



**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 in The Council Chamber, Town Hall, Upper Street, N1 2UD on, **27 January 2022 at 7.30 pm.**

Enquiries to : Thomas French
Tel : 020 7527 6568
E-mail : thomas.french@islington.gov.uk
Despatched : 19 January 2022

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Poyser (Chair)	- Hillrise;	Councillor Chowdhury	- Barnsbury;
Councillor Picknell (Vice-Chair)	- St Mary's;	Councillor Clarke	- St George's;
Councillor Convery	- Caledonian;	Councillor Hyde	- Caledonian;
Councillor Ibrahim	- Highbury West;	Councillor Jackson	- Holloway;
Councillor North	- St Peter's;	Councillor Kay	- Midmay;
		Councillor Khondoker	- Highbury West;
		Councillor Khurana	- Tollington;
		Councillor Klute	- St Peter's;
		Councillor Nathan	- Clerkenwell;
		Councillor Wayne	- Canonbury;
		Councillor Williamson	- Tollington;
		Councillor Woolf	- Canonbury;

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	
6. Minutes of Previous Meeting	

B.	Consideration of Planning Applications	Page
1.	14 Charterhouse Buildings, London, EC1M 7BA	7 - 76
2.	The Gunners, Blackstock Road, Islington, London, N5 1EN	77 - 130

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

D. Urgent non-exempt items

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

E. Exclusion of press and public

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

F.	Confidential/exempt items	Page
-----------	----------------------------------	-------------

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, 22 March 2022

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

WEBCASTING NOTICE

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 12 months. A copy of it will also be retained in accordance with the Council's data retention policy.

If you participate in the meeting you will be deemed by the Council to have consented to being filmed. By entering the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area, overlooking the Chamber.

In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

If you have any queries regarding webcasting or the recording of meetings by the public, please contact Democratic Services on 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 Thomas French on 020 7527 6568. 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 - 18 November 2021

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 18 November 2021 at 7.35 pm.

Present: **Councillors:** Poyser (Chair), Picknell (Vice-Chair), North

Councillor Dave Poyser in the Chair

82 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillors Ibrahim and Convery.

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

There were no declarations of interest.

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

Agenda Item B2 was deferred to a future meeting. The order of business would be B1 and B3.

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

RESOLVED:

That the minutes of the meeting held on 30 September 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

88 **FLAT 89, LEXINGTON APARTMENTS, 40 CITY ROAD, EC1Y 2AN (Item B1)**

Single storey roof extension to replace a roof terrace area to an existing flat 89 at 11th floor level and associated alterations.

(Planning application number: P2021/1605/FUL)

In the discussion the following points were made:

Planning Sub Committee B - 18 November 2021

- In response to a question from a member, the planning officer confirmed that the fire escape opened onto the roof terrace.
- Members asked for more detail around the changes to the existing roof space. Officers explained the current footprint of the roof terrace and how the proposed extension would increase this footprint. The officer also stated that the extension would not be visible from street level.
- Members asked the applicant about the communication concerns that objectors had raised. The agent stated that there has been communication with all residents, mainly by email as due to Covid holding meetings had been difficult but the applicant would seek to improve future communications with residents.
- Members queried whether the Certificate A section on the application form was correct. The legal officer confirmed that for the purposes of the application submission, the details of Certificate A were accurate.
- Members asked about the fire safety information which had been submitted with the application. Officers stated that the fire safety information was submitted in June 2021 prior to the introduction of new legislative measures in August 2021 to ensure fire safety matters are incorporated at the planning stage for schemes involving a relevant high-rise residential building. The measures now require that a Fire Statement be submitted for such applications. Officers advised that the measures are not required to be applied retrospectively but that members could consider the imposition of a condition requiring one.
- Members asked about the current cladding on the building and if the application should be deferred. Officers felt the cladding issue was separate from the application and there was no reason to defer.

Councillor North proposed a motion to add a condition to require a Fire Statement to be submitted and approved by the Local Planning Authority. This was seconded by Councillor Picknell and carried. The wording of the condition was delegated to officers.

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 with the additional condition outlined above.

89 FLAT 1B, 16 - 18 HORNSEY LANE, LONDON, N6 5LX (Item B2)

This item was deferred to a future meeting.

90 TOWN HALL, UPPER STREET, ISLINGTON, N1 2UD (Item B3)

Internal partition alterations to offices G07a, G07 and G08.

Planning Sub Committee B - 18 November 2021

(Planning application number: P2021/2640/LBC)

In the discussion the following points were made:

- Members asked about the existing wood panelling. Officers confirmed that this would remain.
- In response to a member's question the officer confirmed that officers were satisfied that the application would not negatively impact upon any listed parts of the building.

RESOLVED:

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

The meeting ended at 20:32pm

WORDING DELEGATED TO OFFICERS

MINUTE 88

FLAT 89, LEXINGTON APARTMENTS, 40 CITY ROAD, EC1Y 2AN

The condition is prior to commencement not prior to occupation and makes reference to London Plan too to be in line with Gateway One for fire Statements.

CONDITION: *Prior to the commencement of the development, a Fire Statement shall be submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall detail the fire safety design principles, concepts and standards that have been applied to the development. The Statement should follow the format of statements as required by Article 9A of The Town and Country Planning (Development Management Procedure) (England) Order 2015 ("the 2015 Order") inserted by article 4 of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021).*

REASON: *To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.*

COMMITTEE AGENDA

1 14 Charterhouse Buildings

London
EC1M 7BA

2 The Gunners

Blackstock Road
Islington
London
N5 1EN

1 14 Charterhouse Buildings

London
EC1M 7BA

Application Number: P2021/1386/FUL

Ward: Bunhill

Proposed Development: Change of use of building from Class F1 (genealogy library) to Class E (office); erection of two-storey roof extension to provide additional Class E (office) floorspace; fourth floor terrace; recladding of existing building; installation of mechanical plant; and associated works and alterations.

Application Type: Full Planning Application

Case Officer: Samir Benmbarek

Name of Applicant: Mr S Berg

Recommendation:

2 The Gunners

Blackstock Road
Islington
London
N5 1EN

Application Number: P2021/0446/FUL

Ward: Highbury West

Proposed Development: Renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 3-storey building to rear plus basement. The development will provide additional public house (Sui Generis) space, a new flexible Class E retail or office (Class E) commercial unit and 7 no. self-contained residential dwellings (Class C3).

Application Type: Full Planning Application

Case Officer: Ross Harvey

Name of Applicant: N/A N/A

Recommendation:

This page is intentionally left blank



PLANNING COMMITTEE REPORT



PLANNING COMMITTEE		
Date:	02 November 2021	NON-EXEMPT

Application number	P2021/1386/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	No
Conservation area	No
Development Plan Context	50m from Charterhouse Square Conservation Area 50m from Hat & Feathers Conservation Area Central Activities Zone (CAZ) Bunhill & Clerkenwell Core Strategy Key Area Finsbury Local Plan Area Employment Priority Area (General) Article 4 Direction A1-A2 (Rest of the borough) Article 4 Direction B1c to C3
Licensing Implications	None
Site Address	14 Charterhouse Buildings, London, EC1M 7BA
Proposal	Change of use of building from Class F1 (genealogy library) to Class E (office); erection of two-storey roof extension to provide additional Class E (office) floorspace; fourth floor terrace; recladding of existing building; installation of mechanical plant; and associated works and alterations.

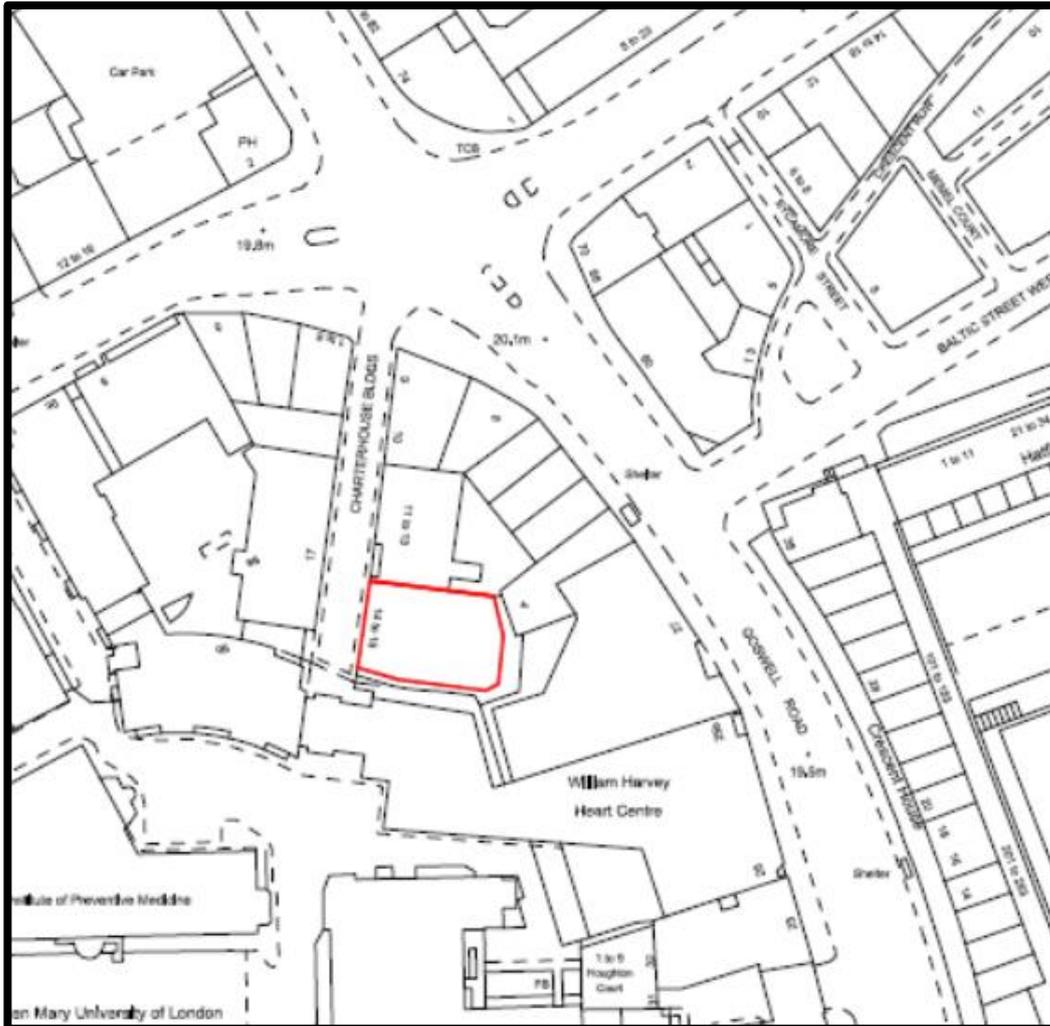
Case Officer	Samir Benmbarek
Applicant	S Berg
Agent	Iceni Projects- Lewis Westhoff

1. RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

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

2. SITE PLAN (site outlined in red)



Site Plan. Application site outlined in red.

3. PHOTOS OF SITE/STREET

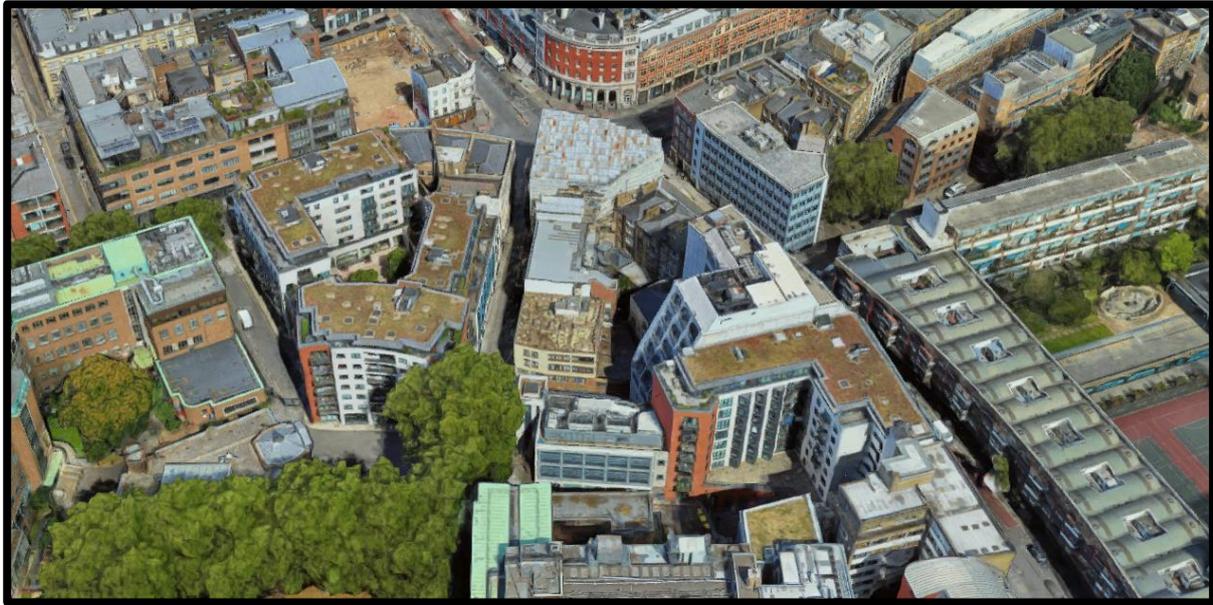


Image 1: Aerial view of site looking north.



Image 2: Aerial view of site looking south.



Image 3: Front elevation.



Image 4: Building as viewed along Charterhouse Buildings.



Image 5: Relationship between No. 17 Charterhouse Buildings and site.

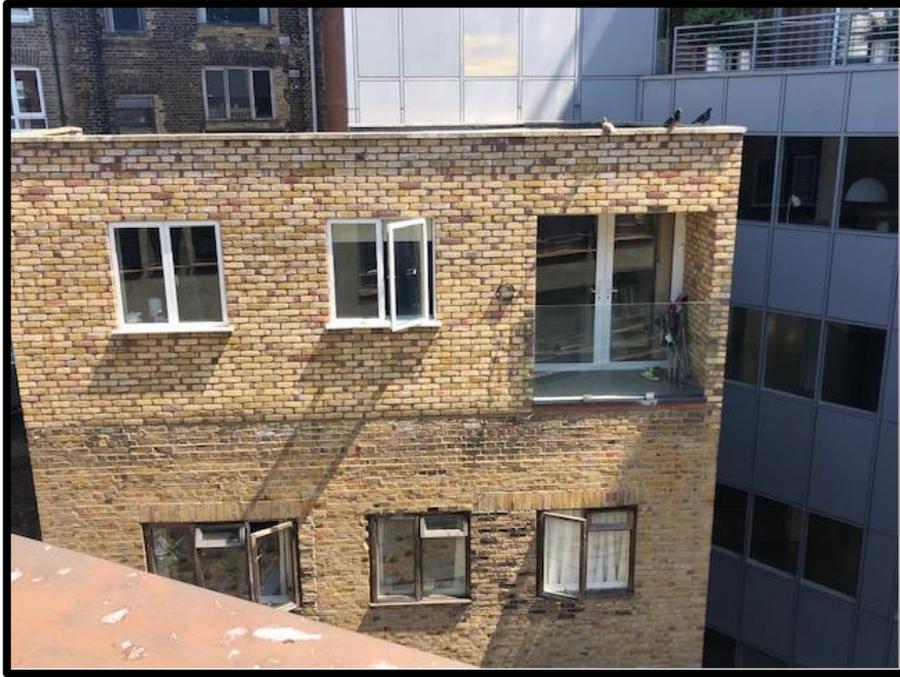


Image 6: No. 4 Charterhouse Buildings to the east.



Image 7: View of Charterhouse Buildings from Old Street/Goswell Road/Clerkenwell Road junction.

4. SUMMARY

- 4.1 This planning application seeks permission to refurbish and extend the existing building at roof level to create a five-storey (above ground) building which provides a total of 1433sqm (GIA) of office floorspace. This includes an uplift of 362sqm of floorspace and the change of use of the existing 1017sqm of the existing genealogy library floorspace. Other developments proposed include an associated amenity terrace, recladding of the exterior of the building to include a modernised front elevation and fenestration, new entrance at ground floor level and the installation of mechanical plant at roof level.
- 4.2 Internal improvements are also proposed including general refurbishment of the existing building and the provision of changing/shower facilities at lower ground floor level with new WCs on every floor. Cycle parking facilities are also provided at lower ground floor level.
- 4.3 The site is located within the designated Central Activities Zone (CAZ) and the Employment Priority Area (General), the principle of the proposed commercial development with provision of additional employment floorspace is considered to be acceptable, and accords with the spatial strategies of the Development Plan. Officers consider that the proposed development would positively contribute to the commercial character of Old Street and support the strategic priority of the CAZ to maximise delivery of office floorspace where appropriate.
- 4.4 The proposed development would create additional height and massing on site and would inevitably increase its visual prominence along this small section of Charterhouse Buildings. However, having carefully assessed the visual and heritage impact, it is considered that the proposed development would not adversely affect the character nor appearance of the area, and would not pose unacceptable harm to the nearby Charterhouse Square and Hat & Feathers Conservation Areas nor the surrounding heritage assets, including locally listed buildings. In design terms, the proposed extensions and alterations to the building would result in improvements to its overall appearance that are considered to be acceptable and comply with the relevant design, conservation and heritage policy objectives.
- 4.5 The proposal would also include energy and sustainability measures that comply with the Development Plan's requirements, to ensure that the proposal would maximise energy efficiency and sustainable design of the site where feasible.
- 4.6 The proposed development would not result in unacceptable impact on nearby residential properties or the area in terms of loss of privacy, overlooking, or noise impacts, subject to imposition of appropriate planning conditions (recommended). The daylight/sunlight assessment shows that some of the neighbouring properties would be affected by the development, however, taking into account the location of the site, the number of neighbouring windows affected and the degree of harm, those impacts are not considered to be so significant as to warrant a refusal of permission purely on this ground.
- 4.7 Officers consider that the proposal would provide a quantum of floorspace at lower ground floor level, with its own independent access that would be affordable by virtue of the size of the units. A total of 10% of the floorspace would be provided as such small / micro units (2 x 90sqm units). These units would have lease, management and terms secured via planning obligations. This would exceed the minimum requirement under current policy.
- 4.8 Overall, the application is considered to be in accordance with the relevant policies within the Development Plan, and is therefore recommended for approval subject to appropriate conditions and planning obligations set out in Appendix 1 of this report.

5. SITE AND SURROUNDINGS

- 5.1 The application site is located on the eastern side of Charterhouse Buildings which is mainly accessed from the north from the adjoining crossroads of Old Street, Clerkenwell Road and Goswell Road. It is approximately 340sqm in site area.
- 5.2 The site is not statutorily or locally listed, nor is it located within a designated conservation area. However, the site is located within proximity to the Charterhouse Square Conservation Area and Hat & Feathers Conservation Area. The site is also located within: the Central Activities Zone (CAZ); the Bunhill and Clerkenwell Core Strategy Key Area; the Finsbury Local Plan area; and is an Employment Priority Area (general). The site is located in close proximity to Historic Clerkenwell as identified within the Finsbury Local Plan but not within it.
- 5.3 The existing site comprises a three-storey (above street level) building with a further storey beneath. The building is a 1960s small scale office development with brickwork, white and grey rendering, and red metal framed windows and doors. The building has a small off-centre entrance area that faces onto the narrow street.
- 5.4 The existing building has a flat roof, whilst at first floor level, it also has a flat roof area. On the main roof there is a stair overrun for access and some existing plant and other apparatus located. The existing building is currently the lowest in the street, not taking into account the infill development that is part of the William Harvey Heart Centre at the south of the street.
- 5.5 Charterhouse Buildings is a short and narrow 'stud end' street that leads off from the crossroad of Old Street, Goswell Road and Clerkenwell Road. The street is lined with buildings to each side that range in design, appearance and storey heights. The entrance to the street containing these buildings is considered to be of the highest architectural quality such as No. 1-5 which are locally listed buildings, as well as No. 9-10. These buildings lie within the Hat & Feathers Conservation Area.
- 5.6 The existing use of the building is Use Class F.1 as a library. It has been occupied by the Society of Genealogists (SoG) since 1985 as their headquarters. The SoG no longer have a need for the occupation of the building given the nature of their work has become digitalised and thus they no longer have a requirement to physically store data and records.
- 5.7 The character and use of the vicinity is dense and mixed with commercial, residential and educational uses located within a close range. The site is located nearby the Queen Mary University Charterhouse Square Campus.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal would refurbish and extend the existing building at both roof level and to the rear at first floor level to create a five storey (above ground) building providing a total of 1487sqm (GIA) of office floorspace. This would include a change of use of the existing 1017sqm GIA of genealogy library floorspace and an uplift of 362sqm GIA.
- 6.2 The proposed extension would be constructed from metal cladding with glazing and would be slightly set back from the front building and set in from the southern building line by approximately 2.2m. This set in space would be proposed as an amenity terrace for the office occupiers with associated balustrading around the perimeter.
- 6.3 The proposal would also include two small / micro office units (91sqm each) at lower ground level. This represents 12% of the floorspace of the overall proposal.
- 6.4 The proposal seeks permission for a new façade to the front of building (east elevation) to replace the existing brickwork elevation with textured concrete panels as well as metal cladding and enlarged glazing with vertical fin detailing. At ground floor level, the entrance of the building is proposed as a large glazed opening with a metal finish to create an office reception area. Elsewhere, the windows are proposed to be in full length units at each floor, located in-between the metal cladding fins.

- 6.5 In respect to outdoor space, a roof terrace is proposed at fourth floor level for the office occupiers. Green roofs are also proposed across different parts of the building to provide additional green coverage to the site.
- 6.6 It is proposed to provide 19 cycle parking spaces at lower ground floor level, with associated shower facilities. Bin storage is proposed to be located on the ground floor. The proposal would be car-free.
- 6.7 A substation and plant room area would be provided at lower ground level with another separate plant area proposed to be located at roof level.
- 6.8 Revisions were received during the course of the application process which omitted the first floor rear extension at first floor level following discussions on the impact towards light and outlook toward the rear facing windows of No. 4 Charterhouse Buildings to the east of the site.

7. RELEVANT HISTORY:

Application Site- No 14 Charterhouse Buildings

- 7.1 P2017/4110/FUL- Erection of three storey roof extension to existing office building to provide three 1-bedroom units and one 3-bedroom unit. Erection of single storey office extension to the first floor flat roof. **Withdrawn by applicant 27/04/2018.**
- 7.2 Q2020/3302/MIN- Change of use of existing building from Class F.2 to Class E; erection of a two-storey roof extension (setback fourth floor) and first floor rear extension to provide an additional 416sqm of floorspace; refurbishment and recladding of the exterior and associated works. **Pre-application advice issued 25/02/2021.**
- 7.3 Advice provided by officers was the scheme is overall supported in principle subject to marketing evidence demonstrating that there is no interest in the continued use of the site as an genealogy library. The design of the scheme was considered to be acceptable and would preserve and enhance the character and appearance of the neighbouring conservation areas whilst in regards to neighbouring amenity, officers advised that the submission of a daylight and sunlight assessment would be required to fully demonstrate the impact of the development upon neighbouring occupiers.

Neighbouring Site- No. 4 Charterhouse Buildings

- 7.4 P2013/3216/FUL- Erection of a second floor rear roof extension to provide an additional two-bedroom flat with an inset balcony, and alterations to the existing rear first floor flat comprising installation of an obscurely glazed window in the south elevation, creation of an inset balcony on the west elevation and infilling of an existing window on the east elevation. **Approved with conditions 28/11/2013.**

Neighbouring Site- No. 17 Charterhouse Buildings

- 7.5 P051898- Redevelopment to provide mixed use containing 14,613 sq m residential floorspace (174 dwellings) and 4,699 sq m commercial space Classes A1-5 and B1 accommodation, within two blocks (A, B, and C, and E Blocks) of between four and nine storeys. **Approved with conditions 09/05/2006.** *Note the site was titled 'Vacant land at St. Bartholomew's Hospital' at the time of the application.*

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 246 adjoining and nearby properties at Charterhouse Buildings, Clerkenwell Road, and Goswell Road on 18/05/2021.

- 8.2 A site notice and press notice were displayed on 27/05/2021. The public consultation of the application therefore expired on 20/06/2021; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of the writing of this report a total of **12** responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Land Use

- Encroachment of office space within a residential block.

(Paragraph 10.47)

Neighbouring Amenity

- Loss of daylight, sunlight, outlook, and privacy
- Potential light pollution during the night-time period and winter months
- Impacts of noise from construction works, mechanical plant, use and servicing of the building.

(Paragraphs 10.120- 10.191)

Other Matters

- Reduction in the value of neighbouring properties;
- Neighbouring tenant(s) to move if works commence.

Officer comment: The above concerns are not material planning considerations.

External Consultees

- 8.4 No external statutory consultees are required for this application.

Internal Consultees

- 8.5 **Planning Policy:** Given the specific circumstances of the existing site, no overall objection to the loss of the genealogy library when weighed against the development of office floorspace within the CAZ and Bunhill and Clerkenwell Core Strategy Key Area.
- 8.6 **Design & Conservation:** No objection to the proposed development subject to conditions on details of materials and treatments. The building as a result of the development would surpass the architectural quality of those modern buildings adjacent to and opposite the site and would create a new and welcomed benchmark in respect to contemporary design quality within Charterhouse Buildings. The proposed development would have a neutral impact upon the setting of adjoining conservation areas and locally listed buildings.
- 8.7 **Inclusive Design Officer:** A mostly well considered redevelopment of the existing building that is welcomed with minor concerns such as the lower level location of the cycle parking and shower facilities.
- 8.8 **Energy:** Carbon offsetting contribution figure agreed. More information required in respect to BREEAM, energy efficiency improvements, future network connections and green performance plan.
- 8.9 **Highways:** No objection in principle to the redevelopment of the site. Condition upon approval to secure a construction management plan (CMP).

8.10 **Public Protection:** No objection in regards to noise subject to conditions.

8.11 **Building Control:**

Construction impact

8.12 The site is at the end of a narrow road with access into and out of the site being constrained. It is advised that a Construction Management Plan (CMP) that looks into the mitigation of impact for nearby receptors is required, either by S106 agreement or condition.

Plant equipment

8.13 The submission includes a noise report with background noise survey and assessment of the proposed mechanical plant. The report has been reviewed by the Public Protection Officer who does not object subject to conditions regarding plant noise levels and a post-installation report.

Roof terrace

8.14 The proposed terrace faces onto the William Harvey Centre with the ambient sound providing some masking but recommended to condition to restrict the hours of use of the terrace to protect neighbouring amenity.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

National Guidance

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

9.2 National Planning Policy Framework 2021 (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 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals

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

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

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

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

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

9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

Development Plan

9.11 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and the Islington Development Management Policies 2013 and 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.

Designations

9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Central Activities Zone (CAZ)
- Archaeological Priority Area
- Bunhill & Clerkenwell Core Strategy Key Area
- Finsbury Local Plan Area (Historic Clerkenwell)
- Employment Priority Area (General)
- Article 4 Direction A1-A2 (Rest of the borough)
- Article 4 Direction B1c to C3

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Draft Islington Local Plan

9.14 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. The Matters and Issues have been published with hearings concluded over the period 13 September to 5 October.

9.15 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).

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

- Policy SP1- Bunhill & Clerkenwell
- Policy SC1- Social and community infrastructure
- Policy B2- New business floorspace
- Policy B4- Affordable workspace
- Policy S1- Delivering sustainable design
- Policy S2- Sustainable design and construction
- Policy S4- Minimising greenhouse gas emissions
- Policy T2- Sustainable transport choices
- Policy T5- Delivery, servicing and construction
- Policy DH1- Fostering innovation and conserving and enhancing the historic environment
- Policy DH2- Heritage assets

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle of Development
- Land Use
- Affordable workspace
- Design, Conservation and Heritage
- Accessibility and Inclusive Design
- Neighbouring Amenity
- Energy and Sustainability
- Highways and Transport
- Refuse and Recycling
- Fire Safety
- Planning Obligations and CIL
- Planning Balance Assessment

PRINCIPLE OF DEVELOPMENT

10.2 The existing three-storey building was built during the late 1950s/early 1960s with planning permissions granted during the 1980s to convert the building from a warehouse to the current

library facility. The existing building positively contributes to the local area in terms of its provision of social and educational infrastructure and functions.

- 10.3 London Plan policy GG2 states that development proposals should proactively explore the potential to intensify the use of land to support additional workspaces, promoting higher density development, particularly in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 10.4 The proposal would extend (increase the floorspace) and improve the quality and efficiency of the existing floorspace within the building as well its flexibility of use and is acceptable in principle. The proposed commercial development is considered to be supported by national, regional and local planning policies, mainly due to the site's central and highly accessible location.
- 10.5 The principle of the development is therefore acceptable and accords with the National Planning Policy Framework's presumption in favour of sustainable development, subject to the other material planning considerations below.

LAND USE

- 10.6 The site is located within the Central Activities Zone (CAZ), the Bunhill and Clerkenwell Core Strategy Key Area and is located within an Employment Priority Area (general). The application site is not allocated within the Local Plan. The proposed development would involve the change of use of the existing 1071sqm of floorspace from genealogy library (Class F.1) to office (Class E(g)). The proposal would also involve an uplift of 416sqm of office floorspace to the building at first and third floor levels (to include a new fourth floor level).

Loss of Genealogy Library

- 10.7 Class F1 is classified as 'Learning and non-residential institutions' (previously classified as Class D1) and encompasses school, non-residential education, training centres, museums, public libraries, public halls, exhibition halls, places of worship and law courts. Under current planning policies of the local development plan, the library use as well as others listed under Class F1 are considered as a social infrastructure and cultural facility.
- 10.8 Part A of policy DM4.12 of the Islington Development Management Policies reads
- "The Council will not permit any loss or reduction in social infrastructure uses unless:*
- *i) a replacement facility is provided on site which would, in the Council's view, meet the need of the local population for the specific use; or*
 - *ii) the specific use is no longer required on site. In such circumstances, the applicant must provide evidence demonstrating:*
 - *a) that the proposal would not lead to a shortfall in provision for the specific use within the local catchment*
 - *b) that there is either no demand for another suitable social infrastructure use on site, or that the site/premises is no longer appropriate for social infrastructure uses; and*
 - *c) any replacement/relocated facilities for the specific use provide a level of accessibility and standard of provision at least equal to that of the existing facility."*

- 10.9 Part of the rationale for the proposed development is the existing occupiers, the Society of Genealogists (SoG), are going through a digitalisation strategy. As a result of this strategy, all of their material and content would be online only, and day-to-day work and functions would be done digitally. As such, there is no longer a need for the SoG to have a physical form of accommodation.
- 10.10 In the case of this proposal, with the SoG vacating the premises, this application would fall under sub-part ii) of part A of policy DM4.12 (specific use no longer required on site). Therefore the proposal would need to satisfy points a), b) & c) as listed in paragraph 10.8 including the

submission of a two-year marketing exercise to demonstrate no other social infrastructure use seeks the building. The assessment of the loss of the existing genealogy library is discussed below in reference to part a), b) and c) of policy DM4.12, part A, sub-part ii.

Part a)- the proposal would not lead to a shortfall in provision for the specific use within the local catchment

- 10.11 The SoG would be vacating the building with all of its contents and records available on the internet as part of their digitisation process. Given this, it would be considered that the proposed change of use would not lead to a shortfall in the provision of a specific use within the local catchment as local residents would be able to access the information online.
- 10.12 There is also the consideration that the existing specific use does not intensively serve or provide an essential community service or function to the local catchment area. This is in comparison to a regular library, a school or community centre. The SoG contains family and genealogy records nationwide as well as internationally and given its specific nature, visitors to the existing building would be likely those with an invested interest from all over the country, rather than everyday visits by the local population. Whilst the loss of the specific use at the site may be lamented by such interested persons, it is considered the shortfall (or complete removal in this instance) of this specific use would not be at the detriment to the social and cultural infrastructure of the local catchment or the borough as a whole.
- 10.13 Conventional libraries such as the Finsbury Library and Barbican Library are located nearby to provide typical library services to the local area. It is also considered that there is an argument that not all persons in the local catchment area have access to the internet for continued access to the records that the site accommodated. Local libraries (such as Finsbury and Barbican) can provide people access to IT where they can use it for such. Furthermore, whilst not a policy concern, it is also considered patrons who currently travel in from further afield would also have access to IT facilities at their local libraries or centres throughout the country.
- 10.14 In summary, it is evident from the niche specific use of the site as the only genealogy library in the country, that whilst the loss is regrettable, its loss is not of a vital cultural or community service to the local catchment. It is noted that this would be nationwide loss; however, the policy only concerns loss at a local level.

Part b)- that there is no demand for another suitable social infrastructure use on site

- 10.15 The SoG is the only genealogical group or society in the UK, and given the niche nature of the site and unique facilities, there would be no other occupier that would be able to continue the existing specific use of the site. It would also be unreasonable to suggest such as part of policy DM4.12 given the only suitable occupier is the existing occupier.
- 10.16 Notwithstanding the above, part B of the policy does require demonstration that there is no demand for another *suitable* form of social infrastructure at the building. This is expected to be in the form of a marketing exercise of a period of at least two years to demonstrate such lack of demand.
- 10.17 During the pre-application discussions, officers advised that some uses classified under use F.1 would not be desirable in this location, namely schools and places of worship. Therefore, it would not be considered unreasonable if the site was not marketed for such forms of social infrastructure. A full assessment has been made into suitable forms of F.1 uses in this location as summarised in the below table.

F.1 Use	Suitable use to market	Reason(s) for Yes/No
School	NO	<ul style="list-style-type: none"> • Lack of outdoor space for recreation and play; • Impacts on local highway network from drop-off/pick-ups; • Amenity impacts to neighbouring businesses/residents from general noise and disturbance in a tight urban grain area.

Non-residential education/training centre	YES	<ul style="list-style-type: none"> • Most likely for adult training in which there would not be a need for outdoor space; • Can be accessed easily by public transport.
Public library	YES	<ul style="list-style-type: none"> • Similar to existing use and therefore no significant impacts to the local area as a result.
Museum	YES	<ul style="list-style-type: none"> • Similar in its function to a library and therefore no significant impacts to the local area as a result.
Public Hall	NO	<ul style="list-style-type: none"> • Impacts of noise and disturbance to neighbouring residents depending on events; • The use would be difficult to service given its location; • Capacity and not enough area for access along the street.
Exhibition Hall	NO	<ul style="list-style-type: none"> • Impacts of noise and disturbance to neighbouring residents depending on events; • The use would be difficult to service given its location; • Capacity and not enough area for access along the street; • The floorspace is too small to accommodate an exhibition hall use and the building is formed of multiple levels.
Places of worship	NO	<ul style="list-style-type: none"> • Noise and disturbance impacts from its use to neighbouring occupiers within a tight location; • Highway and parking impacts.
Law court	NO	<ul style="list-style-type: none"> • It is anticipated there would be no interest given the small floorspace the building has; • Tight area would be unlikely to accommodate requirements of safety and security.

10.18 Given the above considerations, it would be unreasonable to refuse the application if as part of their marketing for social uses, the site was not marketed for school, public and exhibition halls, place of worship or law court uses. Furthermore, lack or no responses (if any potential interest) from occupiers of such uses would not be queried.

10.19 Appendix 11 of the Islington Development Management Policies is used by the Council to review the marketing evidence submitted for applications of loss of certain commercial and social floorspace. Evidence must demonstrate that the floorspace has been vacant and marketed for at least two years. In exceptional circumstances 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. The site must also have three separate valuations and have been marketed at a reasonable rate.

10.20 The applicant has submitted a marketing exercise and details of responses covering a period from March 2020 to April 2021. Whilst this only covers a period of thirteen months, it is noted that the marketing exercise is still ongoing with the marketing boards observed on the property at the office site visit in June 2021 (as seen in image 4). Marketing has been undertaken by Cummings Commercial and Metrus.

10.21 Under Cummings Commercial, the property was marketed for sale with the objective to sell the freehold of the property to Class F.1 landowners/occupiers. The marketing campaign included:

distribution of particulars to agents in the City/West End area; advertisements on property searches, social media, and Estates Gazette/Composite EG; direct approaches to neighbouring occupiers including Queen Mary University and Barts Health; direct approaches to known F.1 occupiers; and numerous open days for viewings.

10.22 In all, the marketing exercise resulted in 136 initial enquiries and 24 viewings; however, the majority of these enquiries were not from F.1 interest, but from property companies interested in the site for other uses such as hotels, offices and residential uses. From those of F.1 interest, the feedback provided included:

- Building too small for a school or special needs school
- Lack of outdoor space
- Not appropriate for a religious use

10.23 It is noted that the responses from the marketing exercise from potential F.1 occupiers correlate to an extent with officer considerations prior to the assessment of such marketing.

10.24 Under Metrus, the property was marketed on a leaseholder basis. The marketing campaign included: preparation and distribution of particulars to agents in the City/West End area; advertising board on the property; and advertisement on online portals. The rent was advertised at £35 per sq ft. 14 enquires were made; however this did not generate any subsequent viewings of the property. Feedback from prospective occupiers included:

- No outdoor space for amenity or parking;
- Unsuitable location;
- Either too large for sole occupancy or too small for specific usages;
- Fitted space is preferred for educational uses.

10.25 Again, it is noted that some of these responses correlate with the officer considerations of unsuitability prior to the assessment of the marketing exercise.

10.26 In terms of the marketing exercise submitted, whilst the majority of it meets the Appendix 11 criteria, there are some considerable shortcomings. In particular, these are: the property has not been marketed for the full two years; only two valuations were sought; and they have not stated if the property was vacant during the period.

10.27 Whilst the submitted marketing exercise is considered to not be wholly compliant with the expectations of Appendix 11, it is considered that on balance, the details submitted are enough to demonstrate that there is not demand for another *suitable* social or cultural use at this site. From the limited response from potential F.1 occupiers, the lack of further interest are mainly to do with contextual factors such as the building itself or its surroundings that can't be altered. Examples are lack of outdoor space, inappropriate location down the narrow street and the building either too large or too small. Therefore, it is considered that as these factors cannot be changed, the same responses would be likely to be received should the marketing be completed over a full two-year period. It should also be noted that the proposed extensions would not help alleviate the negative responses.

10.28 It is confirmed that the property has not been vacant as evidenced on the officer site visit in June 2021; however, it was observed that the operations within the building were staff removing the physical contents of the building and scanning in records as part of their digitalisation strategy and not face-to-face services with the public.

10.29 The main segment of the commercial property market within the local area is office; however, it would be unreasonable to compare the floorspace with office as they are two different uses. Also the sale of general library buildings would not be a common transaction within the property market, which would lead to, again, no comparative variables.

- 10.30 As discussed within paragraph 10.9 of this report, the local area is served by everyday local libraries, and in addition there are nearby university libraries in relation to Queen Mary University (Charterhouse Square Campus) and City University located nearby to the north along Goswell Road. The marketing exercise commented on no interest from library and higher education providers, it can be considered from a commercial standpoint, a new conventional library would not be successful in this location given the saturation of libraries in the local area to cater for the local and student population. Therefore it can be considered definitive that there is no demand for the continued use for the site as a library (genealogy or conventional) and therefore no reasonable prospect of it being continued to be used as such.
- 10.31 Other social infrastructure uses have been deemed as inappropriate for the site as discussed earlier, and there has been no interest from occupiers of other suitable uses such as a museum or non-residential education/training. It is also considered given the site context, location and condition of the building that there would be no likely prospect of confirmed interest from after two years of continuous marketing exercise.

Part c)- Any replacement/relocated facilities for the specific use provide a level of accessibility and standard of provision at least equal to that of the existing facility

- 10.32 It is considered in this instance that the digitalisation of the specific use within the existing building would be of a high level of accessibility given it could technically be accessed anywhere once online.
- 10.33 Therefore, it is considered in this instance, that the loss of the existing genealogy library is acceptable following the review of the marketing exercise and taking into account contextual and site factors. It should be stressed that some leniency has been given in the case of this application due to the existing specific use of the site and being the only one of its kind (locally and further afield). Therefore, it is expected that should the marketing exercise be done to full compliance with Appendix 11, the exercise would reach the same conclusions. It should also be further stressed that due to the unique circumstances of the existing land use, such leniency would not be applied to future applications in which marketing information is required to demonstrate there is no demand for the existing use. The proposed development is also considered to bring planning benefits as discussed further on.

Proposed Office

- 10.34 The proposal under this application would redevelop the site to provide a building that comprises 1478sqm (GIA) of office floorspace. It is estimated that the proposed development would generate approximately 114 full time jobs on site.
- 10.35 The principle of the provision of new employment floorspace at this location is supported by the Development Plan, due to the site's commercial context and its central location. London Plan policy SD4 notes that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.
- 10.36 London Plan policy SD5 states that within the CAZ, offices and other CAZ strategic functions are to be given greater weight relative to residential development, except sites that are situated within wholly residential streets or predominantly residential neighbourhoods. This is further supported by London Plan Policy E1 which states that the Mayor supports the increases in current stocks of office floorspace within the CAZ, and improvement to the quality, flexibility and adaptability of office floorspace (of different sizes), through new office provision and refurbishments.
- 10.37 Policy CS13 (A) of the Islington Core Strategy specifies that new employment space development should be encouraged to be located within the CAZ or town centres; be flexible and meet changing business needs and to require different types and sizes including those that can accommodate SMEs. In conjunction, policy CS7 of the Core Strategy requires "Employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy. Employment-led development will be largely concentrated south of Old Street and Clerkenwell Road..."

10.38 Policy BC8 of the Finsbury Local Plan 2013 prevents any loss of business floorspace within the area and the maximisation of such floorspace. The policy reads:

“A. Within the Employment Priority Areas (General and Offices) designated on the Policies Map and shown on Figure 16:

i. No net loss in business floorspace will be permitted, either through change of use or redevelopment, unless exceptional circumstances can be demonstrated, including through the submission of clear and robust evidence which shows that there is no demand for the floorspace. This 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. In addition, the loss of business floorspace will only be permitted where:

a. The proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or

b. It can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses.

ii. Proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.

B. Within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:

i. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or

ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or

iii. Affordable workspace, to be managed for the benefit of occupants whose needs aren't met by the market.”

10.39 In land use terms, the proposed incorporation and uplift of office floorspace is considered acceptable in principle given that it is located within multiple designated areas where the development, growth and maximisation of business floorspace is encouraged. The proposed development by reason of the change of use and the proposed extensions represents a maximisation of office floorspace as required by policy. Furthermore, it is considered the proposed use of the site as office within this desired location provides a planning benefit as it would help towards achieving the aims of the Council's employment policies as well as provide a continued and efficient use of the site.

10.40 The proposed development (namely the internal alterations and the extensions) will ensure enhanced provision of flexible office floorspace with specifications and facilities to meet the needs of a variety of modern businesses, particularly micro, small and medium sized enterprises. The internal alterations will allow for cellular units on the upper floors to cater for SMEs, high ceilinged units all of at least 2.7 metres, and a double lift core to cater for a wider range of needs. The proposed new and reconfigured office floorspace across the site has level access at each level. The proposals will ensure enhanced provision of flexible business floorspace.

10.41 It was discussed earlier that one of the common responses within the marketing exercise was the issue of the scale and condition of the building for either sole occupancy or division for smaller firms to occupy the floorspace. It is considered that the proposed development would bring a commercial and planning benefit by being more attractive to multiple business occupiers as it can

be divided and subsequently amalgamated to meet changing needs. This would further provide efficiency to the site.

- 10.42 It is considered that these planning benefits the proposed office floorspace and its flexibility brings outweigh the initial loss of the existing genealogy library.
- 10.43 As a result, the provision of additional office floorspace and its design is considered to meet the requirements of policy CS13 of the Core Strategy, policy DM5.1 of the Development Management Policies, and the needs of micro and small enterprises as required by policy BC8 of the Finsbury Local Plan, and is acceptable in this regard.
- 10.44 Some of the comments within the received representations objected to the development of office space next to a residential building. Whilst some of the neighbouring sites are residential, the overall area is of a predominately commercial character within a mixed-use inner city area. Given the site's location within the designated Central Activities Zone and Employment Priority Areas (General), the Council's land use policies seek to support the City of London's financial and business services sectors which extend across the Islington borough boundary through incorporating the maximum amount of business floorspace reasonably possible on the site.

Class E restrictions

- 10.45 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 and no other uses within Class E.
- 10.46 It is considered that the other uses that are encompassed by Class E would not be an appropriate use of the development within its surrounding local context without the submission of further details and mitigation measures. The proposed building would be likely to be inappropriate for retail use given its location away from the main streets and as such would not get much footfall due to lack of presence. The use of the building as retail would also cause amenity impacts to neighbouring occupiers in respect to services and deliveries. Notwithstanding these points, the building would be likely to be unattractive to a retail occupier given the amount of floorspace concerned which includes a low ratio of ground floor to the total floorspace.
- 10.47 The use of the site as a café/restaurant (former A3) would be considered harmful to neighbouring residential properties by reason of its inappropriate location, delivery and servicing and general noise and disturbance from patronage. Furthermore, it is anticipated that a significant amount of mechanical plant would be required for a restaurant use with a GIA of 1017sqm (at minimum).
- 10.48 The use of the extensions as clinic, health centre or nursery (former D1) is considered not appropriate given no information to demonstrate otherwise, these uses would be expected to cause a strain upon the local highway and traffic which is considered also likely to impact on neighbouring amenity.
- 10.49 It is considered that financial and professional services (former A2) would be appropriate given the day-to day operation is similar to that of office floorspace. Furthermore, it is then considered on balance such operations would not hinder the policy aims of directing business and employment floorspace within this part of the borough given the akin nature of both the former B1 and A2 uses.
- 10.50 As such, a condition is recommended restricting the use of the redeveloped building to be only of office/business floorspace or financial and professional services and no other use within Class E of the Use Classes Order 2020. Should any other use be proposed to the building, this would require the submission of an application and appropriate supporting documentation.

Residential Use

- 10.51 Whilst current London Plan policy SD5 had replaced former policy 4.3 of the 2016 version, the Finsbury Local Plan contains policy BC8 and the Development Management Policies contains policy DM5.1 (part E) which seek housing as an element of developments within the CAZ (20% of the floorspace). In order to secure compliance with this policy (BC8) a financial contribution of £57,920 has been secured towards the delivery of affordable housing. This calculation has factored in the delivery of affordable workspace as discussed in the following section.
- 10.52 The introduction of the new permitted development rights under Class MA in Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order (2021 No.428) would allow change of use of a building from Class E to C3 (dwellinghouses), which takes effect from 1st August 2021. This means the proposed commercial development would be able to (subject to limitations and conditions) be converted into residential use, which would clearly conflict with the objectives of the Development Plan that supports commercial use and job growth.
- 10.53 In accordance with the aforementioned policies, officers considered that it would be necessary to resist unacceptable change of use from commercial to residential use, in order to protect the commercial floorspace within the site and the wider CAZ. It is recommended that a condition is imposed to restrict the permitted development rights within the provision of Class MA of the GPDO.

AFFORDABLE WORKSPACE

- 10.54 Part B of policy E3 of the London Plan 2021 states that considerations should be given to the need for affordable workspace based on:
- 1) where there is affordable workspace on-site currently, or has been at any time since 1 December 2017, except where it is demonstrated that the affordable workspace has been provided on a temporary basis pending redevelopment of the site
 - 2) in areas identified in a local Development Plan Document where cost pressures could lead to the loss of affordable or low-cost workspace for micro, small and medium sized enterprises (such as in the City Fringe around the CAZ and in Creative Enterprise Zones)
 - 3) in locations identified in a local Development Plan Document where the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.
- 10.55 Policy E3 also states that in defined circumstances, planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose.
- 10.56 Policy DM5.4 of the Islington Development Management Policies 2013 concerns the size and affordability of workspace. As set out in paragraph 5.25 of the IDMP, the figure of 5% of gross floorspace should be taken as the starting point for provision. The space should either be provided as separate small units for SME businesses (affordable by virtue of their size) or let to the council as Head Leaseholder at a peppercorn rent for at least 10 years; (in such cases the council will then engage with approved workspace providers to manage the space and ensure it is occupied by target sectors).
- 10.57 The Finsbury Local Plan Policy BC8 part B states:
- “Within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*
- i. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*

ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or

iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.”

10.58 The Supporting text states:

“Micro and small” workspaces are considered to be workspaces in business use (B use classes) with a gross internal floor area of around 90m² (gross) or less and which will be offered to occupants on favourable and flexible terms. Small retail units are considered to be individual shop (A1) units of 80m² or less (gross), as well as stalls and kiosks. “Affordable” workspaces/retail spaces are units provided for rent below the market rate, either to provide for the needs of specific sectors or to promote regeneration. Affordable, micro and small workspaces and retail spaces are encouraged throughout the area to promote and retain economic diversity. More information on attributes and features of small, micro and affordable workspace is set out in the Development Management Policies.”

10.59 The emerging Local Plan (SDMP) policy B4 (Modifications for consultation - March 2021) states that within the CAZ and Bunhill and Clerkenwell AAP area, major development proposals involving office development must incorporate at least 10% affordable workspace (as a proportion of proposed office floorspace GIA) to be leased to the Council at a peppercorn rate for a period of at least 20 years. The policy is currently at draft stage and can be afforded limited weight.

10.60 The supporting text for Policy B4 (para 4.47) further outlines that for proposals involving redevelopment, refurbishment (or refurbishment and extension), the requirement would apply to all redeveloped, refurbished and/or extended space, regardless of the fact that there is existing floorspace. For proposals solely involving extension of floorspace with no change to existing floorspace, the requirement can be considered to apply to the new floorspace only. Having reviewed the Planning Statement dated December 2020, it is noted that the proposed development would amount to a full redevelopment of the site building with substantial building works, and the use of the building would be significantly changed.

10.61 Officers note that the emerging policy B4 can only be afforded limited weight, reflecting the stage the local plan is at and the number of objections received; therefore, taking the current and emerging local plan into account, it is considered that an onsite affordable workspace area based on 5% of the whole re-development would be sought, rather than just the uplift.

10.62 The applicant has proposed to designate the entirety of the lower ground floor as SME space, measured at a GIA of 180sqm which would represent 12.5% of the total proposed floorspace concerned and greatly surpasses the 5% minimum expected by current policy. The designated space would be separated into 2x units (91sqm each).

10.63 Having assessed the general internal layout, it is considered the proposed lower ground floor units would be suitable to be used as a dedicated small / micro units and would comprise a good working environment for occupiers. It can be accessed step free access, and would also benefit from natural daylight and outlook which is welcomed by officers.

10.64 Whilst the general layout and provision of the SME space is considered acceptable in principle, overall acceptability of this element of the scheme is subject to the applicant entering a S106 legal agreement to secure the following:

- a basic, but good quality fit-out, which incorporates servicing to all areas of workspace;
- flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces;
- good standards of internal sound insulation;

- a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts;
- and external space reserved for loading/unloading

10.65 The S106 legal agreement would demonstrate likely lease terms for target sectors, and where appropriate make provision for short-term, flexible 'all-in' or 'meanwhile' leases, and/or letting space on a per-desk rather than per-square-foot basis. As noted earlier, the aforementioned affordable housing contribution has factored in the provision of dedicated small /micro units at lower ground floor and medium size workspace throughout the rest of the building, and reflects the emerging emphasis of providing affordable workspace (in future policies) and prioritising commercial floorspace in this part of the borough in particular (CAZ).

DESIGN, CONSERVATION AND HERITAGE

Policy context

10.66 Paragraph 124 of the NPPF 2021 highlights that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.67 Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

London Plan

10.68 Policy D3 of the London Plan states that development must make the best use of land by following a design-led approach that optimises the capacity of sites, to ensure that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. It further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

10.69 In terms of design and heritage considerations, London Plan policy D3, part D states that development proposals should:

- enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character;
- be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

10.70 Policy D4 stipulates the importance of design scrutiny of development proposals starting from pre-application stage. It states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising analytical tools, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should

make use of the design review process to assess and inform design options early in the planning process.

- 10.71 Policy HC1 reads that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in this design process.

Local Plan

- 10.72 The national and regional policies are supported locally by Islington Core Strategy policy CS7 (Bunhill and Clerkenwell) which states that much of the area has a rich character and is noted for its historic value, the historic significance and character of the area will be protected and enhanced.
- 10.73 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 (Protecting and enhancing Islington's built and historic environment) requires the borough's unique character to be protected by preserving the historic urban fabric, and new buildings should be sympathetic in scale and appearance and to be complementary to the local identity.
- 10.74 Policy BC7 (Historic Clerkenwell) of the Finsbury Local Plan states that the special character of this historic part of London will be protected and enhanced through heritage-led development. Part B of the policies states that new buildings shall be of high architectural quality and local distinctiveness, of a height, scale and massing that respects and enhances the immediate and wider context, consistent with the predominant building height. New development should reflect long established building lines, street frontages and plot widths. Roof extensions, plant rooms and lift overruns should conform to prevailing building heights and should not harm the character and appearance of the existing building as seen from streets and public open spaces.
- 10.75 Part F of the policy refers to protection and enhancement of alleyways, pedestrian routes and yards such as Charterhouse buildings (recognised as an important pedestrian route within the designated area).
- 10.76 Policy DM2.1 (Design) of the Islington Development Management Policies requires all forms of development to be of a high quality design, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.77 Policy DM2.3 (Heritage) of the Development Management Policies requires developments to conserve and enhance the borough's heritage assets, in a manner appropriate to their significance. The council requires new developments within Islington's conservation area settings to be of high quality contextual design, and the policy states that harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Part C of the policy states that the significance of Islington's listed buildings is required to be conserved or enhanced; new developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.
- 10.78 Moreover, the Islington's Urban Design Guide SPD (UDG) sets out the principles of high quality design (Contextual, Connected, Sustainable and Inclusive) and the detailed design guidance such as urban structure, the streetscape, services and facilities, and shopfront design.
- 10.79 In terms of conservation area and heritage assets, the Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (section 72); it

also requires decision maker to have special regard to preserve or enhance the significance of heritage assets (including their setting) through the planning process (section 66).

Existing Context

10.80 The site sits in close proximity to the southern edge of the Hat and Feather’s Conservation Area and the northern edge of the Charterhouse Square Conservation Area. Listed buildings lie to the south and west of the site within the Rutland Place Medical Campus of Queen Mary University (Grade II Listed) and to the east there is the Grade II Listed building on Goswell Road. Locally listed buildings are located to the north and east of the site along the sections of Charterhouse Buildings that front the main streets.



Map 1: GIS Map of site in context of nearby conservation areas.

- 10.81 The focal part of Charterhouse Buildings is a short and narrow ‘stub end’ street, lined with buildings on each side that range from single storey infills (the ancillary entrance to the William Harvey Heart Centre), to the rear elevation of an eight storey block of student accommodation in which its service yard sits directly and awkwardly opposite the application site.
- 10.82 Nos. 11-13 and Nos. 14-15 (the application building) are relatively small scaled three and four storey post-war office buildings. No. 17 which is located directly opposite is a six-storey building which is a 2000s construction with the top two floors set back from the street edge. This building abuts the eight storey student block as detailed in the previous paragraph. Both of these buildings are considered lacking in any architectural merit.
- 10.83 It is to the entrance of the narrow street (which face the junction of the main roads) that the buildings of architectural quality are located. These include Nos. 1-5 which are locally listed and Nos. 9-10 to the east. These are fine, richly detailed, five storey buildings that lie within the boundary of the Hat & Feathers Conservation Area. Buildings to the west and south of the site lie within the curtilage of the listed medical college of Rutland Place although they themselves are of limited to poor architectural quality.

Proposed Development



Image 8: Visual of proposed redevelopment.

- 10.84 The applicant has submitted a Design and Access Statement (prepared by Thirdway Architecture dated April 2021) in support of the application.
- 10.85 The proposed development comprises of the erection of a two-storey roof extension, and the comprehensive refurbishment of the front façade. The proposed façade would incorporate textured concrete panels as well as metal cladding with vertical fin detailing. The proposed façade incorporates extensive full height windows as well as a new front entrance area in attempt to enhance the visual permeability and to create a greater degree of active frontage at street level.
- 10.86 The above policy framework makes it clear the relationship between the height of the buildings and the street/space they flank is of critical importance and the roofline is an important factor contributing to the rhythm and uniformity of a street. In order to be successful, the proposals should be both sympathetic to the host building, harmonise with the pattern of development of the area and be sensitive to the setting of adjacent heritage assets.

Scale and Massing

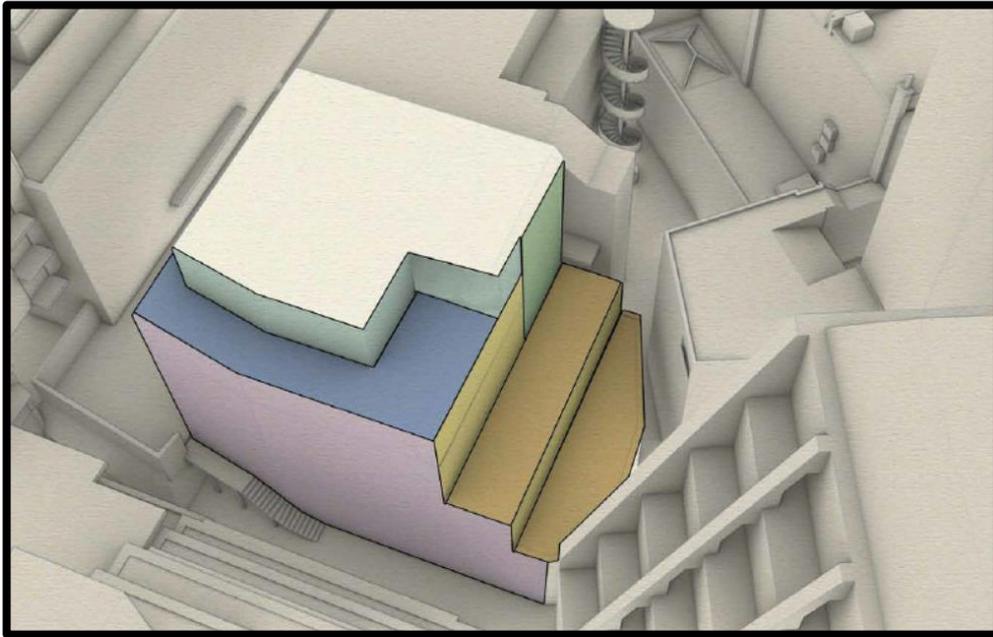


Image 9: Proposed massing from the roof and first floor extensions.

- 10.87 Paragraph 5.146 of the Islington Urban Design Guide reads “*When considering the scope for roof extensions, it is necessary to consider the particular terrace within which the host building sits as well as the local context. Successful proposals will be both sympathetic to the host building and harmonise with the predominant roofline in the vicinity.*”
- 10.88 The height and massing of the proposed two-floor upwards extension including plant is considered acceptable. The site is framed by significantly higher buildings including the five-storey Victorian buildings at the entrance of Charterhouse Buildings, the eight-storey student accommodation building, and the six-storey residential building opposite the site (No. 17). Furthermore, Old Street (to the north) and Goswell Road (to the east) have a considerably taller storey height ambient reflecting and responding to their more primary positions within the urban structure.
- 10.89 Given its location surrounded by taller buildings that front both the primary and secondary streets, it is considered the principle of the upwards extension at the subject building is acceptable as it would result in a five-storey building which would still conform to the established terminating heights and roofline within the vicinity.
- 10.90 The new third floor of the building would be of the same bulk and height and the second floor level and would be of the same construction and detail as that of the building below which would be read as a continuation of the existing building. By contrast, the proposed fourth floor level would be set back from the perimeter of the building and would be of a lighter construction and more intricate architectural expressions, thereby mitigating its visual impact as viewed from the narrow street of Charterhouse Buildings. The proposed roof extensions are considered to achieve a balance between maximising the amount of upward build possible whilst achieving a minimal and acceptable visual impact.
- 10.91 The proposed plant at roof levels are contained within three box structures at 1.7m, 1.8m and 2m in height and 2m in depth and width. These structures are positioned centrally upon the new roof and deeply recessed from the building’s perimeter which would minimise its visual impact. It is also noted this is on the fourth floor element which had been considered itself to be of a lesser visual impact. The lift overrun is further located to the rear and overall none of these additional structures would be visible from the public realm within Charterhouse Buildings.
- 10.92 Overall, given the tight enclosed nature of the site as a result of the taller buildings, the scale and bulk of the proposed development would be visible within limited public views of the building along Charterhouse Square and where visible are considered to be of an appropriate bulk and mass upon the building. Furthermore, the scale of the first floor extension is considered appropriate upon

the building and there it is concluded that the scale and massing of the proposed development is acceptable.

Elevational Treatment and Materiality

- 10.93 Overall, the elevational treatment is very well considered and of a high architectural quality and the building would be vastly improved in its appearance as a result of the development. It would have an urbane and contemporary language. The design also takes advantage of the dominant view of the building which is that primarily experienced as oblique; however, the elevational treatment is considered just as successful when view in direct elevational view.
- 10.94 In respect to the proportions, it is considered there is a rhythmic and well designed relationship between the solid and void elements as well as a vertical expression. This is achieved by the use of 'fins' rising up the primary floors with the horizontal rhythm maintained through the fenestration patterning. At ground floor level, a solid and dramatic front entrance is proposed, framed in corten steel in which a generous reception area can be visible through the glazing. As well as an active frontage, it is considered this provides an open and transparent relationship between the interior of the ground floor and the street. The new front entrance is also considered to correct the issue with the existing front entrance in which it successfully indicates its primacy and function upon the building and within the streetscene as well as provide a strong presence.



Image 10: Proposed façade treatment and front entrance

- 10.95 A secondary entrance is also proposed at the front elevation (nearby the existing front entrance) and as it serves the ground floor office element, reads as an ancillary entrance.
- 10.96 The flank and rear elevations have also been carefully considered. The elevations are expressive and animated whilst also being kept as subservient to the front façade. The rear elevation in particular has also creatively addressed by introducing a green wall which acknowledges the tightness of grain and the proximity of neighbouring windows opposite at No.4 Charterhouse Buildings (approx. 3m away from the rear elevation of the building's lower ground/ground floor elevation) and matters relating to outlook. Both the side and rear elevation are punctuated by the occasional framing of larger windows in corten steel which adds a rich sculptural element to these elevations as well as carrying on the elements used in the main entrance around the building.

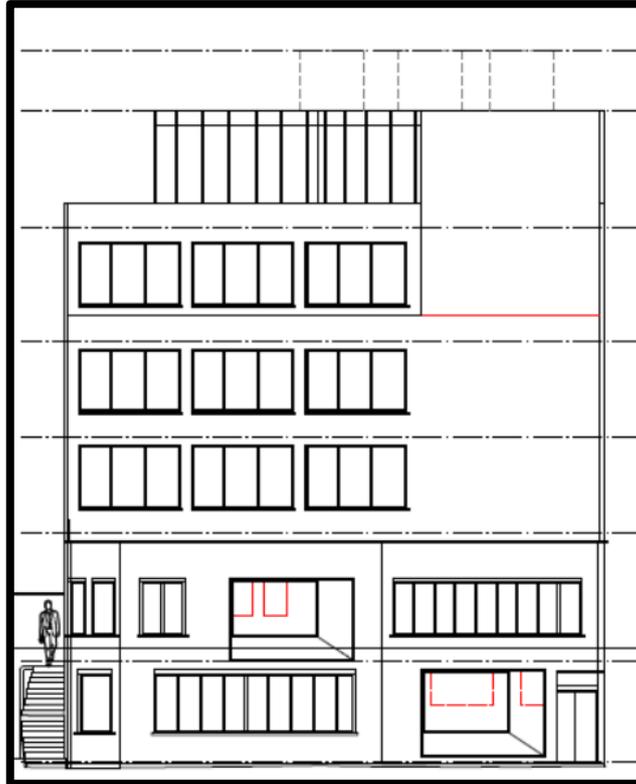


Image 11: Proposed rear elevation.

- 10.97 The new fourth floor storey is also considered a well detailed element and is of a lighter appearance which coupled with its recessed positioning reads as a secondary element within the building hierarchy. The design utilises the bronze coloured aluminium within a series of rhythmically arranged, small and narrow modules.
- 10.98 The proposed material selection is considered entirely appropriate to the site and its varied architectural context. The material choice include a pale stone to the front façade with both a smooth and corrugated effect, brushed concrete to flank and rear elevations, bronze coloured fenestration and a minimal use of corten steel which in conjunction with the other materials appears as effective and punctuating with its use for the main entrance and some of the window openings.

Impact on Heritage Assets

- 10.99 The application site is surrounding by two conservation areas: Hat & Feathers; and Charterhouse Square.
- 10.100 The significance of both these conservation areas (along with the nearby Clerkenwell Green CA) is that they have a special character and appearance which stems from its mix of uses, its architecture and history, which justifies its conservation area status. As part of the larger Clerenwell and Smithfield area, it has the longest history of any part of the borough as well as a long history of a part of London as confirmed by the Government Office of London.
- 10.101 The fabric of the area derives from incremental development from Norman times to the present day, with surviving examples of buildings from nine different centuries. The character of the area also depends on its great variety of uses including specialist manufacturing, workshops, wholesaling and retailing activities. The juxtaposition of different activities, cheek by jowl, sets Clerkenwell and Smithfield apart from the more homogenous business and residential areas.
- 10.102 The site is located approximately 90m from the Hat & Feather Public House located on the corner of Clerkenwell Road and Goswell Road. The listed for the Grade II listed building is as quoted below:

10.103 *“Public house. c.1860 with alterations to the ground floor of c.1900. Polished granite, brick and stucco, roof obscured by parapet. Four storeys over basement, seven-window range, the frontage bowed on the corner of Goswell Road and Clerkenwell Road. Ground floor has a plinth of black polished granite and slender piers of pink polished granite supporting a fascia with early C20 glazed and painted panels 'PARTIES CATERED FOR/ HAT AND FEATHERS/ RESTAURANT'; the curved frontage and that in Goswell Road have original woodwork to the entrances with scrolled pediments and engraved glass, and leaded glass overlights to the windows; moulded and bracketed stucco cornice. On the upper floors the two westernmost bays in Clerkenwell Road have simple flat-arched windows and a stucco band to the parapet; the rest of the facade is treated more elaborately. The centrepiece on the curved front consists, at first-floor level, of two flat-arched windows flanked by engaged Ionic columns with wreathed capitals supporting an entablature which breaks back and forwards and in its turn supports urn-like finials flanking the flat-arched second-floor windows. To either side of the centrepiece are giant stucco pilasters with ornate foliage capitals and fruit and foliage pendants on their faces, supporting equally ornate brackets and a moulded stucco cornice which runs across the whole of this part of the facade; the outer windows under the cornice in Clerkenwell Road and Goswell Road have moulded stucco architraves. The third floor has two pairs of round-arched windows to centrepiece, deeply recessed between antae, then statues of Classical female figures on either side, and then flat-arched windows with moulded stucco architraves. Parapet with segmental-arched panel to centre flanked by scrolled consoles and balustrade, and inscribed 'THE HAT AND FEATHERS'. The interior is much altered but retains dado panelling and some c.1900 panelled and glazed partitions to the bar facing Goswell Road, and a bar front, some dado panelling and staircase with turned balusters in the bar facing Clerkenwell Road.”*

10.104 The site is also located near a cluster of locally listed buildings at the entrance to Charterhouse Building (also addressed at Nos. 1, 3 and 5 Clerkenwell Road). These buildings are described as “Renaissance influence. Commercial. Five storey, render and stucco”, with its special features as “Pilasters, arcading fretted spandrels, cornice, etc”. The listing concludes that the buildings’ principal qualities are its “Design, ornament. Good example of cast iron construction. Good examples of period.”

10.105 The architectural quality is of a high standard and as such, the scheme is considered a significant improvement over the existing building, and even factoring in the increase in mass and height, would have a neutral impact on the setting of the adjacent heritage assets. This includes the locally listed building at Nos. 1-5 Charterhouse Buildings (also known as Nos. 1, 3, and 5 Clerkenwell Road) which faces the junction at the entrance to the narrow street.

10.106 The proposed development is considered to significantly enrich the streetscape of Charterhouse Buildings.

10.107 Given the scale of the adjacent buildings, it would not be visible from the adjoining public realm from Goswell Road and will only be visible in a very limited oblique view from Old Street at its junction with the entrance to Charterhouse Buildings. Due to the design of the proposal, this is considered to enrich rather than detract from the heritage settings when seen within this limited view.

10.108 Furthermore, given its location at the extreme south of the narrow street of Charterhouse Buildings, away from the main crossroads, the proposed development would not impact upon the setting of the Grade II listed Hat & Feathers public house located on the north western corner of Clerkenwell Road and Goswell Road.

Summary

10.109 As a result of the proposed development, the building is considered to surpass the architectural quality of the modern buildings adjacent to and opposite the site, setting a new and welcome benchmark for future developments with regard to contemporary design within Charterhouse Buildings. Given the high quality architecture, the richness of the proposed material palette and its application across the building, the proposed development is considered to enhance the streetscape and befits this highly urban site.

10.110 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 Clerkenwell Green Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The proposed development is considered to be of a high quality design that is sensitive to its context. It would enhance and not detract from the character and appearance of the Hat & Feathers conservation area nor the Charterhouse Square conservation area as seen within public and private views.

10.111 Therefore, the proposed development complies with the National Planning Policy Framework 2021, policies D3, D4 and HC1 of the London Plan 2021, policies CS8 and CS9 of the Islington Core Strategy 2011, policy BC7 of the Finsbury Local Plan 2013 and policies DM2.1 and DM2.3 of the Development Management Policies 2013. The development also adheres to the guidance in the Islington Urban Design Guide 2017. Whilst the proposed development adjoins the conservation areas, it is considered it generally adheres to the guidance contained within and the Charterhouse Square Conservation Area Design Guidelines 2002 Hat & Feathers Conservation Area Design Guidelines 2014.

10.112 Consideration has also been taken into policies DH1 (Fostering innovation and conserving and enhancing the historic environment) and DH2 (Heritage assets) of the Draft Islington Local Plan. The proposed development is considered to be of high quality which would contribute to the character of this important historic part of the borough.. It is noted that the aims of policy DH2 of the Draft Local Plan does not diverge significantly from that of policy DM2.3 of the Development Management Policies in respect to heritage assets.

INCLUSIVE DESIGN

10.113 Policy GG1 of the London Plan 2021 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promote the creation of an inclusive London where all Londoners can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.

10.114 The Inclusive Design principles are set out within policy D5 of the London Plan which states that development proposals should achieve the highest standards of accessible and inclusive design. It should:

1. be designed taking into account London's diverse population
2. provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
3. be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
4. be able to be entered, used and exited safely, easily and with dignity for all 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

10.115 At a local level, Islington's Development Management Policy DM2.2 requires all new developments to demonstrate that they: i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone, and iv) bring together the design and management of a development from the outset and over its lifetime

10.116 The Council's Inclusive Design SPD further sets out detailed guidelines for the appropriate design and layout of existing proposed new buildings.

10.117 The key inclusive design considerations and comments were provided by the Accessibility Officer and include provision of easily identifiable entrance with contrasting materials, welcome flexibility to the floorplates and circulation, shower facilities to support cycling are welcomed and accessible WCs are also welcomed. A condition is recommended to secure:

- Opening weight of doors should be under 30N or else power assisted;
- Entry phones shall be located within reach of wheelchair users;
- In this case where only one lift serves the building, the lift shall be an evacuation lift with separate power supply and provision of fire protection; and
- Accessible WCs shall be provided with an outward opening door.

10.118 Overall, the proposed development is welcomed in terms of accessible design and is a significant improvement upon the existing building and its layout.

10.119 In conclusion, the proposed development would comply with the relevant policies in delivering an inclusive environment that is safe, convenient and inclusive for all future users.

NEIGHBOURING AMENITY

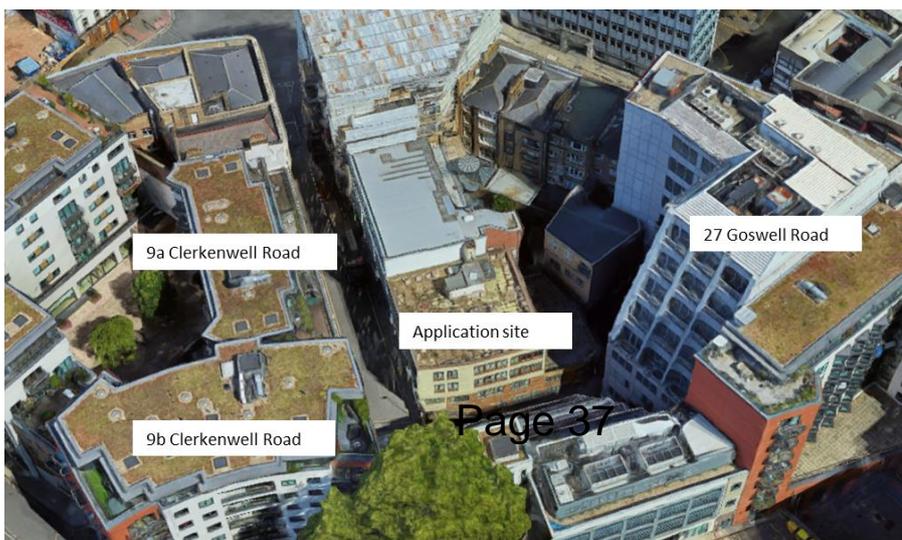
10.120 Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments would have a high standard of amenity for existing and future users. All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed.

10.121 Part D of policy D3 of the London Plan 2021 states that development proposals should deliver appropriate outlook, privacy and amenity, the design of the development should also help prevent or mitigate the impacts of noise and poor air quality.

10.122 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.

10.123 Given the location of the building and the extent of the development, it is considered that the identified neighbouring properties with the potential to be impacted by the development are:

- No. 4 Charterhouse Buildings
- No. 27 Goswell Road
- No. 9a Clerkenwell Road
- No. 9b Clerkenwell Road



Daylight, Sunlight and Overshadowing

- 10.124 To assess the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.125 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be gained. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'
- 10.126 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 10.127 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.

BRE Guidance: Daylight to existing buildings

- 10.128 The BRE Guidelines stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either:
- 10.129 The VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value;
- 10.130 The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value." (No Sky Line / Daylight Distribution).
- 10.131 At paragraph 2.2.7 of the BRE Guidelines it states: "*If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.*"
- 10.132 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.133 At paragraph 2.2.8 the BRE Guidelines state: "*Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside.*"
- 10.134 Paragraph 2.2.11 states: "*Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.*" The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 10.135 The BRE Guidelines at Appendix F give advice on setting alternative target values for access to skylight and sunlight. Appendix F states that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is "in a mews development within a historic city centre where a

typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”.

BRE Guidance: Sunlight to existing buildings

10.136 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11: “If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected”.

10.137 This will be the case if the centre of the window:

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

10.138 The BRE Guidelines state at paragraph 3.16 in relation to orientation:

“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”

10.139 The guidelines go on to state (paragraph 3.2.3):

“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun”

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

BRE Guidance: Overshadowing

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

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

Assessment

10.143 The applicant has submitted a Daylight and Sunlight report prepared by Development & Light Consultancy dated April 2021. The report and appendices consider the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines.

10.144 The report concludes that the properties relevant for assessment are as follows:

- No. 4 Charterhouse Buildings
- No. 27 Goswell Road
- No. 9a Clerkenwell Road
- No. 9b Clerkenwell Road

10.145 The layout of some of the residential properties identified above have been found to ensure that the assessment carried out is accurate; where the usage of the rooms are unknown, the assessment would be based on the worst case scenario and assumes that the room is habitable (i.e. living room) and requires a greater degree of daylight/sunlight than bedrooms for example.

Impacts to Daylight

No. 4 Charterhouse Buildings



Images 12 & 13: No 4 Charterhouse Buildings and window diagram from submitted D/S analysis.

10.146 The submitted report indicates that half of the windows assessed at No. 4 Charterhouse Buildings would transgress the BRE criteria relating to VSC and daylight distribution. In respect to VSC, 5 of the windows would experience minor adverse losses (20-29.99%) whilst 1 window would experience a moderate adverse loss (30-39.99%). In terms of NSL, 2 windows would suffer minor adverse losses (20-29.99%), 2 windows would experience moderate adverse losses (30-39.99%), and 1 window would suffer a substantial loss (40% or above).

10.147 The room that experiences the substantial loss of NSL is room R3 which serves a living kitchen and dining area window. This room is served by 2 windows on its southern and western elevation. The window on the southern elevation (W4) has no loss of VSC whilst the western elevation (W3) has a loss of 35%; however, it is noted that this window is set within a balcony of the building. The first floor windows also experience moderate VSC losses given its close proximity to the site and the development. The transgressions that are reported in the assessment are outlined further in the table below.

VERTICAL SKY COMPONENT (VSC)							
Floor	Room Ref.	Room Use	Window Ref		VSC	PR/EX	Meets BRE
Page 40							

First	R1	Bedroom	W1	Existing	18.99	0.71	NO
				Proposed	13.49		
	R2	Study	W2	Existing	21.23	0.72	NO
				Proposed	15.35		
	R3	Bedroom	W3	Existing	22.34	0.75	NO
				Proposed	16.68		
	R5	Bedroom	W6	Existing	7.42	1.00	YES
				Proposed	7.42		
Second	R1	Bedroom	W1	Existing	28.47	0.74	NO
				Proposed	20.97		
	R1	Bedroom	W7	Existing	23.25	0.95	YES
				Proposed	22.12		
	R2	Bedroom	W2	Existing	29.26	0.76	NO
				Proposed	22.30		
	R3	LKD	W3	Existing	12.34	0.67	NO
				Proposed	8.23		
	R3	LKD	W4	Existing	6.19	1.00	YES
				Proposed	6.17		
	R5	Bedroom	W6	Existing	19.84	0.98	YES
				Proposed	19.50		
Third	R2	Bedroom	W2	Existing	23.49	0.99	YES
				Proposed	23.27		
Fourth	R2	LD	W2	Existing	24.49	1.00	YES
				Proposed	24.48		
NO SKY LINE (NSL)							
Floor	Room Ref.	Room Use	Room Area		NSL	PR/EX %	Meets BRE
First	R1	Bedroom	15.19	Existing	10.95	77.00	NO
				Proposed	8.41		
	R2	Study	6.88	Existing	6.42	68.00	NO
				Proposed	4.39		
	R3	Bedroom	10.11	Existing	7.67	62.00	NO
				Proposed	4.79		
	R5	Bedroom	12.36	Existing	4.31	100.00	YES
				Proposed	4.31		
Second	R1	Bedroom	11.21	Existing	10.74	97.00	YES
				Proposed	10.41		
	R2	Bedroom	12.17	Existing	10.98	76.00	NO
				Proposed	8.34		
	R3	LKD	35.93	Existing	24.34	60.00	NO
				Proposed	14.57		
	R5	Bedroom	12.36	Existing	11.90	100.00	YES
				Proposed	11.90		
Third	R2	Bedroom	12.37	Existing	12.02	100.00	YES
				Proposed	12.02		
Fourth	R2	LD	14.10	Existing	13.86	100.00	YES
				Proposed	13.86		

10.148 The daylight assessment has been repeated again (see table below) with the balconies omitted to ascertain whether such existing structures impact upon the initial values, which is in accordance with the BRE Guidelines. In terms of the second floor flat, which faces the development, there is an improvement in NSL from a substantial loss of 40% to a moderate loss of 36%. Within this habitable room, window W4 would be unchanged given its location on a different elevation whilst window W3 (within a balcony) receives an increased level of receipt from 0.65 to 0.83 which would result in the loss of daylight being acceptable. It is also noted that the other moderate losses of VSC and substantial losses of NSL at first floor level windows serve that of bedroom and/or studies which are commented as 'less important' Page 41

VERTICAL SKY COMPONENT (VSC)- BALCONIES OMMITTED							
Floor	Room Ref.	Room Use	Window Ref		VSC	PR/EX	Meets BRE
First	R1	Bedroom	W1	Existing	18.99	0.71	NO
				Proposed	13.49		
	R2	Study	W2	Existing	21.23	0.72	NO
				Proposed	15.35		
	R3	Bedroom	W3	Existing	22.34	0.75	NO
				Proposed	16.68		
Second	R1	Bedroom	W1	Existing	28.47	0.74	NO
				Proposed	20.97		
	R1	Bedroom	W7	Existing	23.25	0.95	YES
				Proposed	22.12		
	R2	Bedroom	W2	Existing	29.26	0.76	NO
				Proposed	22.30		
	R3	LKD	W3	Existing	24.72	0.83	YES
				Proposed	20.60		
	R3	LKD	W4	Existing	6.19	1.00	YES
				Proposed	6.17		
NO SKY LINE (NSL)- BALCONIES OMMITTED							
Floor	Room Ref.	Room Use	Room Area		NSL	PR/EX %	Meets BRE
First	R1	Bedroom	15.19	Existing	10.95	77.00	NO
				Proposed	8.41		
	R2	Study	6.88	Existing	6.42	67.00	NO
				Proposed	4.39		
	R3	Bedroom	10.11	Existing	7.67	62.00	NO
				Proposed	4.79		
	R5	Bedroom	12.36	Existing	4.31	100.00	YES
				Proposed	4.31		
Second	R1	Bedroom	11.21	Existing	10.74	97.00	YES
				Proposed	10.41		
	R2	Bedroom	12.17	Existing	10.98	76.00	NO
				Proposed	8.34		
	R3	LKD	35.93	Existing	27.11	76.00	NO
				Proposed	20.60		
	R5	Bedroom	12.36	Existing	11.90	100.00	YES
				Proposed	11.88		
Third	R2	Bedroom	12.37	Existing	12.02	100.00	YES
				Proposed	12.02		
Fourth	R2	LD	14.10	Existing	13.86	100.00	YES
				Proposed	13.86		

10.149 It is noted that the above figures are revised findings following the omission of the first floor rear extension. These revised findings are a minimal increase and are not a material improvement from the initial figures. As a basis, the room of concern is R3 (LKD) at second floor level as the NSL findings as a result of the amended development 0.6 of its former value (0.76 with balcony omitted); however it is noted within the assessment that the room forms a deep and wide L- shape with W3 facing west towards the development and W4 facing south. With the balconies omitted W3 has a VC value of 0.83 it former whilst W4 remains unchanged.

10.150 Consideration is also given that the area is of a tight urban built up context and whilst there are losses of light, outlook is maintained (as explained further on) to this dual aspect LKD area.

10.151 Therefore, on balance, taking into account the proximity and relationship of the site, the balcony overhang in respect to the second floor LKD area, and the substantial losses taking place in bedrooms and/or studies, it is concluded that the loss of daylight towards the habitable windows at No. 4 Charterhouse Buildings are not unacceptable.



Image 14: No. 25 Goswell Road (rear).

10.152 The submitted report indicates that all of the windows assessed at No. 25 Goswell Road would pass the BRE criteria relating to VSC whilst 1x room would experience a minor loss of 22% of NSL at first floor level which is a bedroom. These transgressions that are reported in the assessment are outlined further below.

VERTICAL SKY COMPONENT (VSC)							
Floor	Room Ref.	Room Use	Window Ref		VSC	PR/EX	Meets BRE
First	R2	Bedroom	W7	Existing	10.88	0.90	YES
				Proposed	9.75		
Second	R2	Bedroom	W5	Existing	15.19	0.94	YES
				Proposed	14.21		
Third	R1	Bedroom	W1	Existing	21.45	0.98	YES
				Proposed	20.92		
Fourth	R1	Bedroom	W1	Existing	24.78	0.99	YES
				Proposed	24.63		
Fifth	R1	Bedroom	W1	Existing	27.30	>27%	YES
				Proposed	27.29		
Sixth	R1	Bedroom	W7	Existing/Prop	29.77	>27%	YES
NO SKY LINE (NSL)							
Floor	Room Ref.	Room Use	Room Area		NSL	PR/EX %	Meets BRE
First	R2	Bedroom	13.68	Existing	7.41	79.00	NO
				Proposed	5.89		
Second	R2	Bedroom	13.68	Existing	9.15	100.00	YES
				Proposed	9.15		
Third	R1	Bedroom	13.68	Existing	10.64	100.00	YES
				Proposed	10.64		
Fourth	R1	Bedroom	13.68	Existing	11.32	100.00	YES
				Proposed	11.32		
Fifth	R1	Bedroom	13.68	Existing	11.62	100.00	YES
				Proposed	11.62		
Sixth	R1	Bedroom	13.68	Existing	11.71	100.00	YES
				Proposed	11.71		

10.153 Given the above figures and taking into account the minor loss of NSL would be within a bedroom which is considered as 'less important' by BRE guidance, it is concluded that the residential

properties within No. 25 Goswell Road would continue to experience acceptable and very good actual levels of daylight.

No. 9b Clerkenwell Road



Images 15 & 16: No. 9b Clerkenwell Road and window diagram from submitted D/S analysis.

10.154 The submitted report indicates that 2 of the windows assessed at 9b Clerkenwell Road would fail the BRE criteria relating to VSC. These windows are First floor W1 and second floor W7 which are located underneath balconies or overhangs. Room R2 at first floor level would experience a significant loss of NSL; however, the analysis details that this room is already compromised due to its location underneath a balcony and the massing of the building to its side and above it. It is further noted that this window is a bedroom which is considered as 'less sensitive' by BRE guidance. These transgressions that are reported in the assessment are outlined further below.

VERTICAL SKY COMPONENT (VSC)							
Floor	Room Ref.	Room Use	Window Ref		VSC	PR/EX	Meets BRE
First	R1	LKD	W1	Existing	2.39	0.62	NO
				Proposed	1.48		
	R1	LKD	W3	Existing	0.00	1.00	YES
				Proposed	0.00		
	R2	Bedroom	W2	Existing	0.00	1.00	YES
				Proposed	0.00		
Second	R1	LKD	W1	Existing	22.65	1.00	YES
				Proposed	22.65		
	R1	LKD	W2	Existing	25.91	1.00	YES
				Proposed	25.91		
	R1	LKD	W3	Existing	23.98	0.94	YES
				Proposed	22.48		
	R2	Bedroom	W4	Existing	24.23	0.92	YES
				Proposed	22.28		
	R3	LKD	W5	Existing	13.78	0.81	YES
				Proposed	11.17		
	R4	LKD	W6	Existing	22.80	0.85	YES
				Proposed	19.40		
	R4	LKD	W7	Existing	16.06	0.75	NO
				Proposed	12.00		
Third	R1	LKD	W1	Existing	22.62	1.00	YES
				Proposed	22.62		
	R1	LKD	W2	Existing	25.97	1.00	YES
				Proposed	25.97		
	R1	LKD	W3	Existing	27.26	0.96	YES
				Proposed	26.21		
	R2	Bedroom	W4	Existing	27.53	0.94	YES
				Proposed	26.01		
	R3	LKD	W5	Existing	16.53	0.88	YES
				Proposed	14.62		
	R4	LKD	W6	Existing	25.91	0.92	YES
				Proposed	23.84		
	R4	LKD	W7	Existing	18.75	0.87	YES
				Proposed	16.25		
Fourth	R1	LKD	W1	Existing	23.21	1.00	YES
				Proposed	23.21		
	R1	LKD	W2	Existing	26.58	1.00	YES
				Proposed	26.58		
	R1	LKD	W3	Existing	30.27	>27%	YES
				Proposed	29.75		
	R2	Bedroom	W4	Existing	30.34	>27%	YES
				Proposed	29.56		
	R3	LKD	W5	Existing	19.05	0.95	YES
				Proposed	18.02		
	R4	LKD	W6	Existing	28.78	>27%	YES
				Proposed	27.76		
	R4	LKD	W7	Existing	30.01	>27%	YES

				Proposed	28.90		
Fifth	R1	LKD	W1	Existing	24.20	1.00	YES
				Proposed	24.20		
	R1	LKD	W2	Existing	27.62	>27%	YES
				Proposed	27.62		
	R1	LKD	W3	Existing	32.20	>27%	YES
				Proposed	32.20		
	R2	Bedroom	W4	Existing	32.37	>27%	YES
				Proposed	32.17		
	R3	LKD	W5	Existing	19.27	0.98	YES
				Proposed	18.92		
NO SKY LINE (NSL)							
Floor	Room Ref.	Room Use	Room Area		NSL	PR/EX %	Meets BRE
First	R1	LKD	28.95	Existing	4.56	80.00	YES
				Proposed	3.66		
	R2	Bedroom	25.17	Existing	0.96	12.00	NO
				Proposed	0.12		
Second	R1	LKD	34.50	Existing	32.07	100.00	YES
				Proposed	32.07		
	R2	Bedroom	25.13	Existing	7.95	100.00	YES
				Proposed	7.95		
	R3	LKD	21.62	Existing	8.37	92.00	YES
				Proposed	7.67		
	R4	LKD	32.53	Existing	22.88	82.00	YES
				Proposed	18.69		
Third	R1	LKD	34.50	Existing	32.27	100.00	YES
				Proposed	32.27		
	R2	Bedroom	25.13	Existing	9.61	100.00	YES
				Proposed	9.61		
	R3	LKD	21.62	Existing	10.62	97.00	YES
				Proposed	10.28		
	R4	LKD	32.53	Existing	27.21	85.00	YES
				Proposed	23.23		
Fourth	R1	LKD	34.50	Existing	33.93	100.00	YES
				Proposed	33.93		
	R2	Bedroom	25.13	Existing	15.20	100.00	YES
				Proposed	15.20		
	R3	LKD	21.62	Existing	14.77	100.00	YES
				Proposed	14.76		
	R4	LKD	32.53	Existing	29.62	98.00	YES
				Proposed	29.07		
Fifth	R1	LKD	34.50	Existing	34.14	100.00	YES
				Proposed	34.14		
	R2	Bedroom	25.13	Existing	17.80	100.00	YES
				Proposed	17.80		
	R3	LKD	21.62	Existing	17.09	100.00	YES
				Proposed	17.09		

10.155 The daylight assessment has been repeated again (table below) with the balconies omitted to ascertain whether such existing structures impact upon the initial values. Only up to second floor as above that level all windows and rooms comply. At first floor level, the value for window W1 would be 0.86 its former value which is considered an acceptable loss of daylight within the BRE guidance, and therefore all windows are concluded to meet BRE guidance in terms of VSC. In terms of NSL, this re-assessment does conclude that the NSL value for room R2 does significantly improve to 56%, although this is still a more than substantial loss. However, as explained earlier, due to pre-existing factors, this window already experienced such losses of light.

VERTICAL SKY COMPONENT (VSC)- BALCONIES OMMITTED							
Floor	Room Ref.	Room Use	Window Ref		VSC	PR/EX	Meets BRE
First	R1	LKD	W1	Existing	18.96	0.86	YES
				Proposed	16.25		
	R1	LKD	W3	Existing	0.00	1.00	YES
				Proposed	0.00		
	R2	Bedroom	W2	Existing	15.71	0.83	YES
				Proposed	13.10		
Second	R1	LKD	W1	Existing	22.65	1.00	YES
				Proposed	22.65		
	R1	LKD	W2	Existing	25.91	1.00	YES
				Proposed	25.91		
	R1	LKD	W3	Existing	23.98	0.94	YES
				Proposed	22.48		
	R2	Bedroom	W4	Existing	24.23	0.92	YES
				Proposed	22.28		
	R3	LKD	W5	Existing	22.20	0.88	YES
				Proposed	19.60		
	R4	LKD	W6	Existing	24.39	0.86	YES
				Proposed	20.99		
	R4	LKD	W7	Existing	22.18	0.82	YES
				Proposed	18.12		
NO SKY LINE (NSL)- BALCONIES OMMITTED							
Floor	Room Ref.	Room Use	Room Area		NSL	PR/EX %	Meets BRE
First	R1	LKD	28.95	Existing	7.79	97.00	YES
				Proposed	7.59		
	R2	Bedroom	25.17	Existing	5.84	56.00	NO
				Proposed	3.25		
Second	R1	LKD	34.50	Existing	32.07	100.00	YES
				Proposed	32.07		
	R2	Bedroom	25.13	Existing	7.95	100.00	YES
				Proposed	7.95		
	R3	LKD	21.62	Existing	9.42	97.00	YES
				Proposed	9.13		
	R4	LKD	32.53	Existing	23.24	81.00	YES
				Proposed	18.83		

10.156 Therefore, it is considered that the proposed development would, on balance, not adversely impact the levels of daylight experienced by the residential occupiers within this neighbouring building.

No. 9a Clerkenwell Road



Images 17 & 18: No. 9a Clerkenwell Road and window diagram from submitted D/S analysis.

10.157 The submitted report indicates that 37 out of 42 of the windows assessed at No. 9a Clerkenwell Road would meet BRE guidance for loss of daylight (less than 20% loss). The 5 windows that would experience noticeable losses are calculated to be less than 30% and are considered as minor losses. These windows serve both bedrooms and LKD areas at first and second floor levels.

10.158 In respect to NSL, 9 rooms out of the total of 37 that were assessed would not meet the typical BRE recommendations of 20% or less. Of these 9 rooms, 6 are bedrooms which are considered as 'less important' by BRE guidance. The other 3 rooms which are LKD areas would receive losses of under 30%, and are therefore considered minor in reference to BRE guidance. These transgressions that are reported in the assessment are outlined further below.

VERTICAL SKY COMPONENT (VSC)							
Floor	Room Ref.	Room Use	Window Ref		VSC	PR/EX	Meets BRE
First	R1	LKD	W1	Existing	19.68	0.70	NO
				Proposed	13.78		
	R2	Bedroom	W2	Existing	18.82	0.70	NO
				Proposed	13.22		
	R3	Bedroom	W3	Existing	17.50	0.76	NO
				Proposed	13.21		
	R4	Bedroom	W4	Existing	15.68	0.84	YES
				Proposed	13.23		
	R5	Bedroom	W5	Existing	14.37	0.91	YES
				Proposed	13.02		
	R6	LKD	W6	Existing	12.83	0.95	YES
				Proposed	12.23		
	R7	Bedroom	W7	Existing	12.24	0.97	YES
				Proposed	11.91		
	R8	Bedroom	W8	Existing	11.41	0.98	YES
				Proposed	11.19		
Second	R1	LKD	W1	Existing	24.50	0.75	NO
				Proposed	18.48		
	R2	Bedroom	W2	Existing	23.58	0.78	NO
				Proposed	18.33		
	R3	Bedroom	W3	Existing	22.62	0.83	YES
				Proposed	18.78		

	R4	Bedroom	W4	Existing	21.38	0.89	YES
				Proposed	19.07		
	R5	Bedroom	W5	Existing	20.31	0.93	YES
				Proposed	18.88		
	R6	LKD	W6	Existing	18.42	0.96	YES
				Proposed	17.76		
	R7	Bedroom	W7	Existing	17.53	0.98	YES
				Proposed	17.19		
	R8	Bedroom	W8	Existing	16.29	0.99	YES
				Proposed	16.08		
Third	R1	LKD	W1	Existing	27.89	0.88	YES
				Proposed	24.68		
	R2	Bedroom	W2	Existing	27.55	0.91	YES
				Proposed	25.17		
	R3	Bedroom	W3	Existing	27.43	0.94	YES
				Proposed	25.82		
	R4	Bedroom	W4	Existing	27.03	0.96	YES
				Proposed	26.01		
	R5	Bedroom	W5	Existing	26.37	0.97	YES
				Proposed	25.56		
	R6	LKD	W6	Existing	24.78	0.98	YES
				Proposed	24.22		
	R7	Bedroom	W7	Existing	23.45	0.99	YES
				Proposed	23.11		
	R8	Bedroom	W8	Existing	21.77	0.99	YES
				Proposed	21.52		

NO SKY LINE (NSL)

Floor	Room Ref.	Room Use	Room area m2		NSL	PR/EX %	Meets BRE
First	R1	LKD	27.22	Existing	11.59	79.00	NO
				Proposed	9.13		
	R2	Bedroom	10.80	Existing	7.02	62.00	NO
				Proposed	4.36		
	R3	Bedroom	11.51	Existing	6.50	57.00	NO
				Proposed	3.70		
	R4	Bedroom	12.61	Existing	5.12	75.00	NO
				Proposed	3.85		
	R5	Bedroom	10.87	Existing	5.02	74.00	NO
				Proposed	3.73		
	R6	LKD	22.61	Existing	5.13	93.00	YES
				Proposed	4.78		
	R7	Bedroom	11.08	Existing	2.97	100.00	YES
				Proposed	2.97		
	R8	Bedroom	12.98	Existing	3.06	100.00	YES
				Proposed	3.06		
Second	R1	LKD	27.22	Existing	16.12	71.00	NO
				Proposed	11.39		
	R2	Bedroom	10.80	Existing	8.87	69.00	NO
				Proposed	6.15		
	R3	Bedroom	11.51	Existing	7.78	77.00	NO
				Proposed	5.99		
	R4	Bedroom	12.61	Existing	6.92	96.00	YES
				Proposed	6.67		
	R5	Bedroom	10.87	Existing	7.20	92.00	YES
				Proposed	6.61		
	R6	LKD	22.61	Existing	8.44	100.00	YES
				Proposed	8.43		
	R7	Bedroom	11.08	Existing	5.27	100.00	YES

				Proposed	5.27		
	R8	Bedroom	12.98	Existing	5.41	100.00	YES
				Proposed	5.41		
Third	R1	LKD	27.22	Existing	19.54	71.00	NO
				Proposed	15.01		
	R2	Bedroom	10.80	Existing	10.28	89.00	YES
				Proposed	9.17		
	R3	Bedroom	11.51	Existing	9.41	94.00	YES
				Proposed	8.84		
	R4	Bedroom	12.61	Existing	11.15	100.00	YES
				Proposed	11.14		
	R5	Bedroom	10.87	Existing	10.30	98.00	YES
				Proposed	10.08		
	R6	LKD	22.61	Existing	19.81	100.00	YES
				Proposed	19.81		
	R7	Bedroom	11.08	Existing	9.67	100.00	YES
				Proposed	9.67		
	R8	Bedroom	12.98	Existing	11.72	100.00	YES
				Proposed	11.27		

10.159 On balance, taking into account that the rooms that would experience a greater loss of NSL are rooms deemed by BRE as less sensitive for consideration, and the living, kitchen and dining areas would experience losses of under 30% (minor), it is considered that the resulting impact to daylight in terms of NSL is acceptable. In respect to VSC, the 3 windows which would experience losses of above 20% are considered minor losses (between 20-29.99%). Retained levels of VSC with complying losses are actually lower than these reductions meaning overall the degree of light experienced after the development in place would be commensurate with surrounding properties. Taking these figures as well as the tight relationship between the two buildings, it is considered overall that the proposed developed would not adversely impact the levels of daylight towards the residential occupiers of No. 9a Clerkenwell Road.

Impacts to Sunlight

No. 4 Charterhouse Buildings

10.160 In terms of sunlight impact, 1 of the assessed windows at second floor level (W3) would fail the BRE threshold guidance with a loss of 35% due to the overhang of the balcony it is located within; however, in the same manner as the VSC daylight analysis, when the balcony was omitted the resulting loss was considered acceptable at 19% of its former value.

No. 27 Goswell Road

10.161 The windows that look onto the development do not face 90-degrees due south and therefore do not receive direct sunlight. As such, these windows were not assessed and it is considered due to such orientation the proposal would not impact on the levels of sunlight of these neighbouring windows.

No. 9b Clerkenwell Road

10.162 It is noted that all of the windows at this neighbouring property either have no losses or losses that are 20% or less when compared to their existing value. It is further noted there are two windows that face north and therefore do not receive direct sunlight.

No. 9a Clerkenwell Road

10.163 The assessment notes that 4 windows at first floor level would receive sunlight losses that are greater than 20% with two of these losses greater than 30%. All losses would take place at first floor level across 3 bedrooms and 1 LKD area. The higher relative changes would take place within the bedrooms which the BRE guidance considers a 'less sensitive' room; however, the bedrooms

would retain a good level of winter sunlight potential retaining between 18 and 20 APSH in the proposed situation. In respect to the LKD area, the loss of sunlight would be 27% from its former value which is considered a minor loss and would retain an annual sunlight potential of 22 APSH as well as meeting BRE recommendation for winter sunlight potential with no losses.

Daylight and Sunlight Summary

- 10.164 It is noted in the BRE Guidelines and London Plan policies that a level of flexibility is required when assessing daylight and sunlight, with a consideration of the site context and circumstances. In this case, the site is located within close proximity to a number of neighbouring buildings within a close and tight proximity, representing an urban context typical of inner-city locations.
- 10.165 On balance, given the limited transgressions from the BRE Guidelines and that the proposal would introduce a desired commercial use to the site, it is considered that the proposal would be acceptable in regard to daylight and sunlight considerations in this instance.

Privacy

- 10.166 The supporting text to policy DM2.1 states at paragraph 2.14 that *'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this guidance, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no or little harm.'*
- 10.167 Paragraph 2.3.36 of the Mayor of London's Housing SPG states that such minimum distances *"can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density"*. This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.
- 10.168 The proposed development includes no residential accommodation or habitable rooms, therefore the 18m requirement does not necessarily apply. Nevertheless, there is potential for office windows to adversely affect the privacy of neighbouring residential properties.

No. 4 Charterhouse Buildings

- 10.169 The separation distance between the roof extension and the neighbouring property is approximately 7.5m. Whilst not a sufficient separation distance in isolation, it is considered that the proposed roof extension would not result in new or adverse levels of overlooking towards the rear habitable windows that face the site at this neighbouring property. This is due to the positioning and relationship of the buildings and resulting angles in conjunction with the height difference, it is considered overall, that there would not be adverse direct overlooking into this property. It is noted that there would be a sense of overlooking from the roof extension; however, it is considered unreasonable to refuse on such basis given its tight urban location where a sense or feel of overlooking exists.

No. 27 Goswell Road

- 10.170 The separation distance between the proposed roof extension and this neighbouring property is approximately 7m. The new windows that would serve the southern elevation are considered to not provide direct overlooking into the residential habitable windows of this neighbouring property given the position of the two buildings and the resulting angles. Views from the windows would mainly be towards the William Harvey Heart Centre, due south of the subject site.

No. 9A & 9b Clerkenwell Road

- 10.171 The separation distance (and the width of the street) between the application site and the neighbouring building(s) opposite is approximate 7.75m. It is considered that whilst there would be obvious views provided to the residential units opposite, they are on balance considered not adverse and would be part of a mutual overlooking already established by the building on the opposite sides of this narrow street. At roof level, the impacts of mutual overlooking are eased slightly as both the top storey of development and the top storeys of the opposite buildings are stepped back from the front building line.
- 10.172 Whilst not desirable, it is taken into account the tight nature of the street, typical of its inner-city and historic location and that the proposed use is office and therefore less intensive (in terms of overlooking) towards these occupiers in comparison to a residential use being introduced. As explained earlier in respect to No. 4 Charterhouse Buildings, there is already an established feel of overlooking given the tight urban grain. To design in attempts to prevent this would significantly impact on the appearance of the building and the quality of the space internally.

Outlook

No. 4 Charterhouse Buildings

- 10.173 The proposed roof extension is considered to not adversely impact upon the outlook from the rear windows of No. 4 Charterhouse Buildings as views of the flat roof of the first floor level of the building are still maintained as well as the fenestration improvements to the rear elevation of the building.
- 10.174 It is considered that the proposal would impact on the outlook from these residential windows obstructing the visibility of sky, however much of this impact is mitigated by the high quality nature of the materials, fenestration and green wall, subject to the further amendment / set back at first floor level.

No. 27 Goswell Road

- 10.175 Given the close proximity of the application building to this neighbouring site, which is separated by a small passageway, the development would alter the outlook from these neighbouring windows. The rear extension at first floor level is of a modest minor scale and would be at an angle from these windows such that negligible change to outlook would occur. The existing building on the site is small in comparison to its neighbours and an expectation for change is reasonable given this tight urban grain. In this regard the change to outlook is considered to result in a characteristic relationship between buildings for this location and the high quality design and materials are viewed to mitigate this change to ensure its impact is not unacceptable.. Additionally, the habitable windows would still achieve an open outlook provided by the passageway and the stepped form of the William Harvey Heart Centre.

No. 9a & 9b Clerkenwell Road

- 10.176 Due to the short separation distance and that the subject building is located immediately opposite, the outlook from these habitable windows would inevitably change.. From the first and second floor windows, it is considered that the changes to outlook would be negligible and to an extent improved due to the design changes upon the front elevation of the building. The narrow street and the buildings already create an existing sense of enclosure and it is considered that the proposed roof extension would not exacerbate that sense to an adverse level within upward views.
- 10.177 At third floor level and above, the existing outlook is of across the roof of the subject building; however, it is still part of a largely built up outlook. Whilst the proposed roof extension would alter the neighbouring outlook, it is considered on balance (given the context of the area and the stepped back top storey) that it would not be an overbearing structure nor would lead to an unacceptable sense of enclosure given the context of this site within an historic alleyway characteristic of Clerkenwell.

Mechanical Noise

10.178 Policy DM2.1 also states development should not have an adverse impact on amenity in respect to noise and disturbance.

10.179 An acoustic report was submitted to support the proposed development in terms of noise. The report concludes that the noise emitted from the proposed plant would not result in an adverse impact to nearby residential properties. The noise assessment has been reviewed by the Council's Public Protection Officer and considered to be acceptable subject to conditions to limit the noise emitted from the plant to at least 5dB(A) below the background noise levels, and for the submission of a post-installation report.

General Noise and Disturbance

10.180 Noise and disturbance are likely to be generated from the proposed construction works, as well as the commercial operations proposed under this application, including the office uses on the upper levels, and the flexible commercial uses on the ground and first floor. However the noise and disturbance generated from the future use of the development is considered to be acceptable given its mixed use location and its specific office use.

10.181 An amenity terrace is proposed at fourth floor level which is considered acceptable in general in respect to noise and disturbance given its in relationship to an office use; however to ensure that it does not impact upon neighbouring occupiers during the night-time period, a condition would be attached upon approval limiting its hours of use from 0800-1800 Monday to Fridays. All other roof spaces are to be conditioned to not be accessible (except for maintenance purposes).

Hours of Operation

10.182 In respect to hours of use, whilst the proposed office use is welcomed in the area given its land use designations as discussed earlier, it is considered in this instance given it is located within an overall dense mixed use urban area, and the nature of its use, hours of use are not required.

Light Pollution

10.183 The site has been established as a commercial/community building since its inception. The proposal would not alter the commercial nature of the site; however, the proposal raises the possibility of night time light pollution occurring, should office staff need to work outside normal office hours; due to the proposed intensification of commercial use on the site, the cumulative impact is likely to be greater than existing and therefore, it is considered that adequate measures would need to be in place to mitigate any adverse light pollution impact.

10.184 To address this, condition 9 is recommended for details of measures to adequately mitigate light pollution affecting neighbouring residential properties. The measures that are suggested and could be used include automated roller blinds, lighting strategies that reduce the output of luminaires closer to the façades or light fittings controlled through the use of sensors.

10.185 It is considered that these conditions would ensure the extent of light being used within the building is reduced and help minimise any impact on neighbouring properties, and address any light pollution concerns.

Construction Impacts

10.186 The construction works proposed under this application would unavoidably cause some degree of noise and disruption which would affect neighbouring residents.

10.187 The Public Protection Officer recommended that a Construction and Environmental Management Plan be submitted to and approved by the Council prior to the commencement of development. The plan shall include details including methods of demolition, quiet periods and noise mitigation, in order to ensure that the construction impacts are adequately mitigated in the interests of neighbouring residential amenity. It is worth noting that outside planning control there are further

controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

10.188 The transportation and highways impact during the construction stage is further discussed in the Highways and Transport section below.

Neighbouring Amenity Summary

10.189 Subject to the conditions set out in this report, it is considered that the proposed development would not give rise to unacceptable impacts on neighbouring residential amenity, except the adverse impact identified in daylight/sunlight terms. The level of harm caused by the daylight/sunlight impact is discussed in the planning balance assessment below.

BIODIVERSITY, LANDSCAPING AND TREES

10.190 Policy G1 states that development proposals should incorporate appropriate elements of green infrastructures that are integrated into London's wider green infrastructure network. Policy G5 further states that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

10.191 Policy CS15 of the Islington Core Strategy and policy DM6.5 of the Islington Development Management Policies reads that the council will seek to maximise opportunities to 'green' the borough through planting, green roofs, and green corridors to encourage and connect green spaces across the borough; development proposals are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits.

10.192 The site and existing building has no green coverage or soft landscaping, and therefore, it is considered that the proposal would not adversely affect the existing natural environment.

10.193 The applicant has proposed a green roof and wall in support as part of the overall development. Green roofs and walls are proposed to the rear of the building to provide additional green coverage, which is welcomed by officers.

10.194 The proposed green roofs would enhance the biodiversity and ecological value of the site, which it currently offers very little. Upon approval, a condition would be attached to ensure details of the green roof and wall are agreed in writing to ensure they adequately promote and enhance the biodiversity of the site.

ENERGY AND SUSTAINABILITY

10.195 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 148, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

10.196 The NPPF para 153 states that in determining planning applications, LPAs should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

10.197 London Plan policy GG6 seeks to make London to become a more efficient and resilient city, in which development must seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero carbon city by 2050.

Proposals must ensure that buildings are designed to adapt to a changing climate, making efficient use of water, reducing impacts from natural hazards like flooding and heatwaves, while mitigating and avoiding contributing to the urban heat island effect.

10.198 Policy SI 2, in support of the strategic objectives set out in Policy GG6 above, stipulates for new developments to aim to be zero carbon with a requirement for a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. It requires all major development proposals to contribute towards climate change mitigation by reducing carbon dioxide emissions by 35% through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green). Moreover, where it is clearly demonstrated that the zero carbon figure cannot be achieved then any shortfall should be provided through a cash contribution towards the Council's carbon offset fund.

10.199 In regard to Energy Infrastructure, policy SI 3 part D states that all major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system, which should be selected in accordance with the following heating hierarchy:

- connect to local existing or planned heat networks
- use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
- use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
- use ultra-low NOx gas boilers

10.200 Where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.

10.201 Policy SI 4 (Managing Heat Risk) of the London Plan requires for development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure.; The submitted energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.

10.202 Policy CS10 of the Islington Core Strategy requires that development proposals are designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.

10.203 Policy DM7.1 of the Islington Development Management Policies requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.

10.204 The applicant has submitted and Energy and Sustainability Report prepared by Environmental Engineering Partnership (EEP) dated April 2021.

Carbon Emissions

10.205 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.

10.206 At local level, the council requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to 39% where connection to a decentralised energy network is possible, and 27% where not possible.

10.207 The initial submission indicates that the development would achieve an overall reduction of 46.4% of emissions, which surpasses the council's target. On review by the Council's Energy Officer, this is confirmed as a reduction of 3.57% for SAP2021 and 7.69% reduction for SAP10.

10.208 As part the proposed development, where possible (given it is an existing building), the building fabric and services would be designed to reduce the building's carbon dioxide emissions and energy consumption. These measures include: fabric insulation and glazing specification; lighting efficiency and controls, efficient mechanical series design strategy; air source heat pump; and the installation of energy meters.

Zero Carbon Policy

10.209 As noted earlier, policy SI 2 of the London Plan stipulates development proposals to aim to be zero carbon, this is supported by Islington Core Strategy Policy CS10 which states that development will need to promote zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO2 emissions associated with the building through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.

10.210 The Council's Environmental Design SPD states that "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution", this includes both regulated and unregulated emissions. The SPD further states that the calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement.

10.211 The offset contribution of £38,765 has been confirmed by the Council's Energy Officer.

BE LEAN- Reduce Energy Demand

10.212 Part A of policy DM7.1 states "*Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.*" It further states that "*developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy*".

10.213 The proposed U-values for the development are proposed U-values for the development are:

- Walls= 0.26
- Roof= 0.18
- Ground Floor= 1.10
- Windows= 1.5

10.214 Lighting efficiency and controls would be achieved through the use of low energy LED light fittings which would replace the existing tungsten and fluorescent fittings. The statement notes that lighting can account for as much as a quarter of the building's total energy consumption and can be reduced by 75%.

Overheating and Cooling

10.215 Part A of policy DM7.5 of the Islington Development Management Policies requires developments to demonstrate that the proposed design has maximised passive design measures to control heat

gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance.

10.216 The submitted energy and sustainability statement provides some discussion of the cooling hierarchy. The statement comments that as the building is an existing construction with its orientation, fenestration and thermal mass are largely pre-determined factors and therefore pose difficulties to improve. However, measures in order to address cooling are new glazing with improved G-values, exposure of the existing soffits, energy efficient LED lighting and lighting controls. Cross-ventilation would be provided through the use of operable windows which would be of natural means. The proposed mechanical ventilation would only be directed to areas that can't be served by natural ventilation.

BE CLEAN- Low Carbon Energy Supply

10.217 In respect to energy (heating and cooling) supply, it is proposed that such would be provided by an air source heat pump.

10.218 Part C of policy DM7.3 of the Islington Development Management Policies states "*major developments located within 500 metres of a planned future DEN, which is considered by the council likely to be operational within 3 years of a grant of planning permission, will be required to provide a means to connect to that network and developers shall provide a reasonable financial contribution for the future cost of connection and a commitment to connect via a legal agreement or contract, unless a feasibility assessment demonstrates that connection is not reasonably possible.*"

10.219 The submitted statement locates the closest heat network which is Bunhill located to the north of the site. Whilst the Bunhill heat network does not extend to Charterhouse Buildings, the proposed development has allocated space at lower ground floor level to allow for future connection should it be extended or a new heat network formed nearby. A feasibility study to demonstrate this further (if it is reasonably possible) is proposed to be secured within the associated S106 legal agreement.

10.220 The development could also have the potential to be serviced from local secondary heat sources such as recovery of waste heat from Barbican Underground Station and heat pumps to fan coil units located within the offices.

Shared Energy Networks

10.221 Part D of policy DM7.4 states "*Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.*"

10.222 The Energy Statement makes no reference to shared heat networks. It has been confirmed by the Energy Officer there are no opportunities for a shared energy network within the immediate vicinity.

CHP/CCHP or Alternative Low Carbon On Site Plant

10.223 In accordance with the London Plan hierarchy, where connection to district heating or cooling networks are not viable, on-site low carbon heating plant should be proposed and CHP/CCHP prioritised (this may also form the basis of the alternative strategy, where the primary strategy is for connection to a district heating or cooling network if found viable through further investigation).

10.224 The Council's Environmental Design Guide (page 12) states "Combined Heat and Power (CHP) should be incorporated wherever technically feasible and viable. Large schemes of 50 units or more, or 10,000sqm floorspace or more, should provide detailed evidence in the form of an hourly

heating profile (and details of electrical baseload) where the applicant considers that CHP is not viable; simpler evidence will be accepted on smaller schemes.”

10.225 On-site CHP was discounted in the assessment due to concerns over emissions, air quality, and noise and disturbance from deliveries. There would also need to be space on site to create a fuel store. This is accepted by the Energy Officer on the ground of low heat loads as well as the Greater London Authority’s (GLA) position on CHP.

BE GREEN- Renewable Energy Supply

10.226 The Mayor’s SD&C and SPD reads *“although the final element of the Mayor’s energy hierarchy, major developments should make a further reduction in their carbon dioxide emissions through the incorporation of renewable energy technologies to minimise overall carbon dioxide emissions, where feasible.”*

10.227 The Council’s Environmental Design SPD (page 12) states “use of renewable energy should be maximised to enable achievement of relevant CO2 reduction targets.”

10.228 A variety of technologies were assessed in order to determine if they would be suitable for the site and proposed development. The use of solar receptors and photovoltaic panels were discounted given the development would be surrounded by taller buildings, making such technology inefficient at this location. Wind turbines are considered to not be generally suitable for built up urban areas as well as issues of noise to neighbouring residents and the lack of roof space to accommodate such.

10.229 Ground source heat pumps were also considered within the statement to not be feasible given the lack of ground space at the site; however air source heat pumps were concluded to be suitable for the site as they can be accommodated and were found to provide substantial energy savings.

10.230 The above investigations and discussions are accepted by the Energy Officer.

BREEAM- Sustainable Design Standards

10.231 Part A of policy DM7.4 of the Islington Development Management Policies states *“Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding.”*

10.232 The Council’s Environmental Design Guide states *“Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification”.*

10.233 A condition is recommended to secure details of how the proposed development would achieve an BREEAM ‘Excellent’ rating.

Draft Green Performance Plan

10.234 Policy DM7.1 of the Islington Development Management Policies and the Environmental Design SPD (8.0.12 – 8.0.18) states “applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO2 emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy.” The council’s Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.

10.235 A draft Green Performance Plan has not been submitted as part of the application. This is proposed to be secured within the S106 legal agreement.

Circular Economy

10.236 Policy SI 7 of the London Plan 2021 states that resource conservation, waste reduction, increases in material reuse and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to promote a more circular

economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible.

10.237 Emerging policy S10 of the Islington Local Plan states that all developments must adopt a circular economy approach to building design and construction in order to keep products and materials in use for as long as possible to minimise construction waste.

10.238 The proposal comprises of substantial building works, including the alterations to the existing building as well as the new roof level and rear extensions. It is required to demonstrate that materials extracted from demolition can be re-used where possible, and that the building will adapt to change over its lifetime. The development also needs to minimise the environmental impact of materials through the use of sustainably sourced, low impact and recycled materials. These details were not submitted with the application, therefore, it is recommended that a green procurement plan is secured as part of the legal agreement.

Sustainable Drainage

10.239 Policy SI 5 states that in order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner. Commercial development proposals should achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent, and incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing.

10.240 Policy CS10 of the Islington Core Strategy requires all development to demonstrate that it is designed to be adapted to climate change, particularly through design which minimises overheating and incorporates sustainable drainage systems. Policy DM6.6 of the Islington Development Management Policies is concerned with flood prevention and requires that schemes must be designed to reduce surface water runoff to a 'greenfield rate', where feasible.

10.241 The proposal would also need to demonstrate achieving all BREEAM credits for water efficiency. Rainwater recycling should be considered in order to achieve this. If rainwater recycling is considered not to be possible then further evidence to support this will be required. This is recommended to be secured by condition 16.

HIGHWAYS AND TRANSPORT

10.242 Paragraph 108 of the NPPF states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Development proposals should also ensure that any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.243 Policy T4 of the London Plan 2021 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Transport Statement should be submitted with development proposals to ensure that impacts on the capacity of the transport network are fully assessed. Furthermore, part C of this policy states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

10.244 Policy DM8.1 of the Islington Development Management Policies states that the design of the development is required to prioritise the transport needs of pedestrians, public users and cyclists above those of motor vehicles. Further, Policy DM8.2 states that proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated.

10.245 The site has excellent access to public transport and the Public Transport Accessibility Level is 6B. Bus routes which serve the site are 4, 55, 56 153, and 243. The site is also a five minute walk from: Barbican Underground Station which is served by the Circle, Hammersmith & City and Metropolitan lines; a ten-minute walk from Farringdon Station which is served by the same Underground routes as well as well as Thameslink services; and a ten-minute walk from Old Street Station which is also served by the Northern Line and National Rail services.

Proposal

10.246 The access of the building is from the narrow street of Charterhouse Buildings with no vehicle entrance to the site. The development is proposed to be car-free, with no vehicle parking proposed on-site.

10.247 In regards to disabled parking, the proposal would rely on the existing resident parking bays, short stay bays and designated disabled parking bays within the vicinity, in which blue badge holders would be able to use without charge or restriction.

10.248 In terms of cycle parking, it is proposed to provide 19 on-site cycle parking spaces internally at lower ground floor level with separate access from Charterhouse Buildings.

Vehicle Parking

10.249 No vehicle parking is proposed on-site which is considered acceptable and in accordance with policy CS10 of the Islington Core Strategy and policy DM8.5 of the Islington Development Management Policies. These policies require development to be car free.

10.250 The site has a PTAL rating of 6b, which indicates that the site benefits from excellent public transport provision. The site is in close proximity to the crossroads of multiple thoroughfares within the south of the borough and there are street parking spaces within close proximity to the site on Charterhouse Buildings; however, based on the scale and nature of the proposed development, it is considered that the proposed commercial development is unlikely to generate an unacceptable level of vehicle trips to the site to adversely affect the local highways network.

10.251 In regard to disabled parking, there is no disabled parking proposed on site, however, it is anticipated that the need for disabled parking provision would increase as a result of the development. In accordance with Policy DM8.5 and the guidance with the Planning Obligation SPD, a financial contribution of £6,000 is required to secure additional on-street blue badge parking bays, or alternative accessibility improvements to be agreed by the Council's highway officers. The financial contribution is to be secured by the S106 legal agreement.

Cycling

10.252 In terms of cycling, policy T5 of the London Plan states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. It should also secure appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

10.253 The proposed cycle parking facility would be located at lower ground floor level and would provide 19 spaces. Although the amount of cycle parking proposed is considered acceptable, further details are required to demonstrate that such facilities would be fully accessible. These details would be secured by condition upon approval.

10.254 There is no short stay cycle storage proposed for visitors, as the front of the site is not under the ownership of the applicant. As per the requirement under Policy T5, 3 short stay cycle stands are required to meet the expected demand following the development. It was confirmed that the cost of providing 3 short stay stands would be £2,250 (£750 per stand) which includes the design, consultation, approvals and implementation of the stands by the Traffic and Parking Team and would be secured by S106 legal agreement.

10.255 The applicant has committed to the above required financial contribution and therefore, overall, the proposal would provide an acceptable level of cycle facilities to support the development and to

encourage use of alternative transport modes, which complies with the objectives of LP Policy T5, and IDMP Policy DM8.4.

Servicing and Waste Management

- 10.256 Part A of policy DM8.6 (Delivery and Servicing for New Developments) states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that onsite provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.257 The site is accessed from the narrow street which leads off Clerkenwell Road adjacent to the crossroads of main thoroughfares within the south of the borough. Vehicles enter the street and would reverse back up the narrow street whilst smaller vehicles may be able to turn if there are no other vehicles on the street. There is a single yellow line throughout Charterhouse Buildings. The site falls within Zone C of Islington's Controlled Parking Zone (CPZ) which operates at all times between Monday – Saturday and from 00:00 – 06:00 on Sundays. Loading and unloading is permitted on yellow lines for up to 40 minutes during the hours of control.
- 10.258 Servicing details were provided within the submitted Design and Access Statement to demonstrate the proposed servicing arrangements and how waste would be managed on site. The Design and Access Statement notes that off-street servicing arrangements would not be achievable given the tight nature of the site and street and that there is adequate space at the frontage of the site for service and refuse vehicles to service the development, with direct access to the refuse and recycling store available from the street. Therefore, waste collection distance is less than 10m as required by the Council's Refuse and Recycling Storage Requirements.
- 10.259 In terms of refuse and recycling, officers have had regard to the council's refuse and recycling storage requirements, and considers that the site would require 2.6 cubic metres per 1000sqm of waste storage in which at least 50% should be allocated for recycling. The Design and Access Statement indicates that the proposed refuse storage have a provision of 18.67 cubic metres. Waste and recycling would be transported via the lift or cycle parking staircase in preparation for refuse collection which on balance is considered acceptable given the constraints of the site.
- 10.260 Based on the submission, officers considered that further information is required in relation to the storage capacity and frequency of the refuse collection. Therefore, it is recommended that final details of refuse storage to be submitted and agreed by the council prior to the occupation of the development, on how waste would be managed on site. This is secured under condition 14.

Construction Impacts

- 10.261 The proposed construction works would inevitably have some impact to the local area during the construction period. As such, a final version would need to be submitted and agreed by the Council prior to any construction work commencing on site; this is echoed by the Council's Public Protection Team who also recommended submission of a final version of a CEMP.
- 10.262 A full Construction and Environmental Management Plan should outline measures for the routing, accommodation, loading and unloading of construction vehicles during the entirety of the construction phase. A construction programme should also be provided within the CEMP once a contractor has been appointed. This will set out indicative timescales for each phase of construction. This is secured by condition upon approval, to ensure that the proposal would make all reasonable efforts to avoid unacceptable impacts to neighbouring amenity, the wider environment, or the safe and efficient operation of the highway network.
- 10.263 The Council's Highways Team has recommended that the applicant would need to cover any cost to repair any damages to the public footway/carriageway caused by the development. This would be secured under section 106 agreement with a figure confirmed.

10.264 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is also required to comply with the Council's code of construction practice. Compliance would need to be secured as part of a section 106 agreement together with a payment of £1,500 towards monitoring. This payment is considered an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project.

Highways Summary

10.265 Overall, it is considered that the application would have adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, subject to minor amendments, updates or off-site provision to be secured by conditions and legal agreement. The proposal would be then be acceptable and would comply with policies T5 and T6 of the London Plan 2021, policies CS10, CS11 and CS13 of the Islington Core Strategy 2011; and DM8.2, DM8.4, DM8.5 and DM8.6 of the Islington Development Management Policies 2013.

SAFETY AND SECURITY

10.266 The surrounding area is mixed with commercial and residential uses, and the site has access points from the rear. To ensure that the proposed building would be secure and meet the relevant crime prevention objectives, it is recommended that the scheme meets Secured By Design accreditation.

10.267 The proposed building was designed with no recessed entrance which is welcomed in terms of safety and prevention of anti-social behaviour. The proposed intensified commercial use is also likely to provide a greater level of passive surveillance to the street during evening hours. It is recommended that lighting be utilised with CCTV and entrance doors to the building should be appropriately located and meet the relevant SBD guidance. These measures would be secured by condition.

FIRE SAFETY

10.268 Policy D12 of the London Plan states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. Such statements should contain: the building's construction; means of escape for all building users; features that reduce the risk to life; access for fire service personnel and equipment; provision for fire appliances; and future modifications to the building.

10.269 The applicant has submitted a Fire Statement prepared by Hydrock dated November 2021. The Fire Statement details that the building construction will contain materials for both the interior and exterior that comply with the latest regulations in terms of fire (e.g.- Euro Class B-s3, d2, A2-s3, d2, A1). The statement also outlines the durable quality of materials used based on its distance from the boundary. The statement notes that given the occupancy of the building, two fire escape routes should be proposed, including the sole lift of the building to be an evacuation lift (also in line with Inclusive Design considerations detailed earlier in this report). All evacuation strategies are the responsibly of the occupier/premises management and not of the relevant fire service. The development is classified as a risk profile of A2.

10.270 The statement notes that as the building would be more than 11m above access level as a result of the development, a secondary stair for means of escape should be introduced in line with the relevant building regulations. The statement also notes, however, that the introduction of such would take up a considerable amount of the useable office floorspace and a 'fire engineered justification' for the single staircase should be pursued in this instance. Following review by the Council's Building Control Officer, the core has been redesigned to provide a firefighting shaft as an engineered solution as an alternative to a second stair. Additional riser space has also been proposed to accommodate a ventilation shaft and dry riser.

10.271 An assembly point has been detailed to be located outside Nos. 1-5 Clerkenwell Road. Internally, provisions to reduce risk include: fire detection and alarm systems; indicating equipment and

controls; first aid fire-fighting; emergency signage; emergency lighting; emergency power supplies; and smoke control systems including stair and refuse store ventilation. Also internally, the building will be compartmentalised (with the inclusion of cavity barriers) to resist spreading fire and/or smoke should it occur.

10.272 A fire hydrant is to be provided at the north eastern corner of the main junction at the north of Charterhouse Buildings with a dry fire main located within the lobby enclosure of the building within the required 18m accessibility distance. The statement also details fire tender access and clearances the narrow street can provide and concludes the local highway infrastructure around the site can accommodate most fire service vehicles.

10.273 As noted above, the submitted Fire Statement was reviewed by the Council's Building Control Officer who outlined points for the applicant to clarify and submit further details. The further clarification related to the use of cavity barriers; the installation a dry riser within the development; future modifications; confirmation of approach and entrance for the firefighting shaft; communications within refuse locations; and clearance spaces.

10.274 It is noted that the author of the submitted Fire Statement is a qualified persons with expertise in fire safety and engineered solutions, and as such, the applicant has considered the fire safety of the development as part of the overall scheme. A condition is recommended (condition 12) requiring an updated Fire Statement to be submitted in the event that there are any changes to the.

PLANNING OBLIGATIONS AND CIL

10.275 There is a requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

10.276 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development and if specific off-site measures are required to make the development acceptable these should be secured through a S106 agreement.

10.277 Policy CS18 (Delivery and Infrastructure) of the Islington Core Strategy 2011 states that the council will work with its partners to deliver the infrastructure required to support development, and will require contributions from new development to ensure that the infrastructure needs are provided for and that the impacts of the development are mitigated. As mentioned in the previous section in the report, the proposed development would be subject to S106 obligations to ensure that appropriate education and training opportunities arise from the development, which would require a local employment and training contribution and a construction training placement during the construction period. Further details of planning obligations are set out in the relevant sections of this report, and as a full list in Appendix 1.

10.278 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended to be secured by a S106 agreement.

- A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely,

where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;

- Provision of 182sqm small / micro workspace units at lower ground floor level which includes-
 - o a basic, but good quality fit-out, which incorporates servicing to all areas of workspace;
 - o flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces;
 - o good standards of internal sound insulation;
 - o a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts; and external space reserved for loading/unloading
 - o demonstrate likely lease terms for target sectors, and where appropriate make provision for short-term, flexible 'all-in' or 'meanwhile' leases, and/or letting space on a per-desk rather than per-square-foot basis.
- Financial contribution of £57,920 for the provision of off-site affordable housing elsewhere in the borough as part of the mixed use CAZ policy
- Compliance with the Council's Code of Local Procurement
- Carbon offsetting contribution- £38,765.
- Future connection safeguarded / secured (Energy network) (as covered within the submitted energy statement)
- Code of construction monitoring fee £1500
- 1x construction placements or employment/training contribution of £5,000.
- Cycle parking contribution (off-site) £2,250
- Employment and training contribution of £18,463 for job prospects
- Accessible transport contribution £6,000
- Green performance plan
- Associated legal fees

PLANNING BALANCE ASSESSMENT

10.279 Paragraph 47 of the NPPF dictates that *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”*.

10.280 The proposed development is considered acceptable in principle and in land use terms, the scheme is considered to be compliant with the London Plan policy SD5 and E1, Islington Core Strategy CS13, Islington Development Management Policies DM5.1 and Finsbury Local Plan policies BC3 and BC8, which promote commercial developments within this section of Old Street and CAZ subject to the acceptability of other material considerations. The proposal includes on-site provision of affordable workspace and an off-site contribution of £66,240 towards affordable housing provision which accords with policy E3 of the London Plan 2021, DM5.4 of the Islington Development Management Policies 2013 and policy BC8 of the Finsbury Local Plan 2013.

10.281 The scheme would also comply with policies relating to design, conservation, heritage, energy, sustainability, accessibility and transportation.

10.282 There is a degree of conflict with policies relating to amenity (policy DM2.1) and specifically in relation to daylight/sunlight impacts. This has been carefully examined and while some of the adverse daylight/sunlight impact is considered to be material and would therefore weigh against the scheme, regard is given to the site's urban context and its physical constraints. It is considered that the level of harm to neighbouring amenity would not be significant to justify a warrant of refusal of planning permission on this ground.

10.283 It should be recognised that the scheme also involves benefits which should be afforded weight. These have been discussed throughout the report, and include:

- Uplift in commercial office floorspace (1433sqm GIA) within the CAZ, refurbishment of the existing office building and a greater degree of active frontage on Charterhouse Buildings;
- Increase in employment at the site, as well as the relevant jobs and training contributions;
- Enhancement to the appearance of the facades of the building;
- Provision of small / micro workspaces and floorplates suitable for occupation by medium enterprises to cater for diverse business needs / demands;
- Provision of off-site affordable housing contribution to support the Council's New Build Housing programme developed to help tackle housing need.
- Improvements to the energy efficiency of the operation of the building and reuse of structural elements of the existing building in its redevelopment as well as contributions to bring the development to a net zero carbon state.

11. CONCLUSION

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- A bond/deposit to cover costs of repairs to the footway and for repairs to the highway (total to be confirmed by LBI Highway). This ensures funds are available for the repair and reinstatement of the footways and highways adjoining the development (paid for by the developer). The bond must be paid before commencement of works. Any reinstatement works will be carried out by LBI Highways (and the cost met by the developer or from the bond). Conditions surveys may be required. If this bond/ deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council;
- Provision of affordable workspace by way of an on-site SME unit(s) at lower ground floor level
- Financial contribution of £57,920 towards the provision of off-site affordable housing elsewhere within the borough
- Compliance with the Council's Code of Local Procurement
- Facilitation, during the construction phase of the development, of the following number of work placements: 1. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practice of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.55 as at 15/04/19). If these placements are not provided, LBI will request a fee of: £5,000
- Employment and training contribution of £18,463 to improve the prospects of local people accessing new jobs created in the proposed development
- Compliance with the Code of Employment and Training
- Compliance with Islington's Code of Practice for Construction Sites and monitoring costs of £1,500 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 2 accessible parking bays or a contribution of £6,000 towards accessible transport measures.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount is £36,765.
- Feasibility and connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future-proof any on-site solution so that in all cases (whether or not an on-site solution has been

provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Financial contribution of £2,250 towards provision of 3no. short stay cycle parking stands within the vicinity of the area
- Submission of, and compliance with, a Green Performance Plan
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following, and that there is delegated to each of the following: the Head of Development Management the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

List of Conditions:

1	Commencement
	<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>071-TWA-XX-XX-DR-AX: 00005; 00010; 01000; 07000; 11000B; 11010A; 17000B.</p> <p>Planning Statement by Icení dated May 2021; Design and Access Statement by Thirdway Architecture dated 04/2021; Letter from Society of Genealogists dated 06/10/2020; Marketing Letter by Metrus; Marketing Letter by Cummings Commercial dated 05/05/2021; Daylight & Sunlight Report (Version 1) by Development & Light Consultancy dated 04/2021; Environmental Noise Survey and Plant Assessment by Paragon Acoustics dated 30/03/2021 (Ref: 4793_MPA_0); Energy and Sustainability Statement by Environmental Engineering Partnership dated 04/2021 (Ref: 4023 Rev D).</p> <p>Email between L Westhoff and S Benmbarek (in respect to Building Control and Fire Safety) dated 22/12/2021; Email between L Westhoff and S Benmbarek (in respect to Building Control and Fire Safety) dated 11/01/2022; Email form L Westhoff (in respect to Energy) dated 13/01/2022.</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: Notwithstanding the approved drawings, 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) Fenestration details of the roof extension and leading to the roof terrace b) Details of roof terrace boundary treatment including position on plan c) Details of plant and lift overruns treatment of window openings (including sections and reveals), details of windows;</p>

	<p>d) Details of all external facing materials to be used (including the pale stone, brushed concrete, corten steel, glazing framing).</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	Construction Method Statement
	<p>CONDITION: No development (including demolition works) 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 approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <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: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
5	Cycle Parking (Details)
	<p>CONDITION: Details of the design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than the 19 (nineteen) cycle spaces proposed.</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>
6	Noise Levels (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq, Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90, Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure the protection of neighbouring amenity in respect to noise and vibration.</p>
7	Post-Installation Report (Details)
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 6. The report shall include site measurements of the</p>

	<p>plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure the protection of neighbouring amenity in terms of noise and vibration.</p>
8	Roof Terrace Hours of Use (Compliance)
	<p>CONDITION: The roof terrace hereby approved shall not operate outside the hours of: 0800 to 1800 hours Monday to Friday.</p> <p>REASON: To ensure the protection of neighbouring amenity in respect to noise and disturbance.</p>
9	INTERNAL LIGHTING (DETAILS)
	<p>CONDITION: Details of measures to adequately mitigate light pollution from any areas of glazing within roof extension hereby approved the approved roof extension shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.</p> <p>These measures could include (but are not limited to):</p> <ul style="list-style-type: none"> - Lighting strategies that reduce the output of luminaires closer to the facades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter into perpetuity.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p>
11	Class E Restrictions (Compliance)
	<p>CONDITION: The development hereby approved shall only be used as the following uses within Use Class E of the Town and Country Planning (Use Classes) Regulations 2020, as amended for duration that this is in force.</p> <ul style="list-style-type: none"> - E(c) (i, ii, iii) - E (g) (i, ii, iii) <p>REASON: To ensure the office, business and employment floorspace within the Central Activities Zone is not reduced in the future.</p>
12	Fire Safety Strategy (Details/Compliance)
	<p>CONDITION: The details and measures set out in the Fire Statement by Hydrock dated 25/11/2021, Email between L Westhoff and S Benmbarek (in respect to Building Control and Fire Safety) dated 22/12/2021; Email between L Westhoff and S Benmbarek (in respect to Building Control and Fire Safety) dated 11/01/2022 shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12</p>
13	Green Wall (Details)

	<p>CONDITION: Notwithstanding the approved plans, details of the proposed green wall(s) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby approved.</p> <p>The green wall(s) 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 improve the green infrastructure on site and help boost biodiversity and minimise run-off.</p>
14	Refuse and Recycling (Details)
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
15	Secured by Design (Compliance)
	<p>CONDITION: Notwithstanding the approved plans and documents, prior to superstructure works commencing of the development hereby approved, the development shall achieve Secured by Design - Commercial Development accreditation. The development shall be carried out strictly in accordance with the details set out in the accreditation and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
16	BREEAM (Details)
	<p>CONDITION: The development hereby permitted shall not be occupied until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that all business floorspace within the development hereby approved shall achieve the most relevant and recent BREEAM (2018) rating of no less than "Excellent".</p> <p>The proposal would also need to demonstrate how they will achieve all BREEAM credits for water efficiency. Rainwater recycling should be considered in order to achieve this. If rainwater recycling is considered not to be possible then further evidence to support this will be required.</p> <p>No building shall be occupied until a final Certificate has been issued certifying that the highest feasible BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating has been achieved for this development unless the Local Planning Authority agrees in writing to an extension of the period by which a Certificate is issued.</p> <p>REASON: To ensure that the development achieves the highest feasible BREEAM rating level to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.</p>

17	Restriction of PD Rights- Class E to residential (Compliance)
	<p>Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place without obtaining the express planning permission from the Local Planning Authority.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office and commercial floorspace in this location. Loss of commercial floorspace within this location will have potential negative impacts on the borough's economy. This is also in order to protect the strategic functioning of the CAZ and in particular in this location, in accordance with policy objectives set out within the Finsbury Local Plan policies BC3 and BC8.</p>
18	Inclusive Design (Compliance)
	<p>CONDITION: The development hereby approved shall be implemented with the following:</p> <ul style="list-style-type: none"> - Opening weight of doors of under 30N or else power assisted; - Entry phones to be installed within reach of wheelchair users; - The sole lift shall be an evacuation lift with separate power supply and provision of fire protection; and - Accessible WCs shall be provided with an outward opening door. <p>REASON: To provide an accessible environment for future occupiers.</p>
19	No Obscure Glazing or Vinyl Graphics (Compliance)
	<p>CONDITION: No obscure films/glazing or vinyl graphics shall be applied on the front elevation.</p> <p>REASON: To ensure that the approved elevation would provide clear views onto the street from inside, and to ensure the building would provide an active frontage and natural surveillance to the area</p>

List of Informatives:

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

	<p>maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk.</p>
3	<p>Community Infrastructure Levy (CIL)</p>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy.</p>

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 2021 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 2021
- National Planning Practice Guidance (on-line and regularly updated)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, 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 2021 – The Spatial Development Strategy for Greater London

- Policy GC2- Making the best use of land
- Policy SD4- The Central Activities Zone (CAZ)
- Policy D1- London's form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D5- Inclusive design
- Policy D14- Noise
- Policy E1- Offices
- Policy E2- Providing suitable business space
- Policy HC1- Heritage conservation and growth
- Policy SI 2- Minimising greenhouse gas emission

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 CS13 Employment spaces
- Policy CS18 Delivery and infrastructure

C) Islington Development Management Policies 2013

Design and Heritage

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

Employment

- Policy DM5.1- New business floorspace
- Policy DM5.4- Size and affordability of floorspace

Energy and Environmental standards

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

Transport

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

D) Finsbury Local Plan 2013

- Policy BC8- Achieving a balanced mix of uses
- Policy BC10- Implementation

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

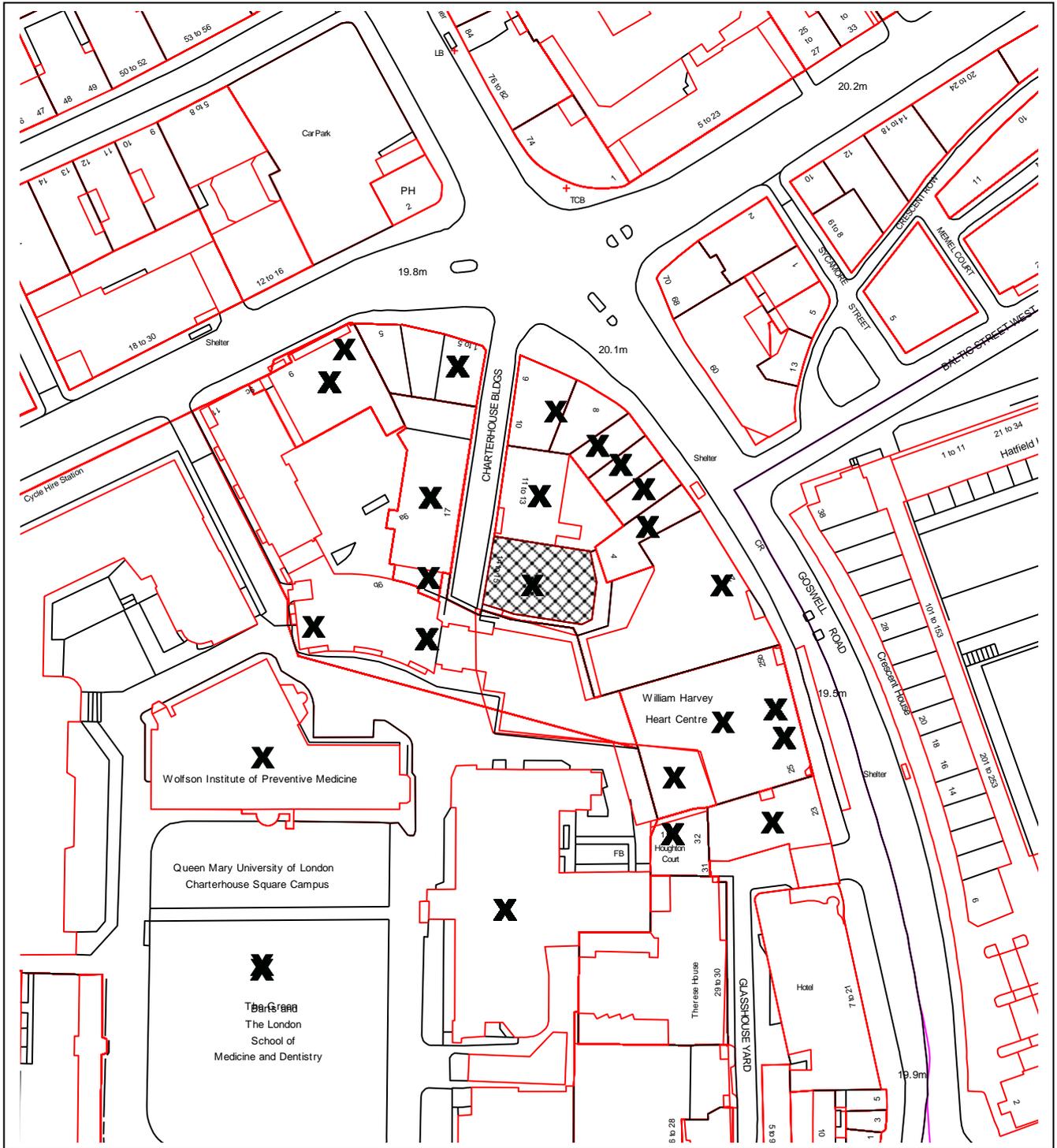
London Plan

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

Islington SPG/SPD

- Urban Design Guide 2019
- Conservation Area Design Guidelines 2002
- Environmental Design 2012
- Inclusive Design SPD

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2021/1386/FUL

This page is intentionally left blank



PLANNING COMMITTEE REPORT



PLANNING SUB COMMITTEE B		
Date:	27 January 2022	NON-EXEMPT

Application number	P2021/0446/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	None
Conservation area	None
Development Plan Context	Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	Gunners Pub, 204 Blackstock Road, London, N5 1EN
Proposal	Renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 3-storey building to rear plus basement. The development will provide additional public house (Sui Generis) space, a new flexible Class E retail or office (Class E) commercial unit and 7 no. self-contained residential dwellings (Class C3).

Case Officer	Ross Harvey
Applicant	N/A
Agent	Mr Mark Shearman

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



Image 1 – Site Location Plan

3. PHOTOS OF SITE/STREET



Image 2 - Aerial View of Site looking North



Image 3 – View of Gunners Pub from Blackstock Road/Elwood Street junction



Image 4 - View of Gunners Pub from Elwood Street



Image 5 - View of Gunners Pub from Blackstock Road

4. SUMMARY

- 4.1 The site is currently occupied by a part single part two storey public house known as 'The Gunners'. The building is wholly occupied as a public house, with ancillary residential accommodation at first floor level.
- 4.2 Permission is sought for the renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 4-storey building to rear plus basement. The development will provide additional Sui Generis public house space, a new flexible Class E (retail or office) commercial unit and seven new residential dwellings.
- 4.3 The current application represents a resubmission of a similar scheme that was refused by the LPA under planning application Ref: P2020/1245/FUL. The reasons for refusal are summarised below:
- Excessive and unsympathetic extensions to both the roof level of the public house and the new additions to the rear. The proposals were considered to be unduly overbearing in visual terms and failed to appear subservient to the host property
 - Loss of residential amenity to neighbouring properties in terms of loss of light, increased sense of enclosure and noise disruption from the intensified public house use
 - The proposed self-contained residential units would fail to achieve a satisfactory standard of living accommodation by virtue of the limited outlook from flats 1 and 2; the northern aspect of the living/dining/kitchens to flats 1, 2, 3 and 4; lack of proper dual aspect accommodation for Flat 8. In addition, insufficient evidence has been provided to ensure that the proposed residential units would not be severely impacted

in terms of noise and disturbance associated with the music and entertainment uses and associated plant.

- Over provision of 3 bed family units representing 57% of the proposed mix. The development fails to adequately provide a better and needed mix of smaller units to which the borough requires. The proposed 4 x 3 bed units also fail to provide adequate and functional high quality amenity space for family occupiers through the provision of rear facing constrained terraces. The proposed development is therefore considered to offer an unacceptable overall mix and poor provision of family appropriate amenity space
- Insufficient information submitted within the Structural Method Statement, in line with the Basement Development SPD, to demonstrate the acceptability and impact of the proposed basement development in terms of its structural integrity, depth and design
- Neither sufficient quantity of nor an acceptable detailed design of the cycle storage and refuse storage spaces.

4.4 The current application was registered in March 2020. The scale of development as submitted was broadly consistent with the previously refused application and therefore failed to substantially address the reasons for refusal summarised above. Significant concerns were raised by officers during the course of the application. Significant amendments have since been submitted following feedback from officers, incorporating the following changes from the initial submission:

- Reduced building height by one storey, resulting in seven new residential dwellings being proposed. The reduction in building height also resulted in a lowered parapet height for the new building, which was previously taller than the parapet of the public house;
- Traditionally styled mansard proposed above the new build to the rear resulting in a better relationship with the mansard proposed above the public house;
- New building setback from Elwood Street reducing the overall width of the proposal;
- Key living spaces positioned to the front portion of the units within the new building, with bedrooms situated in the rear allowing better light and outlook to living/kitchen/dining areas; and
- Removal of balconies along the rear elevation reducing visual clutter and overlooking to neighbouring properties.
- Clarity over the status of Flat 7 which was initially described as being ancillary to the public house. The flat is entirely self-contained and the application has been assessed accordingly.

4.5 It is considered that the current proposal has addressed the Council's previous reasons for refusal. In addition, Officers have negotiated amendments to the scheme securing an improved architectural response that is more sympathetic to the existing host building (public house) and the surrounding context, whilst improving the living conditions of the newly created residential dwellings. The applicants have agreed to the full small sites contribution of £350,000 towards the provision of off-site affordable housing and £7,000 towards carbon offsetting. Given the scale of development and that relevant objections have been received, the proposal is required to be presented to Planning Sub-Committee for determination in compliance with the Council's Terms of Reference, with a recommendation for approval subject to a Unilateral Undertaking (Legal Agreement) and conditions.

4.6 The proposed development is considered to accord with the National Planning Policy Framework 2019, and the policies found within the London Plan 2021, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning

Documents. The proposal is therefore recommended for approval subject to a legal agreement and appropriate conditions.

5. SITE AND SURROUNDING

- 5.1 The Gunners Public House is on the north corner of Blackstock Road and Elwood Street and is a two storey late Victorian public house with single storey rear function room and yard on the Elwood Street frontage. The rear room was originally lantern-lit (the form is still present) and the top lighting suggests it may have been a billiards or other recreation room. The corner pub building has a rectangular pedimented blocking course on Elwood Street and first floor windows below triangular or segmental bracketed pediments. Decorative ironwork forms a continuous first floor sill band above a pilastered pub front with entrances at the north of the Blackstock Road elevation and the middle of the Elwood Street frontage. There are decorative brick chimney stacks to the rear and north. The building is a pleasing component of the townscape.
- 5.2 The building is not in a conservation area. Its neighbour on Elwood Street is a five storey brick block of flats. To the north on Blackstock Road is a terrace of two and three storey traditional shopfronted buildings and whilst the Gunners is of two expressed storeys it is the same height as the three storey buildings adjacent. Directly opposite is a four storey block of late 20th century flats with a setback fifth storey.
- 5.3 The application site is within close proximity to but outside of the Finsbury Park Town Centre.

6. PROPOSAL

- 6.1 The application seeks planning permission to renovate the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 4-storey building to rear plus basement. The development will provide additional Class A4 public house space, a new flexible Class E (retail or office) commercial unit and 6 no. new residential dwellings together with the retained Class Sui Generis public house accommodation.
- 6.2 The mansard roof extension would be erected above the existing two storey section of the Gunners Public House, where it fronts Blackstock Road and Elwood Street. The mansard roof would be clad in natural slate and include the erection of five box dormer windows in corresponding locations to the windows on the floor level below. The mansard roof extension would accommodate two newly created residential units, with private outdoor amenity space for five units contained behind the mansard roof form.
- 6.3 A three storey new build extension is proposed to the rear of the public house with a mansard level above. The new build extension would incorporate the extended public house (sui generis) use at basement and ground floor level, a commercial (Class E) use at ground floor and four residential units in first to roof level. The new build extension would incorporate a ground level shopfront along the full extent of its front façade, and would comprise London Stock brickwork on the floor levels above. Its mansard roof would be constructed from natural slate.
- 6.4 Cycle and refuse storage is proposed at the rear of the site, within the remaining side return of the public house. Amended drawings have been received illustrating that the commercial and residential cycle and refuse enclosures are segregated, with a gate restricting access to the residential storage area from the commercial enclosure.
- 6.5 A green roof and Photovoltaic panels are proposed at the roof level of the building to reduce carbon emissions in line with Part L compliant baseline using SAP 10 emission factors.

7. RELEVANT HISTORY:

Planning Applications:

- 7.1 **P2020/1245/FUL** - Renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 3-storey building to rear plus basement. The development will provide additional Class A4 public house space, a new flexible Class A1/B1 commercial unit and 6 no. residential dwellings together with the retained Class A4 public house accommodation. Refusal of permission 20/11/2020.

REASON: The proposed rear new building to the rear of the site and rear glazed roof extension to the main building by reason of their excessive detailed design, siting, bulk, massing, height, depth, width and overall bulk would not be subservient to the host building and would form a discordant and dominant form of development that that would be readily visible form the surrounding public and private realm that would harm and overwhelm the character and appearance of the host terrace building, terrace setting and the wider streetscene. The proposal is therefore contrary to the National Planning Policy Framework (2019), policies 7.4, 7.6 and 7.8 of the London Plan 2016, policy CS8 and CS9 of Islington's Core Strategy 2011, policy DM2.1 (design) of Islington's Development Management Policies 2013 and the guidance contained within the Islington Urban Design Guide 2017 and the NPPF 2019.

REASON: The proposed development by reason of its excessive bulk, massing, height, depth, width and proximity to neighbouring residential units would cause unacceptable harm to the amenity of adjacent and nearby residential units through undue increase in enclosure levels, overbearing and harm to outlook to residents within Twyford House and 204a and 204b Blackstock Road and loss of daylight and sunlight to residents within Twyford House. Insufficient information has been submitted with regard to the sunlight impact on existing properties. In addition, insufficient evidence has been provided to ensure that the music and entertainment within basement and ground floor level will not adversely impact surrounding residential properties in terms of excessive noise and disturbance. The proposal is therefore contrary to policy 7.6 of the London Plan 2016, policy DM2.1 of the Development Management Policies 2013 as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice' (Second Edition 2011).

REASON: The proposed self-contained residential units would fail to achieve a satisfactory standard of living accommodation by virtue of the limited outlook from flats 1 and 2; the northern aspect of the living/dining/kitchens to flats 1, 2, 3 and 4; lack of proper dual aspect accommodation for Flat 8. In addition, insufficient evidence has been provided to ensure that the proposed residential units would not be severely impacted in terms of noise and disturbance associated with the music and entertainment uses and associated plant. The proposal is therefore contrary to policies 3.5 and 3.6 of the London Plan (2016), policy CS12 of Islington's Core Strategy (2011) and policy DM3.4 of the Islington Development Management Policies (2013) and the NPPF 2019.

REASON: The proposed residential development creates an over provision of 3 bed family units representing 57% of the proposed mix. The development fails to adequately provide a better and needed mix of smaller units to which the borough requires. The proposed 4 x 3 bed units also fail to provide adequate and functional high quality amenity space for family occupiers through the provision of rear facing constrained terraces. The proposed development is therefore considered to offer an unacceptable overall mix and poor provision of family appropriate amenity space and is therefore considered to be contrary to CS policy 12 and Islington's Development Management policies 3.1, 3.4 & 3.5 and the NPPF 2019.

REASON: The proposed development would represent a substantial intensification of the use of the site, resulting in a significant uplift in commercial, public house and live music floorspace and an enlarged area at basement floor level for live music and entertainment with 7 residential units above. The potential impacts in terms of noise and disturbance to adjacent and on site residential dwellings (C3) has not been sufficiently addressed and insufficient information has therefore been provided to demonstrate that the intensified Sui Generis (public House) use and proposed C3 and Class E (flexible commercial unit) land uses can be

reasonably accommodated on site. As a result, the proposed development is contrary to Development Management Policies DM3.7 (Noise and vibration (residential uses), DM4.2 (Entertainment and the night-time economy), and DM4.3 (Location and concentration of uses).

REASON: There is insufficient information submitted within the Structural Method Statement, in line with the Basement Development SPD, to demonstrate the acceptability and impact of the proposed basement development in terms of its structural integrity, depth and design. In this regard, the development fails to appropriately consider the risks the proposal may have upon property, infrastructure and the public as set out in Planning Practice Guidance in relation to structural stability and fails to accord therefore with policies CS9, CS10 and CS15 of the Islington Core Strategy (2011) and policies DM2.1, DM6.5, DM7.1 of the Islington Development Management Policies (2013) and the Basement Development SPD (2016).

REASON: The proposed development does not provide a sufficient quantity of or an acceptable detailed design of the cycle storage and refuse storage spaces contrary to Policy CS10 of the Core Strategy 2011, Policies DM2.1 and DM8.4 of the Development Management Policies 2013, the Urban Design Guide 2017 and TfL's 'Cycle Parking Standards'.

- 7.2 **932122** - Erection of a rear ground floor level extension to the existing public house to provide a function room. Approved with conditions 09/08/1994

Pre-Applications

- 7.3 **Q2014/4865/MIN:** refurbishment of A4 public house and construction of new building to the rear to provide A4 space at ground floor and 9 x C3 residential units on first, second and third floors. Completed on 28/10/2015. Summary of response (design only):

The height of the building sits awkwardly when viewing alongside the existing public house building and is viewed as unacceptable. The building height should align with the existing public house building.

No part of the building should exceed the adjoining residential building at Elwood Street

Windows should be recessed and not projecting. The current design is out of keeping with the surrounding buildings.

External balconies are generally not supported. Is there scope to retain external amenity space i.e. through winter gardens?

The mansard roof extensions to the main public house building and the rear extension should be appropriately angled. At present the mansard to the existing pub building looks 'box-like' and detracts from the host building below

The roof element of the extension looks bulky and overly prominent despite being setback from the parapet

Concern about the introduction of a large expanse of glazing along the residential side street

- 7.4 **Q2019/0419/MIN:** Renovation of the existing public house including erection of mansard roof storey, and demolition of single storey rear buildings and erection of 4storey building (with additional recessed roof storey plus basement below) to provide additional Class A4 public house space, new flexible commercial unit and 9 no. new residential units alongside retained A4 public house. Completed 31/05/2019. Summary of response:

The proposed new building adversely dominates its setting through its excessive and inappropriate detailed design, scale, height, massing, rearward projection and overall bulk and form. It is substantially too tall, deep and bulky and leads to an overdevelopment of the

site and needs to be wholesale reconsidered and reduced in scope, quantum and detailed design to better respond to its context.

Substandard residential accommodation due to poor dual aspect and poor quality private amenity space.

The proposed development would impact on the amenities of neighbouring occupiers due to its excessive bulk immediately adjacent to bedroom windows serving Blacktock Estate and potentially habitable windows at the rear of Blacktock Road. Concerns were raised regarding the potential loss of natural light and outlook.

- 7.5 **Q2019/2935/MIN:** Renovation of the existing public house including erection of a single-storey roof extension, demolition of single storey rear buildings and erection of 4-storey building (plus basement below) to provide additional Class A4 public house space, a new flexible Class A1/A2/A3 commercial unit (249sqm) and 9 no. new residential units alongside retained Class A4 public house. Completed 14/02/2020. Summary of response:

The retention of existing public house and introduction of residential above is considered acceptable in principle but not to the scale, quantum and intensity as proposed here, subject to careful consideration of the potential impacts that the public house may have on the new uses. The retention of the public house would be prioritised over the introduction of a new commercial use and new residential dwellings.

The proposed development is considered to be entirely unacceptable due to its disproportionate and excessive form, design, scale, depth, width, height and overall massing. The development subsumes the host building and overwhelms in visual terms the host terrace and wider urban setting. The scale of the development represents a clear overdevelopment of the site and causes clear visual harm such that officers object to the development in principle in this case.

Significant concerns are raised regarding the loss of daylight/sunlight to nearby windows and habitable rooms at Blacktock Estate. Justifications for the losses in excess of BRE guidance are not considered comprehensive nor do they address concerns by the council.

Significant concerns are raised regarding the loss of outlook and increased sense of enclosure to nearby windows at Blacktock Estate. Further justification for the bulk and scale of the proposals is required in this regard given the proximity of the proposed development.

- 7.6 **Q2020/2571/MIN** - Renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 3-storey building to rear plus basement. The development will provide additional Class A4 public house space, a new flexible Class A1/B1 commercial unit and 6 no. residential dwellings together with the retained Class A4 public house accommodation. Pre-application meeting held on 14 October 2020. Summary of design related concerns outlined below:

The proposed development remains a disproportionate and excessive form, design, scale, depth, width, height and overall massing. The concerns raised regarding its overall height, depth, bulk, massing and scale have not been overcome and concerns regarding the relationship between the new build element and the host pub remain.

8. CONSULTATION

Public Consultation

- 8.1 In total, 202 letters were sent to the occupants of Blacktock Road, Conewood Road, Elwood Street, and Twyford House on the 10th March 2021. A site notice and press advert were also

displayed on the 18th March 2021. A second round of consultation was also undertaken on 3rd September 2021 and expired on 17th September 2021 following the submission of amendments to the overall design of the proposals addressing concerns raised by officers. A third round of public consultation was undertaken on 21st December 2021 and expired on 4th January 2022. The third consultation was undertaken following amendments to the proposal description clarifying that Flat 7 is a self-contained dwellinghouse and not ancillary to the public house.

8.2 The application has received 2 objections and 47 letters of support. The letters of objection have raised the following issues (*with the paragraphs in brackets indicating where in the report the respective points have been addressed*):

- Object to noise and disruption from public house and how this will be mitigated by the proposed development. (*Paragraphs 10.88 to 10.90*)
- Unwanted satellite dish shown on the adjacent property on Blackstock Road. (**Officer Note:** *It is not clear where this is detailed on the submitted drawings. Regardless permission can only be granted for works within the application site detailed within the red line shown on the submitted Site Location Plan*)
- Disturbance from use and movement of waste bins at the rear of the site particularly late at night. (*Paragraphs 10.123 – 10.126*)

Letters of Support

8.3 The letters of support generally relate to the continuation of the use of the Gunners Public House.

External Consultees

8.4 Blackstock Estate Management – Object to loss of beer garden and overshadowing of the Blackstock Estate. Not clear what the basement is to be used for

8.5 Greater London Authority - Between 2007 and 2017, London lost 35% of its grassroots live music venues. These venues are part of London's lifeblood, important economic drivers for borough economies, and contributors to the city's cultural vibrancy and diversity.

One of the biggest threats to the future of live music venues has been inappropriate residential development. The Agent of Change principle is included in the London Plan (policy D13) to ensure that any new homes, in areas with night time venues and vibrant night time activity, are properly designed and soundproofed. Islington's Local Plan policies, such as R1, R10 and R11, recognise the importance of both pubs and music venues to the social fabric of the borough and support the development of new music venues where appropriate. Islington's Local Plan and Statement of Licensing Policy both incorporate the Agent of Change principle.

Supportive of the retention of the Gunners Pub and the creation of a new permanent music venue within the development. Also support the principle of culture-led residential development, in which residential units can support and compliment the cultural activity of the pub and live music venue. In undertaking this development, it will be important to ensure that the development of the new residential units meets the requirements of the 'Agent of Change' principle, in order to guarantee the viability of the pub and the new venue.

8.6 CAMRA - Supports the application on the basis of expanded public house space and the inclusion of an entertainment space within the basement level being a benefit to the community.

8.7 Campaign for Pubs - support the Gunners' application on the basis that it will allow the pub to expand and offer more to customers and thus boost the trade, which is important to giving

this important and historic pub a successful long term future, serving the local community, Arsenal fans and visitors

- 8.8 Islington Swifts Group - Support the inclusion of swift nesting bricks on the proposed western elevation and the biodiversity green roof, to enhance biodiversity, and support the regeneration of this important community venue

Internal Consultees

- 8.9 Urban Design Officer: The proposal has addressed many of the earlier design concerns that were evident in the 2020 refused scheme. The changes to the host building have now been more sensitively designed and are considered acceptable.

The redesign of the return building to Ellwood Street, with its simple background architectural language and recessed form is also considered acceptable. This element appropriately reads as a separate entity to the host building, complementing it and not competing with it. It successfully presents a new building to Ellwood Street as opposed to an 'extension' to the Blackstock Road Gunners Public House building.

The materiality of the proposal to the Ellwood Street edge, with its London Stock Brick and mansard roof, sits comfortably within this mixed urban neighbourhood. The height, bulk and massing is also a compatible contextual fit.

- 8.10 Environmental Protection Officer: The application has a noise report which looks at the impacts, provides an assessment and proposes mitigation. It is possible to mitigate the impacts but clearly very expensive to create a box within a box type construction within the basement and significant upgrading of the insulation elsewhere. It is noted that that the report assumes a L_{A90} (or background sound level) of 25-30dB within the new residential but with new façade treatments and mechanical ventilation it may be lower than this and hence make the operational pub noise more noticeable. The EPPP Team appreciate that moving the external area into the basement and providing acoustic lobbies and ventilation may be positive in terms of reducing noise impacts but there are concerns with the introduction of new residential receptors directly above the pub. Conditions have been recommended minimising noise impacts for the new residential units from external sources and from noise and disruption from the ground and basement level bars. With the substantial basement works, a CMP is required to look at the potential impacts and proposed mitigation in line with Islington's Code of Practice for Construction Sites. This should be via condition/S106 response document

- 8.11 Licensing Officer: Raised concerns regarding the lack of a beer garden and sought further information regarding the use of alcohol and smoking on the public footpath.

Officer Note: *The existing license restricts the hours of operation of the public house, including the use of the beer garden on football match days. It is noted that the scheme removed the beer garden. A condition has been recommended ensuring that the public house operates in accordance with the opening hours, matching those within the existing license. In addition, a condition for an Operations Management Plan has been recommended. The OMP will be required to detail the management of the public house, including on match days.*

- 8.12 Commercial Environmental Health: There is no detail in the application about the commercial kitchen extract plant and any associated odour abatement equipment. Given the application is proposing new residential units above the commercial we would expect to see odour abatement equipment to prevent any odour nuisance from cooking smells. A condition is recommended ensuring that the flue/stack shall discharge the extracted air no less than 1.0m above the roof eaves of the building to which it is affixed.

- 8.13 Highways Officer: The proposals do not provide adequate and policy compliant cycle parking, disabled/mobility parking and without a formal loading bay to support servicing would be harmful to the safe and efficient operation of the Highway and this prompts an **Objection**, (Policies T1, T2 and T3 relate).

Revised proposals are sought that properly address the transport needs of the proposals.

Officer Note: *It is considered that the proposed ground floor cycle storage area is workable as amended. However, full cycle storage details will be secured by condition (13) to ensure compliance with the policies referenced by the Highways Officer above. The submission of a servicing and delivery plan is recommended to be secured by condition (21).*

- 8.14 Inclusive Design Officer: Objections raised due to narrow communal access routes to residential units and insufficient internal circulation space. A residential lift would also be welcomed.

The basement bar needs to achieve full step-free access to all facilities - the stage needs a platform lift.

Access to cycle parking is substandard and should incorporate a ramp.

Request safe drop off in neighbouring public realm according to Inclusive Design SPD 2014.

- 8.15 Tree Officer: No objection, subject to conditions.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990).
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance).
- To determine the application in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paying special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

- 9.2 National Planning Policy Framework 2021 (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 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

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

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

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

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

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

- 9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.9 The Development Plan is comprised of the London Plan 2021, 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.
- 9.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

National Guidance

- 9.11 The National Planning Policy Framework 2021 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

- 9.12 The Development Plan is comprised of the London Plan 2021, 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

- 9.13 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:
- Article 4 Direction A1-A2 (Rest of Borough);

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

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 now in progress. As part of the examination consultation on pre-hearing modifications took place between from 19 March to and 9 May 2021. The Matters and Issues have now been published with hearings having taken place from 13 September to 5 October 2021
- 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 that are relevant to this application are set out in **Appendix 2**.

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Character
- Neighbouring Amenity
- Inclusive Design
- Affordable Housing
- Dwelling Mix
- Quality of accommodation
- Basement Development
- Highways, transport and site access
- Trees, Landscaping and Ecology
- Waste
- Energy and sustainable design and construction
- Community Infrastructure Levy

Land Use

Proposed Commercial Use

- 10.2 The floor plans detail a separate ground floor unit in use as a single commercial unit with a floorspace area of approximately 76m². The ground floor commercial unit is proposed as flexible Class E a) or g) use class (comprising retail and office only).
- 10.3 The site is not located within a designated Town Centre nor an area where there is likely to be a high demand for retail use. Notwithstanding this, Development Management Policy DM4.7 relates to dispersed shops. It states at DM4.7 Part A that 'the council will support and protect shops (Use Class A1) located outside designated Town Centres and Local Shopping Areas'. It continues to state at para 4.39 that 'Local shops and other commercial uses located outside designated Town Centres and Local Shopping Areas can provide a valuable service

to the local community by providing for essential day-to-day needs. Their accessibility is particularly important for those on low income, the elderly and people with mobility difficulties'. The overall size of the new unit is slightly less than 80m² and is therefore consistent with a small retail unit as described within the Development Management Policies.

- 10.4 With regard to a potential office use on site, Development Management Policy DM5.1 Part C states the following, 'Outside Employment Growth Areas, Town Centres and the Vale Royal/Brewery Road Locally Significant Industrial Site, business floorspace may be provided within mixed use developments where this would enhance the character and vitality of the local area, would not detrimentally impact on residential amenity, and would not compromise residential growth'. It continues to state the following at Part F 'New business floorspace must be designed to:
- i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses, and
 - ii) provide full separation of business and residential floorspace, where forming part of a mixed use residential development
- 10.5 It is noted that increasing office floorspace is generally encouraged throughout the Borough, particularly where they are flexible and support small business. As noted above, the proposed floorspace area of the commercial unit is approximately 80m². The layout of the proposed commercial unit is considered to be simple and functional with much of the floorspace being useable for future occupiers. It is also noted that the unit would benefit from generous floor to ceiling heights in excess of 3m. It is considered that the proposed unit owing to its functional layout, generous floor to ceiling heights and overall good quality design would provide a suitably flexible layout that can readily accommodate retail and/or office use occupiers.
- 10.6 It is considered that the introduction of an 80m² flexible retail/office space in this location would be acceptable in land use terms, as it is a size that could be appropriate for small and localised business owners. In addition, the proposed unit comprises a highly usable layout which would likely be attractive to independent retailer or small and medium enterprises (SME's).

Intensification of Sui Generis Use (Drinking Establishment)

- 10.7 Development Management Policy DM4.10 states that the council supports the retention of Public Houses, and opposes their redevelopment, demolition and change of use. The proposals include the retention of the existing public house, including its ancillary landlord accommodation, at first floor above the bar. The intensification of the public house is considered to be broadly in-line with Policy DM4.10.
- 10.8 Development Management Policy DM4.2 states that entertainment and night-time activities are generally inappropriate outside Town Centres, and where proposed outside Town Centres, applicants will need to demonstrate that such uses will not result in adverse impacts, including cumulative impacts, as assessed in relation to Policy DM4.3.
- 10.9 Development Management Policy DM4.3 states that proposals for drinking establishments and other similar uses will be resisted where they would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
- 10.10 The use of the site is currently as a public house, which offers live music and events as an ancillary function at ground floor level. The proposals retain the public house and introduces a dedicated live music and events area within a newly created basement, representing a significant intensification of the existing use. The current public house floorspace measures 361sqm (excluding 141sqm of ancillary residential accommodation on the upper floor levels) and it is proposed to increase this to 515sqm across ground and basement floor level. Whilst the proposals result in the loss of the ancillary residential use at first floor level in favour of a

self-contained flat (141sqm), the proposals would facilitate an increase in commercial public house floorspace that would support the economic function of the public house. Development Management Policies DM4.2 and DM4.3 therefore remain relevant given the extent of the intensification proposed for the existing use.

- 10.11 As noted above, the public house is currently used for events, including live music. The proposed plans indicate that the area used for such events will be relocated to the enlarged basement area, and is accessed internally from the public house or from doors onto Blackstock Road, which have the capacity to provide separate access directly to the public house as well. The intensification of the use with the increase in floorspace and dedicated events space has the potential for more people attending the premises and potentially loud music events. The Agent of Change principle (London Plan Policy D13) *'places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Boroughs should ensure that Development Plans and planning decisions reflect the Agent of Change principle and take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby'*.
- 10.12 An Acoustic Report has been submitted with the application and has been subject to consultation with the council's Acoustic Officer. This is assessed in detail below. However, the Acoustic Officer has raised no objections to the proposals on the basis that noise levels are controlled by condition, as well as full details of a scheme of sound insulation between the proposed basement and ground floor bar, commercial unit and residential use of the building being approved in writing by the Local Planning Authority. In addition, it is considered that the proposed uses are compatible, particularly noting the sites proximity to the Finsbury Park Town Centre and the broad range of commercial uses within the local area. Music and events already occur within the ground floor of the property. Whilst the entertainment purposes of the property are proposed to be intensified, they would be limited to basement level and therefore not directly below the proposed residential units, with greater allowance for noise protection measures to be installed to reduce impacts on existing and future residential occupiers of the property and the wider area. In addition, the full details of refuse collection and deliveries as well as operating hours and an Operations Management Plan for the expanded public house will be secured by condition to mitigate any potential future impacts on the proposed residential units and neighbouring residential occupiers.
- 10.13 It is therefore considered that despite the intensification of the existing uses on site, the proposed development can be reasonably accommodated without harming the amenities of future and adjacent occupants in terms of noise and disruption.
- 10.14 Based on the above, it is considered that sufficient information has been provided to support the increased intensification of the existing public house use. Therefore, the scheme is considered to be acceptable in land use terms in accordance with Policy DM4.10, DM4.2 and DM4.3 of the Development Management Plan 2013.

Proposed C3 Residential

- 10.15 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should normally approve applications for residential development, provided that there are not strong economic reasons why such development would be inappropriate.
- 10.16 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.
- 10.17 The scheme would deliver 7 new residential units, contributing towards the Borough's housing targets. Concerns have been raised by officers during the submission of recent planning applications, as well as the current submission regarding the scale of development

proposed at this site. The current application has been significantly amended, resulting in a reduction in yield of residential units, compared to previous submissions.

- 10.18 Development Management Policy DM3.7 states that 'Residential developments should be adequately separated from major sources of noise, such as road, rail and certain types of development. Mitigation will be required where the noise environment necessitates this'. This is further emphasised within Policy D13 of the London Plan 2021 which places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It is therefore vital to ensure the proposed residential units are sufficiently sound and vibration proofed to the noise generated by the existing public house does not significantly disrupt their livability. As mentioned above, the Acoustic Officer has reviewed the Acoustic Report submitted with the application, and has not objected to the proposals on the basis that further details of noise mitigation measures between uses on site are secured by condition. Compliance with the conditions recommended would ensure the proposals would could be reasonably accommodated on site in accordance with Development Management Policy DM3.7.
- 10.19 As noted above, the existing landlord's accommodation is to be converted to a self-contained residential unit (Flat 7). Whilst the loss of public house floorspace would generally be objected to in isolation, the extensions at ground and basement level would facilitate an uplift of public house floorspace overall.

Class E

- 10.20 As noted above, the proposals include the creation of a self-contained flexible retail/office unit at ground floor level, which would fall within Use Class E.
- 10.21 Notwithstanding the above, Class E was introduced to the Town and Country Planning (Use Classes) Order 1987 on 1 September 2020 and broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(3) including:
- E(a)** Display or retail sale of goods, other than hot food
 - E(b)** Sale of food and drink for consumption (mostly) on the premises
 - E(c)** Provision of:
 - (i) Financial services,
 - (ii) Professional services (other than health or medical services), or
 - (iii) Other appropriate services in a commercial, business or service locality
 - E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
 - E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
 - E(f)** Creche, day nursery or day centre (not including a residential use)
 - E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - (i) Offices to carry out any operational or administrative functions,
 - (ii) Research and development of products or processes
 - (iii) Industrial processes
- 10.22 Not all the uses encompassed by the new Use Class E would be appropriate at this site or can be adequately assessed on the basis of the limited information submitted. Specifically:

Food and drink

- 10.23 Policy DM4.2 states that entertainment and night time activities are generally inappropriate outside Town Centres and where proposed outside Town Centres applicants will need to demonstrate that such uses will not result in adverse impacts, including cumulative impacts as assessed in relation to Policy DM4.3. Policy DM4.3 states that proposals for cafes and restaurants will be resisted where they would result in negative cumulative impacts; would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.

- 10.24 No information has been submitted to demonstrate that the ground floor commercial unit would be used as a dedicated café/restaurant. Such a use would require extraction units which can be noisy and odorous, and has associated movements. Further technical information would therefore be required to demonstrate that such a use would be appropriate and can be reasonably accommodated within existing extraction and air handling equipment currently used by the public house or with new extraction equipment, particularly given the public house will contain other potentially noisy and odour generating uses and services.

Financial, professional and other services

- 10.25 This can include banks, building societies, estate agents and betting offices. Policy DM4.3 states that proposals for betting shops and other similar uses will be resisted where they are in proximity to schools or sensitive community facilities. Supporting paragraph 4.24 states that where the location or concentration of certain uses may result in negative impacts the Council may use conditions to prevent the use of A2 premises (now Class E premises) as betting shops. The location and concentration of uses SPD (2016) provides further detailed guidance on suitable locations for betting shops and payday loan shops and the information that needs to be submitted with any planning applications for such uses

- 10.26 It is considered that financial and professional services are employment generating uses and are encouraged within this location and that the proposed Class E unit could reasonably accommodate such an occupier. However, the applicant has not proposed such a use here and it is considered that the proposed retail/office use would be more appropriate.

Indoor sport, recreation or fitness

- 10.27 Policy DM4.4 of the Development Management Policies states that applications for more than 80m² of floorspace for uses within the A Use Classes, D2 Use Class and for Sui Generis main Town Centre uses (all subsumed by the new Use Class E) should be located within designated town centres. Where suitable locations within town centres are not available, local shopping areas or edge-of-centre sites should be chosen. Where this is not possible, out-of-centre sites may be acceptable where alternative sites within these centres have been thoroughly investigated, the development would not have a detrimental impact on the vitality and viability of these centres, and the development would be accessible by all sustainable means of transport.

- 10.28 The proposal includes 76sqm of Class E floor space. The applicant has failed to provide adequate justification for sport/recreation or fitness use in this location (previously a D2 use as referred to in the policies). Therefore, it is not considered appropriate for a sport/recreation or fitness use to be permitted in this instance.

- 10.29 Sport/recreation or fitness uses have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

Medical or health services

- 10.30 Part C of policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.

- 10.31 Medical or health facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use

with potential noisy equipment and/or events, and the potential for future mechanical ventilation.

- 10.32 Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

Crèche, day nursery or day centre

- 10.33 Part C of Policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.

- 10.34 Crèche, nursery or day centre facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

- 10.35 Overall, it is considered that sufficient information has been provided on the suitability of a general Class E use in this location. A number of the uses within Class E at this location are contrary to the policies detailed above. A condition is therefore recommended for the premises to be used as retail, office and financial and professional services only

Land Use Conclusion

- 10.36 The proposed development represents a substantial intensification of the application site, including a significant uplift in public house (Sui Generis) floorspace incorporating an enlarged basement area for live music and entertainment, the introduction of 7 self-contained residential dwellings, and the introduction of 76sqm of flexible Class E floorspace. The retention of the public house is supported, and it is considered that sufficient details have been submitted by the applicant to demonstrate that the site can accommodate the mix of land uses sought within the latest amended drawings. The proposals are therefore considered to be acceptable in land use terms subject to acceptability on other planning grounds discussed in the sections below.

Design and Character

- 10.37 Policy CS9 of the Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and complementary to local identity, and provides that the historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced, whether designated or not. Policy DM2.1 of Islington's Development Management Policies requires new development to respect and respond positively to existing buildings, and Policy DM2.3 provides that new developments within the borough's conservation areas and their settings are required to be of a high quality contextual design so that they conserve or enhance the conservation area. The Urban Design Guide SPD (2017) details how urban design principles should be applied to ensure that new developments successful contributes to making the borough a better place.

- 10.38 The application site contains neither listed nor locally listed buildings nor is it located within a Conservation Area. It does however lie within the setting of the locally listed 217 Blackstock Road (former fire station) and that of the Grade II listed East Stand of the former Highbury Stadium which is located at the western end of Elwood Street.

- 10.39 The proposed design has been considerably modified since the most recently refused and pre-application submissions.
- 10.40 The applicant submitted amended plans following concerns raised by officers regarding the height, depth, and overall scale and massing of the proposals and how the proposal relates to the local context, in particular the existing Gunners Public House, which contributes positively to its streetscene setting.
- 10.41 The main improvements to the proposal following the amendments relate to the reduction of a floor level and increased setback from the street from first level upwards of the new building to the rear of the public house resulting in a subservient modern addition whilst retaining the terraced form at the junction of Blackstock Road and Elwood Street. This reduction in building height has also resulted in the lowering of the parapet height of the new build where the initial submission was significantly taller than the historic public house. The amended scheme also results in the creation of an improved mansard that better relates to the traditional mansard proposed above the public house.
- 10.42 Enhancements have been made to the ground floor shopfronts within the new build element of the scheme, which now incorporates stall risers and improved detailing. Finally, balconies above first floor level along Elwood Street have been removed and those remaining incorporate more appropriately designed steel balustrades.



Image 6: Proposed Front Elevation (Initial submission)



Image 7: Amended Proposed Front Elevation (current)



Image 8: Proposed Side Elevation (Initial Submission)



Image 9: Amended Proposed Side Elevation (current)

Bulk, Height and Massing

10.43 With respect to other roof structures (page 66), the Urban Design guidance states in paragraph 5.192 *“Roof structures that are not an integral part of the building should normally be avoided, particularly if they are visible from the public realm or would undermine residential amenity. If space for plant machinery is required, this should be accommodated within the building envelope*

10.44 In addition, paragraph 5.86 states:

“Even where there are existing variations in building heights, an alteration to the existing roofline is likely to be unacceptable where:

- *It adversely impacts on views and landmarks.*
- *It impacts adversely on the topography of the street*
- *It impacts adversely on the character of an open space or the public realm*
- *The existing street/frontages and roof profile have historical and/or architectural importance and/or contribute to an area’s individual character. This will include listed buildings, conservation areas and sometimes other buildings that do not have this status.*
- *The alteration to a façade or roofline impacts adversely upon the architectural integrity and quality of the existing or neighbouring buildings*
- *A change to the roofline or façade would be out of scale with its neighbours and undermines the rhythm of the street frontage”.*

10.45 It continues in paragraph 5.87: - *“Rooflines should normally respond to the articulation of the rest of the façade”.* In addition, in paragraph 5.89, it comments: - *“The way in which building*

elevations are treated can contribute to an appropriate sense of rhythm, scale and proportion. The elevation must work in terms of its relationship to its neighbours, to the public realm and its own architectural integrity. The internal (functional) and the external design requirements must be reconciled”.

- 10.46 The recent pre-application submission report noted that a traditional mansard extension may be acceptable in principle. The following conclusion was made within the pre-application report with regard to the erection of a roof extension above the existing public house:

A traditional design of modest mansard roof might be possible on the Gunners. It should be in accordance with the Islington Design Guide’s advice on the form of roof with appropriate angles and traditional dormer windows which are narrower than the windows below with which they should be aligned. The mansard should be clad in natural slate with lead dressings and the chimney stacks should be retained. There should be no terraces and the rainwater should be directed to the rear and should not drain down the principal elevations

- 10.47 The provision of a mansard roof extension to the public house is therefore considered acceptable. It is considered that the amended scheme successfully responds to the guidance set out within the Islington Urban Design Guide and overcomes any previous concerns raised with regards to its detailing and position of dormer windows.

Extensions to the rear of the public house

- 10.48 Significant concerns have been raised by officers with regard to this element of the proposals during the numerous pre-application submissions that have been received, as well as part of the refusal of P2020/1245/FUL. As part of the refusal of P2020/1245/FUL it was considered by officers that the *‘proposed three storey plus basement extension is neither an effective nor a sufficiently subservient extension in relation the host building, nor is it of a suitably high quality of design to read or to function as an independent element. The ground floor and basement use is (largely) integral to the host building uses (the pub) and the entrance to the 3 flats proposed above the pub are shown to be via this new build flank element. These factors strongly suggest the need for a degree of design subservience, including height bulk and mass, given the combined functions between the pub and the new build. Because of the corner location this extension building would have a relatively high visibility so its ‘disruption’ would be real and apparent.*



Image 10: P2020/1245/FUL Front Elevation (refused scheme)

- 10.49 The recent refusal failed to be neither ‘of its host’ nor sufficiently well designed or appropriately and independently configured to read or function as a standalone ‘terrace’. Coupled with its almost full site coverage, both in terms of its width and depth, it appeared as an overdevelopment that resulted in a poor design quality that would have diminished the host building and the quality, including legibility of the wider streetscape. Its junction at 2nd

floor level with the host building was particularly insensitive with the flank extension assuming dominance due to its building line, height and mass.

10.50 The proposals initially submitted with the application represented an improvement in comparison to the previously refused scheme, but failed to appear subservient to the host public house and the detailed design of the main front elevation of the property was lacking. As noted above, the scheme was amended during the assessment of the application, incorporating a reduction in height and setback from first floor upwards. The reduction in overall scale has resulted in a significant improvement in streetscape presence of the new build element, resulting in a much improved built form that is more appropriately subservient to the public house. The parapet heights of the new build now sit lower than the public house, which also adds to its subservience, and the mansard has been amended to have a more traditional design, which is considered to be more appropriate in this setting. Whilst it is acknowledged that the proposed mansard roofs are higher than normally expected to accommodate and screen private amenity spaces at roof level, it is considered that they are suitably scaled and would not appear visually dominant when viewed from surrounding public views. In addition, the proposed mansard above the rear new build extension reduces its overall bulk and massing, allowing for a more successful transition between the public house as a corner building, to the new build element.



Image 11 - CGI view from Blackstock Road/Elwood Street junction



Image 12 – CGI view from Blackstock Road

- 10.51 The proposed new building to Ellwood Street is considered to be an improvement in terms of its height, bulk and massing in comparison to previous revisions. As noted above, it has been reconfigured and reduced in both height and mass since the previous refusal and is now proposed to be a two storey extension, with a mansard roof comprising the 3rd floor, to the host building.
- 10.52 These changes result in an improved visual impact with regard to the streetscene in comparison to previous iterations and appears as a suitably ancillary extension to the public house which clearly retains its visual prominence as a result. The depth of the new building on the site has been pulled back from both the front and the rear, at all levels, when compared to the refused scheme and the proposals are therefore considered to be acceptable in bulk and massing terms on balance.
- 10.53 In terms of streetscape considerations, the UDG goes on to state (pg 37) 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” ... and that “development should normally retain or repair the existing roofline”*
- 10.54 The guide makes reference, in paras 5.99 – 5.100, to “the importance of achieving a coherent interface between new and existing properties”.
- 10.55 The current proposals present a smaller scheme with a reduced bulk, height and massing when compared to the previous refusal. The mansard roof form to the Elwood Street frontage also reduces the impact of the proposal, being a suitably recessive element.



Image 13: Proposed Aerial CGI

- 10.56 The design contravenes the Council’s design policies and guidance including the Key Urban Structuring guidance within the UDG. This states, on page 25, that: “Development should address the qualities of the traditional building hierarchy and respect the established order and local character. It also states (pg 37) 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” ... and that “development should normally retain or repair the existing roofline”. The amended scheme has a simple elevational treatment with a clearly defined ground floor comprising two standardised shopfronts with a central residential entrance. While the residential entrance may have benefitted from a different architectural treatment to those of the entrances to the two commercial units, and so signify and reflect the change in function, it is not considered so harmful as to warrant a refusal.
- 10.57 The elevational treatment of the upper floor is considered acceptable with a simple background architectural language that does not compete with that of the host building. The first floor frontage comprises sets of double doors opening onto balconies. They capitalise on the south facing aspect, which would enhance the quality of the residential amenity.
- 10.58 Para’s 5.101 – 104 of the IUDG advises on the importance of carefully integrating balconies into the design of the building so that they positively contribute to the order of the whole (street) frontage and do not compromise amenity of accessibility of the accommodation. This has now been reflected in the designs including the removal of the glass balustrading and its replacement with decorative metalwork.
- 10.59 Between the sets of doors is an anamorphic football motif. This references the long standing association of the host building (the public house) and therefore the site in general, with the Arsenal Football Club.
- 10.60 The top floor comprises a mansard roof form. This is appropriately recessed and creates an ancillary as opposed to domineering element as viewed in the context of the broader streetscape and roofscape.
- 10.61 The rear elevation is suitably subservient with simple casement windows to first floor and dormer windows to the mansard roof.



Image 14: CGI Showing Proposed Rear Elevation in Context

- 10.62 The materials palette has been clearly specified and is considered acceptable. It comprises London Stock brickwork to match the existing public house brickwork, with painted (white) hardwood timber fenestration, natural slate roof tiles, reconstituted stone capping and a Staffordshire blue brick to the ground floor. This palette accords with Para 5.112 of the IUDG which states that the choice of materials must take account of the proposal's context and ensure that the new materials are sympathetic with the local vernacular, achieving a harmonious relationship with its neighbours.

Impact on Heritage Assets

- 10.63 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. The application site is not situated within a conservation area nor does it contain any statutory listed buildings. The host building fronts onto Blackstock Road and lies within the vicinity of the former Fire Station at 217 Blackstock Road. However, the proposed changes including the introduction of a mansard roof are not considered to detract from the setting or the character of this locally listed building.
- 10.64 The return of the site fronts onto Ellwood Street. This runs from Blackstock Road to the east to Avenell Road to the west. The Grade II former Highbury Stadium, now converted and extended into a residential complex, is located to the western edge of that part of Avenell Road and can be viewed from Ellwood Street. Therefore changes to Ellwood Street could impact on the setting of the former stadium.
- 10.65 The proposed scheme, which is significantly lower and smaller than the host building, with a recessed mansard roof, together with the quiet architectural language and traditional materials palette, ensures that it will not harm the setting or the character of the listed former stadium complex.
- 10.66 As such there is no harmful impact arising on heritage assets.

Conclusion Design and Character

- 10.67 The proposal has addressed the earlier design concerns that were evident in the 2020 refused scheme.

- 10.68 The changes to the host building have now been more appropriately designed and are considered acceptable on balance.
- 10.69 The redesign of the return building to Elwood Street, with its simple background architectural language and recessed form, is also considered acceptable. This element appropriately reads as an ancillary extension to the host building, complementing and not competing with it.
- 10.70 The materiality of the proposal to the Ellwood Street edge, with its London Stock brick and slate tiled mansard roof, sits comfortably within this mixed urban neighbourhood. The height, bulk and massing is also a compatible contextual fit.
- 10.71 As such, the proposals are considered acceptable in Design and Character terms.

Neighbouring Amenity

- 10.72 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D14 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.
- 10.73 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.74 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

Overlooking and Loss of Privacy

- 10.75 Paragraph 2.14 of the Development Management Policies 2013 states that ‘there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.’
- 10.76 It is understood that the east side facing windows at the adjacent Twyford House serve bedrooms. The proposal does not include any new windows on the western flank elevation of the new building and would therefore not result in any overlooking from this elevation.
- 10.77 The northern elevation of the proposed new building contains north facing windows. The scheme initially also included balconies on this elevation, however these were removed due to officer concerns with regard to the extent of visual clutter and overlooking from the rear elevation of the new build. It is noted that the building line is slightly angled away from Blackstock Road, meaning overlooking from the proposed windows to the rear facing windows of properties along Blackstock Road would be somewhat limited by the angle and therefore no objections would be raised in this regard. In addition to the oblique angle from the proposed rear facing windows, it is considered that there is also sufficient separation distance between the proposed development and the neighbouring properties within the Blackstock Road terrace, with the nearest window being over 5m away, reducing the potential for undue levels of overlooking.



Image 15: Existing rear yard showing neighbouring windows

- 10.78 No objections are raised regarding the installation of windows and terraces to the Elwood Street elevation in terms of loss of privacy.

Outlook and Enclosure

- 10.79 It is acknowledged that properties along Blackstock Road have been substantially extended and altered at the rear. No.204a and 204b Blackstock Road appear to contain residential units above ground floor. The proposed rear facing windows at first floor and second floor would be situated within close proximity to the rear facing windows at No.204a and 204 b Blackstock Road. The previous application was refused on the basis that the proposed development would unreasonably compromise outlook from these windows. The current proposals incorporate a significant reduction in scale, including a modest setback from the northern site boundary and the removal of residential balconies within close proximity to the shared boundary with No.204a and 204b. It is considered that sufficient separation between the new build element and No.204a and b Blackstock Road has been afforded by the amended scheme, which has included the removal of rear facing balconies. It is not considered that outlook and sense of enclosure will be compromised from that property as a result of the proposed development.
- 10.80 Officers have also previously raised concerns have also been raised previously regarding the loss of outlook and enclosure levels from side facing windows at Twyford House as these serve bedrooms and are the only source of outlook for that particular room. The reductions made to the overall bulk and scale of the proposals are considered sufficient to ensure outlook would not be significantly compromised from the side facing windows at Twyford House. The nearest part of the new building above ground floor level would be over 8m away from these side facing windows which is considered sufficient within an urban context and therefore no objections are raised in this regard. It is therefore not considered that the potential impacts in terms of increased enclosure levels would be significantly harmful enough to warrant refusal of the application overall.

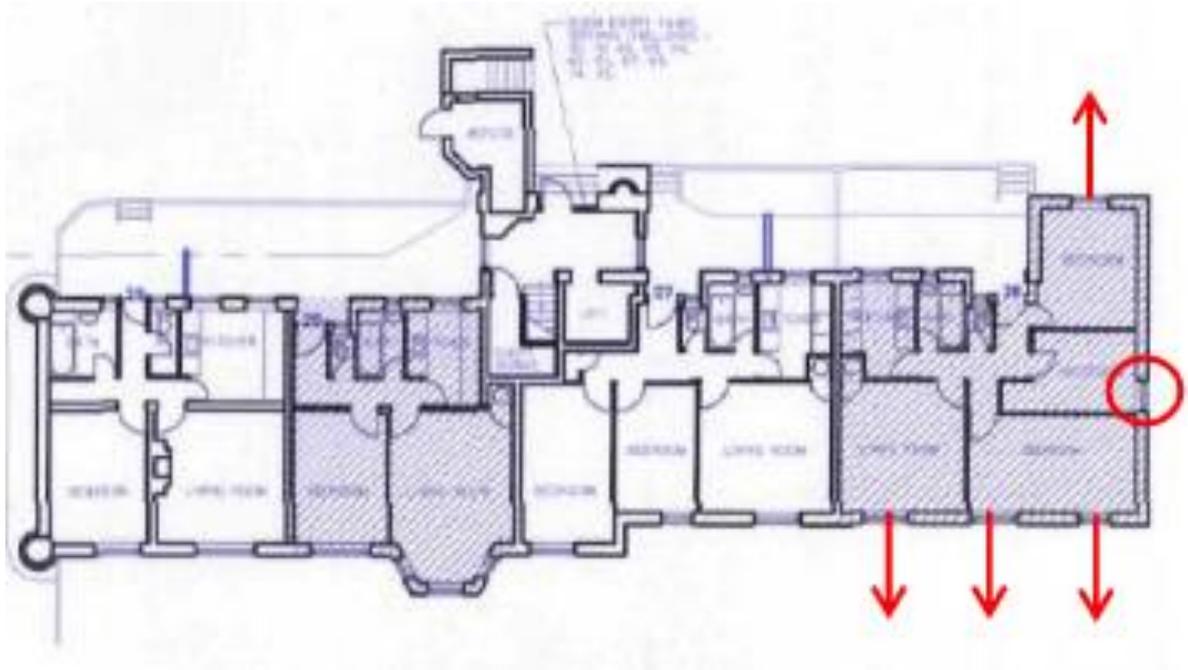


Image 16: Floor Plan showing the Layout of Twyford House (relevant windows circled in red)

10.81 The reductions made to the overall height, massing depth, width and built form would result in improved built form that would not be considered to impact on the amenities of neighbouring occupiers in terms of loss of outlook and increased enclosure levels

Daylight and Sunlight

10.82 The application has been accompanied by a Daylight, Sunlight and Overshadowing Report that has been prepared by Avison Young dated August 2021. The report has undertaken an assessment on potential losses of daylight/sunlight to no's 200, 202, 204, 218 and 219 Blackstock Road and Twyford House (Blackstock Estate). Despite the amendments made to the application during the course of the assessment, the report has been amended in accordance with the most recent set of drawings.

10.83 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.

10.84 The daylight/sunlight assessment indicates that proposals would not result in unacceptable losses of Daylight/Sunlight access to the neighbouring Blackstock Road properties. However, the report does state that the ground and first floor level side facing windows at Twyford House will experience losses in VSC in excess of the levels required by BRE Guidance.

Floor	Room / Window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
			Existing (%)	Proposed (%)	Percentage reduction in VSC (%)	Existing (%)	Proposed (%)	Percentage reduction in Daylight Distribution
Twyford House								
Ground	R1/W1/70	Bedroom	30.26	20.32	32.85	94.04	57.67	38.68
First	R1/W1/71	Bedroom	34.07	25.35	25.59	94.04	76.93	18.19
Second	R1/W1/72	Bedroom	35.89	30.61	<27	94.04	94.04	0
Third	R1/W1/73	Bedroom	36.85	35.47	<27	94.04	94.04	0
Fourth	R1/W1/74	Bedroom	31.89	31.89	<27	94.04	94.04	0

Table 1 – Daylight Assessment Results for Twyford House

10.85 The daylight assessment details that there would be transgressions against the BRE Guidelines in relation to VSC, with a ground floor window having VSC reduced by 32.85% and 25.59% reductions to a first floor window. Whilst the reduction in VSC to the ground floor window is acknowledged to be in excess of the 20% detailed in BRE guidance, the losses at first floor level are considered to be marginal. The report also confirms that the ground floor bedroom will also experience losses in terms of daylight distribution with the No Sky Line test showing a loss of daylight of 38.68%. Whilst the reduction is acknowledged, it is noted that the first floor bedroom would not experience losses greater than the 20% recommended by BRE Guidance. The ground floor bedroom, however, would be subject to losses in excess of BRE Guidance. The layout shows that the main living areas and primary bedrooms to these units are located such that they receive their skylight from the north and south rather than the proposed development site, and are therefore unaffected by it. Whilst the proposal would result in transgressions against the BRE Guidelines, it is noted in the Guidelines note that bedrooms have less need for light than kitchens and living areas. Given this and that the unit is triple aspect, it is considered that the loss to daylight is acceptable in this case. With regard to the first floor level apartment, it is considered that the minor deviation from BRE Guidance in terms of VSC is outweighed by compliance in other areas, specifically with regards to the No Skyline Test.



Image 17: Twyford House Flank Windows

- 10.86 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 probable 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.
- 10.87 An assessment on possible loss of sunlight has been undertaken for properties with windows within 90 degrees due south of the application site. The submitted daylight/sunlight assessment details that all six windows that require assessment in this regard meet the default BRE ASPH recommendations.

Noise

- 10.88 Given the mixed use arrangement of the site and the intensified use of the basement for live events, an Acoustic Report has been prepared ACA Acoustics dated August 2021. The report reflects the latest set of amended drawings subject to this recommendation.
- 10.89 The previous application was refused on the basis that insufficient information had been submitted to demonstrate that the proposals would not result in undue levels of noise and disruption to adjacent residential occupiers. The Council's Acoustic Officer raised extensive concerns and matters for further clarification that were not addressed prior to the determination of P2020/1245/FUL. The Acoustic Officer has been consulted with as part of the current application. No objections have been raised to the proposals subject to conditions (no.s 4 - 10) recommending minimising noise impacts for the new residential units from external sources and from noise and disruption from the ground and basement level bars.

- 10.90 With the substantial basement works, a CMP has also been suggested to look at the potential impacts and proposed mitigation in line with Islington's Code of Practice for Construction Sites. This will also be secured by condition.
- 10.91 In addition to the above, conditions have been recommended restricting the hours of operation of the public house. A copy of the existing license has been reviewed by officers and it has therefore been recommended by condition (no.28) that the public house operates strictly in accordance with the agreed license hours, which are 10:00am to 00:30am 7 days a week. The operating hours of the ground floor commercial unit will also be controlled by condition. The operating hours of 7:00am until 22:00pm Monday to Saturday have been recommended in condition no. 27 below.
- 10.92 With regards to the roof terraces proposed – these will all serve residential units and would therefore not be expected to generate significant levels of noise. In addition, they would be contained behind the proposed mansard, which would limit noise spill to neighbouring residents.

Residential Accommodation

Housing Mix

- 10.93 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%

Table 2: Housing Mix

- 10.94 The proposed development comprises seven flats. The proposed unit mix includes 5 x 2bed units, 1 x 1bed units and 1 x 4bed units. It is considered that the proposed unit mix is broadly consistent with the table referenced above, with 2 bedroom units accounting for 71% of the offering and 1 bed unit accounting for 14.5%. Although a 4 bedroom unit is proposed, it comes as a result of converting the existing ancillary landlords accommodation into a self-contained residential unit. The proposed 4 bedroom unit would be situated in the same location as the existing ancillary accommodation and would contain a near identical footprint. The re-provision of the ancillary residential floorspace as a newly created self-contained dwelling is therefore considered acceptable in this instance.
- 10.95 Therefore, the unit mix is considered acceptable and in accordance with Development Management Policy DM3.1 and Policy CS12 of the Core Strategy.

Standard of Residential Accommodation.

- 10.96 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.
- 10.97 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which

supports this Policy and gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve.

10.98 The table below provides a summary of the proposed units and their compliance with Policy DM3.4.

No. Bedrooms / Expected Occupancy	Floor Space Provided	Minimum Required	Provided Storage	Required Storage
Flat 1 (2b/3p)	64.4 sqm	61 sqm	Not specified	2 sqm
Flat 2 (2b/4p)	74.3 sqm	70 sqm	Not specified	2.5 sqm
Flat 3 (2b/3p)	61.06 sqm	61 sqm	Not specified	2 sqm
Flat 4 (2b/3p)	62 sqm	61 sqm	Not specified	2 sqm
Flat 5 (4b/6p)	141.2 sqm	99 sqm	Not specified	3.5 sqm
Flat 6 (1b/2p)	50.78 sqm	50 sqm	Not specified	1.5 sqm
Flat 7 (2b/4p)	70.11 sqm	70 sqm	Not specified	2.5 sqm

Table 3: Minimum floor, storage space and amenity space

10.99 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms. Additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) and the London Plan (2021) Policy D6. Although not specified on the submitted drawings, the proposed drawings confirm that the units are suitably sized with capacity for a good level of storage. As noted above, the proposals include the creation of a self-contained 4 bedroom unit. Whilst this is a larger sized family home than would generally be expected within a flatted development such as this one, it replaces an existing ancillary landlords accommodation to the public house. The 4 bedroom unit (Flat 7) retains outlook and natural light to the south and east of the property and would be contained at first floor level within the existing public house building. Overall, it is considered that it achieves good access to natural light and outlook and is of a size and layout that can reasonably accommodate a family.

10.100 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. In this instance, the floor to ceiling heights would be 2.5m, which reduces the overall height and scale of the development when viewed from the public realm. The minor shortfall below 2.6m is therefore considered acceptable in this instance. In addition 2.5m ceiling heights are consistent with London Plan requirements. Therefore, the proposed floor to ceiling heights are considered acceptable.

10.101 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. It is considered that the proposed units are broadly consistent with these requirements.

10.102 The proposed flats in the new build element of the proposal, also contain south facing living/dining/kitchens with good quality outlook to Elwood Street. Flat 8 would be limited to single south east and north west facing windows. However, the Daylight/Sunlight Assessment prepared by Avison Young confirms that the living kitchen and dining area within Flat 8 will achieve good access to natural daylight.

10.103 In terms of overlooking, concerns were raised during the previous application regarding the bedroom window to flat 8, which could be overlooked from occupiers within Flat 4, given its proximity to a living/kitchen/dining window which is at a near right angle from the window in question. This arrangement has been improved as part of the current application and no objections are therefore raised in this regard. **Page 110**

- 10.104 A small outdoor terrace is proposed for Flat 5 at first floor level. Concerns had also been raised during the previous application regarding overlooking from habitable room windows to this outdoor terrace. The terrace has been reduced in size and set away from the rear facing window of Flat 2. Notwithstanding this, it is noted that Flat 7 contains a private amenity space at the roof level of the property and therefore there is no need for the small terrace at first floor level. A condition has been attached removing permission for the first floor level outdoor terrace to Flat 7.
- 10.105 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)'.
- 10.106 The proposed 4 bedroom unit (Flat 5) includes a 14.5sqm private outdoor terrace at roof level. Whilst this would be below the minimum requirement (30sqm), it is noted that the unit is replacing an existing ancillary residential unit that does not currently contain private outdoor amenity space. The proposals therefore improve the existing situation for this unit and therefore no objections are raised to the shortfall in this instance. All other units have an outdoor terrace in compliance with the minimum requirements. Concerns had been raised as part of the previous application regarding the use of outdoor private amenity spaces concealed behind the mansard roof of the public house. This was on the basis that each terrace would adjoin one another and would therefore require the installation of 1.8m tall privacy screening to reduce the potential for mutual overlooking. Concerns were also raised regarding the enclosed nature of the outdoor amenity spaces at roof level. As part of the current application, Flats 3 and 4 now also contain private outdoor amenity spaces behind the mansard of the new build. Whilst this arrangement is somewhat unfortunate, it is noted that the other matters related to the standard of residential accommodation have been overcome by the current proposals. On balance, it is noted that the roof level outdoor terraces are generously sized with good access to light and reasonable levels of privacy. On this basis, it would not be considered reasonable to recommend refusal on the basis that the outdoor terraces would be suitably sized but enclosed on all sides.

Noise

- 10.107 Given the mixed use arrangement of the site and the intensified use of the basement for live events, an Acoustic Report has been prepared ACA Acoustics dated August 2021. The report reflects the latest set of amended drawings subject to this recommendation.
- 10.108 The previous applications was refused on the basis that insufficient information had been submitted to demonstrate that the proposals would not result in undue levels of noise and disruption to future residential occupiers. No objections have been raised to the proposals subject to conditions recommending minimising noise impacts for the new residential units from external sources and from noise and disruption from the ground and basement level bars.
- 10.109 With the substantial basement works, a CMP has also been suggested to look at the potential impacts and proposed mitigation in line with Islington's Code of Practice for Construction Sites. This will also be secured by condition.
- 10.110 As mentioned in the sections above, conditions have been recommended restricting the hours of operation of the public house to match those controlled by the license at the site. The operating hours of the ground floor commercial unit will also be controlled by condition. The conditions recommended relating to hours of use, together with the operational management plan will ensure that the proposal does not result in unacceptable harm to residential amenity.

- 10.111 In addition, it is acknowledged that there may be some concern regarding patrons smoking and consuming alcohol outdoors and therefore impacting the amenities of residents at Flats 1 and 2 which contain private amenity spaces overlooking Elwood Street. However, it is not considered likely that this would occur to an extent that would be unduly problematic and can be controlled by the relevant licences held by the applicant. In addition, it is noted that outdoor consumption of alcohol is prohibited on matchdays.
- 10.112 As mentioned above, The Agent of Change principle (London Plan Policy D13) places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It is considered that the acoustic information already submitted by the applicants, taken with the controlled operating hours and the need for an Operational Management Plan, will ensure that the proposed uses on site can be reasonably accommodated and noise levels can be suitably accommodated between the commercial and residential occupiers. Officers are therefore satisfied that the Agent of Change principle has been suitably applied in this case

Basement Development

- 10.113 The application includes the excavation of a basement level across the entire site. For all basement development a Structural Method Statement (SMS) must be submitted (in accordance with the SMS requirements in Appendix B) of the Basement SPD in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer. A Structural Report which includes engineering calculations and drawings has been prepared by Martin Redston Associates and signed by B.Sc C.Eng M.I.C.E engineer.
- 10.114 The Basement Development Supplementary Planning Document (SPD) was adopted on 14 January 2016. The Basement Development SPD sets out the relevant guidelines for commercial and mixed use developments in paragraphs 7.1.16 and 7.1.17.

- 10.115 Paragraph 7.1.16 of the SPD sets out:

'On commercial and mixed use redevelopment schemes with proposed basements, the extent of basement development should be commensurate to the site context and building design. Sites within commercial areas such as the Central Activities Zone often contain buildings built to boundary. Any basement component of the scheme should be designed to avoid adverse impacts to sensitive sites, building, trees and other structures that may be affected by the construction of the proposed development. Areas of landscaping proposed should be designed as deep soil landscaping with natural drainage and no basement or other impermeable structure underneath.'

- 10.116 Paragraph 7.1.17 sets out:

'In order to ensure consistency and safeguard against potential adverse impacts, commercial and other redevelopment sites must take into account and respond to the issues covered by this guidance and submit the appropriate documentation required in support of any planning application'

- 10.117 The existing basement is beneath the main public house building only. Whilst significant excavation of the site is proposed. The proposed basement is contained wholly within the enlarged footprint of the proposed development; excluding the proposed Class E unit. A basement of this scale is considered commensurate to the site context.

- 10.118 D1.3 and Paragraph 7.2.2 of the SPD states that *'basements should generally not exceed 1 storey in depth, and not exceed 3m floor to ceiling height'*. The SPD states at paragraph 7.2.3 that *"in limited circumstances, for example a major commercial redevelopment site or a detached residential house with generous distances to adjoining properties, it may be acceptable to have a basement greater than one storey in depth if robustly demonstrated via detailed evidence that there would be no significant impact upon the hydrogeology or the structural stability of buildings, trees and other structures and the design complies with all*

other relevant guidance in this SPD. As part of that evidence, it is likely that physical site investigations will need to be undertaken such as boreholes to establish robust site specific data”.

- 10.119 The depth of the basement level would be 1 storey, with a floor to ceiling height of 3m and is therefore consistent with paragraph 7.2.2 of the Basement Development SPD.
- 10.120 The application has been supported by a Structural Method Statement. The report is detailed and generally responds to the requirements of Appendix B of the Basement Development SPD. It is also supported by detailed engineering drawings and methodologies for temporary works. It is considered that sufficient information has been submitted to ensure the basement development would be structurally sound. A condition has been recommended requiring that construction works are undertaken in accordance with the SMS and to secure the current structural engineer throughout the entire construction phase of the development.

Accessibility

- 10.121 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.
- 10.122 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.
- 10.123 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.
- 10.124 In respect of the non-residential parts of the proposal, the applicant should have regard to the guidance contained within Section 4 of the Inclusive Design in Islington SPD (2014). The approach to the commercial units should be step-free and the approach to the main entrance should be level or ramped. The Inclusive Design Officer has raised a number of concerns, relating to the cycle store, circulation at ground and basement level within the public house and bathroom doors within the residential units. Although the commercial unit is not shown as being entirely step free, it is noted that it comprises a simple and useable layout. The WC contains sufficient circulation space with outward opening doors allowing it to be wheelchair friendly.
- 10.125 The existing access to the public house is being retained and its historic limitations must therefore be recognised. A wheelchair lift is proposed, which allows access from ground level to basement level within the public house. An accessible WC is also shown at both levels within the public house.
- 10.126 It is considered that the commercial aspects of the proposals generally provide a good level accessibility. However to further safeguard this, an informative will be included to remind the applicant to construct in accordance with the relevant Building Control Regulations.
- 10.127 With regard to the residential elements of the proposal, this detail can be secured by condition, ensuring that all elements of the scheme are compliant with Category 2 of the National Standards for Housing Design as set out within the Building Regulations.
- 10.128 In addition, full details of the commercial and residential bin and cycle storage areas to the rear of the site will be secured by condition.

Highways

Car Free Development

10.129 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. A condition has been recommended to secure this arrangement.

Cycle Storage

10.130 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. The cycle storage provision has been amended during the course of the application and the originally proposed vertical storage is now shown on the plans as being horizontal storage.

10.131 In accordance with Appendix 6, a total of 19 bicycle spaces should be provided. Specifically 15 bicycle spaces should be provided for the residential properties (1 per bedroom), 1 space for the 79sqm of commercial floorspace (1 per 60sqm for A1 and 1 per 250sqm for B1 uses) and 3 spaces for the uplift of 165sqm of public house floorspace (1 per 60sqm).

10.132 The proposed plans show 15 spaces allocated to the residential element of the scheme with an additional 14 allocated to the public house (29 overall). The provision of cycle storage is therefore considered to be consistent with Appendix 6 of the Development Management Policies. Concerns were previously raised regarding the lack of fully segregated storage areas, however the ground floor plan were amended to detail the residential cycle store being behind a secure gate that is accessed via the commercial bin store. Whilst this arrangement is not ideal, it is considered workable and full details will be required to be submitted and approved in writing by the LPA prior to occupation of the development.

Refuse

10.133 Paragraph 2.19 of the DM policies states that waste storage and recycling facilities should be integrated into new developments in locations within the site that are accessible to all. These facilities should meet the requirements of the core strategy and the council's guidance on providing refuse and recycling storage. 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.

10.134 The proposal is as follows:

- The proposed bin store is located to the rear of the site at ground floor level and is accessed from a gate on Elwood Street or internally from within the new building and public house.
- It is understood that refuse collection associated with the public house will occur daily via Blackstock Road as per the existing arrangement.
- The Delivery and Servicing Plan anticipates that residential refuse will be collected by the council as the storage area is approximately 18m from the public highway (Elwood Street).
- No information has been provided regarding waste collection associated with the A1/B1 use

10.135 Notwithstanding the above, a condition recommending the submission of a Servicing and Delivery Plan (Condition no. 21) is recommended to ensure the proposals do not negatively impact on highway capacity and safety.

10.136 As with the cycle store, the residential bin store is accessed via the commercial bin store area. Whilst it is secured behind a separate gate, it is not considered to be entirely

segregated. Whilst not ideal, a condition has been recommended requiring full details of refuse/recycling storage to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Sustainability

- 10.137 The applicant has submitted an Energy and Sustainability Statement and the proposals include the provision of solar panels on the roof top of the new building and air source heat pumps are also proposed.
- 10.138 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.
- 10.139 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'.
- 10.140 The Energy and Sustainability Statement submitted states that the scheme has been designed in accordance with Part L procedures and SAP 10 emission factors in line with the latest GLA planning guidance. This document details how the proposals will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement incorporates the 'Be Lean Be Clean Be Green' approach and describes the use of sustainable building materials and the installation of 1 kWp photovoltaic panels to the flat roof of the main building. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. The use of air source heat pumps (ASHP) are also recommended however their location has not been specified within the documentation submitted with the application. The report specifies a 40% reduction in CO2 emissions across the whole site Part L compliant baseline using SAP 10 emission factors.
- reduced water consumption in apartments by up to 95 litres per person per day by specified water fittings
 - Biodiversity will be enhanced by provision of green roof
 - SUDS in accordance with Part L of building regulations
 - environmental impact of construction materials will be minimised through use of sustainably-sourced, low impact and recycled materials
 - Energy efficient white goods will be used, Low energy external lighting
- 10.141 The proposed development incorporates a large area of green roof, and on site renewable energy. A condition has been recommended to ensure that the green roof contains a substrate base of 80-150mm, and is planted/seeded with a mix of species containing no more than a maximum of 25% sedum.
- 10.142 The sustainability officer raised concerns with regard to separate ASHP systems for the non-residential elements of the development and questions whether one combined communal ASHP system could be provided for the whole scheme. A condition requiring details of the proposed ASHP system to be submitted to and approved by the LPA has been recommended

Landscaping, Trees and Ecology

- 10.143 DM6.5 states that Developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.

10.144 The application is supported by an Arboricultural Report and Tree Conditions Survey by the Mayhew Consultancy Ltd which details Arboricultural site supervision and tree protection measures for the existing street trees which may be impacted by the proposed development. The Arboricultural Officer was consulted with during the course of the application as there are street trees which may be impacted by the proposed development. Comments were secured by the Arboricultural Officer confirming agreement with a condition requiring the submission of a Tree Protection Plan to be approved by the Local Planning Authority.

Affordable Housing/Carbon Offsetting

10.145 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.

10.146 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.

10.147 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.

10.148 The applicant has agreed to contribute the full sum of £350,000 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.

10.149 The full sum of £7,000 towards the councils carbon offsetting strategy, as required by the Environmental Design SPD and policy CS10 of the Islington Core Strategy 2011 would also be secured. Consequently, the applicant is now required to enter into a Unilateral Undertaking to pay the financial contributions.

Community Infrastructure Levy (CIL)

10.150 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

11. SUMMARY AND CONCLUSION

11.1 The overall design of the proposals are considered to have substantively addressed the reasons for refusal of the previous application and can now be considered acceptable and in accordance with Policy DM2.1 of the Development Management Plan, particularly considering the other benefits that arise from the scheme such as increased housing, payment of planning obligations and the retention of the existing public house. It is concluded that the proposals will appear subordinate to the host public house and will not negatively impact the wider streetscape in visual terms.

- 11.2 The development will not unacceptably impact the amenities of neighbouring residents in terms of residential amenity.
- 11.3 The standard of living accommodation for the newly created residential units comply with the minimum space standards and all achieve dual aspect accommodation with access to external private amenity space.
- 11.4 Sufficient details have been submitted to conclude that the proposals could reasonably be accommodated on site without creating a negative quality of residential accommodation by way of excess noise from the expanded public house. However, to further mitigate the potential impacts on both future and neighbouring residential occupiers, conditions have been recommended requiring compliance with specific noise levels and for further testing and on site investigative works to be submitted to and approved by the LPA.
- 11.5 Objector's concerns with scheme have been noted and the issues raised have been fully addressed in the above assessment with no adverse concerns raised as a result of the development proposed, subject to conditions.
- 11.6 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.
- 11.7 It is recommended that planning permission be granted subject to conditions and section 106 legal agreement head of terms as set out in Appendix 1.

Conclusion

- 11.8 It is recommended that planning permission be granted subject to conditions.

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:

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

The Heads of Terms agreed by the applicant are:

- A financial contribution of £350,000 towards the provision of off-site affordable housing
- A financial contribution of £7,000 towards CO2 offsetting.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement

All payments are due on commencement of development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 Officer.

RECOMMENDATION B

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

List of Conditions:

1	Implementation Period 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: N51EN_EX01; N51EN_EX02; N51EN_EX03; N51EN_EX04; N51EN_EX05; N51EN_EX06; N51EN_EX07; N51EN_EX08; N51EN_EX09; N51EN_PP00 REV Z7; N51EN_PP01 REV Z7 c; N51EN_PP02 REV Z7 a; N51EN_PP03 REV Z7; N51EN_PP04 REV Z7; N51EN_PP06 REV Z7; N51EN_PP07 REV Z7; N51EN_PP08 REV Z7; N51EN_PP09 REV Z7; N51EN_PP10 REV Z7; N51EN_PP11 REV Z7; N51EN_PP12 REV Z7; N51EN_PP13 REV Z7; Noise impact assessment for a proposed mixed-use development dated 9 August 2021; ENERGY & SUSTAINABILITY STATEMENT dated 24 August 2021; Delivery and Servicing Plan dated July 2021; DETAILED DAYLIGHT, SUNLIGHT & OVERSHADOWING REPORT Dated August 2021; Planning Statement dated February 2021; Construction Method Statement including Basement Calculations, temporary works sequencing and basement foundation and structural drawings dated 20 January 2021; Heritage Statement dated

	<p>January 2021; Design and Access Statement dated January 2021; Arboricultural Report dated April 2020</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (Details):</p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure 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) window treatment (including sections and reveals); c) plinth to the front elevation along entire terrace d) roofing materials; e) balustrading treatment (including sections); and 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>Sound Insulation and Noise Control (Details)</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 LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 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: In the interest of protecting the amenities of future residential occupiers from undue levels of noise and disruption.</p>
5	<p>Sound Insulation Between Uses (Details)</p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed basement and ground floor bar, A1/B1 unit 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. 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: In the interest of protecting the amenities of future residential occupiers from undue levels of noise and disruption.</p>
6	<p>Sound Insulation Between Uses Report (Details)</p> <p>CONDITION: Following installation of the sound insulation and noise control measures in condition 5, a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the pub operation demonstrate</p>

	<p>compliance with condition 5. The report shall include site measurements. The report shall be submitted to and approved in writing by the Local Planning Authority and any remedial works or additional noise mitigation measures shall be installed before occupation of the residential units hereby permitted and permanently retained thereafter</p> <p>REASON: In the interest of protecting the amenities of future residential occupiers from undue levels of noise and disruption.</p>
7	<p>Installation of Fixed Plant (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 the interest of protecting the amenities of future and neighbouring residential occupiers from undue levels of noise and disruption.</p>
8	<p>Fixed Plant Report (details)</p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 7. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: In the interest of protecting the amenities of future and neighbouring residential occupiers from undue levels of noise and disruption.</p>
9	<p>Plant Installation (Compliance)</p> <p>CONDITION: All plant and equipment shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply.</p> <p>REASON: In the interest of protecting the amenities of future and neighbouring residential occupiers from undue levels of noise and disruption.</p>
10	<p>Flue/Stack Discharge (Compliance)</p> <p>CONDITION: Notwithstanding the plans hereby approved, the flue/stack shall discharge the extracted air no less than 1.0m above the roof eaves of the building to which it is affixed. The flue shall be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration (carbon filters rated with 0.2-0.4 second residence time) or alternatively fine filtration followed by counteractant/neutralising system to achieve the same level as above.</p> <p>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.</p> <p>REASON: In the interest of protecting the amenities of future and neighbouring residential occupiers from undue levels of noise and odour disruption.</p>
11	<p>Construction Method Plan (Details)</p> <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>

	<p>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> <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> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
12	<p>Refuse/Recycling (Details)</p>
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway and are segregated between uses. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
13	<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 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 15 cycle spaces for the proposed residential units, 1 space for the Class E unit and 3 additional spaces for the enlarged public house hereby approved. The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
14	<p>Biodiversity Green Roof (Details)</p>
	<p>CONDITION: The flat roof area above the flat roof of the first floor level on the new building fronting Elwood Street shown on plan no. Dwg N51EN_PP02 REV Z7 a hereby approved shall be used only for the purpose as a biodiversity green roof. Details of the biodiversity green roof at third floor level shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plans submitted and hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p>

	<p>The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs 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>
15	<p>PV 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 the following and should demonstrate that the panels are not visible from public view:</p> <ul style="list-style-type: none"> • Location; • Area of panels; and • Design (including angle of panels and elevation plans). <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
16	<p>Sustainable Design & Construction (Compliance)</p> <p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Energy Statement (Energist London) dated June 2019.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
17	<p>Category 2 Housing (Compliance)</p> <p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p>
18	<p>Basement Development Monitoring (Compliance)</p> <p>CONDITION: The Chartered Structural Engineer (MI Struct.E) certifying the Structural Method Statement (SMS) dated January 2021 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.</p> <p>REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).</p>

19	<p>Trees Protection (Details)</p>
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones. i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping o. Veteran and ancient tree protection and management <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
20	<p>Restricted Use (Compliance)</p>
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (Amendment) (England) Regulations 2020, the ground floor level commercial unit shall be used only for the Display or retail sale of goods, other than hot food, Financial services and Professional services (other than health or medical services) and not for any other purpose listed within Use Class E (other than Class E (a) and (c) (i) and (ii)) of the Town and Country Planning (Amendment) (England) Regulations 2020.</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development, in the interests of the use of the building within a local shopping area and the amenity of the adjoining neighbours.</p>
21	<p>Site Servicing and Delivery (Details)</p>
	<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</p>

	<p>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>
22	<p>Car Free Development (Compliance)</p> <p>CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <p>i) In the case of disabled persons; ii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free.</p>
23	<p>Air Source Heat Pumps (Details)</p> <p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Air Source Heat Pumps shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from public view:</p> <ul style="list-style-type: none"> • Location; • Design (including dimensions showing full height and volume); • Manufacturers specifications; <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
24	<p>Operational Management Plan (Details)</p> <p>CONDITION: Prior to commencement of the development hereby approved, an Operational Management Plan for the public house shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The operational management plan should detail how the development will be managed and controlled to address the following related activities:</p> <ol style="list-style-type: none"> 1. Unloading and loading timings, locations and parking arrangements related to the development. 2. Details of site supervisor/supervision of events contained within the basement level and controls and responsibilities 3. Measures to ensure fire exits and right ways maintained) 4. Details of operating hours of the basement level. 5. Refuse plans, facilities locations and collection arrangements. 6. Litter control measures. 7. Any necessary noise control measures 8. Details of management protocols after hours including prevention measure to ensure patrons do not loiter and cause disruption to neighbouring and future residents <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. No change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.</p>

26	Flat Roof Not Used As Amenity Space (Compliance)
	<p>CONDITION: The flat green roof area at first floor level shown on plan no. N51EN_PP02 REV Z7 a hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
27	Hours of Operation – Commercial Unit (Compliance)
	<p>CONDITION: The ground floor Class E unit hereby approved shall not operate outside the hours of:</p> <p style="padding-left: 40px;">7:00am - 22:00pm Monday to Saturday</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
28	Hours of Operation – Public House (Compliance)
	<p>CONDITION: The ground floor and basement floor level Public House (Sui Generis) unit hereby approved shall not operate outside the hours of:</p> <p style="padding-left: 40px;">10:00am – 00:30am (following day) Monday to Sunday</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
29	Fixed Plant (Full Details)
	<p>CONDITION: Notwithstanding the plans and documents hereby approved full details of any fixed plant, including flue extraction and air conditioning units, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.</p> <p>The fixed plant as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of the character and appearance of the property and securing high standard of design that does not impact on the amenities of neighbouring and future residential and commercial occupiers</p>

Informatives

1	CIL
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy</p>
2	Tree Protection
	<p>The following British Standards should be referred to:</p> <p>a. BS: 3998:2010 Tree work – Recommendations</p>

	b. BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations
3	Construction Works
	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
4	Highways Requirements
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk . All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk . Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk . Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk . Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk
5	Section 106 Agreement
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

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 2021 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 2021 - Spatial Development Strategy for Greater London

Policy GG2 Making best use of land
Policy D3 Optimising site capacity through the design-led approach
Policy D4 Delivery good design
Policy D6 Housing Quality and Standards
Policy D12 Fire safety
Policy D13 Agent of Change
Policy D14 Noise
Policy T3 Transport capacity, connectivity and safeguarding
Policy T7 Deliveries, servicing and construction

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 DM3.1 Mix of housing sizes
Policy DM3.4 Housing standards
Policy DM4.10 Public Houses
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

D) Draft Islington Local Plan (2019)

Policy B2 New Business Floorspace
 Policy R1 Retail, Leisure and Services, Culture and Visitor
 Accommodation
 Policy R10 Culture and the Nigh Time Economy
 Policy R11 Public Houses
 Policy G1 Green Infrastructure
 Policy G5 Green Roofs
 Policy H4 Delivering High Quality Housing
 Policy H5 Private Outdoor Space
 Policy S1 Delivering Sustainable Design
 Policy S2 Sustainable Design and Construction
 Policy T3 Car Free Development Parking
 Policy T2 Sustainable Transport Choices
 Policy T5 Delivery, Servicing and Construction
 Policy DH2 Heritage Assets
 Policy DH4 Basement Development
 Policy DH5 Agent-of-change, noise and vibration
 Policy ST2 Waste

E) Site Allocations June 2013

Not Allocated

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Article 4 Direction A1-A2 (Rest of Borough);

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

The following SPGs and/or SPDs are relevant:

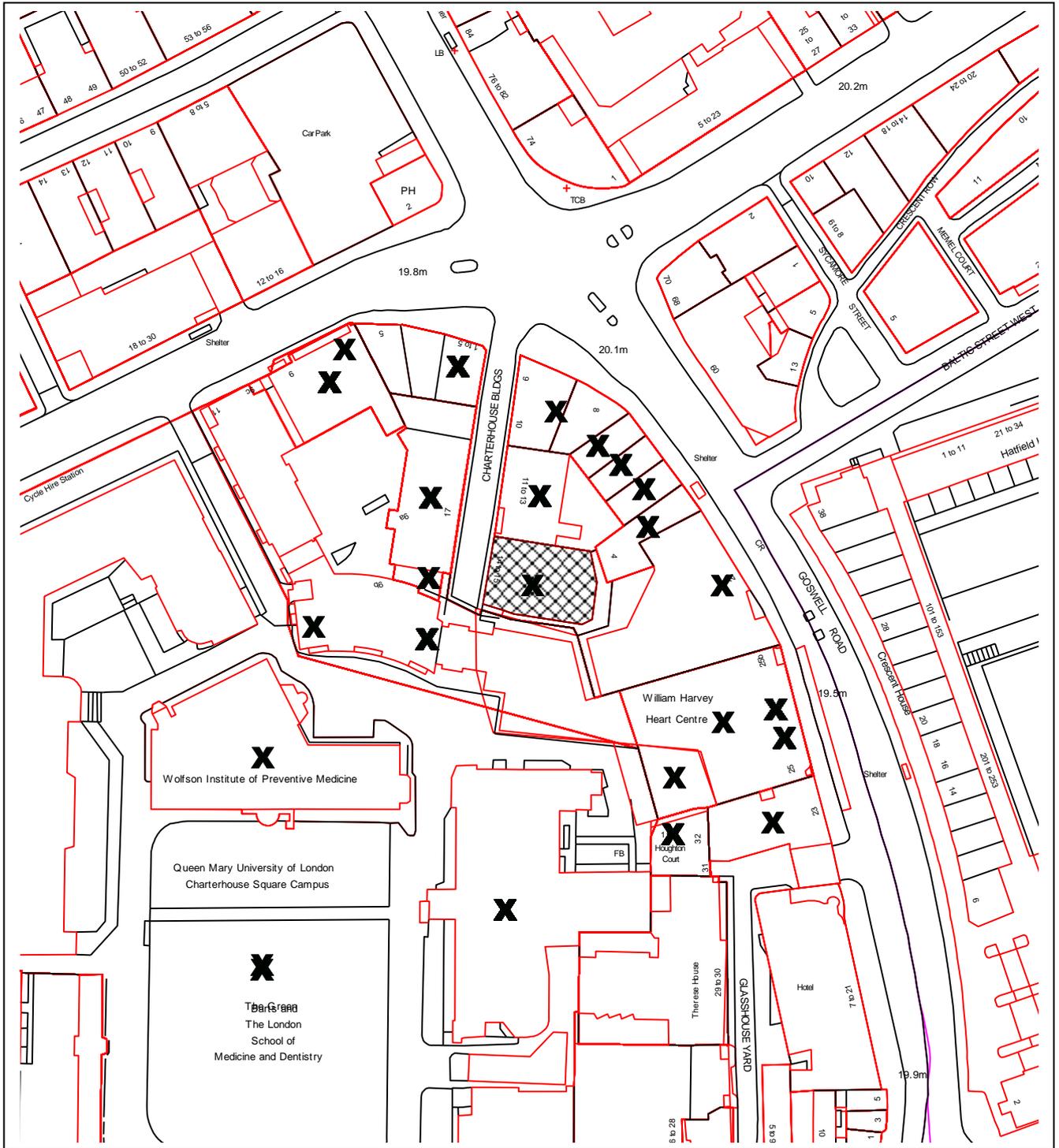
Islington Local Development Plan

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

London Plan

- Housing
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

Islington SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2021/1386/FUL

This page is intentionally left blank