



**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 via Zoom on **8 December 2020 at 7.30 pm.**

The link to the Zoom meeting is below. If you prefer to join the meeting by phone please dial 0330 088 5830. Enter meeting ID 920 7935 7133 when prompted.

<https://weareislington.zoom.us/j/92079357133>

Enquiries to : Zoe Lewis
Tel : 020 7527 3486
E-mail : democracy@islington.gov.uk
Despatched : 30 November 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**

Committee Membership

Councillor Kay (Chair)
Councillor Khondoker (Vice-Chair)
Councillor Klute
Councillor Chowdhury
Councillor Woolf

Wards

- Mildmay;
- Highbury West;
- St Peter's;
- Barnsbury;
- Canonbury;

Substitute Members

Councillor Poyser
Councillor Picknell
Councillor Convery
Councillor Clarke
Councillor Wayne
Councillor Webbe
Councillor Burgess
Councillor A Clarke-Perry
Councillor Hyde
Councillor Ismail

- Hillrise;
- St Mary's;
- Caledonian;
- St George's;
- Canonbury;
- Bunhill;
- Junction;
- St Peter's;
- Caledonian;
- Holloway;

Quorum: 3 councillors



A. Formal Matters

Page

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business
6. Minutes of Previous Meeting

B.	Consideration of Planning Applications	Page
1.	16-33 Rheidol Mews, Islington, London, N1 8NU	27 - 56
2.	16-33 Rheidol Mews, Islington, London, N1 8NU	57 - 78
3.	634-638 Holloway Road, Islington, London, N19 3NU	79 - 120
4.	Moore Court, Anderson Square, London, N1 2TF	121 - 174
5.	Mersey Garages, Ringcroft Street, Islington, N7 8ND	175 - 180
6.	Roman Way Industrial Estate, Unit 8, 149 Roman Way, London, N7 8XH	181 - 222

C. Consideration of other planning matters

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

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, 23 February 2021

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 Zoe Lewis on 020 7527 3486 or Ola Adeoye on 020 7527 3044. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk

London Borough of Islington

Planning Sub Committee B - 14 July 2020

Minutes of the virtual meeting of the Planning Sub Committee B held on 14 July 2020 at 7.30 pm.

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

Councillor Jenny Kay in the Chair

26 **INTRODUCTIONS (Item A1)**

Councillor Kay welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

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

Apologies were received from Councillor Klute.

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

Councillor Convery substituted for Councillor Klute.

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

Councillors Convery and Woolf declared a personal interest in Item B4, 89-91 Mildmay Park, N1 4NB.

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

The order of business would be B1, B5,B4,B6,B7,B8,B2 and B3,
Councillor Kay informed the meeting that she would not be participating in the both the consideration and decision regarding item B4 and that Cllr Poyser will chair the item.

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

RESOLVED:

That the minutes of the meeting held on 21 May 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

32 **15-21 BENWELL ROAD,N7 7BL (Item B1)**

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.

(Planning application number: P2019/3070/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting that although site is not within a Conservation Area, the rear of the building lies in close proximity to part of the long eastern edge of the St Mary Magdalene Conservation Area.
- Members were advised that the proposal involves extending and altering the existing building at 15-21 Benwell Road, improving the existing communal residential facilities and increasing the number of residential units by six. The Planning Officer advised that this would require the existing building to be extended by 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).
- Members were advised of the infill extension between the application site and 9 Benwell Road to the south which 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.
- In addition, the scheme proposes improvements to the front appearance, which involves ground floor alterations, the inclusion of a new canopy, glass blocks and metal doors. Internally at ground floor a new part M compliant lift would be provided, bicycle storage space, mobility storage, new dedicated residential entrance and separate refuse and recycling store.
- Members were advised that in assessing the scheme, officers had taken into consideration the land use policy, accessibility, impact of the scheme on neighbour amenity and the quality of accommodation and residential mix.
- In terms of design, layout, scale and massing of the proposed development, the Planning Officer advised that the Council's Design and Conservation Team were consulted and were satisfied that the proposed external alterations would preserve the character and appearance of the host building and the adjacent conservation area.
- Members were reminded that the site and surrounding area is in context predominantly residential in character, with some commercial uses along Holloway Road and sections of Benwell Road; the Emirate Stadium is located at the north end of the road.
- Members were advised that the site comprises a building that is in mixed use with residential units on the upper floors and commercial units on the ground floor.
- Also Members were advised that although the proposed residential use above the yard entrance of 11-13 Benwell Road is not in conflict with the Site Allocation policies, it is important that the infill development being proposed

does not materially affect or prejudice the use of or operation of the adjoining site at 11-13 Benwell Road and any potential redevelopment opportunities in the future.

- In response to concerns about the loss of commercial floorspace, and the proposed intensification of the residential use of the site, the meeting was advised that the scheme 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.
- Members were advised that the elevational treatment and the selected materials to both the front and rear of the host building is an acceptable design response to the building within this particular mixed context.
- With regards to concerns about construction vehicles in the area designated for emergency vehicles and the recognition that there is only one access into the site, the agent informed the meeting of the Construction Management Plan which will be clear in identifying the type of construction vehicles into the site and it will be monitored.
- The agent also assured Members that the proposed infill part of the site will retain the vehicular and pedestrian access and in light of health and safety legislation there will be no safety concerns with pedestrians accessing the workshops and businesses to Benwell Yard which is at the rear of the application site.
- Members were advised that the proposed extensions are considered to be of an appropriate scale and not considered to prejudice the adjacent commercial properties and residential amenity of neighbouring properties in so far as loss of sunlight and daylight, increased sense of enclosure, overlooking, overshadowing or loss of privacy and noise and disturbance.
- Objections to the scheme included overlooking and a sense of enclosure. Loss of privacy and impact of noise levels as a result of construction on their businesses were raised. An objector was also concerned with the scale, massing and height of the scheme as it would result in loss of sunlight and daylight which was vital for the operations of his business with the result that he would have to do it somewhere else, an additional cost to his business.
- Members were advised of safety concerns to pedestrians during and after construction, reminding the Committee of the only access into site which had not been taken into consideration during the designing of the scheme. An objector reminded that in light of the present pandemic, it is important that the well being of both present and future occupiers be taken into consideration.
- A resident was disappointed that their feedback had not been taken into consideration, especially with officers pre-application comments, that the

proposal should not hinder the operation or the vitality of existing businesses.

- Members were informed by a resident that a key consideration for choosing the site for their business was its space, its privacy and the natural light available to the building, ideal for their filming operations without any need for artificial lighting and that the scheme by virtue of its height, shape and proximity would have an adverse impact on its operations. The dwellings would overlook into offices and the studios limiting natural light. The additional storey would result in an overdevelopment of the site and impact the amenity of neighbouring residents. Objector requested that the scheme be refused planning permission.
- The agent acknowledged objectors concerns, advising the meeting that the project team had worked closely with adjoining neighbouring occupants and that a previous scheme had been withdrawn last year to ensure consultation took place. He noted the sensitivity of economic uses adjoining the site and has worked to produce a Construction Management Plan so as to minimise any impact during construction activities and reassuring residents and members that this disruption would be temporary.
- With regards to the impact of the scheme on the amenity of the present business occupiers, the meeting was informed that although the scheme has been designed with a view of ensuring there is no impact, assessment of residential amenity is different from that of commercial premises.
- The agent also informed the meeting that the scheme has an extension and an infill would not stop the overhead light still penetrating the building and therefore impacting the lighting of the building.
- On the differences between commercial and residential amenity in particular with privacy and loss of light, the legal officer advised that in general amenity for both residential and business occupiers is a planning consideration, however different weights are attached. In addition, the planning officer acknowledged that the BRE Daylight and Sunlight Guidelines predominantly relate to residential uses and in some cases other sensitive uses, and as such less weight was attached to daylight and sun,ight assessments for commercial uses. .
- In response to concerns that the larger 3 bed units upon the 3rd and 4th floors would not comply with the space standards for amenity space, the Planning Officer acknowledged that 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. He also noted that officers were of the view that the site is in walking distance of Highbury Fields if there is a need to utilise a much larger open green space and that the oversized internal space would also contribute to the quality of

the residential accommodation.

- On clarifying what mitigation measures of the Construction Management Plan, the agent advised that the condition will have to be agreed before work commences and it will include hours of work, maximum noise levels permitted, identifying where the vibration is occurring, dust suppression and washing down of construction vehicles as they leave the site.
- On the privacy situation in relation to Jamie Oliver's site unit and the glass, the Planning Officers advised that residential units in the infill extension will have clear glass as the separation distance is 27m and no overlooking concerns.
- A suggestion on the possibility of the Construction Management Plan be agreed in conjunction with the residents was stated.
- The Chair in summary recognised the need to protect independent businesses especially during these times from any construction noise, saying that the committee would like to see some stronger measures in the Construction Management Plan, stating that the applicant be aware that if they make things difficult for residents that the council would not hesitate to get involved.
- Members agreed that condition 4 be amended to include stronger measures sensitive to businesses nearby. It was also suggested that the Construction Management Plan be more specific stating that when the studio is carrying out voice overs or recording that there be restrictions on noise disturbance.

Councillor Woolf proposed a motion to grant Planning subject to condition 4 be amended. This was seconded by Councillor Poyser and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and the amended condition 4 outlined above; and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report

33

48 SEVEN SISTERS ROAD, N7 6AA (Item B2)

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 (Planning application number: P2020/1194/FUL)

In the discussion the following points were made:

The discussion of this application was considered in conjunction with Item B3, although votes with regard to its recommendation was taken separately. In the discussion the following points were made:

- The Planning Officer informed Members that the application site comprises a three storey mid-terrace Victorian property located on the southern side of Seven Sisters Road and that the building is not locally nor statutorily listed, nor is it located within a conservation area.
- Meeting was advised that 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. In addition, members were advised that the proposed internal access improvements would represent a positive improvement.
- Members were informed that 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. Therefore, no concerns are raised with regard to the proposed retention of this use.
- Members were advised that the proposal seeks 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.
- Meeting was informed that the existing shopfront, the majority of which is recessed, is of timber construction with significant tiled framing, however 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. In addition, the shopfront would be set within ceramic tiled cheeks and 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.
- The Planning Officer noted that 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.

- Meeting was informed that the existing non-illuminated fascia signage would be replaced by a signage of the same height but with a reduced width, so it would be more discreet. The Planning Officer informed members that a condition has been recommended 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.
- The Planning Officer noted that overall, the proposed replacement signage is considered to be acceptable and no highway safety concerns to pedestrians exists.
- The Planning Officer advised that condition has been recommended for hours of use from 7am-10pm, Monday to Sunday as the proposal retains the original use.
- On the issue of amenity, members were advised that although the proposed replacement signage would be minimal in size it is important to note 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.
- The project manager (and applicant) for the affordable workspace team informed the meeting that the application is part of the GLA funded project to bring improvement to council owned buildings and an opportunity to increase the active participation of the building as it will provide training support for the youth as part of the Council's Islington Affordable Youth Project. The use of the building is vital for Islington youth funded by GLA and the Council and welcomed by the community.
- During deliberation, it was noted that this is a council owned building with Members acknowledging the opportunity to improve a building which has been in a state of disrepair. Members welcomed the replacement of the building frontage which will be in line with other traditional shop fronts in the local vicinity and importantly it will enhance the town centre landscape.

Councillor Convery proposed a motion to grant planning permission. This was seconded by Councillor Poyser and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted

representations and objections, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

34 48 SEVEN SISTERS ROAD,N7 6AA (Item B3)

Display of 1no. internally illuminated fascia sign with LED matrix panel below, and associated vinyl graphics.

(Planning application number: P2020/1264/ADV)

In the discussion the following points were made:

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

(Planning application number: P2020/1194/FUL)

In the discussion the following points were made:

The discussion of this application was considered in conjunction with Item B3, although votes with regard to its recommendation was taken separately. In the discussion the following points were made:

- The Planning Officer informed Members that the application site comprises a three storey mid-terrace Victorian property located on the southern side of Seven Sisters Road and that the building is not locally nor statutorily listed, nor is it located within a conservation area.
- Meeting was advised that 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. In addition, members were advised that the proposed internal access improvements would represent a positive improvement.
- Members were informed that 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. Therefore, no concerns are raised with regard to the proposed retention of this use.
- Members were advised that the proposal seeks 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.
- Meeting was informed that the existing shopfront, the majority of which is recessed, is of timber construction with significant tiled framing, however 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. In addition, the shopfront would be set within ceramic tiled cheeks and 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.

- The Planning Officer noted that 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.
- Meeting was informed that the existing non-illuminated fascia signage would be replaced by a signage of the same height but with a reduced width, so it would be more discreet. The Planning Officer informed members that a condition has been recommended 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.
- The Planning Officer noted that overall, the proposed replacement signage is considered to be acceptable and no highway safety concerns to pedestrians exists.
- The Planning Officer advised that condition has been recommended for hours of use from 7am-10pm, Monday to Sunday as the proposal retains the original use.
- On the issue of amenity, members were advised that although the proposed replacement signage would be minimal in size it is important to note 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.
- The project manager (and applicant) for the affordable workspace team informed the meeting that the application is part of the GLA funded project to bring improvement to council owned buildings and an opportunity to increase the active participation of the building as it will provide training support for the youth as part of the Council's Islington Affordable Youth Project. The use of the building is vital for Islington youth funded by GLA and the Council and welcomed by the community.
- During deliberation, it was noted that this is a council owned building with Members acknowledging the opportunity to improve a building which has

been in a state of disrepair. Members welcomed the replacement of the building frontage which will be in line with other traditional shop fronts in the local vicinity and importantly it will enhance the town centre landscape.

Councillor Convery proposed a motion to grant advertisement consent. This was seconded by Councillor Poyser and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections, advertisement consent be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

35 89-91 MILDMAY PARK, N1 4NB (Item B4)

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).

(Planning application number: P2020/0937/FUL)

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

In the discussion the following points were made:

- The Planning Officer advised that site is not listed but is located immediately south of the Newington Conservation Area. The proposal introduces a part four, part five storey building to the site which is in close proximity to the south facing windows of the residential properties in Hathersage Court.
- The Planning Officer reminded members that in January 2019, planning permission was granted for Hathersage and Beasant Court (ref: P2018/1970/FUL) and a separate application to committee in July 2019 was refused on grounds of inappropriate massing, poor quality design and the impact of the scheme on the character and appearance of the conservation area which the present application seeks to address.
- With regards to land use consideration, the Planning Officer acknowledged the net loss of 11sqm of D1 floorspace, however the reprovision of high quality D1 floorspace in the scheme measured at 154sqm complies with policy DM 4.12 of the Islington Development Management Policy 2013. Members were reminded that the provision and continued use of the chiropodist and dental surgery is considered as providing both social and

economic benefit to the community.

- Meeting was advised that in terms of design and conservation concerns, the scheme is considered acceptable by the Design Officers. On the issue relating to form, bulk, and size of the new proposal, the Planning Officer acknowledged that it was similar to block K of an extant planning permission of 2018.
- The Planning Officer noted that concerns regarding the elevations have now been addressed, that with the front elevation, the design is acceptable and with the rear elevation balconies and terraces are to be sited further away from the neighbours.
- In terms of neighbouring amenity, a daylight sunlight assessment was submitted which indicated that 8 windows closest to the proposed development has transgressions in excess of BRE guidelines, however this correlates with the findings for Block K which has planning permission.
- A neighbouring resident was concerned with the size of the building as it towers over the neighbouring block of Victorian properties.
- In response, the agent informed the meeting that following the refusal of its previous application in July 2019, the team contacted planning team and submitted a pre-application proposal, taking on board the concerns raised which has now resulted in a well designed and acceptable mixed use development of high quality which retains sufficient D1 floor space and a new residential floorspace to create 7 new units. In addition, members were reminded that the application would secure the requisite financial contribution towards affordable housing.
- In response to objections about the scale of the building, the agent reiterated that this was a smaller building in comparison to the building that was granted planning permission in January 2019 and reminding members that this is to be considered within an urban site.

Councillor Poyser proposed a motion to grant planning permission. This was seconded by Councillor Woolf and carried.

RESOLVED:

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

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.

(Planning application number: P2019/0031/FUL)

In the discussion the following points were made:

- The Planning Officer informed the meeting that since the agenda was published a further 4 objections had been received and included concerns about notices not being served by the landlord about the development description, disturbance from refuse vehicles, construction noise and the use of cladding materials.
- Members were advised that if committee was minded to grant planning permission an additional condition 13 preventing the use of the flat roof area as an amenity space would be required.
- The Planning Officer informed the meeting that the site currently forms part of the modern residential estate situated between Essex Road and Upper Street in the Angel Town Centre Area and that the proposal to erect a single storey extension on the roof of the block will provide two residential units.
- Members were advised that the proposal will result in an increase to the height of Moore Court from 10.3m to 12.9m, it will have also have two terrace areas which will face Anderson Square Gardens.
- The Planning Officer informed the meeting that the application had been assessed on issues such as land use policy, amenity, design and energy and efficiency and its impact on conservation areas.
- Members were advised that in light of concerns about lack of refuse of storage and issues about capacity, a further condition is proposed regarding its final design to ensure that it is accessible for use by all it's residents.
- On the legal position about a revised Certificate B notice not being served on leaseholders, the Legal Advisor informed the meeting that under the Town and Country Planning (Development Management Procedure) Order 2015, Article 13, the applicant has a requirement to give notice to leaseholders and residents if there is any development but not required to re notify a second time if the description of the application changes.
- In response to a concern that the applicant had not addressed issues raised by the Design Team, the Planning Officer informed the meeting that although the issues were raised with the applicant, they are not expected to submit details.
- A resident informed the meeting that following an initial meeting of both residents and leaseholders early in the year where there was an

overwhelming majority against the scheme, all agreed that the scheme was on the edge in terms of density and height. This comment mirrored those raised by the initial architect involved, requesting that the scheme be refused. In addition, the resident was concerned of how the applicant had taken an advantage while carrying out some general works been able to insert a clause which allowed this proposal to include 2 floors on the roof.

- Another resident was concerned with the daylight and sunlight assessment submitted by applicant as incomplete as it does not include its impact from the terraces and the garden or communal areas. There was also concern that during this period of lockdown, erecting 2 flats on top of a block and its associated construction noise could not be viewed as a proportionate consideration.
- A leaseholder who had bought her flat since 2007 was concerned with the use of ACL cladding material and officers comment in the report that it is compliant. The resident acknowledged that loss of value is not a valid reason to object, however consideration should be given to issues such as fire risks especially with the narrow door on the ground floor exiting the building. The objector was concerned with the proposal of building two residential units on the roof of a block which has light walls.
- Members were reminded that with the expected recession following the Covid pandemic, consideration should be given to the well being of present occupiers especially if the construction activities on the roof of Moore Court is left uncompleted and abandoned due to economic uncertainties.
- In response to a question on why the applicant was not available, the Planning Officer acknowledged that the applicant was aware of the meeting date and was in regular contact with the applicant by correspondence in the last two weeks and had not received any notification that he would not be attending.
- On the issue of the applicant not in attendance, the Legal Officer informed the meeting that there is no requirement for the applicant to attend, however if Members were satisfied on the information provided in the reports it could make a determination, however if Members need clarification on some issues from applicant and officers are unable to assist, the item could be deferred should Members make this decision.
- In response to concerns that officers had agreed to recommend approval in light of the issues raised by the objectors and the lack of consultation, the Planning Officer advised that issues such as clauses between owner and occupiers, fire risk, structural stability are not planning considerations, however the scheme having been assessed on issues such as daylight and sunlight loss, design and impact on conservation area, it was considered acceptable.

- During deliberation the Chair proposed a motion to defer the item as it would be difficult to proceed as the applicant was not available to respond to issues such as the bin storage, the narrow hallways, consultation process etc. Another Member requested for the item to be refused on grounds of design, the impact of the scheme on the 3 adjoining conservation areas, loss of light, reminding members that this was a site that has always been sensitive in planning terms.
- Councillor Kay proposed a motion to Defer. This was seconded by Councillor Poyser and carried.

RESOLVED:

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

37

ARMOURY HOUSE, CITY ROAD, LONDON, EC1Y 2BQ (Item B6)

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.

(Planning application number: P2019/2369/FUL)

Discussion with this application was considered in conjunction with Item B7, although votes with regard to its recommendation was taken separately. In the discussion the following points were made:

- 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).
- Members were advised that the surrounding area is predominately office/commercial space within the Central Activity Zone and that the nearest residential properties are situated to the east along City Road with No's , 12, 16 and 18 having apartments in the upper floors that project onto the site.
- Meeting was advised that 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 and that the proposed alterations would include the removal of a modern partition wall, and introduction of a new wall to rationalise the office accommodation and that the works are on a permanent basis.
- Sports England was consulted and their comments regarding the restoration and relocation of the cricket net facility following the removal of the temporary facilities was agreed by the applicant. The applicant has agreed to provide temporary practice nets elsewhere on the margins of the cricket pitch

which could be removed when not required.

- A resident who lives in close proximity to the site was concerned about the smell and noise levels from the stable. In addition concerns with the number of restaurants in the vicinity of the proposal, public health of users had not been in to consideration and finally as she lives immediately above this proposal will impact the value of her property.
- With regards to noise concerns, the Planning Officer informed the meeting that it is a well managed facility and applicant have offered details of a contact to the Council if any disturbance arises.
- In a response to a question on the numbers of horses on the site, the agent acknowledged 6 horses in the 6 stables.
- On the question of what type of insulation and ventilation was being proposed for the stable, the Planning Officer advised that stables will open during the day and be closed at night and an acoustic report submitted has no concerns that will arise from the activities there during use.
- The agent advised Committee that 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.
- The agent in response highlighted the public benefit as it enables the Police 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 impractical and poses operational risks. The location also allows for deployment to other parts of London.
- Meeting was advised that although 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, this would not impact the wider conservation area given its temporary nature and its overall distance from the listed building.
- The Planning Officer advised that although the site forms part of the Bunhill & Clerkenwell Conservation Area, and the application building is listed, the impact towards the character and setting of the conservation area and Listed Building has been considered.
- On the issue of the impact on the conservation area, meeting was advised that given the temporary nature and its positioning (set away from public

views 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.

- Members were advised that the stables are not considered harmful to neighbouring amenity with 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.
- In addition, the proposal has been assessed by Public Protection Officers in relation to noise and also with 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 agent advised that 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.
- During deliberation, members acknowledged the noise concerns raised by residents but were confident that the welfare of horses will be of paramount importance to the City of London Police. Members noted that the number of horses as stated by the agent would not cause any adverse disruption to the amenity of neighbouring residents.
- On the insulation and ventilation concerns, a member proposed a condition requesting that the details for sound insulation be submitted. This was seconded and agreed. Wording of additional condition to be delegated to the Planning Officer.
- A suggestion to amend condition 9 regarding the contact, to be residents instead of the Council's Protection Team was noted
- Members agreed that 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.

Councillor Kay proposed a motion to grant planning permission subject to amending condition 9 to change the contact details and add a condition requiring details of

noise insulation to be submitted (wording delegated to officers). This was seconded by Councillor Convery and carried.

RESOLVED:

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

- 38 **ARMOURY HOUSE, CITY ROAD, LONDON, EC1Y 2BQ (Item B7)**
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.
(Planning application number: P2019/2411/LBC)

Discussion with this application was considered in conjunction with Item B6, although votes with regard to its recommendation was taken separately. In the discussion the following points were made:

- **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).**
- **Members were advised that the surrounding area is predominately office/commercial space within the Central Activity Zone and that the nearest residential properties are situated to the east along City Road with No's , 12, 16 and 18 having apartments in the upper floors that project onto the site.**
- **Members were informed that 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 and that the proposed alterations would include the removal of a modern partition wall, and introduction of a new wall to rationalise the office accommodation and that the works are on a permanent basis.**
- **Meeting was informed that Sports England was consulted and their comments regarding the restoration and relocation of the cricket net facility following the removal of the temporary facilities was agreed by the applicant. The applicant has agreed to provide temporary practice nets elsewhere on the margins of the cricket pitch which could be removed when not required.**
- **A resident who lives in close proximity to the site was concerned about the smell and noise levels from the stable. In additions concerns with the number of restaurants in the vicinity of the proposal, public health of users had not been in to consideration and finally as she lives immediately above this proposal will impact the value of her property.**
- **With regards to noise concerns, the Planning Officer informed the meeting that it is a well managed facility and applicant have offered details of a contact to the Council if any disturbance arises.**
- **In a response to a question on the numbers of horses on the site, the agent acknowledged 6 horses in the 6 stables.**
- **On the question of what type of insulation and ventilation was being proposed for the stable, the Planning Officer advised that stables will open during the day and closed at night and an acoustic report submitted has no concerns that will arise from the activities there during the day or night.**

- **On the insulation and ventilation concerns, a member proposed a condition requesting that the details for sound insulation be submitted. This was seconded and agreed. Wording of additional condition to be delegated to the Planning Officer.**
- **The agent advised Committee that 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.**
- **The agent in response highlighted the public benefit as it enable the Police 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 impractical and poses operational risks. The location also allows for deployment to other parts of London.**
- **Meeting was advised that although 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, this would not impact the wider conservation area given its temporary nature and its overall distance from the listed building.**
- **The Planning Officer advised that although the site forms part of the Bunhill & Clerkenwell Conservation Area, and application building is listed, the impact towards the character and setting of the conservation area and Listed Building has been considered.**
- **On the issue of the impact on the conservation area, meeting was advised that 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.**
- **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**

- **The proposal 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.**
- **During deliberation, members acknowledged the noise concerns raised by residents but confident that the welfare of horses will be of paramount importance to the City of London Police. Members noted that the number of horses as stated by the agent would not cause any adverse disruption to the amenity of neighbouring residents.**
- **A suggestion to amend condition 9 regarding the contact, to be residents instead of the Council's Protection Team was noted.**
- **Members agreed that 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.**

Councillor Kay proposed a motion to grant listed building Consent. This was seconded by Councillor Convery and carried.

RESOLVED:

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

- 39 DAVINA HOUSE, 137-149 GOSWELL ROAD, LONDON, EC1V 7ET (Item B8)**
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.

(Planning application number: P2019/0778/FUL)

In the discussion the following points were made:

- 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.
- The proposal will replace the existing 3 no. antennas, 1 no. dish, 3 Remote Radio Units and 1 equipment cabinet (all permitted under P111738). The Planning Officer mentioned that the proposal will result in 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. Members were reminded that the essence of the installation is to provide additional 5G coverage along with the existing 4G coverage.
- Members were advised that 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.
- Meeting was advised that although the Design and Conservation Team consider the antennas to be visible from the public realm, there would be a neutral impact on the character and appearance of the conservation area and visual amenity generally.
- The Planning Officer advised members that the main issues arising from this proposal relate to its design, harm to the conservation area, neighbouring amenity and public benefit.
- The proposal has been amended during the course of the assessment of the application with the proposed equipment being moved back from the edge of the building so as to 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.
- With regard to the impact of the proposal on the amenity of neighbouring amenity, the Planning Officer reminded Members of Paragraph 116 of the Framework, 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.
- The application had been submitted with an appropriate Declaration of Conformity by way of the ICNIRP evidencing that the antenna and cabinets do not require noisy mechanical plant such as condensing units or cooling

fans. Meeting was advised that in this instance there is no requirement for a noise assessment of the impact or for any conditions to control noise from the installation.

- In terms of health risks from the proposal, Members were advised that an ICNIRP Declaration 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.

Councillor Kay proposed a motion to grant planning permission. This was seconded by Councillor Poyser and carried.

RESOLVED:

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

The meeting ended at 10.30 am

CHAIR

Schedule of Planning Applications

PLANNING COMMITTEE - Tuesday 8 December, 2020

COMMITTEE AGENDA

1 16-33

Rheidol Mews
Islington
London
N1 8NU

2 16-33 Rheidol Mews

London
N1 8NU

3 634-638 Holloway Road

Islington
London
N19 3NU

4 Anderson Square

London
N1 2TF

5 Mersey Garages, Ringcroft Street, Islington, N7 8ND

6 Roman Way Industrial Estate, Unit 8

149 Roman Way
London
N7 8XH

1 16-33

Rheidol Mews
Islington
London
N1 8NU

Application Number: P2019/1262/FUL

Ward: St. Peters

Proposed Development: Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings;
Refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases

Application Type: Full Planning Application

Case Officer: Ross Harvey

Name of Applicant: Mr L. Kenny

Recommendation:

2 16-33 Rheidol Mews
London
N1 8NU

Application Number: P2020/1731/FUL
Ward: St. Peters
Proposed Development: Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; Refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases. and the change of use from a mix of previous uses to Class C3 Residential with the creation of 2 flats and 7 houses
Application Type: Full Planning Application
Case Officer: Ross Harvey
Name of Applicant: Mr Liam Kenny
Recommendation:

3 634-638 Holloway Road
Islington
London
N19 3NU

Application Number: P2019/3143/FUL
Ward: Tollington
Proposed Development: Demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage. (Reconsultation due to amended design and description).
Application Type: Full Planning Application
Case Officer: Owen Griffiths
Name of Applicant: Mr Nick Cockburn
Recommendation:

4 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:

5 Mersey Garages, Ringcroft Street, Islington, N7 8ND

Application Number: P2019/0608/FUL
Ward: St. Marys
Proposed Development: Stopping Up Order of existing highway to front of the Mersey Garages, Ringcroft Street under Section 247 of the Planning Act 1990 to enable the redevelopment of the Mersey Garages adjacent to 29 Mersey Estate, for residential use.
Application Type: Full Planning (Council's Own)
Case Officer: Robin Tulloch
Name of Applicant: London Borough of Islington
Recommendation:

6 Roman Way Industrial Estate, Unit 8
149 Roman Way
London
N7 8XH

Application Number: P2020/1511/FUL

Ward: Caledonian

Proposed Development: Change of use of the existing ancillary storage function to the brewery on a permanent basis to a mixed B1(c) (Light Industrial) and A4 (Drinking Establishment) use (Sui Generis), following the granting of planning permission (ref. P2018/3090/FUL) on 12/04/2019 for a temporary period including alterations to the previously approved hours of operation to:

- (a) Tuesday to Thursday 16:00 to 22:30 hours
- (b) Friday and Saturdays 12:00 to 22:30 hours
- (c) Sunday 12:00 to 20:00 hours

Application Type: Full Planning Application

Case Officer: Daniel Jeffries

Name of Applicant: Hammerton Brewery Limited

Recommendation:

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE B

Date:	8 December 2020	NON-EXEMPT
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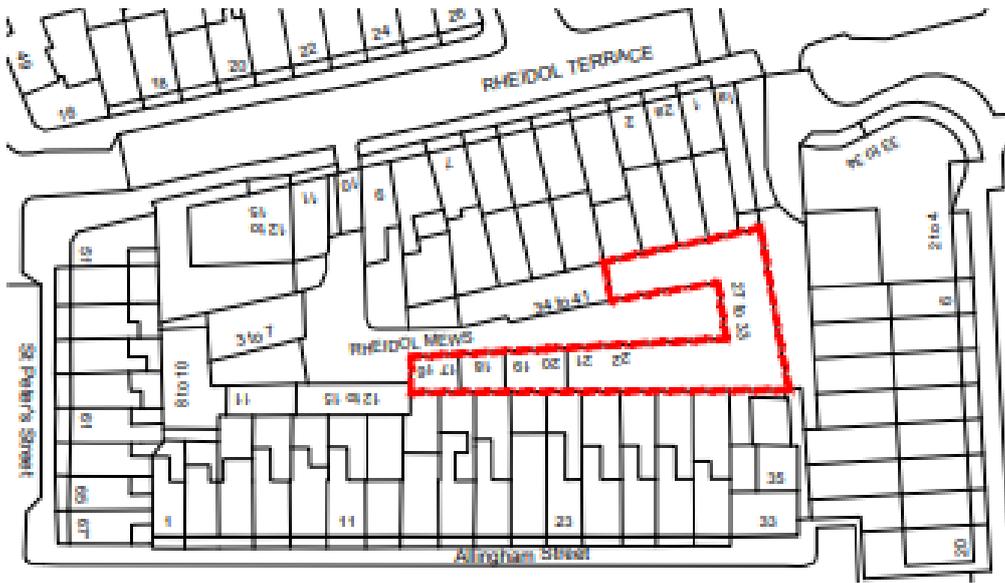
Application numbers	P2020/1731/FUL
Application type	Full Planning Application
Ward	St Peters
Listed building	Not listed
Conservation area	Duncan Terrace/Colebrooke Row Conservation Area (and Article 4 Direction)
Development Plan Context	Duncan Terrace/Colebrooke Row Conservation Area (and Article 4 Direction) Article 4 Direction A1-A2 (Rest of Borough) Article 4 Direction B1(c) to C3 Cycle Route (Major)
Licensing Implications	None
Site Address	16-33 Rheidol Mews, London, N1 8NU
Proposal	Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; Refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases. and the change of use from a mix of previous uses to Class C3 Residential with the creation of 2 No. flats and 7 No. houses.

Case Officer	Ross Harvey
Applicant	Mr Liam Kenny
Agent	Cooley Architects - Joaquim Rocha

1. RECOMMENDATION

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

2. SITE PLAN (SITE OUTLINED IN BLACK)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site in a northerly direction



Image 2: Aerial view of the site in a southerly direction



Image 3: View to the eastern section of the application site



Image 4: View to the western section of the application site

4. SUMMARY

- 4.1 Planning permission is sought for the partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases, and the change of use from a mix of previous uses to Residential with the creation of 2 flats and 7 houses.
- 4.2 The proposed alterations and extensions would facilitate the change of use of the property from Business Use Class B1 (Use Class E as of 1st September 2020) purposes to Residential (C3). Access to the site will be as existing via a sole gated entrance at Rheidol Terrace.
- 4.3 The current application represents a concurrent submission to P2019/1262/FUL which comprises similar built form alterations but does not include the change of use of the application site. The concurrent application, which retains Class E uses across the site has been recommended to the Planning Sub-Committee B for approval subject to conditions.
- 4.4 The proposals have been designed to broadly match the scale of the existing mews. Overall they would be considered appropriate in scale. However, the proposed change of use by reason of its loss of light industrial character and use would cause unacceptable harm to the character and appearance of the conservation area. The proposed change of use is also contrary to the historic character of the mews. The proposed development is therefore considered to be contrary to policies CS8 and CS9 of Islington Core Strategy (2011), Policies DM2.1 and DM2.3 of Islington Development Management Policies (2013), Islington's Urban Design Guide 2017, the Duncan Terrace/Colebrooke Row Conservation Area Design Guidelines 2002 and the NPPF 2019.
- 4.5 The loss of business floorspace (Class E) has not been sufficiently justified and the marketing evidence submitted is insufficient to demonstrate that the property has been adequately marketed for a period of at least two-years. In addition, it has not been demonstrated that exceptional circumstances exist to justify the submission of a market demand analysis. The proposed development is therefore considered to be contrary to the NPPF 2019, Policy 4.2 of the London Plan 2016, Policy CS13 of the Core Strategy 2011, Policy DM5.2 of the Development Management Policies 2013, and Policy BC8 of the Finsbury Local Plan 2013.
- 4.6 The proposed residential units would provide sub-standard accommodation due to their single aspect and poor outlook. The resulting accommodation is considered to be of a poor standard and contrary to policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Policy DM3.4 of Development Management Policies (2013) and the London Plan Housing Supplementary Planning Guidance November 2016.
- 4.7 The applicant has agreed to enter into a Unilateral Undertaking to secure an Affordable Housing Contribution of £450,000. Had the scheme been considered acceptable, officers would have commenced the drafting of a Section 106 agreement to secure the affordable housing contribution.
- 4.8 It is recommended that the application is refused due to the unjustified loss of business floorspace, impact on the character and appearance on the conservation area and the poor quality of the proposed residential accommodation. The full refusal reasons have been set out at Appendix 1.

5. SITE AND SURROUNDINGS

- 5.1 116-33 Rheidol Mews was constructed c.1850. It comprises an irregular shaped gated mews set behind an archway off Rheidol Terrace, which provides vehicular and pedestrian access. The mews comprises a total of 21 buildings, with 16 - 33 Rheidol Mews located along the north, eastern and southern sides. Although probably constructed for primarily equine use, the mews was in use as furniture workshops by at least the early 1900s.
- 5.2 The properties are of traditional London-stock brick construction with both flat and pitched roofs, which are set behind parapets. The site chiefly comprises two storey structures, apart from Nos. 29, 30 and 31, which are single storey. The units are currently being used as light industrial workshops and offices. The mews is also used for private parking.
- 5.3 The site is located within the Duncan Terrace/Colebrooke Row Conservation Area. It also adjoins the locally listed houses on Rheidol Terrace and Allingham Street. The mews buildings and their associated structures and surfaces are not listed, but possess heritage significance and are designated heritage assets under the Listed Buildings and Conservation Areas Act.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks full planning permission for the Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; Refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases and the change of use from a mix of previous uses to Class C3 Residential with the creation of 2 flats and 7 houses. The two flats would be single storey 1 bedroom 2 person units. The 7 houses are shown to all be 2 bedroom 4 person dwellings, except for House 1 which is identified as a 2 bedroom 3 person unit. All 2 bedroom dwellings would be two storeys with key living areas at ground floor and bedrooms at first floor level. All propose units contain their own separate access directly from Rheidol Mews.
- 6.2 The building at No's 16 to 18 Rheidol Mews is proposed to be demolished and re-built to match existing. In addition, buildings to the north eastern section of the Mews (No's 29-31) are currently single storey. The proposal would introduce a first floor level at this portion of the site, resulting in the entire application site being two storeys.
- 6.3 It is proposed to retain the boundary walls shared with neighbouring properties at Dame Street, Rheidol Terrace and Allingham Street.
- 6.4 The proposed alterations and extensions would facilitate the change of use of the site from Business Use Class B1 (Use Class E as of 1st September 2020) to Residential (C3). The existing site contains 9 separate business units and it is proposed to convert the site into 9no. two storey dwellinghouses. The applicant has described the dwellings as containing 2no. flats and 7no houses. Although there are two existing residential dwellings at Unit's 16 and 18 Rheidol Mews, the proposals result in the creation of 9 new dwellings as these are acknowledged by the applicant to be unauthorised. The proposed physical alterations to the application site would result in an uplift of 115sqm of floorspace.
- 6.5 Residential access to the application site would remain from the gated entrance via Rheidol Terrace to the north of the site.
- 6.6 Proposals also include the use of cycle storage within the disused lavatory block towards the central part of the mews, immediately outside existing units 17 and 19.

7. RELEVANT HISTORY:

Planning Applications

- 7.1 P2019/1262/FUL - Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; Refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases. Currently under consideration.

Pre-Applications

- 7.2 Q2018/3942/MIN - Renovate and extend the existing buildings of 16-33 Rheidol Mews to create six office units
- 7.3 Q2016/3147/MIN - Pre-application for the demolition of the existing two storey buildings used as a workshop for manufacturing various types of grilles, with associated office space, to be replaced by a building, including basement level, to be used for residential accommodation.

Enforcement

- 7.4 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to adjoining and nearby properties on 08/09/2020. A site notice and press advert were also displayed on the 10/09/2020. At the time of the writing of this report, 9 objections and 1 general comment had been received with regards to the application.

- 8.2 The objections raised the following concerns:

- Impact on boundary walls shared with Rheidol Terrace, Dame Street and Allingham Street (**para 10.66**)
- Concerns of the need for openings to rear boundary walls although not shown on drawings (**officer note: No openings are proposed to rear boundary walls**)
- Noise and disruption during construction (**para 10.39**)
- Structural implications on existing boundary wall (**para 10.66**)
- Increased boundary walls and extensions to buildings would impact amenities of neighbours (**paras 10.30-10.38**)
- Increased boundary walls and extensions to building would be contrary to the character of the conservation area (**paras 10.9-10.28**)
- Increased density inconsistent with amenity and conservation (**paras 20.9-10.28**)
- The change of use should not include additional parking (**officer note – the application is car free**)
- Flat roofs should not be used as a roof terrace in the future (**officer note: no access to flat roofs proposed**)
- Boundary wall between Allingham Street and its foliage should be retained (**para 10.66**)
- Existing use should be retained (**paras 10.2-10.08**)
- Potential for live/work has not been explored
- Overlooking to neighbouring residents (**para 10.30**)
- No proper survey of boundary wall (**para 10.66**)

- Covid not a convincing argument for change of use (**paras 10.2-10.08**)

8.3 The general comment stated that no objections were to be raised on the basis that the rear retaining wall was to be retained, no windows or opening to be inserted in the rear elevation, no increase in parking permits, impacts during construction be considered during the application stage, and the impacts on the conservation area be fully considered

External Consultees

8.4 Islington Swifts - sought appropriate measures to ensure a net gain in biodiversity terms in accordance with the NPPF

Internal Consultees

Design and Conservation:

8.5 Object to the change in character from business/light industrial floorspace to residential, which is contrary to the historic character of the Mews

Inclusive Design

- There are numerous inclusive design issues with sanitary facilities- toilet doors/ layout/ access space See 5.1 onwards Islington Inclusive Design SPD (2014) for more information on access space required.
- All WC and Bathroom doors need to be outwards opening
- Toilets need to be Part M4 Cat 2. Many do not provide insufficient space e.g. House 1 and 4
- House 3 first floor- both toilets on this floor must be located next to wall to allow for weight bearing support. Also House 6 and 7 have this issue.
- A soft-spot for a through floor lift is required (see p37 Islington Inclusive Design SPD (2014))
- 1 cycle parking space is required per unit as per Islington's Development Management Policies (2013, appendix 6). These cycle spaces must be able to accommodate family and adapted bikes
- Objection to re-laying of cobblestones

Planning Policy Team

8.6 The planning statement and the descriptions provided do not indicate that there is B2 or B8 on site. Metal workers could be B2 but it is in close proximity to residential already indicating B1c use. The jewellers mention storage but they have put the use as workshop not storage as the primary use. The residential is understood to not be lawful and would go back to B1. Proposals therefore result in the loss of business floorspace and are contrary to DM5.2.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 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.)
 - 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:
- Duncan Terrace/Colebrooke Row Conservation Area (and Article 4 Direction)
 - Article 4 Direction A1-A2 (Rest of Borough)
 - Article 4 Direction B1(c) to C3
 - Cycle Route (Major)

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 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 HC1: Heritage conservation and growth
- Policy T5: Cycling
- Policy T6: Car parking

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 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).

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Standard of Accommodation
- Design and Conservation
- Neighbouring Amenity
- Inclusive Design
- Highways and Transportation
- Refuse and Recycling
- Affordable Housing Small Sites Contributions
- Other Matters

Land Use

10.2 The existing lawful use of the application site appears to be for workshop style business accommodation, however it is understood that the site is currently vacant and has been for over 12 months. The Council's Development Management Policies (2013) document defines uses such as offices; research and development; light industry appropriate within a residential area; and general industry, as being B1 or B2 uses (as defined under the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments), as business uses. Whilst there is limited information available regarding the planning history of the site, the submitted Design and Access Statement suggests that the existing authorised use of the application site is limited to B1 only. A list of the most recent

occupiers of the existing units is provided at page 5 of the Design and Access Statement. It suggests that the majority of units were most recently occupied as B1 (a) office or B1(c) light industrial. It is acknowledged that metal workers could be considered as an industrial (B2) use but given its proximity to existing residential units, this indicates it was more likely to be occupied in accordance with a light industrial (B1c) use. The jewellers at unit 17 note that this part of the site was used as storage, which could be considered as storage and distribution (B8) use. However, the submitted details show this to have been used as a workshop rather than having a primary storage use. With regard to the now vacant residential units, the Design and Access Statement acknowledges that these were occupied unlawfully and are therefore included as part of the proposed change of use. Officers have also undertaken a business rates search on the properties in question and found that the site appears to have been recently occupied as workshops, offices, and stores all of which would fall within the use class B1 (a) and (c). This business rates records do not suggest that these units were recently occupied for a B2 use.

- 10.3 Despite the lack of clear planning history, there is no evidence to suggest that the lawful use of the site as described by the applicant and as outlined in the Design and Access Statement is inaccurate. The proposed change of use will therefore be assessed on the basis that the lawful use of 16-33 Rheidol Mews is B1.
- 10.4 It is important to note that The Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. Prior to this the existing floorspace fell within the B1 (business/office/light industrial) Use Class. The amended Use Class regulations omit the former Use Classes B1 and introduces a new Use Class E, which encompasses a range of Commercial, Business and Service uses including the former B1 uses at the site. Notwithstanding this, Core Strategy and Development Management policies which seek the protection of business floorspace remain relevant to the proposals
- 10.5 It is also important to note that notwithstanding Class O and Class PA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permitted development rights for the change of use from B1(a) and B1(c) to C3 were removed in this location by two separate Article 4 Directions. Although the change to the Use Class Order omits use Classes B1(a) and B1(c) it is noted that the General Permitted Development Order (GPDO) 2015 (as amended) does not allow the change of use from Class E to Class C3 without planning permission. It is therefore considered that the changes to the Use Class Order do not materially impact the council's ability to assess the loss of business floor space in this instance in accordance with the existing Development Plan.
- 10.6 The planning policies relevant to this proposal and site safeguard existing employment floor space, and encourage office development. The supporting text of London Plan Policy 4.2 identifies a need for significant increases in office floor space in the years to 2031. Part B of policy CS13 of Islington's Core Strategy 2011 states that in relation to existing employment floor space, development which improves the quality and quantity of existing business provision will be encouraged.
- 10.7 Policy DM5.2 ensures that existing employment space is safeguarded from loss or unjustified reduction. Whilst the application site is not situated within an Employment Priority Area, business floorspace is protected throughout the borough. Policy DM5.2 of the Development Management Policies 2013 deals with the loss of existing business floorspace. It states that proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace. The evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years.

In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.

- 10.8 A marketing letter by Davis Brown has been submitted by the applicant which indicates that the site has been marketed since January 2019. It suggests that there was some positive feedback by potential occupiers, but the information ultimately lacks detail and cannot be considered as justification for the loss of business floorspace. The marketing letter has not been prepared in accordance with Appendix 11 of the Development Management Policies 2013 and fails to provide any evidence that the site has been marketed. It is not clear whether the potential occupiers would operate within the B1 use class or whether the existing lawful use of the property was a deterrent. In addition, no evidence of continuous marketing has been provided by the applicant in support of the change of use.
- 10.9 As mentioned above, the amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which encompasses office with a range of other town centre uses. With this in mind, the existing business floorspace could potentially be converted into another town centre use without planning permission. Notwithstanding this, the proposals seek the conversion of the application site to a use outside of Class E and Officers are therefore required to assess the change of use within the context of the Development Plan, where there is a strong resistance to the loss of business floorspace. For the reasons outlined above, the change of use in this instance has not been justified as required by Development Management Policy DM5.2.
- 10.10 Overall, the proposals would constitute the unsubstantiated loss of business floorspace (falling within use class E (previously B1)) and insufficient evidence has been provided to justify the loss. There is no robust evidence to suggest that there is no demand for the space by business floorspace occupiers. The proposals are therefore unacceptable in land use terms and contrary to Core strategy Policy CS13 and Development Management Policy DM5.2.

Design and Conservation

- 10.11 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.
- 10.12 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.
- 10.13 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.
- 10.14 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.

- 10.15 The relationship between any proposals and the historic environment is important in determining the acceptability of this proposal. For works proposing alteration to fabric, such as the current proposals, the impact on the character and appearance of the conservation area will be an important consideration in assessing acceptability.

Principle of Residential Use

- 10.16 Development Management Policy 2.3 has regard to heritage including the protection of historically significant uses:

A. Conserving and enhancing the historic environment 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. Development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged.

ii) The council will require the retention of all buildings and structures which make a positive contribution to the significance of a conservation area. The appropriate repair and re-use of such buildings will be encouraged. The significance of a conservation area can be substantially harmed over time by the cumulative impact arising from the demolition of buildings which may individually make a limited positive contribution to the significance of a conservation area. Consequently, the loss of a building which makes a positive contribution to a conservation area will frequently constitute substantial harm to the significance of the conservation area.

iii) The council will resist the loss of spaces, street patterns, views, vistas, uses, trees, and landscapes which contribute to the significance of a conservation area

Supporting paragraph 2.40 states that "Historic commercial premises such as shops and pubs in active use provide vitality (through window displays and signage) which can make a positive contribution to the character and appearance of a conservation area"

- 10.17 The Conservation Area Guidelines state the following:

3.3 The Council will operate its land use policies so as to enhance the character and vitality of the area. Planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.

3.4 The predominant character of the area is residential, although permission will not be granted for the over intensification of residential use in conversion schemes. There are commercial frontages, for example, on Essex Road, Danbury Street, St Peter's Street and City Road which provides local services and are an important contribution to the character of the area. Generally the Council recognises that often the best use for a building is that which it was designed for and will seek to retain public houses, shops and workshops in appropriate uses which will not diminish their special interest. The removal of individual established uses within the conservation area will not be permitted where they contribute to its character

- 10.18 Consequently, any proposed loss of workshop space in favour of alternative uses would need to demonstrate that the character of the conservation area will not be adversely affected. The proposed alteration from business use to residential use would diminish the special interest of the buildings uses and would be in contravention of the Conservation Area Guidelines.

Demolition

- 10.19 The proposals include the demolition of the existing buildings at unit No.s 21, 22 towards the southern portion of the site and 29 to 31 at the eastern end of the mews. It is generally considered that proposals affecting any demolition of internal fabric to the older buildings should be mindful of heritage concerns, and it will be important to ensure that internal alterations do not remove historic fabric to a degree that amounts to façade retention. Features such as chimney breasts, staircases, or other elements indicative of historic use should ideally be retained in order to preserve the character and appearance of the heritage asset.
- 10.20 The loss of buildings within the mews in this instance is not considered a sufficient reason for refusal. Unit's 29-31 are single storey structures which were likely used for storage ancillary to Unit 23, 32 and 33, given their smaller scale and larger double door openings. Units 21 and 22 are mid 20th century buildings constructed using a Fletton brick rather than a London stock. The loss of these buildings is broadly considered acceptable provided that their replacements both preserve and enhance the character and appearance of the conservation area.

Proposed New Building

- 10.21 The site meets the criteria for identifying a backland site as defined in paragraph 5.41 of the Urban Design Guide. There is a presumption that development of backland sites will only be deemed acceptable where existing structures are being altered or replaced, or where proposed development is subservient to the buildings fronting streets. The proposals would comply with the principle of replacement and alteration, but elements such as additional storeys and new roof profiles would be expected to express sympathy and subservience to the surrounding historic environment. The underlying principle for any development of this site is laid out under the Urban Design Guide, 'Mews and backland development,' Para 5.43:

Development will generally only be considered where it replaces an existing structure and is subservient to the surrounding development, in accordance with the predominant development pattern in the borough which concentrates massing along the primary street frontage.

- 10.22 The retention of historic fabric, subservience to surrounding terraces, and the use of appropriate materials will all be important in ensuring that any development proposal is deemed acceptable.



Image 6: Proposed View to east of the site



Image 7: Units 4 and 5 proposed



Image 8: Proposed view towards the west of the site

- 10.23 The new buildings proposed to replace units 29-31 are part two, part single storey. Although more contemporary, the proposed new build would be consistent with the overall heights, proportions and detailed design of the historic buildings within Rheidol Mews.
- 10.24 Similarly, the new buildings to replace units 21 and 22 match the existing built form in terms of their overall height and proportionality. The new build would incorporate a lighter brickwork but retain crittall windows which are akin to the historic light industrial use of the site. Proposed drawings also confirm that the existing chimney stacks would be retained and incorporated into the proposed new buildings.
- 10.25 The elevations of most of the mews buildings are composed of stock brick, or similar historic brick. Although altered, these elevations make a positive contribution of the character and appearance of the conservation area. If the scheme were acceptable in all other respects, any proposed facing materials and roofing materials would have been subject to condition to secure the submission of details.
- 10.26 The Duncan Terrace/Colebrook Row Conservation Area Guidelines:
- 3.28 Existing York stone paving, granite kerbstones and cornerstones, cast-iron bollards and coal-hole covers, cobbles and granite setts must be kept intact.*
- 10.27 The mews retains historic stone setts throughout. This paving makes a positive contribution to the character and appearance of the conservation area and is characteristic of historic mews development. The proposals seek to retain the existing setts, which is welcomed as preserving the character and appearance of the conservation area.
- 10.28 There are numerous opportunities for enhancement within the mews. The replacement of plastic rainwater goods in painted cast iron, removal of rooftop and exterior plant, replacement of poor quality roofing materials with appropriate alternatives, and sensitive repairs to the existing paving would all enhance the significance of the heritage asset and would be welcomed. However, enhancement will need to respect the slightly disordered

character of the mews as this is a key aspect of its significance, in contrast to the urbane, polite buildings forming the majority of the conservation area.

Conclusion

- 10.29 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.
- 10.30 The proposed demolition, erection of new buildings and works to existing buildings are considered acceptable, however the proposal is still considered unacceptable in relation to the loss of commercial/light industrial use. The loss of light industrial character and use are elements which are considered to cause an unacceptable degree of harm to the conservation area, the character and appearance of which the Council has a duty to preserve and enhance.

Neighbouring Amenity

- 10.31 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.

Overlooking and Loss of Privacy

- 10.32 Although the change of use of the application site from B1 to C3 is sought, it is not anticipated that the proposals would result in a loss of privacy to surrounding residential occupiers. It is noted that existing boundary walls are to be retained and that no rear facing windows are proposed. The proposals would therefore not facilitate overlooking into existing adjacent properties within Rheidol Terrace, Allingham Street or Dame Street. No objections is therefore be raised in this regard.

Outlook and Enclosure

- 10.33 It is noted that the proposals include the erection of an additional storey along the eastern part of the mews. This increase in bulk is located within close proximity to the rear gardens of 2-20 Dame Street and 1 Rheidol Terrace. The proposals would facilitate an increased height of 2m to 2.2m compared to the existing boundary wall in this location. Given its rear siting and the proximity from surrounding properties within 2-20 Dame Street and 1 Rheidol Terrace, it is not considered that the additional height in this location would facilitate an unreasonably loss of outlook or increased sense enclosure to the occupiers of neighbouring properties. No objections are therefore raised in this regard.

Daylight and Sunlight

- 10.34 The application has been accompanied by a Daylight, Sunlight and Overshadowing Report that has been prepared by OSM Chartered Surveyors dated 17 April 2020. The report has undertaken an assessment of potential losses of daylight/sunlight to properties within Rheidol Terrace and Dame Street.

- 10.35 Daylight: 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); or
 - 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
- 10.36 The daylight/sunlight assessment indicates that all of the tested windows would meet or exceed the BRE recommendations for daylight VSC and NSL.
- 10.37 With regard to sunlight, BRE guidance confirms 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 no real noticeable loss of sunlight where:
- receives less than 25% of annual probably sunlight hours or less than 5% of winter hours; and
 - receives less than 80% of its current sunlight hours during either period; and
 - has a reduction in sunlight over the whole year greater than 4% of annual probable sunlight hours
- 10.38 The report states that all of the tested windows that face within 90 degrees of due south, would meet or exceed the BRE recommendations for sunlight.
- 10.39 The BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March. The 50% criteria mentioned above is also applicable when assessing the impact of a development on an existing neighbouring amenity area. If, as a result of a new development, an existing garden or amenity area does not meet the 50% criteria, and the area which can receive two hours of sunlight on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 10.40 The Daylight and Sunlight Assessment states that 54% of the garden at 2a Rheidol Terrace currently receives 2 hours or more of sunshine, and following development of the scheme, would be reduced to 39%. This is a percentage reduction of 28%, which exceeds the 20% level reduction recommended by BRE Guidance. Whilst this outcome is not desirable, it alone is not considered a sufficient reason to justify refusal of the application on these ground particularly noting the compliance with BRE Guidance in all other daylight/sunlight testing.

Construction Impacts

- 10.41 Concerns have been raised by neighbouring residents that the construction of the mansard addition would cause undue harm to amenity, by reason of increased noise and disturbance. Additional concern has also been raised regarding the increased impact of these during the response to the COVID-19 pandemic. Whilst officers are sympathetic to these concerns, the construction impacts of a scheme of this scale do not require the provision of a construction management plan, nor would it be reasonable to withhold planning permission on this basis. Had the scheme been considered otherwise acceptable, a condition would have been recommended requiring the submission of a Construction Management Plan to be agreed prior to commencement of works.

Conclusion

- 10.42 It is considered that the proposal would not cause undue harm to the level of neighbouring amenity with regard to noise and disturbance, overshadowing, overlooking, privacy, access to sunlight and daylight, over-dominance, sense of enclosure or outlook. The application therefore accords with policy DM2.1 of the Development Management Policies 2013 and policy 7.6 of the London Plan 2016.

Residential Accommodation

Housing Mix

- 10.43 Policy DM3.1 of the Development Management Policies and policy CS12 of the Core Strategy seek to ensure that a range of dwelling sizes are provided to suit housing needs. The expected mix of dwellings is stated in the Table 3.1 of the Development Management Policies, as shown below.

Tenure	1-bed	2-bed	3-bed	4-bed or more	Total
Market	10%	75%	15%	0%	100%

- 10.44 The proposed development comprises 9 no. dwellings. The proposed unit mix includes 2 x 1 bed units and 7 x 2 bed units. It is considered that there is an under-provision of 3 bed units overall as it would generally be expected that one family sized unit be provided within a scheme for 9 new residential units. Therefore, the mix raises concern as it is heavily skewed towards 1 and 2 bed units. Notwithstanding this, the unit mix is not considered sufficiently harmful enough to warrant refusal of the application in this regard. Had the scheme been considered otherwise acceptable, amendments would have been sought for the inclusion of a 3 bedroom unit.

Quality of Accommodation

- 10.45 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. A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.
- 10.46 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.

No. Bedrooms / Expected Occupancy	Floor Space Provided	Minimum Required	Provided Storage	Required Storage
Flat 1 (1b/2p)	55.24 sqm	50 sqm	Not specified	1.5 sqm

Flat 2 (1b/2p)	58.82 sqm	50 sqm	Not specified	1.5 sqm
House 1 (2b/3p)	73.54 sqm	61 sqm	Not specified	2 sqm
House 2 (2b/4p)	101.59 sqm	70 sqm	Not specified	2.5 sqm
House 3 (2b/4p)	92.98 sqm	70 sqm	Not specified	2.5 sqm
House 4 (2b/4p)	147.12 sqm	70 sqm	Not specified	2.5 sqm
House 5 (2b/4p)	70 sqm	70 sqm	Not specified	2.5 sqm
House 6 (2b/4p)	85.86 sqm	70 sqm	Not specified	2.5 sqm
House 7 (2b/4p)	99.66 sqm	70 sqm	Not specified	2.5 sqm

- 10.47 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms.
- 10.48 Dual aspect accommodation must be provided in all situations in accordance with Policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. As per the existing arrangement, openings would be limited to the front elevation of each property as no rear facing windows are proposed. Skylights are proposed for each unit and a part glazed roof is proposed above House 4. Although all dwellings would be double storey, they would essentially be single aspect with outlook and access to light only being available from the front elevation of each dwelling. The distance between units at the front elevation is minimal and some obscure glazing would also be needed to the front elevation windows to minimise overlooking. The provision of a single aspect, onto a narrow mews together with the lack of an acceptable outlook and cross ventilation through each of the proposed dwellings would result in poor quality accommodation to the detriment of the amenity of future occupiers. It is therefore considered that the proposed dwellings would not satisfy this requirement nor have exceptional circumstances been demonstrated in this regard.
- 10.49 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. All units would achieve at least 2.5m ceiling height in accordance with the London Plan. Therefore, the proposed floor to ceiling heights would meet the minimum ceiling heights stipulated by the London Plan.
- 10.50 Policy DM3.5 identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. Policy DM3.5 also states that the 'minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above)'. The application scheme does not include provision of outdoor amenity space for any of the proposed new dwellings. Notwithstanding this, the constraints of the mews site are recognised and the introduction of balconies or outdoor terraces would not be considered appropriate in design and conservation terms. Therefore, no objections are raised regarding the lack of private outdoor amenity space in this instance.

Accessibility

- 10.51 As a result of the change introduced by the Deregulation Bill (Royal Assent 26th March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.52 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.
- 10.53 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.54 The Inclusive Design Officer has raised a number of concerns, relating to the cycle store, lack of outdoor amenity space, WC layouts, the lack of a lift through floor lift, specific design issues and the continued use of cobblestones. The specific design issues, cycle storage and inclusion of a soft spot to allow a through could have been covered by a condition if the scheme were otherwise acceptable. The retention of cobblestones is considered a heritage benefit and its replacement is considered unacceptable in terms of design. If the scheme were otherwise acceptable further information and discussions would have been required in order to overcome the access issues associated with cobblestones that do not involve their removal. Conditions would also have been recommended to ensure that the scheme complied with all access policy requirements.

Highways

Car Free Development

- 10.55 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 which is welcomed. 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. If the scheme were considered otherwise acceptable this would have been secured with condition or a section 106 agreement.

Cycle Storage

- 10.56 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, 16 bicycle spaces should be provided for the 16 bedrooms proposed. Communal cycle storage has been provided within the existing single storey structure outside Flats 1 and 2. It has not been specified how many bicycles could be stored within the enclosure, however it a

relatively small structure and would not likely be large enough to contain the 16 spaces that are required in accordance with Policy DM8.4. It is considered that there is a lack of detail in this regard. The proposed cycle storage is therefore not considered to be acceptable. Further scope for discussion on improved cycle storage amendments would have been sought had the application have been otherwise acceptable. It is likely that a new separate storage enclosure cannot be provided given the site constraints and that a new structure would not preserve or enhance the conservation area, however it is considered that cycle parking can be shown and provided within each unit.

Construction Management

- 10.57 Had the scheme been considered otherwise acceptable a condition would have been recommended requiring the approval of a Construction Management Plan that would provide details of how construction works would not result in congestion on the highways or compromise pedestrian safety or harm the local area in terms of noise and dust pollution.

Sustainability

- 10.58 Development Management policy DM6.5 requires all new development to protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development and surrounding area. Developments are required to provide green roofs and the greening of vertical surfaces where it can be achieved in a sustainable manner.
- 10.59 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 10.60 The applicant has not submitted a specialised Energy and Sustainability Statement, however the Design and Access Statement includes a short section labelled 'Sustainable Design and Construction Statement'. This states that the scheme has been designed to ensure the thermal upgrading of all remaining buildings and a betterment aim towards 25% above current building regulations for the new build element. The report states that all new light fittings will be low energy LEDs, and the water efficiency target of 105 litres per person per day will be aimed for. It also mentioned that the installation of skylights and lightwells will enhance ventilation beyond the existing situation. Notwithstanding the comments made within the Design and Access Statement, it is considered that the scheme is lacking significant detail in this regard. Had the scheme been considered otherwise acceptable further information would have been sought in accordance with the Environmental Design SPD and this would have been secured via condition.
- 10.61 In addition, the applicant has also agreed to contribute the full sum of £9,000 to towards the councils carbon offsetting strategy, as required by the Environmental Design SPD and policy CS10 of the Islington Core Strategy 2011. As above, this would be secured through a Unilateral Undertaking had the application been otherwise acceptable on the other key planning grounds in this case.

Refuse

- 10.62 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 bin store location has not been specified on the submitted drawings. Had the scheme been otherwise acceptable, further information would have been requested in this regard and secured by condition.

Affordable Housing/Carbon Offset

- 10.63 Islington's Affordable Housing Small Sites Contribution SPD (2012) states that 'all minor residential developments resulting in the creation of one or more additional residential unit(s) are required to provide a commuted sum of £50,000 per unit, towards the costs of providing affordable housing units on other sites within the borough'. Therefore, the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units, which is applicable in this instance.
- 10.64 Government planning policy on affordable housing contributions is set out in the National Planning Policy Framework (NPPF as revised 2018), having originally been introduced in a Written Ministerial Statement (WMS) made in Parliament on 28 November 2014 by the Secretary of State for Communities and Local Government. Neither the NPPF nor the WMS has statutory weight; both are material considerations which must be given weight according to the circumstances of a particular application. They do not override the operation of planning statute, namely s38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.
- 10.65 The NPPF (para 63) states that provision of affordable housing should not be sought for residential developments that are not major developments. The Islington Core Strategy requires sites delivering less than 10 residential units to provide a financial contribution towards affordable housing elsewhere in the borough reflecting. Further detail, including the level of contribution, is set out in the Affordable Housing Small Sites Contributions SPD.
- 10.66 The applicant has agreed to contribute the full sum of £450,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This would be secured through a Unilateral Undertaking had the application been otherwise acceptable on the other key planning grounds in this case.
- 10.67 The applicant has also agreed to contribute the full sum of £9,000 to towards the council's carbon offsetting strategy, as required by the Environmental Design SPD and policy CS10 of the Islington Core Strategy 2011. As above, this would be secured through a Unilateral Undertaking had the application been otherwise acceptable on the other key planning grounds in this case.

Community Infrastructure Levy

- 10.68 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

Other Matters

- 10.69 Representations have been received raising concerns regarding impacts to and/or removal of boundary walls to the rear of adjoining properties on Rheidol Terrace, Dame Street and Allingham Street. The applicant has submitted structural information, particularly with regards to the southern boundary, including methodologies to ensure the wall is not impacted by the proposed development. It is noted that no boundary wall is proposed to be removed and the applicant has suitably demonstrated methodologies to ensure they are not damaged should planning permission have been approved. No objections are therefore raised in this regard and the potential loss of surrounding boundary walls is not recommended as a reason for refusal in this instance.

Conclusion

10.70 It is recommended that planning permission is refused.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be **refused** for the following reasons:

- 1) REASON: The proposal would result in the unjustified loss of business floor space and the marketing evidence submitted is insufficient to demonstrate that the property has been adequately marketed for a period of at least two-years, nor has it been demonstrated that exceptional circumstances exist to justify the submission of a market demand analysis. The proposed development is therefore considered to be contrary to the NPPF 2019, Policy 4.2 of the London Plan 2016, Policy CS13 of the Core Strategy 2011, and Policy DM5.2 of the Development Management Policies 2013.
- 2) REASON: The proposed change of use by reason of its loss of light industrial character and use will cause unacceptable harm to the character and appearance of the conservation area and is contrary to the historic character of the Mews. The proposed development is therefore considered to be contrary to policies CS8 and CS9 of Islington Core Strategy (2011), Policies DM2.1 and DM2.3 of Islington Development Management Policies (2013), Islington's Urban Design Guide 2017, the Duncan Terrace/Colebrooke Row Conservation Area Design Guidelines 2002 and the NPPF 2019.
- 3) REASON: The proposed residential units would provide sub-standard accommodation by reason of their single aspect design and poor outlook. The resulting accommodation would be of poor standard and contrary to policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Policy DM3.4 of Development Management Policies (2013) and the London Plan Housing Supplementary Planning Guidance November 2016.

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

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

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

- Policy 2.9 Inner 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 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 CS14 Retail and Services
- Policy CS18 Delivery and infrastructure

c. Development Management Policies June 2013

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM2.3 Heritage
- Policy DM3.1 Mix of housing sizes
- Policy DM3.4 Housing standards
- Policy DM3.5 Private outdoor space
- Policy DM6.5 Landscaping, trees and biodiversity

Policy DM7.1 Sustainable Design and Construction
Policy DM7.2 Energy efficiency and carbon reduction in minor schemes
Policy DM8.4 Walking and Cycling
Policy DM8.5 Vehicle Parking
Policy DM8.6 Service and Delivery
Policy DM9.2 Planning Obligations

3. Designations

Duncan Terrace/Colebrooke Row Conservation Area (and Article 4 Direction)
Article 4 Direction A1-A2 (Rest of Borough)
Article 4 Direction B1(c) to C3
Cycle Route (Major)

4. SPD/SPGS

London Plan

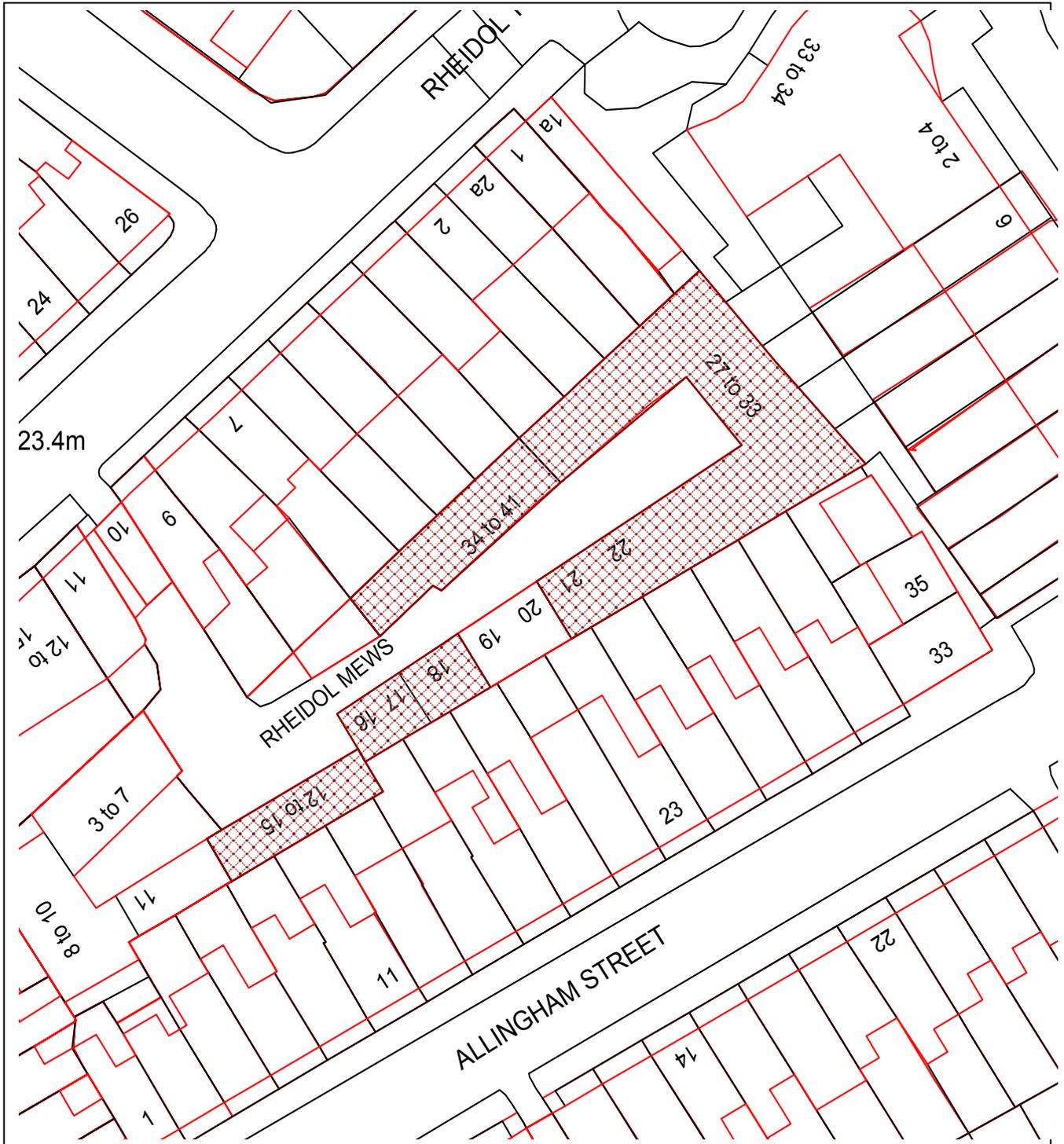
Accessible London (2016)
Character and Context (2014)
Housing (2016)

Islington

Affordable Housing Small Sites Contributions (2012)
Basement Development (2016)
Environmental Design (2012)
Inclusive Design in Islington (2014)
Islington Urban Design Guide (2017)

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Islington SE GIS Print Template



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[P2020/1731/FUL](#)

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE B		
Date:	8 December 2020	NON-EXEMPT

Application number	P2019/1262/FUL
Application type	Full Planning Application
Ward	St Peters
Listed building	Not listed
Conservation area	Duncan Terrace/Colebrooke Row Conservation Area (and Article 4 Direction)
Development Plan Context	Duncan Terrace/Colebrooke Row Conservation Area (and Article 4 Direction) Article 4 Direction A1-A2 (Rest of Borough) Article 4 Direction B1(c) to C3 Cycle Route (Major)
Licensing Implications	None
Site Address	16-33 Rheidol Mews, London, N1 8NU
Proposal	Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings. Refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases.

Case Officer	Ross Harvey
Applicant	Mr L. Kenny
Agent	Cooley Architects, Miss G. Pont

1. RECOMMENDATION

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

2. SITE PLAN (OUTLINED IN BLACK)



Image 1: Site Location Plan

3. PHOTOS OF SITE/STREET



Image 2: Aerial view in northerly direction



Image 3: Aerial view in southerly direction



Image 4: View to the eastern section of the application site



Image 5: View to the western section of the application site

4. SUMMARY

- 4.1 Planning permission is sought for the partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases. The building at No's 16 to 18 Rheidol Mews is proposed to be demolished and re-built to match existing.
- 4.2 The proposed alterations and extensions would facilitate the continued use of the site for business (now Use Class E) purposes. Existing unauthorised residential dwellings at Unit's 16 and 18 are also proposed to return to their authorised business use class. The proposals do not result in a change of use of the application site. The sole access point to the application site will remain as existing via Rheidol Terrace.
- 4.3 The main considerations in this assessment include the impact of the proposals on the character and appearance of the host building and wider conservation area as well as safeguarding the amenity levels of the adjacent and nearby residential properties.
- 4.4 Concerns were raised by the Design and Conservation Team initially due to the design and materiality being inappropriate and inconsistent with the historic character of the mews. The drawings as initially submitted did not commit to the retention of the boundary wall with the Allingham Road properties. The amended scheme removes annotations alluding to the possible removal of the boundary wall and structural information has been provided to commit to its retention.
- 4.5 The proposals have been designed to match the existing scale and historic industrial mews appearance of the property. Overall they are considered appropriate in scale, and would read as obvious additions to the property, whilst remaining subservient to the original building. The use of matching brickwork would be considered appropriate.
- 4.6 Concerns have been raised by local residents regarding impact on neighbour amenity. Officers consider that the development would not appear unduly overbearing from surrounding properties, nor would they result in an unacceptable loss of daylight/sunlight.
- 4.7 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.
- 4.8 Planning permission has also been sought for a similar scheme which incorporates a change of use to residential (planning ref: P2020/1731/FUL). This report has been prepared in conjunction with the application for change of use to residential, but has been assessed on its own merits.

5. SITE AND SURROUNDING

- 5.1 116-33 Rheidol Mews was constructed c.1850. It comprises an irregular shaped gated mews set behind an archway off Rheidol Terrace, which provides vehicular and pedestrian access. The mews comprises a total of 21 buildings, with 16- 33 Rheidol Mews located along the north, eastern and southern sides. Although presumably constructed for primarily equine use, the mews was in use as furniture workshops by at least the early 1900s.
- 5.2 The properties are of traditional London-stock brick construction with both flat and pitched roofs, which are set behind parapets. The site chiefly comprises two storey structures, apart from Nos. 29, 30 and 31, which are single storey. The units are currently being used as light industrial workshops and offices. The mews is also used for private parking.
- 5.3 The site is within the Duncan Terrace/Colebrooke Row Conservation Area. It also adjoins the locally listed houses Rheidol Terrace and Allingham Street. The mews buildings and their associated structures and surfaces are not listed, but possess heritage significance and are designated heritage assets under the Listed Buildings and Conservation Areas Act. A conservation area is an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

6. PROPOSAL (in detail)

- 6.1 Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; Refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases.
- 6.2 The building at No's 16 to 18 Rheidol Mews is proposed to be demolished and re-built to match existing. In addition, buildings to the north eastern section of the Mews (No's 29-31) are currently single storey. The proposals will introduce a first floor level at this portion of the site, resulting in the entire application site being two storeys.
- 6.3 The proposed alterations and extensions would facilitate the continued use of the site for business (now Use Class E) purposes. Existing unauthorised residential dwellings at Unit's 16 and 18 are also proposed to return to their authorised business use class. As a result, the proposals do not result in a change of use of the application site and result in an uplift of 115sqm of business floorspace within 6 no. individual units.
- 6.4 The scheme has been amended during the assessment period to ensure it is of a design and materiality that is appropriate to its historic semi-industrial setting and character. The boundary wall separating the application site from Allingham Road properties is also proposed to be retained.
- 6.5 Proposals also include the use of cycle storage within the disused toilet block towards the central part of the mews, immediately outside existing units 17 and 19. Further details regarding the capacity for cycle storage and their overall appearance will be required as a condition of approval.
- 6.5 Waste storage and collection is anticipated to be in accordance with existing arrangements. Further details can be secured by condition.

7. RELEVANT HISTORY:

Planning Applications

- 7.1 P2020/1731/FUL - Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; Refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases and the change of use from a mix of previous uses to Class C3 Residential with the creation of 2 flats and 7 houses. Currently under consideration.

Pre-Applications

- 7.2 Q2018/3942/MIN - Renovate and extend the existing buildings of 16-33 Rheidol Mews to create six office units
- 7.3 Q2016/3147/MIN - Pre-application for the demolition of the existing two storey buildings used as a workshop for manufacturing various types of grilles, with associated office space, to be replaced by a building, including basement level, to be used for residential accommodation

Enforcement

- 7.5 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties on 9 May 2020. A Site Notice and Press Advert were also displayed. The public consultation exercise therefore expired on 17 March 2019. Amendments from the applicant triggered a further round of consultation on 6 July 2020 with an accompanying site and press displayed on 9 July 2020. The latest round of public consultation on the application therefore expired on 2 August 2020, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of writing of this report a total of 17 no. objections had been received from the public. The following issues were raised:

- Unenclosed walkway at first floor level allowing overlooking to Dame Street. **(paras 10.27 – 10.28)**
- Loss of light and outlook to properties on Allingham Street
- No parking proposed for new residents **(Officer note: This scheme does not propose new residential units)**
- Potential loss of the boundary wall with Allingham Street **(Confirmed retained in amended scheme. Discussed further in para 10.22)**
- Potential loss of B1(c), B2 and B8 uses, despite applicant stating that the site is blanket B1 **(paras 10.2 – 10.5)**
- Object to windows facing Rheidol Terrace **(paras 10.27 – 10.28)**
- Object to workmen on the roof of buildings if permissions granted **(paras 10.36)**
- Loss of daylight to Rheidol Terrace in excess of BRE guidelines **(paras 10.29 – 10.35)**
- The use of modern architecture will impact the historic character of the mews. **(paras 10.6 – 10.25)**
- Proposal does not describe how the construction will be implemented **(paras 20.36)**

Internal Consultees

8.3 **Design and Conservation Officer:** Initially objected to the change in character from the proposals, which was contrary to the historic character of the Mews. Amended drawings received to protect the character of the mews and commit to the retention of the boundary wall with Allingham Street and were accepted by the Design and Conservation Team

8.4 **Planning Policy Team:** The Planning Statement and the descriptions provided do not indicate that there is B2 or B8 on site. Metal workers could be considered B2 but it is in close proximity to residential already indicating a B1c use. The jewellers mention storage but the use is detailed as a workshop not storage as the primary use. The residential is understood to not be lawful and will be going back to B1.

External Consultees

8.5 **Islington Swifts Society:** Seek the installation of swift and bat boxes or integrated bricks.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

9.1 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.)
- 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 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.

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

- Duncan Terrace/Colebrooke Row Conservation Area (and Article 4 Direction)
- Article 4 Direction A1-A2 (Rest of Borough)
- Article 4 Direction B1(c) to C3
- Cycle Route (Major)

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 D4: Delivering good design
- Policy D5: Inclusive design
- Policy HC1: Heritage conservation and growth

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 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).

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Neighbours Amenity including sunlight/daylight and noise pollution
- Other Issues

Land Use

10.2 The existing lawful use of the application site appears to be for workshop style business accommodation, however it is understood that the site is currently vacant and has been for over 12 months. The Council's Development Management Policies (2013) document defines uses such as offices; research and development; light industry appropriate within a residential area; and general industry, as being B1 or B2 uses (as defined under the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments), as business uses. Whilst there is limited information available regarding the planning history of the site, the submitted Design and Access Statement suggests that the existing authorised use of the application site is limited to B1 only. A list of the most recent occupiers of the existing units is provided at page 5 of the Design and Access Statement. It suggests that the majority of units were most recently occupied as B1 (a) office or B1(c) light industrial. It is acknowledged that metal workers could be considered as an industrial (B2) use but given its proximity to existing residential units, this indicates it was more likely to be occupied in accordance with a light industrial (B1c) use. The jewellers at unit 17 note that this part of the site was used as storage, which could be considered as storage and distribution (B8) use. However, the submitted details show this to have been used as a workshop rather than having a primary storage use. With regard to the now vacant residential units, the Design and Access Statement acknowledges that these were occupied unlawfully and are therefore included as part of the proposed change of use. Officers have also undertaken a business rates search on the properties in question and found that the site appears to have been recently occupied as workshops, offices, and stores all of which would fall within the use class B1 (a) and (c). This business rates records do not suggest that these units were recently occupied for a B2 use. .

10.3 Despite the lack of clear planning history, there is no evidence to suggest that the lawful use of the site as described by the applicant and as outlined in the Design and Access Statement is inaccurate. The proposed change of use will therefore be assessed on the basis that the lawful use of 16-33 Rheidol Mews is B1.

10.4 It is important to note that The Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. Prior to this the existing floorspace fell within the B1 (business/office/light industrial) Use Class under the Use Class Order. The amended Use Class regulations have removed the former Use Classes B1 and introduces a new Use Class E, which encompasses a range of uses, including B1. Notwithstanding this, Core Strategy and Development Management policies which seek the protection of business floorspace remain relevant to the proposals.

10.5 The proposals do not include any change of use outside Use Class B1 (now Class E), other than replacing currently vacant and unauthorised Residential (Use Class C3) at first floor level (units 16 and 18). The unauthorised residential units are proposed to be returned to their authorised B1 use. As a result, no in-principle objections would be raised in land use terms. The proposed minor uplift in B1 floorspace is considered appropriate in this instance.

Design and Conservation

Principle of Development

10.6 The proposals have been subject to pre-application advice.

- 10.7 The relationship between any proposals and the historic environment is important in determining the acceptability of this proposal. For works proposing alteration to fabric, such as the current proposals, the impact on the character and appearance of the conservation area will be an important consideration in assessing acceptability.
- 10.8 In addition to this any proposals will need to meet Islington's urban design criteria as specified in the Urban Design Guide.
- 10.9 The Islington Urban Design Guide has given consideration to mews and backland development of the sort proposed in this scheme, and this guidance has been used as a basis for the advice which follows.
- 10.10 The site proposed for development meets the criteria for identifying a backland site as defined in paragraph 5.41 of the Urban Design Guide. There is a presumption that development of backland sites will only be deemed acceptable where existing structures are being altered or replaced, or where proposed development is subservient to the buildings fronting streets. The proposals would comply with the principle of replacement and alteration, but elements such as additional storeys and new roof profiles would be expected to express sympathy and subservience to the surrounding historic environment. The underlying principle for any development of this site is laid out under the Urban Design Guide, 'Mews and backland development,' Para 5.43:

Development will generally only be considered where it replaces an existing structure and is subservient to the surrounding development, in accordance with the predominant development pattern in the borough which concentrates massing along the primary street frontage.

- 10.11 The retention of historic fabric, subservience to surrounding terraces, and the use of appropriate materials will all be important in ensuring that any development proposal is deemed acceptable.
- 10.12 However, it must be noted that the proposed alteration from workshop/light industrial use towards office use would be in contravention of the Conservation Area Guidelines.

Para 3.4 The predominant character of the area is residential, although permission will not be granted for the over intensification of residential use in conversion schemes. There are commercial frontages, for example, on Essex Road, Danbury Street, St Peter's Street and City Road which provides local services and are an important contribution to the character of the area. Generally, the Council recognises that often the best use for a building is that which it was designed for and will seek to retain public houses, shops and workshops in appropriate uses which will not diminish their special interest. The removal of individual established uses within the conservation area will not be permitted where they contribute to its character.

- 10.13 Consequently, any proposed loss of workshop space in favour of office space would need to demonstrate that the character of the conservation area will not be adversely affected. A total loss of workshop space is likely to prove problematic to justify in terms of impact on the character of the conservation area, however the conversion from uses within B1 could not be controlled as no change of use would apply.

Impact of proposals on heritage assets

- 10.14 The mews retains historic stone setts throughout. This paving makes a positive contribution to the character and appearance of the conservation area and is characteristic of historic mews development. The proposals seek to retain the existing setts, which is welcomed as preserving the character and appearance of the conservation area. However, there is a lack of detail regarding how the setts would be dealt with at points where the building line changes. For example, there are areas where demolition of ancillary structures is proposed, but without a proposed paving plan it is not clear how the retention or transition of the setts would relate to this. Given the importance of the setts to establishing the character of the mews, details of the proposed surface treatments should be made subject to condition.
- 10.15 Regard should also be had to the Duncan Terrace/Colebrook Row Conservation Area Guidelines:

3.28 Existing York stone paving, granite kerbstones and cornerstones, cast-iron bollards and coal-hole covers, cobbles and granite setts must be kept intact.

10.16 The elevation of Unit 2 is composed of fletton brick and was presumably rebuilt in the mid-twentieth century. However, this building follows the general form of the historic mews elevations and therefore makes a neutral or mildly positive contribution to the character and appearance of the conservation area. The proposed rebuilding of this building is acceptable in principle. Officers raised concerns regarding the scale of openings at Units 2, 4 and 5, which were not considered to be consistent with the historic form of the Mews. Amendments were submitted by the applicant. It is considered that the amended scheme results in a more robust, less open façade treatment for the proposed new buildings which enhance the character and appearance of the mews rather than contrasting with it.

10.17 Concerns were initially raised regarding the size and detailed design of the proposed newly built Units 4 and 5 and how their overall relationship with the part of Unit 4 being retained by the proposals. Amendments were made by the applicant to the glazing, balcony and link structure have been amended and are now acceptable. The proposed new build elements now appear to be subservient to the retained part of Unit 4 and the remainder of the historic Mews.

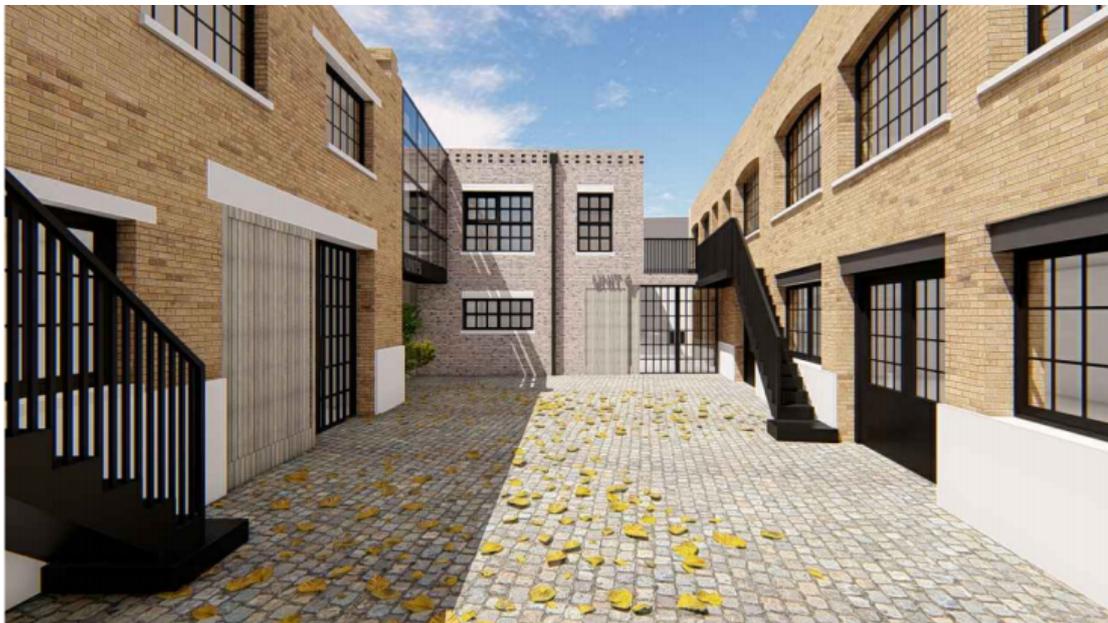


Image 6: Proposed View to east of the site



Image 7: Units 4 and 5 proposed



Image 8: Proposed view towards the west of the site

- 10.18 The proposed demolition of the outbuilding housing lavatories remained concerning. At pre-application stage it was advised that, as with any proposed demolition within a conservation area, an assessment of its significance would need to accompany any such proposal. The Heritage Statement had not provided an adequate assessment, simply stating.
- 10.19 “There have been a number of changes and additions in form of a toilet block etc added to the mews, which are not considered to be of any significance and could possibly benefit from an innovative architectural treatment to support and supplement the proposed use.”
- 10.20 However, the structure appears to be of some age, and it is unarguably the case that small scale ancillary structures are characteristic of historic mews development. In addition to this, the lack of architectural character is precisely the merit of such structures, in terms of making a positive contribution to the character and appearance of a part of the conservation area characterised by informality, small scale alterations, and a degree of mild disorder. In addition to this the building retains a stone wheel guard/deflecting stone. This makes a positive contribution to the historic character of the mews and contributes to its evidential value and significance.
- 10.21 The lavatory block was initially proposed for demolition and replacement with a bicycle store. The proposals have now been amended to include the retention of the historic lavatory building following objections raised by officers.
- 10.22 Drawing DG-00-03 contained annotations to the southern boundary which state “existing walls and chimney stacks to be retained subject to condition survey.” However, following concerns raised by officers regarding the potential removal of the boundary wall, the application has been amended to omit the option of works of demolition to the boundary wall and is considered acceptable in this regard.
- 10.23 With regards to detailed materials, the scheme is considered to be broadly acceptable. A condition (No.3) has been recommended requiring samples of a range of building materials to be submitted to the Local Planning Authority prior to construction works commencing. An additional compliance condition (No.4) has been recommended ensuring that the new stone setts match exactly the historic stone setts in form, dimension and materials.

Impacts to Neighbour Amenity

10.24 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.

Overlooking and Loss of Privacy

10.25 The proposals would not result in a loss of privacy to surrounding residential occupiers. It is noted that existing boundary walls are to be retained and that no rear facing windows are proposed. The proposals would therefore not facilitate overlooking into existing adjacent properties within Rheidol Terrace, Allingham Street or Dame Street. No objections is therefore be raised in this regard.

Outlook and Enclosure

10.26 It is noted that the proposals include the erection of an additional storey along the eastern part of the mews. This increase in bulk is located within close proximity to the rear gardens of 2-20 Dame Street and 1 Rheidol Terrace. The proposals would facilitate an increased height of 2m to 2.2m compared to the existing boundary wall in this location. Given its rear siting and the proximity from surrounding properties within 2-20 Dame Street and 1 Rheidol Terrace, it is not considered that the additional height in this location would facilitate an unreasonably loss of outlook or increased sense enclosure to the occupiers of neighbouring properties. No objections are therefore raised in this regard.

Daylight and Sunlight

10.27 The application has been accompanied by a Daylight, Sunlight and Overshadowing Report that has been prepared by OSM Chartered Surveyors dated 17 April 2020. The report has undertaken an assessment of potential losses of daylight/sunlight to properties within Rheidol Terrace and Dame Street.

10.28 Daylight: 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); or
- 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

10.29 The daylight/sunlight assessment indicates that all of the tested windows would meet or exceed the BRE recommendations for daylight VSC and NSL.

10.30 With regard to sunlight, BRE guidance confirms 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 no real noticeable loss of sunlight where:

- receives less than 25% of annual probably sunlight hours or less than 5% of winter hours; and
- receives less than 80% of its current sunlight hours during either period; and
- has a reduction in sunlight over the whole year greater than 4% of annual probable sunlight hours.

10.31 The report states that all of the tested windows that face within 90 degrees of due south, would meet or exceed the BRE recommendations for sunlight.

10.32 The BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March and the 50% criteria mentioned above is also applicable

when assessing the impact of a development on an existing neighbouring amenity area. If, as a result of a new development, an existing garden or amenity area does not meet the 50% criteria, and the area which can receive two hours of sunlight on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

- 10.33 The Daylight and Sunlight Assessment states that 54% of the garden at 2a Rheidol Terrace currently receives 2 hours or more of sunshine, and following development of the scheme, would be reduced to 39%. This is a percentage reduction of 28%, which exceeds the 20% level reduction recommended by BRE Guidance. Whilst this outcome is not desirable, it alone is not considered a sufficient reason to justify refusal of the application on these ground particularly noting the compliance with BRE Guidance in all other daylight/sunlight testing.

Construction Impacts

- 10.34 Concerns have been raised by neighbouring residents that construction works would cause undue harm to amenity, by reason of increased noise and disturbance. Whilst officers are sympathetic to these concerns, it would not be considered reasonable to withhold planning permission on this basis. The requirement for a construction management plan to be submitted to the LPA prior to construction works commencing has been recommended as a condition of approval.

Conclusion

- 10.35 It is considered that the proposal would not cause undue harm to the level of neighbouring amenity with regard to noise and disturbance, overshadowing, overlooking, privacy, access to sunlight and daylight, over-dominance, sense of enclosure or outlook. The application therefore accords with policy DM2.1 of the Development Management Policies 2013 and policy 7.6 of the London Plan 2016.

Inclusive Design/Accessibility

- 10.36 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG.
- 10.37 At the local level, Development Management Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) brings together the design and management of a development from the outset and over its lifetime.
- 10.38 The guidance in relation to approach, common entrance, internal doors and corridors, WCs and showers are cited within the Islington Inclusive Design SPD (2014).
- 10.39 Although the majority of works relate to alterations to existing buildings, the submitted Design and Access Statement confirms that each unit will be step free and include Part M compliant wheelchair accessible toilets. The retention of cobblestones is considered a heritage benefit and had it been proposed to remove them, officers would have objected in design and conservation terms. Their retention is therefore considered beneficial to the overall scheme, despite not being entirely consistent with objectives for accessible design. Overall it is considered that the proposal would be acceptable in regard to the Council's objectives in relation to Inclusive Design.

Waste Management

- 10.40 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states that, where on-street servicing is proposed details must be submitted to demonstrate the need for on-street provision

and that off-street provision is not practical, and to show that arrangements will be safe and will not cause a traffic obstruction or nuisance.

- 10.41 It is noted that the proposals do not facilitate a change of use and therefore waste storage and collection is likely to remain predominantly as existing. Notwithstanding this, and given the internal reconfiguration and uplift in office floorspace, details of waste storage and collection will be secured by condition.

Transportation

- 10.42 Chapter 6 of the London Plan sets out transport policies. Locally, Core Strategy policy CS18 and chapter 8 of the Development Management Policies are relevant to transport.
- 10.43 Given the modest increase of B1 use, which would now be class E floorspace, adequate amount of cycle parking will need to be provided on-site to encourage usage of alternative transport mode, in compliance with Development Management Policy DM8.4. Appendix 6 of the Development Management Policies document sets out cycle parking requirements for non-residential uses. Cycle parking facilities must be step-free and accessible in accordance with best practice guidance, and should normally be located at ground floor level and should be integrated with the host building. Provision for parking suitable for accessible bicycles, tricycles, trailers and use by visitors should also be provided.
- 10.44 Cycle storage is provided within the disused toilet block. It has not been specified how many bicycles could be contained within the storage units and the scheme is considered to generally lack details in this regard. However, the lack of detail is not considered a reason to withhold planning permission in this regard and a condition (No.6) has been recommended to secure cycle storage details to be approved prior to occupation of the development.
- 10.45 Development Management Policy DM8.6 requires development proposals to demonstrate that servicing and delivery vehicles can enter and exit the site in a forward gear. It is assumed that there is no on-site servicing and delivery area and that site servicing and waste collection will be undertaken in accordance with the existing arrangements on site. Further details of servicing arrangements (including vehicle sizes, manoeuvring space, anticipated numbers of visits, and timings) would generally be expected with a development such as this one which facilitates a modest intensification of the application site. A condition requiring site servicing details to be submitted to and approved by the LPA has therefore been recommended.

11. SUMMARY AND CONCLUSION

Summary

- 10.46 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.5 of this report. Great weight has been afforded to the desirability to “preserve” the character and appearance of the Conservation area (Section 72) and the special architectural interest of the adjacent statutory listed Bunhill Fields and Burial Ground (Section 66).
- 10.47 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and material considerations being the National Planning Policy Framework and as such is recommended for approval subject to conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

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>Dwg 942-DG-0R01 Rev C; Dwg 942-DG-0R02 Rev C; Dwg 942-DG-0002 Rev C; Dwg 942-DG-0003 Rev C; Dwg 942-DG-0102 Rev C; Dwg 942-DG-0103 Rev C; Dwg 942-DG-XX03 Rev B; Dwg 942-DG-XX04 Rev B; Dwg 942-DG-XX05 Rev B; Dwg 942-DG-XX07 Rev A; Dwg 942-DG-XX08 Rev A; Dwg 942-DG-XX09 Rev A; Dwg 942-DG-XX10 Rev A; Dwg 942-DG-XX11 Rev B; Dwg 942-DG-XX14 Rev A; Structural Method Statement relating to the safeguarding of the retained south eastern boundary wall during the works by Peter Dann Consulting Engineers dated 31/10/2019; Full Planning Design and Access Statement by Cooley Architects Rev A dated April 2020; Heritage Statement by The Heritage Studio Rev A dated July 2019; Visual Structural Survey Report dated 02/07/2019; Daylight, Sunlight and Overshadowing Report by OSM Chartered Surveyors dated 17/04/2019</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 (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority, prior to any external work commencing on site. The details and samples shall include:</p> <p>a) brickwork including details of bond and colour of mortar; b) window treatment (including glazing and window frame sections and reveals); c) doorways and gates (including any external hinges, closers etc); d) render including colour and finish e) external lighting; f) roofing materials; g) external metalwork (including sections); h) stone setts including details of mortar/grout; i) 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	New Stone Shalls

	<p>CONDITION: Any new stone setts shall exactly match the historic stone setts in form, dimension and materials</p> <p>REASON: In order to protect the special architectural and historic interest of the heritage asset</p>
5	Refuse and Recycling (Details)
	<p>CONDITION: Details of refuse/recycling store(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The refuse/recycling store (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 refuse/recycling is provided and easily accessible</p>
6	Cycle Storage (Details)
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development onsite.</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	(Bird/Bat Boxes Compliance)
	<p>CONDITION: For the hereby approved, a minimum of 3 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>
8	Construction Method Plan
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <ul style="list-style-type: none"> a) identification of construction vehicle routes b) how construction related traffic would turn into and exit the site (including appropriate traffic management) c) the method of demolition and removal of material from the site d) the parking of vehicles of site operatives and visitors e) loading and unloading of plant and materials f) storage of plant and materials used in constructing the development g) the erection and maintenance of security hoarding h) wheel washing facilities where applicable i) measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and j) construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p>

	REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.
9	Site Servicing and Delivery
	<p>CONDITION: Details of delivery and servicing of the hereby development shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the units. The servicing arrangements shall be operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic</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

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage

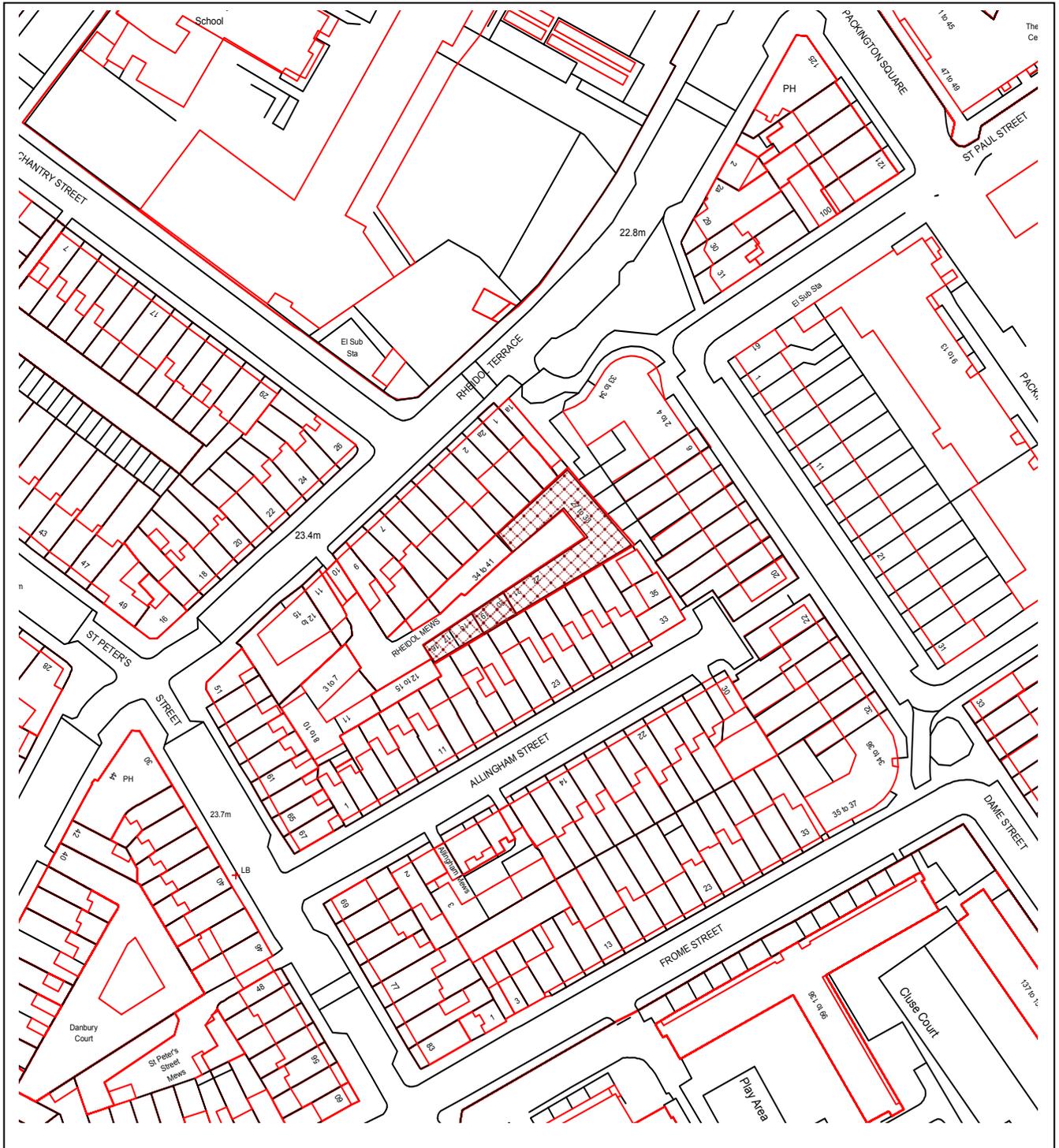
3. Designations

- Duncan Terrace/Colebrooke Row Conservation Area (and Article 4 Direction)
- Article 4 Direction A1-A2 (Rest of Borough)
- Article 4 Direction B1(c) to C3
- Cycle Route (Major)

4. SPD/SPGS

Urban Design Guidelines

Islington SE GIS Print Template



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P2019/1262/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department

PLANNING SUB COMMITTEE B		
Date:	8 th December 2020	NON-EXEMPT

Application number	P2019/3143/FUL
Application type	Full Planning Application
Ward	Tollington
Listed building	Not Listed
Conservation area	Within 50m of the Mercers Road/Tavistock Terrace Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Local Shopping Area Upper Holloway; - Strategic Cycle Route; - Within 100m of TLRN; - Article 4 Direction A1-A2 (Local Shopping Area) - Within 50m of three Conservation Area.
Licensing Implications	None
Site Address	634-638 Holloway Road, London, N19 3NU
Proposal	Demolition of the existing buildings and erection of a part four storey part five storey building, comprising 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage.

Case Officer	Owen Griffiths
Applicant	Mr Nick Cockburn
Agent	John Pardey Architects - Mr Christopher Terry

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. subject to the prior completion of a Unilateral Undertaking 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 black)

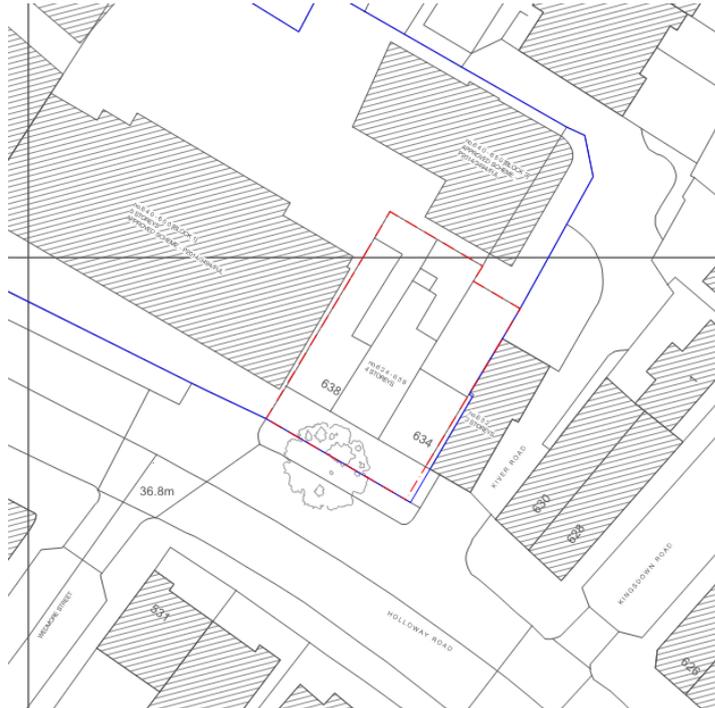


Image 1 – Site Location Plan

3. PHOTOS OF SITE/STREET

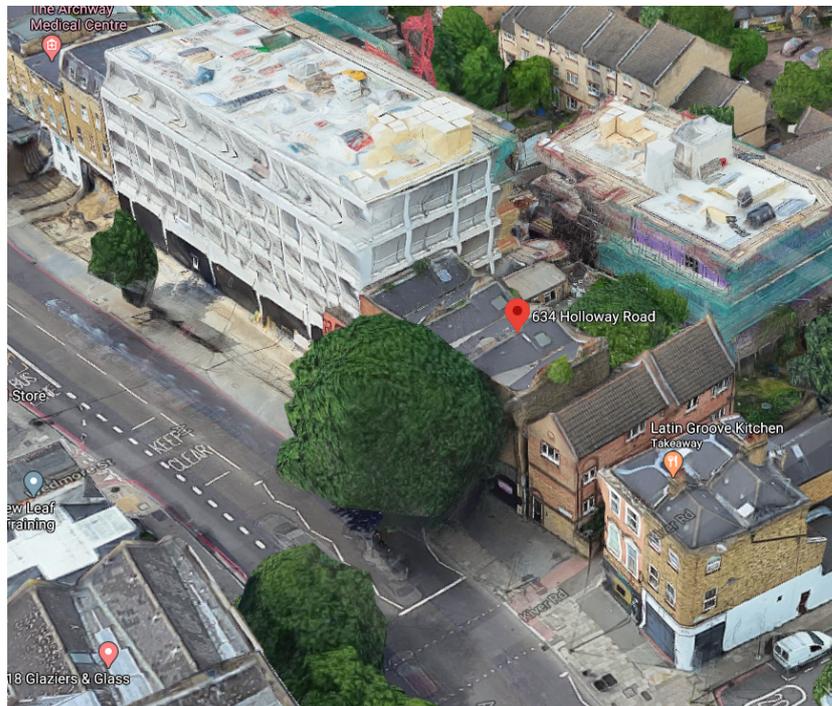


Image 2 - Aerial View of Site



Image 3 – Street Level View from Holloway Road



Image 4 – Rear View



Image 5 - Rear View from Kiver Road

4. SUMMARY

- 4.1 Permission is sought for the demolition of the existing three storey mixed use terraced row of buildings and for the erection of a five storey mixed use building including 7 residential units as well as a commercial office unit on the ground floor.
- 4.2 The total height of the new building will be 16.8m and includes a part fifth storey level with an adjoining flat roof terrace area set back from Holloway Road. The remaining units on the lower levels include balconies to the rear.
- 4.3 The application site neighbours a similar development site to the north and east that was granted planning consent in 2014 and is currently under construction nearing completion. The current development matches the neighbouring building in terms of height and building lines to the front and rear.
- 4.4 The overall design of the development has been assessed in terms of its quality, effect on the neighbouring conservation area and effect on neighbouring amenity. It is concluded that the design is of a sufficiently high quality and there is no harm caused to surrounding heritage nor residential amenity.
- 4.5 Conditions are recommended to ensure the development adequately addresses sustainability issues via carbon emission reductions and photovoltaic (PV) panels.

5. SITE AND SURROUNDING

- 5.1 The site has a prominent frontage onto the Holloway Road, a major north south route of metropolitan significance. It is located to its eastern side, just to the north of the junction with Kiver Road.
- 5.2 The site comprises a terrace of 3 x 3 storey Victorian buildings. While these retain some Victorian characteristics including valley roofs, they have been considerably altered, particularly to their front facades. The terrace is boarded up and empty but was previously occupied with commercial uses at ground floor level with residential accommodation on the upper levels.
- 5.3 The site is bounded by a recently developed 5 storey scheme to its north, 640 – 650 Holloway Road, which comprises a commercial retail (A1) ground floor space, Gym (D2) floorspace at basement level and four storeys of residential units at first to fourth floor levels above that face onto Holloway Road. This development site includes the area to the rear of 634-638 which includes a new residential housing block immediately to the east of the current application site.
- 5.4 To the south of the site lies an incongruous, small scale residential building with what is essentially a blank flank façade onto the Holloway Road. This building is not typical of the scale associated with this primary façade to Holloway Road.
- 5.5 The site has a PTAL score of 5, the third highest score possible, and is in close proximity to Upper Holloway Overground Station to the north. Archway Tube Station is further to the north at the end of Holloway Road which is also serviced by numerous bus routes.
- 5.6 Immediately to the front of the site, within the pavement onto Holloway Road, is a Category A tree, a Norwegian Maple, which has a high amenity value.

- 5.7 The broader context contains a mix of uses, building types, and styles. Of significance is the Mercers Road/Tavistock Terrace Conservation Area, the eastern edge of which lies immediately opposite this site, up to the junction with Wedmore Street.
- 5.8 The Conservation Area, while primarily located to the western edge of the Holloway Road and extending deeply westwards to include architecturally fine residential streets, also straddles Holloway Road in four separate locations to include some fine buildings on the eastern edge of the street. This includes the locally listed public house at No. 622 Holloway Road, to the south of the application site.

6. PROPOSAL

- 6.1 It is proposed to demolish the existing three storey terrace row of buildings at the site and to erect a part four storey and part five storey building comprising of 7 new residential units (1 x 1-bed, 5 x 2-beds and 1 x 3-bed) on the upper floors with commercial office floorspace (Class B1a) at ground floor level.
- 6.2 Access to the new units will be provided from Holloway Road with residential cycle and refuse storage located at ground floor level. The commercial refuse store is located between the residential entrance to the north and the commercial unit's entrance to the south. Both the residential floorspace and the commercial floorspace have their own separate outdoor space to the rear.
- 6.3 The commercial unit is proposed to be an office unit. The new Use Class Order 2020 came into effect on 1st September 2020. This has introduced Use Class E which now includes office use (formerly use class B1a) as well as other uses including retail (formerly use class A1), Restaurant (formerly use class A3) and Gym (formerly use class D2). Therefore, it would be possible for the commercial floor space to change to any of the uses within the E Use Class as prescribed in the Use Class Order 2020 without the need to obtain planning permission. As the application was submitted prior to the recent changes to the use class order coming into effect, the following assessment will be based upon the use classes in effect prior to September 2020 along with the relevant adopted planning policies.
- 6.4 The proposed materials are a pale brick and a reconstituted stone, with bronze coloured panelling and bronze coloured powder coated aluminium framed windows.

Revisions

- 6.5 The scheme has been revised to address design feedback from officers. The initial design provided a four storey building but due to this including two single aspect north facing units it was requested for the floorplates to be revised. To overcome this issue it was agreed for a part fifth storey level to be included which also resulted in one less unit being provided as well as the mix being altered to be more in accordance with Policy DM3.1. Design issues are addressed in section 10.9.
- 6.6 Concern was also raised over the front elevation in relation to the spacing of the modules and the frontage of the ground floor commercial unit. To address this issue the frontage to the commercial unit has been altered so the central module column now makes a feature of the residential staircore rather than providing a restricted head height section of floor area to the ground floor commercial unit. Furthermore,

the central column to the commercial unit has been removed at ground floor level to provide a double width frontage onto Holloway Road.

- 6.7 TfL and the Accessibility Officer have sought revisions in relation to the provision of cycle parking and to the accessibility features of the new units. The ground floor cycle storage area has been increased in size by reducing the commercial floor space and additional cycle rails are now proposed outside of the commercial unit. Various additional accessibility elements are now outlined on the plans to ensure the units meet the requisite accessibility standards. Cycle Parking is addressed at section 10.67 and Accessibility at section 10.61.

7. RELEVANT HISTORY

PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
P2012/0450/FUL	Demolition of existing 3 storey building comprising betting shop and 2 residential flats. Construction of new 4 storey building comprising Class A2 shop and 6 residential flats. Change of use of ground floor from existing betting shop to A2 use and residential.	Approved	22/05/2013
P121585	Demolition of existing building. Construction of a new 4 storey building comprising 7 residential flats. Change of use on ground floor from retail/betting shop to residential.	Refused	12/09/2012
831171	Installation of a new shopfront. (634/636 Holloway Road)	Approved	11/08/1983
640-650 Holloway Road			
P2014/3494/FUL	Demolition of the existing buildings and erection of a five storey building (plus basement) fronting Holloway Road (Block 1) comprising retail space (Class A1) at ground floor, gym (Class D2) at basement level, 20 residential units (Class C3) on the upper floors; four storey building to the rear of 652-660 Holloway Road (Block 2) comprising 11 residential units (Class C3); four storey building to the rear of 634-636 Holloway Road (Block 3) comprising 9 residential units (Class C3); and associated landscaping and play space.	Approved	20/10/2015
P2019/3546/S73	The minor material amendments to amend the ground floor layout and consequential amendments to the external elevation at ground floor level.	Approved	28/04/2020

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 145 adjoining and nearby properties on Holloway Road, Kiver Road and Kingsdown Road on the 5th November 2019.

8.2 A site notice and press advert were displayed on 14th November 2019. The public consultation of the application therefore expired on 8th December 2019 2019, however it is the council's practice to continue to consider representations made up until the date of a decision.

8.3 After the initial consultation, the application received one objection, one letter of support and one comment. The points raised are summarised below:

8.4 Objection:

- No mention of properties along Kingsdown Road in the Daylight & Sunlight Report. Neighbouring development site has already blocked light to garden and house and the new site will further reduce available light.
- Reductions in light will result in permanent wintry dimness and will negatively affect wellbeing and quality of life for residents.
- Does not trust the assessment that states light will not affect properties. Light has been lost from neighbouring development site but initial light report stated there would be no impact.

Daylight/Sunlight considerations are addressed from paragraph 10.34

- Current neighbouring site is already taller than surrounding development and the additional height at the proposed site would be out of keeping for the area.

Design considerations are addressed from paragraph 10.9

8.5 Support:

- Design is by a good architect and is respectful in its scale in relation to the two buildings between which it sits
- The use of brick buff and pre-cast frame will work successfully with the adjacent longer new and would provide improvements to what is currently quite a 'hard' corner
- A welcome improvement from much of the new builds that have been carried out in the area and is of a size that works with the city grain that should be encouraged
- Provides new housing

8.6 Comment:

- Islington Swift Society: Requests appropriate measures for biodiversity. This is likely to be a biodiverse living roof and wildlife-friendly landscaping, plus nestboxes for priority species house sparrows on the roof. There may be less scope for measures for bats and swifts in this development due to a

combination of the design & materials, and the close presence of the street tree.

Further Consultation:

8.7 On 16th April 2020 the application underwent further consultation due to amendments in the design (see paragraph 6.4) as well as new information being provided such as an updated Daylight and Sunlight Report. After this consultation, three objections were received, two new and one from the same address as the previous objection received. The points made are summarised below:

- The four/five storey building is two storeys taller than the existing building and would entirely obscure all afternoon light for approximately 4-5 months of the year.

Daylight and Sunlight is addressed at paragraph 10.34

- New daylight report has failed to look at what the impact will be on any buildings on Kingsdown Road. Request that a new daylight report is made which includes houses in Kingsdown and Kiver Road before any planning decisions are made.

Daylight and Sunlight is addressed at paragraph 10.34

- Object to the design and size of the new building which does not positively contribute to the areas aesthetics.

Design issues are addressed from paragraph 10.9

- The balcony overlooks the family area, garden and more importantly the bathroom of a property on Kiver Road.

This issue is addressed at paragraph 10.47

- Concern raised regarding existing and proposed disturbance from construction

A Construction and Environmental Management Plan (Condition 9) and a Construction Method Statement (Condition 8) have been conditioned to address effects on neighbouring residents during construction.

- The design of the residential accommodation does not consider the fact the residents in the adjacent road (Kiver Road) would be deprived of privacy.

Privacy and Overlooking is addressed from paragraph 10.47.

- Permission should not be granted until mandatory working from home ends due to the Pandemic. Continuous drilling and noise will impact ability to work and worsen mental health.

A Construction and Environmental Management Plan (Condition 9) and a Construction Method Statement (Condition 8) have been conditioned to address effects on neighbouring residents during construction.

Further Consultation:

8.8 The application underwent a further 14 day consultation period from 5th November 2020 as new information was provided in relation to the Daylight and Sunlight Report that included the revised massing of the development with the addition of the part fifth

storey. This consultation period expired on 19th November 2020 and at the time of writing this report no further responses from the public had been received.

External Consultees

8.9 TfL:

- The quantum of long stay cycle parking for the residential dwellings is acceptable. The spacing of the aisle, door width and how the cycle store is reached would not comply with LCDS guidance.
- Not clear if there is any short stay cycle parking provided for the residential units proposed or cycle parking for the B1a office space proposed.
- Delivery and servicing trip generation or the loading arrangements are not detailed.
- An accessible parking bay should be provided for the B1a office space.

Internal Consultees

8.10 Inclusive Design Officer

- As the development proposes less than 10 units there is no requirement for a wheelchair unit to be provided. If a second lift cannot be provided the accessible unit cannot be considered accessible under Part M Cat 3.
- Cycle parking for staff and visitors for commercial unit are required,
- Safe drop off and on-street parking should be provided for the residential floor space.
- Storage and charging for mobility scooters should be provided should be provided

8.11 Conservation and Design Officer:

- The application scheme is attractively and thoughtfully designed and will significantly enhance the streetscape to this part of the Holloway Road. It will also sit respectfully within the vicinity of a range of heritage assets and will neither compete nor detract from these assets.

8.12 Tree Preservation Officer:

- No objection to the proposed development and the details within the submitted Arboricultural Report and Method Statement are adequate to protect the TFL owned highways tree located at the front of the development which should be made a condition of any approval given.

8.13 Refuse and Recycling:

- Confirmed collections from Holloway Road is acceptable.

8.14 Highways

- No objections subject to a banks person/traffic marshal being present at all times when construction vehicles are entering/leaving the site to ensure that the Health and Safety of the public using the footway/carriageway is not compromised.

8.15 Sustainability

- The development should include a green roof and reduce surface water run off through a SUDS system.
- Details should be provided on how the biodiversity value of the site will be enhanced i.e. through planting, habitat features, bird/bat boxes and swift bricks.
- The development should minimise the environmental impact of construction materials through responsible sourcing and minimising waste during construction.
- The applicant should consider the use of one combined communal ASHP system for the entire development.
- Carbon offset contribution will be £7000 based on the seven flats proposed, as set out in the Environmental Design SPD.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

9.1 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.) 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 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 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:

- Local Shopping Area Upper Holloway;
- Strategic Cycle Route;
- Within 100m of TLRN;
- Article 4 Direction A1-A2 (Local Shopping Area)
- Within 50m of three Conservation Area.

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
- Inclusive Design
- Highways and Transportation
- Sustainability
- Refuse and Recycling
- Trees
- 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 Policy DM4.6 Relates to Local Shopping Areas and it is stated that (Part A) Proposals will only be permitted where an appropriate mix and balance of uses within the Local Shopping Area, which maintains and enhances the retail and service function of the Local Shopping Area, is retained. Part B requires marketing to be conducted to justify any loss of retail as well as ensuring there will not be a harmful break in the continuity of retail frontages and that the replacement use would not have an adverse effect on the vitality, viability and predominantly retail function of the Local Shopping Area.
- 10.4 The proposed development would provide seven residential units with office floorspace at ground floor level. The existing site has a history of being used for similar purposes with three residential dwellings above commercial units. In 2012 a planning application was approved (Ref: P2012/0450/FUL) to demolish the current building on the site and to provide 6 residential units above commercial A2 (Financial Services) floorspace. As the historic buildings remain on site this permission was not implemented.
- 10.5 There is an existing retail unit at 634 Holloway Road that was last occupied in April 2018 and has an internal floor area of 94sqm. 636-638 Holloway Road was previous occupied as a Bookmakers (Sui Generis use) and has been vacant for 7 years. It is proposed to replace these ground floor uses with office floorspace (114sqm) as well as providing access for the residential units on the upper levels.
- 10.6 No marketing has been provided to justify the loss of the retail floorspace in the local shopping area which is a requirement under DM4.6 Part B (i). The neighbouring development site at 640-650 Holloway Road (Ref: P2014/3494/FUL) is nearing completion and providing a large retail unit at ground floor level, The retail statement submitted in support of the current application has identified that the local shopping area has a 27% retail occupancy of ground floor buildings. There are also a number of vacant retail stores identified should a retail user want to locate to the area. Furthermore, the proposed office floorspace will provide a beneficial mix of uses as office floorspace at ground floor level is not prevalent throughout the area and office workers will support other commercial businesses that operate in the vicinity of the site. Given that the A1 retail unit has been vacant for over two years and for other aforementioned reasons identified, the lack of marketing and loss of a single retail

unit is considered to be acceptable in this instance and will not harm the primary retail function of the local shopping area.

10.7 The Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. The amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which encompasses office use, together with many other town centre uses. The application proposes the introduction of additional office floorspace, with no other uses proposed. The assessment of the proposal is based on the applicant's submission for office use but it would be possible under Class E for the floorspace to be changed to any of the previous uses that are now included under Class E. These include such previous uses as Retail (A1), Professional Services such as an estate agents (A2), Restaurant (A3), Gym (D2), and Medical Centre (D1), Creche (D2) or a light industrial use suitable in a residential area (B1c). There are resultant amenity considerations for all of these uses and this issue will be addressed in the neighbouring amenity section below (paragraph 10.50).

10.8 In terms of the mix of residential units proposed on site, Development Management policy DM3.1 is relevant and requires all sites to provide a good mix of housing sizes. Table 3.1 provides further guidance and notes that for market housing the mix should be; 10% 1-beds, 75% 2-beds and 15% 3+bedroom units. The development proposes 7 units; 1 x 1-bed, 5 x 2-beds and 1 x 3 bedroom accommodation. In terms of percentages this equates to 14% 1-beds, 72% 2-beds and 14% 3+bedroom units which is considered to be an acceptable mix that will support the housing needs of the borough.

Design and Conservation

10.9 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: '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.

10.10 London-wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, 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.

10.11 The new building at the site will be four storeys in height with an additional partial width setback fifth storey. The building will have a precast concrete fascia frame with light grey/buff brick elements, bronze panelling and aluminium powder coated framed windows. The top floor addition will have the same bronze panelling façade as is found on the lower levels to the elevation facing Holloway Road.

Bulk, Height and Massing

- 10.12 The proposed building, at 4 – 5 storeys, will act as an effective transition between the new build 5 storey development to the north and the smaller, domestically scaled, 3 storey end of terrace building immediately to the south. The height is considered to be contextually appropriate.
- 10.13 With regard to the impact and legibility of streetscape, the Council's Urban Design Guide (UDG) states as a key objective that '*Building heights should be considered in terms of their proportion and in relation to the size of the space they define and/or enclose*'. Given the site fronts the primary movement route of Holloway Road, the height as proposed is considered appropriate. Furthermore, by stepping from 5 storeys down to 4 storeys, this effectively addresses the transition between the neighbouring buildings which are 5 storeys to the north and 3 to the south. The top floor element has been further reduced in perceived massing by being recessed to the front and rear of the building's main facades, as well as set back significantly from the main southern edge of the site. It would read as ancillary to the host building.
- 10.14 A further UDG objective states that '*Development should normally retain and/or repair the existing roofline*'. The proposal takes its cue in terms of roof line from the new build terrace immediately to the north which is a high quality contemporary development.
- 10.15 Fenestration has been effectively added to the southern flank elevation at 4th floor level which helps mitigate the additional height and mass as viewed from the south, looking north. The building is considered to be appropriate in terms of both height and mass relative to its context.

Elevational treatment and materiality

- 10.16 There has been considerable thought and care applied to the elevational treatment and the proposed materiality of the scheme. The grid treatment to the façade has rigour and a formality that, while not typical of the street, sits comfortably within this part of Holloway Road which is characterised by a diverse range of architectural styles and quality particularly to this eastern edge.
- 10.17 There had previously been some concern about the rationale of the ground floor grid and the uses behind. This has been effectively addressed and the uses to the spaces to the rear, within the grid, are well differentiated according to function. The residential entrance module is creatively annotated and distinctly expressed. The southern 'two modules' are expressed as one double module which better reflects commercial shop front proportions, and further enhances legibility at ground floor level.
- 10.18 The proposed materials are a pale brick and a reconstituted stone, with bronze coloured panelling and bronze coloured powder coated aluminium framed windows. These are considered suitably muted and urban materials that will sit comfortably with the architecture as proposed, and within the sensitive setting of multiple heritage assets.
- 10.19 A key UDG objective is for materials to be '*of a high quality, be robust, sustainable and appropriate to their context*'. With regard to brickwork, the guide states clearly in para 5.124 that the choice of a good quality brick is generally a preferred and acceptable choice of material. It is also the predominant material used in this particular context including within the adjacent conservation area and to the Kingsdown Road locally listed houses. The proposed materials palette is of a good quality and selected with care. It therefore complies with council guidance.

- 10.20 The site is located in the immediate vicinity of the Mercers Road/Tavistock Terrace Conservation Area as well as with the immediate vicinity of a number of locally listed buildings, both within the Conservation Area boundary, and outside of it. As such considered regard has to be had as to how this proposal would impact on the setting of the Conservation Area and that of these locally listed buildings.
- 10.21 Paragraph 24.7 of the Mercers Road/Tavistock Terrace Conservation Area Guidelines requires that new buildings:
- Respect the scale, massing rhythm and fenestration of adjoining buildings
 - Present lively and richly detailed frontage to adjoining streets
 - Avoid bulky top roof plant visible from the street
 - Uses high quality material
 - Display a vertical emphasis in elevational treatment
 - Suitable boundary treatments
- 10.22 Paragraph 24.8 states that the council considers that high quality modern design which conforms to the above guidance could enhance the character of the area.

Mercers Road/Tavistock Terrace Conservation Area

- 10.23 Paragraph 24.2 of the Conservation Area Design Guide states that the character of the area comprises largely commercial frontages to Holloway Road with predominantly residential side streets. It includes an attractive range of Victorian buildings and the relatively few buildings that were developed subsequently have 'generally added to the character of the area'.
- 10.24 Paragraph 24.3 of the Conservation Area Design Guide states that planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.
- 10.25 This site is located on the eastern edge of Holloway Road, immediately opposite the north eastern boundary of the conservation area, specifically opposite numbers 529 – 531 Holloway Road. These two buildings are also locally listed, increasing their sensitivity to change. The conservation area while primarily located to the west of the Holloway Road, including much of its western edge and does, on occasion, straddle this busy primary road to capture several important buildings and terraces within its boundary to the eastern side of the Holloway Road. One such building is the Crown Public House at 622 Holloway Road which is within the visible sphere of the application site and thus included within its setting. Therefore, any redevelopment of the site will have an immediate impact on the setting of this heritage asset.
- 10.26 Paragraph 24.8 of the Conservation Area Design Guide states that efforts will be concentrated to ensure that where development does take place, it enhances the character of the area and makes a positive contribution to the streetscene. The buildings within the conservation area have a relatively high degree of architectural uniformity and are instantly recognisable as Victorian given the display of typical characteristics including the rhythmic plot, roof and fenestration patterns, decorative window and door surrounds, pitched and parapet roof lines and forms, and extensive use of London Stock Brick.
- 10.27 The proposed development lies on the eastern side of Holloway Road. This primary road physically separates, and indeed serves, the site from the majority of the conservation area due to the high volume of traffic coupled with the width of the road.

- 10.28 The proposed building, at 4 and 5 storey height, is compatible with the general storey height ambient of much of Holloway Road and is not excessively higher than that within the predominantly residential conservation area which has a storey height ambient of 3 storeys. Its design is appropriately modern with a well-conceived, highly structured, elevation and an attractive use of good quality contemporary materials. These materials, being predominantly a pale brick, reconstituted stone, and a bronze coloured panelling and fenestration, create a palette that is complimentary to the dominant London stock and pale render typically deployed throughout the adjacent conservation area.
- 10.29 The proposal is considered to have a neutral impact on the setting of the conservation area and is therefore acceptable. 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 for the reasons outlined above.

Locally Listed Buildings

- 10.30 There are multiple locally listed buildings within the vicinity of the site including The Crown pub at 622 Holloway Road with its highly animated fenestration and strong corner presence, the 3 – 4 storey, plus dormers, residential buildings at 1 – 19 Kingsdown Road to the southeast of the site, the residential pair of three storey plus dormer window houses at 529 – 531 Holloway Road, directly opposite the site, and the very uniform three storey residential terrace at 505 – 513 Holloway Road to the south.
- 10.31 The architecture is appropriate and suitably urbane as befits this primary road setting. The selection of materials, pale brick, reconstituted stone, and bronze coloured panelling and fenestration, will complement those of the locally listed buildings and will not compete with them in terms of architectural style or by being distractingly flamboyant.
- 10.32 The proposal is thereby considered to have a *neutral* impact on the setting of the nearby locally listed buildings.

Neighbouring Amenity

- 10.33 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

- 10.34 When assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. The application has been submitted with a daylight and sunlight assessment dated 19th June 2019 and a subsequent updated version, dated 29th October 2020, was provided due to the inclusion of the part fifth floor level.

- 10.35 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 Development Management policy DM2.1 identifies that BRE ‘provides guidance on sunlight layout planning to achieve good sun lighting and day lighting’.
- 10.36 Where the guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document emphasizes that the guidance is not mandatory and that 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

- 10.37 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.

- 10.38 The daylight results provided confirm that in all but three instances VSC figures do not drop below 27% and that NSL figures do not reduce by more than 20%. Therefore, the majority of the windows tested meet the BRE guidance. The three exceptions to this are at Block 03, 640-650 Holloway Road, a new build development situated to the northeast of the application site. It can be seen from Table 1 that the breaches of the BRE guidance occur at windows W2 (24% reduction) and W3 (26% reduction) to room R1 (Bedroom) at first floor level and to window W4 (25% reduction) to room R2 (Living/Kitchen/Dining Room) at second floor level. In these instances the reductions in Daylight Distribution to room R1 at first floor level is 55% and for room R2 at second floor level is 1%.

Table 1 – Daylight Results

Address	Window (floor)	Room (use)	VSC (existing)	VSC (proposed)	VSC Reduction (%)	DD Reduction (Room)
Block 03, 640 - 650 Holloway Road	W1 (1 st)	R1 (Bedroom)	12.28	12.18	0	55%
	W2 (1 st)	R1 (Bedroom)	19.40	14.73	24%	
	W3 (1 st)	R1 (Bedroom)	11.35	8.45	26%	

	W1 (2 nd)	R1 (Bedroom)	15.19	15.19	0	44%
	W2 (2 nd)	R1 (Bedroom)	24.25	19.67	19%	
	W3 (2 nd)	R1 (Bedroom)	15.46	12.70	18%	
	W4 (2 nd)	R2 (LKD)	32.50	24.36	25%	1%
	W5 (2 nd)	R2 (LKD)	36.67	36.53	0	
	W6 (2 nd)	R2 (LKD)	36.91	36.85	0	
529 Holloway Road						
	W4 (Basem't)	R3 (Bedroom)	25.01	22.74	9%	21%
531 Holloway Road						
	W1 (Basem't)	R1 (Bedroom)	24.26	21.89	10%	26%
	W2 (Basem't)	R2 (Bedroom)	22.40	20.03	11%	27%

- 10.39 For Block 03, the reduction seen at room R1 on the first floor in relation to DD is 55% but the VSC figures presented are only marginally below what normally would be permissible (at 24% and 26%). Similarly, for room R1 on the second floor, there is a DD reduction of 44% but VSC reductions are within acceptable limits (19% and 18%). As both of these rooms are secondary bedrooms to two bedroom units and as there are only minor breaches of VSC for room R1 and none for room R2, the overall reductions in DD in these instances are considered to be acceptable. The 25% reduction seen at W4 of room R2 does not raise any adverse concerns as there are three windows to this Living/Kitchen/Dining room and the other two south-east facing windows do not see any notable reductions and the DD reduction is also nominal.
- 10.40 There are two further instances in relation to DD where BRE guideline figures have been transgressed, at 529 and 531 Holloway Road opposite the application site, see Table 1. The DD reduction highlighted at 529 Holloway Road is only 1% above what would normally be considered as not having a perceivable impact and therefore the marginal breach in this instance is considered not to be consequential for the occupants of this property. At 531 Holloway Road, two basement level bedrooms will have DD reductions of 26% and 27%. Given the use and location of these rooms, at subterranean level onto a busy road, the marginal breach of DD figures is concluded to be acceptable in this instance and will not lead to unacceptable light reductions beyond what would be expected in a dense urban environment.
- 10.41 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.

Sunlight:

- 10.42 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 (APSH), 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?*
- 10.43 The Sunlight results table provided in the Daylight and Sunlight Assessment October 2020 indicates that Window W3 to Room R1 (bedroom) on the first floor of Block 03 will see a 37% reduction in APSH but the other two windows to this room will not be adversely affected and the room as a whole will receive above 25% (31%) of APSH. The Winter Sunlight Hours for both the windows to this room and the room as a whole will also reduce to below 5% which does not comply with the guidance. For the same reason as previously discussed, the reductions in sunlight to this secondary bedroom in a two bedroom unit does not raise significant concerns in terms of reduced levels of sunlight for future occupants. The remainder of the property will benefit from good levels of both daylight and sunlight and the reductions to the bedroom would not result in an unacceptable impact on the amenity of future occupiers.
- 10.44 An objection has been received relating to the loss of light received to properties on Kingsdown Road. It is questioned why certain properties have been assessed and why none of the properties along Kingsdown Road have been included in the report.
- 10.45 BRE guidance stipulates that only windows where the proposed development subtends a 25-degree line from a window that may be affected requires further assessment. This requirement and reference to the initial BRE test for assessment is provided within the Daylight and Sunlight Report submitted and it is therefore acknowledged that only windows that require assessment due to the initial 25-degree test have been included in the report. Given the separation distance between the proposed new development and the properties on Kingsdown Road (over 50m), there is no requirement to test these properties and there is considered to not be a material reduction in daylight or sunlight to these properties.
- 10.46 In terms of sunlight and daylight the application is considered to be acceptable and accords with DM2.1

Privacy/Overlooking

- 10.47 The development proposes balconies and terraces to the residential units that face north towards Block 03 of the neighbouring development site. There will be two balconies at first, second and third floor levels as well as a roof terrace to the top floor apartment at fourth floor level. This terrace will not cover the entire flat roof space and will be set back from Holloway Road by 6.8m and from 632 Holloway Road, to the south of the site, by 3.4m. The balconies on the lower levels will face towards Block 03 with a separation distance of 6.6m.

10.48 Given the high level nature of the fourth floor terrace and the low separation distance of the lower level balconies, there may be overlooking implications to surrounding properties, mainly to Block 03 to the north east of the site. All the south facing windows to Block 03 are required as part of the planning permission to be obscurely glazed and consequently there will not be any privacy implications from the north facing balconies and windows within the proposed development that face towards Block 03. The fourth floor roof terrace, due to its positioning, being set back from the front and side of the roof space, and separated from the nearest residential premises along Kiver Road, would not result in unacceptable overlooking. Between the application site and the properties to Kiver Road is Block 03 which is four storeys in height. Therefore, this building will block any viewpoints towards Kiver Road from the roof terrace at the development site. It should also be noted that there is an outdoor amenity space to Block 03 at third floor level that faces Kiver Road and Kingsdown Road.

Outlook/Enclosure

10.49 The overall height of the new five storey building is 16.8m (not including lift overrun) with the partial four storey element being 13.8m. The height of the current three storey building at the site is 10.3m and therefore the overall height increase is 3.5m to the fourth storey element and 6.5m to the recessed fifth storey. The overall built footprint of development at the site is also being increased so the new rear building line matches with that of the neighbouring development site at 640-650 Holloway Road (Block 01).

Notwithstanding the increased massing and built footprint at the site, there will not be any reductions in outlook for surrounding residents. As has been previously identified, the new housing development to the rear of the site (Block 03) only has opaque windows that face south towards the application site, with the windows to the units in this block primarily facing north and east. Other buildings in the vicinity of the site will not be affected in relation to outlook due to adequate separation distances and the overall modest increase in massing at the site in comparison to the existing situation.

Noise

10.50 The application includes a small amenity area to the rear of the building for the office floorspace. This area is directly below the residential accommodation at the site as well as to block 03 that borders the outdoor area to the north and therefore inappropriate use of this space has the potential to disturb surrounding residents. As outlined above at section 10.7, it would be possible for the office floorspace to be used as any of the uses that now fall under Class E, some of which have the potential to disturb neighbouring residents due to the nature of the use.

10.51 To ensure a potential future use in the commercial unit does not cause a neighbouring amenity issue, a condition is recommended that limits the potential Class E uses as no information has been provided as to the impacts of all such uses that now fall within Class E. The condition will not permit a Gym use (Class E (d) – Indoor Sports, recreation or fitness) or a Crèche (Class E (f) - Crèche, day nursery or day centre) as these uses have the potential to have amenity impacts to both surrounding residential occupiers as well as the future residential occupiers at the site. Further conditions are recommended that restricts the use of the external commercial amenity area to normal working hours of 9am to 6pm, Monday to Friday and for the operation of the unit itself to between 8am and 10pm.

Conclusion on Amenity

- 10.52 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 increased massing of the development is modest when compared to the existing building at the site and represents a part single and part double storey extension over the building height that currently exists. The increased massing to the rear and associated terraces have been assessed and are concluded to not result in negative privacy or outlook implications for surrounding residential occupiers. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies.

Standard of Residential Accommodation.

- 10.53 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.
- 10.54 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.
- 10.55 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 1 bedroom, 2 person flat the minimum requirement is 50sqm GIA with 1.5sqm of storage, for a 2 bedroom, 4 person flat; 70sqm GIA with 2.5sqm of storage and for a three bedroom, 6 person flat; 95sqm GIA with 3.5sqm of storage.
- 10.56 All the units proposed are comfortably above the minimum requirements stipulated under Table 3.2, the NDSS as well as the Mayor's minimum standards for living space. Policy DM3.4 also requires a floor to ceiling height of 2.6m for new residential development which is higher than the 2.3m requirement by the NDSS. The units across the first to third floors will have a 2.7m floor to ceiling height and the top level fourth floor unit is 2.45m. While this is below the 2.6m requirement of DM3.4, lower floor to ceiling heights in roof top units of this type are common and are usually a consequence of building design considerations. The top storey should align with the neighbouring development site at 640-650 Holloway Road to provide a consistent and legible townscape. Furthermore, top storeys of this nature should also be of a subservient design with a slightly lower height than the height of the floors below. As the height is only 15cm below Islington's minimum standard, as well as being 15cm above the national standard, the floor to ceiling height of the top floor unit is deemed acceptable in this instance. As will be addressed below, this unit also provides good

levels of internal and external amenity space and overall the slightly lower ceiling height in this unit will not result in substandard living conditions for future occupants.

- 10.57 Policy DM3.5 relates to private outdoor space and requires all new residential developments to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. All the units proposed have access to private outdoor amenity space. The minimum size requirements for outdoor space is 5sqm for a 2 person dwelling with an additional 1sqm for each additional occupant for larger dwellings. Table 2 below provides an areas schedule of the proposed residential accommodation.

Table 2 – Area Schedule of Residential Accommodation

Unit (floor)	Occupation	Minimum Standard	Internal Area	External Area
A (first)	4 Persons	70sqm	79sqm	12sqm
B (first)	4 Persons	70sqm	90sqm	12sqm
C (second)	4 Persons	70sqm	79sqm	12sqm
D (second)	4 Persons	70sqm	90sqm	12sqm
E (third)	2 Persons	50sqm	63sqm	7sqm
F (third)	6 Persons	95sqm	106sqm	18sqm
G (fourth)	4 Persons	70sqm	80sqm	19sqm

- 10.58 In relation to outlook from the proposed new units, there is a separation distance of between 6m and 10m to block 03 and the rear facing balconies to the new units. Block 03 is four storeys in height, one lower than the proposed development and consequently it is not considered that this building will be overbearing to the future residents at the development site nor that the building would adversely affect the outlook from the new units.
- 10.59 All of the units proposed are dual aspect with the bedrooms facing towards Holloway Road and the Living/Kitchen/Dining rooms facing towards the rear and Block 03. Due to the busy nature of Holloway Road, with high levels of traffic throughout a 24 hour period, there are potential noise and air quality implications for the residents of the new units proposed. As a consequence, the windows to Holloway Road will need to be fixed shut and mechanical ventilation has been recommended on this side of the building by the Environmental Health Officer.
- 10.60 The Environmental Health officer has recommended various conditions to control potential noise and air quality issues. In relation to noise, three conditions have been recommended. Condition 4 requires a scheme for sound insulation and noise control measures to be submitted and approved by the council, condition 5 relates to insulation between the office floorspace at ground floor level and the residential floorspace at first floor level and condition 6 controls noise emissions from the building services plant that will be required for the mechanical ventilation. For air quality (condition 7), full details of the ventilation measures to reduce air pollution exposure are required to be submitted and approved by the Local Planning Authority.

10.61 For the above reasons it is concluded that the internal layouts of the proposed residential units are concluded to be functional and will provide acceptable living conditions for future occupants. The development is therefore in accordance 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 as well as the National Space Standard, 2015.

Accessibility

10.62 Development Management Policy DM3.4 part A (v) states that 10% of all new housing is required to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The policy goes on to mention that 'the wheelchair accessible units should be provided across all tenures and unit sizes, and integrated within the development'. It is acknowledged that this part of the DM3.4 is more targeted towards major developments providing 10 or more units that will be providing a mixture of tenures (market, affordable, shared ownership etc...) on site and with the current application for 7 units it would not be possible to provide a fully wheelchair accessible unit as there is only one lift core in the building. It would also not be possible to provide a wheelchair unit on the ground floor as it would have to be a north facing single aspect unit due to the ground floor frontage to Holloway Road having to retain a commercial character.

10.63 The applicant has addressed accessibility issues and it has been stated that the development will accord with building control parts M and B and adding a further lift would compromise the commercial space and bike store (the commercial space has already been reduced to increase residential cycle parking on site). These issues are accepted and it is concluded that there is not a requirement for a fully wheelchair accessible unit to be provided in this instance. However, the units should be as accessible as possible given that there is a step free access provided via the single lift. To that end, the applicant has outlined on the floorplans how Unit B on the first floor is a Category 3 Accessible unit and that Units A, C, D and E are Category 2 Adaptable units.

10.64 Further comments received from the Accessibility Officer relate to the provision of cycle parking. The overall volume of cycle parking is addressed in the next section but it has been highlighted that a store and charging area for mobility scooters should also be provided. The latest revision to the ground floor area (Rev C) has shown this to be provided alongside the residential cycle parking area at ground floor level.

10.65 In relation to the commercial floorspace, a condition is recommended (Condition 11) that will require this component of the development to meet Part M of the Building Regulations, ensuring the commercial floorspace is sufficiently inclusive for those with mobility difficulties.

Transport and Highways

10.66 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.

10.67 No car parking is proposed as part of the development and the ability of future residents to obtain an on street parking permit will be restricted through the

recommended legal agreement. Therefore, in terms of Development Management Policy DM8.5 the application is compliant.

- 10.68 Policy 8.4 of Islington's Development Movement Policies (2013) relates to walking and cycling. New residential development and office development over 100sqm are required to provide cycle parking in accordance with Table 6.1 at Appendix 6 of Islington Development Management Policies 2013. The requirements for residential development is 1 cycle parking space per bedroom provided and for office development the requirement is one space per 80sqm of floorspace.
- 10.69 The development includes residential cycle parking at ground floor level. 8 Sheffield stands are proposed, each providing parking for two bicycles (16 spaces in total). This is above the provision required under Appendix 6 as there are 14 bedrooms proposed. Three further Sheffield cycle stands are also proposed in front of the commercial units providing 6 short stay spaces which can be used by the ground floor commercial unit or by those visiting the residential accommodation. Overall, the provision of cycle parking is acceptable and accords with Policy DM8.4.
- 10.70 Comments received by TfL noted that the cycle parking arrangements do not comply with London Cycle Design Standards (LCDS) guidance in relation to access as well as aisle and door widths. To address this the ground floor arrangement has been amended so that a 2.05m clear aisle width will be provided between the two parked rows of cycles. This has been possible due to a reduction the volume of office floor space being provided at ground floor level by 10sqm (124sqm down to 114sqm). The width of the entry door has also been increased to 1.2m to allow sufficient access for cycles.
- 10.71 TfL have requested for a disabled car parking bay to be provided due to the provision of office floorspace at the site and compliance with Policy T6.5 (Non-Residential Disabled Persons Parking). Similar comments have been received from the Accessibility Officer. The overall accessibility of the development is accessed in section 10.62 above. As the site primarily fronts Holloway Road, a key strategic road in the borough that is under the authority of TfL, there is no scope for an on-street disabled parking bay to be provided to Holloway Road, nor to the rear of the site as there is insufficient vehicle access. Furthermore, there is a substantial tree in front of the site and to Holloway Road there are zig zag no stopping lines due to a pedestrian crossing to the south of the application site. The Accessibility Officer also noted that there should be safe drop off as well as on street parking but for the same reasons as above this is not possible.
- 10.72 Islington's Planning Obligations SPD (2016) states that a £2,000 per space charge is relevant where an on-site provision of disabled parking is not possible (paragraph 6.26). This will enable the council to install accessible parking bays where required. The financial contribution will be included within the Unilateral Undertaking between the applicant and the council.
- 10.73 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.
- 10.74 The Environmental Health Officer has highlighted that there may be issues in relation to delivery and servicing, particularly during the construction phase as there are a number of constraints at the site such as a pedestrian crossing with zig zag lines, that the majority of Holloway Road is a red route and as there is a substantial tree outside

the site. Due to these constraints and the close proximity of neighbour residential occupiers, a Construction Method Statement (Condition 8) and a Construction Environmental Management Plan (condition 9) have been recommended.

- 10.75 As no final user is known for the commercial unit, no detail is available in relation to the delivery and servicing arrangement for the unit at this time. Consequently, a Delivery and Servicing Plan condition is recommended, in consultation with TFL who control Holloway Road, to ensure the future use of the unit can be appropriately and safely serviced given the restricted parking and stopping arrangements on Holloway Road.

Trees

- 10.76 The application has been submitted with an Arboricultural Impact Assessment / Method Statement to address the potential impacts upon tree T1 that is immediately outside the application site on the pavement to Holloway Road. While this tree is not a protected tree, it is a TfL owned highways tree and should be retained. The Arboricultural Impact Assessment has been reviewed by the council's Tree Preservation Officer and no objections have been raised. A condition is recommended (Condition 12) for the protection and maintenance of the tree to be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment / Method Statement (condition 12).

Refuse and Recycling

- 10.77 Commercial refuse storage is provided at ground floor level with access doors facing directly onto Holloway Road. The residential refuse store is at ground floor level with access provided from the main entrance lobby. The commercial refuse storage area is 6.7sqm and the plans indicate this can accommodate 3 x 660 litre bins and 1 x 1100 litre bin. The residential store is 10.6sqm and can 2 3 660 litre bins and a 2 x 1100 litre bins.
- 10.78 Comments were received from the council's Refuse and Recycling Department and it was no issues were raised with regard to collections from Holloway Road as domestic collections are already made along this route. Commercial collections will be dealt with by private operators but as there are already numerous other commercial operations to Holloway Road, the collection of commercial refuse from the proposed refuse store is an acceptable arrangement. Overall, the provision of refuse storage is considered to be satisfactory given the level of occupation and scale of development at the site.

Sustainability

- 10.79 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. The application has been submitted with a Sustainable Design and Construction Statement that addresses the sustainability potential of the development. Energy efficient features will be included in the construction such as thermally efficient insulation (Fabric First approach) with u values below those of building regulations. This initiative will achieve a 3.6% reduction in CO₂ per year, equivalent to 570kg CO₂, over the baselines conditions of Part L of Building Regulations.
- 10.80 Low carbon technologies are also proposed as part of the development such as photovoltaic panels on the flat roof area to the fifth floor unit, mechanical ventilation with heat recovery, gas savers and air source heat pumps. The combined total of reduced carbon emissions as a result of the low carbon technologies incorporated

into the development is 37.4% (5,665 kgCO₂) compared to the baseline conditions over a whole year.

- 10.81 It is concluded that the combined inclusion of thermally efficient building materials and low carbon technologies shows sufficient accordance with the requirements of DM7.2 and that the building will be sufficiently sustainable with a relatively low carbon footprint compared to the baseline situation. A condition has been included (condition 13) to ensure the sustainability features highlighted in the Sustainable Design and Construction Statement are incorporated into the development.
- 10.82 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. No detail has been provided as to the inclusion of a green roof at the site but as there will be two flat roof areas it may be possible for one to be installed. It is therefore recommended for a condition to be applied that maximise green/brown roofs at the site (Condition 16).
- 10.83 A further condition is recommended (Condition 20) for swift boxes to be installed at the site to increase the ecological contribution of the development. Further conditions are recommended that relate to a SUDS system (Condition 21) being installed and for the water efficiency target of 95 liters, per person, per day to be met (Condition 19).
- 10.84 Overall, it is concluded that the sustainability of the site 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

- 10.85 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.
- 10.86 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.
- 10.87 The applicant has indicated their agreement to enter into the 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). The Unilateral Undertaking has been drafted and should the development be approved by the Planning Committee the agreement will be signed prior to the decision notice being issued and a £350,000 contribution (£50,000 x 7 new units) will be collected by the council for affordable housing in the borough. A £7,000 contribution will also be collected for carbon off-setting as well as a £2,000 contribution for a disabled parking bay. A draft head of terms is provided at Appendix 1.

11. SUMMARY AND CONCLUSION

- 11.1 The overall design of the development is of a high standard of design 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. The ground floor commercial unit has also been assessed for effect on neighbouring amenity and conditions have been recommended to control the use under Class E as well as the hours of operation for both the internal and external commercial areas.
- 11.3 The standard of living accommodation for the new units complies with the minimum space standards and a satisfactory provision of private outdoor amenity space is provided to all units. Conditions have also been included to ensure noise and air pollution issues do not negatively affect future residents. Overall, the quality of accommodation is concluded to be of a high standard.
- 11.4 Sufficient sustainability features have been proposed to reduce the carbon footprint of the development by 40%.
- 11.5 The applicant has indicated their agreement to enter into a Unilateral Undertaking for a £350,000 contribution towards affordable housing, a £7,000 contribution towards carbon offsetting and a £2,000 contribution towards an accessible parking bay.
- 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 a legal agreement.

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:

- £350,000 Contribution towards off-site affordable housing.
- £7,000 Contribution towards Carbon Offsetting.
- £2,000 Contribution towards an Accessible Parking Bay.
- Restriction on future residential occupants obtaining an on street parking permit.

RECOMMENDATION B

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

List of Conditions:

1	Implementation Period CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: 1812_P_100, 1812_P_101, 1812_P_210, 1812_P_220, 1812_P_401_Rev_A, 1812_P_411,1812_P_102_REV_A,1812_P_201_REV_C,1812_P_202_REV_A, 1812_P_203_REV_A,1812_P_204_REV_A,1812_P_411_REV_A,1812_P_410_REV_A, Air Quality Assessment Ref: JAR11143 dated 10/07/2019, Design and Access Statement, Daylight and Sunlight Report Ref: CR/ROL00255 dated 29/10/2020, Arboricultural Impact Assessment / Method Statement Ref: D1934AIA dated 13/06/2019, Planning Statement Ref: 19-4932 dated 09/10/2019, Retail Assessment October 2019 Ref: 4932, Site Noise Risk Assessment and Acoustic Design Statement Ref: JAE11145 dated 03/07/2019, Sustainable Design and Construction Statement dated 08/07/2018. 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.

3	<p>MATERIALS (DETAILS):</p>
3	<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> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); f) 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.</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>Noise report – Scheme for sound insulation</p>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq,8 \text{ hour}}$ and 45 dB $L_{max (fast)}$ Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16 \text{ hour}}$ Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16 \text{ hour}}$</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the living environment of future residents.</p>
5	<p>Noise report – Scheme for sound insulation between residential/commercial</p>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the living environment of future residents.</p>

6	<p>Plant Noise Compliance</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In order to protect the amenities of surrounding occupiers.</p>
7	<p>Air Quality Report</p> <p>CONDITION: Prior to commencement of the relevant part of the development, full details of ventilation and measures to reduce air pollution exposure for the residential units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To protect the living environment of future residents.</p>
8	<p>Construction Method Statement</p> <p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of:</p> <ul style="list-style-type: none"> a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. the erection and maintenance of security hoarding; e. wheel washing facilities; f. measures to control the emission of dust and dirt during construction; and g. a scheme for recycling/disposing of waste resulting from demolition and construction works. <p>Any response should pay reference to BS5228, the GLA' SPG on control of dust and emissions, LBI code of construction practice and any other relevant guidance.</p> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p>
9	<p>Construction 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 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.)
- 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 neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;
- m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
- n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.
- o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.

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).

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

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

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.

10	<p>Cycle Parking Compliance</p> <p>CONDITION: The bicycle storage area(s) shown on approved plan 1812_P_201_REV_C shall be fitted out in accordance with the approved plan and provided 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>
11	<p>Inclusive Design</p> <p>CONDITION: The ground floor commercial unit hereby approved shall meet the requirements of Part M of Building Regulations including the provision of step-free wheelchair access from street level.</p> <p>REASON: To ensure the commercial unit is fully accessible to those with mobility issues.</p>
12	<p>Compliance with Arboricultural Report</p> <p>CONDITION: The schedule of works and maintenance to the tree immediately outside the site to Holloway Road shall be carried out in accordance with the details provided in the Arboricultural Impact Assessment / Method Statement by Alderwood Consulting Ref: D1934AIA and dated 14th June 2019.</p> <p>REASON: In order to protect the tree in close proximity to the site.</p>
13	<p>Compliance with Sustainable Design and Construction Statement</p> <p>CONDITION: The development hereby permitted shall be constructed to achieve a 40% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, using the methods highlighted within the Sustainable Design and Construction Statement by Mesh Energy and dated 8th July 2018.</p> <p>REASON: In the interest of securing sustainable development.</p>
14	<p>Photovoltaic Panels Details</p> <p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to: location; area of panels; and design (including section drawings showing the angle of panels in-situ, and elevation plans).</p> <p>The solar photovoltaic panels as approved shall thereafter be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design</p>
15	<p>Delivery and Servicing Plan</p> <p>CONDITION: Prior to the first occupation of the ground floor commercial unit hereby approved, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The details shall include such issues as where delivery and servicing vehicles are to stop during loading, loading times and restrictions for delivery vehicles</p>

	REASON: To ensure the commercial unit can be safely and effectively serviced
16	Green/Brown Biodiversity Roofs (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <p>a) how the extent of green/brown roof has been maximised;</p> <p>b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 120 -150mm); and</p> <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/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>
16	Use of Commercial Floorspace
	<p>CONDITION: The commercial office floorspace at ground floor level hereby approved shall not be used for a Gym or Creche/Nursery or any other use falling within Class E parts (d) and (f) within of the Town and Country Planning (Use Classes) Regulations 2020,without first obtaining planning consent from the Local Planning Authority.</p> <p>REASON: In order to protect the amenities of surrounding residential occupiers.</p>
17	Hours of Use
	<p>The ground floor office floorspace hereby approved shall not be used outside of the hours:</p> <p>0800 to 2200 on all days.</p> <p>REASON: In order to protect the amenities of surrounding residential occupiers.</p>
18	Commercial External Amenity Area Use
	<p>The external area to the ground floor office area shall not be used outside of the hours:</p> <p>0900 – 1800 Monday to Friday.</p> <p>REASON: In order to protect the amenities of surrounding residential occupiers</p>
19	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>
20	Bird 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</p>

	<p>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>
21	<p>Sustainable Urban Drainage</p> <p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>

List of Informatives:

1	<p>Car-Free Development –</p> <p>Car-Free Development. All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
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APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

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 2011 - Spatial Development Strategy for Greater London

4 London's economy

- Policy 4.2 Offices
- Policy 4.3 Mixed use development and offices

5 London's response to climate change

- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction

6 London's transport

- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.13 Parking

7 London's living places and spaces

- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review

- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

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

Strategic Policies

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

- Policy CS13 (Employment Spaces)

Infrastructure and Implementation

- Policy CS18 (Delivery and Infrastructure)

- Policy CS11 (Waste) CS12 (Meeting the housing challenge)

C) Development Management Policies June 2013

Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage
- DM3.1 Mix of Housing Sizes
- DM3.4 Housing Standards
- DM3.5 Private Outdoor Space

Employment

- DM4.6 Local Shopping Areas
- DM5.1 New business floorspace
- DM5.2 Loss of existing business floorspace

Energy and Environmental Standards

- DM6.5 Landscaping, Trees and Biodiversity
- DM6.6 Flood Prevention
- DM7.1 Sustainable design and construction statements
- DM7.2 Energy efficiency and carbon reduction in minor schemes
- DM7.4 Sustainable design standards

Transport

- DM8.1 Movement hierarchy
- DM8.2 Managing transport impacts
- DM8.4 Walking and cycling
- DM8.5 Vehicle parking

Infrastructure

- DM9.2 Planning obligations

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:

- Local Shopping Area Upper Holloway;
- Strategic Cycle Route;
- Within 100m of TLRN;
- Article 4 Direction A1-A2 (Local Shopping Area)
- Within 50m of three Conservation Area.
- Article 4 direction A1-A2.

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

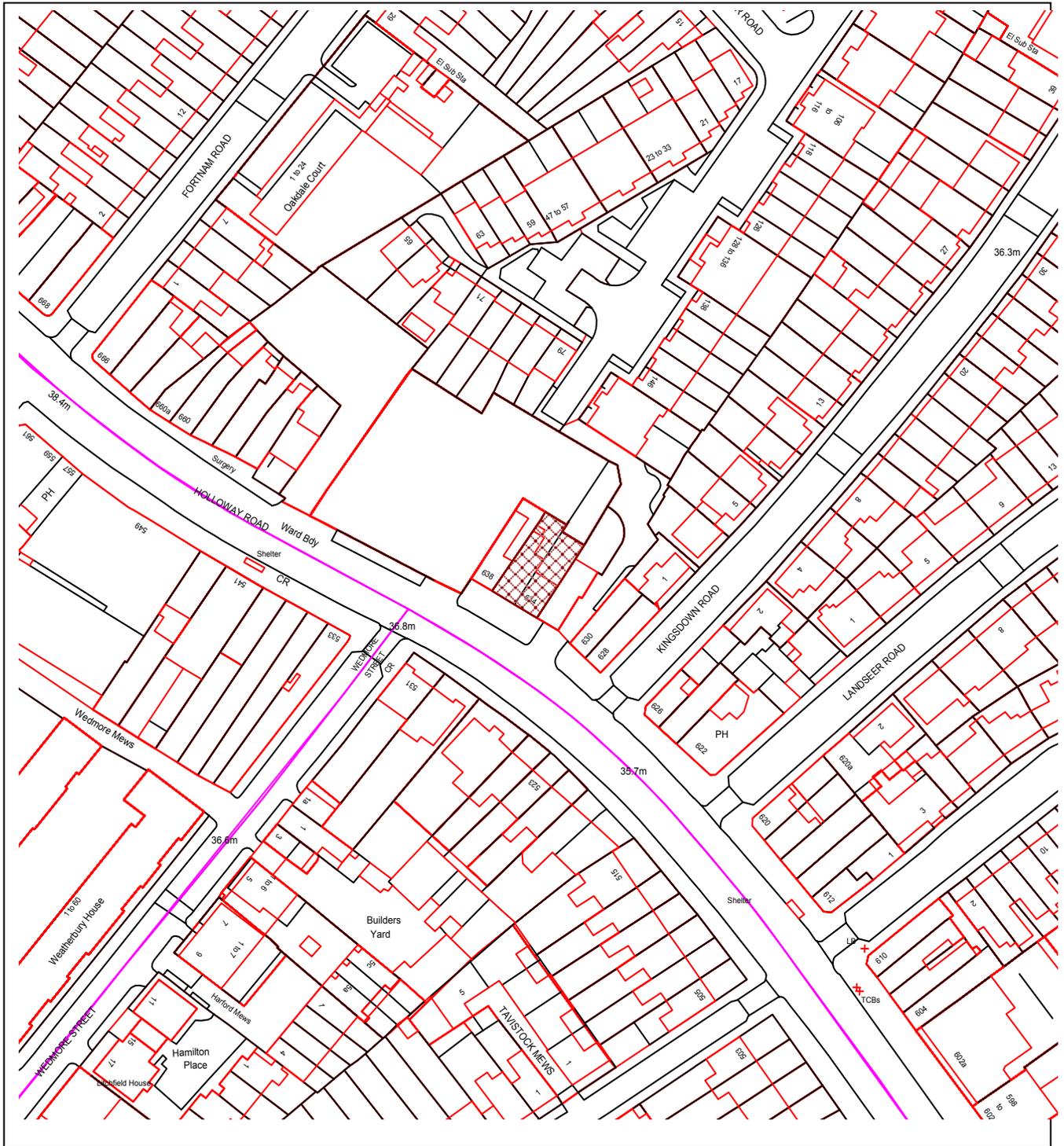
- Environmental Design
- Urban Design Guide
- Inclusive Design (2014)
- Planning Obligations

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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

Islington GIS Print Template



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P2019/3143/FUL

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PLANNING COMMITTEE REPORT



PLANNING SUB COMMITTEE B		
Date:	8 December 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. REASON FOR DEFFERAL AT LAST COMMITTEE MEETING

- 2.1 The application was previously presented to Members of Planning Sub-Committee B on the 14th July 2020. The item was deferred as the applicant and/or their agent was not present at the meeting to answer questions from Members. Given the level of objection to the scheme, it was agreed by Members for the item to be deferred and determined at a later committee date when the applicant and /or their agents was in attendance.
- 2.2 A number of issues were raised during the committee meeting by both neighbouring residents and Members of the committee. Neighbouring residents reiterated points that had been raised during the consultation period, with such issues addressed within section 10 of the original report, appended here. Additional issues were raised such as the fire resistance of the proposed cladding, the structural capacity of the building to accommodate the additional storey as well as overshadowing to surrounding terraces and outdoor areas.
- 2.3 Members of Planning Sub-Committee B also raised issue with the application during deliberations relating to the lack of dialog with residents by the applicant and the resultant high volume of objections. Further issues of concern related to the amount of light received at the rear terraces to properties on Upper Street as well as the overall design not being suitable given surrounding building heights and as only two thirds of the roof space to Moore Court is being utilised, lacking symmetry and cohesion. Questions from Members were intended to be put to the applicant but due to the lack of attendance this was not possible during the meeting.

3. UPDATES FOLLOWING PUBLICATION OF PREVIOUS REPORT

- 3.1 New information has been provided in support of the application relating to overshadowing and the structural capacity of the building. The design of the proposed extension has also been altered and a more traditional mansard style of roof extension is now proposed with the same footprint and height as that of the previous design. These new details will be addressed below in the Assessment section.

4. CONSULTATION

- 4.1 The application has undergone additional consultation since the application was deferred. Letters were sent to surrounding residents on the 22nd October 2020 and then again on the 5th November 2020 due to certain documents not being published on the council's website. The consultation period expired on the 19th November 2020 and at the time of writing this report 26 additional objections had been received from the public. Of the 26 objections, 17 representations were received by members of the public who had previously objected and 9 of the objections were from individuals who has not previously objected. New issues raised in these representations that were not previously raised are summarised below with previous issues raised detailed at paragraph 8.3 of the original report.

- New design does not respect architecture of building and is contrary to the Urban Design Guide.

Design issues are addressed from paragraph 5.1 below

- Pre-application advice is not available nor are historic planning files.

Pre-application advice that has led to a full application being submitted is available upon request. The retrieval of historic planning files has been impacted by the Covid-19 Pandemic.

- 14-day consultation period is not sufficient and the Islington website has been down during the re-consultation period.

The re-consultation period started on 22nd October 2020 and was extended until the 19th November 2020 due to certain plans not being available online until the 5th November 2020. A 14-day re-consultation period is in accordance with the Islington Statement of Community Involvement.

- Health and Safety issue from construction workers using staircase of Moore Court.

This detail is addressed within condition 4 (Construction and Environmental Management Plan) part j.

- Penthouse development is exclusive and elitist.

The development proposes 2 x 2 bedroom units and makes a £100,000 contribution towards affordable housing in the borough. Land use issues are addressed from paragraph 10.2 of the original report.

- Nearby school will be affected by refuse collection vehicles, including noise and air pollution.

Refuse collection vehicles currently make collections from Collins Yard and surrounding residential developments.

- Impact on structural framework of building and loads on foundations.

The structural capacity of the building is a Building Control issue. To address this issue the applicant has provided a Structural Appraisal document that is assessed from paragraph 5.13 below.

- Additional security risk from more people using the communal areas.

The introduction of 2 additional units to the building is not considered to result in additional security issues for existing residents.

- Restricted access to surface car park will have financial consequences for owners.

The application does not propose any changes to existing parking and financial matters are not a material planning consideration.

- Overshadowing and enjoyment of garden areas.

An overshadowing report has been provided and this issue is addressed from paragraph 5.9 below.

- Strain on utilities (water and energy).

An updated Energy Study has been conditioned (condition 5) which addresses water usage and energy provision for the units.

- Terminology of structural report lacks certainty and has incorrect statements.
The relevance of the structural report is addressed from paragraph 5.13 below.
- Public right of way would be ruined by increased height of Moore Court.
The additional height of Moore Court is not considered to affect the public right of way through Anderson Square Gardens.
- Development would set a precedent for similar applications in the area.
Each application is assessed on its own merits.
- Cycle parking area is not secure.
Full details of the proposed cycle storage area will come forward as part of Condition 7.
- New refuse store will be inconvenient for existing residents, obtrusive, out of keeping with existing development and affect residents to Upper Street.
Refuse arrangements are addressed from section 10.50 of the original report. Insufficient refuse capacity was highlighted as an issue during the first round of consultation and on further investigation a lack of capacity was identified. The proposed refuse store would provide extra refuse storage provision for the whole site as well as the new units. The refuse store is considered to be acceptable given its low height and positioning.
- No consultation with building occupants over PV array and no updated sustainable design and construction statement.
Detail of PV panels will come forward via the details required for recommended condition 11.
- Use of unsafe cladding could result in properties not being mortgageable.
A standing seam facing material is now proposed, the full details of which will be provided via condition 3. The safety of materials falls within Building Regulations.
- The solvency and liquidity of the contractors should be considered.
This is not a material planning consideration.
- Notices under Certificate B have not been sent to persons with an interest in the land with the updated description.
Certificate B has been signed with details of those who have been served notice. There is no requirement for new notices to be served when an amendment has been made to the description of development.

Internal Consultation

- 4.2 **Inclusive Design Officer:** Recommend refusal. The proposed flat layouts are undersized, the layouts do not meet Part M(4) Category 2 requirements nor is there step free access.

Accessibility issues are addressed from paragraph 10.56 of the original report. London Plan supporting paragraph 3.48A provides instances (buildings of four storeys or less) where step free access cannot be provided and as a result the floorspace only needs to meet M4(1) of the Building Regulation.

4.3 **Design and Conservation Officer:**

Concerns were raised by the Design and Conservation Officer in relation to the positioning of the windows and that there was a poor relationship between the proposed windows and the existing windows on the lower levels of the building. To address this feedback, the fenestration arrangement was amended so that the proposed windows align with the windows on the lower levels and on this basis the Design and Conservation Officer was accepting of the new design and no adverse comments were raised. Design issues are addressed at from paragraph 5.1 below.

5. **ASSESSMENT OF ADDITIONAL INFORMATION**

Design

5.1 The design has been amended to provide a more traditional mansard style roof extension than that of the previous contemporary design last brought before members at the July Sub-Committee B meeting. The design retains a flat roof but there will now be a steep angle to the fascia of the extension and the material proposed will have a standing seam to give the impression of a mansard style roof extension. A mansard style extension is more traditional and in keeping with the style of extension that one would expect on a brick building with parapets such as Moore Court. The overall footprint and height of the extension will remain unchanged from the previous iteration.

5.2 The Design and Conservation officer raised initial objection to the fenestration arrangement due to there being no coherence with the fenestration on the lower levels. Amended elevation drawing rev E has addressed this issue and the new windows to the roof extension are now aligned with the windows below to provide more coherence between the existing and proposed sections of the building.

5.3 Islington's Urban Design Guide (2017) provides guidance in relation to roof extensions and from paragraph 5.135 it is stated

Outside conservation areas, there is more scope to introduce roof extensions where these are of a high quality design. Where a street frontage benefits from a consistent and unbroken roofline, alterations which would disrupt this consistent roofline and be visible from the public realm need to be designed in a style appropriate to the host building. Where the extension is not visible from the public realm, for example if it is generously setback from the front parapet, there may be more scope for flexibility in the design.

5.4 Moore Court is outside of a conservation area and does not have a street frontage as it is within a residential estate. The main mass of the extension is set back from the east elevation of Moore Court by 1.2m and would rise above the parapet by 2.6m. The extension would therefore only be minimally visible from ground level vantage points within Anderson Square Garden, which includes a public right of way, and not visible from the surrounding streetscene or primary public realm. Given the size, positioning and location of the development there is more flexibility with the design as long as it is of high quality, as stipulated by the UDG at paragraph 5.153.

- 5.5 The UDG at paragraph 5.154 goes onto mention that '*The profile and configuration of the existing extensions should normally be followed except in those cases where the existing design is considered out of character with the host building and/or the predominant building type*'. Paragraph 5.155 states that there are two types of mansard extension and the relevant mansard to the current design is described as '*flat mansard incorporating steep front and back and almost flat top (usually not acceptable in conservation areas)*'. The site is not within a conservation area and the adjacent building (Rodin Court) already includes a similar roof extension at fourth floor level although different in its overall design.
- 5.6 The new design is a mansard style extension with steep pitched elevations and a standing seam facing material. Such roof extensions can be supported outside of conservation areas where the site does not have a street frontage and where the extension is set back from the front parapet. The development is in accordance with this criteria and the design is considered to be of a satisfactory standard. The development is therefore in accordance with the relevant sections of the UDG as well as DM2.1.
- 5.7 The materiality of the extension has also been updated and a standing seam facing material is now proposed that is more appropriate for a traditional mansard style extension. The exact type of material is yet to be confirmed but this detail will come forward as part of Condition 3 (Materials). Common facing materials for mansard style extensions with standing seam cladding are either a zinc or lead composite material.
- 5.8 While the site is not within a conservation area it does border the Upper Street (North) Conservation Area to the west and north. As was highlighted in the original report at paragraph 10.13, the development is not considered to cause harm to the neighbouring conservation area. The amended design has more of a traditional appearance which more appropriately complements the neighbouring conservation area than that of the previous design iteration. While the new design does not match that of the roof extension to Rodin Court it provides a legible transition between the traditional terrace to Upper Street and the contemporary extension to Rodin Court. Consequently, the new design of the roof extension is concluded to have a neutral impact on surrounding heritage assets and therefore accords with DM2.3.

Overshadowing

- 5.9 An overshadowing report has been provided to address comments received during the committee meeting on the 14th July. The concerns were in relation to overshadowing to both the rear terrace areas to properties along Upper Street (323 – 320 consecutive) as well as to the outdoor amenity space at Anderson Square Garden.
- 5.10 The BRE Guidelines recommend that at least half of a garden or open space should receive at least two hours sunlight on March 21. If as a result of new development an existing garden or amenity space does not receive at least two hours of sunlight on March 21 then the existing and proposed lit areas are required as if any lit areas are reduced by more than 20% the loss of sunlight is likely to be noticeable.
- 5.11 The overshadowing report has provided an analysis of the surrounding external amenity areas to properties along Upper Street as well as the landscaped areas to Anderson Square Garden. It is noted in the results table that all but one terrace area passes the BRE criteria outlined above. Of the 9 areas assessed, 7 will see no difference in the lit area of amenity space, including the entire landscaped area to Anderson Square Garden. For the other two areas, the first floor amenity area to 322

Upper Street will see a reduction of 6% (within the 20% BRE guidance tolerance) and the lower ground floor amenity area at 320 Upper Street will see a reduction from 1% lit area to 0% lit area of amenity space. While this does represent a 100% reduction, the ultimate reduction is just 1% and given the location of this amenity space at lower ground level the reduction is considered to be acceptable in this instance.

- 5.12 The overshadowing report has demonstrated that there will not be an unacceptable loss of daylight to all of the external amenity areas within close proximity to the site. The one exception to this is the lower ground floor terrace at 320 Upper Street that, given its subterranean location, would already experience severely limited daylight and the development would not make an unacceptable impact upon the light received to this area. It is therefore concluded that in relation to overshadowing the development is acceptable.

Structural Report

- 5.13 A Structural Appraisal has been provided due to concerns raised during the last committee meeting over the structural capacity of the building and whether it can accommodate the extension. The report provides a basic overview of the existing building and the proposed structure but does not provide numerical figures that would confirm the structural capacity of the building or the potential weight of the proposed extension. The report does mention that the proposed extension is likely to be feasible if formed using light weight construction materials.
- 5.14 Despite the structural report not providing a level of detail that would inform whether the building has the capacity to accommodate the extension, this matter is not a material planning consideration. Such issues are dealt with under the Building Regulations.

6. CONCLUSION

- 6.1 The amended design and additional information provided has demonstrated that the development is in accordance with Development Management policy DM2.1 in terms of both design and effect on neighbouring amenity. The design has been amended to be of a more traditional mansard style extension that is more appropriate given the surrounding built form context. The overall scale, height and footprint of the development remains unchanged from the previous design brought before Members on the 14th July 2020. The overshadowing report demonstrates that the proposal would not result in unacceptable have to neighbouring occupiers.

THE CONDITIONS PREVIOUSLY ADVISED HAVE BEEN REVISED TO INCLUDE THE NEW DRAWING REFERENCE NUMBERS. THE REVISIONS TO THE CONDITIONS ARE HIGHLIGHTED IN BOLD AT APPENDIX 1. APPENDIX 1 - RECOMENDATIONS

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.

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 B, FYV_205_2 Rev E, FYV_204_2 Rev C, FYV_301_2, FYV_300_2, FYV_001_2, FYV_103_2, FYV_101_2, FYV_102_2, 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 8 th June 2020, Sustainable Design and Construction Statement 28/01/19, Refuse Strategy November 2019, Overshadowing Report dated 28/08/2020 ref: 11545, Structural Appraisal August 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	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) Final colour, type and sample panel for the facing material.</p> <p>c) roofing materials;</p> <p>d) balustrading treatment (including sections);</p> <p>e) 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	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 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	Obscure Glazing
	<p>Notwithstanding the details shown on the approved plan FYV_205_2 Rev E and FYV_204_2 Rev C, 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	Privacy Screen
	<p>Notwithstanding the details shown on approved plan FYV_204_2 Rev C, 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	Green/Brown Roof Feasibility Study
	<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)</p>

	<p>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	<p>Location of PV Panels</p> <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	<p>Installation of Swift Boxes</p> <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>



PLANNING COMMITTEE REPORT

PLANNING SUB COMMITTEE B		
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)

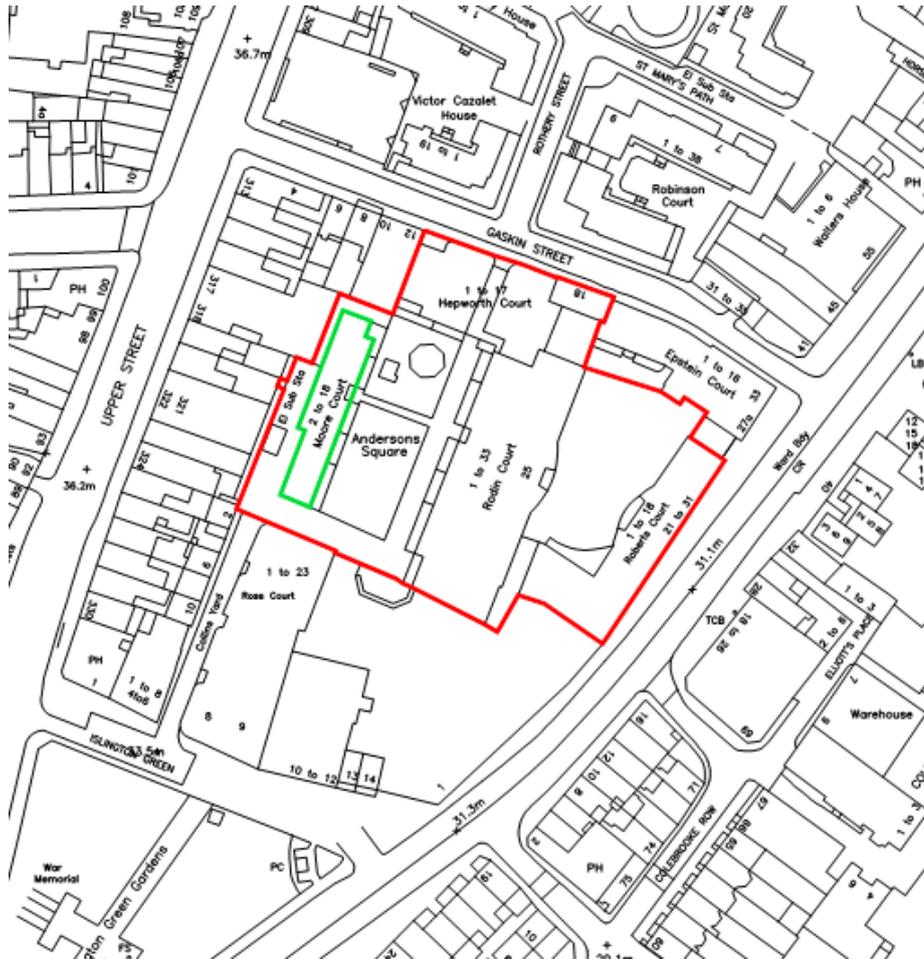


Image 1 – Site Location Plan

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 321 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.

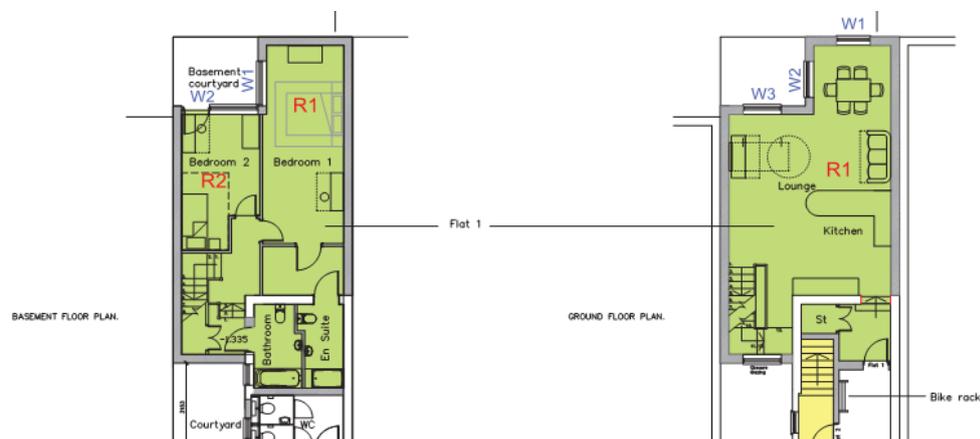


Image 12 – Approved Development at 320 Upper Street

- 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.

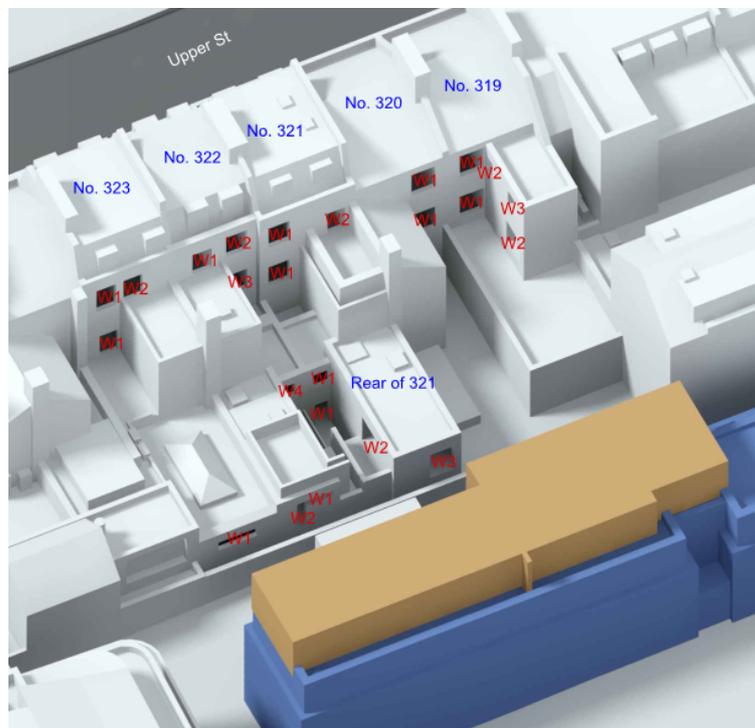


Image 13 – Rear Windows Map of 319 to 323 Upper Street

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.

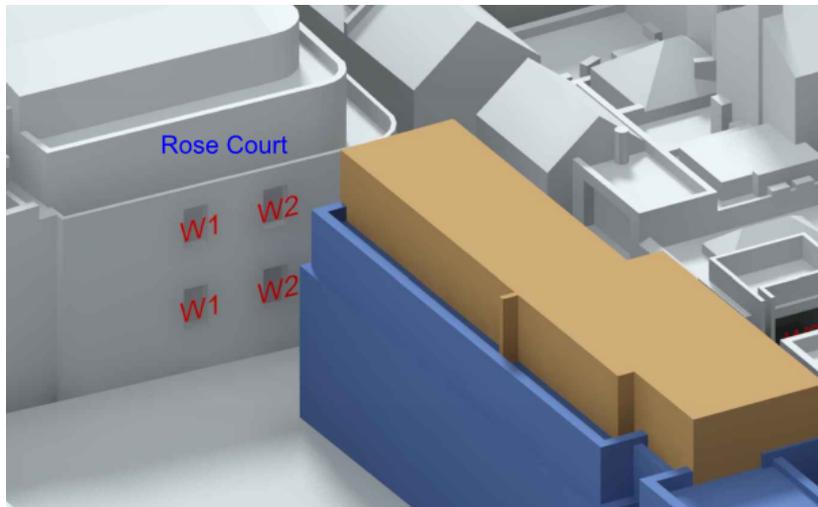


Image 14 – Assessed windows to Rose Court

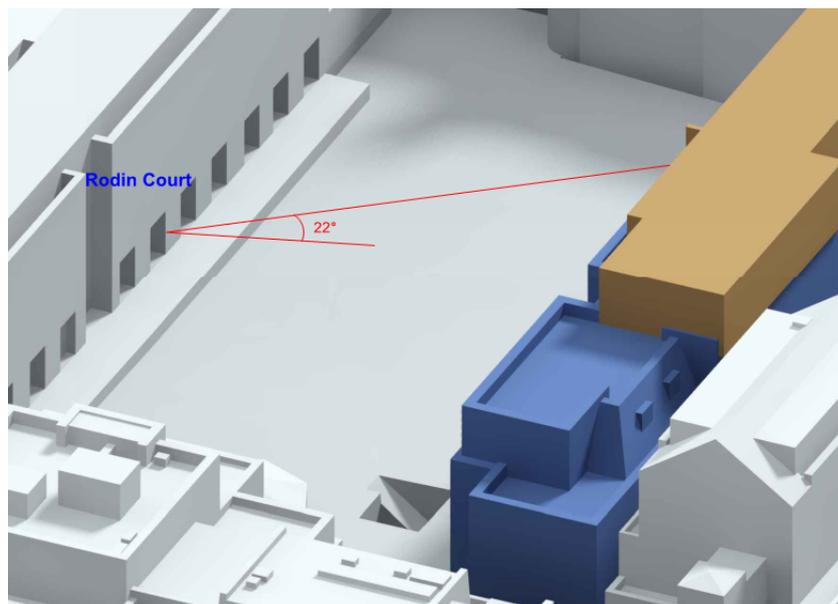


Image 15 – Assessed windows to Rodin Court

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.

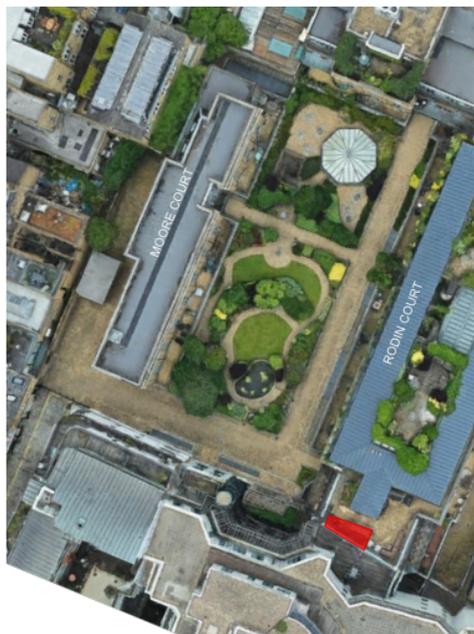
Transport and Highways

- 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

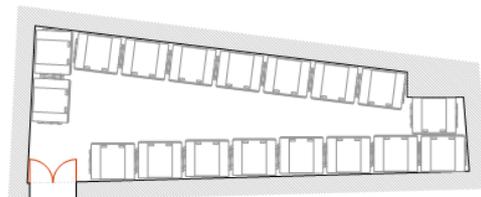
compliance with the relevant transport policies of the London Plan and Islington's Core Strategy and Development Management Policies.

Refuse and Recycling

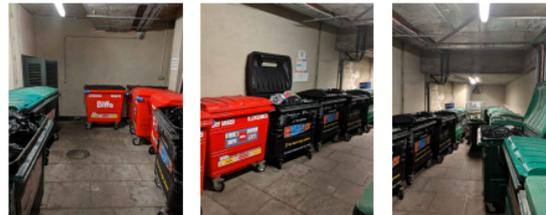
- 10.50 The initial proposal intended to use the existing waste and recycling facilities within the residential estate but capacity issues with this storage area were raised by various objectors. The existing bin store is located at ground floor beneath the Rodin Court block and has a mix of recycling 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
	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
	The development hereby approved shall be carried out in accordance with the following approved plans: 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, 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 21 st October 2019, Addendum Daylight and Sunlight Report ref ds/rm/11545 dated 8 th June 2020, Sustainable Design and Construction Statement 28/01/19, Refuse Strategy November 2019, 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.
3	MATERIALS (DETAILS)
	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>a) Final colour, type and sample panel for the main elevations window treatment (including sections and reveals); b) roofing materials; c) balustrading treatment (including sections); 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; 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 neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site; k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;</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 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 SE GIS Print Template



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P2019/0031/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE B		
Date:	8 th December 2020	NON-EXEMPT

Application number	P2019/0608/FUL
Application type	Full Planning (Council's Own)
Ward	St. Marys
Listed building	N/A
Conservation area	St Mary Magdalene Conservation Area
Development Plan Context	St Mary Magdalene Conservation Area Aarticle 4(2) St Mary Magdalene Within 100m TLRN
Licensing Implications	No
Site Address	Mersey Garages, Ringcroft Street, Islington, N7 8ND
Proposal	Stopping Up Order of existing highway to front of the Mersey Garages, Ringcroft Street under Section 247 of the Planning Act 1990 to enable the redevelopment of the Mersey Garages adjacent to 29 Mersey Estate, for residential use.

Case Officer	Robin Tulloch
Applicant	London Borough of Islington
Agent	London Borough of Islington, Mr P. Tobin, Architects Group Leader

RECOMMENDATION

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

1. The council makes a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 ("the Act") in accordance with the procedure in Section 252 of the Act in respect of the area of highway shown on Plan No. RS 17 Rev A to enable the development authorised by planning permission ref: P2018/4056/FUL to be carried out.
2. If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.

3. If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

1.0 SITE AND SURROUNDINGS

- 1.0 The area of land which the application to stop up the highway relates to is an area at the northern end of Ringcroft Street in front of Mersey Garages. Ringcroft Street is a residential street to the north of St Mary Magdalene Garden, and the site is within the St Mary Magdalene Conservation Area.



- 1.2 The application relates to approximately 90sqm of public highway adjacent to the hardstanding in front of Mersey Garages. Ringcroft Street is a highway maintained by the council and is included in the council's List of Streets as highway maintained at the council's expense.



- 1.3 The application for the erection of three houses (planning application reference P2018/4056/FUL) was approved on 07/07/2020. Implementation of the development requires the stopping up of part of Ringcroft Street for the works to be carried out.

2.0 PROPOSAL

- 2.1 The proposal relates to the stopping up of an area of highway described above under Section 247 of the Town and Country Planning Act 1990 in connection with the implementation of the planning permission ref: P2018/4056/FUL that granted

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.

3.0 CONSULTATION

- 3.1 The council's highway officer has no objection to the proposed stopping up of part of Ringcroft Street.

- 3.2 No public or external consultation has been carried out by the council in respect of the current stopping up application, however should the Committee approve the stopping up, before making the Order the council would carry out consultation as required by Section 252 of the Town and Country Planning Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed order in a local newspaper. A 28-day consultation period would allow interested parties to respond.

- 3.3 Under section 252(4)(b) of the Act if an objection is received from any local authority, National Park authority or undertakers or public gas transporter on whom a notice is required to be served or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the council must:

- (i) notify the Mayor; and
- (ii) cause a local inquiry to be held.

- 3.4 If however, none of the objections notified were made by a local authority or undertakers or transporters then, under section 252(5A) of the Act, the Mayor shall decide whether, in the "special circumstances of the case" the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.

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

4.0 EVALUATION

- 4.1 Section 247(2A) of the Act provides that the council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

- 4.2 In *K C Holdings Ltd v Secretary of State for Wales* [1990] JPL 353 the Deputy Judge held that "may" implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport* [1991] 2 All ER 77, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.

- 4.3 The layout of the development has already been considered and approved by Planning Sub-Committee B under application ref: P2018/4056/FUL following a full statutory public consultation exercise. The approved layout plans would require the stopping up of the area of land that is the subject of this report. The stopping up now proposed would give effect to the above described planning permission as shown on Plan No. RS17. The proposed stopping up of the land shown on plan would allow for the erection of 3 new houses with front gardens matching the existing building line of the terrace, appended to the end of the terrace currently comprising 1-29 Ringcroft Street, and associated private amenity space, cycle store and replacement wall.



- 4.4 The stopping up will not impact on vehicular traffic with the area to be lost at the termination of the street and the area to be lost being formed of an inset area of hardstanding between the highway and the garages which are to be demolished.
- 4.5 There is an existing footway to the north of the garages creating a pedestrian route from Liverpool Road to the west to Morgan Road to the east. This route would be improved by being widened and repaved, with a new boundary wall and cycle store.
- 4.6 Officers therefore consider that there would be no disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights to enable the development to be carried out.

5.0 CONCLUSION

- 5.1 It is considered that the proposed stopping up of the area of land is necessary to enable the approved development (P2018/4056/FUL) to proceed and is acceptable in highways terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.
- 5.2 Officers therefore recommend approval of the stopping up order, subject to the details as set out in the RECOMMENDATION.

Islington SE GIS Print Template



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P2019/0608/FUL

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PLANNING COMMITTEE REPORT



PLANNING SUB-COMMITTEE B		
Date:	8 December 2020	NON-EXEMPT

Application number	P2020/1511/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	No
Conservation area	No
Development Plan Context	Employment Growth Area Rail Safeguarding (Channel Tunnel Rail Link) Rail Land Ownership (National Rail Surface) Article 4 Direction A1-A2 (Rest of the borough) Article 4 Direction B1c to C3
Licensing Implications	Site has a License to Sell Alcohol
Site Address	Roman Way Industrial Estate, Unit 8, 149 Roman Way London N7 8XH
Proposal	Change of use of the existing ancillary storage function to the brewery on a permanent basis to a mixed B1(c) (Light Industrial) and A4 (Drinking Establishment) use (Sui Generis), following the granting of planning permission (ref. P2018/3090/FUL) on 12/04/2019 for a temporary period including alterations to the previously approved hours of operation to: (a) Tuesday to Thursday 16:00 to 22:30 hours (b) Friday and Saturdays 12:00 to 22:30 hours (c) Sunday 12:00 to 20:00 hours

Case Officer	Daniel Jeffries
Applicant	Hammerton Brewery Limited
Agent	Metropolis Planning and Design

1. RECOMMENDATION

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

2. SITE PLAN (SITE OUTLINED IN BLACK)



3. PHOTOS OF SITE/STREET

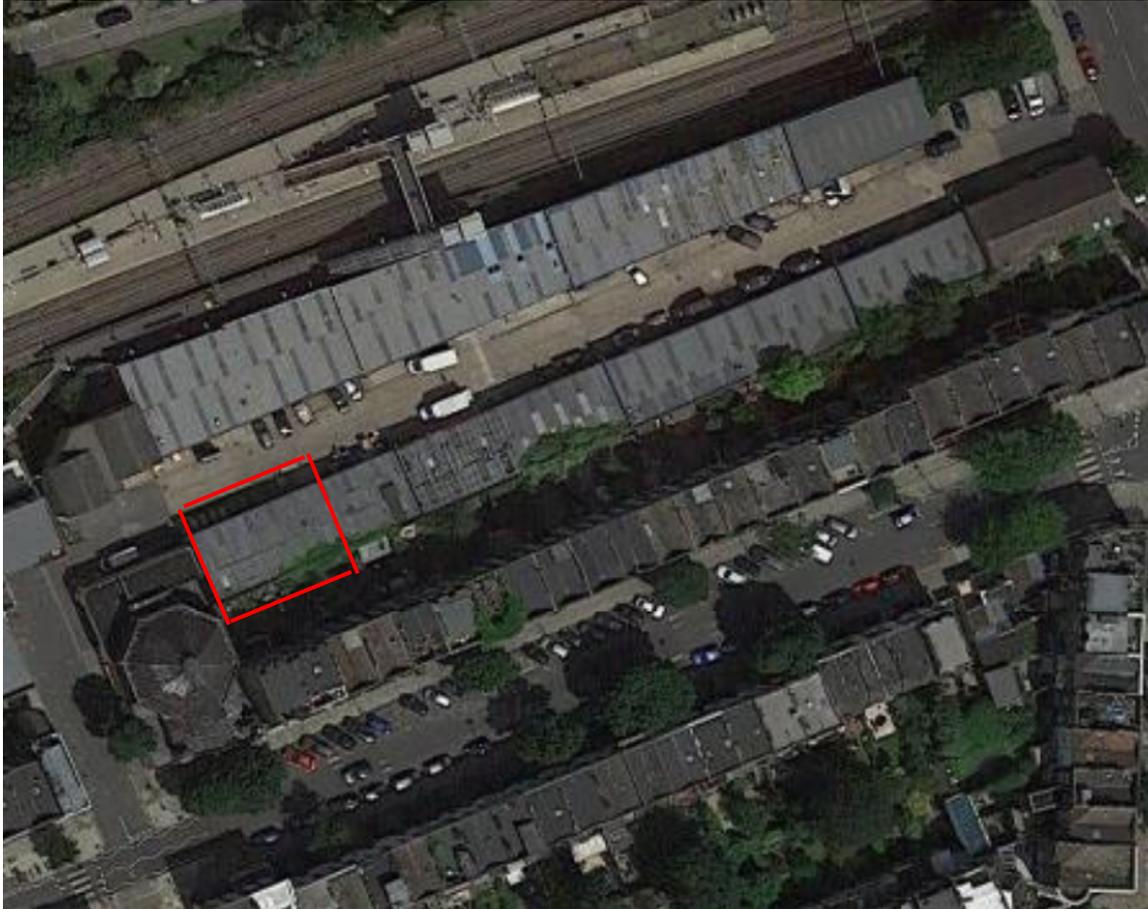


Image 1: Aerial view of site (looking north)



Image 2: Aerial view of site (looking south)



Images 3-6: Front elevation



Image 7: View of access to the site from Offord Street (west)



Image 8: View of access to the site from Roman Way (east)

4. SUMMARY

- 4.1 The application seeks the permanent change of use to Unit 8 from ancillary storage associated with the existing brewery (Hamerton Brewery) to an ancillary public house. The brewery comprises Units 1, 8 and 9 on the Roman Way Industrial Estate, which is located at 149 Roman Way. The application seeks to retain this use on a permanent basis which would form a mixed Sui Generis use of B1(c) (Light Industrial) and A4 (Drinking Establishment) use. This is following the previous grant of temporary planning permission (Planning Ref. P2018/3090/FUL) dated 12/04/2019 for the change of use for a temporary period of 12 months from the date the planning permission was implemented, to allow for the impact of the proposal to be assessed. The applicant confirmed that the temporary use ceased in July 2020. The originally approved proposal was subject to controls to mitigate the impacts including restricting the operating hours (12:00 to 22:00 on Fridays and Saturdays only), restricting the use of the outside area to 9pm, the maximum occupancy of the premises to 200 customers, and the submission of a Noise and Management Plan and extraction ventilation equipment, which have been subsequently approved and were implemented.
- 4.2 In addition to seeking to retain the use on a permanent basis, this proposal would also extend the hours of operation, in comparison to the previously approved temporary planning permission. The applicant has provided further information to mitigate the proposed hours (Tuesday to Thursday 16:00 to 22:30 hours, Friday and Saturdays 12:00 to 22:30 hours, and Sunday 12:00 to 20:00 hours) with a revised Noise and Management Plan, which incorporates the same controls found within the previously approved development including the maximum number of patrons to 200 customers, as well as further measures recommended by the Council's Environmental Health Pollution and Metropolitan Police's Secured by Design Officer's to mitigate the potential impact of the proposal.
- 4.3 In land use terms, the acceptability of an ancillary public house alongside the main brewery has been approved for a temporary period planning permission (Ref. P2018/3090/FUL). Whilst the proposal intensifies the previously approved use by way of extended hours of operation, which is reflected in the updated Noise and Management Plan dated 2nd October 2020, but the proposal would retain the same use of the unit and the main brewing activity would remain in operation throughout even during the open public hours associated with the proposed taproom. Therefore the acceptability of the proposal in land use terms is dependent on its amenity impact on the surrounding area.
- 4.4 Whilst the proposal would intensify the use of the business, the Council's Environmental Health Pollution Officer and the Metropolitan Police have considered that there would be sufficient measures to mitigate these impacts within the revised Noise and Management Plan, including the maximum number of customers to 200, as well as the other previously recommended conditions. The Council's Licencing Team have confirmed that they have no objections to the revised proposal, and the site has a licence to sell alcohol on all days between 12:00 and 23:00, which was granted prior to the granted of a temporary planning permission for the previous application (ref. P2018/3090/FUL)
- 4.5 The application is brought to committee because of the number of objections received (4).
- 4.6 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions.

5. SITE AND SURROUNDINGS

- 5.1 The site is located within the Roman Way Industrial Estate which is adjacent to Offord Road to the south and Caledonian Road and Barnsbury Station to the north. The northern units within the industrial estate back onto network rail land and the southern units adjoin residential gardens to properties on Offord Road. The industrial estate is made up of 16 units for light industrial uses suitable in residential areas. The unit subject to this application is currently used as a mixed B1(c) (Light Industrial) and A4 (Drinking Establishment) use (Sui Generis), following the implementation of planning permission (ref. P2018/3090/FUL) which was granted planning permission on

12/04/2019 for a temporary period, being 12 months from the date of the A4 Use Commencing on site.

- 5.2 The surrounding area is characterised by 3-4 storey residential developments with some retail/office uses on ground floors. The site itself is not within a conservation area but the site adjoins properties on Offord Road that are within the Barnsbury Conservation Area. The Industrial Estate is also within an Employment Growth Area which is safeguarded from change of use to non-businesses uses.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission to change the use of the pre-existing ancillary storage function to the brewery on a permanent basis to a mixed Sui Generis use of B1(c) (Light Industrial) and A4 (Drinking Establishment) use, following the granting of planning permission (Ref. P2018/3090/FUL) on 12/04/2019. The original application (Ref. P2018/3090/FUL) was granted planning permission at Planning Sub-Committee B on 12th March 2019 subject to conditions including being granted only for a temporary period, being 12 months from the date of the A4 Use Commencing on site. The permission was granted restricting the operating hours between 12:00 to 22:00 hours Friday to Saturday, restricting the maximum number of customers to 200, the use of the outside until 9pm, and the submission of a Noise and Management Plan and details of extraction ventilation equipment.
- 6.2 The submitted Planning Statement confirms that the original permission (Ref: P2018/3090/FUL) was due to end in July 2020, and confirms that the permission has ceased. The application seeks to extend the previously approved hours (Friday and Saturday 12:00 to 22:00 hours) of operation to:
- a) Tuesday to Thursday 16:00 to 22:30 hours
 - b) Friday and Saturdays 12:00 to 22:30 hours
 - c) Sunday 12:00 to 20:00 hours
- 6.3 The applicant has confirmed that whilst the use has now ceased, the unit largely retains the approved layout apart from some minor alterations including the partition between Unit 8 and 9, WCs, a kitchen and storage areas. The application has included the submission of a revised noise and operational management plan and would use the approved extraction ventilation equipment.
- 6.4 The application does not include any external alterations.

7. RELEVANT HISTORY:

Unit 2

- 7.1 840821: Change of use of part of the building to a cold store and preparation room for funeral undertakers. Approved on 20/11/1984

Unit 4

- 7.2 840774: Change of use from industry to warehouse (cold store). Withdrawn
- 7.3 P2017/4994/COL: Certificate of lawfulness (existing) for the operation of a "Deliveroo Editions" commercial kitchen and delivery centre. Refuse Permission and take enforcement on 15/02/2018.

REASON 01: It is considered that the existing use of the site (Unit 4 Roman Way Industrial Estate, 149 Roman Way) as a Deliveroo Editions commercial kitchen and delivery centre at is not a B1(c) use. Therefore the operation cannot lawfully operate under planning application 81/670 on the site because planning permission is required for a change of use. Therefore, the existing use is not lawful under the provision of Section 191 of the Town and Country Planning Act 1990 (as amended)

- 7.4 P2018/0209/FUL: Installation of external plant and external alterations, including 4 no. extract ducts, 6 no. intake louvres, 5 no. flues and 2 no. air conditioning units.(under consideration)
- 7.5 P2019/2774/FUL: Change of use from Light Industrial (B1(c)) to Commercial Kitchen and Delivery Centre (Sui Generis) (Departure from Development Plan). Under consideration.

Unit 8

- 7.6 841731: Use for body repairs spraying. Withdrawn on 27/11/1985
- 7.7 921142: Variation of condition 04 of planning approval dated 8 September 1981 to permit continuation of use of premises between the hours of 7am on one day and 4am on the next day. Approved on 26/01/1993
- 7.8 931506: Variation of condition 04 of planning approval dated 8th September 1981 to permit continuation of use of premises between the hours of 7am on one day and 4am on the next day. Approved on 03/02/1994
- 7.9 P2018/3090/FUL: Unit 8 - Change of use of the ancillary storage function to the brewery to a mixed B1(c) (Light Industrial) and A4 (Drinking Establishment) use, with limited hours of operation. Approved on 12 April 2019.

Unit 9

- 7.10 931776: Deletion of condition 04 of planning permission dated 8th September 1981 (Hours of opening). Withdrawn on 13/10/1994.
- 7.11 P2013/2989/FUL: Change of use from B1(c) (Light Industrial) to B2 (General Industry) restricted to the specific activity of a craft brewery for the production and distribution of beer. Withdrawn on 04/11/2013
- 7.12 P2013/2653/COL: Unit 9 - Certificate of Lawfulness (proposed) for use as a microbrewery as B1 (c). Approved 30th September 2013.

Unit 10

- 7.13 P2015/3131/FUL: Erection of four boiler flues and seven silencers to roof. Approved on 04/10/2016

Unit 13

- 7.14 840295: Use for the treatment of persons suffering from multiple sclerosis with hyperbaric oxygen. Approved on 01/05/1984

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 124 no. adjoining and nearby properties at Offord Road, Roman Way, Offord Street and the units within the industrial estate on the 30th July 2020. Following the submission of an amended Noise Operation Management Plan, further consultation letters were sent on 13th October 2020. The consultation period expired on 27th October 2020.
- 8.2 At the time of the writing of this report a total of **8 no.** responses had been received from the public with regard to the application, which include 4 no. objections and 4 no. letters of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Neighbouring Amenity

- Noise and disruption by use and patrons, including cumulative impact by the use of Unit 4;

- Anti-social behaviour by patrons

(Paragraphs 10.12-10.28)

External Consultees

- 8.3 **Metropolitan Police Secured by Design Officer:** raised no objections from a security point of view, but requested a number of additional security measures to be included in the Noise Operational Management Plan, including retaining the CCTV cameras, the inclusion of hooks fixed to tables and benches for bags and coats, and signs encouraging patrons to leave quietly and staff providing advice to local transport links.

Internal Consultees

- 8.4 **Licencing Officer:** confirmed that the premises has a licence to sell alcohol, for on and off site sales, on all days 12:00 to 23:00 which was granted prior to the granting of the temporary planning permission for the previous application (ref. P2018/3090/FUL) and raised no objections to the application.
- 8.5 **Environmental Health Pollution (Acoustic) Officer:** raised no objections subject to conditions to control the hours of use and retain the previous conditions relating to restricting the use of the outside area and the Noise Operation Management Plan. The Officer also requested that the Noise Operational Management Plan is amended to address an ongoing complaint about cleaning out the barrels at the brewery.
- 8.6 **Policy (Land use) Officer:** raised no objections and considered that the proposal to retain the use on a permanent basis would be a positive addition to the area in land use terms.
- 8.7 **Building Control Officer:** raised no objections but noted that the internal layout would be required to comply with Building Regulations and that the Council's Building Control Team did not receive an application to confirm that the internal layout approved within the previous application complied with Building Regulations.

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 A must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.9 The Development Plan 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.

Designations

- 9.10 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Employment Growth Area
 - Rail Safeguarding (Channel Tunnel Rail Link)
 - Rail Land Ownership (National Rail Surface)
 - Article 4 Direction A1-A2 (Rest of the borough)
 - Article 4 Direction B1c to C3

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.11 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

9.12 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 D8 – Public Realm

9.13 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 what is proposed in the application, the direction does not alter the assessment in this case.

9.14 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 R8 – Location and Concentration of Uses
- Policy R10 – Culture and the Night-Time Economy
- Policy R11 – Public House
- Policy T4: Public realm
- Policy T5: Delivery, servicing and construction

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Neighbouring Amenity

- Design, Conservation and Heritage
- Highways and Transport
- Accessibility
- Refuse and Recycling

LAND USE

- 10.2 The Roman Way Industrial Estate is within an Employment Growth Area which is protected by Policy CS13 of the Core Strategy. The policy safeguards existing business space throughout the borough by protecting against a change to non-business uses. This is reinforced by Policy DM5.2 of Islington's Development Management Policies that states schemes incorporating a loss or reduction of business floorspace will be refused unless exceptional circumstances can be demonstrated.
- 10.3 Policy DM4.2 and DM4.3 outline the appropriateness of late-night entertainment activities in the borough and states that generally such uses are only appropriate in Town Centre locations. Exceptions will only be allowed where such uses will not have adverse impacts such as unacceptable disturbance or detrimental effect on the amenity, character and function of an area. Negative cumulative impacts and unacceptable concentrations of uses will also be resisted.
- 10.4 The Hammerton Brewery occupies units 1, 8 and 9. Unit 1 (194sqm) and unit 8 (155sqm) which were used for storage (beer kegs, hops, bottled/canned beer etc.) and the main microbrewery operations occur in unit 9 (160sqm). This application relates to Unit 8 which was granted temporary planning permission (Ref. P2018/3090/FUL) for the *change of use of the ancillary storage function to the brewery to a mixed B1(c) (Light Industrial) and A4 (Drinking Establishment) use, with limited hours of operation* in April 2019. This application was granted planning permission at Planning Sub-Committee B on 12th March 2019 for a limited time period of 12 months from the date of the A4 Use commencing on site. The submitted Planning Statement confirmed that this 12 month period ended in July 2020.
- 10.5 Therefore the current authorised use of Unit 8, since the temporary consented period ended in July 2020, has reverted back to its prior use as ancillary storage (beer kegs, hops, bottled/canned beer etc.) associated with the main microbrewery operations. However, the current layout of Unit 8 is as approved within the previous application (Ref. P2018/3090/FUL). The committee report for this application confirmed that the authorised use of unit 8 was B1(c) – Light industrial suitable in residential locations, prior to the granting of the temporary planning permission.
- 10.6 Therefore the proposal subject to this application has similar land use considerations as identified for the previous application.
- 10.7 The land use assessment concluded that the proposals do not conflict with the aspirations of Policies CS13 and DM5.2. This assessment was that the previous proposal *operating as a drinking establishment restricted to two days per week with limited hours which compliments the primary function of the unit for microbrewery operations*. Also that the *proposed use is considered to be an ancillary function and therefore the primary function of the units as a B1(c) will be retained*. *The introduction of an ancillary function will not result in any business floorspace being lost*. Additionally that *the location of the ancillary A4 use in an out of Town Centre location is compliant with policies DM4.2 and DM4.3, in terms of land use, as the proposal does not constitute an over concentration of such uses and there will be no cumulative impacts as a result of the use proposed*.
- 10.8 However, the Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. The amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which includes B1(c) light industrial use, together with many other town centre uses. The assessment of the proposal is based on the Council's assessment that the authorised use of unit 8 was B1(c), which now falls within Class E. Therefore the Unit 8 could be changed to any use within Class E which includes retail units, restaurants, café's, offices, gyms, doctors, clinic or health care centres, under the current permitted development rules, and without the necessity planning permission or associated assessment.

- 10.9 Notwithstanding the above, the main differences between the assessments of this and the previous application, is that the approved (Ref. P2018/3090/FUL) application is a material consideration in the assessment of this application. The previous approved drinking establishment was granted a temporary consent, for 12 months, to allow the impact of the proposed use to be assessed. The current proposal is to retain the use on a permanent use of Unit 8 as a drinking establishment rather than the previously approved temporary use. As with the previous temporary consented drinking establishment the proposal would retain the existing use of the brewery within Units 1 and 9 for the manufacturing and storage requirements which would remain as existing. This application does not propose any increase in the size or operation of the drinking establishment, or the use of Units 1 or 9, in comparison to this previously approved use, other than allow for further operating hours. The proposal seeks to increase the opening hours, from the previously consented 2 days (Friday and Saturdays) to 6 days a week (Tuesdays to Sundays) with varying hours.
- 10.10 Therefore, whilst it is acknowledged that the intensification of the use would result in increased function of the drinking establishment use, in comparison to what was previously approved, the principle of the change of use to an ancillary drinking establishment, which supports the function of the main use as a brewery has been established within this unit as acceptable in land use terms.
- 10.11 However, the granting of a planning permission has allowed the Council to assess the potential impacts of the use, therefore the acceptability of the intensification of the use is dependent on the amenity impact, particularly, and any other material considerations, and therefore it is considered unreasonable to refuse the application in land use terms.

NEIGHBOURING AMENITY

- 10.12 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.
- 10.13 Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.14 The Roman Way Industrial estate is located in a primarily residential area with the rear gardens of residential properties on Offord Road (31-79 odd) adjoining the rear boundary of the industrial estate. The western entrance of the industrial estate, in close proximity to unit 8, is off Offord Street which incorporates a mixed use development with offices on the ground floor and residential units on the upper three floors. Between the industrial estate and the mixed use development is the entrance to Caledonian Road and Barnsbury Overground Station.
- 10.15 As noted in the Committee Report for the original application (ref. P2018/3090/FUL) the introduction of the A4 use has the potential to affect the amenities of surrounding residents due to behaviours associated with drinking establishments. The previous application was approved with a condition restricting the operating hours between 12:00 to 22:00 on Fridays and Saturdays only, and restrict the use of the outdoor area not before 12noon or after 9pm, also ensuring that no external bar serving alcohol, no cooking of food and no fixed seating be installed. In addition conditions were attached to the previous approval for the submission of a Noise and Operational Management Plan and details of extraction ventilation equipment to be submitted to and approved in writing by the Local Planning Authority prior to the approved use commencing.
- 10.16 The Noise and Operational Management Plan, and extraction ventilation equipment details were submitted and approved in July 2019 prior to the commencement of the approved use (within approval of details applications Refs. P2019/1215/AOD and P2019/1216/AOD respectively). The approved Noise and Operational Management Plan which was considered acceptable and included consultation with the Council's Pollution Officers, details a number of different measures including maximum occupancy of the premises (200 customers), the access to and from the site, complaints procedure, the use of a security guard on site, the control of the outside area, servicing arrangements, locations for smoking, and a number of measures to manage noise. The approved

extraction equipment details which the Council's Pollution Officers considered to be acceptable showed that the extraction equipment would be positioned internally and would be connected to an existing vent on the front elevation above the ground floor access door to the kitchen.

- 10.17 As noted above the previous application was approved for an ancillary drinking establishment use on a temporary period for 12 months, which paragraph 10.11 of the previous Committee Report confirms that was to enable *the effects of the proposals can be assessed and so an informed decision can be made in relation to extending the temporary period, if an application is made to do so*. The report confirms that this was due to a prior complaint having been received by Environmental Health in relation to music, noise from patrons and other anti-social behaviour.
- 10.18 In addition it also noted that the originally proposed hours were Thursday/Friday 16:00 to 23:30, Saturday 12:00 - 23:30 and Sunday 12:00 23:00, with an outdoor closing time of 22:30. As noted above these were reduced with paragraph 10.10 of the previous Committee Report stating that *these hours (totalling 37.5 per week) were deemed to be too late and across too many days of the week to be considered acceptable and raised concerns over whether this would constitute an ancillary use. It was concluded that such hours had the potential to negatively affect surrounding residents and were therefore not deemed acceptable. Late night operations on Thursdays and Sundays in particular were considered to introduce potential for an unacceptable level of disturbance to surrounding occupiers*.
- 10.19 This application seeks to reintroduce the public house use Tuesday to Thursdays 16:00 to 22:30 hours, Friday and Saturdays 12:00 to 22:30 hours and Sundays 12:00 to 20:00 hours. The proposal would therefore result in the extension of the previously consented hours, and on more days. However, it should be noted that the hours proposed within this application resulting the use closing 1 hour earlier on Thursday to Saturdays, and 3 hours earlier on Sundays. However, the decision by Members of the Planning Sub-Committee B to allow the temporary consented period was made prior to the introduction of a drinking establishment, and the temporary period was granted to allow for the impact of the proposed use to be assessed, albeit only restricted hours (being only two days per week).
- 10.20 In terms of assessing the amenity impact of the development, comments were sought from the Council's Environmental Health Pollution and Licencing Officers, as well as the Metropolitan Police Secured by Design Officer.
- 10.21 As noted in the committee report for the previous application, Unit 8 currently has a license to sell alcohol on all days between 12:00 and 23:00 for on and off sites sales. The hours sought conform to the premises license already held by the unit and therefore there are no conflicting licensing implications as a result of the proposals. The Council's Licencing Officer has confirmed that they do not have any objections to this proposal. The site would also be subject to licensing control.
- 10.22 The Council's Pollution Officer, who provided comment on the original application has reviewed the proposal and confirmed that in last 12 months there have been 4 no. complaints, 2 no. of these complaints relate to noise from patrons using the outside space, and 1 no. of the complaints raised issues about early morning noise from kegs and one about a generator. The Pollution Officer has confirmed that none of these complaints have been witnessed and substantiated to date.
- 10.23 The Pollution Officer has raised no objections to the proposal including its intensified use of hours but has requested that the conditions which were attached to the previous temporary consent are imposed to any approved application. This includes a revised Noise and Operational Management Plan, the operational hours, the restricting the use of the outside area, and the maximum number of customers to 200.
- 10.24 The Metropolitan Police Secured by Design Officer raised no objections but recommended the use of CCTV cameras, the use of Chelsea hooks (fixed to table and benches), and signs encouraging patrons to leave quietly and staff encouraged to give directions to nearest transport links for customers exiting the premises. These measures were incorporated within the revised Noise and Management Plan and are considered acceptable in this regard.

- 10.25 In terms odour, as noted above the previous application was subject to a condition relating to details of extraction ventilation equipment. Details were submitted and approved (ref. P2019/1216/AOD) with the approved equipment installed prior to the first use. Whilst the proposed change in operating hours would intensify the use, the proposal does not increase the capacity or size of the kitchen. Therefore it is considered that subject to a condition ensuring the ventilation equipment is continued to be used in accordance with the approved details, the proposal is acceptable in this regard.
- 10.26 The temporary consented period is not considered to have had a detrimental impact on the amenity impact of neighbouring properties, given the controls secured by condition, which has only resulted in 2 no. objections during this period. Whilst it is acknowledged that the proposal would intensify its use it is considered that sufficient Public Protection and Secured by Design measures have been incorporated into the proposals and secured by condition to ensure the amenity of neighbouring residents will be protected. External noise from the proposals will stop at 9pm, when the outdoor area closes and all customers move inside or leave. An improved noise and management plan has been conditioned to ensure that when the unit doors are open there will not be an unacceptable level of noise created by the public house use.
- 10.27 Notwithstanding the above, concerns have been raised by occupiers of neighbouring properties in relation to the cumulative impact of the proposal on the neighbouring properties, in combination with the impact of the use of Unit 4 within Roman Way. This unit, which is located towards the centre of Roman Way to the north, is subject to an enforcement investigation and associated appeal, together with a current planning application (ref. P2019/2774/FUL) for the 'Change of use from Light Industrial (B1(c)) to Commercial Kitchen and Delivery Centre (Sui Generis)'. This application follows the refusal of an application for a certificate of lawful development (ref. P2017/4994/COL) for its use as a "Deliveroo Editions" commercial kitchen and delivery centre. Whilst the current planning application (ref. P2019/2774/FUL) has yet to be determined and is under consideration by the Council, it is considered that there are sufficient mitigation measures proposed within this application to protect the amenity of neighbouring properties, even in the event the application for Unit 4 was approved.
- 10.28 Overall, during the temporary consented period and the additional measures identified above are considered to demonstrate compliance with Development Management Policies DM2.1 and DM4.3.

DESIGN, CONSERVATION AND HERITAGE

- 10.29 There are no external alterations proposed, therefore 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 conservation area.

HIGHWAYS AND TRANSPORT

- 10.30 The site has very good access to public transport and the Public Transport Accessibility (PTAL) rating is 5 (where 6 is the best and 0 the worst). There are several bus routes in the surrounding area, close proximity to the Caledonian Road & Barnsbury Road Overground Station, as well as walking distance from Caledonian Road and Highbury & Islington Underground Station.
- 10.31 Policy DM8.2 seeks to ensure developments meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Given the limited number of patrons (maximum 200) which would likely use public transport or walk to the site it is not considered to have a significant impact on the local public highway in this regard.
- 10.32 However, Policy DM8.4 seeks to ensure minor developments creating new commercial units of 100sqm or greater, are required to provide cycle parking in accordance with the minimum standards set out in Appendix 6. It confirms that 1no. cycle storage space is required per 60sqm for drinking establishment. Given Unit 8 is 155sqm in size a minimum of 2 no. cycle spaces would be required. Whilst no cycle storage has been provided, a condition has been recommended to secure a minimum of 2 no. cycles prior to the first use of the premises.

- 10.33 Policy DM8.6 sets out that provision for delivery and servicing for new developments. However, given that the proposal forms part of the existing microbrewery, which has its own service and delivery arrangements, it is not considered to materially impact this existing arrangement. The Council's Highways Officer has confirmed that he has no comments on the proposal.

ACCESSIBILITY

- 10.34 Policy DM2.2 seeks to ensure developments demonstrate that they provide for ease of and versatility in use. Whilst the proposal would largely retain the previously approved layout with some internal alterations including an internal partition, the position of the storage areas, the size of the WCs and the kitchen. The internal partition would separate it from Unit 9, and the number and accessibility of the WCs has improved in comparison to the previously approved proposal. The revised layout includes enlarged openings, retains a repositioned accessible WCs and separate gents WCs. The repositioning of a storage area has allowed for enlarged kitchen which is considered to improve the accessible accommodation for users.
- 10.35 Whilst the Council's Building Control Officer has raised no objections to the proposal, but confirmed that the layout would be required to comply with Building Regulations, including fire safety. The Council's records do not indicate that an application was submitted to the Council's Building Control Team for the previously approved layout. A formal assessment of its compliance with Building Regulations within any subsequent Building Control application, this isn't considered to warrant refusal of this planning application.

REFUSE AND RECYCLING

- 10.36 The existing microbrewery has 5 no. weekly collections for waste, and the proposal is not considered to materially impact this situation and is therefore considered acceptable in this regard.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The introduction of an ancillary drinking establishment forming part of the existing brewery was granted planning permission (Ref. P2018/3090/FUL) within Unit 8 for a temporary period of 12 months to allow for an assessment of the impact on the wider area. The previous application considered that the authorised use of the brewery (Units 1, 8 and 9) was B1(c) use being light industrial. However, following changes to the Use Class Order in 1 September 2020 the use of the brewery is within Class E, which includes other town centres uses.
- 11.2 The application seeks to retain an ancillary drinking establishment as part of the brewery within Unit 8 on a permanent basis. The proposal would retain the same size unit and function as what was previously consented on a temporary basis with increased operating hours, whilst allowing the main function as to operate. Given the ancillary nature of the use, the acceptability of the proposal in land use terms is therefore dependent upon the intensification of the proposed use and the impact on the amenity of the surrounding area.
- 11.3 The Council's Environmental Health Pollution Officer has confirmed that out 4 no. objections relating to the brewery, only 2 no. relate to the use of the outdoor space, within the 12 month consented period. Along with the Metropolitan Police Secured by Design Officer, the Pollution Officer has considered that the measures within the revised Noise and Management Plan would mitigate the impact on neighbouring properties and the surrounding area. The Council's Licencing Team has confirmed that the site has a licence to sell alcohol for on and off site sales, and has raised no objections to the proposal.
- 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 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:

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>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement dated 25th June 2020, EX.01 – Existing Layout Floor Plan, FP.01 – Proposed Floor Plan, Noise Operational Management Plan dated 2nd October 2020, 5000-D2800-rev00 – Site Location Plan,</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	Operational Hours (Compliance)
	<p>CONDITION: The hereby approved ancillary drinking establishment use shall only operate between the hours of:</p> <ul style="list-style-type: none"> • Tuesday, Wednesday and Thursdays 16:00 to 22:30 hours; • Friday and Saturdays 12:00 to 22:30 hours; and • Sundays 12:00 to 20:00 hours only. <p>REASON: To protect the amenities of surrounding residents.</p>
4	Outside Area (Compliance)
	<p>CONDITION: The outdoor area to the front elevation and within the red line boundary, as shown on the Location Plan (3186-D1000-rev00), shall not be used/occupied by patrons of the hereby approved drinking establishment on:</p> <ul style="list-style-type: none"> • Tuesday, Wednesday and Thursdays before 16:00 or after 21:00 hours; • Friday and Saturdays before 12:00 or after 21:00 hours; • Sundays before 12:00 or to 19:00 hours. <p>There shall be no external bar serving alcohol, no cooking of food and no fixed seating installed in the outside area and all temporary seating shall be removed from the outside area outside of the above hours.</p> <p>REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed use does not have an adverse impact on neighbouring residential amenity.</p>

5	Noise and Operation Management Plan (Compliance)
	<p>CONDITION: The controls and mitigation measures including security measures, monitoring arrangements and internal communications procedures for dealing with noise issues and complaints, use of the outdoor space and access arrangements found within the approved Noise and Operational Management Plan dated 2nd October 2020 shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity.</p> <p>REASON: To protect the amenities of surrounding residents.</p>
6	Extract Ventilation Equipment (Compliance)
	<p>CONDITION: For the hereby approved development the flues/extraction systems approved within application ref. P2019/1216/AOD shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter. The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible. The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter</p> <p>REASON: In order to protect the amenities of surrounding occupiers.</p>
7	Maximum Occupancy (Compliance)
	<p>CONDITION: During the operation of the unit as an ancillary drinking establishment use, the maximum number of customers' onsite at any time is 200. Monitoring measures shall be in place to ensure this maximum number is not exceeded.</p> <p>REASON: To ensure the safe operations of the use hereby approved and to protect the amenities of surrounding residents.</p>
8	Cycle Storage (Compliance)
	<p>CONDITION: Prior to the first occupation of the hereby approved development storage for a minimum of 2 no. cycles shall be provided and retained thereafter.</p> <p>REASON: To promote sustainable forms of transport.</p>
9	WCs (Compliance)
	<p>CONDITION: For the hereby approved development the WCs shall be implemented in accordance with drawing no. FP.01 – Proposed Floor Plan and shall be retained thereafter into perpetuity.</p> <p>REASON: To ensure accessible WCs</p>

List of Informatives:

1	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.</p>

CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy .

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 4.1 Developing London's Economy
- Policy 7.4 Local character

B) Islington Core Strategy 2011

- Policy CS8 Enhancing Islington's character
- Policy CS13 Employment spaces

C) Islington Development Management Policies 2013

- Policy DM2.1 – Protection of Amenity
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM4.2 – Entertainment and Night Time Economy
- Policy DM4.3 – Location and Concentration of Uses
- Policy DM5.2 – Loss of Existing Business Floorspace
- Policy DM8.2 – Transport Impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.6 – Delivery and servicing

3. Designations

- Employment Growth Area



ISLINGTON

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
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 LONDON N1 1YA

PLANNING COMMITTEE REPORT



PLANNING SUB COMMITTEE B		AGENDA ITEM NO:
Date:	12th March 2019	NON-EXEMPT

Application number	P2018/3090/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	No
Conservation area	No
Development Plan Context	Employment Growth Area, Rail Safeguarding Area.
Licensing Implications	Site has a License to Sell Alcohol
Site Address	Units 8, Roman Way Industrial Estate, 149 Roman Way, London, N7 8XH
Proposal	Change of use of the ancillary storage function to the brewery to a mixed B1(c) (Light Industrial) and A4 (Drinking Establishment) use, with limited hours of operation.

Case Officer	Owen Griffiths
Applicant	Hammerton Brewery Limited
Agent	Metropolis Planning and Design

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



Image 1- Site Plan

3. PHOTOS OF SITE/STREET



Image 2 – Aerial View



Image 3 – View of unit 8 from west end of industrial estate (from Offord Street)



Image 4 – View of units 8 and 9 towards Offord Street

4. SUMMARY

- 4.1 It is proposed to introduce an ancillary A4 use (Drinking Establishment) to unit 8 of the Roman Way Industrial Estate. This will allow the microbrewery to sell and allow consumption of the alcohol that is produced on site. The proposed operational times of 12pm to 10pm on Fridays and Saturdays (totalling 20 hours per week) are considered to be ancillary to the lawful B1(c) (Light Industrial) use and does not constitute a loss of business floorspace that would be contrary to DM5.2 (Protection of Business Floorspace). The application has also been considered against policies DM4.2 and DM4.3 that address the suitability and concentration of night time uses in certain location as well as policies DM2.1 (Amenity).
- 4.2 The application has received 6 letters of objection and 26 letters of support.
- 4.3 Sufficient measures have been incorporated into the development to mitigate the effects on neighbouring amenity. The hours of operation have been reduced from those originally sought and the permission will be for a temporary period only so the effects on the surrounding area can be assessed. Furthermore, a recessed door has been included to insulate internal noise and a Noise and Operational Management Plan are to be secured by condition to mitigate any potential disturbances to adjoining occupiers.

5. SITE AND SURROUNDING

- 5.1 The site is within the Roman Way Industrial Estate which is adjacent to Offord Road to the south and Caledonian Road and Barnsbury Station to the north. The northern units within the industrial estate back onto network rail land and the southern units adjoin residential gardens to properties on Offord Road. The industrial estate is made up of 16 units for B1(c) uses – light industrial uses suitable in residential areas.
- 5.2 The surrounding area is characterised by 3-4 storey residential developments with some retail/office uses on ground floors. The site itself is not within a conservation area but the site adjoins properties on Offord Road that are within the Barnsbury Conservation Area. The Industrial Estate is also within an Employment Growth Area which is safeguarded from change of use to non-businesses uses.

6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to introduce an ancillary A4 (Drinking Establishment) use to the existing light industrial use (B1(c)) for unit 8 within the Roman Way Industrial Estate. The unit is currently occupied by the Hammerton Brewery for ancillary storage use in association with the microbrewery operations that occur in unit 9. The brewery currently open unit 8 as a drinking establishment one weekend every month (Fridays and Saturdays), selling alcohol that is produced by the brewery on site to the public. The current opening hours are 17:00 to 23:00 on Fridays and 14:00 to 23:00 on Saturdays. During this weekend the majority of the unit is converted to allow patrons to consume alcohol on site i.e. temporary benches and tables are installed. Some storage operations still occur in unit 8 during this time.
- 6.2 The application seeks planning permission to use the industrial unit on Fridays and Saturdays as an ancillary drinking establishment (A4 use class) for a temporary period of 12-months. The proposed opening hours are 12pm to 10pm (20 hours total per week) with the outside area closing at 9pm. Outside unit 8 is a 50sqm area of hardstanding that will provide outdoor seating during the summer months. The days of the week, operational hours and temporary period have been agreed after negotiations with the council.

Revision 1

6.3 It was initially proposed for the brewery to open as a drinking establishment for the following days/hours:

- Thursday/Friday 16:00 to 23:30 (7.5 hours x 2)
 - Saturday 12:00 - 23:30 (11.5 hours)
 - Sunday 12.00 23.00 (11 hours)
- 37.5 hours total

With an outdoor closing time of 22:30 every day.

6.4 It was felt that these hours would be too disruptive to surrounding occupiers and would not constitute an ancillary use to the main function of the unit and would amount to a loss of business floorspace. Therefore, it was agreed to limit the hours and days of the week to Friday and Saturday only, until 10pm with 9pm outside closing. It was also agreed for the application to be for a temporary period (12 months) to assess what implications the use may have on the surrounding area.

7. RELEVANT HISTORY:

7.1 P2013/2653/COL: Unit 9 - Certificate of Lawfulness (proposed) for use as a microbrewery as B1 (c). Approved 30th September 2013.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 111 adjoining and nearby properties at Offord Road, Roman Way, Offord Street and the units within the industrial estate on the 2nd November 2018. The public consultation of the application therefore expired on 26th November 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report a total of 32 responses had been received (6 objections and 26 letters of support) from the public with regard to the application. The issues raised can be summarised as follows:

8.3 Six objectors raised the following issues:

- Neighbouring properties are already negatively impacted by current A4 Use (one weekend a month) and this will only get worse with more frequent hours. *[Hours have been reduced para 10.10]*
- Due to the structure/walls behind the houses to Offord Road the noise will reverberates off the residencies and along the terrace row. *[Recessed door introduced para 10.12]*
- Bedrooms face the industrial units and residents have to sleep with earplugs. *[Noise Management Plan Conditioned para 10.12]*
- Patrons loiter on Offord Road waiting for cabs and are loud during late hours. *[Noise Management Plan Conditioned para 10.12]*

- Victorian sash windows to the buildings on Offord Road offer little noise mitigation. *[Recessed door introduced and Noise Management Plan Conditioned para 10.12]*
- Pub operation this close to residential premises is not appropriate and will effect land values/achievable rent. *[Sufficient Public Protection measures have been included para 10.16 – effect on land value not a planning matter]*
- Light industrial use should be protected and the A4 use will dilute the prevailing use. *[No loss of business floorspace para 10.7]*
- The proposed 'entertainment use' is outside a town centre and surrounded by residential premises. *[Acceptable where no impact on surrounding amenity para 10.3 and 10.16, the primary function is B1(c) – ancillary use temporary para and 10.7]*
- Noise pollution impacting residents. *[Noise Management Plan Conditioned para 10.12 and 10.16]*
- Outside area could cause further disruption to local residents. *[Outside area conditioned (condition 5) para 10.12 and 10.16]*
- Hours sought are incongruous with the operational hours of the Industrial Estate that closes at 6pm to 6:30pm. *[para 10.15]*
- There are outstanding noise issues associated with the laundrette and the Deliveroo operations. The proposed will only add to existing problems. *[Noise Management Plan Conditioned para 10.12]*

8.4 26 Letter of Support have been received that raised the following reasons for supporting the application:

- Extra amenity will be of benefit to the area.
- Current operation provides an excellent community event.
- In support of an expanding local business.
- Brewery is a major point of pride in the area.
- Family run business enhances the area and will be an asset to Caledonian Road providing further employment opportunities.
- Current operations have not effected local residents and no anti-social behaviour has been witnessed.

External Consultees

8.5 Thornhill Square Association: No Response Received

Internal Consultees

8.6 **Planning Policy:** The amended operational hours sought would be classed as ancillary to main function of the units as B1(c). Extended hours on more days may effect this but the application as proposed is acceptable and does not conflict with policy DM5.2.

8.7 Commercial Environmental Health:

- We have received a complaint here about music, noise from patrons and other ASB with public urination.
- Noise Management Plan should be conditioned so we can confirm information provided in the Operation Management Plan submitted with the application.
- If the doors, hours of use and outside space restrictions were in place then the EPPP team would have no objections to the approach.

The doors for noise mitigation are addressed in paragraph 10.12

8.8 Licensing: In light of the reduced hours, no adverse comments are raised.

9. RELEVANT POLICIES

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

Development Plan

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

Designations

- 9.4 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:
- Employment Growth Area
 - Rail Safeguarding Area

10. ASSESSMENT

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

- Land Use
- Effect on Neighbouring Amenity
- Design and Effect on Neighbouring Conservation Area
- Other Issues

Land-use

- 10.2 The Roman Way Industrial Estate is within an Employment Growth Area which is protected by Policy CS13 of the Core Strategy. The policy safeguards existing business space throughout the borough by protecting against a change to non-business uses. This is backed up by Policy DM5.2 of Islington's Development Management Policies that states schemes incorporating a loss or reduction of business floorspace will be refused unless exceptional circumstances can be demonstrated.
- 10.3 Policy DM4.2 and DM4.3 outlines the appropriateness of late-night entertainment activities in the borough and states that generally such uses are only appropriate in Town Centre locations. Exceptions will only be allowed where such uses will not have adverse impacts such as unacceptable disturbance or detrimental effect on the amenity, character and function of an area. Negative cumulative impacts and unacceptable concentrations of uses will also be resisted.
- 10.4 The Hammerton Brewery currently occupies units 1, 8 and 9. Unit 1 (194sqm) and unit 8 (155sqm) are used for storage (beer kegs, hops, bottled/canned beer etc...) and the main microbrewery operations occur in unit 9 (160sqm). The existing use of unit 8 is B1(c) – Light industrial suitable in residential locations. The site history for adjoining unit (unit 9) indicates that in 2013 a Certificate of Lawfulness was approved that confirmed the microbrewery operations fall under use class B1(c) rather than B2 that applies to a conventional larger scale brewery. The storage functions are considered to be ancillary to the brewery however a change of use between B1 and B8 (Storage and Distribution) is possible under permitted development rights and therefore no land use concerns are raised in terms of the current operations at the site.
- 10.5 It is proposed to introduce an ancillary A4 use (Drinking Establishment) to units 8 whereby on Fridays and Saturdays, between 12pm and 10pm, the units will be open to the public for the sale and consumption of alcohol on site. The development will incorporate the introduction of a mezzanine level in unit 8 for both storage and drinking establishment use. Additional bathroom facilities will also be provided including an accessible bathroom for wheelchair users. A kitchen area is also being introduced for use by employees during primary use operations and for the sale of limited hot food to patrons during the A4 use currently sought. The kitchen area already has extraction equipment in place from the prevailing industrial use of the unit with a front facing louvered extraction point. The sale of hot food often accompanies the sale of alcohol at drinking establishments and this is

considered to be an ancillary function. Furthermore, the consumption of food on site is encouraged due to the associated behavioural tendencies of those who have consumed alcohol and the mitigation that is experiment when food is consumed at the same time.

- 10.6 During the times of the week when unit 8 is not used as a drinking establishment the unit will revert back to its main function, as storage for the adjacent microbrewery in Unit 9. It is also proposed for some microbrewery operations to occur in unit 8 as two fermentation vats will be installed. Overall, the proposals seek to introduce a drinking establishment use for a period of time per week that is considered to be ancillary to the main function of the unit. For the majority of the week the units will continue to operate as a microbrewery with associated storage. The current application relates to unit 8 but the overall operations of the brewery operates across three of the units in the industrial estate and the intention of the use sought is to support the main function of the brewery across all three units. As highlighted by the applicant at paragraph 3.8 of their supporting planning statement, the primary function of the unit remains consistent with supporting the wider established B1(c) microbrewery operations providing space for materials such as kegs, packaging, bottles and cans, amongst other items. The A4 (Drinking Establishment) use will be ancillary to this primary function.

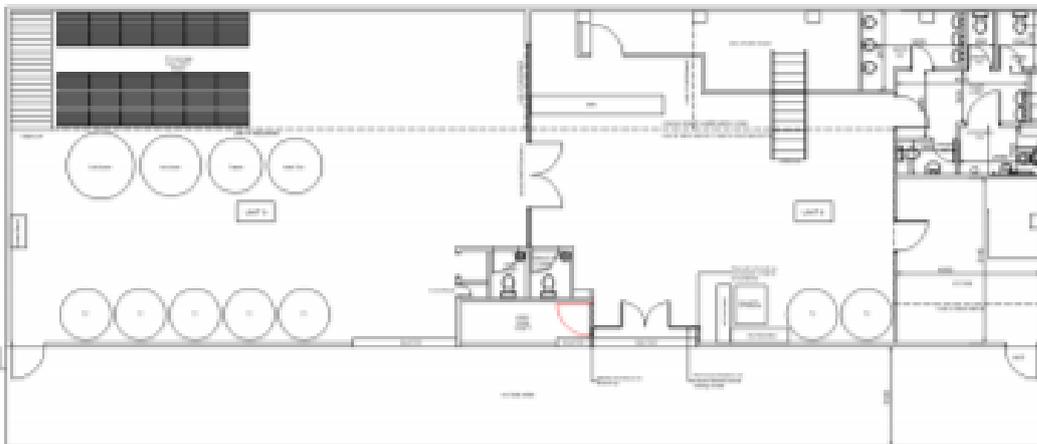


Image 5 – Proposed Ground Floor Plan

- 10.7 It is considered that the proposals do not conflict with the aspirations of Policies CS13 and DM5.2. Operating as a drinking establishment restricted to two days per week with limited hours which compliments the primary function of the unit for microbrewery operations. The proposed use is considered to be an ancillary function and therefore the primary function of the units as a B1(c) will be retained. The introduction of an ancillary function will not result in any business floorspace being lost and therefore the application does not conflict with Policy CS13 or DM5.2. Finally, the location of the ancillary A4 use in an out of Town Centre location is complaint with policies DM4.2 and DM4.3, in terms of land use, as the proposal does not constitute and over concentration of such uses and there will be no cumulative impacts as a result of the use proposed, subject to conditions that are addressed in the following sections of this report.

Neighbouring Amenity

- 10.8 Development Management Policy DM2.1 states that proposals must provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution and fumes between and within developments. This is reiterated in Policy DM4.3 that resits drinking establishments in areas that would cause an unacceptable disturbance or detrimentally affect the amenity, character and function of an area.

- 10.9 The Roman Way Industrial estate is located in a primarily residential area with the rear gardens of residential properties on Offord Road (31-79 odd) adjoining the rear boundary of the industrial estate. The western entrance of the industrial estate, in close proximity to unit 8, is off Offord Street which incorporates a mixed use development with offices on the ground floor and residential units on the upper three floors. Between the industrial estate and the mixed use development is the entrance to Caledonian Road and Barnsbury Overground Station. Offord road and the surrounding area also forms part of the Barnsbury Conservation Area.
- 10.10 The introduction of the A4 use has the potential to effect the amenities of surrounding residents due to behaviours associated with drinking establishments. The initial hours sought for the A4 operation were Thursday/Friday 16:00 to 23:30, Saturday 12:00 - 23:30 and Sunday 12:00 23:00, with an outdoor closing time of 22:30. These hours (totalling 37.5 per week) were deemed to be too late and across too many days of the week to be considered acceptable and raised concerns over whether this would constitute an ancillary use. It was concluded that such hours had the potential to negatively affect surrounding residents and were therefore not deemed acceptable. Late night operations on Thursdays and Sundays in particular were considered to introduce potential for an unacceptable level of disturbance to surrounding occupiers.
- 10.11 The brewery currently opens over one weekend a month (Fridays 17:00 to 23:00 and Saturdays 14:00 to 23:00) offering the sale and consumption of alcohol on site. Unit 8 has a premises license to sell alcohol between the hours of 12:00-23:00 Monday to Sunday. Issues have been raised by objectors in relation to the disturbance this has caused due to the late hours of patrons leaving the area and other general noise issues when the unit is used for on-site alcohol consumption. Furthermore, a complaint has been received by Environmental Health in relation to music, noise from patrons and other anti-social behaviour. Due to these issues it was agreed with the applicant that the hours should be reduced and limited to Fridays and Saturday only to protect the amenities of surrounding residents. The Friday and Saturday operation as a drinking establishment would be limited to 12pm to 10pm for a temporary period of 12-months so the effects of the proposals can be assessed and so an informed decision can be made in relation to extending the temporary period, if an application is made to do so.
- 10.12 The application also includes an outdoor area in front of unit 8. The area is 3.1m wide with an area of 50sqm and will offer occasional seating during the summer months. The outdoor seating area will close at 9pm and all seating and tables will be removed by staff. A recessed door will be installed behind the main shutter to unit 8 to mitigate any internal noise that will be created. The details of recessed door were presented to Environmental Health and were considered to be acceptable in conjunction with the reduced hours that were agreed. A Noise Management Plan was requested to confirm the information provided in the Operational Management Plan.
- 10.13 The applicant has submitted an Operational Management Plan that outlines how the A4 use will be managed and how potential effects on local residents will be reduced. The Operational Management Plan states that a maximum of 200 customers will be onsite at any one time but the anticipated numbers will usually be significantly below this figure. Members of staff will supervise customers drinking in the outside area and will remove the temporary tables and chairs and tell customers they must move inside by 9pm.
- 10.14 The Operational Management Plan sets out how noise management will be conducted by staff and an internal communications procedure will be set up for dealing with noise issues and complaints. The managers contact information will be made available to local residents and regular monitoring checks at the nearest noise sensitive receptors will be conducted. Furthermore, notices shall be displayed to advise customers to leave quickly and quietly

and staff will be provided with general advice in relation to noise control. The full details of the noise mitigation measures will be secured by condition 6 and will need to be submitted and approved before the temporary consent commences.

- 10.15 The agreed 10pm closing time is considered to be appropriate and will ensure unacceptable disturbance to neighbouring amenity will be minimised. In terms of patrons leaving the area, the applicant has stated that the entrance to the Industrial Estate from Offord Street will be closed at 18:30 due to a new estate management arrangement and therefore anyone leaving the estate after this time will have to use the entrance to Roman Way. This will then take patrons leaving the unit away from the mixed use development on Offord Street, through the estate and towards the parade of shops on Roman Way.
- 10.16 On balance, it is considered that sufficient Public Protection measures have been incorporated into the proposals and secured by condition to ensure the amenity of neighbouring residents will be protected. External noise from the proposals will stop at 9pm, when the outdoor area closes and all customers move inside or leave. The new recessed door, behind the exiting roller shutter, will ensure that when closed the unit will be sufficiently insulated and will not disturb surrounding residents. A noise management plan has been conditioned to ensure that when the unit doors are open there will not be an unacceptable level of noise created by the A4 use. Finally, the opening hours have been reduced to 10pm on Fridays and Saturday only after consideration over the residential location of the site, the objections received and feedback from Environmental Health.
- 10.17 Overall, the development has been sufficiently amended to demonstrate compliance with Development Management Policies DM2.1 and DM4.3. However, due to the sensitive location of the application site, a temporary 12-month permission is recommended so the operations can be re-assessed should a longer period be sought. Noise and potential disturbance have been sufficiently mitigated and the hours of operation reduced to protect the amenity of surrounding residents.

Design and Effect on Neighbouring Conservation Area

- 10.18 The only external alterations are to the front façade of the unit where a new recessed door will be installed. No flues or items of plant are proposed as part of the application and therefore no visible changes to the unit will be apparent from the adjoining Barnsbury Conservation Area.
- 10.19 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 conservation area as no external alterations are proposed that will be visible from within the neighbouring conservation area.

Other Issues

Licensing Implications

- 10.20 Unit 8 currently has a license to sell alcohol on all days between 12:00 and 23:00. The hours sought conform to the premises license already held by the unit and therefore there are no conflicting licensing implications as a result of the proposals.
- 10.21 A redacted copy of the premises license is included at Appendix 3.

Temporary Consent

- 10.22 It is recommended that any grant of permission for the ancillary use sought is for a temporary period to allow the Local Planning Authority a period to monitor the impact on the residents that adjoin the site. The results of the monitoring will then be used to inform any future application that seeks to extend the temporary period or the hours currently recommended for approval.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed use is considered to be ancillary to the main function of the unit and does not constitute a loss of business floorspace. The ancillary function is appropriate in this location and complements the main function of the unit allowing the beer that is produced on-site to be sold and consumed on-site also.
- 11.2 Sufficient amendments have been incorporated into the proposals for the application to be deemed acceptable in terms of effect on neighbouring amenity. A Noise and Operational Management Plan as well as details of extraction equipment will be required prior to the proposed use being implemented and therefore the effects on amenity have been appropriately mitigated.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

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

List of Conditions:

1	<p>Three Year Consent Period</p> <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	<p>Temporary Time Period (Notification Required)</p> <p>The hereby approved development is granted only for a temporary period, being 12 months from the date of the A4 Use Commencing on site.</p> <p>The applicant shall notify the Local Planning Authority in writing one month prior to the A4 use hereby approved commencing on site.</p> <p>Reason: The temporary consent is such that the Local Planning Authority has a period to monitor the impact on the residents that adjoin the site and to ensure that there are not any untoward effects from the development.</p>
3	<p>Approved plans list</p> <p>The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>3186-D1000 Rev 00, EX.01, FP.01, FP.02, Planning Statement Dated 20/02/2019 ref: 3186, Operational Management Plan Dated 19/10/18.</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>
4	<p>Operational Hours</p> <p>The permitted operational hours of the A4 ancillary use are:</p> <ul style="list-style-type: none"> • 12:00 to 22:00 on Fridays and Saturdays only. <p>Reason: To protect the amenities of surrounding residents.</p>
5	<p>Outside Area</p> <p>The outdoor area, as shown on the Location Plan (5000-D2800-rev00) shall not be used/occupied by patrons of the hereby approved drinking establishment before 12noon or after 9pm. There shall be no external bar serving alcohol, no cooking of food and no fixed seating installed in the outside area.</p>

	REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed use does not have an adverse impact on neighbouring residential amenity
6	<p>Noise and Operational Management Plan</p> <p>A Noise and Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the hereby approved use commencing. The Noise and Operational Management Plan shall set out how noise impacts to surrounding residents will be mitigated and controlled including monitoring arrangements and internal communications procedures for dealing with noise issues and complaints. The Noise and Operational Management Plan shall also confirm that no amplified music will be played on site during the ancillary A4 use hereby approved and the access arrangements for the industrial estate confirming that the access point to Offord Street closes at 18:30 every day.</p> <p>Reason: To protect the amenities of surrounding residents.</p>
7	<p>Maximum Occupancy</p> <p>During the operation of the unit as an ancillary A4 Use, the maximum number of customers onsite at any time is 200. Monitoring measures shall be in place to ensure this maximum number is not exceeded.</p> <p>Reason: To ensure the safe operations of the use hereby approved and to protect the amenities of surrounding residents.</p>
8	<p>Extract Ventilation Equipment</p> <p>Prior to the commencement of use hereby approved, full details of proposed flues / extraction systems for the unit shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate. The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible. The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>The details shall include proposed odour control measures, fan location, duct discharge position, three-stage filtration (incorporating active carbon filters), internal fan location and anti-vibration mounts.</p> <p>Reason: In order to protect the amenities of surrounding occupiers.</p>

List of Informatives:

1	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being</p>
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imposed. The above forms can be found on the planning portal at:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions:

These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

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

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

Policy 4.1 Developing London's Economy
Policy 7.4 Local character

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington's character
Policy CS13 – Employment Spaces

C) Development Management Policies June 2013

- Policy DM2.1 – Protection of Amenity
- Policy DM2.3 – Heritage
- Policy DM4.2 – Entertainment and Night Time Economy
- Policy DM4.3 – Location and Concentration of Uses
- Policy DM5.2 – Loss of Existing Business Floorspace

3. Designations

- Employment Growth Area

APPENDIX 3: PREMISES LICENSE

PREMISES LICENCE LICENSING ACT 2003

Premises licence number	[REDACTED]	Date of original grant	22 October 2014
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
HAMMERTON BREWERY UNIT 8, ROMAN WAY INDUSTRIAL ESTATE 148 ROMAN WAY			
Post town	London	Post code	N7 8XH
Telephone number	[REDACTED]		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground Floor
<ul style="list-style-type: none"> The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																												
<ul style="list-style-type: none"> The sale by retail of alcohol: <table border="0"> <tr><td>Monday</td><td>12:00</td><td>to</td><td>23:00</td></tr> <tr><td>Tuesday</td><td>12:00</td><td>to</td><td>23:00</td></tr> <tr><td>Wednesday</td><td>12:00</td><td>to</td><td>23:00</td></tr> <tr><td>Thursday</td><td>12:00</td><td>to</td><td>23:00</td></tr> <tr><td>Friday</td><td>12:00</td><td>to</td><td>23:00</td></tr> <tr><td>Saturday</td><td>12:00</td><td>to</td><td>23:00</td></tr> <tr><td>Sunday</td><td>12:00</td><td>to</td><td>23:00</td></tr> </table> 	Monday	12:00	to	23:00	Tuesday	12:00	to	23:00	Wednesday	12:00	to	23:00	Thursday	12:00	to	23:00	Friday	12:00	to	23:00	Saturday	12:00	to	23:00	Sunday	12:00	to	23:00
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Saturday	12:00	to	23:00																									
Sunday	12:00	to	23:00																									

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Saturday	12:00	to	23:30																									
Sunday	12:00	to	23:30																									

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On and Off Supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence
Hammerton Brewery Ltd [REDACTED]

Registered number of holder, for example company number, charity number (where applicable)
[REDACTED]

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
Karina Benavente [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol
[REDACTED]

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensng@islington.gov.uk

Service Manager (Commercial)

Date of Issue

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