



**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 Council Chamber, Town Hall, Upper Street, N1 2UD on, **1 March 2022 at 7.30 pm.**

Enquiries to : Zoe Lewis
Tel : 020 7527 3486
E-mail : democracy@islington.gov.uk
Despatched : 21 February 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

B.	Consideration of Planning Applications	Page
1.	1 Canonbury Place, London, N1 2NQ	3 - 38
2.	634-638 Holloway Road, London, N19 3NU	39 - 90
3.	Garages to the rear of Parkhurst Court, Warlters Road, London, N7 0SD	91 - 148

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

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

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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.

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PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Zoe Lewis on 020 7527 3486. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk

COMMITTEE AGENDA

1 1 Canonbury Place

London
N1 2NQ

2 634-638 Holloway Road

London
N19 3NU

3 Garages to the rear of Parkhurst Court

Warlters Road
London
N7 0SD

1 1 Canonbury Place

London
N1 2NQ

Application Number: P2021/0940/FUL

Ward: Canonbury

Proposed Development: Change of use of the existing premises from Office use (Use Class E(c)) back to a single dwelling house (Use Class C3) together with interior and exterior repair and restoration works and minor works associated with the reinstatement of the original dwelling house.
DEPARTURE FROM DEVELOPMENT PLAN - DM8.5 PARKING (Listed building consent also submitted ref:P2021/0999/LBC) (REASON FOR RECONSULTATION: AMENDED DESCRIPTION)

Application Type: Full Planning Application

Case Officer: Owen Griffiths

Name of Applicant: Ms Vivienne Goddard

Recommendation:

Application Number: P2021/0999/LBC

Ward: Canonbury

Proposed Development: Change of use of the existing premises from Office use (Use Class E(c)) back to a single dwelling house (Use Class C3) together with interior and exterior repair and restoration works and minor works associated with the reinstatement of the original dwelling house.
DEPARTURE FROM DEVELOPMENT PLAN - DM8.5 PARKING (Full planning application also submitted ref:P2021/0940/FUL) (REASON FOR RECONSULTATION: AMENDED DESCRIPTION)

Application Type: Listed Building

Case Officer: Owen Griffiths

Name of Applicant: Mr Vivienne Goddard

Recommendation:

3 634-638 Holloway Road

London

N19 3NU

Application Number: P2021/3215/FUL

Ward: Tollington

Proposed Development: Demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class E) at ground floor level as well as refuse and cycle storage.

Application Type: Full Planning Application

Case Officer: Owen Griffiths

Name of Applicant: Mr Nick Cockburn

Recommendation:

4 Garages to the rear of Parkhurst Court

Warlters Road

London

N7 0SD

Application Number: P2021/0733/FUL

Ward: Holloway

Proposed Development: Proposed demolition of 27 existing single storey garages on the site and erection of 7 dwellings (5 x 2 bedroom and 2 x 3 bedroom) including cycle and refuse storage as well as the provision of private and shared amenity space and associated landscaping.

Application Type: Full Planning Application

Case Officer: Jake Shiels

Name of Applicant: Mr Kemp

Recommendation:



PLANNING COMMITTEE REPORT



PLANNING COMMITTEE B		AGENDA ITEM NO:
Date:	1 st March 2022	NON-EXEMPT

Application number	P2021/0940/FUL & P2021/0999/LBC
Application type	Full Planning Application & Listed Building Consent
Ward	Canonbury
Listed Building	Grade II
Conservation area	Canonbury
Development Plan Context	<ul style="list-style-type: none"> - Archaeological Priority Areas - Conservation Areas 170914 - Cycle Routes (Local) 170914 - Article 4 Direction A1-A2 (Rest of Borough) - Tree Preservation Order x 6
Licensing Implications	None
Site Address	1 Canonbury Place London N1 2NQ
Proposal	<p>Change of use of the existing premises from Office use (Use Class E(g(i))) to a single dwelling house (Use Class C3) together with interior and exterior repair and restoration works and minor works associated with the reinstatement of the original dwelling house.</p> <p>DEPARTURE FROM DEVELOPMENT PLAN - DM8.5 (No off street car parking)</p>

Case Officer	Owen Griffiths
Applicant	c/o agent
Agent	Mr Vivienne Goddard – Union 4 Planning

1. RECOMENDATIONS

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

1. subject to the conditions set out in Appendix 1 (Recommendation Bi);
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 (Recommendation A);

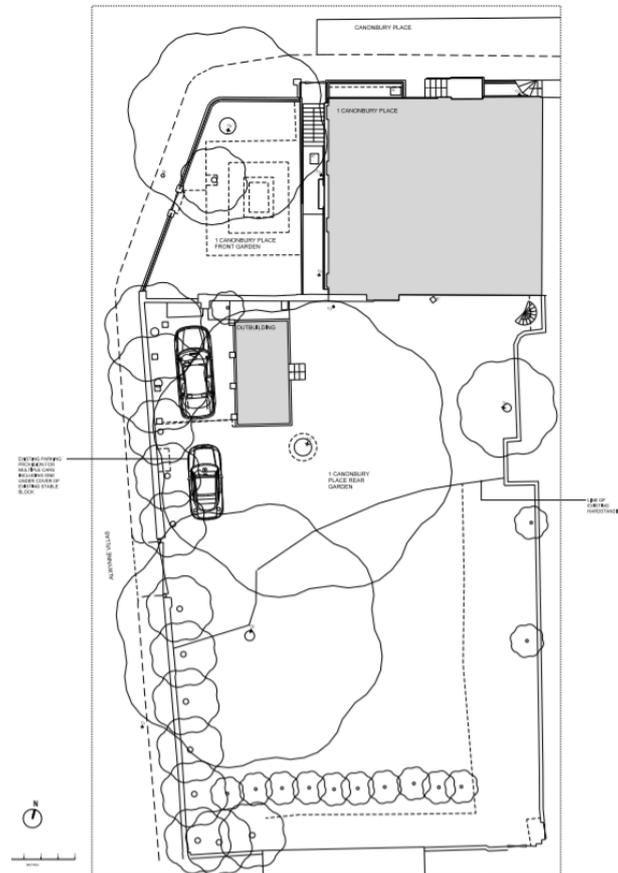
The Committee is asked to resolve to **GRANT** listed building consent:

1. subject to the conditions set out in Appendix 1 (Recommendation Bii).

2. SITE PLAN (site area outlined in red)



Image 1: Site Location Plan



Page 4: Site Plan

3. PHOTOS OF SITE



Image 3: Street View from Canonbury Place / Alwyne Villas.



Image 4: Side view and existing crossover and vehicular access to the rear of the site



Image 5: Rear Elevation View from Rear Garden



Image 6: Outbuilding and covered parking space



Image 7: Internal View of Living Room



Image 8: Internal View of Ground Floor Hallway & Stair

4. SUMMARY

- 4.1 The application seeks consent for the change of use of the listed building from office (Class E(g)(i)) to residential (Class C3) including its refurbishment. The building was previously converted to an office use and it is now sought for a residential use to be reinstated at the site. Residential use is considered to be the optimum viable use of the site in heritage terms.
- 4.2 In land use terms, the loss of office floorspace and change to residential, whilst not accompanied by the required (Policy DM5.2) marketing information, exceptional circumstances are considered to be relevant to this application (as allowed for within this policy). In this instance the proposal is accepted and supported as the building was constructed for residential purposes and its reinstatement for such a use will bring heritage benefits to the listed building and wider conservation area. The building has been vacant for some 8 years and is viewed as needing investment and restoration. Again it is noted that these circumstances were also of relevance in 2016 when a similar permission was granted.
- 4.3 The inclusion of two on-site residential car parking spaces is contrary to the development plan (Development Management Policies DM8.5 and London Plan policy T6) but material planning considerations are considered to be applicable in this instance to justify an exception being made to these policies. Car parking will facilitate the residential use (considered the optimum viable heritage use of the site) and the refurbishment and reoccupation of the building will bring about heritage benefits that are given significant weight in the planning balance.
- 4.4 The design alterations to the listed building, to facilitate the change of use back to a residential premises, are acceptable and will cause limited harm to the significance of the listed building and the wider conservation area. The vehicle access point to Alwyne Villas needs to be upgraded to not pose a road safety hazard and a wider opening has been agreed with bi-folding doors.
- 4.5 Overall in this instance the bringing back into a optimum viable use of this listed building is given considerable position weight in the planning balance. This brings an enhancement to both the listed building and the conservation area character. Provision of formalised on-site car parking (currently provided at the site associated with its historic office use) will help facilitate this optimum use coming forward. The fact this building has been sat vacant for 8 years is considered to lend further weight to the need for flexibility in this regard so as to bring forward the proposal. For these specific reasons, in this particular instance it is considered to be acceptable to depart from the development plan with regards to policies DM8.5 and London Plan policy T6, subject to the prior entering into a s106 agreement and imposition of planning and listed building consent conditions.

5. SITE AND SURROUNDING

- 5.1 The site is located in the Canonbury Conservation Area and is Grade II listed. The surrounding area is predominantly residential in character with terrace rows of properties usually 3 to 4 storeys in height. In close proximity to the north of the site is Canonbury House and its famous tower, around which the historic Elizabethan manor of Canonbury was centred.
- 5.2 No. 1 Canonbury Place is an end of terrace Georgian building located on the corner of Canonbury Place and Alwyne Villas. The building is three storeys in height plus a basement and mansard roof.
- 5.3 The building was originally constructed as a residential house, however, it was most recently used by Sir Basil Spence and his architectural practice, and from 1980 the building was used by Max Bitel Solicitors. The building has been vacant for a number of years and is in need of repair.
- 5.4 The rear garden of the site has an existing area of hard standing which is used for off-street parking. There is also a covered area for the parking of vehicles. Vehicular access to the site is via double gates located on Alwyne Villas. A pavement crossover also exists which allows for level access across the pavement from Alwyne Villas into the rear garden.
- 5.5 The site is located within an area of Public Transport Accessibility Level (PTAL) of 6a (6b is the highest level of accessibility).

6. PROPOSAL

- 6.1 The application seeks planning permission and listed building consent to change the use of the existing premises from office use (Use Class E(g)(i)) back to a single dwelling house (Use Class C3) together with interior and exterior repair and restoration works and minor works associated with the reinstatement of the original dwelling house.
- 6.2 The application proposes to retain car parking at the site for the proposed residential use. The provision of on-site residential car parking is contrary to Islington's car-free Policy DM8.5 and therefore the application has been advertised as a departure from the Development Plan.

Amendments

- 6.3 The scheme has been amended due to concerns raised over the proposed floor to ceiling heights in the mansard roof. The application initially proposed to remove the ceiling, leaving exposed beams to facilitate a higher floor to ceiling height but this design was not considered to be in keeping with the form of the listed building. It was agreed for the ceiling to be reinstated at its original height to preserve the significance of the listed building. Amended vehicle access arrangements have also been proposed from Alwyne Villas that did not form part of the initial design.

7. RELEVANT HISTORY:

- P2019/3804/LBC - Alterations to windows on the rear elevation and replacement of metal dormer and rear windows with timber windows, alteration to rainwater goods and repairs to gardens walls, internal and external repair, refurbishment and redecoration of the existing building. Approved 18/02/2021
- P2019/1574/FUL & P2019/1621/LBC - Demolition of existing outbuilding and construction of a single storey rear extension, internal alterations and associated landscaping in connection with the conversion of the building from an office use (B1) to a single dwelling house (Use Class C3). Withdrawn 31/10/2019
- P2018/0852/S73 – Section 73 application to remove condition 5 of planning permission P2016/0411/FUL which was for the erection of an outbuilding following demolition of existing outbuilding, erection of a single storey rear garden room, and general refurbishment in connection with the restoration of the building back into a single family dwelling house. Condition 5 stated that "notwithstanding the hereby approved plans, no permission is granted for any off street car parking to occur on the site. The site shall not have any off street parking provision into perpetuity". Approved 09/08/2018
This in effect granted on-site residential parking associated with the change of use of this building back into residential use.
- P2018/0576/FUL & P2018/0615/LBC – Internal and external renovation, refurbishment and alterations to Grade II listed offices. Withdrawn 12/03/2020
- P2016/0411/FUL – Erection of an outbuilding following demolition of existing outbuilding; erection of a single storey rear garden room; general refurbishment and redecoration in connection with the restoration of the building back into a single family dwelling house. Approved 19/09/2016
- P2015/0361/FUL and P2015/0439/LBC: Erection of a double garage at side garden following demolition of existing outbuilding; erection of a single storey garden room at rear, general refurbishment and redecoration; and internal alterations to convert the listed building back from office into a residential house. Refused 14/04/2015 - Appeal Dismissed 17/11/2015
- P081597 - Listed Building Consent application in connection with 4m length of wall to north of gate leading to Alwyne Villas to be taken down and rebuilt on a new foundation. Approved 05/11/2008.

8. CONSULTATION

Public Consultation

- 8.1 In total, 35 letters were sent to surrounding occupiers at Canonbury Square, Alwyne Villas and Canonbury Place on the 25th April 2021. A site notice and press advert were also displayed on the 25th April 2021.
- 8.2 The application has received 6 letters of support including one from the Canonbury Society. No objections have been received.

Local Amenity Groups:

The Canonbury Society

- 8.3 We are pleased to see that there are no plans for extensions and the major rooms will remain in their original shape and size including the fireplace surrounds in the two principal reception rooms on the raised ground and first floor levels.
- 8.4 1 Canonbury Place is a significant heritage asset, statutorily listed and situated in the midst of the Canonbury Conservation Area. After years of neglect, the building is in urgent need of significant repairs to combat decay, damp and rot. In view of its dire condition, we remain anxious that the repairs and restoration commence as quickly as possible to arrest any further deterioration in the fabric.
- 8.5 In our view, the applicant's Design, Access Statement provides a high level of assurance that a thorough survey has been undertaken and that a sensible specification of works is being proposed to achieve the goals of preserving and restoring this iconic building.

External Consultees

- 8.6 Historic England: Application should be determined in accordance with national and local policy guidance. Advice should be sought from your specialist conservation adviser. Signed authorisation provided to determine the listed building consent application.

Internal Consultees

- 8.7 Design and Conservation Officer: Overall, the proposed works would not cause harm to the historic plan form, would involve minimal loss of historic fabric and would not cause harm to the retained fabric, visual amenity or the setting of heritage assets. As such the proposed works would not adversely affect the special architectural or historic interest of the listed building.

The preferred option for vehicle access would be the bi-folding doors. The sliding gate option would have a more unwelcome impact visually than the loss of the tree and on balance the bi-folding gate option is more appropriate.

- 8.8 Planning Policy Officer: An objection is raised due to the inclusion of residential parking space which is contrary to Policy DM8.5. The policy conflict should be considered as part of the planning balance in this updated context.
- 8.9 Highways: Object as 2 car parking spaces are proposed and no formal cycle parking is indicated. Initially objected to the access arrangements as the existing gates do not provide adequate visibility between the driver of a car leaving the site and pedestrians using the Highway Footway. Subject to the planning position and whether these parking spaces are to be retained, a visibility splay of 2.000 by 2.500 metres is sought within the site either side of the vehicular access. This should be secured by condition.

This objection was removed on the 20th January 2022 but the safety matters in relation to visibility splays should still be progressed. Amendments were received to the access gate.

8.10 Tree Officer: The bi-folding doors option is more appropriate from a trees perspective (drawing A9011). I presume it is non-electric, in which case the removal of the single lime tree would be acceptable. I have no objection to this option (non-electric) and recommend a tree protection condition to minimise harm to the other retained trees.

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); and
- 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 or appearance of the conservation area (s72(1)).
- To determine the application in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paying special attention to the desirability of preserving the listed buildings, its setting and any of its features of special architectural or historic interest.

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 equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

National Guidance

9.9 The National Planning Policy Framework 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

9.10 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 and are listed at Appendix 2 to this report.

Designations

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

- Grade II Listed Building
- Archaeological Priority Areas
- Canonbury Conservation Areas
- Cycle Routes (Local)
- Article 4 Direction A1-A2 (Rest of Borough)
- Tree Preservation Order

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

Draft Islington Local Plan 2019

9.13 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 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 is taking place from 19 March to and 9 May 2021. The Matters and Issues have now been published. Hearings took place from 13 September to 5 October.

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

- Principle of Development / Land Use
- Design and Conservation
- Neighbouring Amenity
- Transport
- Trees
- Planning Obligations
- Planning Balance

Land Use

Principle of Development

- 10.2 The proposed development seeks to change the use of the building from Use Class E(g)(i) (Office) to Use Class C3 (Dwellinghouses). The original property was constructed as residential accommodation and in the 20th Century, until around 1980, the building was the former home and office of the architect, Sir Basil Spence. From the 1980's the building was used for office purposes although there is no formal planning history for such a use gaining consent. Due to the passage of time, this use has now become the lawful use of the premises and therefore its conversion back to a residential premises requires planning consent. The building has been vacant for a sustained period of time (8 years).
- 10.3 Full planning permission and listed building consent were approved at the site in 2016 for the property to be changed back to residential premises. These permissions were not implemented and consequently the lawful use of the site remains as office accommodation. It should be noted that a subsequent s73 planning application (P2018/0852/S73) was approved in 2018 that removed a car-free condition attached to the 2016 permission, effectively granting on-site car parking at this site associated with the return to residential use. That permission was based on the current Islington Development Plan policies, however new London Plan policies are now in place including the councils net zero carbon strategy and objectives throughout the borough. This S73 permission is no longer extant and lapsed on the 8th October 2019. **(See appendix 3)**
- 10.4 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 (Office) and introduces a new Use Class E, which encompasses office use, together with many other commercial uses such Retail (A1), Professional Services such as an estate agents (A2), Restaurant (A3), Gym (D2), and Medical Centre (D1), Crèche (D2) or a light industrial use suitable in a residential area (B1c). As a result of the change to the use class order the site could now be used for any of these uses within Class E. As the building is grade II listed it is unlikely that such a range of uses could be implemented without internal and/or external structural work that would require planning permission as well as listed building consent.

- 10.5 Policy DM2.3 Part C (iv) states that '*The best use for a listed building is usually that for which it was designed*'.
- 10.6 Policy DM5.2 resists the loss of existing business floorspace and requires clear and robust evidence to be provided which shows there is no demand for the floorspace. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.
- 10.7 There are exceptional circumstances in this instance, as conversion of the property back to a residential premises is considered to be the most appropriate use for the building in terms of preserving and protecting its heritage significance, and enhancing the character of the Canonbury Conservation Area within which it is located.
- 10.8 Whilst the proposal does not strictly accord with DM5.2, it would not be desirable for the building to continue in its use as office or Class E floorspace. Consequently a marketing exercise for the commercial use is considered to be overly onerous and potentially detrimental to the heritage asset, if for example a commercial occupier was found and significant amendments to the listed building were required, or no investment into the building was forthcoming, this could also be viewed as damaging given its current condition. It is also important to note that similar employment protection planning policies were in place and duly considered in the now lapsed consent and permission was granted on this case.
- 10.9 Given the above, it is concluded that in land use terms, there are material planning considerations that warrant a more flexible application of the marketing requirements of policy DM5.2 (the most appropriate use of the listed building and the need to secure investment into its restoration). In this regard, the change of use of the Grade II listed building back to its original residential is appropriate subject to further design, transport and planning obligation considerations that are assessed in the paragraphs below.

Design and Conservation

- 10.10 Policy CS9 of Islington's Core Strategy 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.11 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. The Canonbury Conservation Area Guidance highlights that historically the area is part of the Elizabethan Manor of Canonbury which was centred on Canonbury House and its famous tower. This site is situated just to the north of the current application site, approximately 30m away. The CADG also notes the predominant character of the area as being residential and that often the best use for a building is that which it was designed for (paragraph 8.2). This is reiterated at DM2.3 Part C (iv).
- 10.12 The Canonbury Conservation Area Guidelines (2002) states at paragraph 8.27 that:
- "Cars parked in front gardens, and garages or car-ports to house them, are damaging to the character and appearance of the area. The Council will discourage the creation of additional cross-overs across pavements and the creation of hardstanding for vehicles in front of properties in the area."*
- 10.13 The application site is within the Canonbury Conservation Area and the building is Grade II listed along with numbers 1-5 (consecutive) Canonbury Place and dates from 1767-71. 1 Canonbury Place was altered early on, with a west extension presenting a grand 3 bay frontage to Alwyne Villas. The original section of the building is 3 storeys over a semi-basement plus an early added mansard storey and the west section is two storeys over the semi-basement plus the added mansard storey.

- 10.14 Internally, there are two grand principal rooms that face west at ground and first floor, connected by a cantilevered stone staircase from ground to first. The earliest part of the house retains its wooden open string dog-leg stair. There are surviving chimney pieces, joinery and plaster, but there have been a number of later harmful interventions and alterations, principally dating from non-residential uses of the building in the 20th century. There are modern windows on the south elevation and the dormers have been changed. There has also been water ingress and some of the finishes have deteriorated. The building's significance includes its architectural design, materials, setting, and history of development, plan form and remaining historic fabric.
- 10.15 It is proposed to convert the buildings for use as a single residential premises. Such a change of use does not require listed building consent but as part of the conversion various elements of the Listed Building need to be refurbished and upgraded and such works do require listed building consent.
- 10.16 The property has previously been used as a house, and in listed building terms, this would be the most appropriate use for the building. Previously consent has been given for works of alteration to address the poor repair of the building and to rehabilitate the office use of the premises. Whilst similar alteration works are proposed in relation to poor condition, for instance at roof level and for drainage, or harmful modern insertions such as the south elevation windows, other alterations are now proposed in order to accommodate a residential use, such as additional bathrooms and services such as kitchen and utility rooms.
- 10.17 The use of the ground floor principal room for a kitchen has been addressed with having free standing joinery in the alcoves. There is an island which would ensure no fixing to walls and allows the volume of the room to remain visible. A former doorway would be reopened to allow direct access from the older section. Extraction is directly in the wall which has had to be stripped of plaster because of water ingress and which is in need of repair and so internal finishes would not be harmed. Externally there would be a flush grille which although visually regrettable, is in later render. Revisions have secured retention of ground floor joinery cupboards.
- 10.18 At second floor, additional bathroom facilities have been added which in the case of the north room would involve intervention in the plan form. However, the room has had an inserted partition in it previously forming two rooms and it is considered that with the suggested condition on boxing of services and its design, it would reflect a pod type insertion. At top floor, there are existing subdivisions in the plan form and walls that bisect dormer windows would be removed which would be beneficial. The replacement subdivision on the north and west sides for two bathrooms, in this context and on the subsidiary top floor is considered to be acceptable.
- 10.19 The main external works constitute replacement and refurbishment of windows and external render. A historic infilled opening between the rear garden and the basement level of the building is being opened back up and a historic lightwell to the front of the property is being reintroduced. The details of the materials used in the works, including details of windows and samples of render, will be secured via condition.
- 10.20 The proposals would see the amendment to an existing crossover as opposed to the creation of a new crossover and therefore no 'additional' crossover would result from this application. Additionally, the proposal would not create a new hardstanding to the front of the property (with the vehicle access to the side of the property). Furthermore, the car parking would be hidden behind an existing boundary treatment (albeit a slightly amended one). In this regard, the intent of the Conservation Area Guidelines are considered to be met by these proposals and no additional heritage harm would be caused in this regard.
- 10.21 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest
- 10.22 In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

10.23 Given the above the proposal is not considered to cause harm to the character nor the appearance of the conservation area or the special architectural or historic interest of the listed building. The application therefore complies with the NPPF 2021, Policies D4 and HC1 of the London Plan 2021, Policies CS8 and CS9 of Islington's Core Strategy 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies and the guidance contained within the Urban Design Guide 2017 and the Conservation Area Design Guidelines. In this regard, the proposed planning and listed building consent applications are considered to be acceptable and in line with policy.

Neighbouring Amenity

10.24 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan Policy D6 identifies that the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate to its context, whilst minimising overshadowing and maximising the usability of outside amenity space. Policy DM2.1 of the Development Management Policies (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.

10.25 The overall scale and scope of the works proposed as part of the development do not raise any adverse concerns in relation to neighbouring amenity. The primary external works to the building relate to the refurbishment and repair of windows and facades to the building. The new opening in the rear garden will not impact neighbours due to its location and similarly, the new lightwell to the front of the property does not raise any negative amenity considerations. Furthermore, the reintroduction of the residential use in this area is appropriate and may provide amenity benefits as the proposed use is in keeping with the surrounding area and uses.

10.26 Overall, the impacts on neighbouring residents due to the residential use at the site is concluded to be acceptable and in accordance with Policy DM2.1 of Islington's Development Management Policies as well as Policy D6 of the London Plan 2021.

Transport

10.27 The NPPF para 108 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.

10.28 London Plan policy T6 Car parking states that:

A Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.

B Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

D The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6.

10.29 In this instance, the site has a PTAL of 6a and policy T6.1 Table 10.3 stipulates that developments within this level of PTAL rating should be car free.

10.30 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner and to adequately address delivery, servicing and drop-off requirements. Policy DM8.5 A states that:

“Applications for vehicle parking within the curtilage of existing residential properties will be refused. No provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair-accessible parking. In line with the Core Strategy, all additional homes will be car free. Unless exceptional circumstances can be demonstrated, no parking permits will be issued to occupiers of these new homes.”

- 10.31 In 2016 an application was approved at the site that permitted the building to be converted back to a single family dwelling (P2016/0411/FUL). This permission included Condition 5 that resisted any off-street parking at the site. In 2018 a Minor Material Amendment application (Section 73) was approved that removed this condition (P2018/0852/S73). The associated delegated report noted that there were exceptional circumstances at the site to allow the car parking to be retained and that it should be noted that unrestricted car parking currently exists at the site in its existing office use. This permission has now lapsed and can no longer be implemented.
- 10.32 This application proposes to include two off-street residential car parking spaces at the site. This does not accord with DM8.5 which stipulates that all development must be car-free. This is reiterated in London Plan Policies T6 and T6.1 as well as Islington Draft Policy T3. The application has been advertised as a departure from the development plan due to the conflict with the car-free policies. As was the case with the previously approved Section 73 application in 2018, there are considered to be exceptional circumstances in this instance: i) given the existing unrestricted on-site parking and ii) the heritage benefits of the building being refurbished and iii) the residential use being reinstated.
- 10.33 Supporting paragraph 8.31 of DM8.5 highlights that *‘Parking within the curtilage of residential properties has negative impacts on biodiversity, flood risk, visual amenity, healthy lifestyles, air quality, and traffic congestion and highways safety’*. It is notable that these issues are partially mitigated to the application site given it is retaining existing car parking areas. The residential spaces will be located on an existing area of hardstanding. The parked cars will also be behind the existing boundary wall and access gate to Alwyne Villas (noting some amendments are to be secured) and will therefore not lead to visual amenity harm, but will see largely a retention of the existing streetscape character, with the ability to secure some enhancement.
- 10.34 A condition is recommended to limit car parking at the site to two vehicles, as indicated on the plans, to ensure that there is not an overprovision of car parking that results at the site.
- 10.35 The Highways Officer has noted that the current access arrangements for vehicles is not satisfactory and that a wider visibility spay is required. A sliding timber gate or a bi-folding gate in a wider vehicle entrance have therefore been suggested as possible solutions and both options have been provided for consideration. Each option involves the boundary access point being widened from 3.06m to 5.4m and on this basis the Highways Officers concerns have been alleviated. The preferred option from a heritage and tree protection perspective is the bi-folding gate option and consequently, it is this option that forms part of the current proposal (and secured by condition). The widening of the access point will also require the crossover (dropped kerb) to be moved. The cost and highways agreement for this will be secured via a S278 agreement, with the requirement for this being recommended in the draft Heads of Terms at Appendix 1.
- 10.36 In accordance with policy DM8.5, no on-street car parking permits will be assigned to this property, with eligibility removed via the Heads of Terms (Appendix 1).
- 10.37 The inclusion of residential car parking and non-compliance with the development plan will be addressed fully in the planning balance section below.

Trees

- 10.38 Trees, shrubs and vegetation are protected by policy, specifically Policy DM6.5 which states that any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably re-provided. Moreover, that the council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a

detrimental impact on the health of protected trees.

- 10.39 The application site includes four trees that have Tree Preservation Orders in the rear garden space and a further two in the front garden area in the north west corner of the site. No development is proposed in proximity of these trees and there are no proposed works as part of the buildings refurbishment that may impact the trees and/or their future growth and viability at the site.
- 10.40 Behind the boundary wall to Alwyne Villas there is a row of thirteen lime trees that extend all the way along the western garden boundary, with two along the southern garden boundary. The proposed new access arrangement to Alwyne Villas involves one of these small lime trees being removed as it is located in the swing path of one of the bi-folding doors. The details of the new vehicle access arrangements have been reviewed by the Council's Tree Officer and on the basis that the new access gate is non-electric, the proposal to remove the single lime tree is considered to be acceptable. A tree protection condition has been included to ensure the works in this area do not impact on any trees, including the four TPO trees in the rear garden area.
- 10.41 The requirements of the tree protection condition will ensure the application is acceptable in relation to potential impacts on trees and therefore the application complies with Policy DM6.5.

Affordable Housing and Carbon Offsetting

- 10.42 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units which do not provide social rented housing on site. Schemes of this scale will be required to provide a financial contribution towards affordable housing elsewhere. The reasons for this approach are explained in the supporting text and in the Affordable Housing Small Site Contributions SPD. The SPD sets out a tested viability requirement for a contribution of £50,000 per new dwelling (for proposals located in this part of the borough).
- 10.43 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is outlined in Islington Planning Obligation SPD (2016) which stipulates a flat fee of £1,500 per house.
- 10.44 The applicant has indicated their agreement to enter into the a legal agreement under Section 106 to make a contribution towards affordable housing in the borough in line with Islington's Affordable Housing – Small Sites SPD (Adopted October 2012). The Unilateral Undertaking is in the process of being drafted and should the development be approved by the Planning Sub-Committee B the agreement will be signed prior to the decision notice being issued and a £50,000 contribution (£50,000 x 1 new residential unit) will be collected by the council for affordable housing in the borough. A £1,500 contribution will also be collected for carbon off-setting.
- 10.45 The alterations to the highway described above in the Transport section will require the applicant to enter into a S278 agreement with the local highways authority to pay for the associated works. This requirement has been included at Appendix 1, Head of Term item 3.
- 10.46 The occupants of the resulting new residential dwelling will not be eligible for on-street car parking permits, in accordance with policy DM8.5 as secured at Appendix 1, Head of Term item 4.

Planning Balance

- 10.47 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”.
- 10.48 When considering applications that do not accord with the Development Plan it is important to consider the application as a whole and its outcomes in the overall planning balance. In the case of the current application and the sites heritage significance, weight must be attributed to the refurbishment of the listed building, which has been vacant for 8 years and is in a poor state of repair, as well as the change of use of the building back to a residential premises (its original use).
- 10.49 The test identified at paragraph 202 of the NPPF is relevant and particularly the reference to optimal viable use. The site has been vacant for some 8 years and the building is in need of repair and reoccupation. The NPPF goes on to highlight that *‘Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised’*. This is applicable to the proposed development as some minor harm will be caused by the amendments to the access gate and allowing car parking at the site. Furthermore, paragraph 199 of the NPPF notes that *‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)’*. Therefore, conserving the building via its refurbishment and reoccupation as a residential premises is afforded significant weight. Furthermore, the application will also make a contribution towards affordable housing and carbon off-setting in the borough (see section below) which are further benefits that can be given positive weight in the overall planning balance.
- 10.50 The optimum viable use of the site is for residential purposes and allowing car parking at the site will facilitate this change of use. A residency of this size, with sufficient space, previous provision for (including an existing vehicle access point) off-street parking, would be expected to come with permission for off-street parking on the hardstanding area and covered car portal (Image 6) that currently exist at the site. Furthermore, unrestricted car parking is currently in operation at the site for the office use (image 5) and therefore the provision of restricted residential parking will not increase the overall level of parking in the borough nor add to traffic or congestion on the road network. Whilst allowing car parking for the residential use is not in accordance with the Development Plan, in this instance car parking will facilitate the optimal use of the site being implemented which will bring with it heritage benefits to the listed building (investment and restoration) as well as the wider conservation area. In pure quantitative and land use terms the provision and reduction of two residential parking spaces on site over the potential more intensive use of 6 to 8 parking spaces related to commercial use of the building is a material consideration in this case in the overall planning balance. The reduction of existing hard standing and parking to the rear of the site is also considered to offer a more appropriate and attractive rear garden area visually and in terms of layout commensurate to the importance and stature of the existing Grade II Listed building in this case.
- 10.51 Consequently, there are considered to be material planning considerations in this instance that justify non-conformity with Development Management Policies: Policy DM8.5 and London Plan Policy T6.

11. SUMMARY AND CONCLUSION

- 11.1 The application seeks consent for the change of use of the listed building from office (Class E(g)(i)) to residential (Class C3) including its refurbishment. The building was previously converted to an office use and it is now sought for a residential use to be reinstated at the site. Residential use is considered to be the optimum viable use of the site in heritage terms.
- 11.2 In land use terms, the loss of office floorspace and change to residential, whilst not accompanied by the required (Policy DM5.2) marketing information, exceptional circumstances are considered to be relevant to this application (as allowed for within this policy). In this instance the proposal is accepted and supported as the building was constructed for residential purposes and its reinstatement for such a use will bring heritage benefits to the listed building and wider conservation area. The building has been vacant for some 8 years and is viewed as needing investment and restoration. Again it is noted that these circumstances were also of relevance in 2016 when a similar permission was granted.
- 11.3 The inclusion of two on-site residential car parking spaces is contrary to the development plan (Development Management Policies DM8.5 and London Plan policy T6) but material planning considerations are considered to be applicable in this instance to justify an exception being made to these policies. Car parking will facilitate the residential use (considered the optimum viable heritage use of the site) and the refurbishment and reoccupation of the building will bring about heritage benefits that are given significant weight in the planning balance.
- 11.4 The design alterations to the listed building, to facilitate the change of use back to a residential premises, are acceptable and will cause limited harm to the significance of the listed building and the wider conservation area. The vehicle access point to Alwyne Villas needs to be upgraded to not pose a road safety hazard and a wider opening has been agreed with bi-folding doors.
- 11.5 Overall in this instance the bringing back into an optimum viable use of this listed building is given considerable position weight in the planning balance. This brings an enhancement to both the listed building and the conservation area character. Provision of formalised on-site car parking (currently provided at the site associated with its historic office use) will help facilitate this optimum use coming forward. The fact this building has been sat vacant for 8 years is considered to lend further weight to the need for flexibility in this regard so as to bring forward the proposal. For these specific reasons, in this particular instance it is considered to be acceptable to depart from the development plan with regards to policies DM8.5 and London Plan policy T6, subject to the prior entering into a s106 agreement and imposition of planning and listed building consent conditions.

12. CONCLUSION

- 12.1 It is recommended that Planning Permission and Listed Building Consent should be approved subject to conditions the completion of a legal agreement.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission and listed building consent 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:

1. £50,000 Small Sites Affordable Housing Contribution
2. £1,500 Carbon Off-Setting.
3. S278 agreement shall be entered into with the Highways Authority to secure the details and costs for the alterations to the highways associated with the vehicle access arrangements from Alwyne Villas.
4. The future occupants of the residential building shall not be eligible to obtain on-street car parking permits (with the exception of any need for disabled parking blue badge spaces)

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 and listed building consent be subject to **conditions** to secure the following:

List of Conditions:

- i) Planning application

1	Implementation Period (Compliance)
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list (Compliance)
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: A1000 Rev E, A1001 Rev C, A1150 Rev G, A1151 Rev I, A1152 Rev F, A1153 Rev F, A1154 Rev F, A1155 Rev G, A2150 Rev F, A2151 Rev G, A2152 Rev F, A2153 Rev B, A3003 Rev I, A9011, Heritage Statement March 2021, Planning Statement March 2021, Design and Access Statement Rev E 23/03/2021, Union 4 Planning Response Letter dated 01/07/2021, Stonehouse Cover Letter dated 17/02/2021 & Survey Report dated 16/07/2019 Ref: GHS/466V, MHA Cover Letter dated 13/02/21 & Structural Note dated December

	<p>2018 Ref: 17111/1, Hamptons Parking Letter dated 04/08/2021.</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: MATERIALS (COMPLIANCE): The development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</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	Car Parking (Compliance)
	<p>CONDITION: A maximum of two vehicle parking spaces are hereby approved as shown on approved plan A1001 Rev C, and no more than two vehicles shall be parked at the site at any time.</p> <p>All future occupiers will be ineligible for an on-street car parking permits, except for parking needed to meet the needs of disabled people.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
5	Vehicle Access
	<p>CONDITION: The new vehicle access arrangements to Alwyne Villas hereby approved shall be constructed in accordance with approved plan A9011 and be implemented in full prior to the occupation of the development.</p> <p>The gates shall not be installed as electric gates.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network and protect the health and safety of the adjacent Lime Trees.</p>
6	Tree retention (Compliance)
	<p>CONDITION: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.</p> <p>REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</p>
7	Tree protection (details)
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees.

	<ul style="list-style-type: none"> 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 <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>
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Informatives

1	Trees
	<p>The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3998:2010 Tree work – Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

ii) **Listed Building Consent (LBC) Conditions**

1	Implementation Period (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Final Appearance to Match (Compliance)
	<p>CONDITION: All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture and profile.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage assets.</p>

3	<p>Materials (Details)</p> <p>CONDITION: Detailed, drawings, a methodology or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:</p> <ul style="list-style-type: none"> a) a sample of slate which shall be natural b) detailed drawings of the new windows in elevation and section also showing the reveal with the glazing bar detail shown at 1:1, such new windows shall be painted timber c) a schedule of the internal doors to be replaced and detailed drawings in elevation and section of the replacement doors which shall be painted timber d) a methodology for the repair of the southern chimney stack e) details of the paint colour for the external redecoration of the stucco and render which shall match that existing f) detailed drawings of the new rainwater pipe on the north elevation together with details of its material and finished colour. g) notwithstanding the approved drawings, detailed drawings of boxing out at 2nd floor for bathroom services to show proposed height and details <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
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APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 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 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 - Spatial Development Strategy for Greater London

- Policy GG2 Making best use of land
- Policy GG3 Creating a healthy city
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivery good design
- Policy D6 Housing Quality and Standards
- Policy E1 Offices
- Policy HC1 Heritage conservation and growth
- Policy SI1 Improving air quality
- Policy SI2 Minimising greenhouse gas emissions
- Policy SI3 Energy Infrastructure
- Policy T2 Healthy streets
- 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 CS12 Meeting the Housing Challenge
- Policy CS13 Employment Spaces

C) Development Management Policies June 2013

- DM2.1 Design
- DM2.3 Heritage
- DM3.4 Housing Standards
- DM5.2 Loss of existing business floorspace
- DM6.5 Landscaping, Trees and Biodiversity
- DM7.1 Sustainable design and construction statements
- DM7.4 Sustainable design standards
- DM8.2 Managing transport impacts
- DM8.5 Vehicle Parking
- DM9.2 Planning Obligations

D) **Draft Islington Local Plan (2019)**

- Policy S2 Sustainable design and construction
- Policy S3 Sustainable design standards
- Policy H4 Delivering High Quality Housing
- Policy H5 Private Outdoor Space
- Policy T2 Sustainable transport choices
- Policy T3 Car-free development
- Policy T4 Public Realm
- Policy DH1 Fostering innovation and conserving and enhancing the historic environment
- Policy DH2 Heritage assets

3. **Designations**

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

- Grade II Listed Building
- Archaeological Priority Areas
- Canonbury Conservation Area
- Cycle Routes (Local)
- Article 4 Direction A1-A2 (Rest of Borough)
- Tree Preservation Order x 6

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

The following SPGs and/or SPDs are relevant:

- | <u>Islington Local Development Plan</u> | <u>London Plan</u> |
|--|-------------------------------------|
| - Environmental Design (2012) | - Housing |
| - Urban Design Guide (2107) | - Sustainable Design & Construction |
| - Canonbury Conservation Area Design Guidance (2002) | |
| - Affordable Housing Small Sites (2012) | |

Appendix 3 Decision notice and delegated report for related S73 application ref P2018/0852/S73 (no longer extant)



PLANNING DECISION NOTICE

TJR Planning
Suite 3 The Mansion
Wall Hall Drive
Aldenham
WD25 8BZ

Development Management Service
Planning and Development Division
Environment & Regeneration Department

Case Officer: Owen Griffiths
T: 020 7527 5844
E: planning@islington.gov.uk

Issue Date: 09 August 2018
Application No: P2018/0852/S73

(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Approve with conditions and legal agreement

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

Location:	1 Canonbury Place, LONDON, N1 2NQ		
Application Type:	Removal/Variation of Condition (Section 73)		
Date of Application:	07 March 2018	Application Received:	07 March 2018
Application Valid:	07 March 2018	Application Target:	02 May 2018

DEVELOPMENT:

Section 73 application to remove condition 5 of planning permission P2016/0411/FUL which was for the erection of an outbuilding following demolition of existing outbuilding, erection of a single storey rear garden room, and general refurbishment in connection with the restoration of the building back into a single family dwelling house. Condition 5 stated that "notwithstanding the hereby approved plans, no permission is granted for any off street car parking to occur on the site. The site shall not have any off street parking provision into perpetuity".

PLAN NOS: Planning Design and Access Statement, Arboricultural Impact Assessment, PL 001 REV P3, PL 002 REV P3, PL 100 REV P1, PL 101 REV P1, PL 102 REV P1, PL 103 REV P1, PL 104 REV P1, PL 110 REV P4, PL 111 REV P4, PL 112 REV P3, PL 113 REV P2, PL 114 REV P2, PL 116 REV P2, PL 117 REV P2, PL 118 REV P1, PL 119 REV P2, PL 120 REV P2 & PL 121 REV P1, 0641 PL001 P2, Planning Statement prepared by TJR Planning dated March 2018

CONDITIONS:

- 1 S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development hereby permitted shall be begun not later than the expiration of 07/10/2019.

REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 07/10/2016 [P2016/0411/FUL].

Furthermore, 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 DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:

Planning Design and Access Statement, Arboricultural Impact Assessment, PL 001 REV P3, PL 002 REV P3, PL 100 REV P1, PL 101 REV P1, PL 102 REV P1, PL 103 REV P1, PL 104 REV P1, PL 110 REV P4, PL 111 REV P4, PL 112 REV P3, PL 113 REV P2, PL 114 REV P2, PL 116 REV P2, PL 117 REV P2, PL 118 REV P1, PL 119 REV P2, PL 120 REV P2 & PL 121 REV P1, 0641 PL001 P2, Planning Statement prepared by TJR Planning dated March 2018

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

- 3 MATERIALS (COMPLIANCE): The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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.

- 4 CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:

- i) In the case of disabled persons,
- ii) In the case of units designated in this planning permission as non car free, Or
- iii) 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.

REASON: To ensure that the development remains car free.

- 5 CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods: the arboricultural method statement, AMS in accordance with Clause 7 of British Standard BS 5837 2012 -Trees in Relation to Demolition, Design and Construction and construction method statement have been submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved details.

REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2016, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013.

- 6 **CONDITION:** A scheme of supervision and monitoring for the arboricultural protection measures outlined in Condition (see above) and in accordance with para. 6.3 of British Standard BS5837: 2012 - Trees in Relation to design, demolition and construction - recommendations has been approved in writing by the local planning authority. The scheme of supervision shall be carried out as approved and will be administered by a qualified arboriculturist instructed by the applicant. This scheme will be appropriate to the scale and duration of the works and will include details of:
- a. Induction and personnel awareness of arboricultural matters;
 - b. Identification of individual responsibilities and key personnel;
 - c. Timing and methods of site visiting and record keeping.
 - d. Procedures for dealing with variations and incidents.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed arboriculturist during construction.

REASON: To ensure the appropriate retention and protection of suitable trees for applications which involve complex tree issues in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2016, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013

Your attention is drawn to any **INFORMATIVES** that may be listed below

Certified that this document contains a true record of a decision of the Council

Yours faithfully

A rectangular box containing a handwritten signature in black ink that reads "Karen Sullivan".

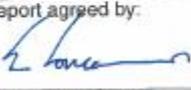
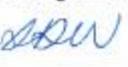
KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER

DELEGATED REPORT

Application number	P2018/0852/S73
Application type	Removal/Variation of Condition (Section 73)
Site Address	1 Canonbury Place, LONDON, N1 2NQ
Proposal	Section 73 application to remove condition 5 of planning permission P2016/0411/FUL which was for the erection of an outbuilding following demolition of existing outbuilding, erection of a single storey rear garden room, and general refurbishment in connection with the restoration of the building back into a single family dwelling house. Condition 5 stated that "notwithstanding the hereby approved plans, no permission is granted for any off street car parking to occur on the site. The site shall not have any off street parking provision into perpetuity".

Constraints

GRADE II	CONSTRAINT	GRADE II
iArchaeological Priority Areas 170914	10	Canonbury Manor House
iConservation Areas 170914	CA8	Canonbury
iConservation - Art 4 - 170914	19	Article 4(2) Canonbury
iCycle Routes (Local) 170914	Development Management Po	Local cycle routes
iArticle 4 Direction A1-A2 (Rest of Borough)	45	23623111
iTree Preservation Order	23908521	23917332
iTree Preservation Order	23908522	23917333
iTree Preservation Order	23908523	23917334
iTree Preservation Order	23908524	23917335
iTree Preservation Order	23908525	23917336
iTree Preservation Order	23908526	23917337
iListed Buildings 170914	TQ3184SE130619	II

RECOMMENDATION	Approve with conditions <i>α Legal agreement</i>	
Report date	26 July 2018	
Case officer signature	Owen Griffiths	Date:
Report agreed by (signature)	Report agreed by: 	Date: 8/8/18
Authorising Officer signature	Authorising Officer: 	Date: 8/8/18

INTRODUCTION

Site

1. No. 1 Canonbury Place is an end of terrace Georgian building located on the corner of Canonbury Place and Alwyne Villas. The building is three storeys in height plus a basement and mansard roof.
2. The building was originally constructed as a residential house. However, it was most recently used Sir Basil Spence and his architectural practice, and then from 1980 the building was used by Max Bitel Solicitors. Planning permission (P2015/0439/LBC and P2015/0361/FUL) was recently granted for the reinstatement of the building back to a dwelling house, but this consent has not yet been implemented.
3. The building has been vacant for a number of years now and is in a very bad state of repair.
4. The rear garden of the site has an existing area of hard standing which is used for off-street parking. There is also a covered area for the parking of vehicles. Vehicular access to the site is via double gates located on Alwyne Villas. A pavement crossover also exists which allows for level access across the pavement from Alwyne Villas into the rear garden.

Proposal

5. The proposal is to remove condition 5 of planning permission P2016/0411/FUL which stated:
Condition: Notwithstanding the hereby approved plans, no permission is granted for any off street car parking to occur on the site. The site shall not have any off street parking provision into perpetuity.

REASON: In order to ensure the development remains car free and to meet the council's sustainability and transport objectives

Relevant History

6. **P2018/0576/FUL and P2018/0615/LBC:** Internal and external renovation, refurbishment and alterations to Grade II listed offices. **Decision Pending**
7. **Q2017/4379/LBC:** Pre-application advice
8. **P2016/0411/FUL:** Erection of an outbuilding following demolition of existing outbuilding; erection of a single storey rear garden room; general refurbishment and redecoration in connection with the restoration of the building back into a single-family dwelling house. **Approved** on 7/10/2016.
9. **P2015/0439/LBC and P2015/0361/FUL:** Erection of a double garage at side garden following demolition of existing outbuilding; erection of a single storey garden room at rear, general refurbishment and redecoration; and internal alterations to convert the listed building back from office into a residential house. Refused on 14/04/2015 and **Appeal Dismissed** on 17/11/2015

CONSULTATION

Public Consultation

10. Letters were sent to occupants of 45 adjoining and nearby properties on 05/04/2018. A site notice and press advert were displayed on 12/04/2018. The public consultation of the application therefore expired on 03/05/2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.

11. At the time of the writing of this report a total of 2 responses in support of the application had been received from the public including *The Canonbury Society*.

External Consultees

9. None.

Internal Consultees

12. **Highways:** No comment.
13. **Design and Conservation:** Strongly support the application.

RELEVANT POLICIES

National Guidance

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

Development Plan

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

The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Development)

Islington Development Management Policies 2013

DM2.1 Design
DM2.3 Heritage
DM8.2 Managing Transport Impacts
DM8.4 Walking and Cycling
DM8.5 Vehicle Parking

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:
- Canonbury Conservation Area Design Guidelines
- Islington Urban Design Guide 2017

EVALUATION

16. Section 73 is an application for "planning permission for the development of land without complying with conditions subject to which a previous planning permission is granted." A section 73 application is therefore often limited in its scope due to the existing permission and

while it does result in a new permission, its effect is to "amend" the conditions and cannot be used to extend the timeframe to implement a permission. A section 73 cannot be used where the development proposed is fundamentally different to the original permission, such as on an entirely new site area.

Conservation and design

17. Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
18. The applicant asserts that condition 5 of P2016/0411/FUL makes implementation of the scheme for a residential dwelling unviable. Marketing assessments from Alwyne Estates and Hotblack Desiato demonstrate that there is no realistic prospect of the building being renovated as a house given the low rental value achievable for such a dwelling without off-street parking.
19. Vehicular parking already exists within the curtilage of the site and the removal of condition 5 merely seeks to retain the existing on-site parking. The proposal does not seek to provide a new or enlarged area of on-site parking.
20. Paragraph 191 of the ^{revised (2018)} NPPF advises local authorities to take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." In this case, the building was originally constructed as a single-family dwelling house and DM2.3.C iv) states that the best use for a listed building is usually that for which it was designed.
21. It is considered that the removal of condition 5 would assist in the likelihood of P2016/0411/FUL being implemented and in turn would return the heritage asset back into its original use as a residential dwelling house. Policy DM2.3.C(i) states that listed buildings are required to be conserved or enhanced and appropriate repair and reuse of listed buildings will be encouraged. The successful implementation of P2016/0411/FUL is important to ensure that the grade II listed building is preserved and prevented from falling into a further state of repair. As such it is considered that the removal of condition 5 will facilitate the maintenance and enhancement of a significant heritage asset. This is considered to be an "other material considerations" required by section 38(6) of 2004 Planning and Compulsory Purchase Act states.
22. Although the aesthetic and historic significance of the site would be enhanced by the removal of on-site car parking, its retention will not cause any significant harm to building or its setting. *The harm would therefore be less than substantial and the benefits of retaining this building would ensure its conservation a fabric for future years. The Design & Conservation Officer is supportive of these sympathetic improvements to historic.*
23. Overall, the proposal is considered acceptable from a conservation and design perspective.
24. In line with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.

Highways and Transportation

25. If condition 5 were to be removed, on-street parking for the site would be restricted under the development's S106 Unilateral Obligation. Therefore, if the S73 application were to be granted, it would result in no additional pressure upon on-street parking.

** It is also noted in Para 193 of the revised NPPF 'when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether potential harm amounts to substantial, less or no harm to the asset.'*

26. Islington Council has a car free policy for all new development. In regards to residential parking, DM8.5 states that:

of Development Management Policies

Applications for vehicle parking within the curtilage of existing residential properties will be refused. No provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair-accessible parking. In line with the Core Strategy [CS10], all additional homes will be car free. Unless exceptional circumstances can be demonstrated, no parking permits will be issued to occupiers of these new homes.

27. Although DM8.5 makes it clear that no vehicle parking will be allowed for new homes, vehicle parking already exists within the curtilage of the site and the removal of condition 5 merely seeks to retain the existing on-site parking. The proposal does not seek to provide a new or enlarged area of on-site parking.

28. It is considered that the exceptional heritage considerations (outlined above) and the existing nature of the site's off-street car parking, outweigh the requirement for P2016/0411/FUL to be car free.

29. DM8.2 requires development to have no negative impacts on the safe and efficient operation of transport infrastructure. In this case, the site's existing vehicle crossing is located on Alwyne Villas which is a relatively quiet residential street. The site's existing vehicle crossing has been in existence for well over 5 years and its retention will not result in any change to the operation of this existing vehicle crossing. As such it is considered that the removal of condition 5 will not result in any safety or amenity impacts on the operation of the highway in comparison to the existing situation. Furthermore, it is noted that P2016/0411/FUL involves the restoration of the building to a single dwelling house and it will therefore have relative low number of daily vehicle movements. *It must also be noted that condition 4 of the original decision would be retained. This restricts all future occupiers from obtaining on street parking permits which would ensure no negative impact on the safe*

30. Overall, it is considered that the proposal is acceptable from a highways perspective. *It also noted the Council's Highways Team do not have any issue with the proposal. efficient operation of transport infrastructure*

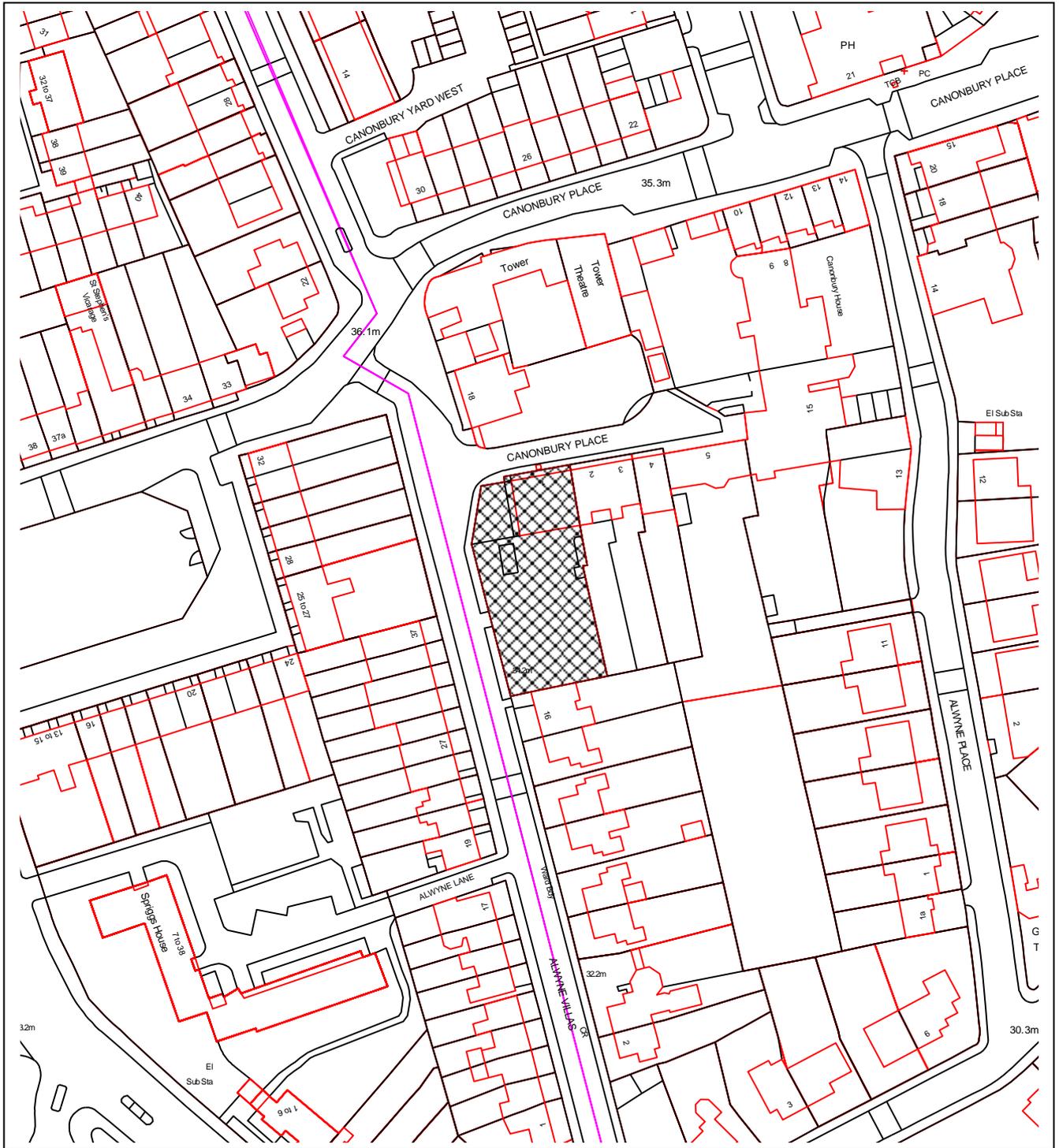
Neighbouring Amenity

31. Given the site already has an existing area of on-site parking (to which no change is proposed), the proposal will not have any material impact on the amenity of any neighbouring properties. As such the development accords with DM2.1(x) in regards to amenity.

Conclusion

32. On balance it is considered that the proposal is acceptable and accords with the relevant planning policies. It is recommended that the application is approved.

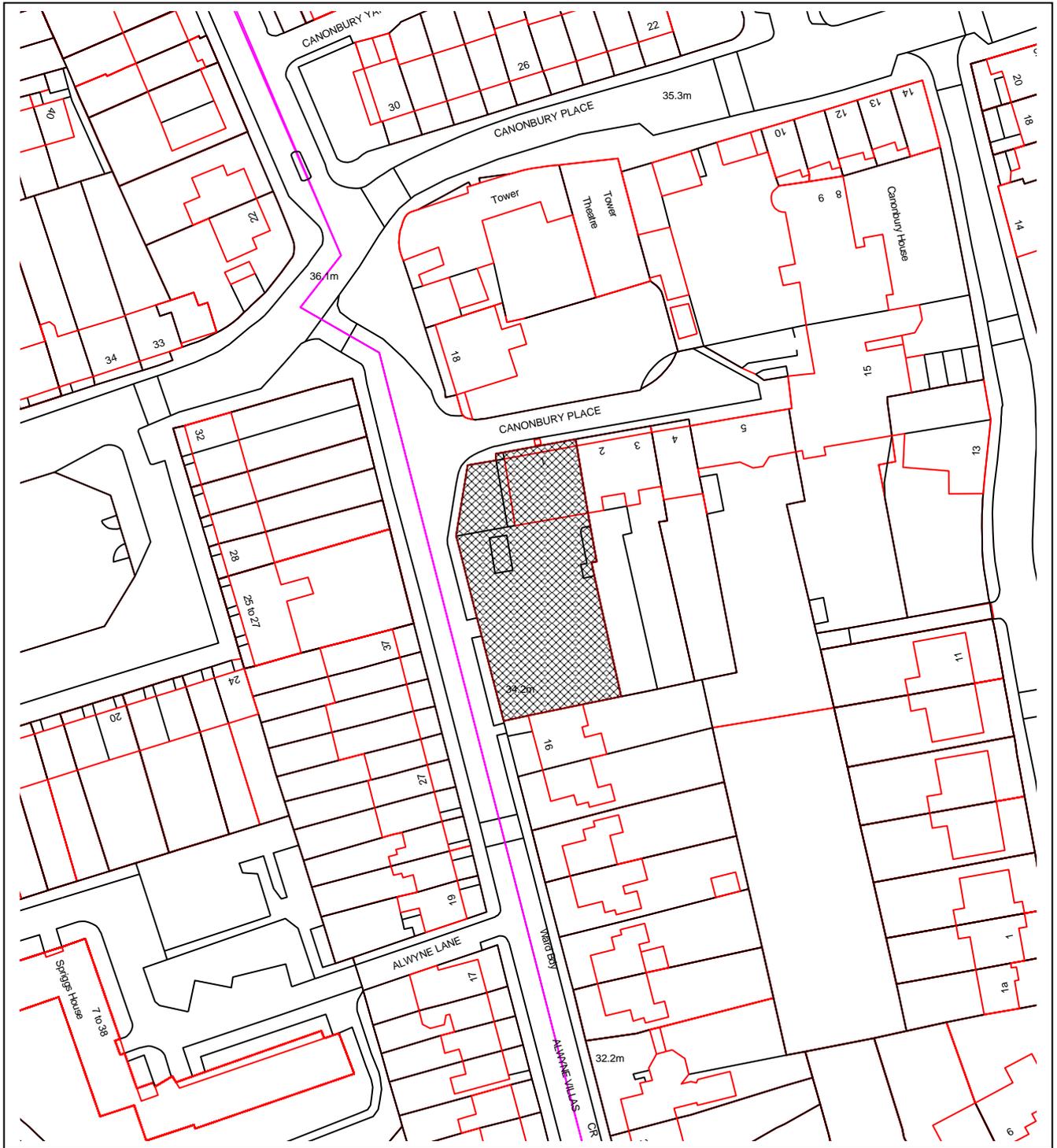
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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE B		
Date:	1 st March 2022	NON-EXEMPT

Application number	P2021/3215/FUL
Application type	Full Planning Application
Ward	Tollington
Listed building	Not Listed
Conservation area	Within 50m of the Mercers Road/Tavistock Terrace Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Local Shopping Area Upper Holloway; - Strategic Cycle Route; - Within 100m of TLRN; - Article 4 Direction A1-A2 (Local Shopping Area) - Within 50m of three Conservation Area.
Licensing Implications	None
Site Address	634-638 Holloway Road, London, N19 3NU
Proposal	Demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class E) at ground floor level as well as refuse and cycle storage.

Case Officer	Owen Griffiths
Applicant	Mr Nick Cockburn
Agent	Planning Potential - Mr Niall Hanrahan

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in black)



Image 1 – Site Location Plan

**Mercers Road/
Tavistock Terrace (CA24)**

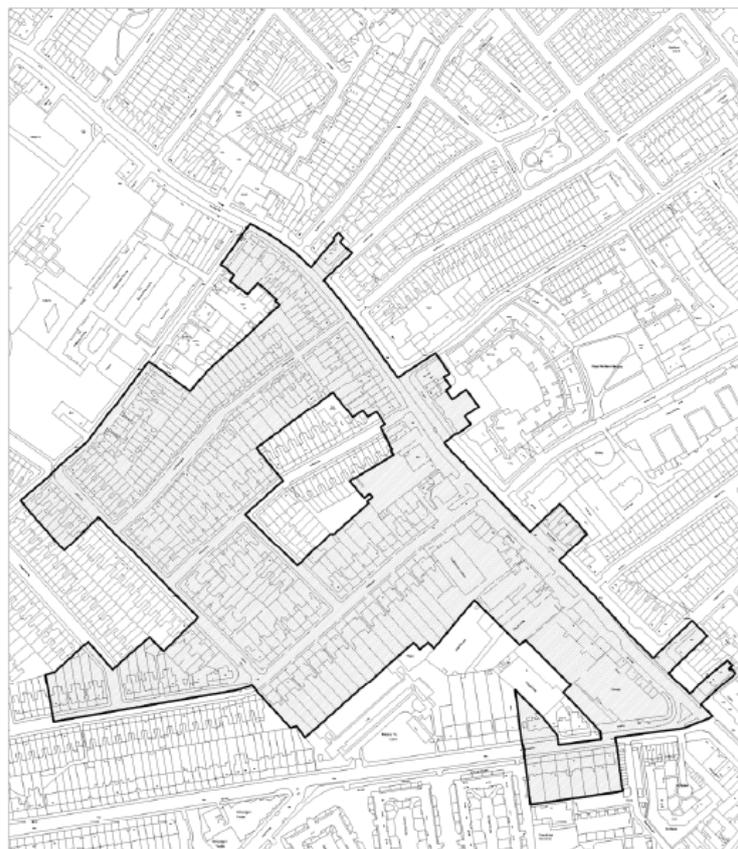


Image 2 – Conservation Area Boundary

3. PHOTOS OF SITE/STREET

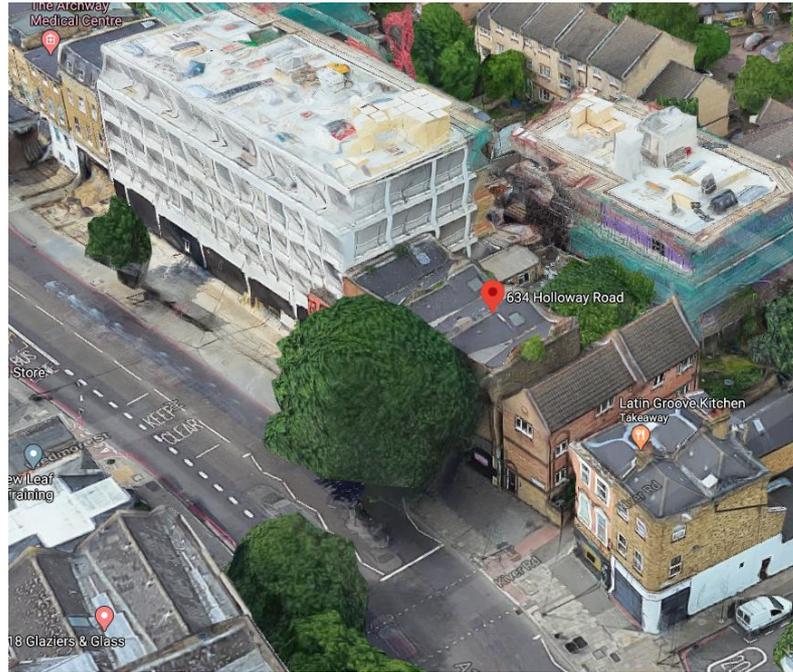


Image 3 - Aerial View of Site



Image 4 – Street Level View from Holloway Road



Image 5 – Rear View



Image 6 - Rear View from Kiver Road

4. SUMMARY

- 4.1 Permission is sought for the demolition of the existing three storey mixed use terraced row of buildings and for the erection of a five storey mixed use building including 7 residential units as well as a commercial office unit on the ground floor.
- 4.2 The application is a resubmission of a previously refused scheme that was also dismissed at appeal by the Planning Inspectorate. The application was previously brought to Planning Sub-Committee B in December 2020 with a recommendation of approval but this was overturned by Members of the Committee and the application was subsequently refused by the Council.
- 4.3 The total height of the new building will be 16.8m and includes a part fifth storey level with an adjoining flat roof terrace area set back from Holloway Road. The remaining units on the lower levels include balconies to the rear.
- 4.4 The application site neighbours a similar development site to the north and east that was granted planning consent in 2014 and is currently under construction nearing completion. The current development matches the neighbouring building in terms of height and building lines to the front and rear.
- 4.5 The overall design of the development has been assessed in terms of its quality, effect on the neighbouring conservation area and effect on neighbouring amenity. It is concluded that the design is of a sufficiently high quality and there is no harm caused to surrounding heritage nor residential amenity.
- 4.6 Conditions are recommended to ensure the development adequately addresses sustainability issues via carbon emission reductions and photovoltaic (PV) panels.

5. SITE AND SURROUNDING

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

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

6. PROPOSAL

- 6.1 The application is a resubmission of a previously refused application that was subsequently dismissed at appeal. The previous application was refused due to the proposed use of an exposed precast concrete frame and the current application has amended this and red brick finish is now proposed. The previous refusal decision notice and the 8th December 2020 Sub-Committee B meeting minutes are included at Appendix 3 and the Inspectors Appeal Decision is included at Appendix 4.
- 6.2 It is proposed to demolish the existing three storey terrace row of buildings at the site and to erect a part four storey and part five storey building comprising of 7 new residential units (1 x 1-bed, 5 x 2-beds and 1 x 3-bed) on the upper floors with commercial office floorspace (Class E) at ground floor level.
- 6.3 Access to the new units will be provided from Holloway Road with residential cycle and refuse storage located at ground floor level. The commercial refuse store is located between the residential entrance to the north and the commercial unit's entrance to the south. Both the residential floorspace and the commercial floorspace have their own separate outdoor space to the rear.
- 6.4 The commercial unit is proposed to be an office unit (Class E). The new Use Class Order 2020 came into effect on 1st September 2020. This has introduced Use Class E which now includes office use (formerly use class B1a) as well as other uses including retail (formerly use class A1), Restaurant (formerly use class A3) and Gym (formerly use class D2). Therefore, it would be possible for the commercial floor space to change to any of the uses within the E Use Class as prescribed in the Use Class Order 2020 without the need to obtain planning permission. However, a condition is advised to limit the future use of the commercial space in the new development

7. RELEVANT HISTORY

PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
P2019/3143/FUL	Demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class E) at ground floor level as well as refuse and cycle storage.	Refused at Committee	21/12/2020 Dismissed at Appeal 07/09/2021
P2012/0450/FUL	Demolition of existing 3 storey building comprising betting shop and 2 residential flats. Construction of new 4 storey building	Approved	22/05/2013

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

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 148 adjoining and nearby properties on Holloway Road, Kiver Road and Kingsdown Road on the 5th November 2021.
- 8.2 A site notice and press advert were displayed on 11th November 2021. The public consultation of the application therefore expired on 5th December 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 writing this report **one objection** and one comment had been received. The corresponding paragraphs where these issues are addressed in the report are provided in brackets after each point.
- 8.4 Objection:
- This building is not in keeping with the character and appearance of the conservation area. (**Paragraph's 10.31 & 10.32**)
 - There have already been new builds that are not in keeping with surrounding buildings, but this is not a reason to support this building. (**Paragraph's 10.12 & 10.13**)
 - The height and design of this building alters this part of the area, the design is modern and imposing, moving away from the residential period design of most the surrounding buildings. (**Paragraphs 10.12 - 10.13 and 10.20**)
 - The part four & part five storey building is much higher than pre-existing buildings at the site and will significantly block sunlight in surrounding gardens. (**Paragraphs**

10.46).

- We do not trust the sunlight impact reports as the previous large-build next door has significantly impacted sunlight, despite the report asserting the contrary. **(Officer Comment: There is no substantive reason or evidence to the contrary to dispute the findings of the Daylight/Sunlight Report)**
- A shorter building needs to be considered, with less modern brutalist design. **(Paragraph's 10.12, 10.21 and 10.22)**

8.5 Comment:

- Islington Swift Society: Request that a significant number of integrated swift nestbox bricks are installed near roof level which would provide an aesthetically acceptable and zero maintenance way to provide a long-term resource to protect this species and improve the local biodiversity, in line with Islington Council's guidance on this issue (Biodiversity Action Plan, and new Local Plan). Biodiverse roof and/ or bat boxes would further enhance biodiversity in line with the Biodiversity Action Plan (bats are recorded at nearby Whittington Park).

External Consultees

8.6 TfL:

- The proposed development is on Holloway Road which forms part of the Transport for London Road Network (TLRN). TfL are the highway authority for the TLRN, and are therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.
- Satisfied with the use of a conditions regarding Construction Management and Delivery / Servicing.

(Conditions 8, 9 and 15)

- Support the requirement of the carriage way and footway along Holloway Road not being blocked and secured via condition.

(Requirement included in Condition 8)

- A S106 contribution for a disabled bay and a car free development is supported.
- The cycle parking indicated complies with the London Plan.
- Surrounding trees must not be harmed during development.

Internal Consultees

8.7 Inclusive Design Officer

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

- Storage and charging for mobility scooters should be provided should be provided.

8.8 Conservation and Design Officer:

- The proposed alternative material palette complies with Council guidance and accords with the considerations raised by the Planning Inspectorate in the previously dismissed appeal with the removal of pre cast concrete frame and a more traditional brick finish proposed.

8.9 Tree Preservation Officer:

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

8.10 Refuse and Recycling:

- Confirmed collections from Holloway Road is acceptable.

8.11 Highways

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

8.12 Sustainability

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

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;

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

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

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

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

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

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

National Guidance

- 9.9 The National Planning Policy Framework 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

- 9.10 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.

Emerging Policies

Draft Islington Local Plan 2019

- 9.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27th June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October.
- 9.12 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).
- 9.13 Emerging policies that are relevant to this application are set out in below:
- Policy H1 Thriving Communities
 - Policy H3 Genuinely Affordable Housing
 - Policy H5 Private Outdoor Space
 - Policy G4 Biodiversity, Landscape Design and Trees
 - Policy S2 Sustainable Design and Construction
 - Policy T2 Sustainable Transport Choices
 - Policy T5 Delivery, Servicing and Construction
 - Policy DH2 Heritage Assets
 - Policy H2 New and existing Conventional Housing
 - Policy H4 Delivering High Quality Housing
 - Policy S1 Delivering Sustainable Design
 - Policy S3 Sustainable Design Standards
 - Policy T3 Car Free Development Parking

- Policy DH1 Fostering Innovation and Conservation and Enhancing the Historic Environment.

Designations

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

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Mix of Residential Units
- Design and Conservation
- Neighbouring Amenity
- Standard of Accommodation
- Inclusive Design
- Highways and Transportation
- Sustainability
- Refuse and Recycling
- Trees
- Planning Obligations and CIL

Land-use

10.2 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.

10.3 Policy DM4.6 Relates to Local Shopping Areas and it is stated that (Part A) Proposals will only be permitted where an appropriate mix and balance of uses within the Local Shopping Area, which maintains and enhances the retail and service function of the Local Shopping Area, is retained. Part B requires marketing to be conducted to justify any loss of retail as well as ensuring there will not be a harmful break in the continuity of retail frontages and that the replacement use would not have an adverse effect on the vitality, viability and predominantly retail function of the Local Shopping Area.

10.4 The proposed development would provide seven residential units with office floorspace at ground floor level. The existing site has a history of being used for similar purposes with three residential dwellings above commercial units. In 2012 a planning application was approved (Ref: P2012/0450/FUL) to demolish the current building on the site and to provide 6 residential units above commercial A2 (Financial Services) floorspace. As the historic buildings remain on site this permitted use was not implemented.

- 10.5 There is an existing retail unit at 634 Holloway Road that was last occupied in April 2018 and has an internal floor area of 94sqm. 636-638 Holloway Road was previously occupied as a Bookmakers (Sui Generis use) and has been vacant for 7 years. It is proposed to replace these ground floor uses with office floorspace (114sqm) as well as providing access for the residential units on the upper levels.
- 10.6 No marketing has been provided to justify the loss of the retail floorspace in the local shopping area which is a requirement under DM4.6 Part B (i). However, since Class E came into effect from the 1st September 2020, the ground floor unit could be used for any other use within Class E such as an office, gym or estate agents.
- 10.7 The Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. The amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which encompasses office use, together with many other town centre uses. The application proposes the introduction of additional office floorspace, with no other uses proposed. The assessment of the proposal is based on the applicant's submission for office use but it would be possible under Class E for the floorspace to be changed to any of the previous uses that are now included under Class E. These include such previous uses as Retail (A1), Professional Services such as an estate agents (A2), Restaurant (A3), Gym (D2), and Medical Centre (D1), Creche (D2) or a light industrial use suitable in a residential area (B1c). There are resultant amenity considerations for all of these uses and this issue will be addressed in the neighbouring amenity section below from paragraph 10.55).
- 10.8 The neighbouring development site at 640-650 Holloway Road (Ref: P2014/3494/FUL) is now complete and the ground floor commercial unit is occupied by the Co-Op supermarket as well as a separate gym to the north. The retail statement submitted in support of the current and previous application is from October 2019. It identifies that the local shopping area has a 27% retail occupancy of ground floor buildings although given this is dated from over two years ago it is concluded to be out of date for the current assessment. However, as the neighbouring site includes a substantial retail unit and due to the inclusion of Class E and the flexibility this brings in terms of commercial high street uses, the new Class E office unit at the site is acceptable. A condition is advised to restrict the Class E uses that can be implemented at the site due to potential amenity impacts that are addressed below from section 10.56. Such a condition was previously recommended as part of the refused application.

Design and Conservation

- 10.9 Paragraph 193 of the NPPF (2019) states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Furthermore, at paragraph 196: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.10 London-wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

- 10.11 The new building at the site will be four storeys in height with an additional partial width setback fifth storey. The building will have a red brick facia material, bronze panelling and aluminium powder coated framed windows. The top floor addition will have the same bronze panelling façade as is found on the lower levels to the elevation facing Holloway Road.

Bulk, Height and Massing

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

Elevational treatment and materiality

- 10.16 Planning permission was refused for a previous scheme at the site in December 2020 at Planning Sub-Committee B, (P2019/3143/FUL). While the application had been recommended for approval by officers, members objected to the materiality of the design and considered that the 'over reliance' on an expressed concrete frame as an integral part of the architecture was harmful to the setting of the Conservation opposite the site.



Images 7 & 8: Example of Exposed Concrete Frame and Appearance from Previous Refusal

- 10.17 This decision was appealed by the applicant and in October 2021 the Planning Inspectorate dismissed the appeal, (Ref: APP/V5570/W/21/3271749). The Inspector upheld the Council's grounds for refusal as they related to the materiality of the scheme stating that 'the primary facade would clearly depart from the principle brickwork construction seen in most buildings nearby' (Images 9 & 10). The Inspectors Appeal Decision is included at Appendix 4.



Images 9 & 10: Appearance of Refused Scheme in Surrounding Context

- 10.18 The Inspector advised that such a feature was not found along the Holloway Road and would therefore fail to successfully integrate within the surrounding urban form. It was noted that due to the scale and height of the development, this would mean that there would be a significant volume of exposed pre cast concrete frame on display. The appeal decision acknowledged that the proposal has been carefully designed not to simply extend the design on the new building at 640-650 Holloway Road but did not consider that the predominance of such contemporary materials, the exposed concrete frame, was a successful element of the transition.
- 10.19 The current application has addressed the previous reason for refusal and the Inspectors comments by altering the elevational treatment and the proposed materiality of the scheme. The exposed concrete frame has been replaced with brickwork with brick 'piers' replacing the 'frame' (Images 11 and 12). The dominant material of the building has been changed to a rich red brick and this now firmly reads as the primary material. Bronze coloured panelling and bronze coloured powder coated aluminium framed windows remain but are compatible in both colour and materiality with the red brick.
- 10.20 The removal of the exposed concrete frame and its replacement with red brickwork responds appropriately to the Inspectors' concerns with brick being the dominant material to this part of the Holloway Road including the heritage assets adjacent to the western edge of the Holloway Road. As such the materials are considered suitably urban and contextually compatible. They will sit comfortably with the architecture as proposed, and within the sensitive setting of multiple heritage assets.



Images 11 & 12: Example of Brick Facia Material and Appearance for Proposed Scheme

- 10.21 A key UDG objective is for materials to be “of a high quality, be robust, sustainable and appropriate to their context”. With regard to brickwork, the guide states clearly in paragraph 5.124 that the choice of a good quality brick is generally a preferred and acceptable choice of material. It is also the predominant material used in this particular context including within the adjacent Mercers Road / Tavistock Terrace Conservation Area and to the Kingsdown Road locally listed houses.
- 10.22 The proposed materials palette therefore complies with Council guidance and accords with the considerations raised by the Planning Inspectorate as well as Members of Planning Sub-Committee B. Officers note the importance the selection of a high quality finished brick and a sample panel of the final proposed brick finish and mortar course will be secured via condition on materials. Officers will not accept brick slips to be used as a finishing material in this case as it would relate poorly with the existing context in and around the site.

Impacts on Heritage Assets

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

- 10.26 Paragraph 24.2 of the Conservation Area Design Guide states that the character of the area comprises largely commercial frontages to Holloway Road with predominantly residential side streets. It includes an attractive range of Victorian buildings and the relatively few buildings that were developed subsequently have 'generally added to the character of the area'.
- 10.27 Paragraph 24.3 of the Conservation Area Design Guide states that planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.
- 10.28 This site is located on the eastern edge of Holloway Road, immediately opposite the north eastern boundary of the conservation area, specifically opposite numbers 529 – 531 Holloway Road. These two buildings are also locally listed, increasing their sensitivity to change. The conservation area while primarily located to the west of the Holloway Road, including much of its western edge and does, on occasion, straddle this busy primary road to capture several important buildings and terraces within its boundary to the eastern side of the Holloway Road. One such building is the Crown Public House at 622 Holloway Road which is within the visible sphere of the application site and thus included within its setting. Therefore, any redevelopment of the site will have an immediate impact on the setting of this heritage asset.
- 10.29 Paragraph 24.8 of the Conservation Area Design Guide states that efforts will be concentrated to ensure that where development does take place, it enhances the character of the area and makes a positive contribution to the streetscene. The buildings within the conservation area have a relatively high degree of architectural uniformity and are instantly recognisable as Victorian given the display of typical characteristics including the rhythmic plot, roof and fenestration patterns, decorative window and door surrounds, pitched and parapet roof lines and forms, and extensive use of London Stock Brick.
- 10.30 The proposed development lies on the eastern side of Holloway Road. This primary road physically separates, and indeed serves, the site from the majority of the conservation area due to the high volume of traffic coupled with the width of the road.
- 10.31 The proposed building, at 4 and 5 storeys high, is compatible with the general storey height ambient of much of the Holloway Road and is not excessively higher than that within the predominantly residential Conservation Area which has a storey height ambient of 3 storeys. Its design is appropriately modern with a well-conceived elevation and an attractive use of good quality contemporary materials. These materials, being predominantly a red brick, with and a bronze coloured panelling and fenestration, create a palette that is complimentary to the dominant London stock typically deployed throughout the adjacent conservation area.
- 10.32 The proposal is considered to have a neutral impact on the setting of the conservation area and is therefore acceptable. In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not considered to cause harm to the character nor the appearance of the neighbouring conservation area for the reasons outlined above.

Locally Listed Buildings

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

- 10.35 The proposal is thereby considered to have a *neutral* impact on the setting of the nearby locally listed buildings.
- 10.36 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. This special regard concludes that the impact on the listed building is neutral.

Neighbouring Amenity

- 10.37 Policy 7.6 of the London Plan states that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.38 The overall massing and volume of the built form has not changed from the previous scheme that was refused and the same Daylight / Sunlight report has been submitted in support of the current scheme as previously.

Sunlight/Daylight

- 10.39 When assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. The application has been submitted with a daylight and sunlight assessment dated 19th June 2019 and a subsequent updated version, dated 29th October 2020, was provided due to the inclusion of the part fifth floor level.
- 10.40 The assessments were carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Development Management policy DM2.1 identifies that BRE '*provides guidance on sunlight layout planning to achieve good sun lighting and day lighting*'.
- 10.41 Where the guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document emphasizes that the guidance is not mandatory and that the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Daylight

- 10.42 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);&

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.

- 10.43 The daylight results provided confirm that in all but three instances VSC figures do not drop below 27% and that NSL figures do not reduce by more than 20%. Therefore, of the 29 windows that were tested 26 meet the BRE guidance and 3 do not. The three exceptions are at Block 03, 640-650 Holloway Road, a new build development situated to the northeast of the application site. It can be seen from Table 1 that the breaches of the BRE guidance occur at windows W2 (24% reduction) and W3 (26% reduction) to room R1 (Bedroom) at first floor level and to window W4 (25% reduction) to room R2 (Living/Kitchen/Dining Room) at second

floor level (Image 13). In these instances the reductions in Daylight Distribution to room R1 at first floor level is 55% and for room R2 at second floor level is 1%.

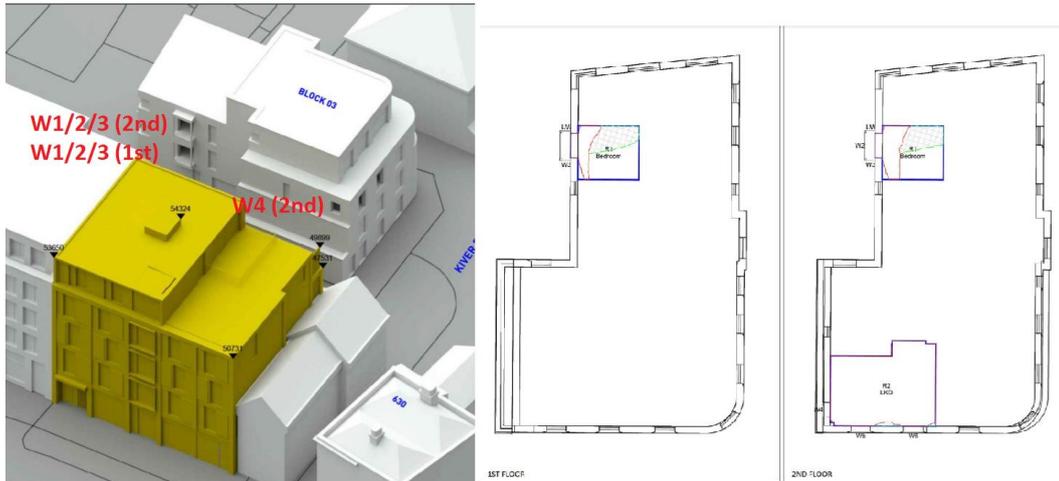


Image 13: Block 03 Window Map and Internal Daylight Distribution Floorplans

Table 1 – Daylight Results

Address	Window (floor)	Room (use)	VSC (existing)	VSC (proposed)	VSC Reduction (%)	DD Reduction (Room)
Block 03, 640 - 650 Holloway Road	W1 (1 st)	R1 (Bedroom)	12.28	12.18	0	55%
	W2 (1 st)	R1 (Bedroom)	19.40	14.73	24%	
	W3 (1 st)	R1 (Bedroom)	11.35	8.45	26%	
	W1 (2 nd)	R1 (Bedroom)	15.19	15.19	0	44%
	W2 (2 nd)	R1 (Bedroom)	24.25	19.67	19%	
	W3 (2 nd)	R1 (Bedroom)	15.46	12.70	18%	
	W4 (2 nd)	R2 (LKD)	32.50	24.36	25%	1%
	W5 (2 nd)	R2 (LKD)	36.67	36.53	0	
	W6 (2 nd)	R2 (LKD)	36.91	36.85	0	
529 Holloway Road						
	W4 (Basem't)	R3 (Bedroom)	25.01	22.74	9%	21%
531 Holloway Road						

	W1 (Basem't)	R1 (Bedroom)	24.26	21.89	10%	26%
	W2 (Basem't)	R2 (Bedroom)	22.40	20.03	11%	27%

- 10.44 For Block 03, the reduction seen at room R1 on the first floor in relation to DD is 55% but the VSC figures presented are only marginally below what normally would be permissible (at 24% and 26%). Similarly, for room R1 on the second floor, there is a DD reduction of 44% but VSC reductions are within acceptable limits (19% and 18%). As both of these rooms are secondary bedrooms to two bedroom units and as there are only minor breaches of VSC for room R1 and none for room R2, the overall reductions in DD in these instances are considered to be acceptable. The 25% reduction seen at W4 of room R2 does not raise any adverse concerns as there are three windows to this Living/Kitchen/Dining room and the other two south-east facing windows do not see any notable reductions and the DD reduction is also nominal.
- 10.45 There are two further instances in relation to DD where BRE guideline figures have been transgressed, at 529 and 531 Holloway Road opposite the application site, see Table 1. The DD reduction highlighted at 529 Holloway Road is only 1% above what would normally be considered as not having a perceivable impact and therefore the marginal breach in this instance is considered not to be consequential for the occupants of this property. At 531 Holloway Road, two basement level bedrooms will have DD reductions of 26% and 27%. Given the use and location of these rooms, at subterranean level onto a busy road, the marginal breach of DD figures is concluded to be acceptable in this instance and will not lead to unacceptable light reductions beyond what would be expected in a dense urban environment.
- 10.46 An objector to the scheme has raised concern with the additional height of the development and that this may lead to light being blocked from surrounding gardens. The height of the built form at the development site is being increased from three storey to part four, part five storey and the surrounding gardens at the site are to the rear of properties along Kingsdown Road and Kiver Road. There is sufficient separation distance between the development site and these gardens that overshadowing impacts and reduced sunlight levels are considered to be negligible.
- 10.47 It is concluded that the effect of the development in terms of loss of daylight to surrounding residential premises is acceptable and is in accordance with Policy DM2.1.

Sunlight:

- 10.48 The BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be a noticeable loss of sunlight where:
- *The centre of the window receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual probable sunlight hours between 21st September and 21st March (winter) and*
 - *Receives less than 0.8 times its former sunlight hours during either period and*
 - *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours?*

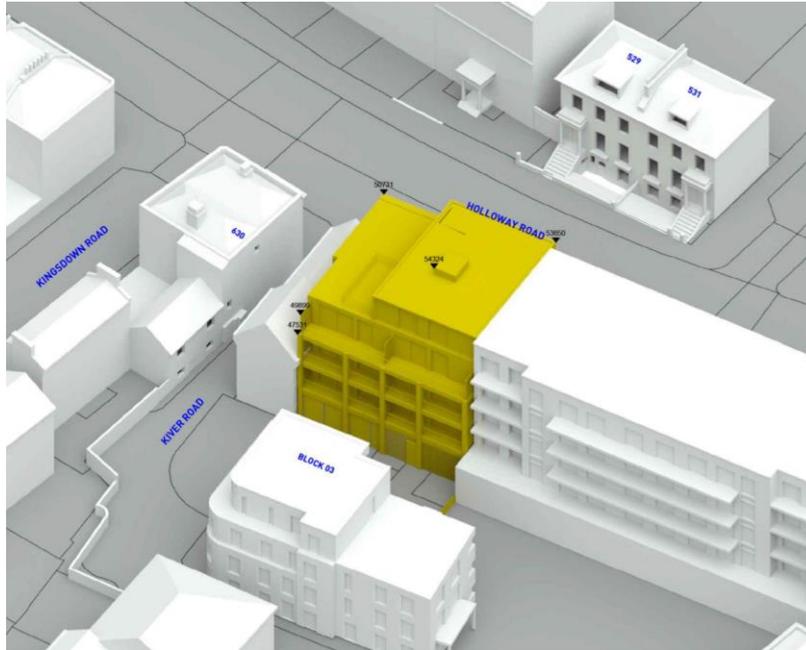


Image 14: Rear of Development Site in Surrounding Context.

- 10.49 The Sunlight results table provided in the Daylight and Sunlight Assessment October 2020 indicates that Window W3 to Room R1 (bedroom) on the first floor of Block 03 will see a 37% reduction in APSH but the other two windows to this room will not be adversely affected and the room as a whole will receive above 25% (31%) of APSH. The Winter Sunlight Hours for both the windows to this room and the room as a whole will also reduce to below 5% which does not comply with the guidance. For the same reason as previously discussed, the reductions in sunlight to this secondary bedroom in a two bedroom unit does not raise significant concerns in terms of reduced levels of sunlight for future occupants. The remainder of the property will benefit from good levels of both daylight and sunlight and the reductions to the bedroom would not result in an unacceptable impact on the amenity of future occupants.
- 10.50 In terms of sunlight and daylight the application is considered to be acceptable and accords with DM2.1

Privacy/Overlooking

- 10.51 The development proposes balconies and terraces to the residential units that face north towards Block 03 of the neighbouring development site. There will be two balconies at first, second and third floor levels as well as a roof terrace to the top floor apartment at fourth floor level. This terrace will not cover the entire flat roof space and will be set back from Holloway Road by 6.8m and from 632 Holloway Road, to the south of the site, by 3.4m. The balconies on the lower levels will face towards Block 03 with a separation distance of 6.6m.
- 10.52 Given the high level nature of the fourth floor terrace and the low separation distance of the lower level balconies, there may be overlooking implications to surrounding properties, mainly to Block 03 to the north east of the site. All the south facing windows to Block 03 are required as part of the planning permission to be obscurely glazed and consequently there will not be any privacy implications from the north facing balconies and windows within the proposed development that face towards Block 03. The fourth floor roof terrace, due to its positioning, being set back from the front and side of the roof space, and separated from the nearest residential premises along Kiver Road, would not result in unacceptable overlooking. Between the application site and the properties to Kiver Road is Block 03 which is four storeys in height. Therefore, this building will block any viewpoints towards Kiver Road from the roof terrace at the development site. It should also be noted that there is an outdoor amenity space to Block 03 at third floor level that faces Kiver Road and Kingsdown Road.



Image 15: External Amenity Space to Block 03

Outlook/Enclosure

- 10.53 The overall height of the new five storey building is 16.8m (not including lift overrun) with the partial four storey element being 13.8m. The height of the current three storey building at the site is 10.3m and therefore the overall height increase is 3.5m to the fourth storey element and 6.5m to the recessed fifth storey. The overall built footprint of development at the site is also being increased so the new rear building line matches with that of the neighbouring development site at 640-650 Holloway Road (Block 01).
- 10.54 Notwithstanding the increased massing and built footprint at the site, there will not be any reductions in outlook for surrounding residents. As has been previously identified, the new housing development to the rear of the site (Block 03) only has opaque windows that face south towards the application site, with the windows to the units in this block primarily facing north and east. Other buildings in the vicinity of the a site will not be affected in relation to outlook due to adequate separation distances and the overall modest increase in massing at the site in comparison to the existing situation.

Noise

- 10.55 The application includes a small amenity area to the rear of the building for the office floorspace. This area is directly below the residential accommodation at the site as well as to block 03 that borders the outdoor area to the north and therefore inappropriate use of this space has the potential to disturb surrounding residents. As outlined above at section 10.7, it would be possible for the office floorspace to be used as any of the uses that now fall under Class E, some of which have the potential to disturb neighbouring residents due to the nature of the use.
- 10.56 To ensure a potential future use in the commercial unit does to cause a neighbouring amenity issue, a condition is recommended that limits the potential Class E uses as no information has been provided as to the impacts of all such uses that now fall within Class E. The condition will not permit a Gym use (Class E (d) – Indoor Sports, recreation or fitness) or a Crèche (Class E (f) - Crèche, day nursery or day centre) as these uses have the potential to have amenity impacts to both surround residential occupiers as well as the future residential occupiers at the site. Further conditions are recommended that restricts the use of the

external commercial amenity area to normal working hours of 9am to 6pm, Monday to Friday and for the operation of the unit itself to between 8am and 10pm.

Conclusion on Amenity

- 10.57 Overall, the development proposed is concluded to not adversely affect surrounding occupier's amenity in terms of sunlight/daylight, privacy or having an overbearing effect. The increased massing of the development is modest when compared to the existing building at the site and represents a part single and part double storey extension over the building height that currently exists. The increased massing to the rear and associated terraces have been assessed and are concluded to not result in negative privacy or outlook implications for surrounding residential occupiers. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies

Standard of Residential Accommodation

Mix of Residential Units

- 10.58 In terms of the mix of residential units proposed on site, Development Management policy DM3.1 is relevant and requires all sites to provide a good mix of housing sizes. Table 3.1 provides further guidance and notes that for market housing the mix should be; 10% 1-beds, 75% 2-beds and 15% 3+bedroom units. The development proposes 7 units; 1 x 1-bed, 5 x 2-beds and 1 x 3 bedroom accommodation. In terms of percentages this equates to 14% 1-beds, 72%-beds and 14% 1-beds which is considered to be an acceptable mix that will support the housing needs of the borough.
- 10.59 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.60 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 which post-dates the determination of the application by the Council. From this date Councils are expected to refer to the NDSS in justifying decisions.
- 10.61 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve. For a 1 bedroom, 2 person flat the minimum requirement is 50sqm GIA with 1.5sqm of storage, for a 2 bedroom, 4 person flat; 70sqm GIA with 2.5sqm of storage and for a three bedroom, 6 person flat; 95sqm GIA with 3.5sqm of storage.
- 10.62 All the units proposed are comfortably above the minimum requirements stipulated under Table 3.2, the NDSS as well as the Mayor's minimum standards for living space. Policy DM3.4 also requires a floor to ceiling height of 2.6m for new residential development which is higher than the 2.3m requirement by the NDSS. The units across the first to third floors will have a 2.7m floor to clinging height and the top level fourth floor unit is 2.45m. While this is below the 2.6m requirement of DM3.4, lower floor to ceiling heights in roof top units of this type are common and are usually a consequence of building design considerations. The top storey should align with the neighbouring development site at 640-650 Holloway Road to provide a consistent and legible townscape. Furthermore, top storeys of this nature should also be of a subservient design with a slightly lower height than the height of the floors below.

As the height is only 15cm below Islington's minimum standard, as well as being 15cm above the national standard, the floor to ceiling height of the top floor unit is deemed acceptable in this instance. As will be addressed below, this unit also provides good levels of internal and external amenity space and overall the slightly lower ceiling height in this unit will not result in substandard living conditions for future occupants.

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

Table 2 – Area Schedule of Residential Accommodation

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

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

- 10.67 For the above reasons it is concluded that the internal layouts of the proposed residential units are concluded to be functional and will provide acceptable living conditions for future occupants. The development is therefore in accordance with Policy D6 of the London Plan 2021, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management as well as the National Space Standard, 2015.

Accessibility

- 10.68 Development Management Policy DM3.4 part A (v) states that 10% of all new housing is required to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The policy goes on to mention that 'the wheelchair accessible units should be provided across all tenures and unit sizes, and integrated within the development'. It is acknowledged that this part of the DM3.4 is more targeted towards major developments providing 10 or more units that will be providing a mixture of tenures (market, affordable, shared ownership etc...) on site and with the current application for 7 units it would not be possible to provide a fully wheelchair accessible unit as there is only one lift core in the building. It would also not be possible to provide a wheelchair unit on the ground floor as it would have to be a north facing single aspect unit due to the ground floor frontage to Holloway Road having to retain a commercial character.
- 10.69 The applicant has addressed accessibility issues and it has been stated that the development will accord with building control parts M and B and adding a further lift would compromise the commercial space and bike store (the commercial space has already been reduced to increase residential cycle parking on site). These issues are accepted and it is concluded that there is not a requirement for a fully wheelchair accessible unit to be provided in this instance. However, the units should be as accessible as possible given that there is a step free access provided via the single lift. To that end, the applicant has outlined on the floorplans how Unit B on the first floor is a Category 3 Accessible unit and that Units A, C, D and E are Category 2 Adaptable units.
- 10.70 Further comments received from the Accessibility Officer relate to the provision of cycle parking. The overall volume of cycle parking is addressed in the next section but it has been highlighted that a store and charging area for mobility scooters should also be provided. The ground floor plan in the resubmitted scheme has shown this to be provided alongside the residential cycle parking area at ground floor level.
- 10.71 In relation to the commercial floorspace, a condition is recommended (Condition 11) that will require this component of the development to meet Part M of the Building Regulations, ensuring the commercial floorspace is sufficiently inclusive for those with mobility difficulties.

Transport and Highways

- 10.72 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner and to adequately address delivery, servicing and drop-off requirements. Policy DM8.5 states that all additional homes will be car free and that applications for vehicle parking within the curtilage of existing residential properties will be refused.
- 10.73 No car parking is proposed as part of the development and the ability of future residents to obtain an on street parking permit will be restricted through the recommended legal agreement. Therefore, in terms of Development Management Policy DM8.5 the application is compliant.
- 10.74 Policy 8.4 of Islington's Development Movement Policies (2013) relates to walking and cycling. New residential development and office development over 100sqm are required to provide cycle parking in accordance with Table 6.1 at Appendix 6 of Islington Development Management Policies 2013. The requirements for residential development is 1 cycle parking space per bedroom provided and for office development the requirement is one space per 80sqm of floorspace.

- 10.75 The development includes residential cycle parking at ground floor level. 8 Sheffield stands are proposed, each providing parking for two bicycles (16 spaces in total). This is above the provision required under Appendix 6 as there are 14 bedrooms proposed. An additional accessible mobility cycle parking space is also indicated on the ground floor plan. Three further Sheffield cycle stands are also proposed in front of the commercial units providing 6 short stay spaces which can be used by the ground floor commercial unit or by those visiting the residential accommodation (Image 16). Overall, the provision of cycle parking is acceptable and accords with Policy DM8.4.
- 10.76 TfL have requested for a disabled car parking bay to be provided due to the provision of office floorspace at the site and compliance with Policy T6.5 (Non-Residential Disabled Persons Parking). Similar comments have been received from the Accessibility Officer. The overall accessibility of the development is accessed from section 10.67 above. As the site primarily fronts Holloway Road, a key strategic road in the borough that is under the authority of TfL, there is no scope for an on-street disabled parking bay to be provided to Holloway Road, nor to the rear of the site as there is insufficient vehicle access. Furthermore, there is a substantial tree in front of the site and to Holloway Road there are zig zag no stopping lines due to a pedestrian crossing to the south of the application site. The Accessibility Officer also noted that there should be safe drop off as well as on street parking but for the same reasons as above this is not possible.
- 10.77 Islington's Planning Obligations SPD (2016) states that a £2,000 per space charge is relevant where an on-site provision of disabled parking is not possible (paragraph 6.26). This will enable the council to install accessible parking bays where required. The financial contribution will be included within the Unilateral Undertaking between the applicant and the council.
- 10.78 The proposals have incorporated sufficient sustainable and accessible transport facilities to meet the transport needs of the building and is in compliance with the relevant transport policies of the London Plan and Islington's Core Strategy and Development Management Policies.
- 10.79 The Environmental Health Officer has highlighted that there may be issues in relation to delivery and servicing, particularly during the construction phase as there are a number of constraints at the site such as a pedestrian crossing with zig zag lines, that the majority of Holloway Road is a red route and as there is a substantial tree outside the site. Due to these constraints and the close proximity of neighbour residential occupiers, a Construction Method Statement (Condition 8) and a Construction Environmental Management Plan (Condition 9) have been recommended.
- 10.80 As no final user is known for the commercial unit, no detail is available in relation to the delivery and servicing arrangement for the unit at this time. Consequently, a Delivery and Servicing Plan condition is recommended, in consultation with TfL who control Holloway Road, to ensure the future use of the unit can be appropriately and safely serviced given the restricted parking and stopping arrangements on Holloway Road.

Trees

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

Refuse and Recycling

- 10.82 Commercial refuse storage is provided at ground floor level with access doors facing directly onto Holloway Road. The residential refuse store is at ground floor level with access provided from the main entrance lobby. The commercial refuse storage area is 6.7sqm and the plans indicate this can accommodate 3 x 660 litre bins and 1 x 1100 litre bin. The residential store is 10.6sqm and can 2 x 660 litre bins and a 2 x 1100 litre bins.

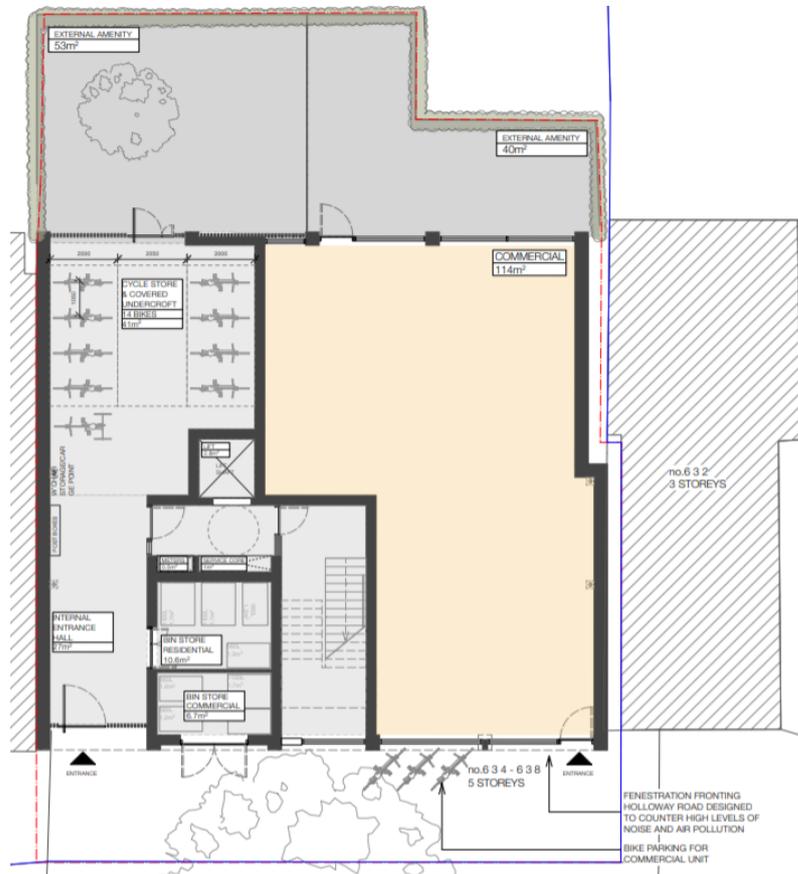


Image 16: Proposed Ground Floor Plan with Cycle Parking & Refuse Areas

- 10.83 Comments were received from the council's Refuse and Recycling Department and it was no issues were raised with regard to collections from Holloway Road as domestic collections are already made along this route. Commercial collections will be dealt with by private operators but as there are already numerous other commercial operations to Holloway Road, the collection of commercial refuse from the proposed refuse store is an acceptable arrangement. Overall, the provision of refuse storage is considered to be satisfactory given the level of occupation and scale of development at the site

Sustainability

- 10.84 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. The application has been submitted with a Sustainable Design and Construction Statement that addresses the sustainability potential of the development. Energy efficient features will be included in the construction such as thermally efficient insulation (Fabric First approach) with u values below those of building regulations. This initiative will achieve a 3.6% reduction in CO₂ per year, equivalent to 570kg CO₂, over the baselines conditions of Part L of Building Regulations.

10.85 Low carbon technologies are also proposed as part of the development such as photovoltaic panels on the flat roof area to the fifth floor unit, mechanical ventilation with heat recovery, gas savers and air source heat pumps. The combined total of reduced carbon emissions as a result of the low carbon technologies incorporated into the development is 37.4% (5,665 kgCO₂) compared to the baseline conditions over a whole year.

10.86 It is concluded that the combined inclusion of thermally efficient building materials and low carbon technologies shows sufficient accordance with the requirements of DM7.2 and that the building will be sufficiently sustainable with a relatively low carbon footprint compared to the baseline situation. A condition has been included (condition 13) to ensure the sustainability features highlighted in the Sustainable Design and Construction Statement are incorporated into the development.

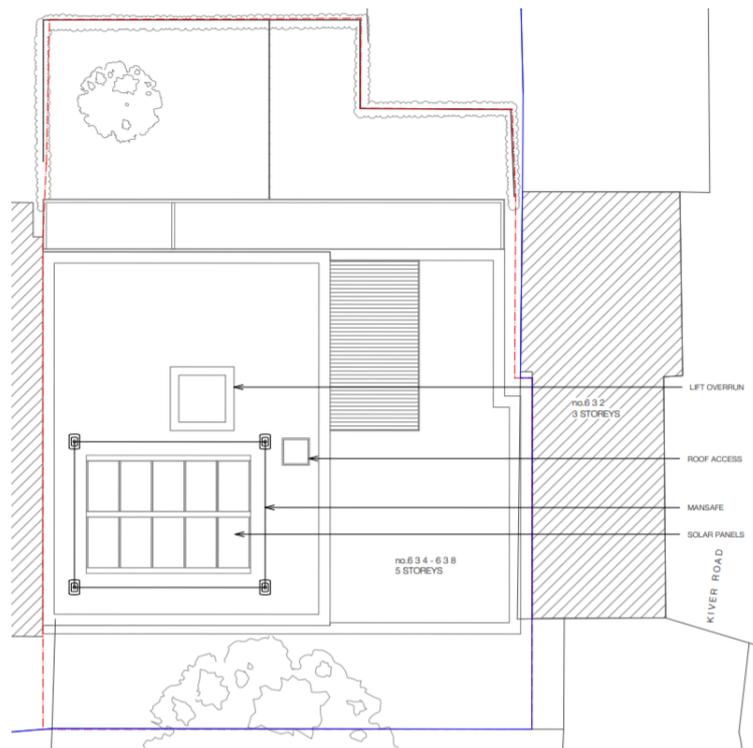


Image 17: Proposed Roof Plan with PV Panels

10.87 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. New-build developments should use all available roof space for green roofs, subject to other planning considerations. No detail has been provided as to the inclusion of a green roof at the site but as there will be two flat roof areas it may be possible for one to be installed. It is therefore recommended for a condition to be applied that maximise green/brown roofs at the site (Condition 16).

10.88 A further condition is recommended (Condition 20) for swift boxes to be installed at the site to increase the ecological contribution of the development. Further conditions are recommended that relate to a SUDS system (Condition 21) being installed and for the water efficiency target of 95 liters, per person, per day to be met (Condition 19).

10.89 Overall, it is concluded that the sustainability of the site will sufficiently address the requirements of Policy CS10, DM6.5 and DM7.2 as well as the relevant policies within the London Plan.

Affordable Housing and Carbon Offsetting

- 10.90 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units which do not provide social rented housing on site. Schemes below this threshold will be required to provide a financial contribution towards affordable housing elsewhere. The reasons for this approach are explained in the supporting text and in the Affordable Housing Small Site Contributions SPD which refers in turn to relevant aspects of policy found in the London Plan (2016). The SPD sets out a tested viability requirement for a contribution of £50,000 per new dwelling.
- 10.91 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is outlined in Islington Planning Obligation SPD (2016) which stipulates a flat fee of £1,000 per flat.
- 10.92 The applicant has indicated their agreement to enter into the a legal agreement under Section 106 to make a contribution towards affordable housing in the borough in line with Islington's Affordable Housing – Small Sites SPD (Adopted October 2012).
- 10.93 During the course of the previous appeal the overall sum of the affordable housing contribution was queried by the applicant as they considered there to be existing residential units at the site. The Inspector did not take a view on this issue as untimely the appeal was dismissed on other grounds and the draft UU that was provided by the appellant was concluded to be inadequate. As part of the current application, it has been agreed that there is one existing residential unit at the site, a maisonette above 638 Holloway Road. This unit still has a live council tax record with the other two residential units at 636 and 634 Holloway having their records deleted in April 2007. Therefore, the affordable housing contribution is based on an uplift of 6 residential units due to there being one existing residential unit at the site.
- 10.94 Should the Planning Sub-Committee B resolve to grant the current application a Unilateral Undertaking will be drafted and signed prior to the decision notice being issued and a £300,000 contribution (£50,000 x 6 new units) will be collected by the council for affordable housing in the borough. A £7,000 contribution will also be collected for carbon off-setting as well as a £2,000 contribution for a disabled parking bay. A draft head of terms is provided at Appendix 1.

11. SUMMARY AND CONCLUSION

- 11.1 The overall design of the development has been altered to address the previous reason for refusal and the Planning Inspectors comments in the dismissed appeal decision. The development is now of a high standard of design and accords with DM2.1 and DM2.3.
- 11.2 The effect on neighbouring amenity has been assessed with regards to Daylight/Sunlight, privacy and being overbearing. The development is considered to be acceptable in terms of amenity and will not adversely affect surrounding residents. The ground floor commercial unit has also been assessed for effect on neighbouring amenity and conditions have been recommended to control the use under Class E as well as the hours of operation for both the internal and external commercial areas.

- 11.3 The standard of living accommodation for the new units complies with the minimum space standards and a satisfactory provision of private outdoor amenity space is provided to all units. Conditions have also been included to ensure noise and air pollution issues do not negatively affect future residents. Overall, the quality of accommodation is concluded to be of a high standard.
- 11.4 Sufficient sustainability features have been proposed to reduce the carbon footprint of the development by 40%.
- 11.5 The applicant has indicated their agreement to enter into a Unilateral Undertaking for a £300,000 contribution towards affordable housing, a £7,000 contribution towards carbon offsetting and a £2,000 contribution towards an accessible parking bay.
- 11.6 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the National Planning Policy, the London Plan, the Islington Core Strategy, Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly. The recent planning history of the site, including the appeal history, is a material planning consideration that is afforded significant weight. The single reason for refusing the previous application has been overcome and overall the development is now acceptable.

Conclusion

- 11.7 It is recommended that planning permission be granted subject to conditions and a legal agreement.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- £300,000 Contribution towards off-site affordable housing.
- £7,000 Contribution towards Carbon Offsetting.
- £2,000 Contribution towards an Accessible Parking Bay.
- Restriction on future residential occupants obtaining on street parking permits.

RECOMMENDATION B

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

List of Conditions:

1	Implementation Period
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>1812_P_401_Rev B, 1812_P_411, 1812_P_410_ Rev B, 1812_P_210_Rev B, 1812_P_201_Rev_B, 1812_P_202_Rev_B, 1812_P_203_Rev_B, 1812_P_204_Rev B, 1812_P_220_Rev B, 1812_P_100_Rev B, 1812_P_101_RevB, 1812_P_102_Rev B, Air Quality Assessment Ref: JAR11143 dated 10/07/2019, Design and Access Statement October 2021, Daylight and Sunlight Report Ref: CR/ROL00255 dated 29/10/2020, Arboricultural Impact Assessment / Method Statement Ref: D1934AIA dated 13/06/2019, Planning & Heritage Statement dated 29/10/2021, Retail Assessment October 2019 Ref: 4932, Site Noise Risk Assessment and Acoustic Design Statement Ref: JAE11145 dated 03/07/2019, Sustainable Design and Construction Statement dated 08/07/2018, Note on Abandonment of Use July 2021,</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	MATERIALS (DETAILS):
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <p>a) solid brickwork (including brick panels and mortar courses. The use of brick slips will not be supported)</p> <p>b) render (including colour, texture and method of application);</p> <p>c) window treatment (including sections and reveals);</p> <p>d) roofing materials;</p> <p>e) balustrading treatment (including sections);</p>

	<p>f) Any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Noise report – Scheme for sound insulation
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq,8\text{ hour}}$ and 45 dB $L_{max\text{ (fast)}}$ Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16\text{ hour}}$ Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16\text{ hour}}$</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the living environment of future residents.</p>
5	Noise report – Scheme for sound insulation between residential/commercial
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the living environment of future residents.</p>
6	Plant Noise Compliance
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,Tr}$ arising from the proposed 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 $L_{AF90\text{ Tbg}}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In order to protect the amenities of surrounding occupiers.</p>
7	Air Quality Report
	<p>CONDITION: Prior to commencement of the relevant part of the development, full details of ventilation and measures to reduce air pollution exposure for the residential units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To protect the living environment of future residents.</p>

8	Construction Method Statement
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of:</p> <ul style="list-style-type: none"> a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. the erection and maintenance of security hoarding; e. wheel washing facilities; f. measures to control the emission of dust and dirt during construction; and g. a scheme for recycling/disposing of waste resulting from demolition and construction works. <p>Any response should pay reference to BS5228, the GLA' SPG on control of dust and emissions, LBI code of construction practice and any other relevant guidance.</p> <p>The CMS shall confirm that the footway and carriageway along Holloway Road will not be blocked during the development as not to disrupt bus passengers or pedestrians and that temporary obstruction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Holloway Road.</p> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p>
9	Construction Environmental Management Plan
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP should refer to Islington's Code of Practice for Construction Sites (2018) and include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;

	<p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;</p> <p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads. The report should contain detailed information on the minimizing of noise, demolition methods and best practice measures in line with Islington's Code of Practice for Construction Sites (2018).</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
10	Cycle Parking Compliance
	<p>CONDITION: The bicycle storage area(s) shown on approved plan 1812_P_201_REV_B shall be fitted out in accordance with the approved plan and provide 8 Sheffield cycle stands for 16 bicycles as well as an accessible cycle space with charging point. 3 further Sheffield cycle stands shall be provided in front of the commercial unit. The spaces shall be provided prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
11	Inclusive Design
	<p>CONDITION: The ground floor commercial unit hereby approved shall meet the requirements of Part M of Building Regulations including the provision of step-free wheelchair access from street level.</p> <p>REASON: To ensure the commercial unit is fully accessible to those with mobility issues.</p>
12	Compliance with Arboricultural Report
	<p>CONDITION: The schedule of works and maintenance to the tree immediately outside the site to Holloway Road shall be carried out in accordance with the details provided in the Arboricultural Impact Assessment / Method Statement by Alderwood Consulting Ref: D1934AIA and dated 13th June 2019.</p> <p>REASON: In order to protect the tree in close proximity to the site.</p>

13	Compliance with Sustainable Design and Construction Statement
	<p>CONDITION: The development hereby permitted shall be constructed to achieve a 40% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, using the methods highlighted within the Sustainable Design and Construction Statement by Mesh Energy and dated 8th July 2018.</p> <p>REASON: In the interest of securing sustainable development.</p>
14	Photovoltaic Panels Details
	<p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to: location; area of panels; and design (including section drawings showing the angle of panels in-situ, and elevation plans).</p> <p>The solar photovoltaic panels as approved shall thereafter be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design</p>
15	Delivery and Servicing Plan
	<p>CONDITION: Prior to the first occupation of the ground floor commercial unit hereby approved, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The details shall include such issues as where delivery and servicing vehicles are to stop during loading, loading times and restrictions for delivery vehicles. The delivery and servicing arrangements shall be maintained in accordance with the approved details thereafter.</p> <p>REASON: To ensure the commercial unit can be safely and effectively serviced.</p>
16	Green/Brown Biodiversity Roofs (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <p>a) how the extent of green/brown roof has been maximised;</p> <p>b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 120 - 150mm); and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p>
17	Use of Commercial Floorspace
	<p>CONDITION: The commercial office floorspace at ground floor level hereby approved shall not be used for a Gym or Creche/Nursery or any other use falling within Class E parts (d) and (f) within of the Town and Country Planning (Use Classes) Regulations 2020, without first obtaining planning consent from the Local Planning Authority.</p>

	REASON: In order to protect the amenities of surrounding residential occupiers.
18	Hours of Use (Commercial Floorspace)
	<p>The ground floor office floorspace hereby approved shall not be used outside of the hours: 0800 to 2200 on all days.</p> <p>The external area to the ground floor office area shall not be used outside of the hours: 0900 – 1800 Monday to Friday.</p> <p>REASON: In order to protect the amenities of surrounding residential occupiers.</p>
19	Water Efficiency Requirements
	<p>CONDITION: The development hereby approved shall achieve a maximum internal water use of 95litres/person/day. The dwelling/s shall not be occupied until this requirement has been complied with.</p> <p>REASON: To ensure the water efficiency of the development.</p>
20	Bird Boxes
	<p>CONDITION: Prior to the commencement of the hereby approved development, details of swift box locations shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information and investigation of the most suitable location and shall include nesting locations and boxes for swifts. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p>
21	Sustainable Urban Drainage
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>

List of Informatives:

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

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

1 Planning London's Future - Good Growth

Policy GG2 Making best use of land

Policy GG3 Creating a healthy city

Policy GG5 Growing a good economy

3 Design

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivery good design

Policy D13 Agent of Change

Policy D14 Noise

6 Economy

Policy E1 Offices

7 Heritage and Culture

Policy HC1 Heritage conservation and growth

9 Sustainable Infrastructure

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

10 Transport Policy

Policy T2 Healthy streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T5 Cycling

Policy T6.1 Residential Parking

Policy T7 Deliveries, servicing and construction

B) Islington Core Strategy 2011

Spatial Strategy

- Policy CS7 (Bunhill and Clerkenwell)

- Policy CS8 (Enhancing Islington's Character)

- Policy CS13 (Employment Spaces)

Infrastructure and Implementation

- Policy CS18 (Delivery and Infrastructure)

Strategic Policies

- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10 (Sustainable Design)
- Policy CS11 (Waste)
- Policy CS12 (Meeting the housing challenge)

C) Development Management Policies June 2013

Design and Heritage

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

Employment

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

Energy and Environmental Standards

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

Transport

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

Infrastructure

- DM9.2 Planning obligations

E) Site Allocations June 2013

Not Allocated

3. Designations

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

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

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

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

London Plan

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

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

PLANNING DECISION NOTICE

 **ISLINGTON**
Development Management Service
Planning and Development Division
Environment & Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA
Case Officer: Owen Griffiths
T: 020 7527 5844
E: planning@islington.gov.uk
Issue Date: 21 December 2020
Application No: P2019/3143/FUL
(Please quote in all correspondence)

John Pardey Architects
Beck Farm Studio
St Leonards Road
East End
Lymington
SO41 5SR

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Refusal of permission

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, in accordance with the plans submitted and by virtue of the reason(s) given.

Location:	634-638 Holloway Road, Islington, London, N19 3NU
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Application Type:	Full Planning Application		
Date of Application:	21 October 2019	Application Received:	21 October 2019
Application Valid:	04 November 2019	Application Target:	30 December 2019

DEVELOPMENT:

Demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage.

PLAN NOS:

1812_P_100,1812_P_101,1812_P_210,1812_P_220,1812_P_401_Rev_A,1812_P_102_REV_A, 1812_P_201_REV_C,1812_P_202_REV_A,1812_P_203_REV_A,1812_P_204_REV_A,1812_P_411_REV_A,1812_P_410_REV_A, Air Quality Assessment Ref: JAR11143 dated 10/07/2019, Design and Access Statement, Daylight and Sunlight Report Ref: CR/ROL00255 dated 29/10/2020, Arboricultural Impact Assessment / Method Statement Ref: D1934AIA dated 13/06/2019, Planning Statement Ref: 19-4932 dated 09/10/2019, Retail Assessment October 2019 Ref: 4932, Site Noise Risk Assessment and Acoustic Design Statement Ref: JAE11145 dated 03/07/2019, Sustainable Design and Construction Statement dated 08/07/2018.

REASON(S) FOR REFUSAL:

- 1 **REASON:** The proposed design by reason of the appearance and materiality of the primary façade facing Holloway Road and the neighbouring Mercers Road / Tavistock Terrace Conservation Area would form a dominant and discordant type of development in comparison to the surrounding built form as well as the adjoining heritage asset. The development is therefore considered to fail to preserve or enhance the character and appearance of the neighbouring Conservation Area as well as the setting of the Holloway Road, a major thoroughfare through the borough, contrary to CS policy 9 and 8, Development Management Policies DM2.1 and DM2.3, Islington's Urban Design Guidance and the NPPF 2019.

Certified that this document contains a true record of a decision of the Council

Yours faithfully

A handwritten signature in black ink that reads "Karen Sullivan". The signature is written in a cursive style with a horizontal line underneath the name.

**KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER**

London Borough of Islington

Planning Sub Committee B - 8 December 2020

Minutes of the meeting of the Planning Sub Committee B held via Zoom on 8 December 2020 at 7.30 pm.

Present: Councillors: Kay (Chair), Klute, Chowdhury and Woolf

Councillor Jenny Kay in the Chair

40 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Khondoker. Apologies were also received from Councillor Hyde, a ward councillor.

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

None.

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

Councillor Klute declared an interest in Items B1 and B2. He would not take part in the consideration of these items.

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

The order of business would be as per the agenda.

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

RESOLVED:

That the minutes of the meeting held on 14 July 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

46 **16-33 RHEIDOL MEWS, ISLINGTON, LONDON, N1 8NU (Item B1)**

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

(Planning Application Number: P2020/1731/FUL)

Councillor Klute, who had declared an interest in this item, did not take part in the consideration of this application.

In the discussion the following points were made:

- Concerns were raised about the daylight/sunlight test, whether this had been published and had taken into account some of the flats being mislabelled as houses. The planning officer stated that the daylight/sunlight test results were published as part of the submission and the windows would have been assessed in the same way whether they were labelled as flats or houses.
- A member queried the nature of marketing and why, if sufficient, it had not been evidenced. The applicant advised that the marketing did not comply with Islington's requirements. The applicant had bought the site in 2018 and although the offices had been marketed, it had not been for two years.

RESOLVED:

That planning permission be refused subject to the reasons set out in Appendix 1 of the officer report.

16-33 RHEIDOL MEWS, ISLINGTON, LONDON, N1 8NU (Item B2)

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

(Planning application number: P2019/1262/FUL)

Councillor Klute, who had declared an interest in this item, did not take part in the consideration of this application.

In the discussion the following main points were made:

- Concerns were raised about the daylight/sunlight test and that BRE guidelines had been breached. The planning officer stated that the BRE guidelines were just guidelines and one window breaching them was not enough to recommend refusal in this case.
- Concerns were raised about a wall for which the planning officer had requested a structural survey. This was listed in the approved plans and drawings list and planning permission was subject to the wall being retained. The applicant confirmed that a structural survey had taken place and the design included the retention of the walls.
- The application was broadly policy compliant.
- The chair asked the applicant to be a better neighbour.

Councillor Woolf proposed that a condition be added to retain the wall. This was seconded by Councillor Chowdhury and carried.

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report and the additional condition outlined above, the wording of which was delegated to officers.

18 **634-638 HOLLOWAY ROAD, ISLINGTON, LONDON, N19 3NU (Item B3)**

Demolition of the existing buildings and erection of a part four storey part five storey building, comprising 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage. (Reconsultation due to amended design and description).

(Planning Application Number: P2019/3143/FUL)

In the discussion the following main points were made:

- The planning officer advised that an additional objection had been received.
- A member queried the £2,000 accessible parking contribution. The planning officer stated that one accessible parking space was required per 33 employees. This bay could not be provided on site and so the standard accessible parking contribution was required.
- A member commented that the overall massing, accommodation and the inclusion of a business unit was acceptable for the location. However he had concerns about the concrete frame design and considered that solid brickwork would be more appropriate.

Councillor Klute proposed a motion to refuse planning permission on design grounds. This was seconded by Councillor Chowdhury and carried.

RESOLVED:

That planning permission be refused on design grounds, the wording of which was delegated to officers.

19 **MOORE COURT, ANDERSON SQUARE, LONDON, N1 2TF (Item B4)**

The construction of two new residential units on the existing flat roof of Moore Court, forming a 4th storey, as well as an additional refuse store and associated cycle parking.

Re-consultation due to: amended design and new description.

(Planning Application Number: P2019/0031/FUL)

In the discussion the following main points were made:

- The planning officer stated that an additional objection had been received. The points raised had been addressed in the officer's report.
- A member raised concern that application was not supported by the inclusive design officer. The planning officer replied that accessibility for wheelchair users could not be created within the constraints of the site.
- The bin store design was considered. The final design would have to be submitted to the local planning authority.



Appeal Decision

Site visit made on 7 September 2021

by **L Page BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th October 2021

Appeal Ref: APP/V5570/W/21/3271749

634-638 Holloway Road, Islington, London N19 3NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Cockburn against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/3143/FUL, dated 18 October 2019, was refused by notice dated 21 December 2020.
 - The development proposed is demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development has been taken from the Council's decision notice because it was indicated under the appeal that the description of development had been amended. The appeal has been dealt with accordingly.
3. A unilateral undertaking was submitted during the appeal. Both the Council and the appellant have provided further comments on it and I have taken these into consideration when making my decision.
4. The revised National Planning Policy Framework (the Framework) was published 20 July 2021, and the new London Plan was also adopted 2 March 2021. These have been considered under the appeal accordingly.

Application for Costs

5. An application for costs was made by Mr Nick Cockburn against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Main Issues

6. The main issues are:
 - (a) The effect of the proposal on the character and appearance of the area, including on the setting of designated and non-designated heritage assets; and
 - (b) whether affordable housing planning obligations are necessary and suitably provided.

Reasons

Character and Appearance

7. The site is located at 634-638 Holloway Road, which is part of a prominent frontage along a major north south route of metropolitan significance. Directly to the north west at 640-650 Holloway Road is a new mixed use development comprising a building five storeys in height. It is of noticeable scale along the prominent frontage of Holloway Road.
 8. However, the design of the building, particularly its predominance of brickwork construction, is in keeping with the prevailing local vernacular. For example, it is quite clear from the evidence presented, and from my site visit, that the majority of buildings along Holloway Road and in the immediate vicinity are constructed out of brickwork. Consequently, it does not present itself as a discordant addition to the street scene, even if it is of appreciable scale and prominence.
 9. That said, the new building at 640-650 Holloway Road does include a more contemporary material along its uppermost storey, which may not necessarily be reflective of traditional materials in the immediate vicinity. However, this contemporary material forms a small proportion of the overall building and is clearly subservient to the main structure when taken as a whole. Consequently, the use of a contemporary material in this context adds complimentary interest and does not dominate or detract from the character and appearance of the area, it is sympathetic to it.
 10. Mercers Road and Tavistock Terrace Conservation Area is located directly to the south of the site. Islington's Conservation Area Design Guidelines 2002 describes the character and heritage significance of the area as comprising largely commercial frontages along Holloway Road and predominantly residential side streets. The area includes an attractive range of Victorian buildings mostly developed during the 1850s and 1860s. The relatively few buildings that have been built subsequently have generally added to the character of the area. The boundary takes in the locally listed building at 622 Holloway Road. Whilst other locally listed buildings at 529 and 531 Holloway Road sit directly opposite the site. These locally listed buildings are consistent with the Victorian heritage significance of the locality.
 11. The site itself comprises a terrace of three storey buildings of Victorian architectural design, comprising traditional brickwork construction. The buildings have been through periods of disuse and generally present as vacant and unkempt within the street scene. However, there is no evidence that their condition has deteriorated to the extent where they detract substantively from the character and appearance of the area or the setting of the conservation area.
 12. This is because, aside from deteriorating fenestration detailing and commercial fascia's, the fabric integral to the buildings' construction would appear largely intact. Consequently, in the absence of a building condition survey or similar, it would appear that some minor improvements could bring the buildings into a more kempt state in a relatively short space of time. It follows that any benefits of redeveloping the site in its totality to improve the existing urban fabric would be limited. The more reasonable position based on current evidence is that the buildings currently make a neutral contribution.
-

13. The conservation area boundary takes in an appreciable portion of Holloway Road in vicinity of the site. Consequently, the site in conjunction with other Victorian era brickwork buildings located in the immediate vicinity along Holloway Road help inform the setting of the northern periphery of the conservation area, contributing to its Victorian era heritage significance.
14. The proposal would demolish the existing buildings at the site. Erecting a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage. The building would be of appreciable scale, similar to the building at 640-650 Holloway Road. Consequently, it would be prominent in the street scene in a similar manner. However, its primary façade would clearly depart from the principal brickwork construction of buildings within the locality.
15. This is because it would comprise an exposed precast concrete frame, which is a significant and noticeable departure from the predominance of Victorian brickwork construction seen in most buildings nearby. There does not appear to be an anchor point or inspiration derived from the local context. Indeed, the Council rightly contend that such an exposed precast concrete frame is not a design feature that is found along Holloway Road and it would not integrate successfully within the surrounding urban form.
16. The scale of the building is acceptable in and of itself and given the scale of other buildings along Holloway Road this is self-evident. Furthermore, the proportions of the building and other elements of form do not appear disputed by the Council. However, the scale does mean that there would be a significant volume of exposed precast concrete frame on display. This would amplify the proposal's departure from existing designs.
17. This is not to say that contemporary design detailing, such as the bronze panelling, among other things, is completely inappropriate as a matter of principle. However, based on its current arrangement it is the predominance of contemporary design features that lead to the incongruity in the street scene. As already explained, the building at 640-650 Holloway Road is different by comparison, it is anchored by brickwork reflective of the construction of other buildings in the area and any contemporary materials perform a subservient and secondary role in its character and appearance.
18. It is appreciated that the proposal has been carefully designed not to simply extend the design of the new building at 640-650 Holloway Road. Nonetheless, this would not mitigate the imbalance imposed by the predominance of contemporary materials. Although the appellant contends that brick is the principal material used in the proposal, it is not clear to me that this is actually the case. Notwithstanding any quantitative analysis of material volumes that may exist to demonstrate that this is indeed the case, a visual inspection of the plans leads me to a different conclusion in terms of how it presents itself.
19. In my assessment, the exposed precast concrete frame catches my eye to the extent that it would appear the principal structural component of the building. Furthermore, it is not unreasonable to argue that the bronze panelling carries a similar level of visual weight compared to the brickwork. Clearly this is a subjective matter but whatever the case may be in terms of exact proportions, it is not reasonable to conclude that the brickwork presents itself as the clear principal material in the building's construction.

20. It is not clear how the proposed development would act as an effective transition between the building at 640-650 Holloway Road and the smaller, domestically scaled, three storey end of terrace building immediately behind it. This is mainly because when taking views from Holloway Road, it is not clear that the building immediately behind could be observed or whether there would be a visual link.
21. Altogether, the proposal would be a dominant addition to the street scene and would be incongruous with the prevailing design direction of existing buildings. It would therefore detract from the character and appearance of the area, harming the setting's contribution to the heritage significance of Mercers Road and Tavistock Terrace Conservation Area. Given the footprint of the site relative to the size and extent of the Holloway Road, and the wider extent and setting of the conservation area, the proposal would not generate substantial harm, harm would be less than substantial.
22. Paragraph 199 of the Framework is clear that great weight should be given to a designated heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the Framework is clear that harm can be derived from development within a designated heritage asset's setting. Paragraph 202 of the Framework is clear that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
23. As reasoned later in my decision, there are limited apparent public benefits (evidenced or otherwise) that have been advanced in support of the proposal. Consequently, the balancing exercise required by Paragraph 202 of the Framework, wherein I have given considerable importance and weight to the statutory duty to preserve the heritage significance of the conservation area, would not conclude in the proposal's favour, acting as a material consideration to be weighed against it.
24. Paragraph 203 of the Framework requires a similar balanced judgement in the context of non-designated heritage assets, in this case the settings of 529 and 531 Holloway Road and 622 Holloway Road. Consequently, the relevant parts of the foregoing assessment would lead to the same conclusion, insofar as the settings of these locally listed buildings would be harmed in a similar manner to that of the conservation area, and public benefits of the proposal would not outweigh these harms.
25. Overall, the proposal would harm the character and appearance of the area, including the heritage significance of designated and non-designated heritage assets. It would therefore conflict with Policies CS8 and CS9 of Islington's Core Strategy 2011, Policies DM2.1 and DM2.3 of Islington's Local Plan Development Management Policies 2013, Policies D4 and HC1 of the London Plan 2021 and Paragraphs 202 and 203 of the Framework. Among other things these require new buildings to be sympathetic in scale and appearance and to be complementary to the local identity, whilst conserving and enhancing the historic environment.

Affordable Housing Planning Obligations

26. In accordance with Paragraph 57 of the Framework and pursuant to the Community Infrastructure Levy Regulations 2010, planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, and directly, fairly, and reasonably related in scale and kind to the development.
27. It is clear that the Affordable Housing Small Sites Contributions Supplementary Planning Document 2012 requires a £50,000 contribution per dwelling. Furthermore, it is also clear that the Planning Obligations (Section 106) Supplementary Planning Document: Using planning obligations to achieve sustainable development 2016, requires contributions for net additional dwellings. Consequently, affordable housing contributions are necessary to make the development acceptable in planning terms, something that does not appear in dispute between the parties.
28. The correct figure for net additional dwellings is contested in this case. However, notwithstanding the correct figure and potential abandonment issues, it is clear from the drafting of the planning obligation that the contributions are index linked. The sum of contributions could therefore fluctuate and may not remain consistent with the contribution requirements set out within the relevant supplementary planning document, which would appear fixed.
29. Consequently, even if the correct figure is the one advanced by the appellant, I cannot conclude that the affordable housing planning obligation put forward in support of the development would be fairly and reasonably related in scale and kind in perpetuity. Furthermore, there are a number of other potential errors within the unilateral undertaking which are detailed at Paragraph 2.13 of the Council's response to it. These bring about further questions as to the precision of the document when considered in the round.
30. It has been contended that these are not fatal to legality of the unilateral undertaking, however their cumulative effect generates sufficient doubt in my mind about its precision and effectiveness. This doubt remains despite further representations from the parties on the matter. Ultimately, I need to be completely certain about the precision and effectiveness of the document and given the above I am not.
31. Even if the document was accepted as passing the relevant tests, and it was deemed precise and effective, there is no substantive evidence as to the weight that should be apportioned to the affordable housing contribution and whether this would have outweighed the great weight apportioned to the designated heritage asset's conservation, or other harms to non-designated heritage assets and the character and appearance of the area.
32. Consequently, based on the evidence currently advanced, I would not be able to apportion sufficient weight in favour of the proposal in order to pass the relevant tests under the Framework. Consequently, these harms would weigh against the proposal in the balance, and as reasoned in other matters, the presumption in favour of sustainable development would not apply in this case.

33. Ultimately, I cannot be certain that the unilateral undertaking is precise and effective or that it would meet the relevant tests. Altogether, the proposal would conflict with Policy CS12 of Islington's Core Strategy 2011 and the Affordable Housing Small Sites Contributions Supplementary Planning Document 2012. Among other things, these seek to secure sufficient affordable housing contributions. Consequently, any benefits that may have been derived from affordable housing contributions would carry no weight in this context.

Other Matters

34. There is no evidence in front of me demonstrating that other planning obligations, submitted in addition to affordable housing planning obligations, are benefits that can be advanced in support of the proposal. Consequently, even if matters relating to parking permits are consistent with the appellant's contentions and supported by other appeal decisions, the matters have been treated as mitigation under the appeal and carry neutral weight in this context. Furthermore, as I am dismissing the appeal in relation to the main issues on which the application was refused, these other planning obligations would not be determinative under the appeal. Accordingly, it is not necessary for me to make a finding on them.

35. The Council's planning committee is entitled to take a democratic decision counter to the case officer's recommendation or conservation officer's consultation response. It is clear from the Council's appeal statement that they support the planning committee's decision and seek to uphold the refusal. Consequently, the case officer's recommendation, among other representations from consultees, does not bind their case at appeal stage. In relation to pre-application advice given by the Council, Planning Practice Guidance¹ is clear that such advice is not binding and does not pre-empt the democratic decision making process or a particular outcome.

36. Notwithstanding the Council's five year housing land supply or housing delivery test position, even in the event that Paragraph 11 d) was engaged, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Consequently, there is no presumption in favour of sustainable development in this case.

37. The full details of the planning history of the site are not in front of me to comprehensively assess the relevance to the proposal in this particular case. Furthermore, some of the planning history cited took place around ten years ago. This is an appreciable period of time where material considerations relating to the development plan, national policy and the character and appearance of the area may have been different in any event.

Conclusion

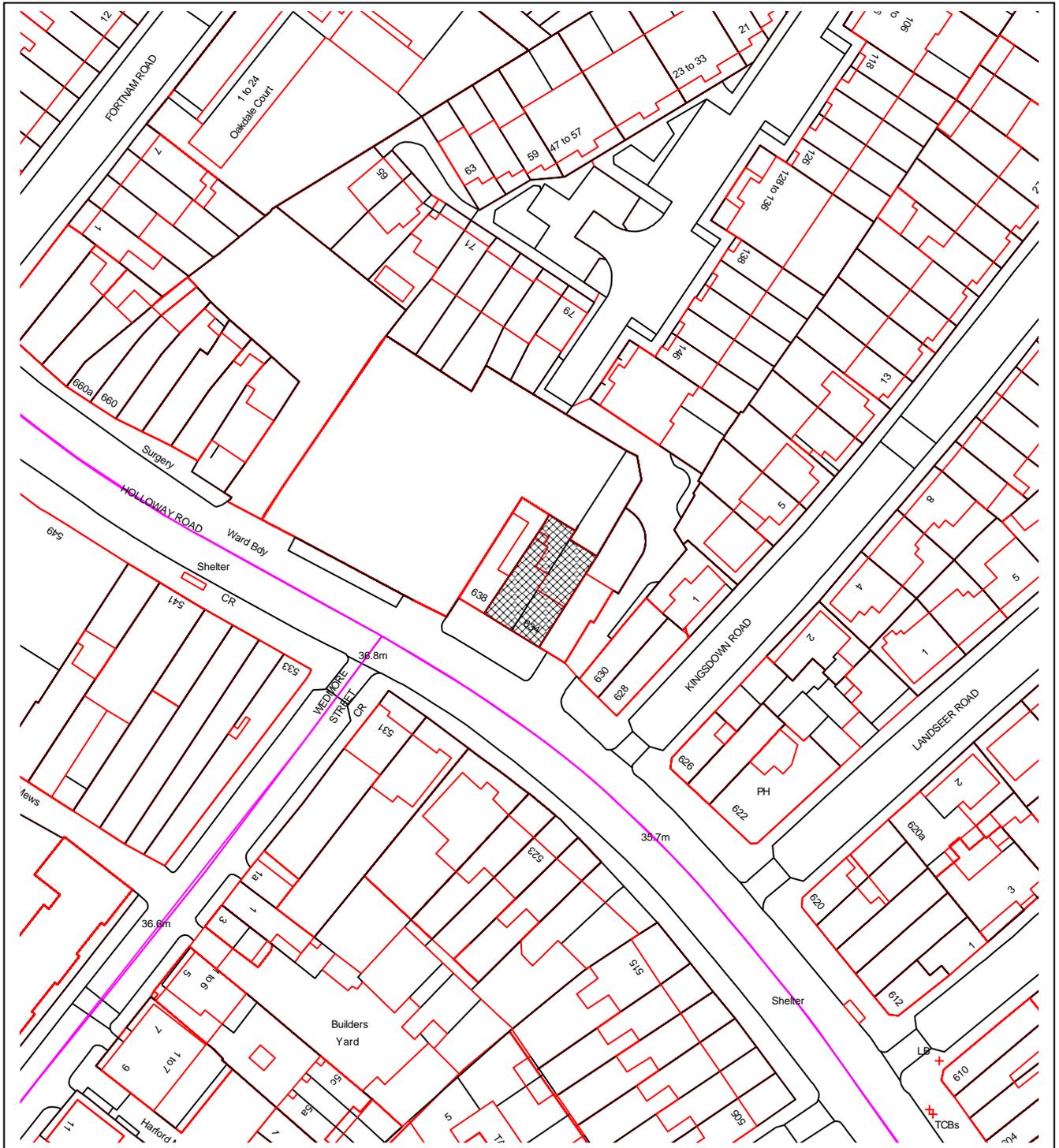
38. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR

¹ Paragraph: 011 Reference ID: 20-011-20140306 Revision date: 06 03 2014

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Community Wealth Building



PLANNING SUB-COMMITTEE B		
Date:	1 st March 2022	

Application number	P2021/0733/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	No
Conservation area	No
Development Plan Context	Core Strategy Key Areas (Nags Head & Upper Holloway) Major Cycle Route Within 50m of Hillmarton Conservation Area Tree Preservation Order 191219 (LBI TPO)
Licensing Implications	None
Site Address	Garages to the rear of Parkhurst Court, Warlters Road, N7 0SD
Proposal	Proposed demolition of garages and erection of 7 dwellings (5 x 2 bedroom and 2 x 3 bedroom) including cycle and refuse storage as well as the provision of private and shared amenity space and associated landscaping.

Case Officer	Mr Jake Shiels
Applicant	Mr Ross Kemp
Agent	Mr Jonathan Crosthwaite

1. RECCOMENDATION

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

- A) to the heads of terms listed in Appendix 1, Recommendation A; and
- B) to the conditions set out in Appendix 1, Recommendation B.

2. SITE PLAN (site highlighted in red)



Image 1: Location Plan

3. PHOTOS OF SITE



Image 2: Aerial view of site



Image 3: Garage site entrance



Image 4: Garage site

4. SUMMARY

- 4.1 The proposal seeks planning permission for the demolition of existing single storey garages on the site and the erection of 7no. dwellings (5 x 2 bedroom and 2 x 3 bedroom) including cycle and refuse storage as well as the provision of private and shared amenity space and associated landscaping.
- 4.2 The scheme has been reduced from the original number of 8no. dwellings to 7no. following concern with the quality of accommodation of a studio unit.
- 4.3 The application site covers an area of approximately 912sqm and consists of paved surfacing and private lock-up garages (2 of the 27 now remain). The current use for the site is a car park, the submission notes that there is a right of way for vehicular access across Parkhurst Court. The main access point will be from Parkhurst Road with a secondary access from Warlters Road.
- 4.4 The proposed residential buildings are considered acceptable in design terms subject to conditions and would comply with Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 and London Plan 2021 policies D3 and D4 as well as accord with the National Planning Policy Framework (NPPF) 2021.
- 4.5 The proposed residential buildings are not considered to adversely impact the residential amenity of adjacent residential properties in line with policy DM2.1 of the Development Management Policies 2013.
- 4.6 The proposed residential units are considered to provide an acceptable level of accommodation complying with policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Islington's Development Management Policy DM3.4, policy D6 (Housing quality and standards) of the London Plan 2021, Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021. Additionally, the applicant has agreed to pay the full required affordable housing contribution of £350,000 in line with policy CS12 Part G and the Council's Affordable Housing Small Sites SPD (2012). The proposed arrangements to minimise emissions is considered to be an improvement over the environmental quality of the existing site, has exercised ways of achieving low carbon emissions and is therefore in line with policy DM7.1.
- 4.7 The application is referred to the Planning Sub-committee because of (Terms of Reference point (1)) the application is recommended for approval and involves the creation of 5 - 9 residential units where relevant planning objections have been received by the proper officer.

5. SITE AND SURROUNDING

- 5.1 The application site covers an area of approximately 912sqm and consists of paved surfacing and private lock-up garages. These serve Parkhurst Court, a post war 5 storey private residential block between the site and Warlters Road. To the three remaining sides, the site is surrounded by the Williamson Street Estate, with the three storey terrace of 30-45 Belfont Walk to the east, Penrhos House towards the west, and Vaynor House to the south. Apart from Parkhurst Court (which is five storeys), the buildings around the site are all three storeys, including Belmont Walk, Vaynor House and Penrhos House.

- 5.2 The current use for the site is a car park, the submission states that there is a right of way for vehicular access across Parkhurst Court which also allows pedestrian and cyclist access. The main access point will be from Parkhurst Road which has a demountable bollard with a secondary access from Warlter's Road which also allows for vehicular access.
- 5.3 The site is in close proximity to Holloway Road and associated Underground Station and is located within the Nags Head and Upper Holloway Road Core Strategy Area. The site is not within a conservation area, however, it is located 50m north-west of the Hillmarton Conservation Area which is to the west and south of the site, with the latter section on Warlters Road in closer proximity.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks full planning permission for the demolition of existing single storey garages on the site and the erection of 7no. dwellings (5 x 2 bedroom and 2 x 3 bedroom) including cycle and refuse storage as well as the provision of private and shared amenity space and associated landscaping.
- 6.2 The scheme is linear in form with the dwellings running from the north to the south end of the site. Units R4-R8 are individual courtyard 2 storey 2 bedroom (3no. 3 persons and 1no. 4 person) houses which look into their own private gardens and consist of a height of 6.4m.
- 6.3 R2 is a two storey gatehouse block with a central archway/undercroft which consists of a height of a 6.75m. R2 also has a single storey element which consists of a height of 3.1m adjacent to Unit R8.
- 6.4 The dwellings would consist of London stock (yellow stock) brickwork with anodised metal windows and doors. With regards to private amenity spaces R7 and R8 contain a 1st floor terrace, whilst R8 also contains an external amenity space located at ground floor. R2 includes a ground floor amenity space that backs on the amenity space of R8 and a terrace at 1st floor which overlooks the communal area of the site. Amenity spaces are enclosed by hard landscaping with 1.3m high anodised railings facing the communal areas, whilst the site and the amenity spaces are enclosed by brick walls to separate the site from the surrounding area ranging from 2.5m-3m around the site.
- 6.5 Each unit would include built in cycle storage within amenity spaces providing 2no. cycle spaces. In addition to the built in storage, the central communal area would include space for up to 3no. cycle spaces. Visitor cycle parking is also included. Built in refuse storage space is included to the north elevation at ground floor level to allow refuse access from Parkhurst Court.
- 6.6 The site would continue to be accessed from the north end adjacent to Parkhurst Court from Parkhurst Road as per the garage circumstances. Metal entrance gates with separate pedestrian and vehicular entrance are proposed with access controlled. The undercroft area accessed once past the entrance gate would have a brick slip soffit integrated to the side wall of R2 to illuminate brickwork within the site. Firefighting access is gained from the existing route through Belfont Walk, and the existing route down the side of Parkhurst Court. Access from the south of the site is for firefighting only, and the entrance is proposed to not be for day to day use.
- 6.7 The single storey parts of the roof will consist of wildflower green roofs, whilst the 2 storey roofs will consist of a sedum green roof. The communal areas will consist of small grasscreted areas to provide defensible spaces outside of kitchen doors along with raised planters. Planters are also proposed outside bedroom spaces to unit R3 and spaces outside R4, R5 and R8. All units would be supported by external Air Source Heat Pumps and solar PV pan

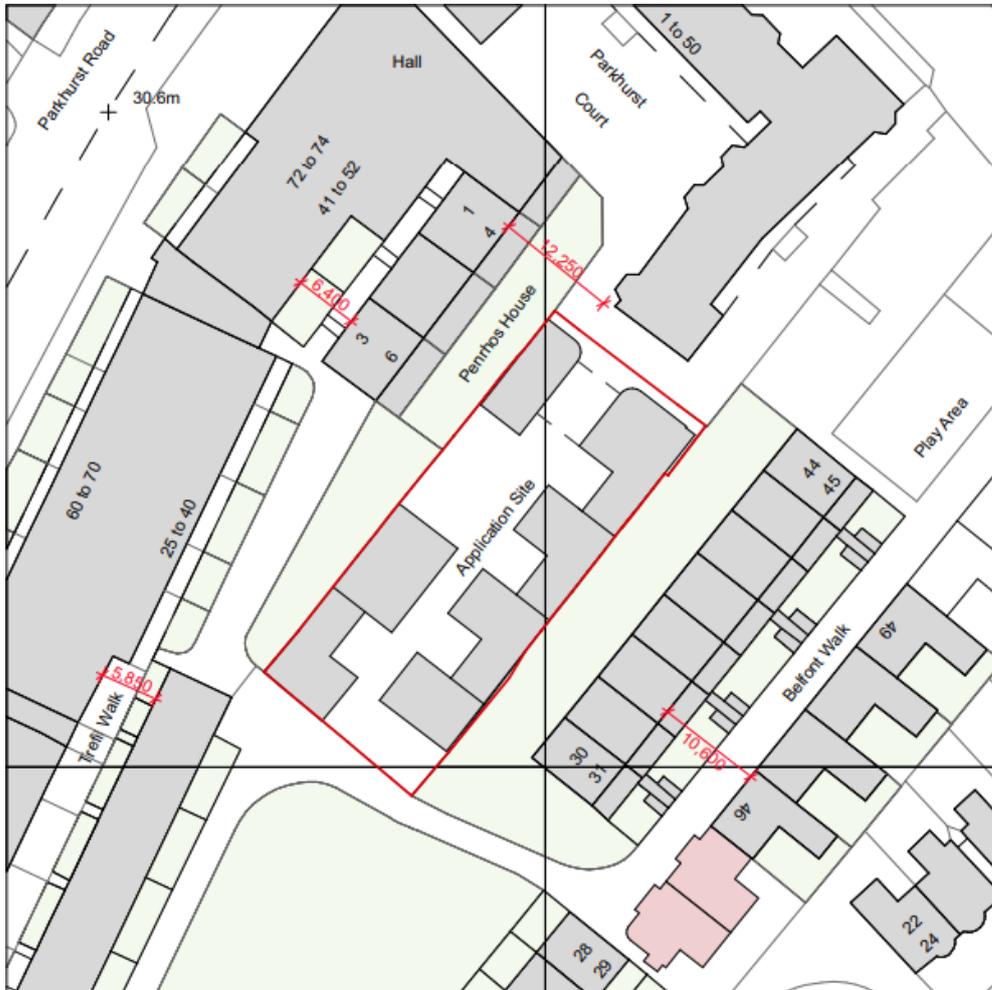


Image 5: Proposed site plan

Amendments during the application

6.8 During the application process a number of amendments to the scheme were negotiated by officers, including:

1st round of amendments

- Brick bond altered to include London stock header bond on the lower level section of the development with a stretcher bond to the upper floor
- Addition of obscured high level fixed windows to stairwells facing externally out away from the site. Omission of obscure glazing facing the internal communal area
- Reduction in maximum height of R7 from 6.7m to 6.4m (0.3m)
- Anodised metal louvres to R2 terrace and over one half of 1st floor window facing Parkhurst Court
- Anodised metal planters to ground floor fronting units R1 and R2
- Revision to Unit R1 from accessible unit to studio unit

2nd round of amendments to consider tree impacts

- Revision to R8 to enlarge ground floor private garden space and enlargement of amenity space at unit R1
- Retention of Norway Maple Tree (T2) south west of site and reduction and re-orientation of unit R6 to accommodate off site council owned tree.

3rd round of amendments

- Removal of the studio unit previously proposed (formerly unit R1). Re-provision of this space within Unit R2
- Former staircase of R2 re-located and re-provision of this space for Unit R3
- Updated daylight assessment to include the daylight distribution test
- Building line to the north east elevation stepped back by 0.75m at first floor level
- Bin and recycling store re-located to north east elevation to allow for refuse access.

7. RELEVANT HISTORY:

Application site

- 7.1 P2015/0040/FUL: The erection of seven residential units: three 2-storey courtyard houses, one 2-storey semi-detached pair of houses, and 2 two-storey units bridging over the entrance to the mews, all with private garden areas. Retention of one lock up garage and one parking space. **Refused** on 09/01/2017 for the following reasons:

REASON: *The proposal fails to provide a signed legal agreement to pay the full affordable housing contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit a viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.*

REASON: *The proposal fails to provide a signed legal agreement to pay the Carbon Offsetting contribution sought by the Environmental Design Planning Guidance Supplementary Planning Document (SPD). Therefore, the proposal is contrary to policy CS10 Part A of the Islington Core Strategy 2011 and the Environmental Design Planning Guidance Supplementary Planning Document (SPD)*

Recommendation for approval supported at Sub-Planning Committee B on 21/09/15. However, application **refused** on 09/01/2017 for the reasons set out above.

Application dismissed at appeal on 22/06/2017.

Pre-application

- 7.2 Q2020/1561/MIN: Pre-application: Demolition of 27 existing single storey garages on the site and erection of 9 new dwellings. Provision of private and shared amenity spaces.

Completed on 03/10/2021.

Parkhurst Court

7.3 P2018/2434/FUL: Installation of security gates to the vehicular access on Warlters Road. **Approved with conditions** on 04/10/2018.

7.4 P2019/3585/FUL: Proposed mansard extension with dormer windows to create 8 self contained flats (5 no. x 1-bedroom 1-person unit, 2 no. x 2-bedroom 3-person units and 1 no. x 2 bedroom 4-person unit) on the existing flat roof, plus lift shaft extended and reinstated, existing chimneys to be extended above proposed roof level and cycle storage and refuse storage including internal refuse shutters proposed.

Refused on 06/08/2020 for the following reasons:

REASON: The proposed development would create sub-standard and poor quality living environments for future occupiers of the proposed 1 bedroom units (60% of the proposed mix) by reason of these units inadequate ceiling heights, poor and compromised single aspects/outlook and privacy levels from the communal walkway, poor ventilation and inadequate provision of adequately sized and functional amenity space for the 1 bedroom flats. The proposed development is therefore considered to create poor and compromised quality of accommodation and is considered to be contrary to Policies DM3.4 & 3.5 of Islington's Development Management Policies 2013& the NPPF 2019.

REASON: The proposed development by virtue of the over provision of 1 bedroom units (60% of the proposed mix) fails to provide a good mix of housing sizes for market housing to meet and address Islington's housing need and therefore fails to comply with Policy DM3.1 of the Islington Development Management Policies 2013

REASON: The applicant has failed to agree a written confirmation of an agreement to pay the full or a justified lesser amount financial contribution sought by the Islington Affordable Housing Small Sites Contributions SPD. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011& the Islington Affordable Housing Small Sites Contributions SPD.

Dismissed at appeal on 17/06/2021.

7.5 P2021/2101/FUL: Proposed mansard extension with dormer windows to create 7 self contained flats (3no. x 2 bedroom 4-person units, 2no. x 2 bedroom 3-person units and 2no. x 1 bedroom 1-person units) on the existing flat roof, plus associated amenity space, lift shaft extended and reinstated, existing chimneys to be extended above proposed roof level, water tanks replaced and cycle storage and refuse storage.

Recommendation for approval with conditions and legal agreement supported at Planning Sub-Committee A. Decision issued on 15/02/2022.

CONSULTATION

Public Consultation

7.6 Letters were sent to occupants of **182** adjoining and nearby properties on Warlters Road, Parkhurst Road, Williamson Street, Belfont Walk, Trefil Walk and Warlters Close on 08/04/21.

7.7 A total of **11** objections were received. **2** comments were received, including 1 comment from the Islington Swift Group.

7.8 Following the submission of amended plans, additional letters were sent again to occupants of adjoining and nearby properties on 04/06/21, a total of 4 objections were received from this round of consultation, **0** of these are new objectors to the proposal. A second re-consultation took place on 28/09/21 to consider the retention of the Norway Maple Tree and minor alterations

to units R1, R6 and R8 to accommodate off site trees. A total of 3 objections were received from this round of consultation, 0 of these are new objectors to the proposal. A third round of consultation took place on 08/11/21 to consider an updated daylight assessment and omission of ground floor studio unit (formerly R1) and associated alterations to R2 and R3. Four objections were again received from the latest round of consultation, 0 of these are new objectors to the proposal.

7.9 Therefore, at the time of the writing of this report a total of 11 objections have 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).

OBJECTIONS

Design and appearance

- Development would add to overcrowded and dense area
- Design does not create a safe and secure environment through use of undercroft
- Undercroft development goes against local policies and creates canyon effect
- Best use of space is for it to be retained as open as a community garden

(paragraphs 9.6-9.27)

Neighbouring amenity

Outlook and enclosure

- Enclosure from the proposed building height as it will close off open space visible from garden and windows

(paragraphs 9.30-9.36)

Privacy

- Overlooking to Parkhurst Road properties
- Overlooking from Balcony on R1 to Parkhurst Road
- Glazing with 18m of habitable room windows
- Loss of privacy during construction work

(paragraphs 9.37-9.41)

Daylight and sunlight

- Design of building does not safeguard the daylight and sunlight to nearby properties in line with Islington Urban Design Guide
- The south-west facing windows of the ground and first floor kitchens of Parkhurst Court are those most affected by the development
- Loss of daylight
- Loss of sunlight
- No objection to single storey dwellings so as to not cause loss of light
- Overshadowing of private gardens and impact on amenity
- Assessment fails to make assessment on roadway/area around the site
- Properties labelled incorrectly as Penrhos Avenue & Vaynor House
- Discrepancy in layouts to what is on site at present

Officer comment: A revised daylight and sunlight assessment was submitted to address officer comments and to rectify the addresses.

(paragraphs 9.42-9.58)

Noise and disturbance

- Construction noise and air pollution would decrease standard of living
- Already recent construction at Belfont Walk and Parkhurst Road which is affecting quality of life
- Impact on mental health and wellbeing.

(paragraphs 9.87)

Highways

- Concern with highways impact, traffic and congestion
- Lack of detail on access and construction of development
- Construction Logistics Plans etc. are required
- Lack of bin and refuse strategy.

(paragraphs 9.85-9.88)

Crime prevention

- Overshadowing of roadway between development and Parkhurst Court

(paragraphs 9.83-9.84)

Affordable housing

- No reference to the payment of affordable housing for the new units.

(paragraphs 9.117-9.119)

Trees and ecology

- Proposal would seek to remove Norway Maple Tree from outside of site reducing greenery
- Damage to ecosystem who are utilising former garage space
- Concern for health of trees
- The retention of the Norway Maple Tree is admirable, but objection remains on loss of daylight and sunlight

(paragraphs 9.109-9.115)

COMMENTS

- Not totally opposed to proposed plans the garages where demolished some years ago and has become wasteland. Queries raised on how site is to be accessed by plant machinery and materials. The entrances are narrow and gated and provide access to the flats of Parkhurst Court. Query also that the new flats are too close to the end of Parkhurst Court making the kitchens and bathrooms void of sunlight.

(paragraphs 9.85-9.88 and paragraphs 9.42-9.58)

Islington Swift Society

- We support the proactive commitment to wildflower roofs and nest boxes/ bricks for birds in the SD&C Statement, and request that these are included in the planning conditions. Nest bricks such as swift bricks are the preferred option compared to external boxes for reasons of longevity, zero maintenance, temperature regulation, and aesthetic integration with the design. Manufacturer's instructions for the boxes/ bricks may be followed.

(paragraph 9.116)

Internal Consultees

- 7.10 **Design and Conservation:** The appearance of the development requires further architectural detailing to add interest and reduce block like appearance. The Officer also considered the development to appear too defensive.
- 7.11 **Highways Officer:** Development supported in principle, however further details on Construction Management required.
- 7.12 **Inclusive Design Officer:** A number of comments were received to ensure the development meets Category 2 Housing Standards.
- 7.13 **Sustainability Officer:** A number of comments in relation to the energy and sustainable design and construction statement were made by the officer, detailing the following:
- The proposed reductions in carbon emissions and the use of SAP10 are welcomed, as is the use of Air Source Heat Pumps
 - We would like the applicants to consider the use of one combined communal ASHP system for the entire development. We would also encourage some further tightening of the U-values for the walls and floors to improve the performance of the system.
 - Solar PV panels are described as a 'potential solution' in the Energy Statement. Solar panels should be installed to reduce on-site carbon emissions further and further details will be required on their location and specification. These can be installed over green roofs in the form of bio-solar roofs.
 - The Sustainable Design and Construction Statement states that permeable paving will be used. Further details will be required on the type of permeable paving material to be used (i.e. resin-bound gravel) and how this will be designed. We also recommend the use of water butts to irrigate the soft landscaping areas.
 - The Sustainable Design and Construction Statement refers to the use of sedum roofs on the first floor. All green roofs should be biodiversity based with a focus on wildflower planting and no more than 25% sedum. The roofs should have a varied substrate depth of average 80-150mm. The standard green roof condition should be added to ensure these requirements are met.
 - Appropriate bird and bat boxes/bricks should be installed in suitable locations, as advised by an ecologist and in accordance with best practice guidance including CIEEM. In particular, integrated bat boxes and swift bricks should be installed. The CIEEM best-practice guidance for the number of swift nestboxes in a development of this type is 1 swift nestbox per dwelling. These should be mounted near the roof, in clusters of three or more.

- 7.14 **Tree Officer:** Objection originally raised to the loss of the Council Owned Street Maple Norway Tree off site and concerns with future pressure on Horse Chestnut Tree (also off site). No objection raised to revision to Unit R6 to accommodate the retention of the Norway Maple Tree and amendments to amenity space of Unit R1 (Now R2) and R8 to reduce future pressure on Horse Chestnut Tree. Support of revised amended Arboricultural Impact Assessment subject to condition.

External Consultees

- 7.15 **TfL (Road Network):** No objection, following detailed comments made:

17 long stay and 3 short stay cycle parking spaces are proposed. This slightly exceeds the minimum requirements set out in policy T5 (Cycling) of the London Plan, which is welcomed.

It is understood a variety of cycle racks will be provided. The applicant must ensure that all cycle spaces are designed and laid out in line with the London Cycling Design Standards (LCDS) and manufacturers guidance so that they are useable. As certain stands do not accommodate all types of bicycles, at least 5% of the total provision should be in the form of conventional tubular stands, e.g. Sheffield stands. Additionally, 5% of cycle spaces should be able to cater for larger cycles, including adapted and cargo cycles.

TfL strongly supports and welcomes the removal of 27 car parking spaces to provide a development that is car free. This is also supportive of T6.1 (Residential parking) of the London Plan.

A Delivery Servicing Plan (DSP) is recommended to ensure the anticipated number of service/delivery vehicles can be accommodated on site or in a nearby lie bay. Swept path analysis should also be included to demonstrate deliveries and servicing can be undertaken safely in line with vision zero, the mayors aim to eliminate all death and serious injuries in London on the transport network by 2041 and the DSP should detail where delivery activities will be undertaken.

A Construction Logistics Plan (CLP), designed in line with TfL guidance, available here: <https://constructionlogistics.org.uk/wp-content/uploads/2020/03/CLP-Guidance-by-CLOCS-March-2020-v1.5.pdf> should be provided and secured by condition.

TfL have no further comments on this application at this time providing delivery and servicing arrangements are detailed and a CLP is provided.

- 7.16 **London Fire Brigade:** No further observations to make following the submission of Fire Statement.
- 7.17 **Metropolitan Police Service (MPS):** No comments received. However advice received during pre-application stage is being adhered to.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 8.1 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.
- 8.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 The National Planning Policy Framework 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.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.9 The Development Plan is comprised of the London Plan 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.

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

Emerging Policies

Draft Islington Local Plan 2019

8.11 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 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place between 13 September and 5 October.

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

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

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

Policy DH1 Fostering innovation and conserving and enhancing the historic environment
Policy G4 Biodiversity, landscape design and trees
Policy G5 Green roofs and vertical greening
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 ST2 Waste

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Impact on the amenity of neighbouring residents
- Housing Mix
- Quality of Accommodation
- Accessibility
- Crime Prevention
- Highways
- Sustainability
- Trees and Ecology
- Affordable Housing
- CIL and S106.

Land Use

9.2 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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 H1 (and table 4.1) 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.

9.3 It is noted from the previous refused planning application (P2015/0040/FUL) that the site is owned by one private landowner, who also formerly owned the freehold to the adjacent Parkhurst Court. The use of the lock up garages has declined over recent years and it is understood that only a small number are currently in use. As seen on site at present, 2 existing lock up garages exist, prior to this 27 in total existed on the site. The loss of parking is a matter supported by planning policy; however it is a private concern between residents and the freeholder of the garages. The application site is centrally located with several well developed transport modes in the vicinity of the site. The council actively promotes through its planning policy the reduction of car parking spaces in favour of more sustainable modes of transport. Within this context the council raises no objections to the loss of existing garages on the site in terms of highways impacts and pressures.

9.4 The Council has no specific designation for the sites future use but the overarching national and local policies of making the most effective and productive use of valuable urban sites for the most important land uses would recognise that the site would be best developed for residential use. Moreover, this would be the most contextual land use, since the site is surrounded on all perimeters by other forms of residential use. Residential garages are ancillary to residential land use and since a residential use is proposed, there is therefore no concern over the proposed land use in planning policy terms.

9.5 It is noteworthy and a material planning consideration that the previously refused scheme for a residential development in this location was not refused or objected to in principle by the council or indeed the Planning Inspectorate. The previous permission was refused in relation to failure to enter into a s106 agreement to secure small sites financial contribution and C02 offsetting with other planning merits being agreed to be acceptable at that time. Therefore the previous permission offers a relevant and material baseline for assessing what scale, footprint, type and quantum of residential development of this site can possibly achieve moving forward.



Image 6: 2015 Proposal Ref P2015/0040/FUL – Design

Design

- 9.6 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should create better places in which to live and work and helps make development acceptable to communities. Paragraph 134 of the NPPF (2021) states that in determining applications, great weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.7 Core Strategy Policy CS8 states that the scale of development will need to reflect the character of the area. The businesses and shops which provide the mixed use character of Islington will be maintained through employment, retail and design policies.
- 9.8 Development Management Policies DM2.1 requires all forms of development to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.

Scale, Massing and Layout

- 9.9 Paragraph 5.41 of the Urban Design Guide (2017) in regards to backland sites states the following:

Backland sites are sites behind existing buildings, often with no street frontage and usually within predominantly residential areas. These spaces are normally used as garden or other

outdoor amenity spaces, accommodating little more than sheds and ancillary buildings, although the historical development pattern of the borough has also resulted in backland sites accommodating low-rise industrial or other non-residential premises. Regardless of the size of the site, in Islington where backland sites do accommodate development, this is generally subordinate to the buildings that front the street.

9.10 Paragraph 5.23 of the Urban Design Guide (2017) in regards to layouts states the following:

Layout also needs to consider relationships with adjoining sites, and not unduly disrupt prevailing levels across a locality.

9.11 Paragraph 5.25 of the Urban Design Guide in regards to layout states:

That as a general principle, site layout should provide for well overlooked, legible and well-connected places with clearly defined public spaces and secure private spaces. A common arrangement of buildings in Islington is the perimeter block structure, where massing is located towards the edges of the blocks, with little or no development in the centre, and where the edges of the surrounding streets and spaces within are defined by the line of the building frontage. This contributes positively to the legibility of the area and provides a clear distinction between public and private spaces.

9.12 The proposal seeks to erect 7 residential units, 6 of which would effectively form 2 storeys, with a concurrent height of 6.4m, save for the 6.7m high R2 block from the drawings provided, with 1no. x single storey unit at R3 and single storey projection supporting R2. It would be sited and setback from Warlters Road and to the east flank of Parkhurst Road.

9.13 In regards to the surrounding built form, Parkhurst Court is a post war 5 storey private residential block between the site and Warlters Road, from drawings provided it has a height of 15-16m. To the three remaining sides, the site is surrounded by the Williamson Street Estate, with the three storey terrace of 30-45 Belfont Walk to the east which has a maximum height of 8.3m, Penrhos House towards the west (Maximum height 8.7m), 60 to 70 Parkhurst Court and 25 to 40 also to the west which is on a higher land level (Approx. 12m at maximum height above site) and Vaynor House to the south which has a similar height to Penrhos House. Apart from Parkhurst Court (which is five storeys), the buildings around the site are all three storeys, including Belmont Walk, Vaynor House and Penrhos House.

9.14 Given the surrounding building heights and context, this scale and massing in this site context is supported and considered to comply with paragraph 5.41 of the IUDG. The scheme's layout is linear in form and draws upon some similarities with the 2015 (P2015/0040/FUL) submission which was recommended approval. This layout approach in principle is therefore acceptable again. The proposed dwellings run from the north to the south end of the site and are located around the four boundaries of the site with communal and access areas to the centre in line with the IUDG guidance at paragraph 5.25.

9.15 Units R4-R8 are individual courtyard 2 storey 2 bedroom (3no. 5 persons and 1no. 4 persons) and 3 bedroom (5 persons) houses which look into their own private gardens and consist of a height of 6.4m. R2 is a two storey gatehouse block with a central archway/undercroft for access below which consists of a height of a 6.75m. R2 also has a single storey element which measures 3.1m and height and of which is adjacent to R8. R3 is a single storey residential unit situated in between the gatehouse block (R2) and R4 which consists of a height of 3.1m. It provides a 2 bedroom, 4 person unit and also looks into its own private garden.



Image 7: Proposed Layout

- 9.16 It is acknowledged from the submission that the design of the scheme has attempted to respond to the site context and neighbouring buildings. For example, R2 is set back from the boundary to respect the daylight and outlook from Penrhos House by 1.1m and R2 & R6's amenity is located where the root protection zone is to ensure there is no adverse impact to the tree. The dwelling at R6 has also been amended and re-orientated so that the built form is located as far as practically away from the canopy and root protection area of the Maple Norway Tree, whilst the private amenity space has been pushed west so as to protect the longevity of the tree.

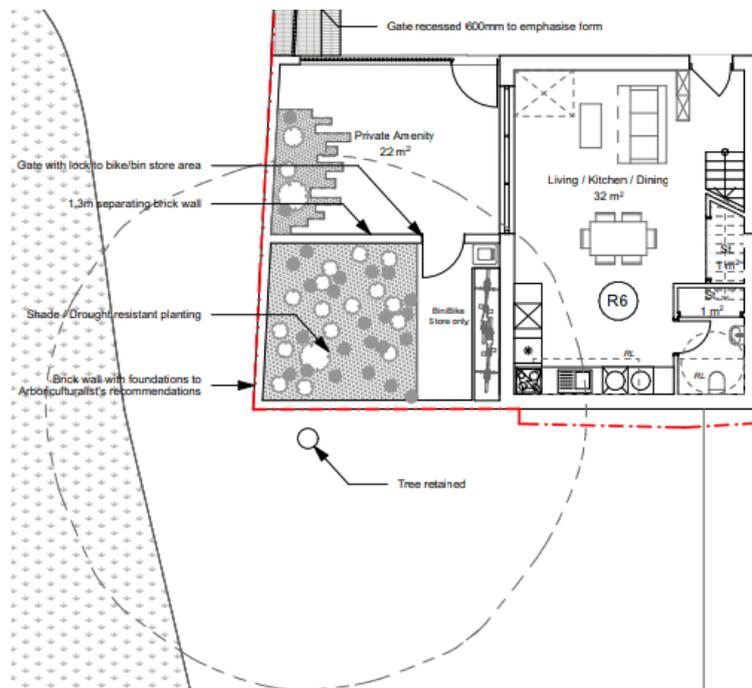


Image 8: R6 revised arrangement



Image 9 and 10: Proposed ground and first floor plans

9.17 It is acknowledged that the site includes an undercroft which is located below R2 of which runs vertically across the northern boundary of the site. Whilst undercrofts are not generally supported as detailed within paragraph 5.11 of the IUDG, this design approach was proposed and supported by officers under application P2015/0040/FUL. The undercroft would also allow for a secure and controlled pedestrian access to the site, which would be internally lit within the site with a brick slip soffit light integrated to the side wall of R2 to illuminate brickwork. The site would continue to be accessed from the north end adjacent to Parkhurst Court from Parkhurst Road and the undercroft with glazing facing the southern end of the access around Parkhurst Court would provide some natural surveillance. Overall, this approach is acceptable in this backland siting.

Elevation Treatment, Materials and Appearance

- 9.18 Brick as the main facing material is supported in principle due to the surrounding context. Surrounding three storey blocks on Belfont Walk and Trefil Walk consist of yellow brick, with Parkhurst Court consisting of red brick.
- 9.19 During the application process a number of amendments were made to ensure the development is of good quality and responds to the character of the area in line with the comments and feedback of the Design and Conservation Officer. The block form of the development was considered acceptable, but it was suggested that the appearance of development required further architectural detailing to add interest. Following this advice the Brick bond was altered to include London stock header bond on the lower level section of the development with a stretcher bond to the upper floor to provide some contrast. Officers also considered the development to appear too defensive. With this in mind, the scheme was amended to include the addition of obscured high level fixed windows to each of the 2 storey units stairwells facing externally out away from the site. Within the site, obscure glazing serving kitchens facing the internal communal area were removed.
- 9.20 Glazing within the site would have vertical emphasis to reflect the design of the block and would consist of a anodised metal material. Anodised metal railings and enclosures for ground floor amenity spaces are also proposed whilst the outer walls would be bricked to safely enclose the site. Anodised metals are considered to offer protection from the elements and resistance to colour fastness and be durable. This material is considered acceptable at mainly lower level areas of the site as opposed to timber cladding proposed at pre-application stage which raised concerns about durability and maintenance and is not considered a sustainable option in line with DM2.1, part i) due to weathering and deterioration over time.
- 9.21 Upon the roof of the development, the single storey elements will consist of wildflower green roofs, whilst the 2 storey roofs will consist of a sedum green roof. Rooflights are proposed across all of the units and are spaced sufficiently apart from each other. All units would be supported by grey solar PV panels, which would be flush to the roof. No objection is raised to appearance of the roof which would be consistent with modern residential blocks being constructed that would aim to offset carbon emissions and create a more sustainable, self-sufficient development.

Landscaping and Boundary Treatments

- 9.22 At pre-application stage the central external circulation route had informal planted borders to provide attractive defensible space and separation to the private amenities. However, it was considered that the thresholds between public, private and semi-private space around the proposed buildings were ambiguous and unresolved.
- 9.23 Amenity spaces are now enclosed by hard landscaping with 1.3m high anodised railings facing the communal areas, whilst the site and the amenity spaces are enclosed by brick walls to separate the site from the surrounding area ranging from 2.5m-3m around the site which would provide sufficient sense of separation, privacy and enclosure for residents to enjoy the amenity of the private spaces.



Image 11: Proposed central communal area and access

- 9.24 The communal area will also consist of small grasscreted planting areas to provide defensible spaces outside of kitchen doors along with raised planters. Updated plans show metal railings around the planted areas to ensure they are fully defensible.

Impact on Hillmarton Conservation Area

- 9.25 The site is not within a conservation area, however, it is located 50m north-west of the Hillmarton Conservation Area which is to the west and south of the site, with the latter section on Warlters Road in closer proximity. 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.

- 9.26 There would be some oblique views of the development from Warlters Road where the Conservation Area spans up to No.36. This would be a long view from over the road with the proposed development in the background of the five storey Parkhurst Court. In addition to the above location, there would be limited to no visibility of the development from Warlters Close (east of the site) due to the tall and dense trees upon the boundary with Belfont Walk. Overall, there would be no adverse impact on the Conservation Area adjacent to the site due to the development's height and massing in context of neighbouring properties and limited visibility from a number of angles.

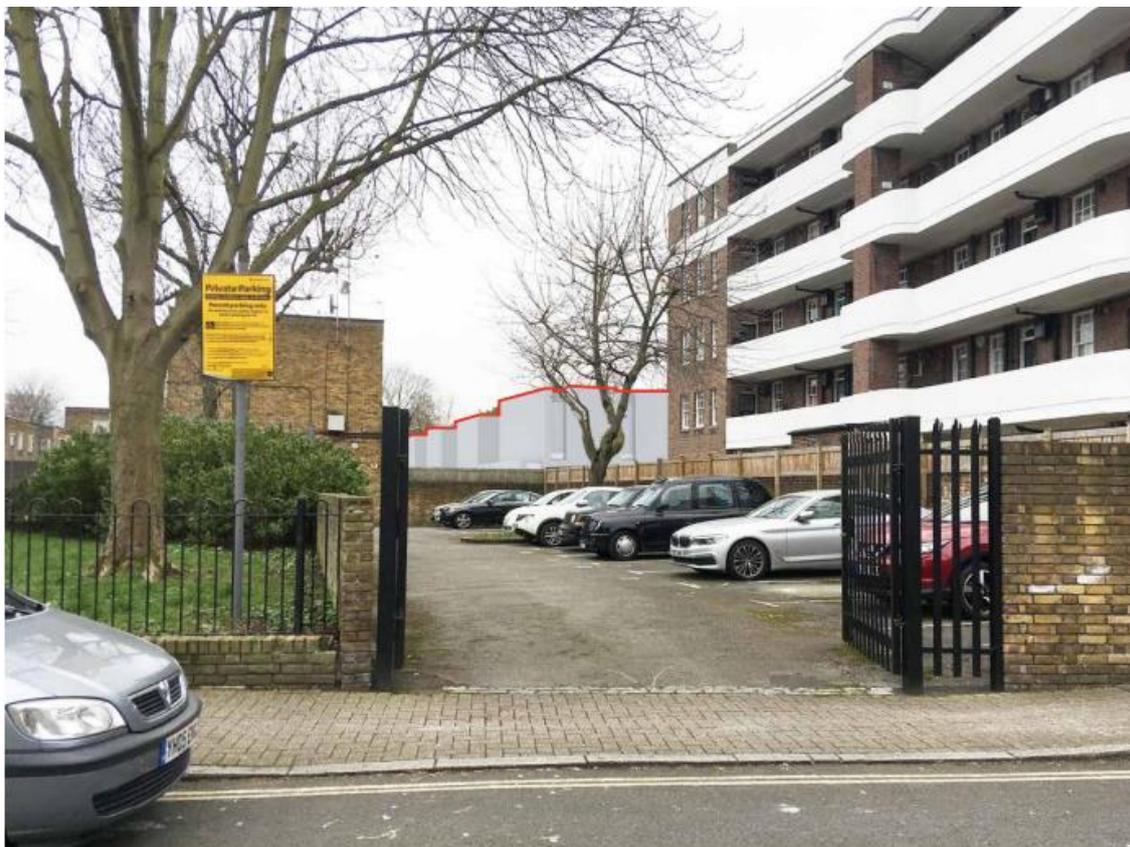


Image 12: Proposed massing view from Warlters Road

Conclusion

- 9.27 Overall, the proposal is considered acceptable subject to conditions and complies with Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011, Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 and London Plan 2021 policies D3 and D4 and to accord with the National Planning Policy Framework (NPPF) 2021.

Neighbouring Amenity

- 9.28 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. The proposal is subject to London Plan Policy D6 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality. Moreover, London Plan Policy D6 requires for buildings to provide sufficient daylight

and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

- 9.29 The proposal is surrounded by residential uses only. Parkhurst Court is 5 storey private residential block between the site and Warlters Road to the north. To the three remaining sides, the site is surrounded by the Williamson Street Estate, with the three storey terrace of 30-45 Belfont Walk to the east, Penrhos House towards the west, 25 to 40 and 60 to 70 Parkhurst Court also to the west is on a higher land level (Approx. 12m at maximum height above site) and Vaynor House to the south which has a similar height to Penrhos House. Apart from Parkhurst Court (which is five storeys), the buildings around the site are all three storeys, including Belmont Walk, Vaynor House and Penrhos House.

Outlook and enclosure

- 9.30 A number of objections and concerns have been raised from the public consultation on the impacts the extensions may have on neighbouring amenity. The site consisted of 27 single storey garages, 2 are still retained on site and are proposed to be demolished. These are located to the north west and north east of the site adjacent to Parkhurst Court, they have a height of approximately 3.6m. Prior to their recent demolition, a row of garages along the west and east boundary measured approximately 2.3m in height. There was a row of garages to the southern boundary which also had a similar height of 2.3m.
- 9.31 To the northern boundary, R2 is a two storey gatehouse block with a central archway/undercroft which consists of a height of a 6.75m and is adjacent to Parkhurst Court and would add more height and massing compared to the 3.6m height of existing garages. It spans 14.60m in length across the northern boundary and officers acknowledge it would decrease the level of openness at this location. Ground floor elements project slightly longer to the west and east of the 1st floor, but retain a height of 3.1m which is slightly less than the existing corner garages and would have a more welcoming curved appearance. The ground floor would be between 5.3m-5.5m of the flank of Parkhurst Court due to the angle of the south elevation of this building whilst the first floor element would be 6.0m-6.2m. However, whilst this is noted, the flank windows of Parkhurst Court that run from ground to fourth floor serve bathroom and kitchen windows (non-habitable) from layout information received during the application. Lounge and bedrooms within each flat would not have their outlook compromised from the north and south of the building and thus away from the proposed development. Additionally, the kitchens are also served by 2no. windows that face eastwards away from the proposed development. Overall, the impact of enclosure to habitable rooms taking into consideration the location of bedrooms and living room spaces within the flats at this location is not considered significant and outlook is not impacted to an unacceptable degree to refuse the application.
- 9.32 Penrhos House is a 3 storey block, to the western boundary. The flank of R2 is approximately 12.3m from the ground floor of this building and 13.7m from the first and second floor. Whilst the flank of this development in particular would be visible, when considering the spacing proposed there would be no adverse impact in regards to outlook to the residential building and the block would not be enclosed to an unacceptable degree due to the spacing in this location.
- 9.33 To the eastern boundary, the two storey flanks of R2, R3, R4, R5 and R6 face the flats within Belfont Walk (30-45). The two storey projections are approximately 8.35m-8.57m from the windows serving ground to second floor flats on Belfont Walk. It is acknowledged that the view over the existing garage site would be altered with the addition of the first floor level of the development. However, the development would be sited against existing 3 storey development in the background, and the higher 3 level development (Approx. 12m at maximum height above ground) on Parkhurst Road. It is also acknowledged that the design of the blocks allow spacing in-between the units of R2, R4, R5 and R6 which allows outlook between the units and ensures

there is no significant and consistent mass of built form viewed from the neighbours viewpoint. It is therefore not considered that the outlook would be adversely impacted.

- 9.34 10-29 Belfont Walk are set further behind 30-45 Belfont Walk and would be over 18m-20m from the development at their closest and would not have their outlook compromised.
- 9.35 To the west, and below Trefil Walk are 62-70 Parkhurst Road located at ground floor level with the unit's amenity space projecting beyond the covered area. The flank elevation of R7 and R8 are closest to these units. Due to the splayed elevation of this building to the units, there is a spacing 11.3m-12.8m from the Trefil Walk overhang above these units and R7, whilst there is a separation of 13.75-16m from the units and R8. When considering the distances and the fact that the unit's windows are setback deeper than the Trefil Walk overhang it is not considered that the development would have an adverse impact to these units in regards to outlook.
- 9.36 To the south, the 3 storey Vaynor House is located and is to the opposite end of Parkhurst Court. R7 is the closest unit at 9.8m from the flats at this location. R7 is set in from the boundary and angled to minimise its massing. The outlook over the communal open green space for units within Vaynor House would be unobstructed from the development and it is not considered that the development would have a detrimental impact on outlook to this property.

Privacy

- 9.37 Paragraph 2.14 of the Development Management Policies 2013 states that '*there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.*'
- 9.38 The proposal on the whole has been designed in a way to mitigate and reduce overlooking and loss of privacy taking into account the site to all corners is surrounded by residential properties. Bedrooms and living spaces are generally designed to overlook their own private amenity spaces and/or towards the central communal area to create natural surveillance. Windows to serve stairwells have been added to external walls facing away from the site to the west and east but are obscured so as not to overlook properties.
- 9.39 Where there are windows closer to the residential properties, this has been carefully considered and clarified by further information from the applicant. It is noted that there is some clear glazing facing Parkhurst Court. However, as detailed within the Design Addendum_Rev A (Pg.5) direct overlooking to habitable rooms is extremely limited due to the location, angle and setback of windows at ground floor, whilst at first floor a louvred screen covers one half of a window to prevent overlooking. Overall, the siting and location of windows means there will be little overlooking towards residential windows or views would be so oblique so as not to cause harm to privacy.
- 9.40 From a review of the plans, windows would not be within 18m of other habitable windows. During the course of the application Unit R7's living room window was re-orientated to ensure it was not within 18m of residential properties within Vaynor House to the south east of the development. Amended plans were received and this matter has now been dealt with in order to protect privacy of residential properties.
- 9.41 Terrace and balcony spaces are proposed to three of the houses. The terrace areas of R7 and R8 would look east towards their own amenity space and the communal area and would therefore not result in a loss of privacy to surrounding residential properties. The terrace area of R7 would be enclosed with a 1m high x 1m depth planter with anodised railings. The terrace of R2 would be enclosed to the flank, preventing direct views to the west. Whilst there would be

views south west from the centre of the terrace it would be over 30m from the overhang of Trefil Walk and therefore a significant distance from the properties below and above.

Daylight and Sunlight

- 9.42 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours. A number of objections have been raised with regard to the impact of the proposed structure upon the levels of sunlight and daylight provided to neighbouring properties.
- 9.43 The applicant has provided a Sunlight and Daylight analysis to support the proposal, which has assessed the impact of the proposal on the windows and the rooms they serve that could potentially be affected at the adjoining properties:
- 62-70 Parkhurst Road (west of site)
 - Penrhos House & Vaynor House (west and southwest of site)
 - Parkhurst Court (north of site)
 - 30-45 Belfont Walk (east of site).
- 9.44 **Daylight:** the BRE Guidelines stipulate that there should be no noticeable loss of daylight provided that either:
- the Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value (Skylight); or
 - the daylight distribution, as measured by the No Sky Line Contour (NSC) test where the percentage of working plane area receiving light is measured, is not reduced by greater than 20% of its original value.
- 9.45 For daylight, Penrhos House & Vaynor House and 30-45 Belfont Walk are fully BRE compliant.

62-70 Parkhurst Road

- 9.46 To the west at 62-66 Parkhurst Road, there are some losses to VSC to 5 of 8 windows upon the ground floor only. These are minor transgressions between 0.73 and 0.79 their former VSC values just below the 0.8 guideline value. These properties have walkways above them and this is acknowledged within the BRE guide to limit available daylight. BR 209 paragraph 2.2.11 states:

Existing windows with balconies [or any other obstruction] above them typically receive less daylight. Because the balcony cuts out light from the top party of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC. One way to demonstrate this would be to carry out an additional calculation of the VSC for both the existing and proposed situations, without the balcony in place. For example, if the proposed VSC with the balcony was under 0.8 times the existing value with the balcony, but the same ratio for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light.

- 9.47 A test was also run in the scenario that all properties did not have walkways above, which resulted in no transgressions greater than 20%. Overall, the reductions even when considering the existence of the balconies are considered to be minor. It should be noted that the windows serving 68 and 70 (windows 6, 7 and 8) pass the VSC test.

Daylight Assessment (VSC)	Existing / without overhang	Proposed / without overhang	PR/EX	Meets BRE Guidance
Window 1 (Ground Floor-Bedroom)	7.30 / 21.38	5.32 / 19.41	0.73 / 0.91	No / Yes
Window 2 (Ground Floor-L/K/D)	10.79 / 29.47	8.15 / 26.83	0.76 / 0.91	No / Yes
Window 3 (Ground Floor-L/K/D)	11.35 / 30.89	8.26 / 27.80	0.73 / 0.90	No / Yes
Window 4 (Ground Floor-Bedroom)	11.22 / 29.29	8.27 / 26.34	0.74 / 0.90	No / Yes
Window 5 (Ground Floor-L/K/D)	13.17 / 33.81	10.41 / 31.05	0.79 / 0.92	No / Yes

Table 1: Daylight assessment (VSC)
L/K/D=Living/Kitchen/Diner

Daylight Assessment (NSC)	Existing / without overhang	Proposed / without overhang	PR/EX	Meets BRE Guidance
Window 6 (Ground Floor-Bedroom)	98.56 / 99.17	76.25 / 97.48	0.77 / 0.98	No

Table 2: Daylight assessment (NSC)

- 9.48 The Daylight Distribution test has been carried out also for the properties at 62-70 Parkhurst Road (See addendum to Daylight Sunlight Assessment) following a review of consented plans and the rooms shown from application reference P122113. As detailed within table 2, there is a minor intrusion to window 6. This window passes the VSC, but with DD has a minor deficiency below 0.8 (0.77). A test was also run in the scenario that all properties did not have walkways above, which resulted in no transgressions greater than 20%. Overall, the reduction even when considering the existence of the balconies is considered to be minor. Additionally, the rest of the windows (7/8) tested comply fully with the BRE guidelines.

Parkhurst Court

- 9.49 Windows 38-51 of this building were assessed. Windows that fail are 39 and 40 and serve one ground floor flat. The results are shown within table 3. A layout of a flat upon the 2nd floor (directly above the flat) from historical sales are shown within Appendix D of the Daylight and Sunlight Report. This shows a bathroom and kitchen window, whilst a further two kitchen windows are shown facing east. From receipt of objections and clarification with a neighbour within one of the flats facing the development, this layout assumption is correct. It is also evident that on residential buildings 'stacking' occurs so that all services can run concurrently.

Daylight Assessment (VSC)	Existing	Proposed	PR/EX	Meets BRE Guidance
Window 39 (Ground Floor-Bathroom)	33.93	18.87	0.56	No
Window 40 (Ground Floor-Kitchen)	33.74	19.02	0.56	No

Table 3: Daylight assessment (VSC)

9.50 The assessment states that BR 209 paragraph 2.2.2 states that windows to bathrooms need not be analysed because they have no particular requirement for daylight. Therefore, it is suggested that the impact of the development on the VSC of window 39 at Parkhurst Court should be considered acceptable and compliant with BR 209 guidance. This is considered a reasonable assessment when considering the lounge windows to the west would comply with the VSC guidance (Window 38). In regards to the loss to the kitchen window (40). The layout shows two further kitchen windows facing east. This is visible from site imagery also. These windows are unaffected by the development. To test the impact on the room further the assessment has provided a Daylight Distribution test (NSC) for the kitchen room based on the layout plan available. It shows that the kitchen would have full compliance with the fraction of former value being 0.96 (no less than 0.8 recommended figure).

9.51 In regards to the daylight distribution (NSC) test no windows failed the BRE guidance.

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

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

9.53 In regards to sunlight, Penrhos House & Vaynor House and 30-45 Belfont Walk are fully BRE compliant.

62-70 Parkhurst Road

9.54 The assessment states that of the 8 windows tested, 7 adhere to the ASPH guidelines. The 1 window failing is window 4 (ground floor level at Number 66) and results in transgressions to 0.55 its former value in regards to winter sunlight. Whilst the transgression is acknowledged, the annual sunlight received for this window passes the BRE guidance (0.81 retained) and it's lounge windows would be unaffected. The unit also contains a bedroom facing Parkhurst Road which would not be impacted. Additionally, as detailed within the assessment, the reduction in sunlight over the year is marginally over 4% of annual probable sunlight hours (4.13%). The assessment details that the BRE guidelines note bedrooms are given less importance than the main habitable areas and thus some flexibility in the application of the guidelines may be applied. Overall the residential unit would still provide a good level of accommodation.

Sunlight Assessment (ASPH-Winter)	Existing	Proposed	PR/EX	Meets BRE Guidance
Window 4 (Ground Floor-Bedroom)	6.96	3.86	0.55	No

Table 4: Sunlight assessment (ASPH-Winter)

Parkhurst Court

9.55 Of the 13 windows tested, 12 adhere to the APSH guidelines for annual sunlight and winter sunlight. The 1 window failing (ground floor level) winter sunlight, drops 0.16 its former value. The window serves a lounge. Whilst impacts on lounge areas are considered more significant, window 38 would maintain an APSH of 26.96% for annual sunlight, in exceedance of the 25% APSH recommended in BR 209. The lounge is also supported by 2no. other windows within a bay which face away from the proposed development. The assessment states that it is not unusual for windows in London to experience winter sunlight levels that are below the WPSH recommended in BR 209. In this regard, it is not considered justifiable to refuse the application on this basis.

Sunlight Assessment (ASPH- Annual)	Existing	Proposed	PR/EX	Meets BRE Guidance
Window 38 (Ground Floor-Living Room)	7.17	1.13	0.16	No

Table 5: Sunlight assessment (ASPH-Annual)

Overshadowing

9.56 BR 209 paragraph 3.3.17 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 a 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

9.57 In regards to overshadowing of private amenity space. The results show that the proposed development would have an acceptable impact on the sunlight of 10 of the 11 amenity areas assessed. It would have a noticeable impact on the sunlight of amenity area 1 at 62-70 Parkhurst Road. The assessment notes that residents of amenity area 1 (a private garden) have direct access to amenity area 6 (a communal garden), 80.19% of which would receive at least 2 hours of sunlight on 21 March after development proposals and that bearing in mind the urban context of the development and that many flats in the surrounding area do not have access to any form of garden, it is suggested that this should be considered acceptable. From layout plans available of the flats at this location, amenity spaces upon Parkhurst Road are also visible for the flats at this location. Officers also acknowledge the walkway that runs and interrupts available daylight over these flats of which were converted from Council owned garages. Whilst the loss of sunlight to amenity space is regrettable, it is not considered reasonable to refuse the proposed development on this matter.

Overshadowing Assessment	Existing	Proposed	PR/EX	Meets BRE Guidance
1 - Private garden	70.45%	23.90%	0.34	No

Table 6: Overshadowing assessment

Conclusion

- 9.58 Overall, whilst the daylight and sunlight assessments have shown some transgressions, these occur to windows which pass in other tests whether that be daylight or sunlight. Officers are also required to acknowledge the overall impact on the amenity of a neighbouring property as a whole, and in this case note that the test shows predominant passes in a significant number of windows, rooms and amenity spaces, whereby officers consider that the neighbouring flats would retain an adequate level of amenity overall. In summary, the daylight and sunlight assessment demonstrates that the proposed development would see neighbouring residents continue to enjoy a reasonable level of amenity.

Conclusion

- 9.59 Overall, the application is considered to have acceptable amenity impacts and would comply with policy DM2.1 of the Development Management Policies 2013.

Housing mix

- 9.60 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For market housing, 10% of units should be 1-bed, 75% should be 2-bed and 15% should be 3-bed.
- 9.61 The proposal provides a generally compliant mix of housing units with the provision of 5no. x 2 bed units and 2no. x 3 bed unit self-contained units, is welcomed in policy. The quality of the units and the amenity for these will be discussed in the next section.

Standard of Accommodation

- 9.62 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also dual aspect. London Plan (2021) policy D6 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.1 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 9.63 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.
- 9.64 Core Strategy CS9 part F of the same policy states that new homes need to provide dual-aspect units with clear distinction between a public and private sides.
- 9.65 Tables 3.2 and 3.3 of Policy DM3.4 of the Islington's DMP stipulate the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within the proposed flats.

No. Bedrooms/ Expected Occupancy	Floor Space Provided (Approx.)	Minimum Required Floor Space	Provided Storage (Approx.)	Required Storage
R2 (3 bedroom, 5 person)	117 m ²	86 m ²	3 m ²	3 m ²
R3 (2 bedroom, 3 person)	63 m ²	61 m ²	2 m ²	2 m ²
R4 (2 bedroom, 3 person)	89 m ²	61 m ²	3 m ²	2 m ²
R5 (2 bedroom, 3 person)	89 m ²	61 m ²	3 m ²	2 m ²
R6 (2 bedroom, 3 person)	78 m ²	61 m ²	2 m ²	2 m ²
R7 (2 bedroom, 4 person)	74 m ²	70 m ²	3 m ²	2.5 m ²
R8 (3 bedroom, 5 person)	109 m ²	86 m ²	3 m ²	3 m ²

Table 7: Floorspace (new development)

- 9.66 All units, pass the minimum floorspace.
- 9.67 Storage is provided for all units, and comply with the minimum floorspace standards.
- 9.68 All double bedrooms provide a space of at least 12sq.m with single bedrooms providing at more than 8sq.m and above.
- 9.69 In regards to the NDSS (2015), the units would pass the requirements as set out, along with the London Plan (2021) policy H6, table 3.1.

Private outdoor space

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

No. Bedrooms/ Expected Occupancy	Amenity Space Provided (Approx.)	Minimum Required Amenity Space
R2 (3 bedroom, 5 person) – Upper floor only	40 m ²	7 m ²
R3 (2 bedroom, 3 person) – Single storey unit	17 m ²	16 m ²
R4 (2 bedroom, 3 person)	19 m ²	16 m ²
R5 (2 bedroom, 3 person)	18 m ²	16 m ²
R6 (2 bedroom, 3 person)	22 m ²	16 m ²
R7 (2 bedroom, 4 person)	31 m ²	17 m ²
R8 (3 bedroom, 5 person)	44 m ²	18 m ²

Table 8: Floorspace (amenity space)

Quality of resultant residential accommodation

- 9.71 All units would have a generous floorspace and are dual aspect (except R6) with glazing facing within each private amenity space and towards the communal central area of the site, with obscure staircase windows providing some additional light to the first floor of units. All the units feature bedrooms of adequate space and kitchen and living room spaces provide a good level of floorspace with outlook from each room along with amenity spaces of adequate size for each type of unit. In regards to Average Daylight Factors (ADFs) for the new development, all rooms comply and provide an acceptable degree of daylight for each of the rooms.
- 9.72 Unit 6 is not dual aspect, and has been reduced to ensure the off site Council owned Maple Norway Tree can be accommodated to the south eastern boundary. Whilst not dual aspect, the flank glazing is lengthy and large at ground floor for the living/room/kitchen space, whilst both bedrooms also look south and are adequate in the size of the openings. The glazing at this unit

also look over the green space, park and trees of Belfont Walk and would provide a good level of outlook.

- 9.73 The No Sky Contour (daylight distribution) test has been considered for the proposed development. All rooms tested for direct skylight which is the key component of the test pass, other than the bedroom for R1 (now removed). The studio unit was since removed from the scheme and the ground floor space has been incorporated within Unit R2 which provides a spacious 3 bedroom unit with 2no. amenity spaces.
- 9.74 The proposed flats have their own access from the central communal space, and have built in cycle storage within each amenity space. There are clear boundaries between the communal space and each private residential unit which ensures a level of privacy and safety. First floor terrace spaces also provide natural surveillance over the site. There is an undercroft area to the north of the site which will be the sole access to the site, however this would be lit and such details would be secured by condition of consent.
- 9.75 Overall, the proposed residential units are considered to provide an acceptable level of accommodation complying with policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Islington's Development Management Policy DM3.4, D6 (Housing quality and standards) of the London Plan 2021, Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021.

Accessibility

- 9.76 Local Plan policy DM2.2 and the Inclusive Design SPD remains a material consideration to any development.
- 9.77 Policy DM2.2 states that A. All developments shall demonstrate that they:
- i) provide for ease of and versatility in use;*
 - ii) deliver safe, legible and logical environments;*
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone, and*
 - iv) bring together the design and management of a development from the outset and over its lifetime.*
- 9.78 The proposed residential units are required to satisfy Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2). Apart from the National Standard, the Local Plan policy DM2.2 and the Inclusive Design SPD remains a material consideration to any residential development.
- 9.79 The Inclusive Design Officer was consulted as part of the application process. The officer made a number of comments on the quality of the residential units and made specific comments on meeting category 2 requirements. Unit R1 which has since been removed was also originally a wheelchair accessible unit, however whilst the applicant had made a fair attempt to provide an accessible unit, due to size requirements the proposal was not able to accommodate this unit from the advice provided by the Inclusive Design Officer. There is no statutory requirement for a M4(3) unit to be supplied, and as there are only 8 units in the scheme there is no clear policy requirement to include the unit. It was therefore agreed that it was omitted.
- 9.80 The applicant made a number of revisions to address the comments. Unit R7 has been re-planned so the internal arrangement includes a kitchen/dining area on the ground floor along with a bedroom, therefore improving the accessibility of the unit to respond to concerns that there was no WC and kitchen area at step free level. The floor plans were reworked to remove winders in order to meet Category 2 requirements, whilst bathroom doors were revised to open outwards to also meet the same requirements. Unit R2 also had cycle space moved to the

central communal area so as to not obstruct the staircase in line with the officer's comments. All units would be step free.

- 9.81 In regards to parking and transport the Inclusive Design Officer sought clarification on blue badge holders parking and this being within 75m of the site. The applicant detailed arrangements for safe drop and pick up and blue badge parking bay on Warlters Road and this was considered satisfactory by the officer.
- 9.82 Overall, the proposal seeks to adhere to the requirements of Policy DM2.2.

Crime Prevention

- 9.83 At pre-application stage comments were received from the Design out Crime Officer on the proposal. The officer stated that the Holloway ward suffers from a high volume of antisocial behaviour, as can be found detailed on Police.uk. It is therefore paramount that any future developments do not add to the issues the area already faces. Since the pre-application, the scheme has increased natural surveillance around the site with staircase glazing over the flank of dwellings and glazing to the south overlooking the green space and park, whilst glazing is proposed to the northern boundary.
- 9.84 The site would also have a security controlled pedestrian gate. The proposal would be conditioned to achieve Secured by Design accreditation to ensure that the development meets minimum police approved security standards as part of the Homes 2019 Guide.

Highways

Construction Management and Delivery and Servicing

- 9.85 A number of objections have been received in regards to concerns with how the site could be developed and the impacts on adjacent residential properties that surround the site.
- 9.86 The applicant has confirmed that there is an existing right of way through Parkhurst Court in both directions, therefore construction traffic can access the site with smaller vehicles. The main access point will be from Parkhurst Road which has a demountable bollard with a secondary access from Warlter's Road which also allows for vehicular access.
- 9.87 Historically the site was an access way to the 27 garages, and once development is completed, traffic flows will fall to a minimum which officers consider to be less disruptive in the long term. The new development will be car-free. Therefore future traffic flows are likely to be small. However, in any case, in order to ensure that management practices are implemented to ensure that the impact of construction on neighbouring residents is minimised, a condition has been recommended requiring the applicant to provide a Construction and Environmental Management Plan for the approval of the Local Planning Authority prior to the commencement of construction. Additionally the management plan will ensure that the construction activities and traffic movements related to the redevelopment of the site will be planned, managed and potential conflicts mitigated against to ensure the existing accessway to the site and the adjoining block are not compromised as the development progresses.
- 9.88 TfL have also provided comment on delivery and servicing and recommend a Delivery and Servicing Plan is conditioned to ensure the anticipated number of service/delivery vehicles can be accommodated on site or in a nearby lay-by. TfL also advise that swept path analysis should also be included to demonstrate deliveries and servicing can be undertaken safely in line with vision zero, the mayors aim to eliminate all death and serious injuries in London on the transport network by 2041 and the DSP should detail where delivery activities will be undertaken. The applicant has detailed turning circles and minimum widths within the November 2021 Design

Addendum document which shows vehicular access from the 2 access routes. The Delivery and Servicing Plan (Condition 7) will ensure these details are addressed.

Fire Access

- 9.89 The applicant has confirmed that the Fire Brigade can access the site from through Parkhurst Court & have their vehicles enter Belfont walk, which together brings all points of the development within the 45m firefighting radius which is a requirement within Approved Document B Requirement B5: *Access and facilities for the fire service Access and facilities for the fire service*. A Fire Statement was submitted following comments from London Fire Brigade who noted that they were unclear on the arrangements in allowing safe fire access to the site. The statement notes that there is an existing public fire hydrant is present adjacent to the entrance to Belfont Walk as indicated on Figure 6, being approximately 45m from the hardstanding area. This will offer a suitable firefighting water supply for use by the pumping appliance. The statement also details that that automatic suppression will be required within each dwellinghouse, which can be in the form of sprinkler systems and fire resistance external walls and floors.
- 9.90 London Fire Brigade provided a further response on the receipt of the statement, removing their comments in regards to the proposals being unclear in fire safety and consider the details at the Town and Country Planning Stage to be acceptable. However, in any case LFB would expect the applicant to adhere to Approved Document B prior to construction plans, which in this case can be satisfied given the access to the site from the two locations. Notwithstanding this, a condition shall be attached to ensure the proposed development should in every aspect adhere to Approved Document B Requirement B5: *Access and facilities for the fire service Access and facilities for the fire service*.

Car Free Development

- 9.91 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, and the loss of the existing parking is considered to be acceptable. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. This is to be secured via s106.

Cycle storage

- 9.92 The site has excellent access to public transport and the Public Transport Accessibility (PTAL) rating is 6a. Bus routes within walking distance to the site are the 17, 91, 393 and N91 from Parkhurst Road, and the 17, 43, 263, 271 and N41 from Holloway Road. Holloway Road and Caledonian Road and Underground stations on the Piccadilly Line are a 10-15 minute walking distance from the site.
- 9.93 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6, 1 bicycle space is required per 1 bedroom space (C3). 17 Bedrooms are proposed across the site.
- 9.94 Each unit would include built in cycle storage within amenity spaces to each unit providing 2no. cycle spaces. In addition to the built in storage, the central communal area would include space for up to 5no. cycle spaces enclosed by metal gates. Visitor cycle parking is also included. 17 long stay and 3 short stay cycle parking spaces are proposed. This complies with DM8.4 and

slightly exceeds the minimum requirements set out in policy T5 (Cycling) of the London Plan, which is welcomed by TfL. A condition would be attached requiring further details including sections and elevations of the cycle storage area and the store enclosures would be accessed and how they would comply with London Cycling Design Standards (LCDS).

Refuse and recycling

- 9.95 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.
- 9.96 Built in refuse storage space is included within the north elevation at ground floor level. Refuse vehicles at present do not enter the Parkhurst Court driveway due to the widths and turning restrictions, therefore the development will have privately serviced waste management, with individual refuse bins to each house and communal recycling facilities taken by the operator through the Grounds of Parkhurst Court.
- 9.97 The arrangements are acceptable in principle, however further details including plans and sections and details on the private collection service shall be provided subject to a condition for the approval of the Local Planning Authority prior to occupation of the development.

Sustainability

- 9.98 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'. The proposed development should be maximised in terms of energy efficiency and carbon emission reduction, in accordance with policy DM7.2.
- 9.99 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF. Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 9.100 It is the council's and the Mayor's objective that all developments meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in CO₂ emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise CO₂ emissions. In this regard, it is policy that the feasibility of providing Combined Heat and Power (CHP) / Combined Cooling Heat and Power (CCHP) be fully explored.
- 9.101 The application is supported by an Energy Statement by erban consulting (May 2021) and Sustainable Design and Construction Statement by erban consulting (March 2021).
- 9.102 The submissions state that the scheme has been designed in accordance with Development Management Policies which seeks to address sustainable design and construction. The proposed development incorporates green roof and green landscaping. This is considered to be an improvement over the environmental quality of the existing site and would be in line with policy DM7.1. A condition would be attached 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. This is also supported by the Sustainability Officer.

- 9.103 The applicant seeks to provide exemplary buildings with an environmentally responsible design that conserves energy and enhances the environment which has been supported by an Energy statement and Sustainability Sustainable Design and Construction Statement. The scheme as detailed within the note is to be designed in accordance with the Be Lean, Be Clean and Be Green energy measures as set out within Policy 5.2 of the Development Management Policies Document (2013) which requires development proposals to make the fullest contribution to minimising carbon dioxide emissions. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved would be conditioned in accordance with the standards stipulated by policy DM6.6.
- 9.104 Using SAP 10.0 carbon factors it is estimated that energy efficiency measures would enable the dwellings to achieve a 10% reduction in regulated CO2 emissions beyond a development which complies with Building Regulations Part L 2013.
- 9.105 Additionally, with further measures proposed it is likely that further reductions can take place. It is proposed that individual air source heat pumps are installed in each of the dwellings to provide space heating and hot water to provide a further 51% reduction in the developments regulated emissions. It is estimated that the installation of 46no. 370W solar photovoltaic panels would provide a yet further 26% reduction in the developments regulated emissions. It is estimated that a combination of energy efficiency measures, the installation of heat pumps and the installation of solar photovoltaic panels would enable the proposed dwellings to achieve a 87% on-site reduction in regulated CO2 emissions beyond emissions from a development which complies with Building Regulations Part L 2013 (equivalent to a 93% on-site reduction in regulated CO2 emissions in comparison with regulated emissions from a development which complies with Building Regulations Part L 2010). A condition shall be attached to ensure reductions of at least a 19% in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4) unless such provision is not feasible.



Image 13: Proposed development including green roofs

- 9.106 The single storey parts of the roof will consist of wildflower green roofs, whilst the 2 storey roofs will consist of a sedum green roof. The communal areas will consist of small grasscreted areas to provide defensible spaces outside of kitchen doors along with raised planters. Planters are also proposed outside the bedroom space to unit R3. All units would be supported by external Air Source Heat Pumps and solar PV panels.
- 9.107 The Sustainability Officer notes that the use of SAP10 (Up to date methodology for calculating energy use) are welcomed, as is the use of Air Source Heat Pumps for each dwelling along with the use of PV panels that was requested in their consultation comments. Overall, the details are considered satisfactory.
- 9.108 The applicant has agreed to contribute the sum of £10,500 to carbon offsetting as outlined within the Planning Obligations (Section 106) Supplementary Planning Document (the SPD). This has been secured through a Unilateral Undertaking.

Trees and Ecology

- 9.109 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.
- 9.110 The application is supported by an Arboricultural Impact Assessment by Tamla Trees (September 2021) which details Arboricultural site supervision and tree protection measures for the trees that are located on all sides of the site boundary. This is an updated tree assessment, which now shows plans to retain the Norway Maple Tree located to the south east end of the site close to Belfont Walk. This is a mature tree owned by Islington Council. Plans originally detailed the removal of this tree to accommodate the residential development.
- 9.111 The Tree Officer objected to the removal of this tree known as T2, as it is considered a tree of good condition and high long-term amenity value. It is a publically owned tree that will not be allowed to be removed for a private residential development. It is a good quality tree of significantly high amenity value that is Local Authority owned and the officer considers that this is not a situation where it is necessary to remove this tree in order to develop the site.
- 9.112 The proposal was revised and the Norway Maple (T2) is to be retained. In retaining this tree, unit R6 has been reduced in its built form with the original single storey element cut from the development to ensure the root protection area of T2 was not impacted. During the course of the application, amendments also occurred to the amenity of space of this unit to ensure there was no short, medium and long term pressures to the tree post development from falling leaves, debris, fear of falling branches, nuisance and continuous maintenance. The area under the canopy was since turned in to a bin and bike store area along with an area of shade/drought resistance land, with the main private amenity space located in a separate location to the west.
- 9.113 In addition to the issues raised around T2 following comments from the Tree Officer, units R2 and R8 had their amenity spaces increased so as to ensure there were no significant future pressures on T4 which is a mature Horse Chestnut tree located just outside the site. Unit R2 was reduced in depth, which allowed for a greater amenity space that was less compromised from the canopy. Unit R8 has two amenity spaces, including a ground and first floor (balcony terrace). The second upper floor amenity space allows there to be less pressure on the tree as it faces away from the canopy and this was considered acceptable by the Tree Officer.

- 9.114 T1 within the development site is proposed to be removed, this was considered acceptable by the Tree Officer due to its low category rating (Category C).
- 9.115 The Tree Officer has reviewed the assessments provided including the latest arb assessment. The officer considers the Arboricultural Impact Assessment, contained within the submitted Arboricultural report to be adequate in order to protect the Council owned trees located to flanks of the site during all development works. The Proposal is therefore acceptable in this regard and those details are to be conditioned.
- 9.116 A condition would be attached to ensure Swift/Bat Boxes are integrated in to the development in line with the comments received from the Islington Swift Group.

Affordable Housing

- 9.117 Islington's Core Strategy Policy CS 12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.
- 9.118 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of 1 or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units. Based on a study of the level of financial contribution that would be viable, the required contribution is £50,000 per additional (net) unit, which would accumulate to £350,000 for the 7 units now proposed.
- 9.119 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 has been secured through a Unilateral Undertaking.

Community Infrastructure Levy and S106 Planning Obligations

- 9.120 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. Both LBI and London Mayoral CIL will apply to the scheme. The payments would be chargeable on implementation of the development.
- 9.121 The Islington CIL was adopted on 1 September 2014 and all applications determined after this date are liable for an Islington CIL payment.
- 9.122 The following heads of Terms would be secured within a s106 agreement (Unilateral Undertaking):
- 1) Small Sites Contribution towards affordable housing: £350,000
 - 2) CO2 offset payment: £10,500
 - 3) Car free development.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character or appearance of the local area and adjacent Conservation Area nor adversely impact on neighbour amenity. The proposal accords with policies DM2.1, DM2.3, DM3.1 and DM3.4 of the Development Management Policies (2013) and policies CS8, CS9, CS10 and CS12 of the Core Strategy 2011.
- 10.2 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy and the Islington Development Management Policies and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECCOMENDATION A

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

- Contribution of £350,000 towards affordable housing within the borough
- Contribution of £10,500 towards carbon off-setting.
- Car Free Development.

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

RECCOMENDATION B

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

List of Conditions:

1	COMMENCEMENT (3 YEAR CONSENT PERIOD)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	APPROVED PLANS LIST
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>0823-X-0100-GA-P11, 0823-X-0200-GA-P11, 0823-X-0201-GA-P11, 0823-X-0202-GA-P11, 0823-X-0300-GA-P11, 0823-X-0301-GA-P11, 0823-X-0302-GA-P11, 0823-X-0400-GA-P11, 0823-X-0401-GA-P11, Design & Access Statement (March 2021) by pH+, Arboricultural Impact Assessment by Tamla Trees (September 2021), Design Addendum_Rev A (June 2021) by PH+, Design Addendum_Rev B (November 2021) by PH+, Revised Daylight and Sunlight Assessment (May 2021) by erban consulting, Addendum to Daylight and Sunlight Assessment by erban consulting (November 2021) and Revised Energy Assessment by erban consulting (May 2021), Sustainable Design and Construction Statement (March 2021) by erban consulting and Fire Statement (Parkhurst Mews) by MU.Studio dated 17th January 2021</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.
3	MATERIALS (DETAILS)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Brick (solid brick) final colour, type and sample panel for the main elevations b) windows (annodised metal) and door treatment (including sections and reveals); c) Balcony and terrace balustrading and screening; d) Lighting details and e) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the Conservation Area.</p>
4	CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (DETAILS)
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP should refer to Islington's Code of Practice for Construction Sites (2018) and include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents;

	<p>j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;</p> <p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
5	<p>REFUSE/RECYCLING (DETAILS)</p> <p>CONDITION: Details of refuse / recycling storage and private collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The refuse / recycling storage and private collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
6	<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 Hereby approved development. The storage area(s) shall be secure and provide for no less than 17 for the residential units hereby approved.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p>

	REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport
7	DELIVERY AND SERVICING PLAN (DETAILS)
	<p>CONDITION: Details of delivery and servicing to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The details shall demonstrate that the anticipated number of service/delivery vehicles can be accommodated on site or in a nearby lay-by.</p> <p>Swept path analysis should also be included to demonstrate deliveries and servicing can be undertaken safely.</p> <p>The delivery and servicing of the site shall take place in accordance with the details so approved permanently thereafter.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
8	TERRACE (DETAILS)
	<p>CONDITION: Prior to occupation of the development hereby approved, details (including plans, elevations and sections) of terrace screening shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent undue overlooking to neighbouring residential properties.</p>
9	DESIGN OUT CRIME (DETAILS)
	<p>CONDITION: Prior to commencement of the development hereby approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
10	TREE PROTECTION (DETAILS)
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of

	<p>the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</p> <p>f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</p> <p>g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</p> <p>h. a specification for scaffolding and ground protection within tree protection zones.</p> <p>i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</p> <p>j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</p> <p>k. Boundary treatments within the RPA</p> <p>l. Methodology and detailed assessment of root pruning</p> <p>m. Reporting of inspection and supervision</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM2.3 and DM6.5, policies G1, G5 and G7 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>
11	TREE PROTECTION (COMPLIANCE)
	<p>CONDITION: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.</p> <p>REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM2.3 and DM6.5 and policies G1, G5 and G7 of the London Plan.</p>
12	WATER EFFICIENCY REQUIREMENTS (COMPLIANCE)
	<p>CONDITION: The development hereby permitted shall be constructed to achieve the water efficiency requirements (95 litres/person/day) of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD. The measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
13	CARBON EFFICIENCY (DETAILS)

	<p>CONDITION: The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4) unless such provision is not feasible.</p> <p>REASON: In the interest of securing sustainable development.</p>
14	BIODIVERSE GREEN ROOF (COMPLIANCE)
	<p>CONDITION: The biodiversity green roof as indicated on Drawing No. 0823-X-0202-GA-P11, shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80- 150mm);</p> <p>b) laid out in accordance with plan number 0823-X-0202-GA-P11, hereby approved; and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
15	DRAINAGE (DETAILS)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximize water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve a no net increase in surface water run-off from the site post-development.</p> <p>The drainage system shall be installed/operational prior to the first occupation of the development.</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: To ensure the sustainable management of water.</p>
16	LANDSCAPING PLAN (DETAILS)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p>

	<p>a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</p> <p>b) existing and proposed underground services and their relationship to both hard and soft landscaping;</p> <p>c) soft plantings: including grass and turf areas, shrub and herbaceous areas;</p> <p>d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>g) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved.</p> <p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
17	ACCESSIBLE HOME STANDARDS (COMPLIANCE)
	<p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
18	BAT/BIRD BOX (COMPLIANCE)
	<p>CONDITION: A minimum of 8 no. bat and/or bird nesting boxes / bricks shall be installed prior to the first occupation of the development hereby approved, and shall be retained into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>

19	FIRE SAFETY (COMPLIANCE)
	<p>CONDITION: The hereby approved development shall in every aspect adhere to <i>Approved Document B Requirement B5: Access and facilities for the fire service</i></p> <p>Access and facilities for the fire service.</p> <p>REASON: To ensure safety of future occupiers of the development.</p>

List of Informatives:

1	Construction works
	<p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
2	Highways Requirements
	<p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. 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.</p>
3	Tree Works
	<p>INFORMATIVE: The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3998:2010 Tree work – Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE

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

1. National and Regional Guidance

The National Planning Policy Framework 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.

- NPPF (2021)

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

Policy D4 Delivering good design
Policy D5 Inclusive design
Policy D14 Noise
Policy HC1 Heritage conservation and growth
Policy SI 1 Improving air quality
Policy SI 2 Minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy T1 Strategic approach to transport
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling

B) Islington Core Strategy 2011

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

C) Development Management Policies June 2013

Policy DM2.1 Design
Policy DM2.2 Inclusive Design
Policy DM2.3 Heritage
Policy DM3.1 Housing Mix
Policy DM3.4 Housing Standards
Policy DM3.5 Private Amenity Space
Policy DM6.1 Healthy development
Policy DM6.5 Landscaping, trees and biodiversity
Policy DM6.6 Flood prevention
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 Delivery and servicing for new developments

3. Designations

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

- Core Strategy Key Areas (Nags Head and Upper Holloway)

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

The following SPGs and/or SPDs are relevant:

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

5. Emerging Policies

Draft Islington Local Plan (2019)

Emerging policies relevant to this application are set out below:

Policy DH2 Heritage Assets
Policy DH1 Fostering innovation and conserving and enhancing the historic environment
Policy G4 Biodiversity, landscape design and trees
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 ST2 Waste

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Appeal Decision

Site visit made on 23 May 2017

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2017

Appeal Ref: APP/V5570/W/17/3169770

Parkhurst Court, Warlters Road, Islington, London N7 0SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Leon Faust (Ableworld Ltd) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/0040/FUL, dated 23 December 2014, was refused by notice dated 6 January 2017.
 - The development is described as "The proposal is to remove the garages apart from one and one parking bay (existing garage removed) and to build a new mews made up of residential accommodation. The development will consist of seven houses: three courtyard houses, a semi-detached pair of houses, and two family houses bridging the entrance to the mews, all with gardens. These would include sustainable features such as 'green roofs'."
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Leon Faust (Ableworld Ltd) against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Main Issues

3. I consider the main issues in this appeal to be firstly, whether the proposed development would make an adequate contribution towards the provision of affordable housing; and secondly, whether the proposed development's contribution towards carbon offsetting measures would be necessary in the light of the local and national policy.

Reasons

Site, surroundings and proposed development

4. The appeal site is a broadly level and rectangular area of land, currently occupied by brick-faced apparently disused garages in a state of some disrepair. It is bounded by residential buildings of various scales, but predominantly comprising flatted accommodation. The appeal scheme would redevelop the site in the manner described in the banner heading above.

Affordable Housing

5. Amongst other things, Policy CS12(G) of Islington's Core Strategy (adopted February 2011) (the Core Strategy) requires residential developments providing less than 10 units to make a financial contribution towards the off-site provision of affordable housing. This policy is supported by Islington's Affordable Housing Small Sites Contributions Supplementary Planning Document (adopted October 2012) (the Small Sites SPD). Based on viability evidence the Small Sites SPD sets a requirement of £50,000 per new dwelling towards the provision of affordable housing. The Small Sites SPD makes it clear that site-specific circumstances could render such a contribution unviable, however that in such cases proposals should be accompanied by viability assessments that justify a lower contribution.
6. The proposed development is not accompanied by a legally binding mechanism to secure contributions towards affordable housing as set out in Policy CS12. Moreover, I have not been supplied with site-specific evidence to suggest that such a contribution would render delivery of the appeal scheme unviable. As a result, in these regards the proposed development would clearly conflict with Policy CS12(G), and the Small Sites SPD.
7. My attention has been drawn, however, to the national planning policy expressed in the Written Ministerial Statement of 28 November 2014 (the WMS), which states that "Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less... affordable housing and tariff style contributions should not be sought". This WMS, taken together with the related sections of the Government's Planning Practice Guidance (PPG) are clear and unequivocal statements of national policy in these regards, and as a consequence are considerations to which I attach very considerable weight.
8. I have also been referred to the recent judgement of the Supreme Court¹, particularly paragraph 21, wherein Lord Carnwath held that planning inspectors "exercise their own independent judgement... within the framework of national policy". Whilst this is the case, the judgement makes clear, in that same paragraph, that national policy² "cannot and does not purport to, displace the primacy given by statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme." Accordingly, whilst the WMS and PPG are both material considerations in this case they do not automatically displace the statutory primacy of the development plan in my assessment of the planning merits of the appeal.
9. Moreover, I have been supplied with a considerable amount of substantive evidence by the Council regarding the local housing market circumstances that pertain in Islington and these details have not been substantially contested by the appellant. The evidence shows that Islington has the 7th highest median house price³ in the country, and that over the past 8 years average house prices have risen by 182% compared to a national rise of 24%. Median and lower quartile house prices in the Borough are around 16 times median and

¹ *Secretary of State for Communities and Local Government v Hopkins Homes Ltd; Richborough Estates Partnership LLP v Cheshire East Borough Council also known as Suffolk Coastal DC v Hopkins Homes Ltd* [2017] UKSC 37 (Admin)

² The national policy referred to in the judgement is the National Planning Policy Framework rather than the WMS

³ Office of National Statistics House Price statistics for Small Areas (HPSSAs) 2016

lower quartile incomes⁴. Census data shows that the proportion of private rented properties in the Borough increased from 18.6% to 28.2% from 2001 to 2011. Moreover, Valuation Office statistics show that monthly rents are considerably in excess of the Greater London average, and this serves to limit the affordability of suitable housing in this sector for median income households.

10. Islington also has a significant problem of overcrowding in its housing stock⁵, has a high rate of child poverty⁶, and is the 13th most deprived local authority area in England⁷. The Borough consistently has around 8,500 people who qualify for housing on its register. Taken together, these and other statistics, which have not been challenged by the appellant, show a clear and growing affordability gap, and consequent need for affordable housing.
11. What is more, Islington has the highest population density of any local authority in England, and due to the density of its development a substantial proportion of new housing is built on smaller sites providing less than 10 units. As a result, a considerable proportion of the Borough's affordable housing supply derives from contributions from these smaller developments.
12. Whilst I am conscious that the development plan policy and the Small Sites SPD both pre-date the WMS and the PPG, the clear and compelling evidence supplied to me in this case adds strong support to the local policy approach. Moreover, as the Small Sites SPD makes provision for viability testing to establish that contributions could render a site's development unviable, it ensures the proportionality of any financial sums required in this regard. The continued delivery of houses on smaller sites subject to affordable housing contributions over the period since the adoption of the Small Sites SPD adds further weight to the view that the affordable housing contributions it requires are not disproportionate. For these reasons too, Policy CS12 and the Small Sites SPD ensure that affordable housing contributions are directly related to proposed developments, and fairly and reasonably related in scale and kind to them.
13. Consequently, these considerations lead me to the view that, in this instance Policy CS12 of the Core Strategy, taken together with the Small Sites SPD, and the compelling and substantive evidence produced to support their approach, are material considerations that clearly outweigh the WMS and PPG.
14. In arriving at this view I have been mindful of the recent appeal decision⁸ referred to me by the appellant, and whilst the Inspector in that case found that the Council's viability evidence was not scheme specific, they had been provided with a site-specific viability assessment of the proposed development by the appellant. Therefore the considerations in that previous case can be clearly differentiated from those before me in this current appeal, wherein I have not been supplied with site-specific viability evidence to demonstrate that the required affordable housing contributions would render delivery of the proposed development unviable. In any event each proposal needs to be considered on its own planning merits, including the evidence presented in each case.

⁴ DCLG Ratio of House Prices to Earnings 2016

⁵ Islington Council Tackling Overcrowding Plan 2012

⁶ Islington's Child Poverty Needs Assessment 2013

⁷ DCLG English Indices of Deprivation 2015

⁸ Appeal reference: APP/V5570/W/16/3161415

15. For the reasons given above, the proposed development would not make a contribution towards affordable housing necessary to make the development acceptable in planning terms. It would thus fail to make an adequate contribution towards the provision of affordable housing. For these reasons it would clearly conflict with Policy CS12(G) of the Core Strategy and the Small Sites SPD insofar as they seek, amongst other matters, to ensure that residential development sites of less than 10 dwellings provide financial contributions towards affordable housing provision.

Carbon Offsetting

16. Policy CS10 of the Core Strategy requires development to offset CO₂ emissions associated with their building through a financial contribution to measures that reduce such emissions in the existing building stock. Islington's Environmental Design Planning Guidance Supplementary Planning Document (the Environmental Design SPD) sets a flat fee of £1500 per house for carbon offsetting on smaller development sites. The appellant has supplied a unilateral undertaking to secure £10,500 towards carbon offsetting measures, and the Council⁹ has indicated that this is acceptable. The proposed development would thus meet the requirements of Policy CS10 in this regard, insofar as it seeks to ensure that new development minimises Islington's contribution to climate change.
17. However, in this context, I am again mindful of the WMS policy particularly as it relates to tariff-based contributions from small sites. Whilst I note that the flat fee established in the Environmental Design SPD is based on figures derived from an analysis of the costs and carbon savings of retrofit measures within Islington, and an established price per tonne of CO₂, I have been supplied with no substantive evidence to indicate how these figures have been arrived at, and to what extent they would be proportionate to the proposed development. As a result, it has not been demonstrated that the contribution would be fairly and reasonably related in scale and kind to the development. Therefore, on the basis of the evidence before me, I consider that the requirement for a planning obligation of this type would thus be at odds with the national policy as expressed in the WMS. Consequently, in this instance, I consider that the policy of the WMS clearly outweighs the development plan requirements.
18. For these reasons the planning obligation would not meet the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 or paragraph 204 of the National Planning Policy Framework. Accordingly, it has not been established that the contribution towards carbon offsetting measures would be necessary in this case.

Other Matters

19. The proposed development would supply a mix of houses on previously developed land in a highly accessible location. It would improve the character and appearance of the site, and help to address anti-social behaviour issues that may have been associated with it. In these regards the proposed development would contribute to national and local policy objectives and would deliver moderate benefits. However, it has not been established that to do so with an affordable housing contribution would be demonstrably unviable, and

⁹ In an e-mail to the Planning Inspectorate dated 22 May 2017

as a result, these considerations, either taken together, or individually do not outweigh the proposed development's conflict with the development plan in this regard.

20. As I have found the contribution towards carbon offsetting measures would be unnecessary in this case, I am unable to take account of any benefits that could flow from it in arriving at my decision.
21. The proposed development could avoid material harm to the living conditions of the occupants of adjacent properties. The loss of parking that would result from the proposed development would also not cause any significantly harmful effects to residential amenity or highway safety more generally. However, these matters merely point to an absence of harm in these regards, rather than positive benefits of the scheme and thus only have a neutral effect on the overall planning balance.
22. Consequently, the above matters, either taken cumulatively or individually, are not material considerations of sufficient weight to indicate a departure from the development plan in this instance, or alter my conclusions in respect of the main issues given above.

Conclusion

23. For the reasons given above, and notwithstanding my conclusions regarding the weight of WMS in this regard, the proposed development's contribution towards carbon offsetting would meet the requirements of Policy CS10 of the Core Strategy. However, I have found that the proposed development would not make an adequate contribution toward the provision of affordable housing. In this latter regard the proposed development would clearly conflict with Policy CS12(G) of the Core Strategy. In the overall planning balance this conflict clearly outweighs the proposed development's compliance with Policy CS10, and the other aspects of the development plan insofar as they have been drawn to my attention. In arriving at this view, I am mindful of the High Court judgement¹⁰ referred to me by the appellant which established, amongst other things, that the breach of one key policy is not sufficient to found conflict with the development plan as a whole.
24. Consequently, as no material considerations have been advanced of sufficient weight to justify a departure from the affordable housing requirements of the development plan in this instance, I conclude, for the reasons given above, and taking into account all other matters raised, that the appeal should be dismissed.

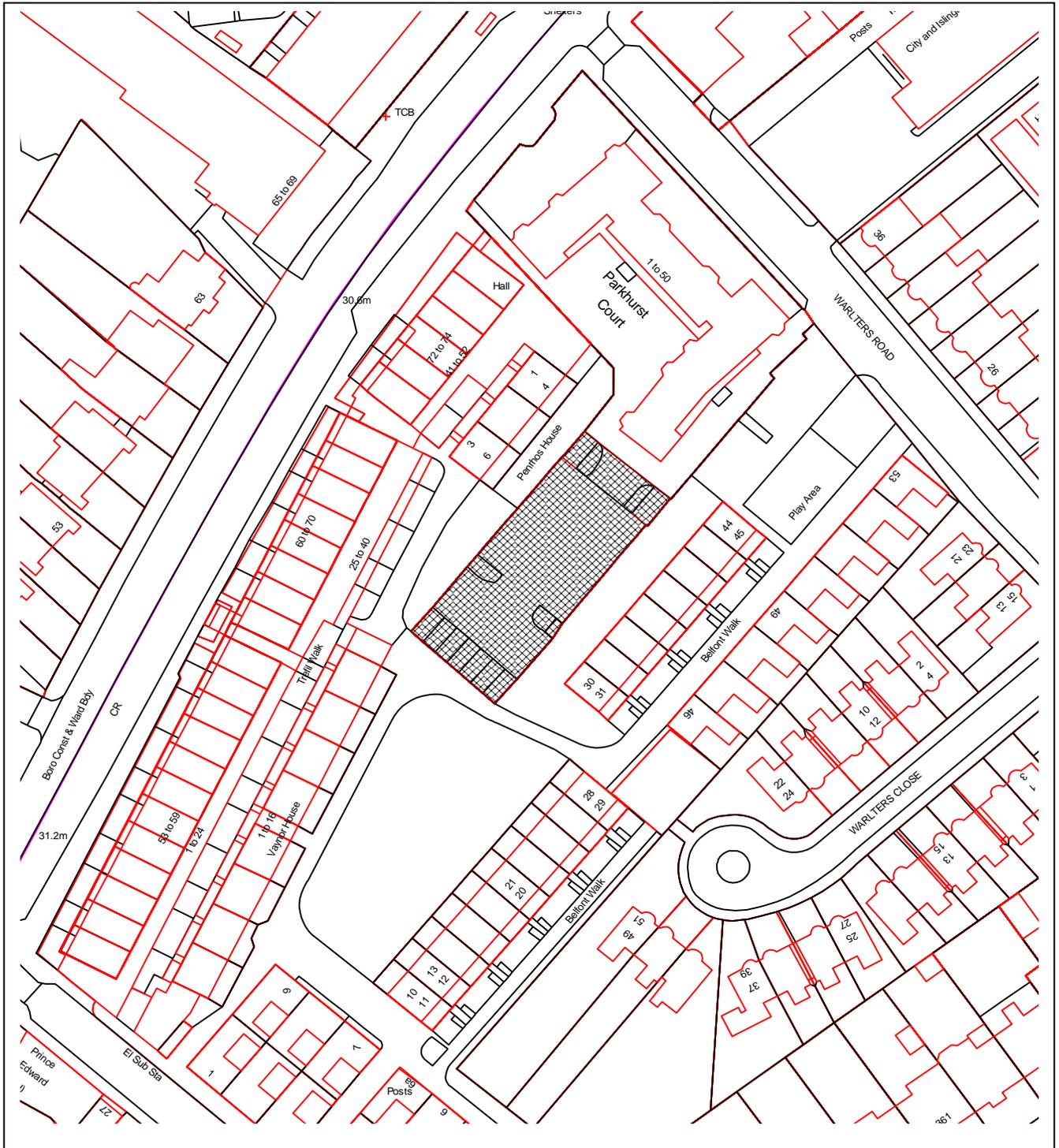
G J Fort

INSPECTOR

¹⁰ *Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government* [2015] EWHC 2489 (Admin)

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