduce a part four, part five storey building to the site in close proximity to the south facing windows of the residential properties in Hathersage Court.
- 10.76 At ground floor level, the proposal would have a similar footprint to the existing single storey commercial premises at the site. However, the four storey height of the proposed building would project 16.8 metres beyond the rear windows and 16.2 metres beyond the balconies serving the residential units at Hathersage Court.
- 10.77 It is noted that the approved development on the site (application ref: P2018/1970/FUL) shares some similarities in its relationship with Hathersage Court, particularly its scale and massing. The western elevation at first, second and third level is chamfered away from the rear elevation of Hathersage Court, therefore the resulting outlook from these rear windows would not be of a straight solid elevation and would remain relatively open and expansive.. The top storey of the building is half the scale of the remainder of the building, resulting in a limited change to the outlook from the neighbouring block of flats.

10.78 It is also considered that the proposed development would not adversely impact upon the outlook from the opposite terrace of buildings along Mildmay Park. The separation distance is approximately 17m and their continued outlook over a highway would ensure these properties were not impacted..

Privacy

10.79 The windows and balconies on the east and south elevations of the proposed development would face over a highway and an estate road respectively and as such are not considered to result in unacceptable overlooking. The windows and balconies in the north elevation of the proposal would face onto a parking area and a stairwell, ensuring that they would not result in any overlooking to neighbouring occupiers.

Noise

10.80 Policy seeks to ensure all residential development proposals demonstrate how potential adverse noise impact on and between dwellings will be mitigated by housing layout, design and materials.

10.81 The proposed D1 uses at the site would replace the same uses at the site, with a marginal decrease in floor area, such that it would not result in additional disturbance to neighbouring and future occupiers.

10.82 Whilst the proposal would introduce seven additional residential units to the site, the area is largely characterised by residential properties and in the event the application is recommended for approval a condition would be attached for noise mitigation details and appropriate noise insulation measures to be installed prior to the first occupation of the units. The use of the residential terraces is not considered to cause adverse impacts on noise and disturbance to the properties opposite given the considerable width of the street.

10.83 Overall, the proposed development is considered to be acceptable on balance in respect to neighbouring amenity and therefore complies with policy 7.6 of the London Plan, policies DM2.1 of the Islington Development Management Policies 2013.

QUALITY OF ACCOMMODATION

10.84 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.

10.85 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New Technical Housing Standards. These new standards came into effect on 1 October 2015.

10.86 Policy DM3.4 of the Islington Development Management Policies 2013 sets the context for housing standards of new development. Table 3.2 which supports this policy and gives the minimum gross internal areas (GIA) that new residential developments are expected to

achieve. The size of the units and provided storage space is assessed in the table below against the minimum space requirements as stipulated by policy DM3.4.

No. Bed/Expected Occupancy	Proposed Floorspace GIA	Minimum Floorspace GIA	Provided Storage GIA	Required Storage GIA
Flat 1- 1bed/2persons	55sqm	50sqm	1.8sqm	1.5sqm
Flat 2- 2bed/4persons	75sqm	70sqm	3.0sqm	2.0sqm
Flat 3- 1bed/2persons	55sqm	50sqm	1.8sqm	1.5sqm
Flat 4- 2bed/4persons	75sqm	70sqm	3.6sqm	2.0sqm
Flat 5- 1bed/2persons	55sqm	50sqm	1.8sqm	1.5sqm
Flat 6- 2bed/4persons	75sqm	70sqm	3.6sqm	2.0sqm
Flat 7- 2bed/3persons	70sqm	61sqm	1.6sqm	2.0sqm

Table 4: Flat floor areas and storage areas.

10.87 The size of all seven proposed residential units surpass the minimum space requirement as set by the London Plan. The proposed bedrooms in all the units (single and double) meet the minimum space and width requirements as stated within policy DM3.4 as assessed in the table below.

Flat	Bedroom	Bedroom GIA	Minimum Required GIA
No. 1 (First Floor)	No. 1- Double	12sqm	12sqm
No. 2 (First Floor)	No. 1- Double	15sqm	12sqm
	No. 2- Double	13sqm	12sqm
No. 3 (Second Floor)	No. 1- Double	12sqm	12sqm
No. 4 (Second Floor)	No. 1- Double	15sqm	12sqm
	No. 2- Double	13sqm	12sqm
No. 5 (Third Floor)	No. 1- Double	12sqm	12sqm
No. 6 (Third Floor)	No. 1- Double	15sqm	12sqm
	No. 2- Double	13sqm	12sqm
No. 7 (Fourth Floor)	No. 1- Double	15sqm	12sqm
	No. 2- Double	10sqm	8sqm

Table 5: Bedroom floor areas

- 10.88 As seen in the tables, the proposed dwellings would comply with overall unit space standards and bedroom standards for all bedrooms. Additionally, the other living spaces such as the kitchen and living rooms and circulation space are considered to provide a good level of floorspace. All the units would provide good levels of storage and such storage is integrated into internal design and configuration of the units.
- 10.89 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Islington Development Management Policies 2013 (policy DM3.4 (C)) go further than this requirement, advising that ceiling heights of at least 2.6m. This is to provide a greater sense of space and help keep rooms cool during the summer months. The floor to ceiling heights of the proposed units go further than both the London Plan and Islington policy requirement with the units at first, second and third floor level measuring at 2.8m, and the fourth floor flat measuring at 2.7m. Therefore, the proposed floor to ceiling heights are acceptable.
- 10.90 Dual aspect flats must be provided in all situations in accordance with policy CS9(F) of the Core Strategy 2011, and policy DM3.4(D) of the Islington Development Management Policies 2013, unless exceptional circumstances can be demonstrated. All units would be dual aspect.
- 10.91 The proposed layout and configuration of the development results in no overlooking inbetween the proposed residential units.
- 10.92 Flats 2, 4, 6 and 7 all include a window in the north facing elevation located within 1.2 metres of the external staircase serving Hathersage Court immediately to the northwest of the site. This has been addressed by the proposed perforated brick pattern which obscures views from the staircase into these windows. Whilst views from a staircase are expected to be more brief and temporary (in comparison to using a terrace or balcony), the design would give occupiers further comfort in respect to the perception of overlooking.
- 10.93 Part E of the policy DM3.4 stipulates that all living areas, kitchens and dining spaces should preferably receive direct sunlight. The submitted Daylight and Sunlight Study does not include any assessment of the proposed residential units. It is likely that with the large east and south facing windows in the development and open nature of Mildmay Park to the east of the site it is likely they the proposed units would receive sufficient levels of daylight and sunlight.
- 10.94 The existing building accommodated solely D1 use in which no mitigation in respect to noise was required. The proposed development would result in the reprovided D1 floorspace being located directly underneath the residential units. Whilst this has been considered compatible in land use terms, in order to ensure occupier amenity in respect to noise, a condition would be attached upon approval to secure details of appropriate sound insulation between the ground floor D1 uses and upper floor residential uses, and details of how all residential units include sufficient sound insulation to meet British Standards, will be required by condition.
- 10.95 Policy DM3.5 identifies '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 winter gardens'. The minimum requirement for private outdoor space is 5sqm on upper floors for 1-2person dwellings. For each additional occupant, an extra 1sqm is required. This is up to a minimum of 30sqm for family housing (three-bedroom and above). Each flat is provided a terrace in which the table below assess the provided outdoor amenity floorspace.

Flat (Persons)	Proposed Outdoor Floorspace	Required Outdoor Floorspace
No. 1 (2)	6.6sqm	5sqm
No. 2 (4)	6.6sqm	7sqm
No. 3 (2)	5.5sqm	5sqm
No. 4 (4)	6.6sqm	7sqm
No. 5 (2)	5.5sqm	5sqm
No. 6 (4)	6.6sqm	7sqm
No. 7 (3)	30sqm	30sqm

Table 6: Outdoor Floorspace

- 10.96 The terraces serving 4 person dwellings are under the requirement policy; however, this is very marginal in difference and on balance is considered to be acceptable, given the proposed dwellings are smaller units and located in close proximity to public open space at Newington Green. Any form of outdoor amenity space within the existing constraints is welcomed whilst ensuring neighbouring amenity is maintained in respect overlooking from the terraces. The proposed terrace for the 2bed/4persons flat at fourth floor level would provide sufficient space for a family unit. Overall, the proposed amenity space is considered to comply with policy DM3.5 of the Development Management Policies.
- 10.97 For the reasons as discussed above, it is concluded that the proposed development provides acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with the policy 3.5 of the London Plan 2016, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2012 and the National Space Standard 2015.
- 10.98 Policies H4 (Delivering high quality housing) and H5 (Private outdoor space) of the Draft Local Plan has the same expectations as current policy DM3.4 and DM3.5 in regards to quality of accommodation and these new policies does not significantly diverge from the current policies of the Development Management Plan. New residential units are still required to meet to housing space standards; provide good layout and circulation space; be dual aspect; have minimum floor to ceiling heights of 2.6m; and ensure noise and vibration issues are mitigated if the residential use is part of a mixed scheme. The same space requirements for outdoor amenity space apply in policy H5 as discussed earlier within the assessment.
- 10.99 Therefore, the proposed development would reach the same considerations and conclusion in respect to quality of accommodation given the aims of the new Local Plan are largely the same as the Development Management Policies 2013. As such, the proposed development complies with future housing policies.

INCLUSIVE DESIGN

- 10.100 As a result of change introduced by the Deregulation Bill (Royal Assent 26th March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore the Council can no longer apply its flexible housing standards nor wheelchair housing standards.
- 10.101 On 1st October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. Residential development containing fewer than 10 units should be designed so that all dwellings meet Category 2 of the National Housing Standards. A written statement explaining how each of the units meets the requisite standard should be provided with the

application (this can be contained within the Planning Statement). Plans should indicate notional furniture layouts.

- 10.102 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 2013, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.103 In respect of the non-residential parts of the proposal, the D1 units at ground floor level would be step free from the public highway.
- 10.104 The residential uses would be located at first floor level and above. Policy DM3.4 of the Development Management Policies requires 10% of all new housing (calculated against number of habitable rooms), is required to be wheelchair accessible and where such housing is not located at ground floor level, at least two lifts should be provided. One lift is provided which is short of the requirement; however, on balance, given the number of units proposed, a lift is proposed as well as a flight of stairs, and the overall quality of accommodation (as discussed within the previous section), the lack of the additional lift would not warrant a refusal for development of this scale. The stair core could be adapted with a stair lift at a later stage in lieu of the second lift if required.
- 10.105 Within the units themselves, the proposed layouts mostly comply with wheelchair adaptable and wheelchair accessible housing. The WC should be laid out in accordance with Part M4 (2) of Building Regulations.
- 10.106 Condition 12 is recommended to ensure that all residential units are to be built to Part M4(2) (Accessible and adaptable dwellings) of Building Regulations.
- 10.107 Therefore, subject to the condition attached upon approval, the proposed development is considered to comply with policy DM2.2 of the Islington Development Management Policies 2013. Furthermore, the proposed development would be considered to overall comply with Part B of policy H4 of the Draft Local Plan which has the same aims as current policy DM2.2.

SECURE BY DESIGN

- 10.108 The Mayor's Housing SPG (para 2.2.19) states that *'Buildings and spaces should deter criminal opportunism and provide residents with an increased sense of security, without being intimidating or reliant on excessive management.'* Policy DM2.1 of the Islington Development Management Policies 2013, requires development (amongst other aspects related to design) to be safe and inclusive.
- 10.109 As part of the second reason for refusal of previous planning application P2019/1017/FUL, it was considered that the design of the previous proposal should be improved in respect to the safety and security. The previous scheme proposed a recessed communal entrance with no sight lines which could give rise to anti-social behaviour and loitering and an inactive west elevation which would contribute to a dead space between Hathersage Court and the building which would also provide opportunities for anti-social behaviour.
- 10.110 The previously proposed windows of the residential units on the north elevation would be close proximity to the external staircase of Hathersage Court which could have either resulted in easy intruder access to these flats; or as a result of future occupiers, these windows could be secured and covered up. This passive surveillance could

potentially lead to opportunities of anti-social activity upon the staircase of Hathersage Court.

10.111 The Designing Out Crime Officer has reviewed the proposal and has commented that overall, the proposed development has improved from the previous scheme.

10.112 The proposed building no longer features a deep recess at its entrance along Mildmay Park and the angled design of the wall removes the blind corner and increases vision as residents approach the door. The proposed planters are considered a good use of design to separate the building uses, but consideration should be given to their height and type to ensure visibility so that loitering spots are not created.

10.113 In comparison to the previous scheme, the western elevation has more 'activity' in its design with the proposed terraces, giving the appearance of more surveillance. Whilst the Designing Out Crime Officer considers more could be done on the western elevation, upon site visit, it is observed that the western elevation would now back onto a community garden (and not a previous car park) that is enclosed by high timber fencing. Therefore, the lack of surveillance to the west is considered in this instance given this part of the neighbouring site does not have constant open public access, particularly during the night time period.

10.114 The proposed north elevation and its relationship with the external staircase with Hathersage Court has been considered to be addressed with the proposed perforated brick design. This eliminates the potential of intrusion into the residential units from the adjoining staircase whilst reducing the vulnerability of the staircase as there is still a sense of surveillance through the perforated brick.

10.115 The Designing Out Crime Officer has also suggested that certain communal and individual residential doors and windows are to be safety and security rated including some to have fob access and magnetic locks. These aspects of the proposed building are considered to be suitably addressed by condition and overall, the improvements on the design which have addressed the previous concerns on safety and security are welcomed.

10.116 Therefore, the layout and design of the proposal is considered acceptable relating to the safety and security of the residential occupiers of the proposed units, and those using the public realm surrounding the site and residents of neighbouring properties, subject to the condition attached to ensure the development would achieve 'Secured by Design' accreditation. As such, it is considered that the proposal complies with policies 3.5, 7.3 and 7.6 of the London Plan, policies DM2.1 of the Development Management Policies and the guidance detailed in the Mayor's Housing SPG and Islington Urban Design Guide (2017).

HIGHWAYS AND TRANSPORT

10.117 The site has very good access to public transport and the Public Transport Accessibility (PTAL) rating is 5. Bus routes which serve the site are 73, 476, 341, 21, 141 and 236. The site is also a ten-minute walk from Canonbury Overground Station which provides regular weekday and weekend services across North London from Stratford to Willesden Junction with some services continuing on the Clapham Junction or Richmond. Highbury and Islington station is a twenty minute walk from the site which is served by the Victoria Line between Walthamstow in north-east London to Brixton in south London via Central London.

10.118 Islington policy identifies that all new development shall be car free. Policy DN8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and where possible parking. The proposal does not

include the provision of off-street car parking. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

10.119 As the scheme is to be recommended for approval subject to a legal agreement, a clause has been inserted in the Unilateral Undertaking preventing the new residents from being permitted to apply for on-street car parking permits. This is required to ensure that the development meets the requirements of Part H of Core Strategy Policy CS10 (Sustainable development), and Development Management Policy DM8.5 (Vehicle parking).

10.120 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6 of the Islington Development Management Policies 2013, 11x bicycle spaces should be provided for the 11 bedrooms proposed. The allocation proposed (14) would surpass the requirements for the residential use located at ground floor. The arrangements are acceptable in principle, however further details including plans and elevations shall be provided subject to a condition. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance.

10.121 The proposal would re-provide the existing dentist and chiropodist at the site; however, there would be no increase in the number of staff at the site. Whilst the applicant has noted that staff cycle parking would be provided within each of the ground floor units, details of the level of provision have not been submitted. The submitted Design and Access Statement and the Transport Statement note that the applicant is willing to fund provision of a short stay stand within the public realm if considered necessary.

10.122 The application form details that the proposed uses would have 6 full time staff and 7 part-time staff. The Full Time Equivalent (FTE) number of staff has not been provided. Should the application be recommended for approval a condition would be recommended requiring the submission of accurate FTE staff numbers and provision of appropriate cycle parking for the FTE staff. Additionally, a contribution towards the provision of a short stay stand within the public realm would be secured through a Unilateral Undertaking should the application be recommended for approval.

10.123 A number of objections have been received in regards to concerns with how the site could be developed and the impacts on Mildmay Park. The site is located near the busy junction of Mildmay Park, Mildmay Road and Newington Green. However, in any case, in order to ensure that management practices are implemented to ensure that the impact of construction on neighbouring residents is minimised, condition 4 has been recommended requiring the applicant to provide a Construction and Environmental Management Plan for the approval of the Local Planning Authority prior to the commencement of construction.

REFUSE AND RECYCLING

10.124 Section 4.4 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' states refuse produced by premises containing both commercial and residential units must be stored separately. Section 10 of this documents relates to clinical waste and further states that any development including a dental surgery and/or the production of clinical waste is required to include separate storage and collection arrangements for both clinical and non-clinical waste. Clinical waste must be stored separately from all other waste.

10.125 The submitted plans detail the provision of a single refuse and recycling store on the east side of the property and the submitted Design and Access Statement details that dedicated waste will be provided for each commercial unit with clinical waste collected by a private company. However, full details of where the commercial / clinical waste would be stored and its collection have not been detailed. Neighbouring objectors have commented on how waste collection from the site may cause congestion along Mildmay Park.

10.126 Further full details of separate refuse and recycling for the residential and commercial/clinical uses will be required by condition 5 upon approval.

ENERGY AND SUSTAINABLE DESIGN AND CONSTRUCTION

10.127 Policy DM7.1 of the Islington Development Management Policies state that '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'. Policy DM7.2 seeks to ensure Energy efficiency and carbon reduction in minor schemes.

10.128 The proposal seeks to impose sustainable design methods and a Sustainable Design and Construction Statement was submitted detailing that the development would achieve a 25% improvement on carbon emissions on Building Regulations 2010 Part L as well as achieve all credits in water efficiency within BREEAM. Measures are proposed for overall reduction in energy and water consumption. The proposed measures as summarised are:

- Integrating renewable energy sources such as mechanical ventilation and heat recovery, photovoltaic cells and/or solar hot water panels;
- Thermal insulation and better fabric U-values than prescribed by Building Regulations
- 75% of internal lighting to be energy efficient;
- Install fittings within water systems and plumbing to achieve 95litres per person per day;
- Responsibly sourced materials and where possible local.

10.129 Whilst PVs are not shown as part of the scheme, a condition is recommended requiring details of PVs to be submitted and approved in writing by the local Planning authority. It is considered a green roof would not be the most efficient measure within the proposed scheme given PV cells are potentially proposed on the roof and responsibility for the maintenance of a biodiverse roof.

10.130 As part of the Council's small sites policies, the applicant has agreed to enter a Unilateral Undertaking to pay a contribution towards carbon offsetting to the amount of £7,000 should the application be approved.

10.131 Therefore, it is considered that it would be acceptable in terms of sustainable design and construction in accordance with policies 5.1; 5.2; 5.3; and 5.9 of the London Plan (2016) and policy CS10B of the Islington Core Strategy 2011, and policies DM7.1, DM7.2 and DM7.4 of the Development Management Policies 2013.

TREES AND LANDSCAPING

10.132 Policy DM6.5 of the Islington Development Management Policies detail that developments within proximity of existing trees are required to provide protection from any damage during development.

10.133 The proposal would be located within close proximity of two mature trees that were identified as Category B and C trees in the Arboricultural Method Statement that formed part of the previous application at the site. Although an Arboricultural Impact Statement has not been submitted with the application, it is noted that the previous application at the site detailed that these trees could be retained without detrimental impact to their on-going health.

10.134 As such, should the application be recommended for an approval a condition would be included requiring the submission of an Arboricultural Method Statement detailing how these trees would be retained and protected during construction.

SMALL SITES AFFORDABLE HOUSING CONTRIBUTION

10.135 The Council's Affordable Housing Small Site Contributions Supplementary Planning Document (SPD) together with policy CS12 Part G states that development proposals below a threshold of 10x residential (gross) or below will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.

10.136 Paragraph 3.0.5 of the SPD states *'in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough where this site is located'*.

10.137 There are no existing dwellings on site and as such the proposal would result in an uplift of 7x residential units. Therefore, the proposed scheme is liable for a contribution to Affordable Housing of 7 x £50,000 totalling £350,000.

10.138 The applicant has not provided viability information for independent assessment. Therefore, the full contribution of £50,000 per residential unit is applicable. The applicant has stated that they are willing to pay the Council in respect of the affordable housing contribution, as per CS12 and the Affordable Housing Small Sites Contributions SPD, and this would be secured by way of a Unilateral Undertaking should the application have been recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.139 The proposed development would be liable for both the Mayoral and Islington CIL. The charge is £50 per sqm and £250 per sqm (residential floorspace) respectively.

OTHER MATTERS

Swifts and Bats

10.140 Comments have been received in regards to implementing more biodiverse measures into the development such as bird boxes, swift boxes and a green roof. It has been identified that there are groups of bats and swifts nesting within the area and such, a condition would be recommended upon approval to install bat and swift nesting bricks within the development. This would provide a long-term resource to protect this species and improve the local biodiversity.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the proposed development is considered acceptable and would provide a mixed use scheme of high quality, retaining sufficient D1 floorspace and new residential floorspace above to create 7 new units. The proposed units are considered to have a good level of amenity for future occupiers, whilst the scale and design of the development would not appear out of character within the streetscene, nor would the development harm the Newington Green Conservation Area and is considered conducive to the surrounding character and use which is varied in character.
- 11.2 Overall, subject to conditions, the proposal would significantly improve the appearance of the site and would not harm the surrounding area. The proposal accords with policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.
- 11.3 On balance, it is considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties having regard to the daylight and sunlight assessment against BRE guidelines and the extant permission. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor direct overlooking and would not regard have a detrimental impact upon nearby amenity levels taken as a whole and accords with Policy DM2.1.
- 11.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Contribution of £350,000 towards affordable housing within the borough;
- Contribution of £7,000 towards carbon off-setting;
- Contribution towards the provision of a short stay cycle stand within the public realm;
- Car-free development;
- Legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved Plans List
	DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: 018058: P-Si-D-002; P-00-D-003; P-R-D-004; E-E-D-005; E-N-D-006; P-Si-D-012; P-00-D-013; P-01-D-014; P-02-D-015; P-03-D-016; P-04-D-017; P-R-D-018; E-E/N-D-019; E-E-D-020; E-N-D-021; E-S-D-022; E-W-D-023; X-AA-D-024; X-BB-D-025; X-CC/DD-D-026; D-100.

	<p>Design & Access Statement 89-93 Mildmay Park N1 4RF by Bubble Architects dated 26/04/2020; Sustainability Statement by Bubble Architects dated 19 March 2020; Transport Statement by TTP Consulting dated March 2020; Daylight and Sunlight Study 89-91 Mildmay Park, London, N1 4NB by Right of Light Consulting dated 27 March 2020.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (Details)</p>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Solid brickwork (including brick panels and mortar courses) b) window and door treatment (including sections and reveals); c) balustrading materials; d) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the Canonbury Conservation Area.</p>
4	<p>Construction and Environmental Management Plan</p>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents; 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

	<p>neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <ul style="list-style-type: none"> k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles; m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area. o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
5	Refuse/Recycling
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
6	Cycle Parking
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure and provide for no less than 9 cycle spaces for the proposed residential units and 2 spaces for the commercial uses hereby approved. 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</p>
7	Sound Insulation Between Uses

	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed D1 uses and C3 residential uses of the development 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 future occupiers are not unreasonably impacted by unreasonable levels of noise generation.</p>
8	Lift Sound Insulation
	<p>CONDITION: Prior to the first occupation of the residential flats hereby approved sound insulation shall be installed to the lift shaft sufficient to ensure that the noise level within those residential flats does not exceed NR25(L_{eq}) 23:00 - 07:00 (bedrooms) and NR30 (L_{eq} 1hr) 07:00 - 23:00 (living rooms) and a level of +5NR on those levels for the hours of 07:00 - 23:00</p> <p>REASON: To ensure future occupiers are not unreasonably impacted by unreasonable levels of noise generation</p>
9	Secured by Design Accreditation
	<p>SECURED BY DESIGN: Prior to commencement of the development hereby approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
10	Water Efficiency Requirements
	<p>CONDITION: The development hereby approved shall achieve a maximum internal water use of 95litres/person/day. The dwelling/s shall not be occupied until this requirement has been complied with.</p> <p>REASON: To ensure the water efficiency of the development.</p>
11	Photovoltaic Cells
	<p>CONDITION: Prior to the relevant part of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from Georges Road:</p> <ul style="list-style-type: none"> • Location; • Area of panels; and • Design (including angle of panels and 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 interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design</p>
12	<p>Category 2 Condition</p> <p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
13	<p>Tree Protection (Details)</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA

	<p>l. Methodology and detailed assessment of root pruning</p> <p>m. Reporting of inspection and supervision</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</p> <p>o. Veteran and ancient tree protection and management</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
14	Sustainable Design and Construction
	<p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Sustainability Statement (Bubble Architects) dated 19 March 2020.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
15	Bird/Bat Boxes (Compliance)
	<p>CONDITION: For the hereby approved development, a minimum of 4 no. nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form, and shall be retained into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>

List of Informatives:

1	Construction Works
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
2	Highway Requirements
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. Compliance with sections 59</p>

	and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk . Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk .
3	Community Infrastructure Levy (CIL)
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy.</p>
4	SECTION 106 AGREEMENT
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
5	PROPOSED MECHANICAL PLANT
	It is advised that a separate planning application is required to install any mechanical plant onto the hereby approved development.

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.

- National Planning Policy Framework 2019

2. Development Plan

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

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

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

B) Islington Core Strategy 2011

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

C) Islington Development Management Policies 2013

Design and Heritage

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

Housing

- Policy DM3.1- Mix of housing sizes
- Policy DM3.4- Housing standards
- Policy DM3.5- Private outdoor space
- Policy DM3.7- Noise and vibration (residential uses)

Shops, Culture and Services

- Policy DM4.12- Social and strategic infrastructure and cultural facilities

Energy and Environmental standards

- Policy DM7.1- Sustainable design and construction
- Policy DM7.2- Energy efficiency and carbon reduction in minor schemes

Transport

- Policy DM8.4- Walking and cycling
- Policy DM8.5- Vehicle parking

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

The following SPGs and/or SPDs are relevant:

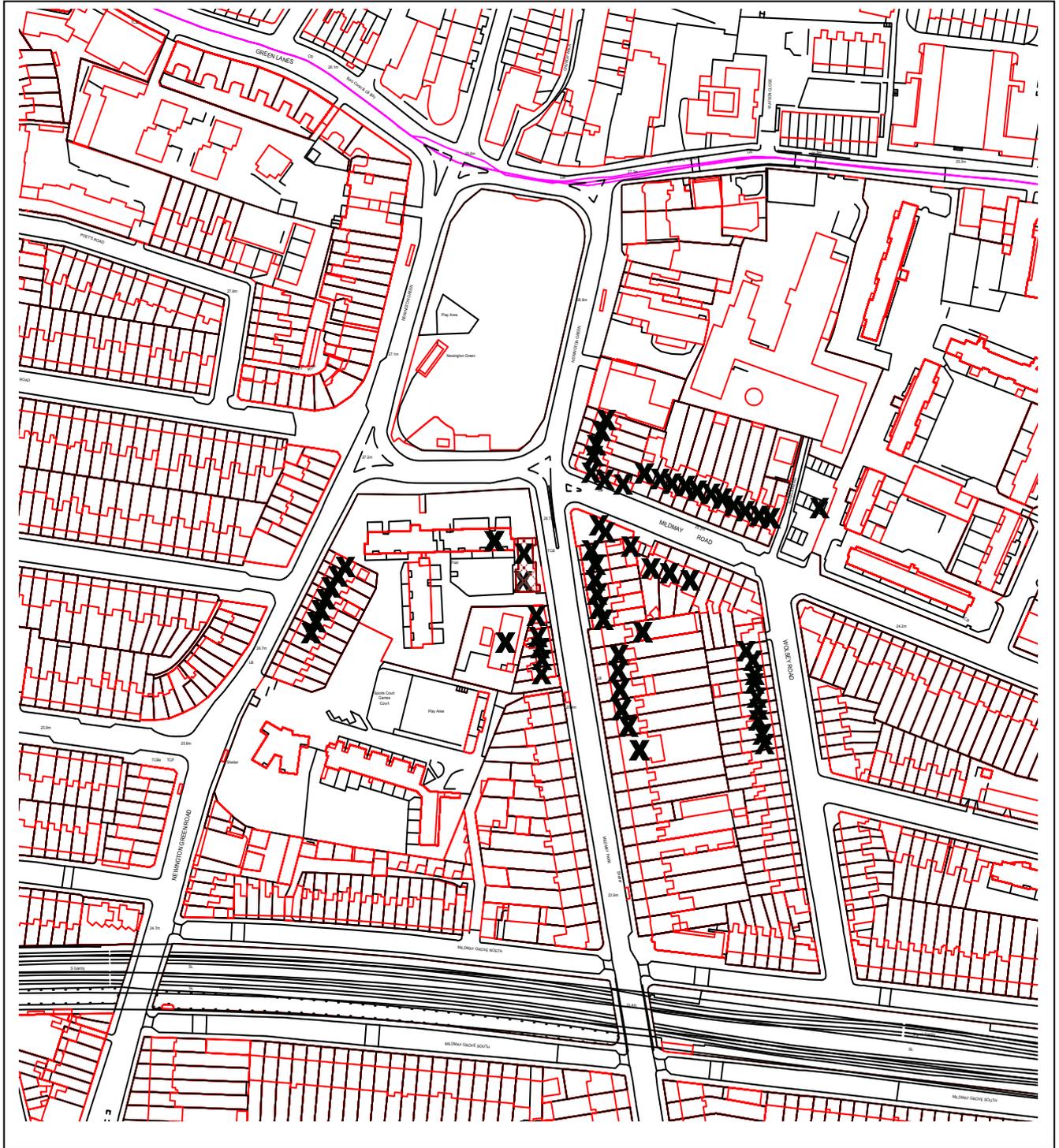
London Plan

- Accessible London 2016
- Character and Context 2014
- Housing 2016
- Sustainable Design and Construction 2014

Islington SPG/SPD

- Urban Design Guide 2019
- Conservation Area Design Guidelines 2002
- Environmental Design 2012
- Inclusive Design SPD
- Affordable Housing Small Site Contributions

Islington GIS Print Template



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P2020/0937/FUL

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PLANNING COMMITTEE REPORT



PLANNING SUB COMMITTEE B		AGENDA ITEM	B5
Date:	14 July 2020	NON-EXEMPT	

Application number	P2019/0031/FUL
Application type	Full Planning Application
Ward	St. Marys
Listed building	Not Listed
Conservation area	Within 50m of three conservation areas: Barnsbury, The Angel and Upper Street (North).
Development Plan Context	<ul style="list-style-type: none"> - Core Strategy Key Area – Angel and Upper Street; - Angel Town Centre; - Archaeological Priority Area – Islington Village and Manor House; - Article 4 Direction A1-A2 (Town Centres) - Within 50m of three Conservation Areas;
Licensing Implications	None
Site Address	Moore Court, Anderson Square, London, N1 2TF
Proposal	The construction of two new residential units on the existing flat roof of Moore Court, forming a 4th storey to the existing building, as well as an additional refuse store and associated cycle parking facilities.

Case Officer	Owen Griffiths
Applicant	Ishguard Limited
Agent	BB Partnership - Mr Steve Taylor

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1; and
2. Subject to the terms agreed within the Unilateral Undertaking which was signed and completed on the 14th May 2020 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)

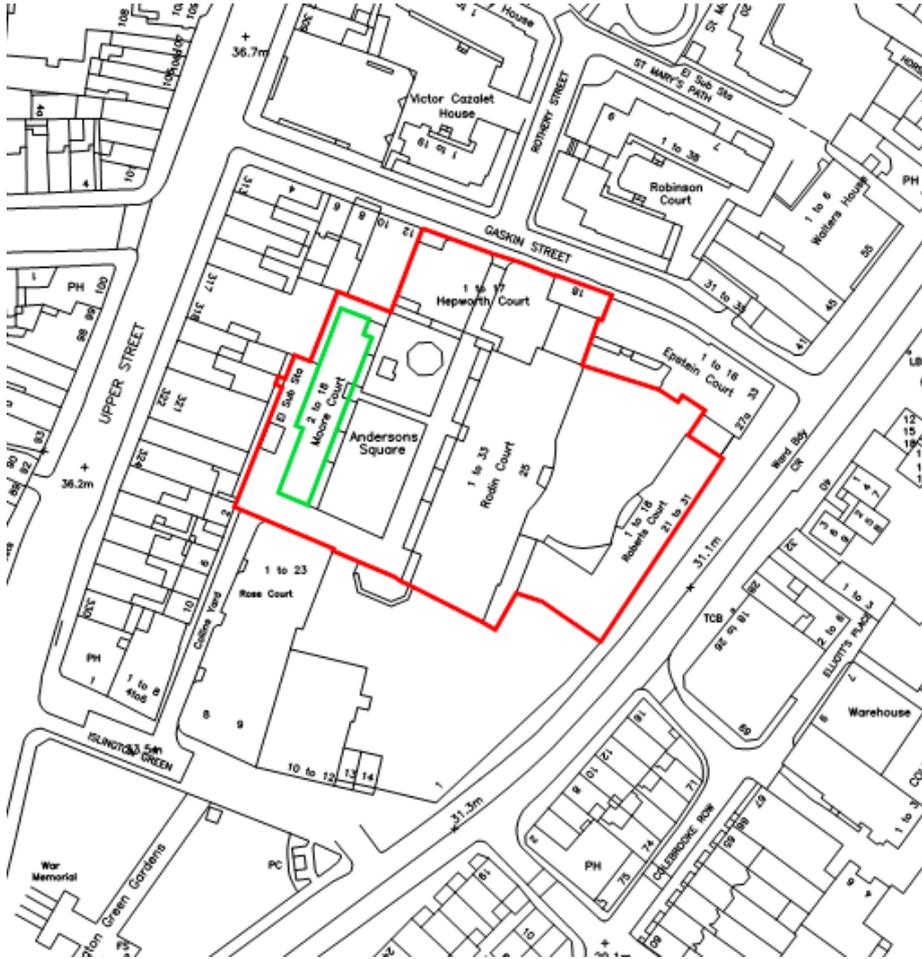


Image 1 – Site Location Plan

3. PHOTOS OF SITE/STREET



Image 2 - Aerial View of Site



Image 3 – View of Moore Court from Anderson Square Gardens



Image 4 - View of Moore Court from Anderson Square Gardens



Image 5 - Rear View of Building from Collins Yard



Image 6 – Roof Top View Facing the Rear of Upper Street (West).



Image 7 – Roof Top View Facing Rose Court (South).



Image 8: View

4. SUMMARY

- 4.1 The site currently forms part of the modern residential estate situated between Essex Road and Upper Street in the Angel Town Centre area of the borough.
- 4.2 Permission is sought for a single-storey extension at third floor level to provide two new residential units on the residential block known as Moore Court.
- 4.3 The total height of Moore Court would be increased from 10.3 metres to 12.9 metres and the development includes two terrace areas that will face an internal landscaped area known as Andersons Square Gardens.
- 4.4 The overall design of the development has been assessed for its quality, effect on the neighbouring conservation areas and effect on neighbouring amenity. It is concluded that the design is of a sufficiently high quality to be permissible and there is no harm being caused to surrounding heritage.
- 4.5 Potential effects on neighbouring amenity are deemed to be acceptable. Where there are infringements of the BRE guidelines these are minor and will not lead to unacceptable effects on the amenities of surround residents.
- 4.6 Conditions are recommended to ensure the development adequately addresses sustainability issues.

5. SITE AND SURROUNDING

- 5.1 Moore Court is one of five residential blocks within the Andersons Square residential estate. All the blocks are of a similar appearance, being of brick construction between three to five storeys in height. Roberts Court, that fronts Essex Road, includes two setback mansard sections at top floor level. The middle block, Rodin Court, includes a modern single storey extension at fifth floor level that was part of the original permission for the Andersons Square development. Between Roberts Court and Rodin Court is a courtyard with vehicle parking and further parking is located underneath Rodin Court. Between Rodin Court and Moore Court is a landscaped area known as Anderson Square Gardens. Further access is provided from Collins Yard via Islington Green and from Gaskin Road to the north.
- 5.2 Primary access to the residential estate is from Essex Road underneath Roberts Court. Roberts Court includes commercial uses on the ground floor: the former Brew Dog Bar/Restaurant at 31 Essex Road and number 21 Essex Road is occupied by 'More Yoga' and 'Floatworks'. Further along Essex Road to the north east is Epstein Court that borders Essex Road and Gaskin Street. This residential block contains a former 'Bathstore' showroom at ground floor level (33 Essex Road). A commercial gym (Nuffield Health) is located at ground level in Rodin Court with secure access provided from Essex Road through the courtyard.
- 5.3 The site is located within the Angle Town Centre and therefore the surrounding context is commercial in nature. In this area of Essex Road, the predominant built form arrangement is commercial uses at ground floor level with residential accommodation on the upper levels. Further south towards Angel Underground Station are purpose build commercial blocks and the Angel Shopping Centre. To the north east of the site, along Gaskin Street, are further residential blocks. Further north beyond these residential blocks and along Rothery Street (accessed from Gaskin Street) is St Mary's Church Gardens and St Mary's Church (Grade II Listed).

- 5.4 The site is within 550 metres of Angel Tube Station to the south and Essex Road Train Station to the north. There are numerous bus services in the locality and the site has a PTAL score of 6a, the second best score possible.
- 5.5 To the north and west of Moore Court is the Upper Street (North) Conservation Area that borders the residential estate. The rear of the buildings to Upper Street (numbers 317 to 314) are within the conservation area and adjacent to the site. To the south of the site, across Essex Road, are a pair of Grade II listed building, 28 and 30 Essex Road. Furthermore, the opposite side of Essex Road is within two adjoining conservation areas. The Angel Conservation Area is to the south of Colebrook Row and the Duncan Terrace/Colebrook Row Conservation Area is to the north of Colebrook Row.

6. PROPOSAL

- 6.1 It is proposed to construct an additional fourth storey on the rooftop of Moore Court. The additional storey will contain two new self-contained residential units, both containing one double and one single bedroom. The units will not take up the entire roof space of Moore Court with an area to the north east of the roofspace remaining undeveloped. The extensions will be constructed from laminate cladding panels and metal powder coated glazing to match the appearance of the extension on Rodin Court.
- 6.2 Access to the new units will be provided from the existing stair cores in the building that will be extended into the new third floor. There is one stair core for each unit, one to the south of the building and one in a more central location. The additional floor will be set back from the elevation of Moore Court that faces south towards Anderson Square Gardens which will facilitate terraces for both units and associated railings that will match the appearance of the proposed window frames. The north elevation of the building will be extended by 2.6 metres and include fenestration, with some being obscure glazed to address potential privacy impacts.
- 6.3 Refuse Storage will be provided in an existing refuse storage area within Rodin Court and a further area will be provided in an area to the south of the site to provide additional refuse storage for the wider estate. Cycle parking for the new units is being provided in an area behind Roberts Court in the courtyard that also contains vehicle parking.

Revision 1

- 6.4 The scheme has been revised to address design feedback from officers. The initial design included a pitched roof to address previous pre-application advice that suggested a matching design to that of the extension to Rodin Court may be acceptable. Notwithstanding this, it was felt that a flat roof would be more appropriate in this location and would be less obtrusive to surrounding residents. Furthermore, there would be little benefit in mimicking the pitched roof design to that of Rodin Court given the location of the site that is largely not visible from the public realm apart from limited views along Collins Yard. Further amendments included a privacy screen to the southern end of the terrace and an additional refuse storage area to address capacity issues with the current store.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
P2019/0720/FUL	New mechanical plant on the rear flat roof of the commercial unit.	Approved	28/08/19
P2019/0030/FUL	The construction of two new residential units on the existing flat roof of Roberts Court, forming a 5th storey.	Withdrawn	N/A
P2016/4084/FUL	Construction of a glass roof terrace extension and side brick extension to north east facing façade (amended scheme 6.4 sq.m larger from previously approved P2014/1810/FUL granted 28/07/14); Installation of 2 no. glazed roof lights to roof terrace; 2 no. opaque bathroom windows to north-east elevation; Glass roof infill to existing internal courtyard area; Additional 4No additional rooflights into the pitched areas of the zinc roof at 5th floor, and installation of solar panels to the south side of the roof.	Approved	20/12/2016
P2014/1810/FUL	Construction of a glass roof terrace extension and side brick extension to north east facing facade; Installation of 2 no. glazed roof lights to roof terrace; 2 no. opaque bathroom windows to north-east elevation; Glass roof infill to existing internal courtyard area; and provision of zones to accommodate solar panels to NW/SE pitched roofs.	Approved	28/07/2014
P110647	Renewal of planning permission REF: P080740 dated 30 May 2008 for the installation of balustrade to enclose part of the roof, to serve as a terrace area for the existing penthouse flat.	Approved	31/05/2011
P080740	Installation of balustrade to enclose part of roof, to serve as a terrace area for the existing penthouse flat (Flat 13).	Approved	30/05/2008
P001308	Erection of 16 flats and four car parking spaces, for residential purposes, retail or restaurant unit to ground floor and link to future Chelsea-Hackney line access shaft.	Approved	20/02/2001
970266	Variation to planning permission granted for residential (84 units), Health Club, retail and restaurant (ref. 96/1026). Variation relates to the provision of parking which is increased from 43 spaces to 61 spaces by the enlargement of the basement parking.	Approval	22/04/1997
961026	Redevelopment (with the exception of 18 Gaskin Street) to provide 84 residential	Approval	07/11/1996

	units (27 one bedroom, 47 two bedroom 10 three bedroom) and a health club, restaurant and shops along with associated parking and landscaping.		
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8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 282 adjoining and nearby properties at Moore Court, Hepworth Court, Rodin Court, Epstein Court, Rose Court, Upper Street, Islington Green and Essex Road on the 15th February 2019. A second round of consultation occurred on the 14th November 2019. These responses are addressed from paragraph 8.5 below.

8.2 A site notice and press advert were displayed on the 21st February 2019. The first public consultation of the application therefore expired on the 17th March 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.3 The application has received 43 objections that have raised the following issues with the proposed development:

- Loss of Privacy

Privacy Implications are addressed from paragraph 10.32

- Loss of light

Sunlight and Daylight implications are addressed from paragraph 10.15

- Overbearing design

Outlook/Enclosure is addressed from paragraph 10.34.

- Noise impact from terraces.

There are already various terraces facing Anderson Square Gardens that do not raise noise concerns.

- Car and Cycle Parking Impacts – strain on provision.

Transport and Highways issues are addressed from paragraph 10.44

- Development will lead to an unacceptably high density / over-development, straining resources and communal services.

Land use issues are addressed from paragraph 10.2

- Design is large and incongruous being out of proportion with the existing building and only extends part of the roof space.

Design issues are addressed from paragraph 10.5

- Development would enclose and overlook garden setting.

Amenity impacts are addressed from paragraph 10.14

- Fire risk and structural capacity of building

These are Building Control issues and the construction will require building control certification prior to habitation.

- Negative effect on surrounding conservation areas, streetscene and skyline.

Effect on the surrounding conservation areas and streetscene is addressed at paragraph 10.12

- No disabled access.

Accessibility is addressed from paragraph 10.56

- Impact peaceful quiet enjoyment for surrounding residents.

Condition 4 (Construction and Environmental Management) Plan has been included to address impacts during construction.

- Negative impact on house prices / rental prices.

This is not a planning related matter

- Negative effects during construction phase

Condition 4 (Construction and Environmental Management) Plan has been included to address impacts during construction.

- Disruption to the habitats of birds

No evidence to suggest the habitat of birds will be disrupted by the roof extension. Swift Boxes have also been secured by the requirements of condition 12

- Gas installation

Condition 5 (Updated Energy Study) has been included with the planning consent to ascertain if gas boilers are to be can be installed at the site and the effect this will have on the stated emission reduction targets.

- Developer has no right to develop airspace.

It is possible to apply for and be granted planning permission before obtaining rights to develop.

- Loss of daylight to gardens and negative effect to garden during construction disrupting ecology.

Sunlight and Daylight implications are addressed from paragraph 10.15

- Lack of sunlight / daylight report

A sunlight and daylight report was initially provided and an updated version provided, dated 21st October 2019, as certain windows at 321 Upper street were not included in the initial assessment. A further addendum report was provided in June 2020 to include an extant permission at 320 Upper Street (ref: P2017/2213/FUL).

- Properties will not be affordable

A Unilateral Undertaking has been secured between the council and the applicant for a £100,000 contribution towards affordable housing in the borough in accordance with Islington's Small Sites SPD.

- Certificate B has not been provided and notice not served.

The applicant has completed Certificate B and detailed that notice has been provided for all the residents in the Anderson Square estate.

Comment

- 8.4 An additional comment was received that suggested swift bird boxes should be installed as part of the development.

A condition has been included for swift boxes to be installed on the extension, paragraph 10.64.

Additional Round of Consultation

- 8.5 An additional round of consultation was undertaken in late 2019 with letters being sent to the same residents on the 14th November 2019. A further 7 objections were received from surrounding occupiers or those with an interest in the building. 15 people who objected during the first round of consultation also responded during the second round. The objection points raised reiterated the objection reasons listed above but additional points raised were in relation to the refuse store and how this is not in a suitable and convenient location for some residents.

Refuse arrangements are addressed from paragraph 10.50

External Consultees

- 8.6 None

Internal Consultees

- 8.7 Inclusive Design Officer –

- Measure to meet diverse needs not detailed;
- Proposal doesn't have level access;
- Provision of accessible cycle parking and storage/charging facilities for mobility scooters is not detailed;
- There is no lift, and step free access is not provided; and
- W.C does not meet requirements for visitability and adaptability.

- 8.8 Conservation and Design Officer:

- The proposed roof extension would be visible in some public views, but it would not be visible above the roofline of heritage assets and it would not cause harm to the

character and appearance of the Conservation Area or to the prevailing character of the application site.

- The view of the spire of St Mary's Church through Collins Yard will remain unaffected.
- The proposed development is in line with the Urban Design Guide. The visual impact of the development on the character and appearance of the adjacent Conservation Area will be minimal and is not considered to cause harm.

8.9 Refuse and Recycling:

- Agree with the new refuse collection point at the end of Collins Yard.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

9.1 Islington Council (Planning Sub-Committee A), 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.) and;
- As the development is within close proximity to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework (NPPF): 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.

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

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

9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall

be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to:

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

National Guidance

9.9 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

9.10 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.

9.11 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. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

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

9.12 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

9.13 The Regulation 19 draft of the Local Plan was approved at Full Council on 27th 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 with the examination process in progress.

9.14 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).

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

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

Designations

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

- Core Strategy Key Area – Angel and Upper Street
- Angel Town Centre
- Article 4 Direction A1-A2 (Town Centres)
- Archaeological Priority Area – Islington Village and Manor House;
- Within 50m of a Conservation Area; Barnsbury, The Angel and Upper Street (North).

Supplementary Planning Guidance (SPG) / Document (SPD)

9.17 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 and Conservation
- Neighbouring Amenity
- Standard of Accommodation
- Highways and Transportation
- Inclusive Design
- Energy Efficiency and Renewable Energy
- Planning Obligations and CIL

Land-use

- 10.2 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.
- 10.3 The proposed development is providing two additional residential units on a housing block within a residential estate and the applicant has also completed a legal agreement under Section 106 to make a contribution towards affordable housing in the borough in line with Islington's Affordable Housing – Small Sites SPD (Adopted October 2012).
- 10.4 As the development is proposing additional housing on land already used for this purpose and as a contribution will be made to affordable housing in the borough, the principle of the use at the site is acceptable and is in accordance with the aspirations of Policy CS12.

Design and Conservation

- 10.5 Paragraph 193 of the NPPF (2019) states that '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)*'. Furthermore, at paragraph 196 it states: '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
- 10.6 Chapter 7 of the London Plan sets out policies relevant to design and conservation, and the Mayor of London's Character and Context SPG is also relevant. Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.7 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. The application site is not within a Conservation Area but it borders the Upper Street North Conservation Area to the north and west as well as being in close proximity to the Duncan Terrace/Colebrooke Row Conservation Area and the Angel Conservation Areas to the west and south. Therefore, any potential impact that the development may have on the character and appearance of the conservation areas must be assessed.
- 10.8 The proposed development incorporates a new fourth storey level being constructed on the existing roofspace of Moore Court. The development will take up approximately two thirds of the existing roofspace, leaving a third undeveloped towards the north of the building. The new structure will be 2.6 metres taller than the existing parapet wall and be 3.4 metres in total height (from the existing flat roof).

Facing towards Anderson Square Gardens there will be two terrace areas for the new units, with metal balustrading to match the metal powder coated window frames that face the terrace. The terraces will be 0.9 metres wide with the extensions being set back from the Anderson Square elevation by 1.2 metres.



Image 9 – Floorplans of New Units

10.9 The façade of Moore Court is primarily of brick construction with finer detailing including stucco banding and horizontal stone banding. The proposed extension is to be constructed with compact laminate cladding panels to match the roof projection at Rodin Court, which was part of the original construction for the residential estate. The extension will include a flat roof and the fenestration to the front and rear will be constructed from metal powder coated frames.



Image 10 – Proposed Front Elevation of Moore Court

10.10 Several objections have been received that have raised concerns over the design of the extension and mention that it would appear bulky and incongruous with the other residential buildings. When viewed in elevation (Image 10), the new third floor does appear taller than the second floor below but the elevation drawing does not convey how the extension is setback from the primary elevation and this is not how the extension will be viewed once constructed.

10.11 Rodin Court, that also faces Anderson Square Gardens, already includes a set-back extended roof area at third floor level that is of a similar scale and design to that of the proposed extension on Moore Court. When viewed from ground level the third floor mass on Rodin Court appears subservient to the main mass of the building and

does not appear overly bulky or top heavy (Image 10). The appearance of the extension on Moore Court will have a similar subservient appearance to that of the extension on Rodin Court as the extension is set-back from the primary elevation and rises behind an existing parapet wall. Furthermore, the materiality of the extension will match the extended area on Rodin Court that will facilitate the extension having a lightweight appearance. It is therefore concluded that the extension will be of a suitably high quality design, be in keeping with surrounding development in terms of height and use of materials and consequently, in terms of its design, the development is considered to be acceptable.



Image 11 – View of Roding Court from Anderson Square Gardens

- 10.12 The site is within close proximity to the Upper Street (North) Conservation Area that borders the residential estate to the north and west. The proposed extension will only be visible from acute public views along Collins Yard to the south of the site and the section of Collins Yard that adjoins the Andersons Square Estate is not within the Upper Street (North) Conservation Area. Due to the limited visibility of the extension from public views and as the overall design of the extension is considered to be of a satisfactory high standard, the proposal would therefore not detrimentally impact the character and appearance of the neighbouring conservation area and in this regard the development is acceptable and in accordance with Policies DM2.1 and DM2.3.
- 10.13 In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not considered to cause harm to the character nor the appearance of the neighbouring conservation area due to the sympathetic design of the development that will only be visible from very limited public and private views and would sit comfortably in terms of overall massing and design on the existing building in this instance.

Neighbouring Amenity

- 10.14 Policy 7.6 of the London Plan states that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution,

overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.

Sunlight/Daylight

- 10.15 When assessing the daylight and sunlight impact of new development on existing buildings, the Building Research Establishment (BRE) Guidelines are considered. The application has been submitted with a daylight and sunlight assessment dated February 2019 and a subsequent updated version, dated August 2019 was provided due to alterations to the roof type from a pitched roof to a flat roof. An addendum report was provided dated October 2019 that included certain windows to the rear of 321 Upper Street that were not included within the initial assessment. A further addendum report has been provided for an extant permission at 320 Upper Street that was not assessed in the aforementioned reports received.
- 10.16 The assessments were carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 10.17 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document emphasizes 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.

Daylight

- 10.18 The BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);

And

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.

- 10.19 The daylight results provided confirm that in all but two instances VSC figures do not drop below 27% or NSL figures do not reduce by more than 20%. Therefore, the majority of the windows tested pass the strict application of BRE guidance.

322 Upper Street

- 10.20 The two exceptions to this are window W1 (26% reduction in NSL) and W2 (25% reduction in NSL) on the lower ground floor to 322 Upper Street (see table 1). The results table indicates that these windows serve a kitchen and that there is a further window (W3) that will only see a minimal VSC reduction of 6%. Given that there is BRE complaint window to this room and the marginal breach of BRE guidance to the other windows, 6% for W1 and 5% for W2, these figures are considered to be acceptable in this instance and will not lead to unacceptable amenity impacts for the residents at 322 Upper Street. Furthermore, the Daylight Distribution figures for the

lower ground floor rooms at 322 Upper Street do not breach BRE guidance with reduction figures of 0.01% and 0%.

321 Upper Street

- 10.21 An addendum to the Daylight and Sunlight Assessment was provided due to certain windows at 321 Upper Street not being detailed in the initial assessment. Windows W2 and W3 to the ground floor can be seen in Image 12 below. The results for these windows (see table 1) indicate that there will be a marginal transgression beyond BRE guidance for W3 where the VSC figure will be reduced by 30%. However, this is a secondary window to a living room and the other window (W2) will only be reduced by 6%, comfortably within the BRE guideline allowances. This room also passes the NSL test with an overall reduction of 5%. On this basis, the reduction in VSC to W3 is acceptable.

320 Upper Street

- 10.22 In November 2017 an application was approved at 320 Upper Street (ref: P2017/2213/FUL) for the erection of a full width rear extension at the lower ground and ground floor levels and a part first floor rear extension as well as the erection of a roof terrace with glazed balustrading at the first floor level. Further alterations to the roof were also consented including the creation of a mansard roof extension with front and rear dormers to facilitate a loft conversion. The exterior alterations were part of a scheme to subdivide the property into 2 no. self-contained flats (1 x 2 bed and 1 x 4 bed). The three-year implementation period for this application expires on the 11th November 2020 and it is understood that the scheme has yet to be implemented. Should this development be constructed at the site, the extension to Moore Court has the potential to impact the new habitable rooms to 320 Upper Street and so an assessment of these potential impacts is required.
- 10.23 A further Daylight/Sunlight addendum report was produced on the 16th June 2020 and the VSC and DD results are included in Table 1 – only the lower ground and ground floor rear windows have been included as the remaining windows on the upper levels are comfortably within BRE guidance figures. The lower ground floor and ground floor plans are also shown in image 12. The Annual Daylight Factor figures were initially provided but the VSC and DD figures were requested and have been for used to provide a consistent assessment across all neighbouring development.

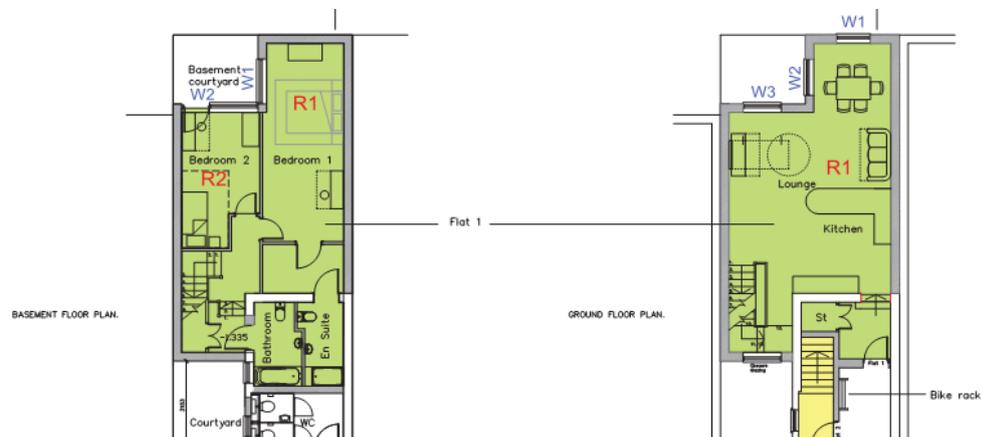


Image 12 – Approved Development at 320 Upper Street

- 10.24 The VSC results for the approved basement and ground floor unit at 320 Upper Street indicates that W2 to R2 (bedroom) will see a reduction of 28% in VSC. This is higher

than the BRE recommended 20% reduction but as the overall reduction is below 30% it is considered that such a decrease in these circumstances is acceptable. Basement rooms often provide low VSC figures, as can be seen in the existing figure of 8.38, and the DD reduction to this room is 15% which is within guidance limitations. The ground floor Living/Kitchen/Dining room to this unit also sees two instances where VSC is reduced by more than 20%: W1 (31%) and W3 (24%). However, W2 be reduced by 8%. It should be noted that this room benefits from a triple aspect, with W1 and W3 facing east, W2 facing north and there is a further window to the west of the unit to an internal courtyard area. However, this window is to a landing above the LKD room and the plans indicate this window is also obscure glazed so the volume of light that comes into the LKD from this orientation will be limited. The DD reduction figure to this room 17% which is BRE compliant. It is concluded that, on balance, there will be a minimal impact to the future inhabitants of this unit in relation to reductions in daylight as the overall effect will be barely discernable from the approved situation without the extension to Moore Court being in place.

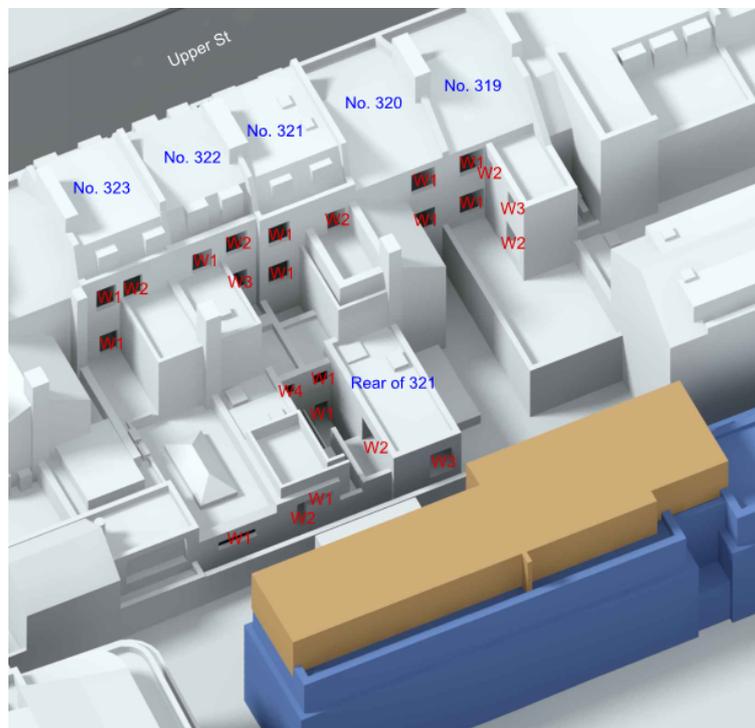


Image 13 – Rear Windows Map of 319 to 323 Upper Street

Address	Window	Room Use	VSC (existing)	VSC (proposed)	VSC Reduction (%)
322 Upper Street	W1 (LGF)	Kitchen	21.51	15.99	26
	W2 (LGF)	Kitchen	18.62	14.1	25
	W3 (LGF)	Kitchen	17.75	16.84	6
321 Upper Street	W2 (G)	Living	16.79	15.74	6
	W3 (G)	Living	17.4	12.14	30

320 Upper Street (Approved Scheme)	W1 (LGF)	Bedroom	6.69	6.00	10
	W2(LGF)	Bedroom	8.38	6.05	28
	W1 (G)	LKD	17.87	12.31	31
	W2 (G)	LKD	13.08	11.99	8
	W3 (G)	LKD	16.07	12.23	24

Table 1 – VSC Results

Rose Court and Rodin Court

10.25 An assessment has also been conducted to the windows and rooms at Rose Court and Rodin Court where the development is within the 25-degree line that indicates a detailed assessment is required. The results table of the Daylight and Sunlight report confirms that there will be no transgressions beyond BRE guidance for any of the windows or rooms to these residential blocks that required a detailed assessment.

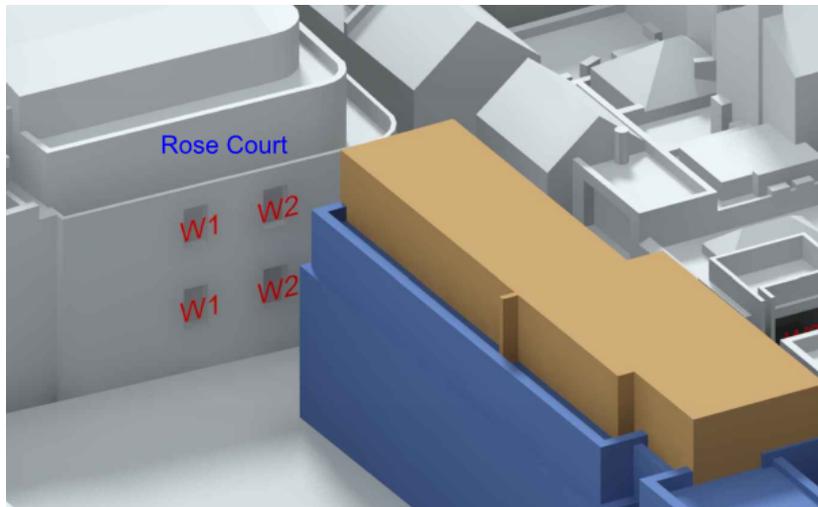


Image 14 – Assessed windows to Rose Court

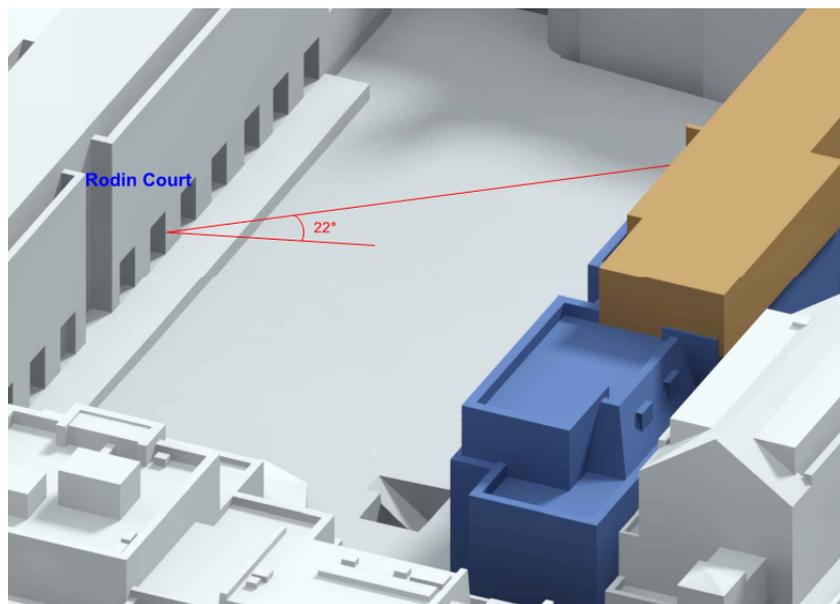


Image 15 – Assessed windows to Rodin Court

10.26 It is concluded that the effect of the development in terms of loss of daylight to surrounding residential premises is acceptable and is in accordance with Policy DM2.1.

10.27 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be a noticeable loss of sunlight where:

- *The centre of the window receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21st September and 21st March (winter) 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.*

10.28 The August 2019 report and updated October 2019 report indicate three locations where sunlight will be reduced beyond the BRE guidelines (see Table 2). For 320 Upper Street the annual reduction is just 5% which will offset the one hour lost during the winter hours. At 321 Upper Street the living room is served by two windows and the second window (W3) is within BRE guidance as the APSH reduction is below 25% and the winter absolute reduction is 3 hours. Similarly, at 322 Upper Street the APSH reduction is 10% and therefore over the course of a year the sunlight reduction will be barely discernible. It is acknowledged that the winter sunlight hours reductions appear to be high in some instances but this is mainly due to the existing poor sunlight levels received during the winter months which is not uncommon in a dense urban environment. Furthermore, the absolute reductions are between 1% and 2% and on balance these reductions are considered to be acceptable in this instance.

Address	Window (level)	Room Use	Annual Sunlight Hours existing/proposed (reduction %)	Winter Sunlight Hours Existing / proposed (reduction %)
320 Upper Street	W1 (G)	Bedroom	20 / 19 (5%)	1 / 0 (100%)
<i>Approved Scheme (see para 10.24 & 10.33)</i>	W1(G)	LKD	20/11 (45%)	5/2 (60%)
	W3 (G)	LKD	16/8 (50%)	0/0 (0%)
321 Upper Street	W2 (G)	Living	41 / 36 (12%)	2 / 0 (100%)
	W3 (G)	Living	33 / 25 (24%)	11 / 8 (27%)
322 Upper Street	W3 (G)	Bedroom	21 / 19 (10%)	2 / 1 (50%)

Table 2 – Sunlight Results

- 10.29 Various objectors have raised issue with the potential daylight and sunlight impactions of the development and consider that they will be adversely effected. This includes residents of Rodin Court. Image 14 confirms that the development at Moore Court is within the 25-degree line from the ground floor windows at Rodin Court, however the extension is outside of the 25-degree line from the upper level windows. Therefore, the ground floor windows have been given further assessment and all windows comfortably pass the VSL test (NSL does not apply to windows that do not have 90-degree orientation of south). All other windows and rooms that are within the 25-degree line have been assessed and as has been outlined above, where there are transgressions beyond BRE guidance the effects will be minimal and acceptable in this instance. As previously noted, the numerical guidelines of BRE are to be interpreted flexibly as stated within the guidance itself.
- 10.30 As has been outlined previously at paragraph 10.24, there is an extant permission at 320 Upper Street and the sunlight results for this development have been included in table 2. Only the ground floor of the lower level unit sees reductions beyond BRE guidance and therefore only these results have been listed. The annual sunlight hours to the ground floor LKD are reduced by 45% to W1 and 50% to W3. Such reductions do raise concern as they are beyond the normal tolerances that could be applied to BRE guidance. Given the tight urban location in which the site is located and the acceptable reductions in daylight reductions that have been assessed above, the reductions in sunlight to the ground floor of this approved unit are considered to be acceptable in this instance. The room will still benefit from a satisfactory volume of sunlight hours of the course of the year and the overall light levels to this room are also aided by the triple aspect orientation of windows to the room that is not a common feature to residential properties.
- 10.31 It is concluded that on balance, the proposed development would not result in unacceptable losses of sunlight to the neighboring occupiers.

Privacy/Overlooking

- 10.32 The development proposes two front facing terrace areas that provide private outdoor amenity space for the new units proposed. The terraces will face Anderson Square Gardens with the extension being set back from the main elevation of Moore court by 1.2 metres. There is already a terrace area to Hepworth Court, to the northeast of Moore Court at third floor level and there is a further terrace at third floor level at the southern end of Rodin Court that also faces Anderson Square Gardens. Rodin Court also includes a fourth storey with widows facing Anderson Square Gardens that offer similar vantage points to those from the proposed terraces to Moore Court.
- 10.33 The terrace to the south for proposed Apartment 2 is in close proximity to Rose Court, an apartment block that does not form part of the Andersons Square development but that does face north towards Anderson Square Gardens. This building is five storeys in height including a setback top floor with terrace and there is a further terrace at third floor level. Objections have been received regarding potential overlooking from the terrace areas proposed. A privacy screen will be installed at the southern end of the terrace to stop direct overlooking towards Rose Court from the terrace to Apartment 2. A compliance condition has also been included (Condition 8) to ensure the screen is constructed from opaque glazing rather than timber as shown on the submitted plans as this will provide a higher quality final appearance. This would ensure that the terrace has similar privacy implications as the windows on the lower floors. There is already a high level of overlooking between the terraces and

windows of the different apartment blocks in an around the site, which is not uncommon in a dense urban environment such as the application site. The terrace to the north for Apartment 1 is not in close proximity to neighbouring buildings and therefore, there are no overlooking or privacy issues raised from this area.

Outlook/Enclosure

- 10.34 The extension to Moore Court will rise 2.6 metres above the existing parapet wall to Moore Court and is set back from the primary elevation, facing Anderson Square Gardens, by 1.2 metres. Therefore, from vantage points to the east, the extension and overall mass of Moore Court with the extended area on the roofspace will not be overbearing to surrounding residents. To the rear of the building facing west, the height of the building is increasing from 9.6 metres to 12.2 metres. The site slopes down to the south and therefore the height increase at the southern end of the building is 10.3 metres to 12.9 metres. Views of the rear of the building will only be possible from the rear of the premises along Upper Street. Given the separation distance between the extended rear wall to Moore Court and the primary rear elevations to the properties that along Upper Street (around 24 metres) it is considered that the increased height of Moore Court will not be materially overbearing to these occupiers to such an extent that the council could warrant the refusal of the proposal on this basis.
- 10.35 The development, would be located 5.9 metres from Rose Court, which has a number of windows facing the site as detailed in image 16 below. The two windows to the right of image 13 are at third floor level and at roughly the same height as the proposed extension at Moore Court. The window on the left does not directly face onto the side flank wall of Moore Court and the effect upon this window is deemed to be acceptable. The window on the right will be more impacted but there would still be a good level of outlook as wide views across Anderson Square Gardens would still be possible. Furthermore, the extension will rise 2.6 metres above the existing parapet level and such an increase in height will not lead to an unacceptable overbearing effect for either of the noted windows at Rose Court.



Image 16 – View of Rose Court from the Roof Space at Moore Court

Conclusion on Amenity

- 10.36 Overall, the development proposed is concluded to not adversely affect surrounding occupier's amenity in terms of, sunlight/daylight, privacy or having an overbearing effect. The massing of the building is modest at only 2.6 metres above the existing parapet and sufficiently set back from the primary elevation to appear subservient to the main mass of the building. The terrace areas are sufficiently set back from neighbouring units as to not raise potential privacy concerns and screening will be used to ensure no untoward effects will be realised in this regard. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies.

Standard of Residential Accommodation.

- 10.37 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.38 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 which post-dates the determination of the application by the Council. From this date Councils are expected to refer to the NDSS in justifying decisions.
- 10.39 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve. For a 2 bed, 3 person flat the table states that a Gross Internal Area (GIA) of 61 square metres is required, with 2 square metres of storage.
- 10.40 The proposed floor area of Apartment 1 is 70.8 square metres (2.7 square metres of storage) and Apartment 2 has a floor area of 66.8 square metres (3 square metres of storage). The proposal would exceed the floor area required by the above prescribed standards in the NDSS and Development Management Policies. The internal layouts of the proposed residential unit are considered to be functional and satisfy the minimum space standards. The units are dual aspect with good outlook and natural ventilation. The proposed units have a floor to ceiling height of 2.5 metres. While this is below the 2.6 metres detailed in DM3.4 Part C, the NDSS provide a minimum floor to ceiling height of 2.3 metres for at least 75% of the dwelling. Therefore, a 2.5 metre floor to ceiling height across the whole of each unit is considered acceptable. This would also ensure that the proposed development is not unnecessarily increased in height.
- 10.41 The Development Management policy DM3.5 requires the provision of 5 square metres plus 1 square metres per person of good quality private outdoor space at upper levels. The proposed development would provide private terraces that would exceed the amount of private space required under policy DM3.5, that being 6 square

metres for a three person dwelling. Apartment 1 includes a 10.2 square metre terrace and Apartment 2 has a 14.5 square metre terrace.

- 10.42 To ensure there is sufficient outlook from the rear facing bedrooms, the proposed opaque glazing should be transparent. A compliance condition has been added (Condition 8) that will ensure this element will be included within the constructed scheme.
- 10.43 For the above reasons it is concluded that the proposed dwellings provide acceptable living conditions for future occupants and complies with Policy 3.5 of the London Plan 2015, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management and the National Space Standard, 2015.

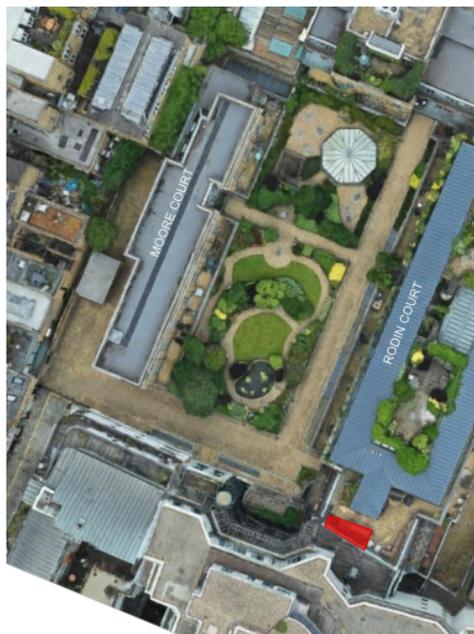
Transport and Highways

- 10.44 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner and to adequately address delivery, servicing and drop-off requirements. Policy DM8.5 states that all additional homes will be car free and that applications for vehicle parking within the curtilage of existing residential properties will be refused.
- 10.45 No additional car parking is proposed as part of the current application and the ability of future residents of this development to obtain an on street parking permits will be restricted by way of a clause in the Unilateral Undertaking between the applicant and the council. Therefore, in terms of Policy DM8.5 the application is compliant.
- 10.46 Various objectors raised issue with the strain on parking the development may have. No parking is being created with the new units and the existing situation will remain unchanged in terms of the existing residents who already have a parking space within the private development. The council cannot control the ownership of existing private parking spaces, but as no additional parking is being created and as the site has a very high PTAL score (6a), no adverse issues are raised in terms of a stain on the existing parking spaces due to two new units being constructed on site.
- 10.47 Policy DM8.4 requires bicycle parking to be provided in accordance with Table 6.1 (Appendix 6). The development is therefore required to provide four additional cycle spaces (one per new bedroom). The applicant has identified an area in the housing estate where existing cycle parking is situated. Two additional Sheffield cycle stands are proposed which can accommodate four additional cycles. Policy DM8.4 also requires cycle parking to be sheltered and therefore Condition 7 has been included that requires details of the cycle parking to be submitted to evidence how the proposed cycle parking area complies with the requirements of DM8.4.
- 10.48 Objectors have raised issue with capacity of the existing cycle parking should the development be constructed and occupied. The requirements of DM8.4 and the resultant details required by Condition 7 will ensure that there is no loss of cycle parking provision and that the development has sufficiently addressed sustainable transport issues in line with Policies DM8.4 and DM8.5.
- 10.49 It is considered that the proposals have incorporated sufficient sustainable and accessible transport facilities to meet the transport needs of the building and is in

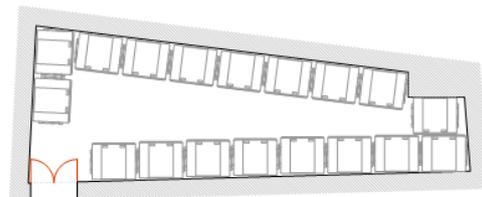
compliance with the relevant transport policies of the London Plan and Islington's Core Strategy and Development Management Policies.

Refuse and Recycling

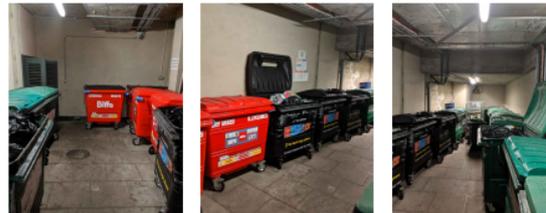
- 10.50 The initial proposal intended to use the existing waste and recycling facilities within the residential estate but capacity issues with this storage area were raised by various objectors. The existing bin store is located at ground floor beneath the Rodin Court block and has a mix of recycling and general waste Eurobins (1100 litre capacity per bin),
- 10.51 An updated refuse strategy document was provided that identified a shortfall in the existing storage area due to the onsite gym using 4 of the 18 bins in this area. To overcome this issue a new refuse storage area has been proposed within the residential estate behind Moore Court. The new refuse shelter will be used to increase the capacity for the whole estate rather than just for the occupants of the new units. The shelter will be located to the west of Moore Court and behind an existing electricity substation (Image 18) that can be seen from Collins Yard. The refuse structure will also close the rear boundary with 320 Upper Street.



Existing Bin Storage Area At Ground Floor



Existing Bin Storage Area At Ground Floor 1:100



Existing Bin Storage Photographs

Image 17 – Existing Refuse Storage Area

- 10.52 The shelter will have a maximum height of 2.3 metres, be of timber construction and has the capacity to house 4 x 1,100 litre Eurobins that will not only provide the extra capacity for the 2 new units proposed but also make up for the existing shortfall due to the gym operator using the existing storage area.



Image 18 – Proposed Refuse Storage Area

- 10.53 The new shelter will require refuse collections to be made from Collins Yard rather than from the courtyard in front of Rodin Court where collections are currently made. Contact was made with the Refuse and Recycling Team over the requirement to collect residential refuse from this location. It was advised that residential refuse collections are already made from Collins Yard and that there would not be an issue with making collections from this new area proposed. On this basis the new refuse strategy is deemed to be acceptable and represents an improvement over the existing situation where an under provision of storage was identified.
- 10.54 One objector raised concern with the new refuse storage area as the route to this area from their property in Moore Court is further than the route to the current storage area. While this may be the case for this particular flat, towards the north of Moore Court, it is intended for the area to provide extra capacity for the whole residential estate and those who may have a shorter route to the refuse area, potentially in another block, can also use the new storage shelter.
- 10.55 Given the above, it is concluded that the refuse storage strategy is acceptable.

Accessibility

- 10.56 Comments received from the Inclusive Design Officer sought clarification over the accessible elements that have been incorporated into the design. Issues were raised with aspects such as accessible cycle parking, mobility scooter storage, lack of lift access and the lack of minimum standards for the bathrooms that should be visitable and adaptable.
- 10.57 Moore Court does not currently include lift access to the upper levels. It has been claimed by the applicant that installing lift access would be unfeasible given the resultant knock on effects this would have on the service charge for existing residents. Two lift cores would need to be installed through the existing building and this raises further issues as there may not be the internal space required to provide the cores needed.

- 10.58 London Plan Policy 3.8 relates to 'Housing Choice' and requires a certain percentage of new housing to be suitable for wheelchair users. Supporting paragraph states:

'As set out in Approved Document M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (2), step free access must be provided. Generally, this will require a lift where a dwelling is accessed above or below the entrance storey. The application of requirement M4 (2) has particular implications for blocks of four storeys or less, where historically the London Plan has not required lifts. Boroughs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, for these types of buildings this requirement may be subject to development-specific viability assessments and consideration should be given to the implication of ongoing maintenance costs on the affordability of service charges for residents. Where such assessments demonstrate that the inclusion of a lift would make the scheme unviable or mean that service charges are not affordable for intended residents, the units above or below the ground floor that cannot provide step free access would only need to satisfy the requirements of M4(1) of the Building Regulations.'

- 10.59 The building at Moore Court is currently three storeys and with the extension proposed the building will be four storeys. Therefore, the London Plan supporting statement above is applicable to the site. No specific viability assessment has been provided to demonstrate the provision of lift access is unviable but as outlined above in 10.57, providing lift cores in the building is considered to be challenging given that existing floorspace would need to be lost to provide the necessary core(s) through the building.
- 10.60 Given these restrictions, the new units only have to meet the requirements of M4(1) of the building regulations. It is therefore concluded that the application meets the requisite building regulation standards and is in compliance with London Plan Policy 3.8.

Sustainability

- 10.61 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. It is acknowledged there are no solar panels proposed as part of the development although the Sustainable Design and Construction Statement submitted states that the roof space could accommodate 4 x 330w PV panels. The statement goes on to address the passive design strategy of the new units that offers a simple way of increasing sustainability. The statement concludes that the overall emissions reduction achievable at the site equates to 20.19% under building regulations AD L 2013. However, the calculations are based on PV panels being used at the site. In order to ensure appropriate carbon reductions measures are incorporated into the design a condition is advised that requires PV panels to be installed at the site and for the details of the panels to be submitted to the council by way of a submission of detail application (Condition 11).
- 10.62 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. New-build developments should use all available roof space for green roofs, subject to other planning considerations. It may be possible for a green roof to be installed on the new flat roof area to the new units as well as to the remaining flat roof area of Moore Court that is not being developed. The existing building may have certain structural limitations in relation to the increased load of a green roof being installed

on the roofspace and there may also be a conflict with the installation PV panels. To overcome this, a green roof feasibility study condition is proposed that will require the applicant to conduct a feasibility study that will ascertain if it will be structurally possible to install a green roof on the flat roof areas to Moore Court (Condition 10) that would also not conflict with the installation of PV panels.

- 10.63 Various objectors have raised concerns over references to the installation of gas and the use of gas boilers in the Sustainable Design and Construction Statement as Moore Court does not currently have a gas connection. The energy efficiency model contained within the statement is based upon the use of gas and should it not be possible to install gas at the site the emissions target may not be met. It is therefore required for an updated Energy Study to be submitted to the council via a submission of detail application that outlines how the 20.19% emissions reduction will be achieved as well as the water efficiency target of 95 litters per person per day.
- 10.64 A comment to the application has been received from the Islington Swifts Society requesting for swift boxes to be installed at the site. A development of this scale could accommodate such an ecological feature and therefore a further condition is advised requiring the details of where swift boxes will be installed on the extended area to Moore Court (Condition 12).
- 10.65 Overall, it is concluded that the conditions referenced above will ensure the development is adequately sustainable and will sufficiently address the requirements of Policy CS10, DM6.5 and DM7.2 as well as the relevant policies within the London Plan.

Affordable Housing and Carbon Offsetting

- 10.66 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units which do not provide social rented housing on site. Schemes below this threshold will be required to provide a financial contribution towards affordable housing elsewhere. The reasons for this approach are explained in the supporting text and in the Affordable Housing Small Site Contributions SPD which refers in turn to relevant aspects of policy found in the London Plan (2016). The SPD sets out a tested viability requirement for a contribution of £50,000 per new dwelling (£100,000 in total for the two new units at Moore Court).
- 10.67 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the offset contribution is outlined in Islington Planning Obligation SPD (2016) which stipulates a flat fee of £1,000 per flat (£2,000 in total for the two new units at Moore Court).
- 10.68 Both the small site housing contributions and carbon offsetting have been secured by way of a Unilateral Undertaking between the applicant and the council.

11. SUMMARY AND CONCLUSION

- 11.1 The overall design of the extension is acceptable and accords with DM2.1 and DM2.3
- 11.2 The effect on neighbouring amenity has been assessed with regards to Daylight/Sunlight, privacy and being overbearing. The development is considered to be acceptable in terms of amenity and will not adversely affect surrounding residents.
- 11.3 The standard of living accommodation for the new units complies with the minimum space standards and sufficient conditions have been included with the planning consent to ensure the development is sufficiently sustainable.
- 11.4 A new refuse storage shelter has been proposed to address previous capacity issues with the existing estate and to provide additional storage for the new units.
- 11.5 A Unilateral Undertaking agreed between the council and the applicant on the 14th May 2020 for a £100,000 contribution towards affordable housing and £2,000 contribution towards carbon offsetting.
- 11.6 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the National Planning Policy, the London Plan, the Islington Core Strategy, Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly

Conclusion

- 11.7 It is recommended that planning permission be granted subject to conditions and the requirements of a legal agreement as detailed in Appendix 1.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

That planning permission be granted subject to the obligation contained within the Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990, that was signed on the 14th May 2020, between the Council and all persons with an interest in the land (including mortgagees) that secured 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:

- Contribution of £100,000 towards affordable housing within the borough.
- Contribution of £2,000 towards carbon off-setting
- Car free development no parking permits

That planning permission be granted subject to conditions listed below and the legal agreement that was signed on the 14th May 2020.

List of Conditions:

Condition	
1	Commencement
	<p>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 list
	<p>The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>FYV_206_2 Rev A, FYV_205_2 Rev C, FYV_204_2 Rev B, FYV_301_2, FYV_300_2, FYV_001_2, FYV_103_2, FYV_101_2, FYV_102_2,</p> <p>Design and Access Statement Rev A April 2019, Daylight Sunlight & Overshadowing report August 2019 by BVP, Addendum Daylight and Sunlight Report ref ds/rm/11545 dated 21st October 2019, Addendum Daylight and Sunlight Report ref ds/rm/11545 dated 8th June 2020, Sustainable Design and Construction Statement 28/01/19, Refuse Strategy November 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)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p>

	<p>a) Final colour, type and sample panel for the main elevations window treatment (including sections and reveals);</p> <p>b) roofing materials;</p> <p>c) balustrading treatment (including sections);</p> <p>d) Any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (DETAILS)</p>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP should refer to Islington's Code of Practice for Construction Sites (2018) and include details and arrangements regarding:</p> <p>a) The notification of neighbours with regard to specific works;</p> <p>b) Advance notification of any access way, pavement, or road closures;</p> <p>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;</p> <p>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</p> <p>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> <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, including positions and hours of lighting;</p> <p>i) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;</p>

	<p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads. The report should contain detailed information on the minimizing of noise, demolition methods and best practice measures in line with Islington’s Code of Practice for Construction Sites (2018).</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
5	<p>Updated Energy Study</p>
	<p>CONDITION: Prior to superstructure work commencing on site, an updated Energy Study shall be submitted to and approved in writing by the Local Planning Authority. The study should address how the 20.19% overall emissions reduction target will be achieved for the new units and how the 95 liters per person per day water efficiency target will be met under building regulations AD L 2013.</p> <p>The development shall be carried out strictly in accordance with the details so approved, and shall be maintained as such thereafter. 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.</p>
6	<p>Refuse Storage</p>
	<p>CONDITION: Notwithstanding the details shown on the approved plans no. FYV_301_2 and FYV_301_2; detailed drawings of the bin store, as well as the details of collection arrangements to serve the residential properties, have been submitted to and approved in writing by the local planning authority. No occupation of the dwellings hereby permitted shall take place until the facilities have been provided and made available for use in accordance with the details as approved.</p> <p>REASON: In the interest of securing sustainable development.</p>
7	<p>CYCLE PARKING (DETAILS)</p>
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in</p>

	<p>writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure and provide for no less than 4 cycle spaces for the proposed residential units</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	<p>Obscure Glazing</p> <p>CONDITION: Notwithstanding the details shown on the approved plan FYV_205_2 Rev C and FYV_204_2 Rev B, the windows to the rear facing bedrooms should be clear glazed and 1800mm high privacy screen to the south of the site should be constructed from opaque glazing and be maintained as such in perpetuity.</p> <p>Reason: To ensure there is an adequate outlook from the rear facing habitable rooms.</p>
9	<p>Privacy Screen</p> <p>Notwithstanding the details shown on approved plan FYV_204_2 Rev B, the 1800mm high privacy screen to the south of the site shall be constructed from opaque glazing and be maintained as such in perpetuity.</p> <p>Reason: To ensure the final appearance of the development is acceptable and to protect the privacy of surrounding residents.</p>
10	<p>Green/Brown Roof Feasibility Study</p> <p>CONDITION: Prior to the superstructure work commencing on site, a feasibility study shall be submitted to and approved in writing by the Local Planning Authority assessing the following:</p> <p>A) the structural capability of the building to incorporate an 80mm (minimum) deep Green or Brown Biodiverse Roof.</p> <p>B) Should the feasibility report conclude that a Green/Brown Roof is structurally feasible, the following additional details should be provided against condition 13: Confirmation that the Green/Brown Roof will be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan 1666/43B hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum.</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>

11	Location of PV Panels
	<p>CONDITION: Prior to the superstructure work commencing on site, full details of the siting and location of the Photo Voltaic Panels on the Roofspace at Moore court shall be submitted to and approved in writing by the local planning authority.</p> <p>REASON: In the interest of securing sustainable development</p>
12	Installation of Swift Boxes
	<p>CONDITION: Prior to the commencement of the hereby approved development details of swift box locations shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information an investigation of the most suitable location and shall include nesting locations and boxes for swifts. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p>

List of Informatives:

1	Construction works
	<p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
2	Highways Requirements
	<p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>

	Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk .
4	Section 106 agreement
	INFORMATIVE: 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.
5	Car-Free Development
	INFORMATIVE: 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.

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

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

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

B) Islington Core Strategy 2011

- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS10 Sustainable design
- Policy CS11 Waste
- Policy CS12 Meeting the Housing Challenge
- Policy CS13 Employment spaces
- Policy CS18 Delivery and infrastructure

C) Development Management Policies June 2013

Design and Heritage

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

Housing

- DM3.1 Mix of housing sizes
- DM3.3 Residential conversions and extensions
- DM3.4 Housing standards
- DM3.5 Private outdoor space

Energy and Environmental Standards

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

Transport

- DM8.4 Walking and Cycling
- DM8.5 Vehicle Parking
- DM8.6 Delivery and servicing for new developments

E) Site Allocations June 2013

Not Allocated

3. Designations

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

- Core Strategy Key Area – Angel and Upper Street;
- Angel Town Centre;
- Archaeological Priority Area – Islington Village and Manor House;
- Article 4 Direction A1-A2 (Town Centres)
- Within 50m of three Conservation Areas;

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

The following SPGs and/or SPDs are relevant:

London Plan Accessible London (2016)
 Character and Context (2014)

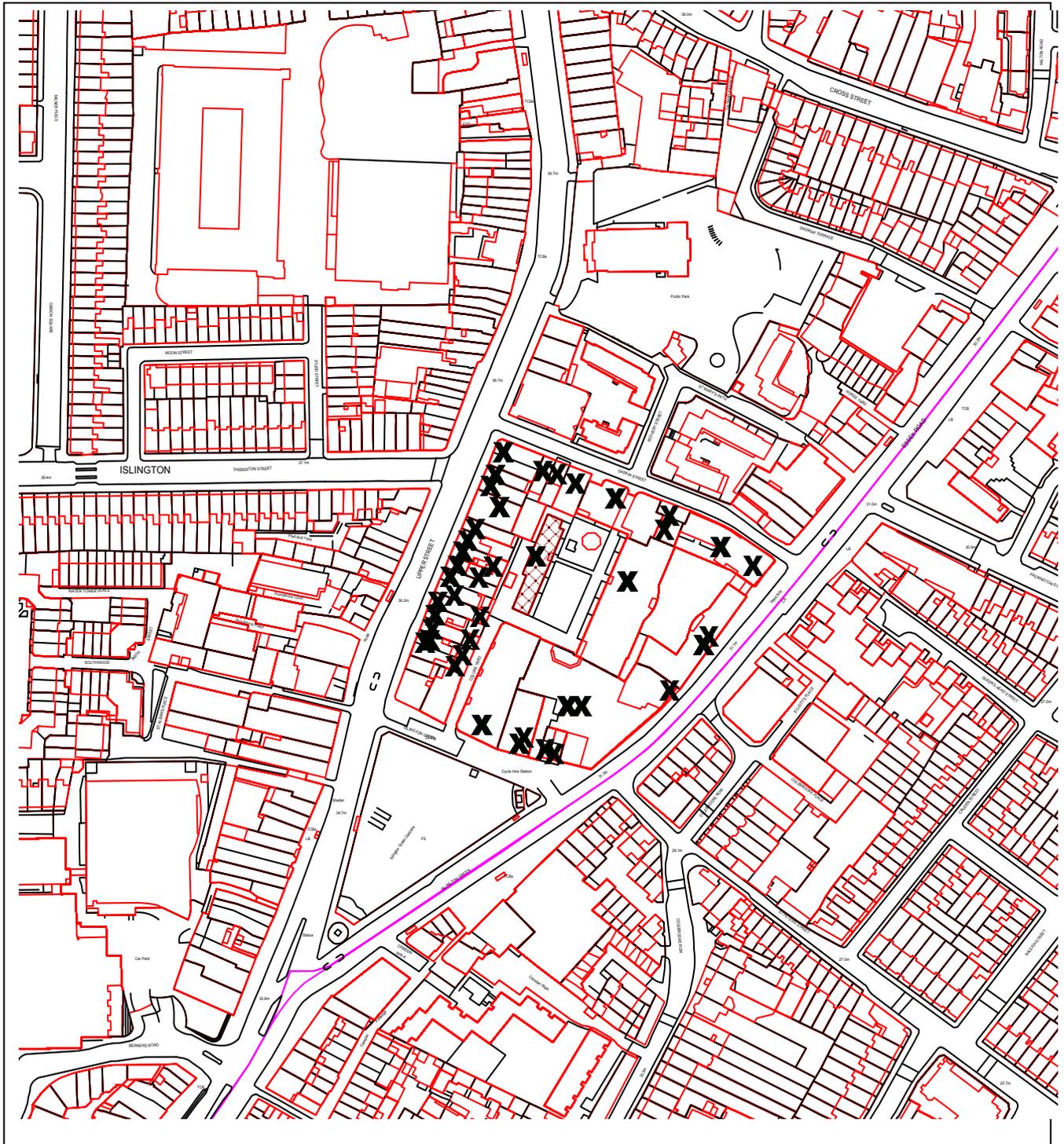
Housing (2016)
Sustainable Design and Construction (2014)
Town Centres (2014)

Islington

Affordable Housing Small Sites Contributions (2012)
Conservation Area Design Guidelines (Canonbury Conservation Area;
2002)
Environmental Design (2012)
Inclusive Design in Islington (2014)
Islington Urban Design Guide (2017)

- BRE Guidance – Site Layout Planning for Daylight and Sunlight, A guide to good practice (Second Edition)

Islington GIS Print Template



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P2019/0031/FUL

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PLANNING COMMITTEE REPORT



ISLINGTON

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 3333
 222 Upper Street

PLANNING SUB-COMMITTEE B		AGENDA ITEM	B6
Date:	14 July 2020	NON-EXEMPT	

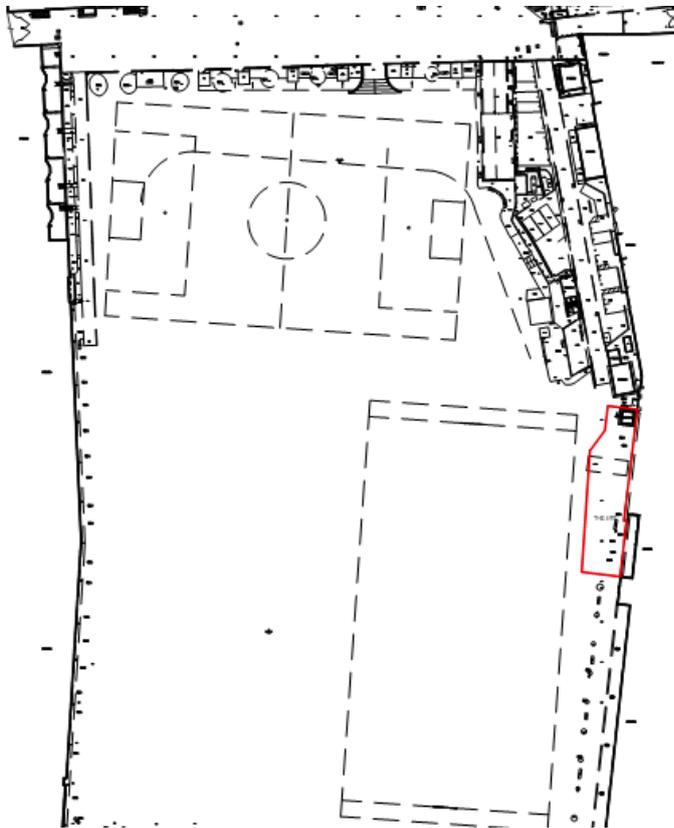
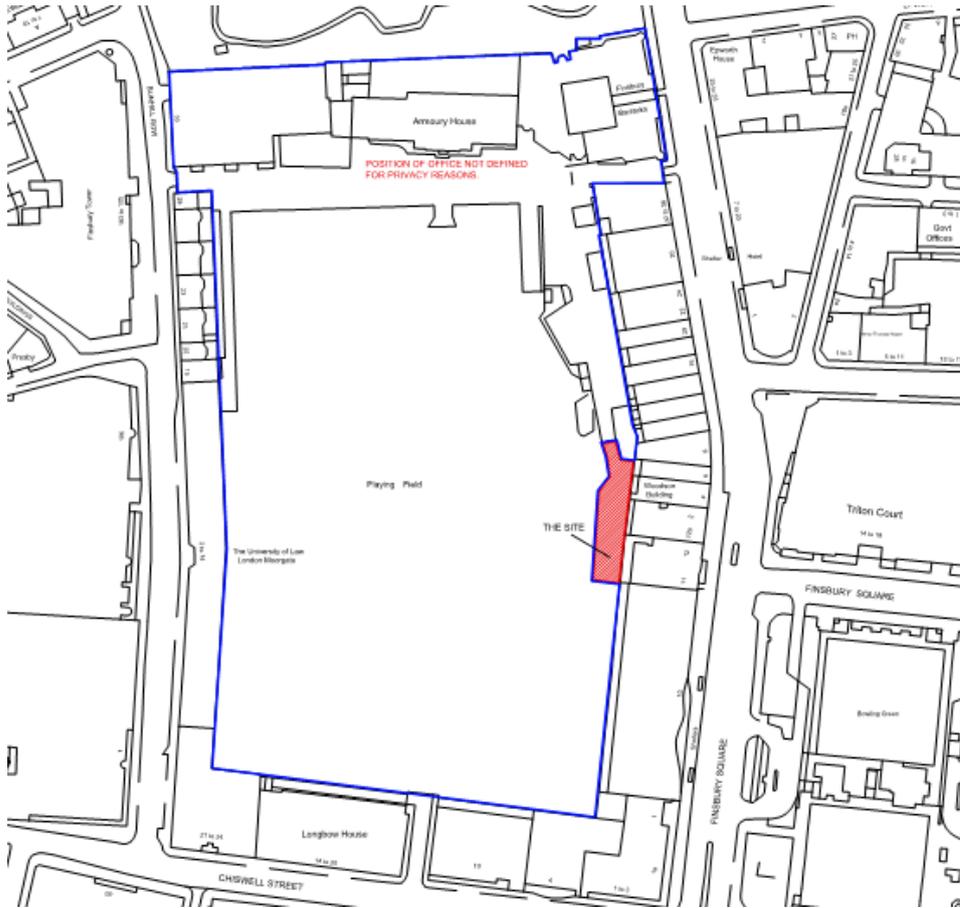
Application number	P2019/2369/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Grade II* Listed Building (Armoury House)
Conservation area	Bunhill and Clerkenwell Conservation Area
Development Plan Context	Bunhill and Clerkenwell Key Area Central Activity Zone Finsbury Local Plan Area (Bunhill & Clerkenwell) Moorfields Archaeological Priority Area
Licensing Implications	None
Site Address	Armoury House, City Road, London, EC1Y 2BQ
Proposal	Proposed erection of stables and tack room adjacent to the existing rugby pitch (for a temporary period of 2 years, 6 months), together with permanent internal alterations to the listed 'Specials' office within the mezzanine floor of the west wing of Armoury House.

Case Officer	Jake Shiels
Applicant	Mr Noyon Choudhury of City of London
Agent	John Burke Associates

1. RECOMMENDATION

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

2. SITE PLAN (Application site outlined in blue, proposed site location area shaded in red)



Proposed Location Plan (Outlined in red)
Page 192

3. PHOTOS OF SITE/STREET



Image 1: Proposed site location



Image 2: Proposed site location and existing field structures

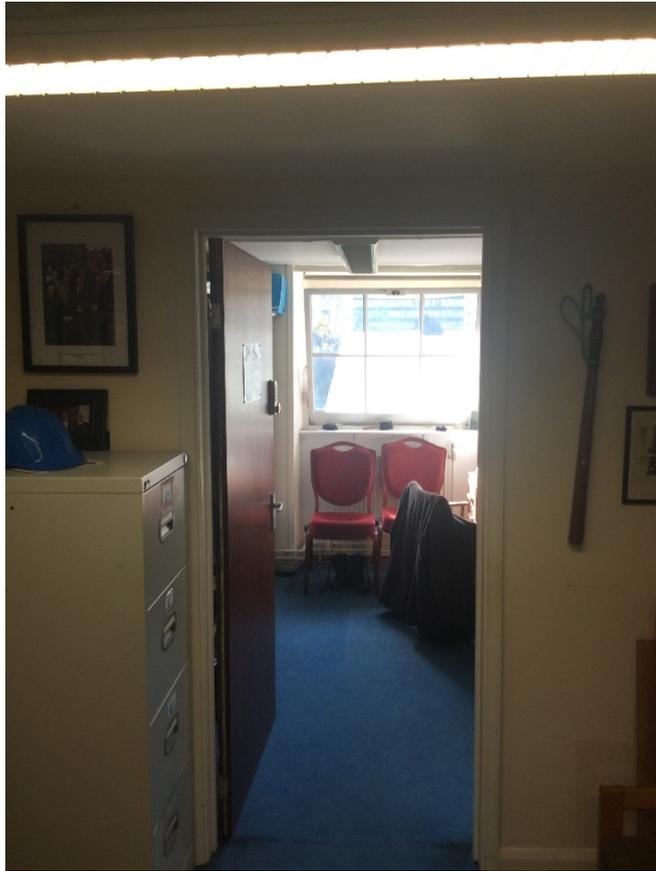


Image 3: Specials' Office within HAC West Wing



Image 4: Specials' Office entrance within HAC West Wing

SUMMARY

- 3.1 The application site relates to the Grade II* Listed Armoury House (Finsbury Barracks) and large private playing field. The application seeks full planning permission and listed building consent for the erection of a temporary stables and tack room adjacent to the existing rugby pitch, together with minor internal alterations to part of the existing building at Armoury House which would be permanent. A permission period of 2 years, 6 months is proposed for the stables. This period aligns with the applicant's agreement with the field owner (HAC) for a licence of 2 years and allows for the submission of 3 pre-commencement conditions, their assessment time for the erection of the stables on the playing fields.
- 3.2 The principle of the development is considered acceptable on a temporary basis of 2 years, and 6 months, which would serve to provide a public benefit, whilst the proposed stables building by virtue of their scale and mass would not appear out of character within the context of the existing timber structures associated with the playing field, nor would the development harm the Bunhill and Clerkenwell Conservation Area and is considered conducive to the surrounding character and use which is varied in character. The internal works to the Specials Office within the West Wing of the Grade II* Listed Building would not result in the loss of historic fabric that would have a harmful impact on the significance of the building.
- 3.3 Overall, subject to conditions the proposal would not harm the character or appearance of the Grade II* Listed Building or that of the surrounding area. The proposal accords with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policy CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, The Finsbury Local Plan June 2013 policies BC7 and BC8 Achieving a balanced mix of uses and the Conservation Area Design Guidelines.
- 3.4 It is considered that the development would not cause an unacceptable impact to residential properties in relation to noise and disturbance and odour by virtue of the operational management procedures in place, nor would it cause unacceptable impacts on enclosure levels, loss of outlook, nor direct overlooking and loss of daylight and would not have a detrimental impact upon nearby residential amenity, therefore according with Policy DM2.1.
- 3.5 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.
- 3.6 The application is referred to committee given the number of comments received (11 objections) and the site's sensitive location as a large private open space, along with its Grade II* Listed status and location within the Bunhill and Clerkenwell Conservation Area.

4. SITE AND SURROUNDING

- 4.1 The application site relates to the Grade II* Listed Armoury House (Finsbury Barracks) and large private playing field. Finsbury Barracks has a site area of approximately 2.6 hectares situated between City Road (directly east), Bunhill Row (directly west) and Chiswell Street (directly south).
- 4.2 The site is located within the Central Activity Zone, Finsbury Local Plan Area (Bunhill and Clerkenwell) and within the setting of a Grade II* Listed Building. It is also situated within Bunhill and Clerkenwell Conservation Area as well as being within an Archaeological Priority Area. It is highlighted under policy DM6.3 as a significant private open space.
- 4.3 Historically, the playing fields were used for archery practice along with other sporting events (including cricket matches) dating back to the early 18th Century. Presently it is used for occasional rugby events, cricket and social events. The playing fields have a total perimeter area of approximately 23, 987sq.m (5.92 acres).

- 4.4 Generally, the surrounding area is predominately office/commercial space within the Central Activity Zone.
- 4.5 The nearest residential properties are situated to the east along City Road with No's 6, 12, 16 and 18 having apartments in the upper floors that project onto the site, whilst 12a Finsbury Square consists of residential properties, 10, 11 and 12 Finsbury Square consist of B1 uses.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks full planning permission and listed building consent for the erection of a temporary stables and tack room adjacent to the existing rugby pitch, together with minor internal alterations to part of the existing building at Armoury House which would be permanent.

Stables and Tack Room

- 5.2 The stables area is proposed to be located towards the eastern boundary of the site, east of the rugby field, covering an area of approximately 384sq.m. The stables include a single storey stable building, comprising 6no. stables, a wash bay and storage areas and single storey tack room building south east of the stables with timber shiplap boarding and grasscrete from the existing tarmac entrance. The stables themselves have a footprint of approximately 122sq.m, whilst the tack room has a total footprint of 41sq.m in the context of the entire site, which is approximately 23, 987sq.m (5.92 acres).
- 5.3 The proposed stables area is considered necessary to facilitate the closure and decommissioning of Wood Street, the City of London Police's Mounted Unit which requires alternative accommodation.
- 5.4 The City of London Police's Mounted Unit is required to be located at the site in order to provide efficient response times, to have the ability to mobilise the unit in close proximity to the City in response to operational needs and requirements for effective services within the City of London (within 5 minutes). The operational risk of locating the unit outside of the City is considered impracticable and poses operational risks. The location also allows for deployment to other parts of London.
- 5.5 During the application process it was agreed that the permission relating to the stables and tack room, if granted, would be for a temporary period of 2 years, 6 months. This period is justified given the applicant's agreement with the field owner (HAC) for a licence of 2 years. The additional 6 month time period allows for the submission of 3 pre-commencement conditions, their assessment and then also allows time for the erection of the stables upon the playing fields.

Internal works

- 5.6 The works to the main building would be located close to the frontage of the property at the 'Specials' office within the mezzanine floor of the west wing of Armoury House. The proposed alterations include the removal of a modern partition wall, and introduction of a new wall to rationalise the office accommodation. These works are on a permanent basis.

6. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Armoury House

- 6.1 P2014/0520/FUL: Construction of stone balustrade to existing external stairs in front of Armoury House. (Listed Building Consent Application Ref P2014/0573/LBC also submitted).

Approved on 02/04/2014.

- 6.2 P2014/0989/FUL: Removal of existing steel and glass gatehouse and construction of new stone clad gatehouse. (Listed Building Consent application P2014/1100 also submitted).

Approved on 14/05/2014.

6.3 P110527: Alteration to three rooms to turn into a museum, installation of condenser units.

Approved on 11/05/2011.

Playing Fields

6.4 P2016/1146/FUL: Erection of a marquee (temporary structure) on land adjacent to the playing fields of Armoury House (along the south boundary of the site) in order to facilitate the hosting temporary social events. The marquee would be in situ for no more than 120 days per calendar year with both a winter and summer site layout plan included.

Approved at Committee on 21/09/2016.

6.5 P2018/1914/FUL: Erection of marquees and other associated demountable structures for the hosting of events within the Artillery Garden for a temporary permission of 2 years, 3 months for a maximum of 130 calendar days per year.

Approved with conditions on 09/11/2018.

PRE-APPLICATION ADVICE:

6.6 Q2018/1855/MIN: Erection of stables within Playing Fields.

Completed on 16/10/2018.

7. CONSULTATION

Public Consultation

7.1 Letters were sent to occupants of **104** adjoining and nearby properties on City Road and Finsbury Square on 16th August 2019. A site notice and press advert were displayed on 16th August 2019. The public consultation of the application therefore expired on 15th September 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision.

7.2 At the time of the writing of this report a total of 11 responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Land Use

- Loss of open space and lower quality provision of open space subsequently
- Reduction in the playing field area and impact on size of rugby pitch
- Located close to side line of pitch which may impede safety of participants and spectators

(Paragraphs 9.2-9.13)

Design and character

- Stables would be substantial structure and are not comparable to other maintenance structures
- Design of 'shed-like' appearance of stables not considered high quality in terms of design and materials
- The visual amenity of the stables and tack room not in keeping with the surrounding character of the area

- Would be sited within Bunhill Fields and Finsbury Square Conservation Area and the stables would be located adjacent to the rear of 6 City Road, a locally listed building, no assessment on impact of the proposal on these heritage assets within submission

(Specific paragraph 9.19)

- Would not preserve or enhance character of the area and would harm setting of locally listed building

(Paragraphs 9.14-9.26)

Neighbouring amenity

- Hazardous materials and presence of animal waste and associated insect pests that will be attracted will have harmful impact on neighbours
- Animals and animal waste will result in bad smells and odour which will affect neighbouring residents, restaurant patrons and offices
- Noise and disturbance already an issue when considering existing HAC playing field activities, introduction of animals and handlers to increase this and worse situation
- Bad and putrid smells
- HAC already brings horses in once a year and they are noisy and cause odour even from a distance
- HAC has a long history of ignoring complaints and ignoring requests from residents
- Complaints made in regards to noise, ranging from associated activities on playing fields
- No engagement with local residents about the proposals and having animals in close proximity to homes
- Noise and odour at night would filter through open windows at flats above, especially during summer months
- Not reasonable to be exposed to the smell and noise of horses whilst at home
- No specific timetable given for the construction of the development and also not clear how long development would stay in situ
- Residents will be forced to live above stable blocks

(Paragraphs 9.27-9.40)

Trees

- No detailed assessment on application in regards to existing trees to the eastern boundary. Concern with potential damage to tree roots during construction and the stables could cause the trees growth to become stunted

(Paragraphs 9.41-9.48)

Other matters

- The proposal is so close to neighbouring property and would have a negative impact on value.

Officer comment: *matters relating to impact on property values are not a material planning consideration.*

Internal Consultees

- 7.3 **Design and Conservation Officer:** No objection to both proposals, which read:

P2019/2369/FUL – Stables and Tack Room

The proposed temporary stabling is required by the mounted section of the City of London Police and would be situated to south east of Armoury House, on the eastern perimeter of the Artillery Ground. This would replace some smaller outbuildings, and comprises two new single storey buildings. These would be clad in weatherboarding and painted dark green. Considering their small, low rise scale and somewhat transient appearance, in addition to their positioning on the perimeter, it is not considered that there would be an adverse impact on the setting of Armoury House. This includes non-visual impacts such as smell, as the stabling is located a considerable distance from the listed building. The perception of the Artillery Ground as a large, uninterrupted open space would also not change. The provision of stabling may be considered to form part of the continuing operations of the Honourable Artillery Company, including supporting the City of London Police which is a historic function.

P2019/2411/LBC – Listed building alterations

The minor internal alterations, for the removal of a modern partition wall, and introduction of a new wall to rationalise the office accommodation, is not considered to adversely impact the significance of the listed building.

- 7.4 **Tree Preservation Officer:** No objection, subject to a condition (Condition 4).

- 7.5 **Planning Policy Officer:** From the details submitted, based on a permanent proposal, an objection is raised to the loss of permanent open space in line with Policy DM6.3. The applicant must otherwise demonstrate that there is a public benefit for the siting of the stables in this application that would overcome the departure from policy. Should the application have a temporary permission, a condition should be placed upon to return the land back to open space.

- 7.6 **Public Protection Division (Noise Team):** No objection.

- 7.7 **Public Protection Division (Animal Welfare Officer):** No objection.

External Consultees

- 7.8 **Historic England - (Planning Applications and Grade I & II* listed):** No comments to make:

'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. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.'

- 7.9 **The Greater London Archaeological Advisory Service (GLAAS):** No objection, subject to a condition (Condition 7):

- 7.10 **Sports England:** No objection, subject to a condition (Condition 5) relating to temporary net facilities and a ball strike assessment.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 8.1 Islington Council (Planning Sub-Committee B), 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.)
- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-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.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of 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.
- 8.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 8.10 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.

- 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. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

Policy SD4 Central Activities Zone
Policy D1 London’s Form, Character and capacity for Growth
Policy D14 Noise
S5 Sports and recreation facilities
Policy HC1 Heritage Conservation and Growth
Policy G4 Open Space
Policy G7 Trees and woodlands

- 8.12 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

- 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 with the examination process in progress

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:

SP1 Bunhill and Clerkenwell
Policy G2 Open Space
Policy G4 Biodiversity, Landscape Design and Trees
Policy DH1 Fostering innovation and conserving and enhancing the historic environment

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design and appearance
- Impact on heritage assets
- Neighbouring Amenity
- Tree protection

Land use

Open space

- 9.2 The proposal is situated within the grounds of Finsbury Barracks. The playing fields have been identified within policy DM6.3 of the Development Management policies as an area of significant private open space. Part E of this policy states that development on private open space would not be permitted where there is a significant individual or cumulative loss of open space/aspect which would impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.
- 9.3 The supporting text to this policy states at paragraph 6.29 *“whether a proposal would result in a significant loss will be assessed based on the value of the private open space and its relationship to the site surroundings. Development proposals should maintain the open aspect of the site and retain the existing functionality of the site in terms of the factors listed in policy DM6.3 Part E, such as amenity value and biodiversity value. The character of the site and its surroundings should be maintained. Development will only be permitted in exceptional circumstances.”*
- 9.4 The playing fields are used for a number of sporting and corporate events, that include temporary marquees and other demountable structures for periods of the year. Whilst it is acknowledged that the remainder of the land remains as private green open space during the events period, in addition to this the marquee structures are removed for two thirds of the calendar year, and the overall size of the land is retained as open space. Private sporting events can continue to be played all year round.
- 9.5 The proposal is for the location of the temporary stables area on the edge of the playing fields within a small section of land that is in close proximity to the existing groundsman hut and smaller sheds that support the upkeep of the grounds. Under this proposal no new elements are proposed that would alter the primary land use which is for sports and recreation, the 2-year period is proposed as the landowner (HAC) has provisionally given a licence for a period of 2 years. A 6-month additional time period would allow for a total of 2 years and 6 months, to allow for pre-commencement condition details to be discharged, determined and then allow for the erection of the development. The development would therefore only be a temporary permission and not a permanent proposal. Any further extension of time would be required to be assessed under a new planning application.
- 9.6 The majority of the site is retained as open space for sporting events, which can continue to be played all year round with the cricket and rugby pitch unaffected. In line with the supporting text to policy DM6.3 the functionality of the open space is retained.



Image 5: Groundsman hut and associated ancillary buildings that support the playing fields

- 9.7 In line with the supporting text to policy DM6.3 the open aspect, amenity value and biodiversity value of the Artillery Ground as a large, uninterrupted open space would also be retained as the proposed stables are located to the edge of the site, adjacent to existing maintenance huts.
- 9.8 In line with policy DM6.3, given the relatively modest size of the proposal (384 sq.m) in comparison to the overall area of open space (23, 987sq.m - 5.92 acres) and its location at the edge of the open space in close proximity to the caretakers buildings and access area, it is considered that there is no significant individual or cumulative loss of open space or aspect from this proposal.
- 9.9 The proposal also has a public benefit, which is to ensure effective response times and the ability to mobilise the Unit in close proximity to the City in response to operational needs and requirements for effective Services within the City of London (within 5 minutes). The operational risk of locating the Unit outside of the City is considered to be impracticable and poses operational risks. The location also allows for deployment to other parts of London.

Consultation with Sports England

- 9.10 The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such Sport England is a statutory consultee.
- 9.11 Sport England has considered the application in light of the National Planning Policy Framework (particularly Para. 97) and against its own playing fields policy.
- 9.12 Sport England in their comments sought to request information on the restoration and re-location of the cricket net facility following the removal of the temporary facilities and clarification was also



required on whether the proposed stables would be used concurrently with cricket matches, if so there could be increased risk of ball strike therefore a risk assessment could be necessary.

Image 6: Existing cricket net and stables location

- 9.13 The applicant responded to the points raised, confirming the re-introduction of the practice cricket net following the cease of the temporary use. In addition to this, there will be temporary practice nets provided elsewhere on the margins of the cricket pitch which can be removed when not required. This resulted in Sports England confirming no objection to the application subject to a pre-commencement condition requiring a risk assessment.

Design, Conservation and Heritage Considerations

- 9.14 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 9.15 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 9.16 The site forms part of the Bunhill & Clerkenwell Conservation Area. The application building is listed, the impact towards the character and setting of the conservation area and Listed Building is therefore considered.

Stables and Tack Room

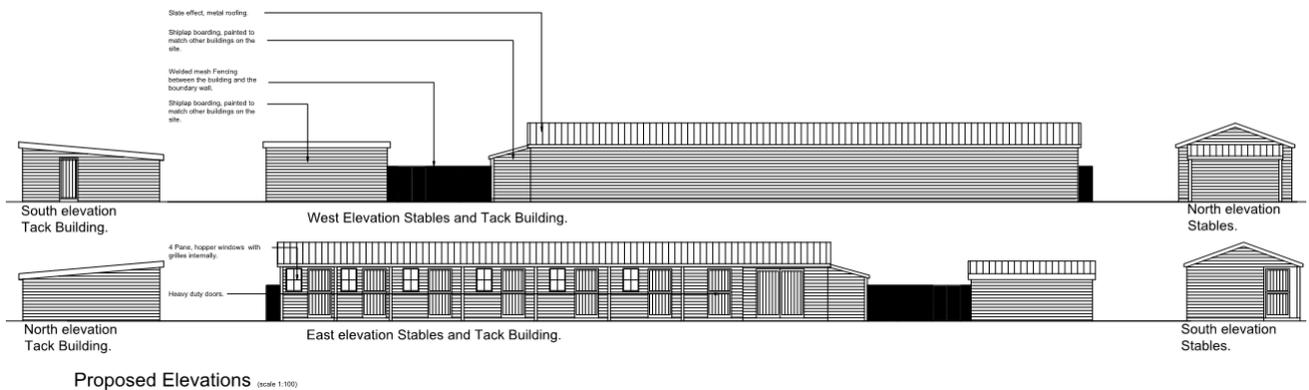
- 9.17 The stables area is proposed to be located towards the eastern boundary of the site, east of the rugby field, covering an area of approximately 384sq.m. The stables structure measures 30m in length with a tapered width at the southern end measuring 3.9m, whilst to the northern end the building would have a width of 5.2m-5.7m. The stables would have a pitched roof, with maximum height of 3.9m dropping down to an eaves height of 2.7m. The stables would be painted green as per the existing structures on site with a traditional appearance comprising a timber frame clad in timber shiplap boarding that serve six stables, a wash bay as well as storage areas.

Image 7: proposed layout of stables (north) and tack room area (east)



Proposed layout (scale 1:100)

- 9.18 The Tack Room measures 6m x 6.8m located slightly due north east of the stables and would have a pitched roof with maximum height 3m, before sloping down to an eaves height of 2.4m. Its appearance would replicate that of the stables.
- 9.19 The stables and tack room that would replace the smaller outbuilding, by virtue of their small, low rise scale, discrete timber clad appearance and positioning on the perimeter to the east flank would not have an adverse impact on the setting of Armoury House which is set over 120m-130m away from the proposed development. The proposed open mesh welded fence to provide security for the area as proposed in black would not be prominent within the landscape with a low level to the south and north of the stables and would not be detrimental to the conservation area and Listed Building. Officers acknowledge the siting of the development in proximity of the 6-7 storey buildings on City Road, one of which is a locally listed building (6 City Road). These buildings consist of a mixture of architectural styles, design and form, and are setback from the site boundary above ground level. The low level single storey building of the stables is not considered to result in harm to the character of these buildings, including the non-designated heritage asset by virtue of its height and scale.



Proposed Elevations (scale 1:100)

Image 8: proposed layout of stables (north) and tack room area (east)

- 9.20 The proposed stables area would be solely visible from private views within the offices/commercial and residential properties that surround the site on City Road, with limited visibility of the stables from the entrance along Finsbury Street when the temporary marquees to the southern boundary are not in place. However, this would not impact the wider conservation area given its temporary nature and its overall distance from the listed building.
- 9.21 Therefore, given the temporary nature and its positioning (set in from the highway and away from the listed building), and acceptable timber clad design, the proposal would not have a detrimental impact on the setting of the listed building nor detract from the character and appearance of Bunhill & Clerkenwell Conservation Area subject to conditions.

9.22 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The application therefore complies with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policy CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, The Finsbury Local Plan June 2013 policies BC7 and BC8 Achieving a balanced mix of uses and the Conservation Area Design Guidelines.

9.23 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Grade II* Listed Building, its setting and any of its features of special architectural or historic interest and the setting of adjoining locally listed buildings and the character and appearance of the Bunhill & Clerkenwell Conservation Area.

Internal works to 'Specials' office

9.24 The works to the listed building would be located close to the frontage of the property at the 'Specials' office within the mezzanine floor of the west wing of Armoury House. The proposed alterations include the removal of a modern partition wall, and introduction of a new wall to rationalise the office accommodation.

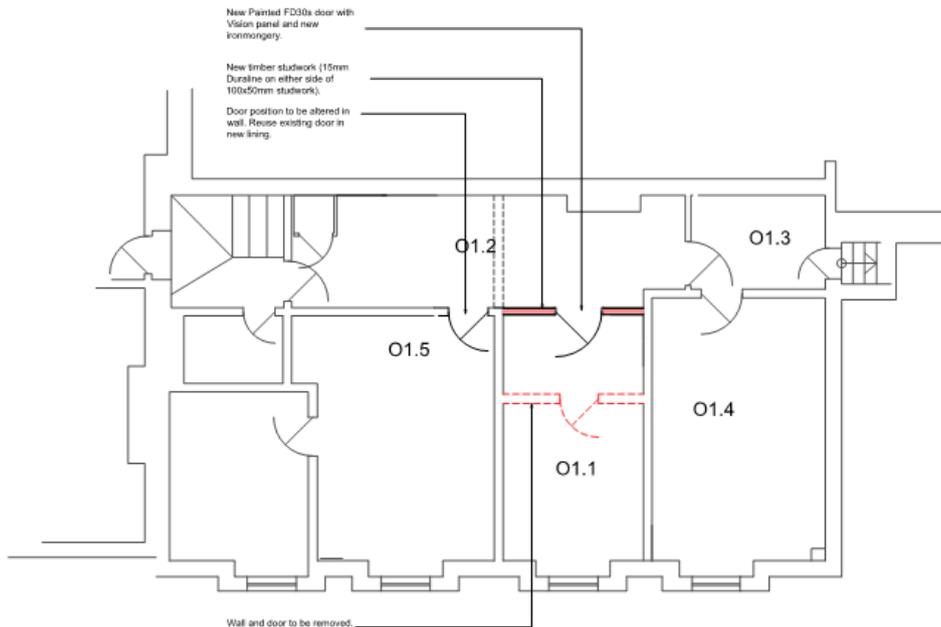


Image
works to

office

9: proposed
specials

9.25 The proposed works will not cause harm to the historic plan form, will involve minimal loss of historic fabric and will not cause harm to the retained fabric, visual amenity or the setting of heritage assets. As such the proposed works will not adversely affect the special architectural or historic interest of the listed building.

9.26 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.

Neighbouring Amenity

- 9.27 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy, safety and an increased sense of enclosure. A development's likely impact in terms of light pollution, safety, security, noise and disturbance is also assessed. London Plan Policies 7.14 and 7.15 as well as Development Management Policies DM2.1 require all developments to be safe and inclusive and maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 9.28 The stables are not considered to be harmful to neighbouring amenity in regards to outlook when considering the surrounding high boundary walls some of which extend up to 3m, whilst the stables by virtue of their single storey height and timber clad design would not appear prominent structures, additionally the setback proposed is approximately 4m-5m
- 9.29 A number of objections have been received in regards to the impact on amenity from the proposed stables in regards to noise, disturbance and odour. The nearest residential properties are situated to the east along City Road with No's 6, 12, 16, 18 and 20 having apartments at upper floor level that have rear elevations facing onto the site. Whilst 12a Finsbury Square consists of residential properties, 10, 11 and 12 Finsbury Square consist of B1 uses. The properties along Bunhill Row are part of Finsbury Barracks (applicant). The remaining properties surrounding the site are educational, offices or commercial properties.
- 9.30 The rear elevation of residential properties at 6 and 8 City Road and 12a, Finsbury Square would be adjacent to the stables, whilst 4 City Road is an office building B1.



Image 10: Application

- 9.31 The applicant has submitted a Design and Access Statement which highlights the operations and functions of the stables, including noise, waste, staffing levels and operations times and vehicle movements.

- 9.32 In relation to the details submitted, officers consider noise to not cause such demonstrable harm to neighbouring amenity when considering the local environment with the busy City Road to the east and Finsbury Square to the south. Given the nature of horses as placid animals, the document expresses that any noise that could take place would be between 08:00am-09:00am when mucking out and grooming occurs. Additionally, no police vehicles with audible sirens will be used within the site.
- 9.33 In regards to waste, this would be collected daily. Waste would be stored in wheeled bins (with lids) whilst on site waiting for collection. Horses will be mucked out daily in the interests of hygiene, animal welfare and will reduce risk of odour to surrounding properties.
- 9.34 There are nine members of staff supporting the proposed use in total. However, it is detailed that there are generally two to four officers on duty throughout the week and weekends. If there are deployments, there may be more officers. It will very rarely be the case that the full nine officers would be present on site except for during the Lord Mayor's Show. The site is managed by a Supervisor/ Line Manager who will be predominantly based on site, and in some circumstances the City. An on-call rota would be considered to negate any concerns regarding management.
- 9.35 The existing staff work hours on site are:
- 0700 - 2000 Mondays;
 - 0700 - 1700 Tuesday-Thursday;
 - 0700 - 2200 Fridays and;
 - 0700- 1900 Weekends
- 9.36 There are no plans to alter the staff times. However, if the situation were to arise, then it may be necessary to deploy outside of these times. The most intensive period is around the Lord Mayors Show and during the football season; there is on average one deployment per week.
- 9.37 Officers consider that the measures proposed are stringent enough to ensure the proposal would not have such an adverse impact on residential amenity in regards noise, disturbance and waste to comply with DM2.1.
- 9.38 Officers would also note that the permission is based on a temporary basis, which therefore allows the site to be monitored. The stables are required to address a need that has been identified by the applicant for the Honourable Artillery Company, including supporting the City of London Police. It is therefore considered that there would not be unacceptable amenity impacts on existing residential properties.
- 9.39 The submission has been assessed by Public Protection Officers in relation to noise and also in regards to the welfare of the animals on site. Officers do not consider the stabling of horses to be a noisy activity and any noise from corporate events and historic artillery practices upon the field are unlikely to cause issue given the training of the horses to deal with noisy environments when they do occur. There is no objection to the typical hours of use for the facility and the daily muck out of stables proposed that would mitigate adverse odours. The details are considered acceptable, and a condition will be placed upon the permission to request that the contact details of the site manager are shared with the Local Authority prior to use of the stables to ensure contact can be made should issues arise from the proposed development in regards to noise, odour or the welfare of the horses.
- 9.40 Overall, the proposal would not have a detrimental impact on noise and disturbance, odour, outlook, privacy and overlooking and Daylight and Sunlight and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013.

Landscaping and Trees

- 9.41 Policy CS15 of Islington's Core Strategy 2011, Policy DM6.3 and DM6.5 of the Development Management Policies include the protection of trees, open space and the landscape in their objectives. Both Development Management Policies state that there should be over-riding planning benefits to offset loss, damage or adverse effects arising from development. The site is not a SINC or designated open space. The site is located within a conservation area, as such the trees are protected by this designation.
- 9.42 Policy DM6.5 states that developments are required to minimise impacts on the trees, shrubs and other vegetation, and maximise biodiversity benefits.
- 9.43 Part (i) states that developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably re-provided. Developments within proximity of existing trees are required to provide protection from any damage during development. Where on-site re-provision is not possible, a financial contribution of the full cost of appropriate re-provision will be required.
- 9.44 The trees and open space contribute materially to the amenity of the locality, providing textural diversity, a sense of scale and screening to the built environment as well as providing environmental benefits.
- 9.45 There are a number of large trees that are located in between the existing buildings and along the site boundary. To help minimise the impact of any foundations, the main stable block will be located on a raft type foundation which will be constructed above the existing ground levels, this would result in only minimal excavation. The Tack Room, which will have a timber floor will be located on 'Ground Screws' which are wound into the ground and have a minimal impact on the roots of any trees and will not involve any significant excavations.
- 9.46 It is acknowledged that the trees are growing close to the boundary of the site, and some of these will require careful and strategic pruning to allow the main stable block to be constructed. Comments were received from the Tree Officer, requesting an Arboricultural Impact Assessment, in accordance with BS5837:2012, information on Underground services (electrical/drainage), clarification on horse waste and how it is dealt with, along with ensuring trees are a safe distance from the horses, clarification on 'grasscrete or similar' and to ensure an appropriate material and construction methodology is used to ensure that harm to trees is minimised.
- 9.47 An Arboricultural impact assessment by Sharon Goswood Associates has been submitted to assess any potential impacts to the tree roots and canopies. It provides a detailed assessment of the trees within and surrounding the site and sets out a number of key arboricultural requirements that are to be incorporated into the layout of the stables. The Tree Officer has made an assessment on the tree protection plans and considers the assessment and measures acceptable to recommend approval of the application on this basis. This is subject to a pre-commencement condition for a scheme of protection and an Arboricultural Method Statement.
- 9.48 Overall, the proposal is considered to accord with Policy DM6.5.

Archaeology

- 9.49 The site is within the Moorfields Archaeological Priority Area. The applicant has submitted a Heritage Statement produced by Carden and Godfrey Architects. The report has considered there to be high potential for Medieval and post-medieval archaeology and moderate potential for Saxon evidence.
- 9.50 Comments have been received from Historic England (GLASS) who recommend a pre-commencement condition based on the historic nature of the site which has been largely under developed. The condition would require no demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and

approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI.

- 9.51 A Written Scheme of Investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This pre-commencement condition is necessary to safeguard the archaeological interest on this site.
- 9.52 It is therefore concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest subject to pre-commencement conditions.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The principle of the development is considered acceptable on a temporary basis of 2 years, and 6 months. The proposal provides a public benefit in the form of housing the City of London Police Mounted Unit in close proximity to the City, whilst the proposed stables building would by virtue of their scale and mass would not appear out of character within the context of the existing timber structures associated with the playing field, nor would the development harm the Bunhill and Clerkenwell Conservation Area and is considered conducive to the surrounding character and use which is varied in character. The internal works to the Specials Office within the West Wing of the Grade II* Listed Building would not result in the loss of historic fabric that would have a harmful impact on the heritage of the building.
- 10.2 Overall, subject to conditions the proposal would not harm the character or appearance of the Grade II* Listed Building or that of the surrounding area. The proposal accords with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policy CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, The Finsbury Local Plan June 2013 policies BC7 and BC8 Achieving a balanced mix of uses and the Conservation Area Design Guidelines.
- 10.3 It is considered that the development would not cause an unacceptable impact to residential properties in relation to noise and disturbance and odour by virtue of the operational management procedures in place, nor would it cause unacceptable impacts on enclosure levels, loss of outlook nor direct overlooking and loss of daylight and would not have a detrimental impact upon nearby residential amenity, therefore according with Policy DM2.1.
- 10.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

Full Planning Permission List of Conditions:

1	<p>TEMPORARY CONSENT PERIOD</p> <p>CONDITION: The development hereby permitted is granted only for a temporary period, being not later than the expiration of 2 years and 6 months. After or before that date the temporary demountable structures shall be permanently removed and the site returned to its existing use, unless a further full planning permission has been granted.</p> <p>REASON: The temporary consent is such to ensure the open space is not permanently lost.</p>
2	<p>APPROVED PLANS LIST</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>62425/300, 62425/301, 62425/302, 62425/303, Design & Access Statement by John Burke Associates (July 2019), Design & Access Statement by John Burke Associates (Confidential; July 2019) and Heritage Statement (July 2019), Arboricultural Impact Assessment Report by Sharon Goswood Associates (19/05/20).</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 (COMPLIANCE)</p> <p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>TREE PROTECTION PLAN AND ARBORICULTURAL METHOD STATEMENT (PRE-COMMENCEMENT CONDITION)</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p style="padding-left: 40px;">Specific issues to be dealt with in the TPP and AMS:</p> <p>a. Location and installation of services/ utilities/ drainage.</p> <p>b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</p>

	<p>c. Details of construction within the RPA or that may impact on the retained trees.</p> <p>d. a full specification for the installation of boundary treatment works.</p> <p>e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</p> <p>f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the Installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</p> <p>g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</p> <p>h. a specification for scaffolding and ground protection within tree protection zones.</p> <p>i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</p> <p>j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</p> <p>k. Boundary treatments within the RPA</p> <p>l. Methodology and detailed assessment of root pruning</p> <p>m. Reporting of inspection and supervision</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</p> <p>o. Tree management plan</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM 6.5, policies 7.19 and 7.21 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>
5	<p>SPORTS ENGLAND (BALL STOP MITIGATION)</p>
	<p>CONDITION: The development hereby approved shall not be occupied until full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in a ball-strike assessment report have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority. The approved details shall be installed in full before the development is first occupied and thereafter be managed and maintained in accordance with the approved details.</p> <p>Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field or sports facility, to reduce conflict between neighbours and therefore safeguard sporting use of the adjacent sports facilities and to accord with policy.</p>

6	RETURN OF CRICKET NETS (COMPLIANCE)
	<p>CONDITION: The practice cricket nets that are subject to removal as part of the proposed development shall return following the cease of the temporary use and shall be maintained in perpetuity thereafter.</p> <p>Reason: To safeguard sporting use of the adjacent sports facilities and to accord with policy.</p>
7	ARCHAEOLOGICAL ASSESSMENT (PRE-COMMENCEMENT CONDITION)
	<p>CONDITION: No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:</p> <p>A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.</p> <p>Informative Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>REASON: This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme.</p>
8	SITE MANAGER DETAILS
	<p>CONDITION: Prior to the use of the stables and tack room area, contact details for the site manager in charge of the management of the development shall be shared with the Local Authority at pollution@islington.gov.uk , to ensure contact can be made by the Public Protection Team in the scenario that any disturbance in relation to noise, odour or welfare arises from the proposed development.</p> <p>REASON: To protect residential amenity.</p>

Full Planning Permission List of Informatives:

1	TREE PROTECTION
	<p>INFORMATIVE: The following British Standards should be referred to:</p>

	<p>BS: 3998:2010 Tree work – Recommendations</p> <p>BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</p>
3	ARCHAEOLOGY
	<p>INFORMATIVE: Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.</p>

Listed Building Consent Conditions:

1	ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE):
	<p>CONDITION: All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</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 considered 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 Islington Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

The London Plan 2016

- Policy 1.1** Delivering the strategic vision and objectives for London
- Policy 2.10** Central Activities Zone – strategic priorities
- Policy 2.12** Central Activities Zone – predominantly local activities
- Policy 2.18** Green infrastructure: the network of open and green spaces
- 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

Islington Core Strategy 2011

- Policy CS7** (Bunhill and Clerkenwell)
- Policy CS8** (Enhancing Islington's Character)
- Policy CS9** (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10** (Sustainable Design)
- Policy CS11** (Waste)
- Policy CS15** (Open Space and Green Infrastructure)

Islington Development Management Policies 2013

- DM2.1** Design
- DM2.3** Heritage
- DM6.3** Protecting open space
- DM6.5** Landscaping, trees and biodiversity

Finsbury Local Plan June 2013

- BC7** Historic Clerkenwell
- BC8** Achieving a balanced mix of uses

Supplementary Planning Guidance (SPG) / Document (SPD)

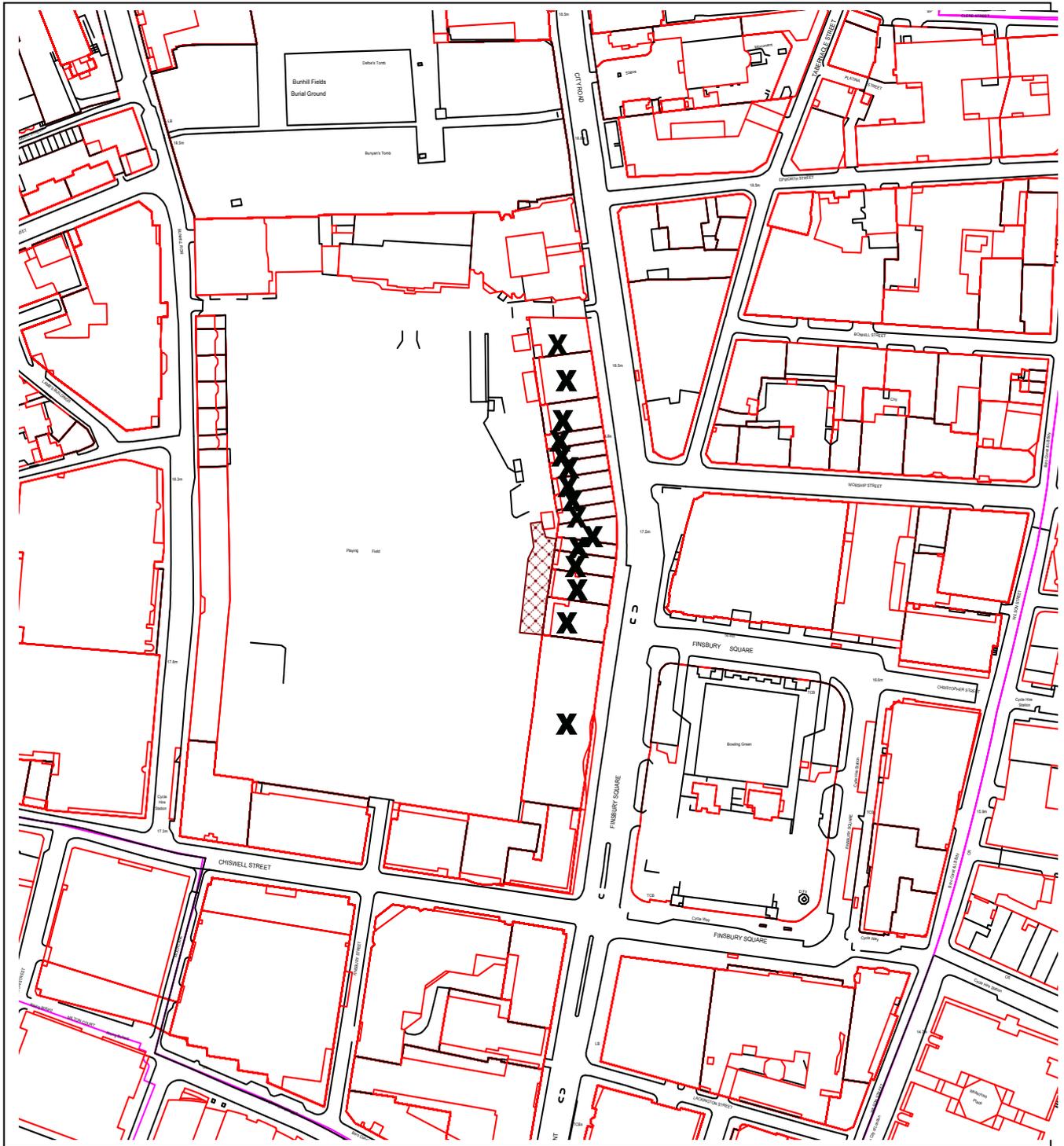
The following SPGs and/or SPDs are relevant

Islington Local Development Plan

- Conservation Area Design Guidelines
- Urban Design Guide

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Islington SE GIS Print Template



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P2019/2369/FUL

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PLANNING COMMITTEE REPORT



ISLINGTON

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 3333
 222 Upper Street

PLANNING SUB-COMMITTEE B		AGENDA ITEM	B7
Date:	14 July 2020	NON-EXEMPT	

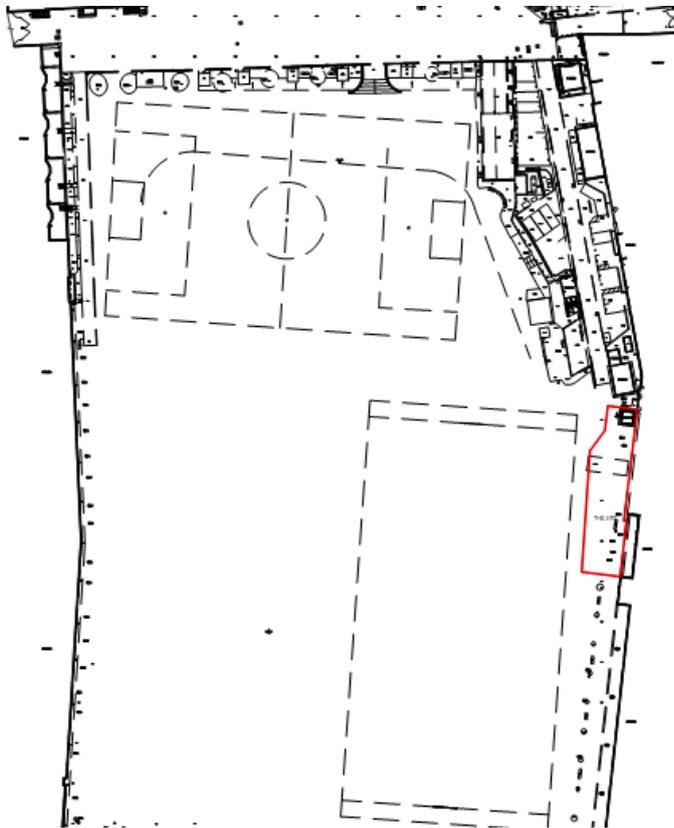
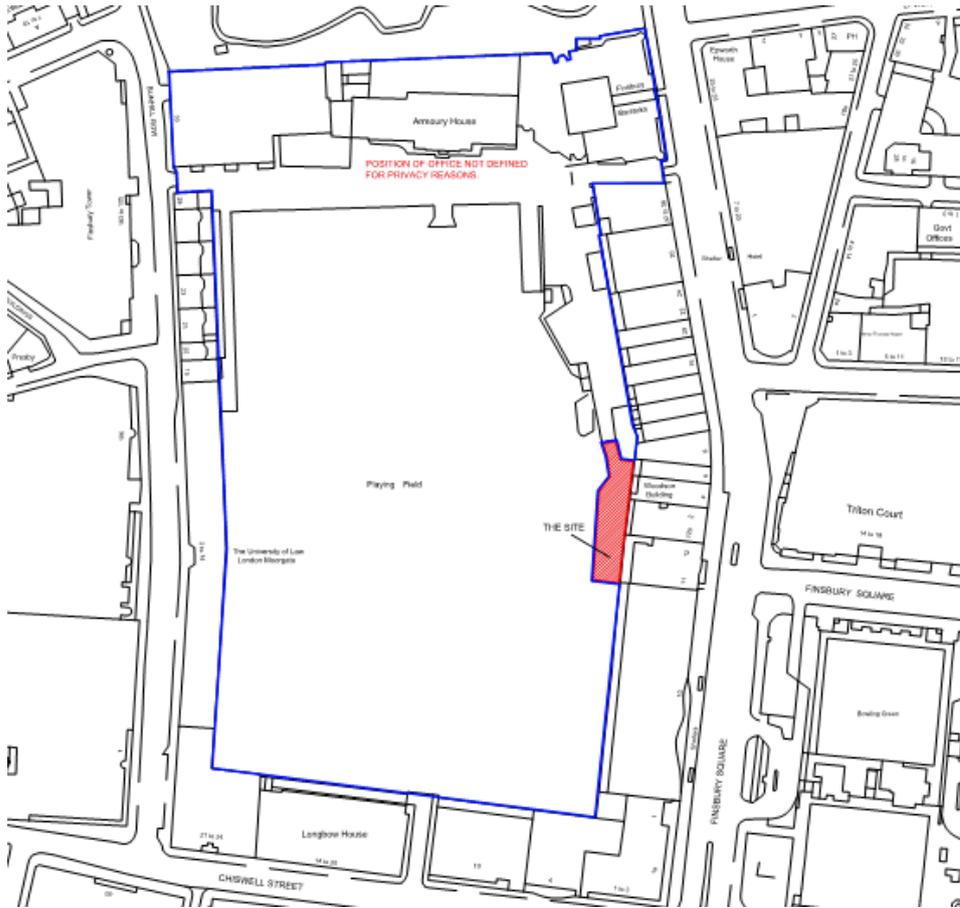
Application number	P2019/2411/LBC
Application type	Listed Building Consent
Ward	Bunhill
Listed building	Grade II* Listed Building (Armoury House)
Conservation area	Bunhill and Clerkenwell Conservation Area
Development Plan Context	Bunhill and Clerkenwell Key Area Central Activity Zone Finsbury Local Plan Area (Bunhill & Clerkenwell) Moorfields Archaeological Priority Area
Licensing Implications	None
Site Address	Armoury House, City Road, London, EC1Y 2BQ
Proposal	Proposed erection of stables and tack room adjacent to the existing rugby pitch (for a temporary period of 2 years, 6 months), together with permanent internal alterations to the listed 'Specials' office within the mezzanine floor of the west wing of Armoury House.

Case Officer	Jake Shiels
Applicant	Mr Noyon Choudhury of City of London
Agent	John Burke Associates

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** Listed Building Consent subject to the conditions set out in Appendix 1;

2. SITE PLAN (Application site outlined in blue, proposed site location area shaded in red)



Proposed Location Plan (Outlined in red)
Page 220

3. PHOTOS OF SITE/STREET



Image 1: Proposed site location



Image 2: Proposed site location and existing field structures

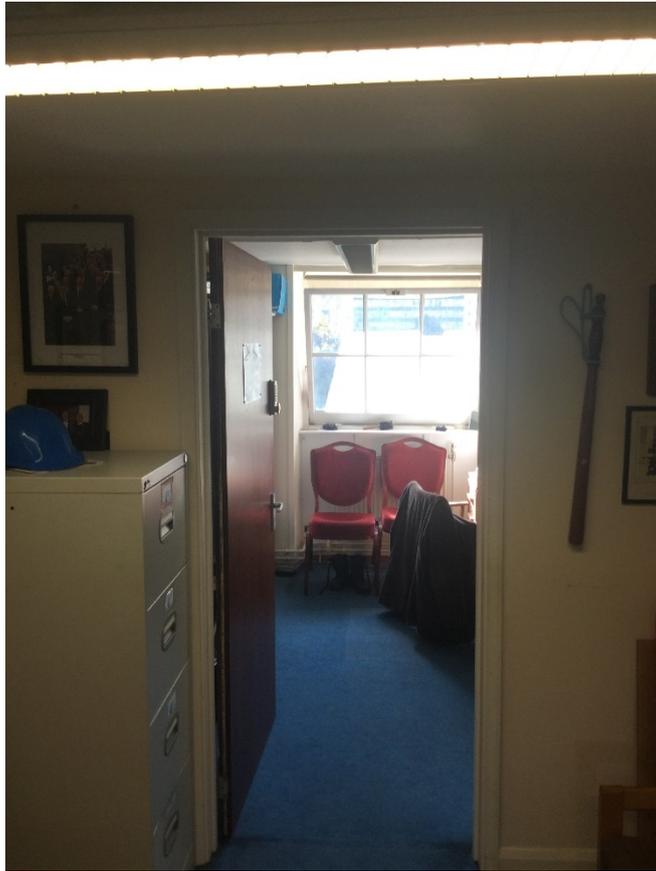


Image 3: Specials' Office within HAC West Wing



Image 4: Specials' Office entrance within HAC West Wing

SUMMARY

- 3.1 The application site relates to the Grade II* Listed Armoury House (Finsbury Barracks) and large private playing field. The application seeks full planning permission and listed building consent for the erection of a temporary stables and tack room adjacent to the existing rugby pitch, together with minor internal alterations to part of the existing building at Armoury House which would be permanent. A permission period of 2 years, 6 months is proposed for the stables. This period aligns with the applicant's agreement with the field owner (HAC) for a licence of 2 years and allows for the submission of 3 pre-commencement conditions, their assessment time for the erection of the stables on the playing fields.
- 3.2 The principle of the development is considered acceptable on a temporary basis of 2 years, and 6 months, which would serve to provide a public benefit, whilst the proposed stables building by virtue of their scale and mass would not appear out of character within the context of the existing timber structures associated with the playing field, nor would the development harm the Bunhill and Clerkenwell Conservation Area and is considered conducive to the surrounding character and use which is varied in character. The internal works to the Specials Office within the West Wing of the Grade II* Listed Building would not result in the loss of historic fabric that would have a harmful impact on the significance of the building.
- 3.3 Overall, subject to conditions the proposal would not harm the character or appearance of the Grade II* Listed Building or that of the surrounding area. The proposal accords with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policy CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, The Finsbury Local Plan June 2013 policies BC7 and BC8 Achieving a balanced mix of uses and the Conservation Area Design Guidelines.
- 3.4 It is considered that the development would not cause an unacceptable impact to residential properties in relation to noise and disturbance and odour by virtue of the operational management procedures in place, nor would it cause unacceptable impacts on enclosure levels, loss of outlook, nor direct overlooking and loss of daylight and would not have a detrimental impact upon nearby residential amenity, therefore according with Policy DM2.1.
- 3.5 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.
- 3.6 The application is referred to committee given the number of comments received (11 objections) and the site's sensitive location as a large private open space, along with its Grade II* Listed status and location within the Bunhill and Clerkenwell Conservation Area.

4. SITE AND SURROUNDING

- 4.1 The application site relates to the Grade II* Listed Armoury House (Finsbury Barracks) and large private playing field. Finsbury Barracks has a site area of approximately 2.6 hectares situated between City Road (directly east), Bunhill Row (directly west) and Chiswell Street (directly south).
- 4.2 The site is located within the Central Activity Zone, Finsbury Local Plan Area (Bunhill and Clerkenwell) and within the setting of a Grade II* Listed Building. It is also situated within Bunhill and Clerkenwell Conservation Area as well as being within an Archaeological Priority Area. It is highlighted under policy DM6.3 as a significant private open space.
- 4.3 Historically, the playing fields were used for archery practice along with other sporting events (including cricket matches) dating back to the early 18th Century. Presently it is used for occasional rugby events, cricket and social events. The playing fields have a total perimeter area of approximately 23, 987sq.m (5.92 acres).

- 4.4 Generally, the surrounding area is predominately office/commercial space within the Central Activity Zone.
- 4.5 The nearest residential properties are situated to the east along City Road with No's 6, 12, 16 and 18 having apartments in the upper floors that project onto the site, whilst 12a Finsbury Square consists of residential properties, 10, 11 and 12 Finsbury Square consist of B1 uses.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks full planning permission and listed building consent for the erection of a temporary stables and tack room adjacent to the existing rugby pitch, together with minor internal alterations to part of the existing building at Armoury House which would be permanent.

Stables and Tack Room

- 5.2 The stables area is proposed to be located towards the eastern boundary of the site, east of the rugby field, covering an area of approximately 384sq.m. The stables include a single storey stable building, comprising 6no. stables, a wash bay and storage areas and single storey tack room building south east of the stables with timber shiplap boarding and grasscrete from the existing tarmac entrance. The stables themselves have a footprint of approximately 122sq.m, whilst the tack room has a total footprint of 41sq.m in the context of the entire site, which is approximately 23, 987sq.m (5.92 acres).
- 5.3 The proposed stables area is considered necessary to facilitate the closure and decommissioning of Wood Street, the City of London Police's Mounted Unit which requires alternative accommodation.
- 5.4 The City of London Police's Mounted Unit is required to be located at the site in order to provide efficient response times, to have the ability to mobilise the unit in close proximity to the City in response to operational needs and requirements for effective services within the City of London (within 5 minutes). The operational risk of locating the unit outside of the City is considered impracticable and poses operational risks. The location also allows for deployment to other parts of London.
- 5.5 During the application process it was agreed that the permission relating to the stables and tack room, if granted, would be for a temporary period of 2 years, 6 months. This period is justified given the applicant's agreement with the field owner (HAC) for a licence of 2 years. The additional 6 month time period allows for the submission of 3 pre-commencement conditions, their assessment and then also allows time for the erection of the stables upon the playing fields.

Internal works

- 5.6 The works to the main building would be located close to the frontage of the property at the 'Specials' office within the mezzanine floor of the west wing of Armoury House. The proposed alterations include the removal of a modern partition wall, and introduction of a new wall to rationalise the office accommodation. These works are on a permanent basis.

6. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Armoury House

- 6.1 P2014/0520/FUL: Construction of stone balustrade to existing external stairs in front of Armoury House. (Listed Building Consent Application Ref P2014/0573/LBC also submitted).

Approved on 02/04/2014.

- 6.2 P2014/0989/FUL: Removal of existing steel and glass gatehouse and construction of new stone clad gatehouse. (Listed Building Consent application P2014/1100 also submitted).

Approved on 14/05/2014.

- 6.3 P110527: Alteration to three rooms to turn into a museum, installation of condenser units.

Approved on 11/05/2011.

Playing Fields

- 6.4 P2016/1146/FUL: Erection of a marquee (temporary structure) on land adjacent to the playing fields of Armoury House (along the south boundary of the site) in order to facilitate the hosting temporary social events. The marquee would be in situ for no more than 120 days per calendar year with both a winter and summer site layout plan included.

Approved at Committee on 21/09/2016.

- 6.5 P2018/1914/FUL: Erection of marquees and other associated demountable structures for the hosting of events within the Artillery Garden for a temporary permission of 2 years, 3 months for a maximum of 130 calendar days per year.

Approved with conditions on 09/11/2018.

PRE-APPLICATION ADVICE:

- 6.6 Q2018/1855/MIN: Erection of stables within Playing Fields.

Completed on 16/10/2018.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of **104** adjoining and nearby properties on City Road and Finsbury Square on 16th August 2019. A site notice and press advert were displayed on 16th August 2019. The public consultation of the application therefore expired on 15th September 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing of this report a total of 11 responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Land Use

- Loss of open space and lower quality provision of open space subsequently
- Reduction in the playing field area and impact on size of rugby pitch
- Located close to side line of pitch which may impede safety of participants and spectators

(Paragraphs 9.2-9.13)

Design and character

- Stables would be substantial structure and are not comparable to other maintenance structures
- Design of 'shed-like' appearance of stables not considered high quality in terms of design and materials
- The visual amenity of the stables and tack room not in keeping with the surrounding character of the area

- Would be sited within Bunhill Fields and Finsbury Square Conservation Area and the stables would be located adjacent to the rear of 6 City Road, a locally listed building, no assessment on impact of the proposal on these heritage assets within submission

(Specific paragraph 9.19)

- Would not preserve or enhance character of the area and would harm setting of locally listed building

(Paragraphs 9.14-9.26)

Neighbouring amenity

- Hazardous materials and presence of animal waste and associated insect pests that will be attracted will have harmful impact on neighbours
- Animals and animal waste will result in bad smells and odour which will affect neighbouring residents, restaurant patrons and offices
- Noise and disturbance already an issue when considering existing HAC playing field activities, introduction of animals and handlers to increase this and worse situation
- Bad and putrid smells
- HAC already brings horses in once a year and they are noisy and cause odour even from a distance
- HAC has a long history of ignoring complaints and ignoring requests from residents
- Complaints made in regards to noise, ranging from associated activities on playing fields
- No engagement with local residents about the proposals and having animals in close proximity to homes
- Noise and odour at night would filter through open windows at flats above, especially during summer months
- Not reasonable to be exposed to the smell and noise of horses whilst at home
- No specific timetable given for the construction of the development and also not clear how long development would stay in situ
- Residents will be forced to live above stable blocks

(Paragraphs 9.27-9.40)

Trees

- No detailed assessment on application in regards to existing trees to the eastern boundary. Concern with potential damage to tree roots during construction and the stables could cause the trees growth to become stunted

(Paragraphs 9.41-9.48)

Other matters

- The proposal is so close to neighbouring property and would have a negative impact on value.

Officer comment: *matters relating to impact on property values are not a material planning consideration.*

Internal Consultees

- 7.3 **Design and Conservation Officer:** No objection to both proposals, which read:

P2019/2369/FUL – Stables and Tack Room

The proposed temporary stabling is required by the mounted section of the City of London Police and would be situated to south east of Armoury House, on the eastern perimeter of the Artillery Ground. This would replace some smaller outbuildings, and comprises two new single storey buildings. These would be clad in weatherboarding and painted dark green. Considering their small, low rise scale and somewhat transient appearance, in addition to their positioning on the perimeter, it is not considered that there would be an adverse impact on the setting of Armoury House. This includes non-visual impacts such as smell, as the stabling is located a considerable distance from the listed building. The perception of the Artillery Ground as a large, uninterrupted open space would also not change. The provision of stabling may be considered to form part of the continuing operations of the Honourable Artillery Company, including supporting the City of London Police which is a historic function.

P2019/2411/LBC – Listed building alterations

The minor internal alterations, for the removal of a modern partition wall, and introduction of a new wall to rationalise the office accommodation, is not considered to adversely impact the significance of the listed building.

- 7.4 **Tree Preservation Officer:** No objection, subject to a condition (Condition 4).

- 7.5 **Planning Policy Officer:** From the details submitted, based on a permanent proposal, an objection is raised to the loss of permanent open space in line with Policy DM6.3. The applicant must otherwise demonstrate that there is a public benefit for the siting of the stables in this application that would overcome the departure from policy. Should the application have a temporary permission, a condition should be placed upon to return the land back to open space.

- 7.6 **Public Protection Division (Noise Team):** No objection.

- 7.7 **Public Protection Division (Animal Welfare Officer):** No objection.

External Consultees

- 7.8 **Historic England - (Planning Applications and Grade I & II* listed):** No comments to make:

'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. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.'

- 7.9 **The Greater London Archaeological Advisory Service (GLAAS):** No objection, subject to a condition (Condition 7):

- 7.10 **Sports England:** No objection, subject to a condition (Condition 5) relating to temporary net facilities and a ball strike assessment.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 8.1 Islington Council (Planning Sub-Committee B), 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.)
- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-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.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of 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.
- 8.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 8.10 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.

- 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. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

Policy SD4 Central Activities Zone
Policy D1 London’s Form, Character and capacity for Growth
Policy D14 Noise
S5 Sports and recreation facilities
Policy HC1 Heritage Conservation and Growth
Policy G4 Open Space
Policy G7 Trees and woodlands

- 8.12 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

- 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 with the examination process in progress

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:

SP1 Bunhill and Clerkenwell
Policy G2 Open Space
Policy G4 Biodiversity, Landscape Design and Trees
Policy DH1 Fostering innovation and conserving and enhancing the historic environment

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design and appearance
- Impact on heritage assets
- Neighbouring Amenity
- Tree protection

Land use

Open space

- 9.2 The proposal is situated within the grounds of Finsbury Barracks. The playing fields have been identified within policy DM6.3 of the Development Management policies as an area of significant private open space. Part E of this policy states that development on private open space would not be permitted where there is a significant individual or cumulative loss of open space/aspect which would impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.
- 9.3 The supporting text to this policy states at paragraph 6.29 *“whether a proposal would result in a significant loss will be assessed based on the value of the private open space and its relationship to the site surroundings. Development proposals should maintain the open aspect of the site and retain the existing functionality of the site in terms of the factors listed in policy DM6.3 Part E, such as amenity value and biodiversity value. The character of the site and its surroundings should be maintained. Development will only be permitted in exceptional circumstances.”*
- 9.4 The playing fields are used for a number of sporting and corporate events, that include temporary marquees and other demountable structures for periods of the year. Whilst it is acknowledged that the remainder of the land remains as private green open space during the events period, in addition to this the marquee structures are removed for two thirds of the calendar year, and the overall size of the land is retained as open space. Private sporting events can continue to be played all year round.
- 9.5 The proposal is for the location of the temporary stables area on the edge of the playing fields within a small section of land that is in close proximity to the existing groundsman hut and smaller sheds that support the upkeep of the grounds. Under this proposal no new elements are proposed that would alter the primary land use which is for sports and recreation, the 2-year period is proposed as the landowner (HAC) has provisionally given a licence for a period of 2 years. A 6-month additional time period would allow for a total of 2 years and 6 months, to allow for pre-commencement condition details to be discharged, determined and then allow for the erection of the development. The development would therefore only be a temporary permission and not a permanent proposal. Any further extension of time would be required to be assessed under a new planning application.
- 9.6 The majority of the site is retained as open space for sporting events, which can continue to be played all year round with the cricket and rugby pitch unaffected. In line with the supporting text to policy DM6.3 the functionality of the open space is retained.



Image 5: Groundsman hut and associated ancillary buildings that support the playing fields

- 9.7 In line with the supporting text to policy DM6.3 the open aspect, amenity value and biodiversity value of the Artillery Ground as a large, uninterrupted open space would also be retained as the proposed stables are located to the edge of the site, adjacent to existing maintenance huts.
- 9.8 In line with policy DM6.3, given the relatively modest size of the proposal (384 sq.m) in comparison to the overall area of open space (23, 987sq.m - 5.92 acres) and its location at the edge of the open space in close proximity to the caretakers buildings and access area, it is considered that there is no significant individual or cumulative loss of open space or aspect from this proposal.
- 9.9 The proposal also has a public benefit, which is to ensure effective response times and the ability to mobilise the Unit in close proximity to the City in response to operational needs and requirements for effective Services within the City of London (within 5 minutes). The operational risk of locating the Unit outside of the City is considered to be impracticable and poses operational risks. The location also allows for deployment to other parts of London.

Consultation with Sports England

- 9.10 The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such Sport England is a statutory consultee.
- 9.11 Sport England has considered the application in light of the National Planning Policy Framework (particularly Para. 97) and against its own playing fields policy.
- 9.12 Sport England in their comments sought to request information on the restoration and re-location of the cricket net facility following the removal of the temporary facilities and clarification was also



required on whether the proposed stables would be used concurrently with cricket matches, if so there could be increased risk of ball strike therefore a risk assessment could be necessary.

Image 6: Existing cricket net and stables location

- 9.13 The applicant responded to the points raised, confirming the re-introduction of the practice cricket net following the cease of the temporary use. In addition to this, there will be temporary practice nets provided elsewhere on the margins of the cricket pitch which can be removed when not required. This resulted in Sports England confirming no objection to the application subject to a pre-commencement condition requiring a risk assessment.

Design, Conservation and Heritage Considerations

- 9.14 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 9.15 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 9.16 The site forms part of the Bunhill & Clerkenwell Conservation Area. The application building is listed, the impact towards the character and setting of the conservation area and Listed Building is therefore considered.

Stables and Tack Room

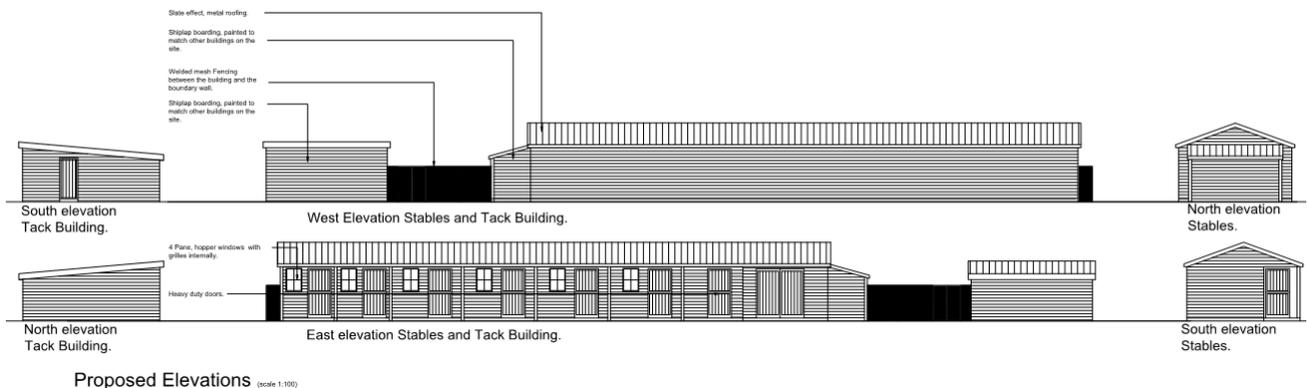
- 9.17 The stables area is proposed to be located towards the eastern boundary of the site, east of the rugby field, covering an area of approximately 384sq.m. The stables structure measures 30m in length with a tapered width at the southern end measuring 3.9m, whilst to the northern end the building would have a width of 5.2m-5.7m. The stables would have a pitched roof, with maximum height of 3.9m dropping down to an eaves height of 2.7m. The stables would be painted green as per the existing structures on site with a traditional appearance comprising a timber frame clad in timber shiplap boarding that serve six stables, a wash bay as well as storage areas.

Image 7: proposed layout of stables (north) and tack room area (east)



Proposed layout (scale 1:100)

- 9.18 The Tack Room measures 6m x 6.8m located slightly due north east of the stables and would have a pitched roof with maximum height 3m, before sloping down to an eaves height of 2.4m. Its appearance would replicate that of the stables.
- 9.19 The stables and tack room that would replace the smaller outbuilding, by virtue of their small, low rise scale, discrete timber clad appearance and positioning on the perimeter to the east flank would not have an adverse impact on the setting of Armoury House which is set over 120m-130m away from the proposed development. The proposed open mesh welded fence to provide security for the area as proposed in black would not be prominent within the landscape with a low level to the south and north of the stables and would not be detrimental to the conservation area and Listed Building. Officers acknowledge the siting of the development in proximity of the 6-7 storey buildings on City Road, one of which is a locally listed building (6 City Road). These buildings consist of a mixture of architectural styles, design and form, and are setback from the site boundary above ground level. The low level single storey building of the stables is not considered to result in harm to the character of these buildings, including the non-designated heritage asset by virtue of its height and scale.



Proposed Elevations (scale 1:100)

Image 8: proposed layout of stables (north) and tack room area (east)

- 9.20 The proposed stables area would be solely visible from private views within the offices/commercial and residential properties that surround the site on City Road, with limited visibility of the stables from the entrance along Finsbury Street when the temporary marquees to the southern boundary are not in place. However, this would not impact the wider conservation area given its temporary nature and its overall distance from the listed building.
- 9.21 Therefore, given the temporary nature and its positioning (set in from the highway and away from the listed building), and acceptable timber clad design, the proposal would not have a detrimental impact on the setting of the listed building nor detract from the character and appearance of Bunhill & Clerkenwell Conservation Area subject to conditions.

9.22 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The application therefore complies with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policy CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, The Finsbury Local Plan June 2013 policies BC7 and BC8 Achieving a balanced mix of uses and the Conservation Area Design Guidelines.

9.23 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Grade II* Listed Building, its setting and any of its features of special architectural or historic interest and the setting of adjoining locally listed buildings and the character and appearance of the Bunhill & Clerkenwell Conservation Area.

Internal works to 'Specials' office

9.24 The works to the listed building would be located close to the frontage of the property at the 'Specials' office within the mezzanine floor of the west wing of Armoury House. The proposed alterations include the removal of a modern partition wall, and introduction of a new wall to rationalise the office accommodation.

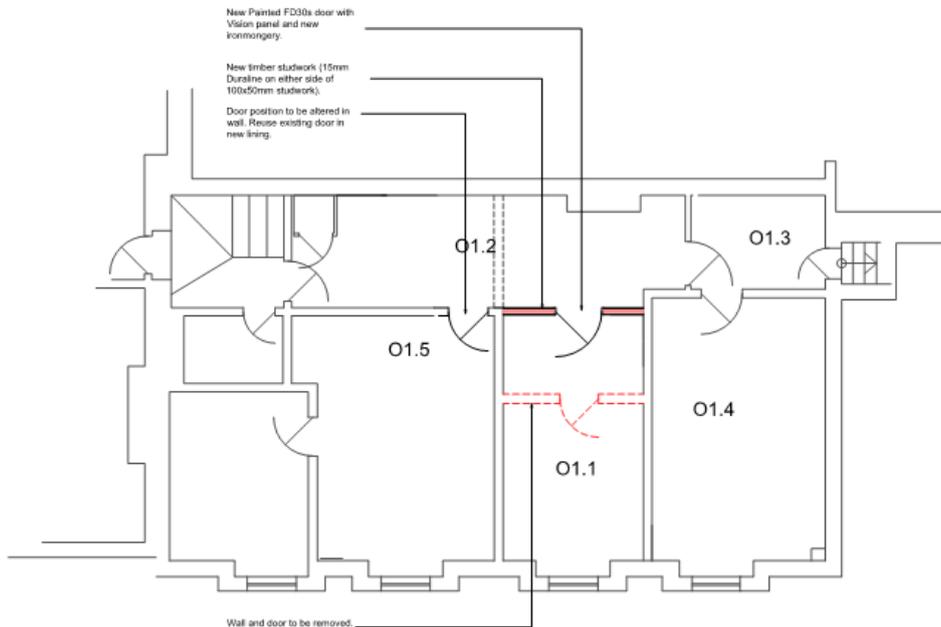


Image
works to

office

9: proposed
specials

9.25 The proposed works will not cause harm to the historic plan form, will involve minimal loss of historic fabric and will not cause harm to the retained fabric, visual amenity or the setting of heritage assets. As such the proposed works will not adversely affect the special architectural or historic interest of the listed building.

9.26 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.

Neighbouring Amenity

- 9.27 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy, safety and an increased sense of enclosure. A development's likely impact in terms of light pollution, safety, security, noise and disturbance is also assessed. London Plan Policies 7.14 and 7.15 as well as Development Management Policies DM2.1 require all developments to be safe and inclusive and maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 9.28 The stables are not considered to be harmful to neighbouring amenity in regards to outlook when considering the surrounding high boundary walls some of which extend up to 3m, whilst the stables by virtue of their single storey height and timber clad design would not appear prominent structures, additionally the setback proposed is approximately 4m-5m
- 9.29 A number of objections have been received in regards to the impact on amenity from the proposed stables in regards to noise, disturbance and odour. The nearest residential properties are situated to the east along City Road with No's 6, 12, 16, 18 and 20 having apartments at upper floor level that have rear elevations facing onto the site. Whilst 12a Finsbury Square consists of residential properties, 10, 11 and 12 Finsbury Square consist of B1 uses. The properties along Bunhill Row are part of Finsbury Barracks (applicant). The remaining properties surrounding the site are educational, offices or commercial properties.
- 9.30 The rear elevation of residential properties at 6 and 8 City Road and 12a, Finsbury Square would be adjacent to the stables, whilst 4 City Road is an office building B1.



Image 10: Application

- 9.31 The applicant has submitted a Design and Access Statement which highlights the operations and functions of the stables, including noise, waste, staffing levels and operations times and vehicle movements.

- 9.32 In relation to the details submitted, officers consider noise to not cause such demonstrable harm to neighbouring amenity when considering the local environment with the busy City Road to the east and Finsbury Square to the south. Given the nature of horses as placid animals, the document expresses that any noise that could take place would be between 08:00am-09:00am when mucking out and grooming occurs. Additionally, no police vehicles with audible sirens will be used within the site.
- 9.33 In regards to waste, this would be collected daily. Waste would be stored in wheeled bins (with lids) whilst on site waiting for collection. Horses will be mucked out daily in the interests of hygiene, animal welfare and will reduce risk of odour to surrounding properties.
- 9.34 There are nine members of staff supporting the proposed use in total. However, it is detailed that there are generally two to four officers on duty throughout the week and weekends. If there are deployments, there may be more officers. It will very rarely be the case that the full nine officers would be present on site except for during the Lord Mayor's Show. The site is managed by a Supervisor/ Line Manager who will be predominantly based on site, and in some circumstances the City. An on-call rota would be considered to negate any concerns regarding management.
- 9.35 The existing staff work hours on site are:
- 0700 - 2000 Mondays;
 - 0700 - 1700 Tuesday-Thursday;
 - 0700 - 2200 Fridays and;
 - 0700- 1900 Weekends
- 9.36 There are no plans to alter the staff times. However, if the situation were to arise, then it may be necessary to deploy outside of these times. The most intensive period is around the Lord Mayors Show and during the football season; there is on average one deployment per week.
- 9.37 Officers consider that the measures proposed are stringent enough to ensure the proposal would not have such an adverse impact on residential amenity in regards noise, disturbance and waste to comply with DM2.1.
- 9.38 Officers would also note that the permission is based on a temporary basis, which therefore allows the site to be monitored. The stables are required to address a need that has been identified by the applicant for the Honourable Artillery Company, including supporting the City of London Police. It is therefore considered that there would not be unacceptable amenity impacts on existing residential properties.
- 9.39 The submission has been assessed by Public Protection Officers in relation to noise and also in regards to the welfare of the animals on site. Officers do not consider the stabling of horses to be a noisy activity and any noise from corporate events and historic artillery practices upon the field are unlikely to cause issue given the training of the horses to deal with noisy environments when they do occur. There is no objection to the typical hours of use for the facility and the daily muck out of stables proposed that would mitigate adverse odours. The details are considered acceptable, and a condition will be placed upon the permission to request that the contact details of the site manager are shared with the Local Authority prior to use of the stables to ensure contact can be made should issues arise from the proposed development in regards to noise, odour or the welfare of the horses.
- 9.40 Overall, the proposal would not have a detrimental impact on noise and disturbance, odour, outlook, privacy and overlooking and Daylight and Sunlight and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013.

Landscaping and Trees

- 9.41 Policy CS15 of Islington's Core Strategy 2011, Policy DM6.3 and DM6.5 of the Development Management Policies include the protection of trees, open space and the landscape in their objectives. Both Development Management Policies state that there should be over-riding planning benefits to offset loss, damage or adverse effects arising from development. The site is not a SINC or designated open space. The site is located within a conservation area, as such the trees are protected by this designation.
- 9.42 Policy DM6.5 states that developments are required to minimise impacts on the trees, shrubs and other vegetation, and maximise biodiversity benefits.
- 9.43 Part (i) states that developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably re-provided. Developments within proximity of existing trees are required to provide protection from any damage during development. Where on-site re-provision is not possible, a financial contribution of the full cost of appropriate re-provision will be required.
- 9.44 The trees and open space contribute materially to the amenity of the locality, providing textural diversity, a sense of scale and screening to the built environment as well as providing environmental benefits.
- 9.45 There are a number of large trees that are located in between the existing buildings and along the site boundary. To help minimise the impact of any foundations, the main stable block will be located on a raft type foundation which will be constructed above the existing ground levels, this would result in only minimal excavation. The Tack Room, which will have a timber floor will be located on 'Ground Screws' which are wound into the ground and have a minimal impact on the roots of any trees and will not involve any significant excavations.
- 9.46 It is acknowledged that the trees are growing close to the boundary of the site, and some of these will require careful and strategic pruning to allow the main stable block to be constructed. Comments were received from the Tree Officer, requesting an Arboricultural Impact Assessment, in accordance with BS5837:2012, information on Underground services (electrical/drainage), clarification on horse waste and how it is dealt with, along with ensuring trees are a safe distance from the horses, clarification on 'grasscrete or similar' and to ensure an appropriate material and construction methodology is used to ensure that harm to trees is minimised.
- 9.47 An Arboricultural impact assessment by Sharon Goswood Associates has been submitted to assess any potential impacts to the tree roots and canopies. It provides a detailed assessment of the trees within and surrounding the site and sets out a number of key arboricultural requirements that are to be incorporated into the layout of the stables. The Tree Officer has made an assessment on the tree protection plans and considers the assessment and measures acceptable to recommend approval of the application on this basis. This is subject to a pre-commencement condition for a scheme of protection and an Arboricultural Method Statement.
- 9.48 Overall, the proposal is considered to accord with Policy DM6.5.

Archaeology

- 9.49 The site is within the Moorfields Archaeological Priority Area. The applicant has submitted a Heritage Statement produced by Carden and Godfrey Architects. The report has considered there to be high potential for Medieval and post-medieval archaeology and moderate potential for Saxon evidence.
- 9.50 Comments have been received from Historic England (GLASS) who recommend a pre-commencement condition based on the historic nature of the site which has been largely under developed. The condition would require no demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and

approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI.

- 9.51 A Written Scheme of Investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This pre-commencement condition is necessary to safeguard the archaeological interest on this site.
- 9.52 It is therefore concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest subject to pre-commencement conditions.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The principle of the development is considered acceptable on a temporary basis of 2 years, and 6 months. The proposal provides a public benefit in the form of housing the City of London Police Mounted Unit in close proximity to the City, whilst the proposed stables building would by virtue of their scale and mass would not appear out of character within the context of the existing timber structures associated with the playing field, nor would the development harm the Bunhill and Clerkenwell Conservation Area and is considered conducive to the surrounding character and use which is varied in character. The internal works to the Specials Office within the West Wing of the Grade II* Listed Building would not result in the loss of historic fabric that would have a harmful impact on the heritage of the building.
- 10.2 Overall, subject to conditions the proposal would not harm the character or appearance of the Grade II* Listed Building or that of the surrounding area. The proposal accords with the NPPF 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policy CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, The Finsbury Local Plan June 2013 policies BC7 and BC8 Achieving a balanced mix of uses and the Conservation Area Design Guidelines.
- 10.3 It is considered that the development would not cause an unacceptable impact to residential properties in relation to noise and disturbance and odour by virtue of the operational management procedures in place, nor would it cause unacceptable impacts on enclosure levels, loss of outlook nor direct overlooking and loss of daylight and would not have a detrimental impact upon nearby residential amenity, therefore according with Policy DM2.1.
- 10.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

Full Planning Permission List of Conditions:

1	<p>TEMPORARY CONSENT PERIOD</p> <p>CONDITION: The development hereby permitted is granted only for a temporary period, being not later than the expiration of 2 years and 6 months. After or before that date the temporary demountable structures shall be permanently removed and the site returned to its existing use, unless a further full planning permission has been granted.</p> <p>REASON: The temporary consent is such to ensure the open space is not permanently lost.</p>
2	<p>APPROVED PLANS LIST</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>62425/300, 62425/301, 62425/302, 62425/303, Design & Access Statement by John Burke Associates (July 2019), Design & Access Statement by John Burke Associates (Confidential; July 2019) and Heritage Statement (July 2019), Arboricultural Impact Assessment Report by Sharon Goswood Associates (19/05/20).</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 (COMPLIANCE)</p> <p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>TREE PROTECTION PLAN AND ARBORICULTURAL METHOD STATEMENT (PRE-COMMENCEMENT CONDITION)</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p style="padding-left: 40px;">Specific issues to be dealt with in the TPP and AMS:</p> <p>a. Location and installation of services/ utilities/ drainage.</p> <p>b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</p>

	<p>c. Details of construction within the RPA or that may impact on the retained trees.</p> <p>d. a full specification for the installation of boundary treatment works.</p> <p>e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</p> <p>f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the Installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</p> <p>g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</p> <p>h. a specification for scaffolding and ground protection within tree protection zones.</p> <p>i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</p> <p>j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</p> <p>k. Boundary treatments within the RPA</p> <p>l. Methodology and detailed assessment of root pruning</p> <p>m. Reporting of inspection and supervision</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</p> <p>o. Tree management plan</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM 6.5, policies 7.19 and 7.21 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>
5	<p>SPORTS ENGLAND (BALL STOP MITIGATION)</p>
	<p>CONDITION: The development hereby approved shall not be occupied until full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in a ball-strike assessment report have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority. The approved details shall be installed in full before the development is first occupied and thereafter be managed and maintained in accordance with the approved details.</p> <p>Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field or sports facility, to reduce conflict between neighbours and therefore safeguard sporting use of the adjacent sports facilities and to accord with policy.</p>

6	RETURN OF CRICKET NETS (COMPLIANCE)
	<p>CONDITION: The practice cricket nets that are subject to removal as part of the proposed development shall return following the cease of the temporary use and shall be maintained in perpetuity thereafter.</p> <p>Reason: To safeguard sporting use of the adjacent sports facilities and to accord with policy.</p>
7	ARCHAEOLOGICAL ASSESSMENT (PRE-COMMENCEMENT CONDITION)
	<p>CONDITION: No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:</p> <p>A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.</p> <p>Informative Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>REASON: This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme.</p>
8	SITE MANAGER DETAILS
	<p>CONDITION: Prior to the use of the stables and tack room area, contact details for the site manager in charge of the management of the development shall be shared with the Local Authority at pollution@islington.gov.uk , to ensure contact can be made by the Public Protection Team in the scenario that any disturbance in relation to noise, odour or welfare arises from the proposed development.</p> <p>REASON: To protect residential amenity.</p>

Full Planning Permission List of Informatives:

1	TREE PROTECTION
	<p>INFORMATIVE: The following British Standards should be referred to:</p>

	<p>BS: 3998:2010 Tree work – Recommendations</p> <p>BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations</p>
3	ARCHAEOLOGY
	<p>INFORMATIVE: Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.</p>

Listed Building Consent Conditions:

1	ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE):
	<p>CONDITION: All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</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 considered 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 Islington Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

The London Plan 2016

- Policy 1.1** Delivering the strategic vision and objectives for London
- Policy 2.10** Central Activities Zone – strategic priorities
- Policy 2.12** Central Activities Zone – predominantly local activities
- Policy 2.18** Green infrastructure: the network of open and green spaces
- 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

Islington Core Strategy 2011

- Policy CS7** (Bunhill and Clerkenwell)
- Policy CS8** (Enhancing Islington's Character)
- Policy CS9** (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10** (Sustainable Design)
- Policy CS11** (Waste)
- Policy CS15** (Open Space and Green Infrastructure)

Islington Development Management Policies 2013

- DM2.1** Design
- DM2.3** Heritage
- DM6.3** Protecting open space
- DM6.5** Landscaping, trees and biodiversity

Finsbury Local Plan June 2013

- BC7** Historic Clerkenwell
- BC8** Achieving a balanced mix of uses

Supplementary Planning Guidance (SPG) / Document (SPD)

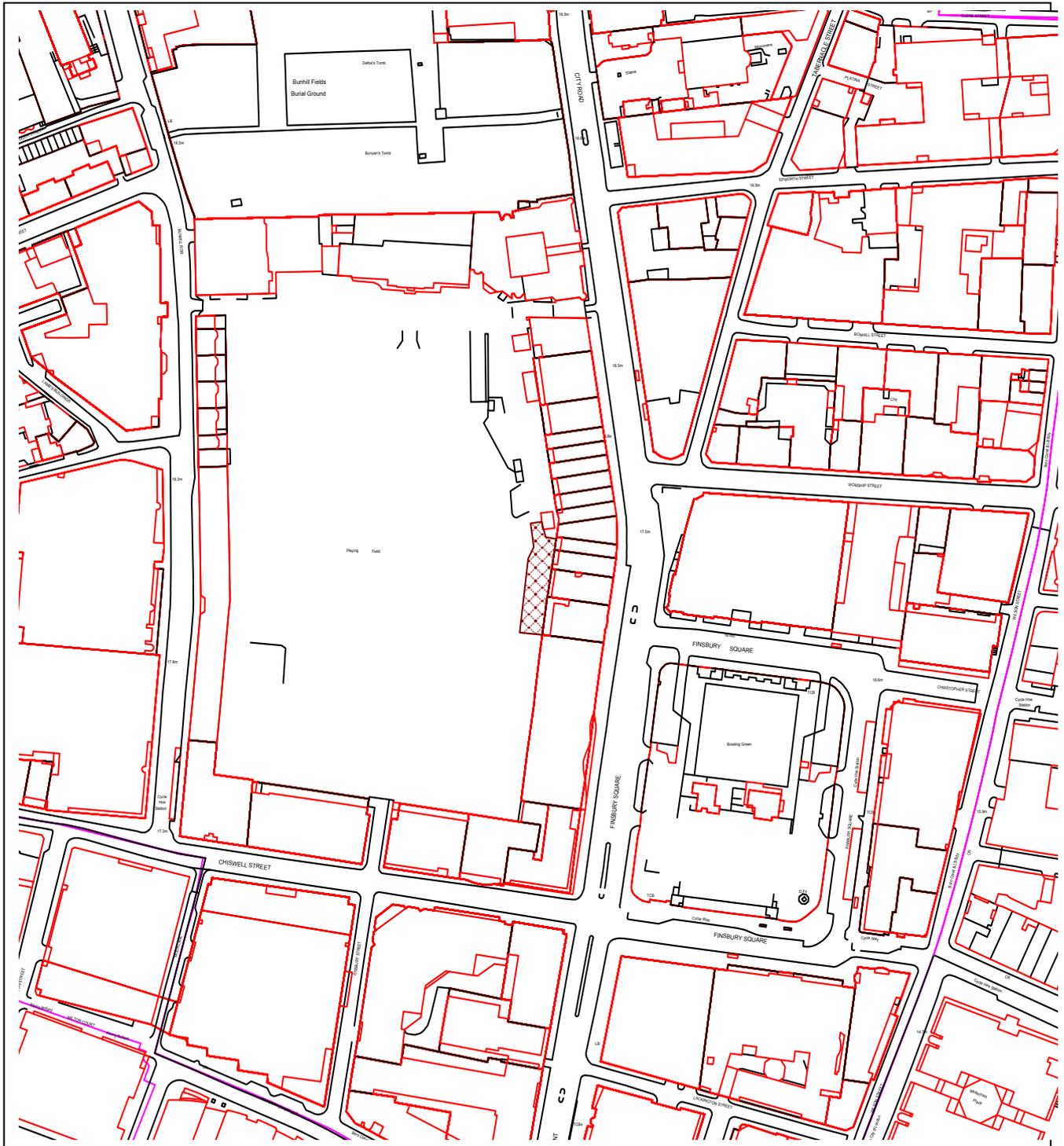
The following SPGs and/or SPDs are relevant

Islington Local Development Plan

- Conservation Area Design Guidelines
- Urban Design Guide

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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

PLANNING SUB COMMITTEE B		AGENDA ITEM	B8
Date:	14 July 2020	NON-EXEMPT	
Application number	P2019/0778/FUL		
Application type	Full Planning		
Ward	Clerkenwell		
Listed building	N/A		
Conservation area	Hat and Feathers Conservation Area Within 50m of Northampton Square Conservation Area		
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Cycle Routes (Major) Bunhill & Clerkenwell Local Plan Area Article 4 Direction A1 to A2 (Rest of Borough) Article 4 Direction B1(c) to C3 Heathrow Safeguarding Area		
Licensing Implications	None		
Site Address	Davina House, 137-149 Goswell Road, London, EC1V 7ET		
Proposal	Replacement of existing antennas, dish and cabinet with 6 no. new antennas, 1 no. dish and 2 replacement equipment cabinets. Removal and replacement of 3 x Remote Radio Units.		
Case Officer	Amanda Peck		
Applicant	UK Broadband		
Agent	Concentric Comms Ltd - Charles White		

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in **Appendix 1** (Recommendation A);

2. SITE PLAN

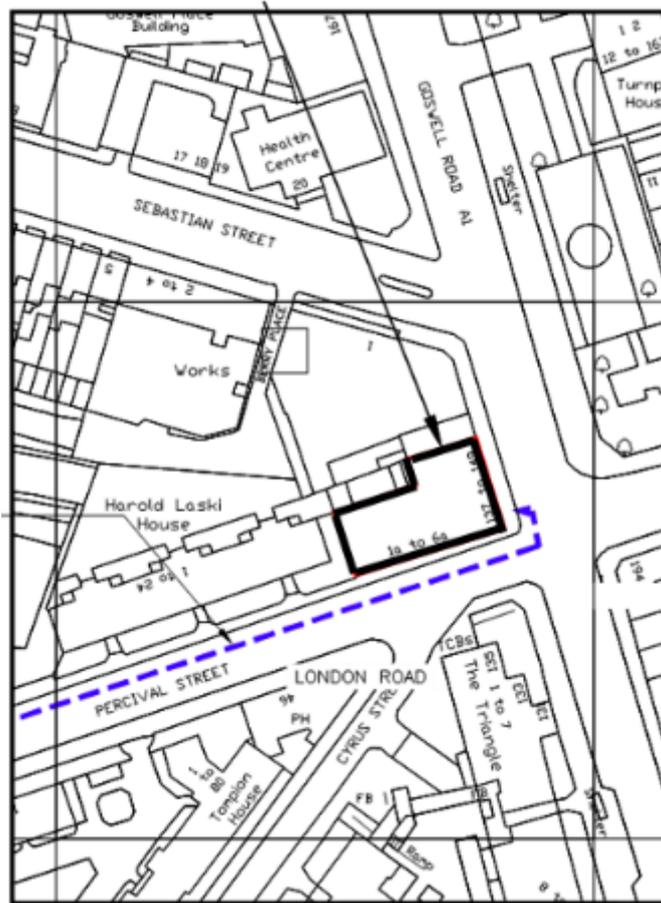


Image 1: Site Location Plan

3. PHOTOS OF SITE/STREET



Image 2: Aerial view looking north



Image 3: Aerial view looking west



Image 4: View from Goswell Road and Percival street junction looking north west



Image 5: View from Percival Street looking east



Image 6: View from Lever Street looking west



Image 7: View from Berry Place looking south east

4. SUMMARY

- 4.1 Planning permission is sought for the replacement of existing antennas, dish and cabinet with 6 no. new antennas, 1 no. dish and 2 replacement equipment cabinets. Removal and replacement of 3 x Remote Radio Units. These will replace the existing 3 no. antennas, 1 no. dish, 3 Remote Radio Units and 1 equipment cabinet (all permitted under P111738). There will therefore be an uplift of 3 no antennas and 1 equipment cabinet overall and an increase in height when compared to existing of 2cm, which will still be below the taller existing equipment on the roof used by other operators.
- 4.2 The installation of the equipment proposed is sought in association with providing additional 5G coverage along with the existing 4G coverage.
- 4.3 The application property is a six-storey office building located at the junction of Goswell Road, Lever Street and Percival Road. It is not listed; however, it is located within the Hat and Feathers Conservation Area. The area is a mixture of residential and commercial properties of varying designs ranging from tower blocks to terraced properties.
- 4.4 The application is being brought to committee due to the nature of development on the roof of a taller building located within a conservation area, with historically sensitive buildings and protected spaces adjacent to the site.
- 6.1 The main considerations in this assessment include the impact of the proposals on the character and appearance of the Conservation Area, as well as considering the potential neighbour amenity impacts and public benefits of the proposals. The proposal has been amended during the course of the assessment of the application and the proposed equipment has been moved back from the edge of the building so that it does not overhang the parapet line.
- 4.5 The Design and Conservation Team consider that whilst proposals would be visible in views from the public realm, there would be a neutral impact on the character and appearance of the conservation area and visual amenity generally. This is because the replacement and additional equipment would not meaningfully exacerbate the relatively limited harm caused by the existing rooftop plant.

- 4.6 Paragraph 196 of the NPPF 2019 states *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*. In accordance with the NPPF, public benefits are looked at. In this situation, there is considerable public benefit as the proposals would support paragraph 112 of the Framework which states that *'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning Policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections'*. Appropriate weight in accordance with the statutory duties (S72) have been applied to "preserve" the heritage assets. In addition, the proposals would not be considered to cause harm to the amenity of neighbouring properties.
- 4.7 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.

5. SITE AND SURROUNDINGS

- 5.1 The application property is a six-storey office building located at the junction of Goswell Road, Lever Street and Percival Road. It is not listed; however, it is located within the Hat and Feathers Conservation Area. The area is a mixture of residential and commercial properties of varying designs ranging from tower blocks to terraced properties.



Image 8: Conservation Area Boundary

6. PROPOSAL (IN DETAIL)

- 6.2 Planning permission is sought for the replacement of existing antennas, dish and cabinet with 6 no. new antennas, 1 no. dish and 2 replacement equipment cabinets. Removal and replacement of 3 x Remote Radio Units. These will replace the existing 3 no. antennas, 1 no. dish, 3 Remote Radio Units and 1 equipment cabinet (all permitted under P111738). There will therefore be an uplift of 3 no antennas and 1 equipment cabinet overall and an increase in height when compared to existing of 2cm, which will still be below the taller existing equipment on the roof used by other operators.

6.3 The proposal has been amended during the course of the assessment of the application and the proposed equipment has been moved back from the edge of the building so that it does not overhang the parapet line.

7. RELEVANT HISTORY

- P2012/0030/FUL Installation of a non-penetrating 1.8 meter wide satellite dish on the roof of Davina House. Approved 8 February 2012
- P120689 Three existing UMTs antenna to be replaced with three combined GSM/UMTS antenna and new cabinet. Approved 9 August 2012
- P111738 The installation of 3 no. antennas, 3 no. 600mm dish antennas and 2 no. equipment cabinets to the rooftop of Davina House for the provision of 4G coverage. Approved 27 October 2011
- P031320 Erection of 3 x antennae, 1 x radio equipment cabinet and 1 x electricity meter cabinet. Approved 6 October 2003
- P021149 Installation of two pole antennae equipment cabin, two satellite dishes, one wall mounted antennae and ground level cabinet. Approved 10 September 2002
- 991586 The construction of a BTCellnet radio base station comprising 3 panel antennae attached to the face of building below parapet and 1 radio equipment cabin supported on a new grillage at roof level. Approved 1 October 1999
- 990375 Installation of three panel antennae supported on a single pole mount and one radio equipment cabin supported on new grillage at roof level. Refused 5 July 1999

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 326 adjoining and nearby properties on 25 March 2019. A site notice and press advert were also displayed. It was noted during the course of the assessment that not all of the proposed elevations were submitted and further consultation was carried out on 28 October 2019. The public consultation of the application therefore expired on 24 November 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision. At the time of the writing of this report 3 responses had been received from the public with regard to the application:

- I am worried about the health implications of 5G antennae.
Officer Comment: Please see public health comments at paragraph 8.3 and assessment at paragraphs 10.18-10.23.
- Davina House is surrounded by residential properties in the Brunswick Estate, Sebastian Street and Northampton Square. All of these are susceptible to noise nuisance. There is no discussion of noise in the application. That being the case it is submitted that this application should be granted subject to a condition that no noise generated by equipment on this site should be audible at the boundary of any other property.
Officer Comment: Please see Acoustic Officer comments at paragraph 8.4 and assessment at paragraph 10.17.
- The application includes a request for empty equipment space for future (unspecified) use. **Officer Comment:** The comments refer to a note on the existing plans not the proposed drawings. Space was left previously for a 'future cabinet' but this cabinet has been proposed on the new drawings in that location so no empty equipment space is proposed.

External Consultees

8.2 None.

Internal Consultees

- 8.3 ***Design and Conservation Officer:*** The additional equipment will have a neutral impact on the conservation area, providing it does not break through the parapet. OFFICER COMMENT: The proposal has consequently been amended and the equipment is now set behind the parapet (which is actually not a parapet but railings around the roof edge).
- 8.4 ***Acoustic Officer:*** The antenna and cabinets do not require noisy mechanical plant such as condensing units or cooling fans. The EPPP Team have never received a noise complaint about a mobile phone installation. The EPPP Team would not typically require a noise assessment of the impact or stipulate a condition to control noise from the installation.
- 8.3 ***Public Health:*** Islington Council takes the health, wellbeing and safety of its residents very seriously. Having due regard to an assessment of the available national and international scientific evidence and current national guidance for the installation of telecommunications infrastructure, including masts, we do not consider that the deployment of 5G poses a threat to the health and safety of our residents. This position is consistent with the latest guidance from Public Health England (PHE), the statutory body responsible for protecting the nation from public health hazards.

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

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

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

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

For reference, set out below is further background scientific and technical references.

A general overview of High Frequency Electro-Magnetic Frequency, 100Khz to 300Ghz (HF EMF), can be found [here](#). With all the telecoms installations in the borough, operators must ensure that all

equipment is ICNIRP (International Committee on Non-Ionising Radiation Protection) compliant, as stated in the Department for Communities and Local Government's National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>).

Radio base stations and handsets use Electromotive Force (EMF) to transfer information and make mobile phone communications possible. EMFs are used for television and radio transmissions, by the police, fire and ambulance services, by taxi firms and public utilities. EMFs are also used for a wide range of personal and commercial equipment from electronic car keys, Wi-Fi equipment and baby monitoring devices to shop security tag systems. They are also produced by household electrical appliances like fridges, vacuum cleaners or electric shavers.

In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature ($> 1\text{ }^{\circ}\text{C}$) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields" (<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>).

The Advisory Group on Non-Ionising Radiation summarised that: "...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children." [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].

In addition, the report 'Recent Research on EMF and Health Risk – Tenth report from SSM's Scientific Council on Electromagnetic Fields, 2015' notes that: "new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.

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

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

9.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and

to any other material considerations (Section 70 Town & Country Planning Act 1990);

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to 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 (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

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

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

9.4 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

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.

Telecommunications

- 9.8 Chapter 10 of the NPPF is entitled Supporting High Quality Communication Infrastructure. It is stated at Paragraph 112 that, *'Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).'*
- 9.9 Paragraph 113 further clarifies that *'The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks) equipment should be sympathetically designed and camouflaged where appropriate.'*
- 9.10 Paragraph 114 establishes that *'Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that: a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.'*
- 9.11 Paragraph 115 states that *'Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include: a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure 34 and a statement that self-certifies that, when operational, International Commission guidelines will be met.'*
- 9.12 In addition, Paragraph 116 states that *'Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure'*

Development Plan

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

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

- Hat and Feathers Conservation Area
- Within 50m of Northampton Square Conservation Area
- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone
- Cycle Routes (Major)
- Bunhill & Clerkenwell Local Plan Area
- Article 4 Direction A1 to A2 (Rest of Borough)
- Article 4 Direction B1(c) to C3
- Heathrow Safeguarding Area

Supplementary Planning Guidance (SPG) / Document (SPD)

9.18 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)

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

- Policy D1: London’s Form, Character and Capacity for Growth
- Policy D4: Delivering Good Design
- Policy HC1: Heritage Conservation and Growth
- Policy SI6 Digital Connectivity Infrastructure

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

Draft Islington Local Plan 2019

9.21 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 with the examination process in progress.

9.22 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).

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

- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy ST1: Infrastructure Planning and Smarter City Approach
- Policy ST3: Telecommunications, communications and utilities equipment

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and harm to the conservation area,
- Neighbours Amenity
- Public Benefit

Design and Conservation

Policy context

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

10.3 Paragraph 114 of the NPPF 2019 states that local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

10.4 Paragraph 192 of National Planning Policy Framework (2019) states in determining applications, local planning authorities should take account of

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution

10.5 Paragraphs 194-196 of the NPPF (2018) deals specifically with harm to the significance of a designated heritage asset and whether this harm is substantial or less than substantial. In cases where the harm is less than substantial harm, this should be weighed against the public benefits of the proposal.

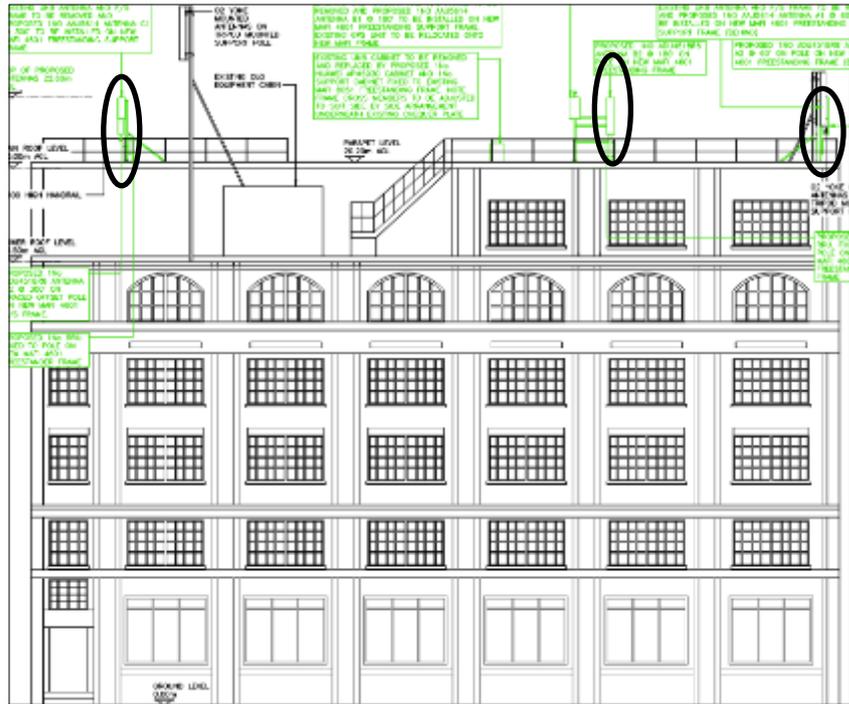


Image 10: Proposed Percival Street elevation

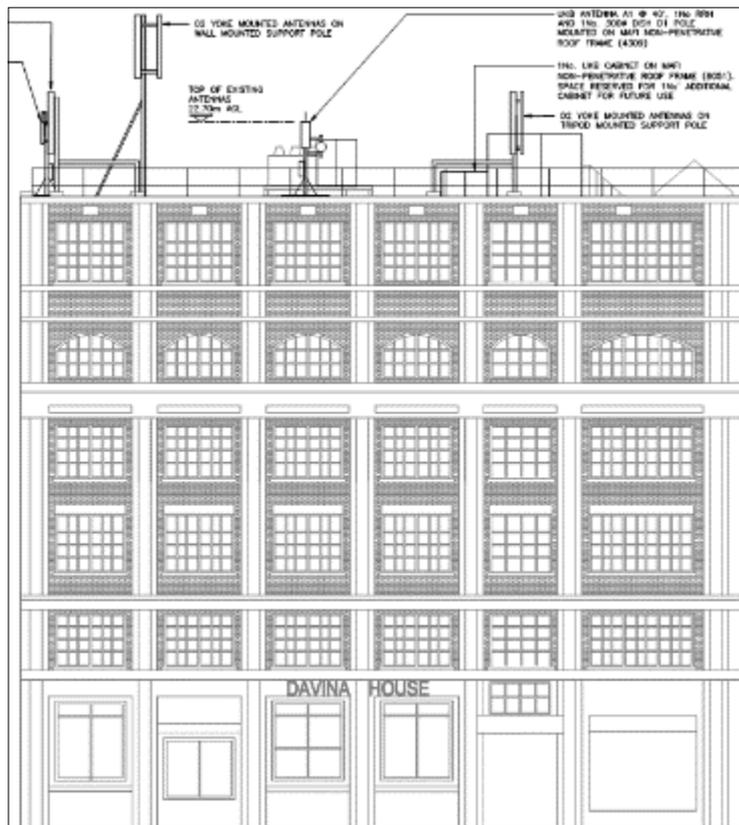


Image 11: Existing Goswell Road elevation

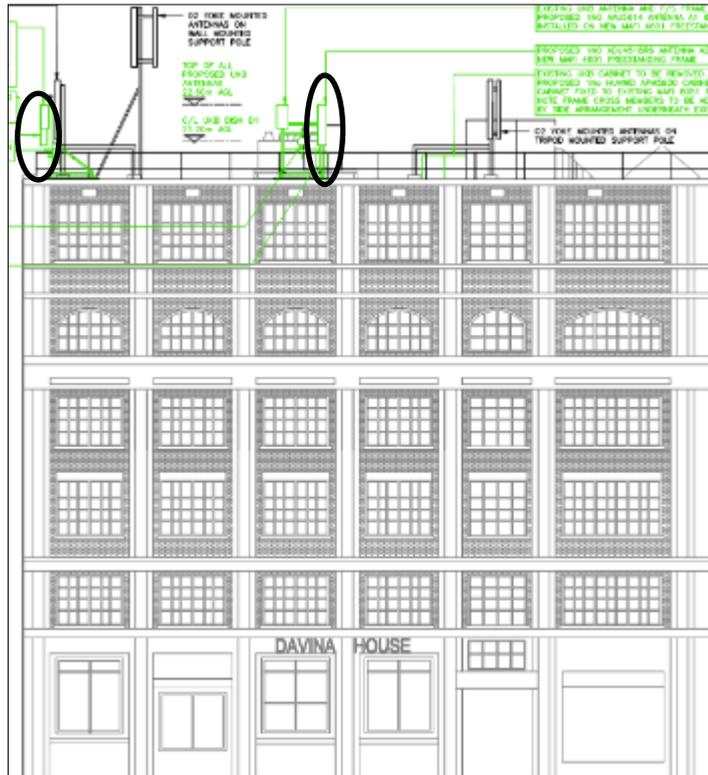


Image 12: Proposed Goswell Street elevation

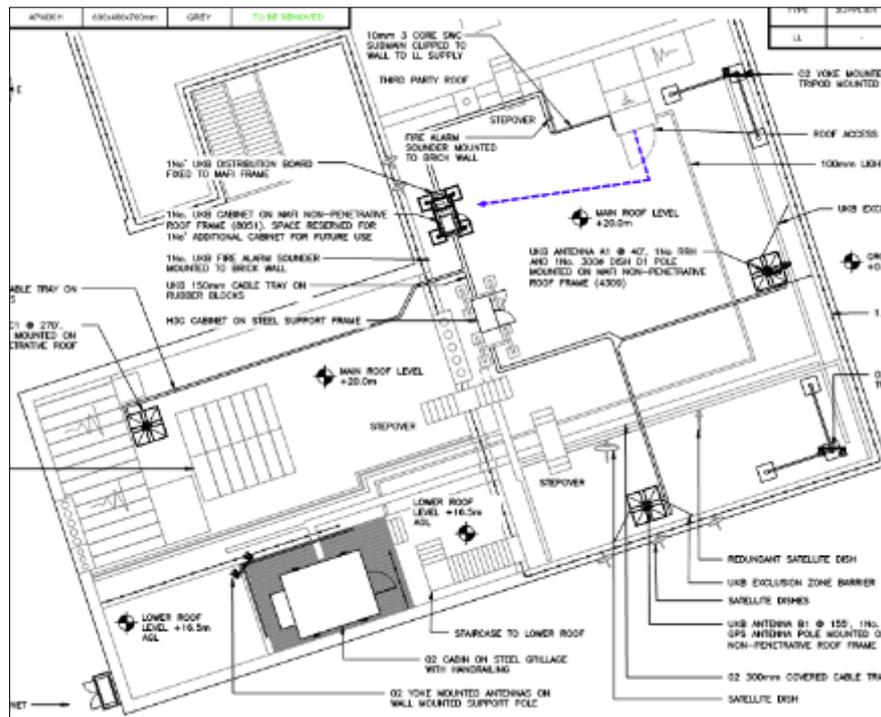


Image 13: Existing roof plan

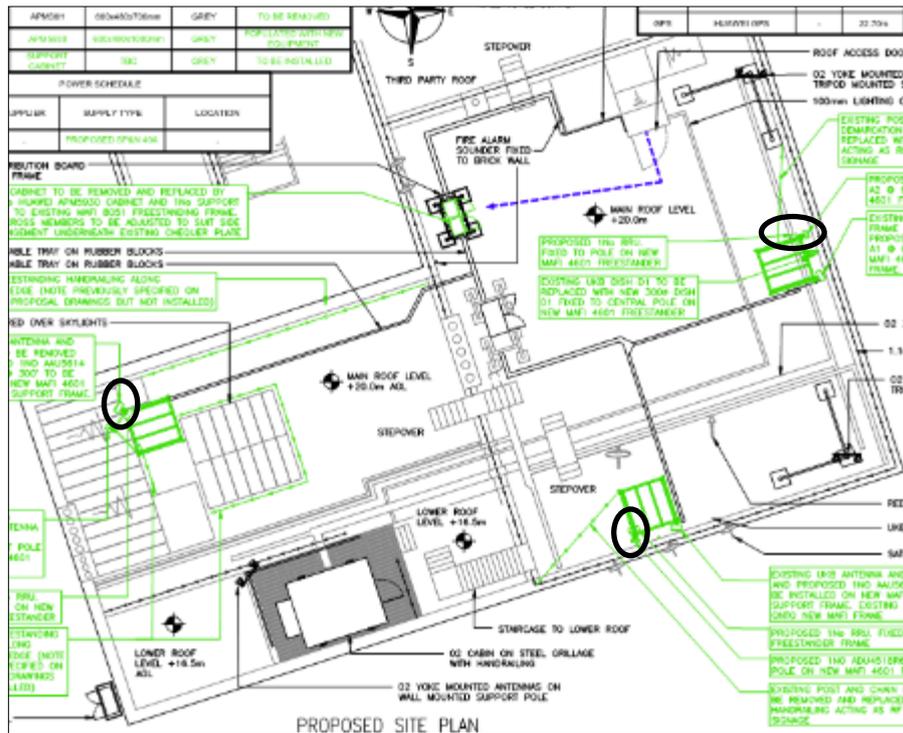


Image 14: Proposed roof plan

- 10.1 Planning permission is sought for the replacement of existing antennas, dish and cabinet with 6 no. new antennas, 1 no. dish and 2 replacement equipment cabinets. Removal and replacement of 3 x Remote Radio Units. These will replace the existing 3 no. antennas, 1 no. dish, 3 Remote Radio Units and 1 equipment cabinet (all permitted under P111738). There will therefore be an uplift of 3 no antennas and 1 equipment cabinet overall and an increase in height when compared to existing of 2cm, which will still be below the taller existing equipment on the roof used by other operators.
- 10.2 The installation of the equipment proposed is sought in association with providing additional 5G coverage along with the existing 4G coverage.
- 10.3 The proposal has been amended during the course of the assessment of the application and the proposed equipment has been moved back from the edge of the building so that it does not overhang the parapet line. It is not possible for the equipment to be moved any further back from the edge, as this would impact on the effective operation of the antennas. The replacement and additional equipment would be visible from the street level from both Goswell Road, Percival Street and Lever Street and limited views from the rear on Berry Place/Tompion Street.
- 10.4 The building is on a prominent corner at a road junction and has a large amount of existing roof top equipment including a mast and antennas on the Percival Street elevation that is approximately 5m in height. There are no listed buildings or locally listed buildings within the immediate context of the application site, which is in the Hat and Feathers Conservation Area.
- 10.5 The existing rooftop equipment is visible from the public realm and the visual impact of the new equipment will not cause a discernible impact on the conservation area. The proposals would not meaningfully exacerbate the relatively limited harm caused by the existing rooftop plant. Within the overall context of the Hat and Feathers Conservation Area the application site is one of the least harmful locations for locating the proposed new antennae, given the amount of existing equipment. The increase in rooftop telecommunications equipment in a conservation area is generally undesirable, however, given the minimal impact of the additional equipment and that the site is not within the immediate context of listed or locally listed buildings, the proposals are considered acceptable.

- 10.6 Overall, the proposed development would cause a neutral impact on the character and appearance of the Hat and Feathers Conservation Areas. It complies with the Framework and to Core Strategy policy CS9, which together amongst other things, seek to protect local character, Policy DM2.1, Policy DM2.3 and Policy DM2.7 of the Development Management Policies and the conservation area guidance.
- 10.7 Also recognised is the importance the Government attaches to a high quality communications infrastructure, and the related benefits this brings, in this case, the public benefits of allowing the proposal would not contravene the statutory requirement to pay special regard to the conservation area, a designated heritage asset
- 10.8 The paragraphs above outline the impact of the proposals on the character or appearance of the conservation areas. In accordance with the NPPF, public benefits are looked at. In this situation, there is clear public benefit from the improved wireless mobile internet network.
- 10.9 According to the National Planning Policy Framework section 16 and paragraph 196 which states the following *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*. The weighing of public benefits against harm is detailed at Paragraphs 10.10 to 10.14 below.

Public Benefits

- 10.10 Paragraph 112 of the National Planning Policy Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The Paragraph sets out that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
- 9.9 Paragraph 113 further clarifies that *‘The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks) equipment should be sympathetically designed and camouflaged where appropriate.’*
- 10.11 Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals, including where appropriate, securing its optimum viable use.
- 10.12 Paragraph 114 of the NPPF 2019 states that *“local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:*
- a) *they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and*
 - b) *they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services”*
- 10.12 As demonstrated above, the proposals would have a neutral impact on the character and appearance

of the conservation areas. It is considered that the public benefit of the introduction of next generation mobile technology (5G) from the proposal outweighs the neutral impact caused to the character and appearance of the conservation area. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid (and great weight given to “doing no harm”) to the desirability of preserving or enhancing the character or appearance of the conservation area. In this instance there are several mitigating factors to consider, including the existing roof top plant and the height and scale of the existing building, as well as the strong government support within the updated NPPF (2019) for increased provision of 5G infrastructure across London.

- 10.13 The benefits of the proposal, including efforts to improve wireless internet infrastructure and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered to outweigh the less than substantial harm caused to the nearby heritage assets. The proposals would be either not visible or of limited glimpsed visibility from Bunhill Fields and Burial Ground, Whitecross Street, and Chequer Street. Whilst visible from some public views within the Conservation Area, the design of the proposals and their siting are for the purpose of achieving maximum efficiency.
- 10.14 The benefits of improved mobile infrastructure form the basis of public benefits that tips the planning balance to outweigh the limited visual harm, in a manner that gives great weight to “preserving” or doing no harm on nearby heritage assets. Therefore, it is considered that the visual harm created would be limited and would be mitigated by the public benefits of increased broadband and telecommunications coverage within a dense urban and central London location in this case.

Impacts to Neighbour Amenity

- 10.15 Policy 7.6 of the London Plan and Development Management Policy DM2.1 requires that development should have regard to the form and layout of existing and adjacent buildings; good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.16 Paragraph 116 of the Framework states that the need for the telecommunication system should not be questioned, nor should health safeguards be determined if the proposal meets International Commission guidelines for public exposure. That would be the case here, within the application having submitted an appropriate Declaration of Conformity by way of the ICNIRP evidence provided by the applicant.
- 10.17 The antenna and cabinets do not require noisy mechanical plant such as condensing units or cooling fans. There is therefore no requirement for a noise assessment of the impact or for any conditions to control noise from the installation

Health Risks

- 10.18 Paragraph 116 of the National Planning Policy Framework states that Local authorities must determine applications on planning grounds only. They should not question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
- 10.19 UK Broadband regulates the operation of mobile networks in relation to their use of radio frequencies and whilst it does not have any duties related to the recommendations for exposure to electromagnetic radiation emissions, it does set out the need for certificates of International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliance to be provided with planning applications and for operators to continue to ensure all sites remain compliant.

10.20 An ICNIRP Declaration from the applicant (UK Broadband) was submitted with the application confirming that the proposed antennas would not generate electromagnetic radiation above thresholds that would pose a risk to the general public or workers responsible for maintaining the equipment.

10.21 Further, the Public Protection Officer has reviewed the proposals with their comments as follows.

In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature (> 1 °C) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields" (<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>).

The Advisory Group on Non-Ionising Radiation summarised that: "...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children." [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].

In addition, the report 'Recent Research on EMF and Health Risk – Tenth report from SSM's Scientific Council on Electromagnetic Fields, 2015' notes that: "new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.

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

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

10.23 With telecommunications equipment Public Health confirm that risks from EMF are low. Overall, it is considered that the electromagnetic radiation emitted by the proposed antennas would be minimal and would conform with ICNIRP Guidelines. As a result, it is considered that the proposed installation of antennas atop the roof of the building would not pose a risk to Public Health to existing or adjoining

residents in the area.

11. SUMMARY AND CONCLUSION

Summary

- 10.24 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.7 of this report. Great weight has been afforded to the desirability to “preserve” the character and appearance of the Conservation area (Section 72). Whilst the proposed antennas will be visible from some public views within the Conservation Area, given the existing rooftop plant on the building and the size of the existing building, the impact is considered to be neutral.
- 10.25 The benefits of increased provision of 5G infrastructure across London form the basis of public benefits that tips the balance to outweigh harm, in a manner that gives great weight to “preserving” or doing no harm. Significant weight has been given to National Policy relating to 5G telecommunication infrastructure.
- 10.26 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<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 list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>ISL00007 01; -02; -03; -04; -05; -06; -07; -08; -18; 19; -19; -20; -21 all issue A4 dated 08.01.19; Supplementary Information prepared by UK Broadband dated 11 March 2019; Supporting Planning Statement; Cover Letter by Waldon dated 11 March 2019.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Compliance)
	<p>CONDITION: The hereby approved development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2019 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

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

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM2.7 – Telecommunications and utilities

3. Designations

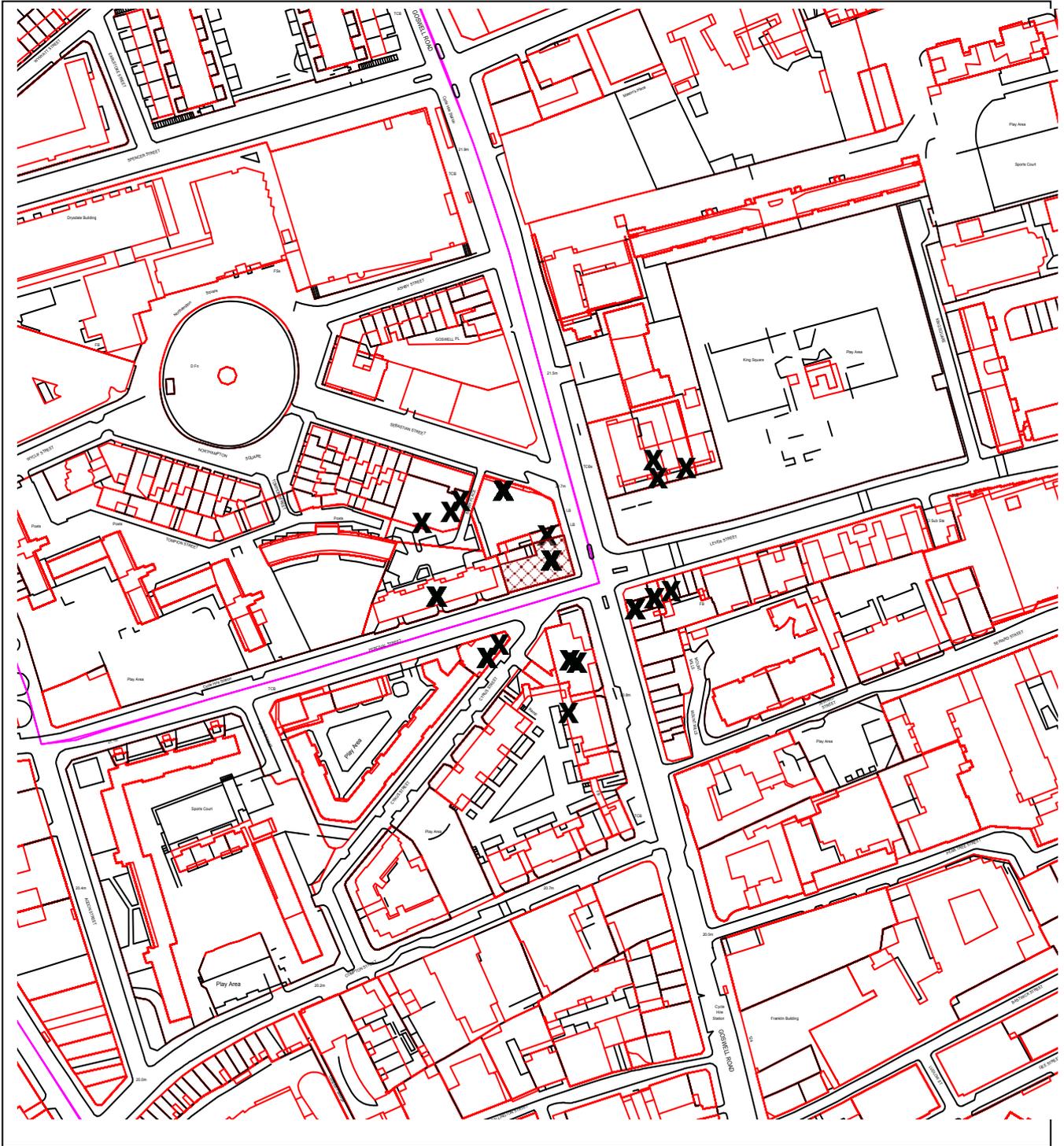
- Hat and Feathers Conservation Area
- Within 50m of Northampton Square Conservation Area
- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone
- Cycle Routes (Major)
- Bunhill & Clerkenwell Local Plan Area
- Article 4 Direction A1 to A2 (Rest of Borough)
- Article 4 Direction B1(c) to C3
- Heathrow Safeguarding Area

4. SPD/SPGS

- Urban Design Guidelines

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