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## **AGENDA FOR THE PLANNING SUB COMMITTEE A**

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Council Chamber, Town Hall, Upper Street, N1 2UD on, **11 July 2023 at 7.30 pm.**

Enquiries to : Theo McLean  
Tel : 020 7527 6568  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 3 July 2023


### **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](mailto:enquiriesplanning@islington.gov.uk).**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor North (Chair) Canalside;	- St Peter's and	Councillor Chowdhury	-
Councillor Clarke (Vice-Chair)	- Tufnell Park;	Barnsbury;	
Councillor Convery	- Caledonian;	Councillor Gilgunn	-
Councillor Hamdache	- Highbury;	Tollington;	
Councillor McHugh James';	- St Mary's and St	Councillor Hayes	-
		Clerkenwell;	
		Councillor Ibrahim	- Arsenal;
		Councillor Jegorovas-Armstrong	- Highbury;
		Councillor Kay	- Midmay;
		Councillor Klute and Canalside;	- St Peter's
		Councillor Poyser	- Hillrise;

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5.	Order of Business	1 - 2
6.	Minutes of Previous Meeting	3 - 6
<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>

- |    |   |             |
|----|---|-------------|
| 1. | Aylesbury House, 17c, 17-18 Aylesbury Street, London, EC1R 0DB  | 7 - 52      |
| 2. | Clyro Court, Tollington Park, London, N4 3AQ  | 53 - 88     |
| 3. | Highbury Fields Cafe Catering Kiosk, The Old Bandstand, The Bungalow-<br>153 Highbury Grove, London, N5 | 89 -<br>144 |

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

**D. Urgent non-exempt items (if any)**

Any non-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.

**E. Exclusion of press and public**

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

**F. Confidential/exempt items Page**

**G. Urgent exempt items (if any)**

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

**Date of Next Meeting:** Planning Sub Committee A, 9 November 2023

**Please note all committee agendas, reports and minutes are available on the council's website: [www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)**

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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 Theo McLean on 020 7527 6568. If you wish to speak at the meeting, please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**



**COMMITTEE AGENDA**

**1 Aylesbury House**  
17c, 17-18 Aylesbury Street  
London  
EC1R 0DB

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**2 Clyro Court**  
Tollington Park  
London  
N4 3AQ

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**3 Highbury Fields Cafe Catering Kiosk, The Old Bandstand, The Bungalow-153 Highbury Grove**  
London  
N5

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**1 Aylesbury House**  
17c, 17-18 Aylesbury Street  
London  
EC1R 0DB

**Application Number:** P2023/0630/FUL

**Ward:** Clerkenwell

**Proposed Development:** Proposed redevelopment of 17-18 Aylesbury Street, comprising extensions at fourth and fifth floor, (following partial demolition of second, third, fourth and fifth floors) rear extensions at third floor and internal and external refurbishments, to provide additional Class E(g)(i) office floorspace in addition to ground floor shopfront replacement at 17c Aylesbury Street and associated alterations.

**Application Type:** Full Planning Application

**Case Officer:** Jake Shiels

**Name of Applicant:** Aylesbury House Limited

**Recommendation:**

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**2 Clyro Court**  
Tollington Park  
London  
N4 3AQ

**Application Number:** P2022/2440/FUL

**Ward:** Tollington

**Proposed Development:** Demolition of existing garages and erection of single storey building to accommodate 1x2-bedroom self-contained residential unit with associated landscaping, cycle parking and refuse storage and associated works to existing flats including new amenity spaces and landscaping treatments

**Application Type:** Full Planning Application

**Case Officer:** Marc Davis  
**Name of Applicant:** Mr Laurie Pearson  
**Recommendation:**

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**3 Highbury Fields Cafe Catering Kiosk, The Old Bandstand, The Bungalow-153 Highbury Grove  
London  
N5**

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**Application Number:** P2023/1388/FUL

**Ward:** Highbury

**Proposed Development:** Demolition of the existing café, park keeper's bungalow, bandstand, and associated ancillary structures; construction of new café, with public toilets and changing places toilet, and a new teaching shelter with associated wildlife garden.

This application involves development on Metropolitan Open Land (DEPARTURE FROM THE DEVELOPMENT PLAN).

**Application Type:** Full Planning Application

**Case Officer:** Joseph Hennessy

**Name of Applicant:** London Borough of Islington

**Recommendation:**

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London Borough of Islington

## Planning Sub Committee A - 21 March 2023

Minutes of the meeting of the Planning Sub Committee A held at Council Chamber, Town Hall, Upper Street, N1 2UD on 21 March 2023 at 7.30 pm.

**Present:**       **Councillors:**     North (Chair), Clarke (Vice-Chair), Convery and Hamdache

**Also Present:**       **Councillors:**     McHugh

### Councillor Toby North in the Chair

9        **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Jackson

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

Councillor McHugh as Substitute for Councillor Jackson.

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

None.

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

The order of business was as per the agenda.

14       **MINUTES OF PREVIOUS MEETING (Item A6)**  
**RESOLVED**

That the minutes of the previous meeting be signed by the Chair as a correct record.

15       **CALLY CLOCKTOWER CENTRE, CALEDONIAN PARK, MARKET ROAD, LONDON, N7 9HF (Item B1)**

**Cally Clocktower**

Application for Variation (Council Own Application) of Conditions 6 and 7 (Hours of Operation) of planning permission ref: P2017/4433/S73 dated 21/12/2018 which sought permission for: Variation of condition 6 (hours of operation) of planning permission ref: P2016/0730/FUL, dated 23/05/2016

The proposal includes changes to the approved hours of operations for the Heritage Centre, Clock Tower, and the Cafe. The variation seeks an extension of both

opening and closing times for the Clock Tower & Heritage Centre and Café for all hours/days from 08:00am to 21:00pm.

The planning officer introduced the case and explained there had been no updates since the circulation of papers.

In response to questions from the Sub-Committee, planning officers explained there had been no formal complaints about the premises since it's opening in 2016, and any crimes reported were in relations to the park itself and not the clocktower/premises. The applicant explained that no significant noise pollution will be created from an extension of hours as the primary use of the premises will be for community events and workshops. Any private events would have to adhere to the decibels of noise allowed in the conditions. They further explained the extension of hours will coincide with the park closing hours of 9pm.

Objectors raised concerns over the noise pollution that could be created from an extension of hours and how this could disturb residents in the immediate vicinity of the park, now late into the evening. This could have been particularly a problem during summer months when windows would have been open to allow for air flow into resident's homes. They also noted with more people working from home it could also disturb their working hours. However, they were sympathetic to understanding living near a park would come with some level of noise pollution but this should not have been excessive.

The applicant explained they wanted an extension of hours to help the community host more events and bring social and mental health improvements for residents, especially during winter months when it gets dark early, and people are less likely to be outside. They also explained the increased hours could act as a deterrent for Anti-Social Behaviour in the park as there would be staff and residents around to inform police and the park management if they saw any criminal activity. They also explained that the extension of hours does not mean they would have been open until 9pm every day, only when the venue space was booked for use. The applicant also responded to concerns over noise pollution, explaining that they would have happily engaged with noise team on what they deem as an acceptable number of decibels. They also explained that any application for a Temporary Event Notice (TEN) could not override the no sale of alcohol condition, and TENs would be very rare and only for special occasions.

The applicant sympathised with residents and wanted to engage with them to ensure that no excess noise pollution would have been created with an extension to opening hours. The increased opening hours would have benefitted residents as it gave them another community space to use for workshops and groups, such as the knitting group to meet.

## Planning Sub Committee A - 21 March 2023

Councillor North proposed a motion to amend conditions and the addition of further conditions set out below. Councillor McHugh seconded.

- Condition 6, Hours of Operation - heritage centre and clock tower (compliance):

Monday to Friday: 08:00hr - 21:00hr

Saturday: 08:00hr - 21:00hr

Sunday: 08:00hr – 18:00hr

- Condition 7, Hours of Operation – Café (Compliance):

Monday to Friday: 08:00hr - 21:00hr

Saturday: 08:00hr - 21:00hr

Sunday: 08:00hr – 18:00hr.

- An additional compliance condition that any event(s) nor any events permitted under a Temporary Events Notice, the sale or consumption of alcohol in association with the use hereby approved is not permitted
- An additional condition that no audio (including recorded or live music) shall be over 75dB (Decibels) when measured within the Heritage Centre, Café and Clock Tower at any time.

### **RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, the planning permission be granted subject to the conditions and informatives set out in Appendix 1 (page 28 of the Agenda) of the officer report and an addition of the amendments and further conditions set out above.

The meeting ended at 8.20 pm

**CHAIR**

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**PLANNING COMMITTEE REPORT**

 Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

PLANNING SUB COMMITTEE A		AGENDA ITEM
Date:	11 <sup>th</sup> July 2023	

Application number	P2023/0630/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	N/A
Conservation area	Clerkenwell Green
Development Plan Context	Central Activities Zone Core Strategy Key Area (Bunhill & Clerkenwell) Conservation Area (Clerkenwell Green) Employment Priority Areas (General) Finsbury Local Plan Area (Bunhill & Clerkenwell) Local Views LV4 (Local view from Archway Road) Local Views LV5 (Local view from Archway Bridge) Article 4 Direction (A1-A2 / Rest of Borough) Locally Listed Building (19c or Earlier)
Licensing Implications	N/A
Site Address	Aylesbury House, 17c, 17-18 Aylesbury Street, EC1R 0DB
Proposal	Proposed redevelopment of 17-18 Aylesbury Street, comprising extensions at fourth and fifth floor, (following partial demolition of second, third, fourth and fifth floors) rear extensions at third floor and internal and external refurbishments, to provide 65.5sq.m of additional Class E(g)(i) office floorspace in addition to ground floor shopfront replacement at 17c Aylesbury Street and associated alterations.

Case Officer	Jake Shiels
Applicant	C/o Agent
Agent	Savills (UK) Ltd - Ms Saffron Frost

**1. RECOMENDATION**

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

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

**2. SITE PLAN (site highlighted in red)**



**Image 1: Site Plan**

### 3. PHOTOS OF SITE



**Image 2:** Aerial view



**Image 3:** Front elevation



**Image 4:** View east from the corner of Sekforde Street and Clerkenwell Green



**Image 5:** Aerial view of western car park



#### **4. SUMMARY**

- 4.1 The proposal seeks planning permission for the redevelopment of the host building, comprising extensions at fourth and fifth floor, (following partial demolition of second, third, fourth and fifth floors) rear extensions at third floor and internal and external refurbishments, to provide additional Class E(g)(i) office floorspace in addition to ground floor shopfront replacement at 17c Aylesbury Street and associated alterations.
- 4.2 The proposal would result in removal and demolition of parts of the building. The proposed replacement and new extensions would extend over the existing footprint of the building.
- 4.3 The proposal would also seek to replace the existing shopfront along with fenestration replacements to the ground floor of 17-18 including new metal framed double glazed doors and windows and new render to existing fascia.
- 4.4 The proposal also includes a number of internal alterations to deal with the constraints of the existing building - to provide suitable independent access to and around the building, including sanitary provisions and to meet Building Control Regulations.
- 4.5 The office use (Class E(g)) of the site is suitable within the site location. The proposal is considered to be acceptable, and would provide improved, accessible and additional office space within the Central Activities Zone and Employment Priority Area.
- 4.6 The proposed redevelopment of the building is not considered to result in demonstrable harm to neighbour amenity nor introduce a quantum of floorspace that would adversely impact the public highway in line with policy DM2.1 of the Development Management Policies 2013.
- 4.7 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character nor appearance of the Conservation Area, nor adversely impact on neighbour amenity. The proposal accords with policies DM2.1 and DM2.3 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011, policies BC4, BC7 and also BC8 of the Finsbury Local Plan (2013) and the Clerkenwell Green Conservation Area Design Guidelines (2002) as well as the NPPF (2021).
- 4.8 The application is referred to the Planning Sub-committee due to the public interest in the application and the number of objections received during the application process.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site is located on the south side of Aylesbury Street and adjacent to Jerusalem Passage to the east. The southern entrance to Sekforde Street is to the north with Clerkenwell Green to the west. The site consists of two internally connected buildings - 17c and 17-18, together these are known as Aylesbury House. It is a part four storey, part six storey brick built building, comprising 1161sq.m of commercial and business space (Class E).
- 5.2 No. 17C as detailed within the planning statement was constructed in the late 1900s and comprises four storeys plus basement. It sits on a regular rectangular plot and comprises a butterfly roof. No. 17-18 is said to be constructed circa the 1930s and comprises six storeys plus basement. The plot is stepped at the rear as is the rear building line. The top two floors are later additions. Both properties are currently in office (Class E (g) (i)) use.

- 5.3 The host building is locally listed and the site is within the Clerkenwell Green Conservation Area. The host building is subject to several constraints including the Central Activities Zone (CAZ), Employment Priority Areas (General), Finsbury Local Plan Area - Bunhill & Clerkenwell, Archaeological Priority Areas – Clerkenwell, Islington Core Strategy Key Area - Bunhill & Clerkenwell, Local Views - Local view from Archway Road and from Archway Bridge and Heathrow Safeguarding Area.
- 5.4 The site is adjacent to a number of listed buildings, including 8, 11 and 12 Jerusalem Passage (Grade II) to the eastern boundary of the site, 49-50 and 52 St Johns Square (Grade II) to the rear of the site.
- 5.5 The application building is bound by a number of mixed use buildings within a dense urban location. 17B Aylesbury Street to the east, on the corner with Jerusalem Passage, is currently in restaurant use (Class E(b)) at lower ground and ground floors, whilst the upper floors (1st-3rd) have recently been granted planning permission to be converted to a self-contained residential unit (Class C3) from restaurant under planning reference (P2020/0327/FUL). 1 Clerkenwell Green to the west, is in use as an office (Class E (g) (i)) at basement and ground floor level with 4 residential units on the upper floors (Class C3). To the south and south-east, the site is bound by properties fronting St John's Square and Jerusalem Passage respectively, including 50-52 St John's Square and 8-12 Jerusalem Passage. These buildings are in a mix of uses primarily commercial uses (including office, retail and restaurant at lower floors, with upper floors in residential use (Class C3)).

## **6. PROPOSAL (in Detail)**

- 6.1 The application seeks planning permission for the redevelopment of 17-18 Aylesbury Street, comprising extensions at fourth and fifth floor, (following partial demolition of second, third, fourth and fifth floors) rear extensions at third floor and internal and external refurbishments, to provide 65.5sq.m of additional Class E(g) (i) office floorspace in addition to ground floor shopfront alterations at 17c Aylesbury Street and associated alterations.
- 6.2 The proposal would result in the removal of the existing clerestory windows, roof, and parapets on second floor, removal of fourth and fifth floor non-original extensions and removal of existing plant and associated structures at roof level which were added post 1947 (pg.33 of design and access statement).
- 6.3 The proposed replacement and new extensions would be over the existing footprint of the building. At 2<sup>nd</sup> floor, the west flank to the rear of the building would be extended in width by 2.5m and an extension beyond the rear elevation by 5.37m. The 2<sup>nd</sup> floor would also be cut back to the rear by 1.9m. At 3<sup>rd</sup> floor, 4<sup>th</sup> floor and 5<sup>th</sup> floor, the west flank to the rear of the building would be extended in width by 2.5m and an extension beyond the rear elevation by 2.75m. At 5<sup>th</sup> floor there would be increases to the massing over the existing footprint, with the deepest part of the building being increased by approximately 0.6m and to either part of this flank by approximately 0.4m. The roof area to the frontage would be increased in width by 3.7m and tapers further to the rear and east flank by 2.86m. The roof area to the North West corner would come forward by approximately 1.4m.
- 6.4 The proposed roof of the 5<sup>th</sup> floor would be lower from the Apex of the existing roof by approximately 0.7m but would be approximately 0.6m taller than the existing flat roof which is the predominant scale.

Existing	Proposed	GIA Uplift
1,162.2m <sup>2</sup>	1226.8m <sup>2</sup>	65.5m <sup>2</sup>

**Table 1:** GIA Uplift

Existing	Retained	Demolished
1,162.2m <sup>2</sup>	1,029m <sup>2</sup>	132m <sup>2</sup>

**Table 2:** Existing/Demolished GIA split

- 6.5 The proposed development to the rear and sides on the 2nd, 3rd and 4th floor will be brickwork to match the existing. On the rear of the 5th floor, it will be a dark composite stone. To the front, the 4th and 5th floor replacement facades will be in a light composite stone. Windows and doors included for the new rear extensions and replacement extensions would consist of metal framed double glazing with a vertical emphasis portrayed at 4<sup>th</sup> and 5<sup>th</sup> floor levels.
- 6.6 The proposal would also seek to replace the existing shopfront at 17C and will incorporate traditional timber shopfront, with stallriser and timber doors. More contemporary window and fenestration replacements are proposed to the ground floor of 17-18 including new metal framed double glazed doors and windows and new render to existing fascia.
- 6.7 The proposal also includes a number of internal alterations to deal with the constraints of the existing building - to provide suitable independent access to and around the building, including sanitary provisions and to meet Building Control Regulations. The proposal also seeks to make the proposal more inclusive, with the front entrance being designed to include ramped access to the building, replacing the previous stepped access. All of the WCs in the building will be unisex and an accessible WC will be located on the ground floor, as per the existing WC provision.

#### Amendments during the application

- 6.8 During the application process an amendment to the scheme was submitted, including:
- Reduction in the depth of the rear extension at 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floor level adjacent to 1 Clerkenwell Green by 3.2m.
  - Daylight and sunlight assessment, proposed plans and associated documents update to reflect alteration.

## 7. RELEVANT HISTORY:

### ***18/19 Aylesbury Street***

- 7.1 **901502:** Use of premises for Business Use (Class B1 of the Town and Country Planning (Use Classes) Order 1987). **Approved with conditions** on 15/01/1991.

### ***18 Aylesbury Street***

- 7.2 **961361:** Minor alterations to roof profile. **Approved with conditions** on 17/10/1996.
- 7.3 **930646:** Formation of new entrance door in front elevation. **Approved with conditions** on 07/06/1993.

### ***Aylesbury House, 17c & 18, Aylesbury Street***

- 7.4 **P2022/1527/FUL:** Redevelopment of 17-18 Aylesbury Street, comprising extensions at fourth and fifth floor, (following partial demolition of second, third, fourth and fifth floors) rear extensions at second and third floor and internal refurbishments, to provide additional Class E(g)(i) office floorspace with improvements to the ground floor shopfront at 17c Aylesbury Street. **Refused** on 24/06/2022 for the following reason:

**REASON:** Due to scale, bulk and massing of the proposed extension to the rear and at roof level, the proposal would result in harm to the host building and the setting of the heritage assets which is not outweighed by sufficient public benefits. In addition, the proposal has failed to demonstrate that the proposal would not have a detrimental impact on the adjacent designated open space (OS 152 St James Park) and the local views (LV4 and LV5). Therefore the proposal is contrary to policies D1, D4 and HC1 of London Plan (2021) CS7, CS8 and CS9 of Islington Core Strategy (2011) DM2.1, DM2.3, DM2.4 and DM6.3 of Development Management Policies (2013) and BC7 of Finsbury Local Plan (2013) and is unacceptable in design terms.

**REASON:** The application has failed to demonstrate that the proposed extensions would not have a detrimental impact on the amenity of neighbouring residential and the use of commercial units, in terms of loss of daylight/sunlight and a sense of enclosure. Therefore the proposal is contrary to policies DM2.1Ax of Development Management Policies (2013) and the requirements of the BRE Guidelines document titled Site layout planning for daylight and sunlight: A guide to good practice (2022).

- 7.5 P010930: New shopfront and external alterations to rear elevation. **Approved with conditions** on 10/10/2001.

*Pre-application*

- 7.6 Q2021/0312/MIN: Pre-application for a single storey roof extension at roof level, and enlargement of existing third and fifth floor (roof level) to rear elevation and to front elevation at fourth and fifth floor (roof level) to provide additional office (Class E) floorspace (at no's 17-18 Aylesbury Street), including the provision of external amenity space and alterations to shopfront and to rear elevation and internal refurbishment throughout and other associated alterations. Single storey extension at roof level (at no. 17C Aylesbury Street). **Completed** on 13/05/2021.

- 7.7 Officers response:

*In land use terms the principle of providing additional office accommodation to an existing office building is welcomed, and would accord with the Council's land use policies in this regard*

*The changes to the Use Class Order on the 1<sup>st</sup> September 2020, has resulted in existing buildings or land formerly in A1, A2, A3 or B1 use have automatically transitioned to Class E on 1 September 2020. Therefore, given the host building was formerly B1a use, the change of use of the additional floorspace to former A1, A2 or A3 uses would not require planning permission after this date. Therefore, unless the applicant is agreeable to a condition restricting the permitted development, the assessment of any proposal would consider the impact of all of these uses permitted under revised Use Class changes. You are advised to specify the proposed uses within Class E and confirm whether you are agreeable to a condition restricting permitted changes as this may result in objections from local residents for other uses which you are not intending on using.*

*In design terms the proposal is considered to result in harm to the visual appearance and historic character of the host building and setting of the conservation area and nearby listed buildings, due to its bulk, massing and general design. Whilst it is acknowledged that this harm would be less than substantial there are insufficient public benefits that outweigh this harm, and the proposal is considered unacceptable in design terms.*

*Whilst limited information has been submitted within this pre-application, the proposal should ensure that it demonstrates it would not have a detrimental impact in regards to amenity of neighbouring properties, in terms the loss of daylight/sunlight, outlook, noise and privacy. Any application would be expected to be submitted with a Daylight/Sunlight Report demonstrating that it would meet BRE guidelines, and that the outlook and privacy of the occupiers of the adjacent properties would not significantly harmed. A noise report should be submitted in support of the application to ensure an increase in noise from the plant equipment and use of the roof terraces are not detrimentally impacted.*

*The proposed development should demonstrate how they provide accessible accommodation, have acceptable fire safety measures, and adequate cycle and waste storage.*

*Overall, given the significant design concerns the Council does not encourage the submission of a planning application for this proposal.*

## **CONSULTATION**

### **Public Consultation**

- 7.8 Letters were sent to occupants of **201** adjoining and nearby properties on Aylesbury Street, Clerkenwell Close, Clerkenwell Green, Clerkenwell Road, Jerusalem Passage and St John's Square on 13/03/2023.
- 7.9 A total of **8** objections were received from the public with regard to the application. The issues raised are summarised below:
- Increase in office space would harm the character of the Conservation Area (*paras 9.27-9.46*)
  - Loss of privacy from new office windows proposed to the rear of the building (*paras 9.49-9.54*)
  - Extension will have an oppressive and overbearing impact on neighbouring property (*paras 9.55-9.62*)
  - Proposed redevelopment would materially impact the natural light into habitable spaces (*paras 9.63-9.80*)
  - Areas of non-compliance with BRE guidance in particular to property on Jerusalem Passage (*paras 9.67-9.69*)
  - Existing levels of low light to neighbouring properties does not mean any further diminution of light is acceptable (*9.67-9.69*)
  - Loss of light to basement and ground floor areas of adjacent commercial property (*para 9.71*)
  - Query on modelling of bathroom window upon neighbouring extension, impacts and site visit (*paras 9.76-9.80*)
  - Privacy blades or other methods to protect privacy from new windows should be considered
  - Adverse noise impacts from plant area moved to the rear of the building (*paras 9.81-9.82*)
  - Noise assessment has the noise levels from the plant at an acceptable level but this may be an underestimate. Request for further noise dampening or insulation to protect neighbours (*para 9.82*)
  - Disruption to properties during construction period and noise pollution (*para 9.83*)
  - Impact on construction traffic upon Clerkenwell Green which has recently been improved (*para 9.83*).

### **Internal Consultees**

- 7.10 **Acoustics Officer:** No objection subject to conditions for plant noise level compliance.
- 7.11 **Design and Conservation Officer:** Recommendation – Approve subject to conditions. Full comments included within assessment.

## **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).
- 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. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021. The Council consulted on Main Modifications to the plan running from 24 June to 30 October 2022.

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).

Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that the policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

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

Policy SP1 Bunhill and Clerkenwell  
Policy B1 Delivering business floorspace  
Policy B2 New business floorspace  
Policy S1 Delivering Sustainable Design  
Policy S2 Sustainable Design and Construction  
Policy S4 Minimising greenhouse gas emissions  
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
- Accessibility
- Highways
- Sustainability.

## Land Use

- 9.2 The application site is located within the Islington Core Strategy (2011) Bunhill and Clerkenwell Key Area, the Central Activities Zone, the Finsbury Local Plan Area, and the Clerkenwell Green Conservation Area. The proposal seeks to extend the existing office (Class E) with additional office floorspace.
- 9.3 Policy CS7 of the Core Strategy is concerned with Bunhill and Clerkenwell and states, inter alia, that:
- 9.4 *A. Employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy...Creative industries and Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged. Accommodation for small enterprises will be particularly encouraged'*
- 9.5 Policy CS13 of the Core Strategy sets out how the Council will provide and enhance employment space throughout the Borough. New business floorspace will be encouraged in the CAZ and town centres, where access to public transport is greatest. New business space will be required to be flexible to meet future business needs and will be required to provide a range of unit types and sizes, including those suitable for SMEs. Development should provide jobs and training opportunities, including through a proportion of small, micro and/or affordable workspace or affordable retail space.
- 9.6 Policy 4.3 of the London Plan states that '*Within the Central Activities Zone...increases in office floorspace...should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies within this plan*'.
- 9.7 Policy BC8 of the Finsbury Local Plan is concerned with achieving a balanced mix of uses and states, inter alia, that:
- 'A. Within the Employment Priority Areas (General and Offices) designated on the Policies Map and shown on Figure 16:*
- ii. Proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.*
- 9.8 *B. Within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial office (B1(a)) uses, but, **where appropriate**, must also include retail or leisure uses at ground floor, alongside:*
- A proportion of non-B1(a) business or business related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*
- Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.*
- I. New business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and/or amalgamation for a range of business accommodation; and should provide full separation of business and residential floorspace where forming part of a mixed use residential development.'*



9.9 Policy DM5.1 is concerned with New Business Floorspace and states, inter alia, that:

*'A. Within Town Centres and Employment Growth Areas the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate: i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and ii) a mix of complementary uses, including active frontages where appropriate.*

9.10 *F. New business floorspace must be designed to:*

*i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses...'*

9.11 In land use terms, the principle of providing additional business floorspace within an existing office building is considered to be acceptable in land use terms.

9.12 During the course of the application, the applicant was reminded that whilst retail or leisure uses at ground floor, alongside office can be accommodated, this is only where appropriate. The proposal results in a very small uplift of office space, and the proposal plans show an open Class E use within the basement and ground floor. The existing lawful use of the building is Office (Class E) in its entirety.

9.13 If the basement and ground floor (roughly 435sqm of floorspace together) were to be used for flexible office/retail and/or café purposes there is a potential net loss of office floorspace at the site which is contrary to emerging Strategic and Development Management Policies (SDMP) Policy B3 and Bunhill and Clerkenwell Area Action Plan (BCAAP) Policy BC1 (parts A and B). These policies seek to protect existing business floorspace and support additional office floorspace in the CAZ and AAP area, and do not allow a net loss of office floorspace without the submission of marketing evidence demonstrating that there is no demand for the existing use. In light of this, the applicant has agreed to a condition that the redevelopment and refurbished area shall be used only for office.

9.14 Overall, no objection is raised in regard to the principle of the use given the site is within the Central Activities Zone (CAZ). A condition will be placed upon the permission to ensure the development provides Class E(g) floorspace and for no other purpose (including any other use within Class E) of the Schedule to the Town and Country Planning (Amendment)(England) Regulations 2020, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. This condition is proposed to be implemented to enable the Local Planning Authority to retain control over the development, in order to protect the supply of office floorspace in this Employment Area and Central Activities Zone location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met.

### **Design and Conservation**

#### *Policy*

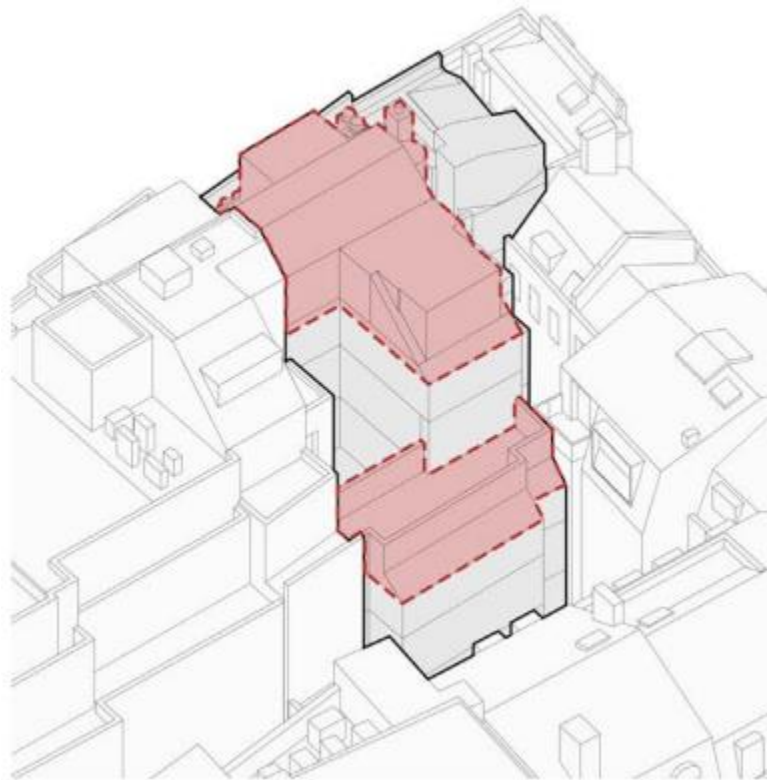
9.15 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should create better places in which to live and work and helps make development acceptable to communities. Paragraph 134 of the NPPF (2021) states that

in determining applications, significant 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.

- 9.16 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.
- 9.17 Core Strategy Policy CS9 states that the Islington's heritage assets and historic environment will be conserved and enhanced whether they are designated or not. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.
- 9.18 Development Management Policies DM2.1 requires all forms of development to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 9.19 Development Management Policies DM2.3 states that non-designated heritage assets, including locally listed buildings and shopfronts, should be identified early in the design process
- 9.20 for any development proposal which may impact on their significance. The council will encourage the retention, repair and reuse of non-designated heritage assets. Proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted.

#### *Site Significance*

- 9.21 The site is in the Clerkenwell Green Conservation Area and in the policy area called 'Historic Clerkenwell' in the Finsbury Local Plan. The area is designated for its special character and appearance and its importance to Islington and London as a whole. The area has the longest history of any part of the Borough and its significance is derived in this history, the unique pattern of development of the area, its architectural development over time and its great variety of uses including specialist manufacturing, workshops, wholesaling and retailing activities. Aylesbury Street is a narrow street leading between the historic St John Street and Clerkenwell Green itself.
- 9.22 17C Aylesbury Street is a late 19th century building and is locally listed along with its neighbour (not part of the site). It has four storeys with a shop front at ground floor. It originally had a butterfly roof but this has been compromised by the addition of an extended stair core for roof access.
- 9.23 17-18 is a commercial building dating from the 1930s. The original four storey façade on Aylesbury Street is generally intact and attractive, with a flat parapet in keeping with other buildings on the street and in the area. A large roof extension has been previously added creating a fifth and sixth storey. The sixth storey has a reduced floorplate but has been poorly designed with large prominently protruding dormers which considerably detract from the appearance of the building in views from the church grounds and Aylesbury Street. The rear of the existing roof extension is visible above the rooflines of 49, 50 and 52 St John's Square when viewed from the south and detracts somewhat from their setting.



**Image 6:** Existing massing (rear aspect)

9.24 The site is opposite the Grade II\* listed church of St James and is visible from the church grounds. It falls within two locally designated views. There are several small-scale grade II listed buildings on Jerusalem passage adjacent to the site - numbers 12, 11 and 8, which are converted 18th century houses of a small scale. There are a large number of other listed buildings in the area, including several fronting St John's Square, which have the potential to be affected. This includes the Grade I listed priory church of St John, and 49, 50 and 52 St John's Square which are converted 18th century houses directly behind the site. The site forms part of the setting of these buildings and there is considerable heritage sensitivity around the site requiring a careful approach.

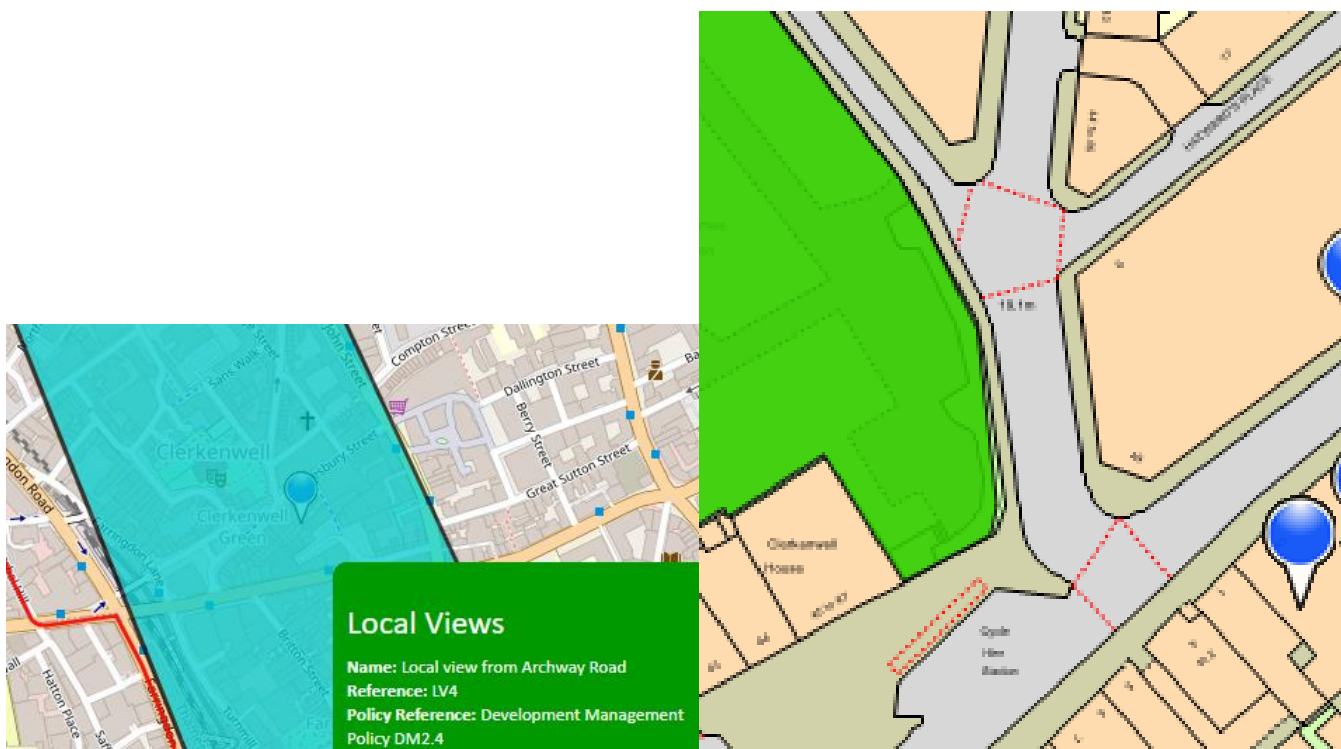
9.25 The full list of adjacent heritage assets is included below:

- St James Church GII\*
- 51 Clerkenwell Close GII\*
- The Crown Tavern GII
- 12-14 A Clerkenwell Green GII
- 49-50 St John Square GII
- 52 St John Square GII
- The Priory Church of St John of Jerusalem GI
- 47 and 48 St John Square GII
- 36 and 36 A St John Square
- 8, 11, 12 Jerusalem Passage (all Grade II).



**Image 7:** Listed Buildings in proximity to the site

9.26 The site is located to the south east of the designated open space of St James Park (shown below). Also the site is subject to Local Views - Local view from Archway Road and from Archway Bridge (shown below).

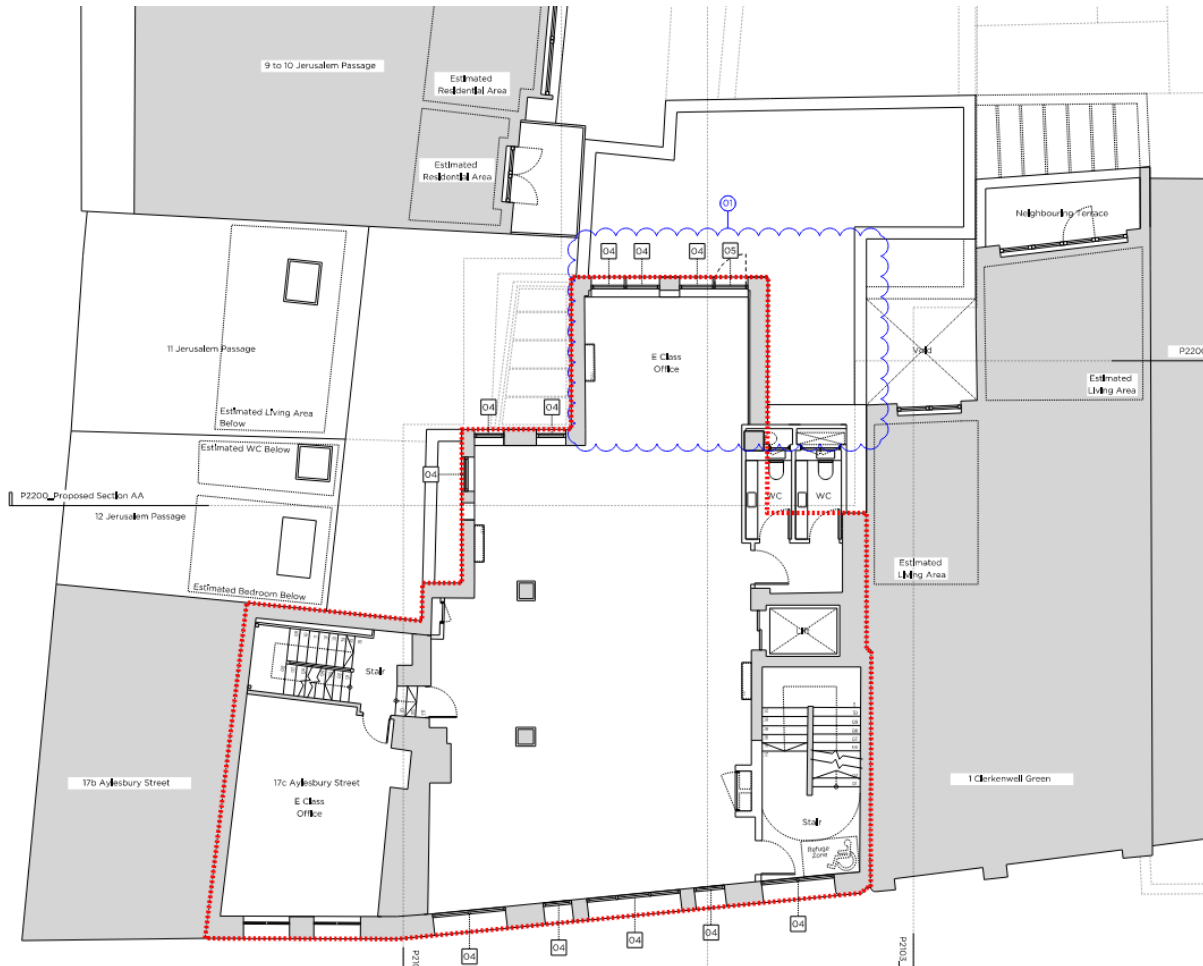


**Image 8 and 9:** Local View and adjacent St James Park

9.27 This, combined with locally listed and undesignated structures, creates a high quality, generally low-rise, historic townscape, all positive contributors to the character and appearance of the conservation area. The relationship of the site to the setting of the listed buildings and the

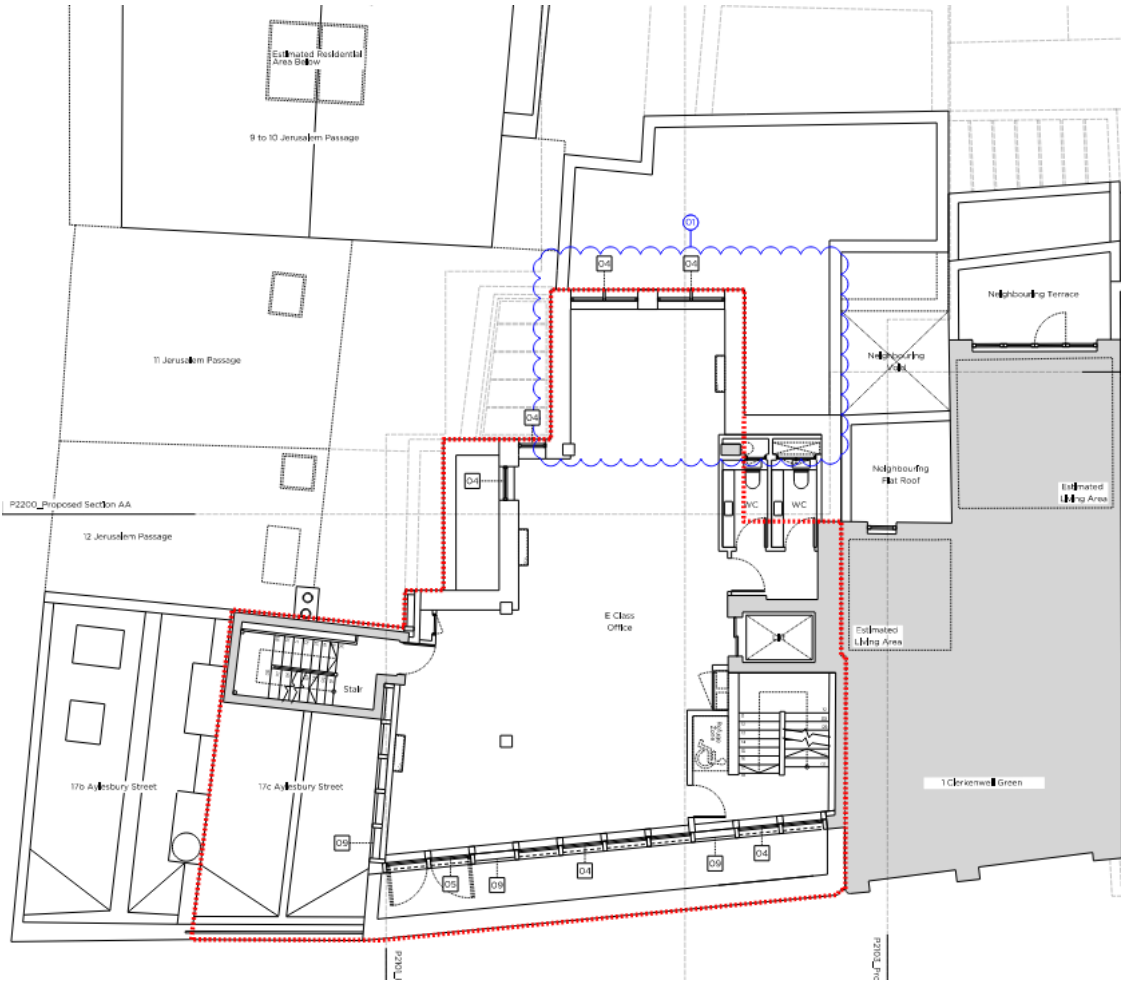
## Bulk, height and massing

9.28 The proposed replacement and new extensions would extend over the existing footprint of the building. At 2<sup>nd</sup> floor, the west flank to the rear of the building would be extended in width by 2.5m and an extension beyond the rear elevation by 5.37m. The 2<sup>nd</sup> floor would also be cut back to the rear by 1.9m. At 3<sup>rd</sup> floor, 4<sup>th</sup> floor and 5<sup>th</sup> floor, the west flank to the rear of the building would be extended in width by 2.5m and an extension beyond the rear elevation by 2.75m.

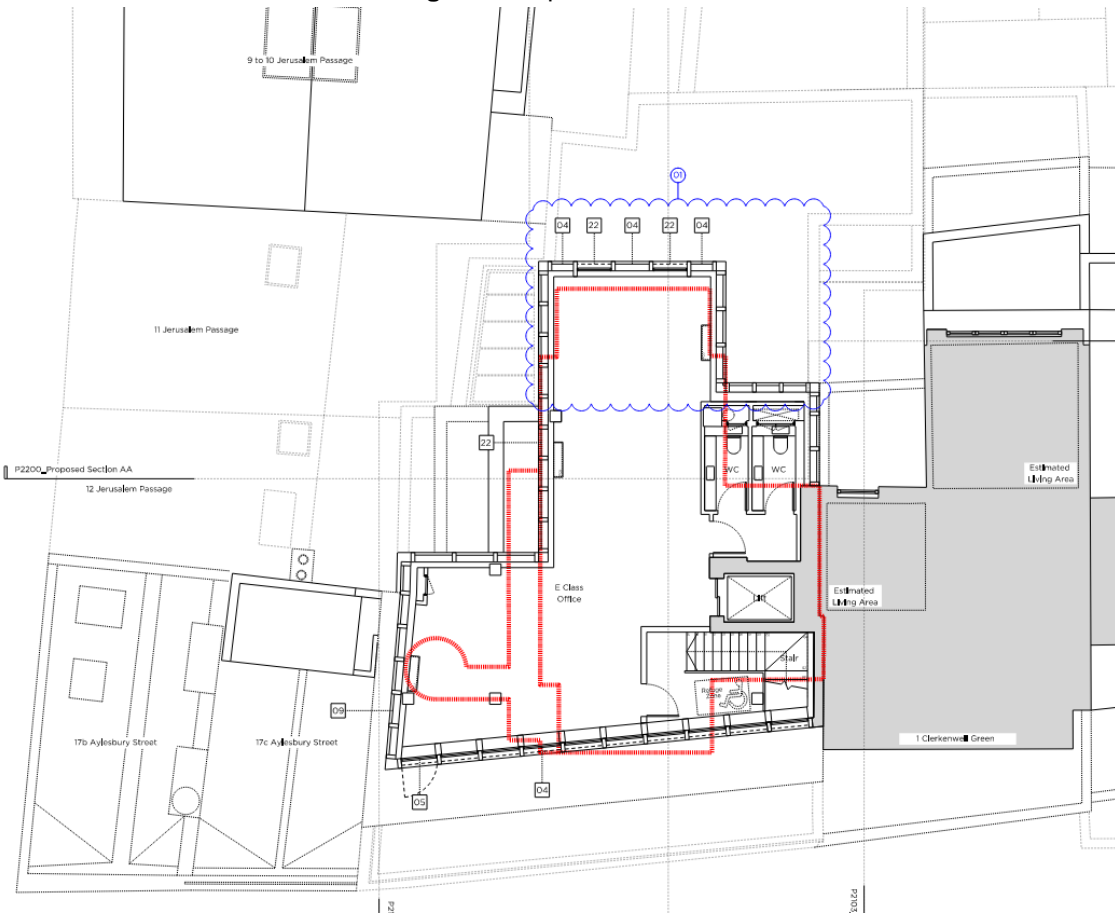


**Image 10:** Proposed third floor

9.29 At 5<sup>th</sup> floor there would be increases to the massing over the existing footprint, with the deepest part of the building being increased by approximately 0.6m and to either part of this flank by approximately 0.4m. The roof area to the frontage would be increased in width by 3.7m and tapers further to the rear and east flank by 2.86m. The roof area to the North West corner would come forward by approximately 1.4m. The proposed roof of the new 5<sup>th</sup> floor would be lower from the Apex of the existing roof by approximately 0.7m but would be approximately 0.6m taller than the existing flat roof which is the predominant scale. This is shown in image 18. Setbacks are proposed from the frontage at 4<sup>th</sup> and 5<sup>th</sup> floor levels.



**Image 11:** Proposed fourth floor



**Image 12:** Proposed fifth floor

9.30 The building is in the Finsbury Local Plan area. Policy BC7 Historic Clerkenwell of the Finsbury Local Plan supports heritage-led development that provides “new buildings of high architectural quality and local distinctiveness, of a height, scale and massing that respects and enhances the immediate and wider context, consistent with the predominant building height.” The policy requires that new development should reflect long established building lines, street frontages and plot widths. Roof extensions, plant rooms and lift overruns should conform to prevailing building heights and should not harm the character and appearance of the existing building as seen from streets and public open spaces

9.31 The Clerkenwell Green Conservation Area Design Guidelines (2002) also contain special policies regarding roof extensions in the conservation area, stating the following:

**1.20** New buildings and roof extensions to existing buildings should conform to the height of existing development in the immediate area

**1.21** Most buildings in the area are between three and five storeys high. There are very few buildings over five storeys and most of these detract from the appearance of the area. Normally no new building or extension will be permitted above five storeys (about 18 metres above ground level). All plant rooms and lift overruns should be located so as to be invisible from the street including long views from adjacent streets. On many sites new buildings may need to be lower, perhaps three or four storeys high, in order to fit into the existing scale of the street, to conform with prevailing parapet heights and to respect their neighbours.

**1.22** Roof extensions visible from the street or a public open space will not be granted where this is harmful to the character and appearance of the building.

**1.23** Strong parapet lines and hidden roofs are characteristic of many properties in the area. It is considered that visible roof extensions can be detrimental to the simple verticality of these buildings and should be resisted. In these situations, applicants will need to demonstrate that set-back extensions are not visible from public spaces and streets. Roof terraces can be a way of achieving private amenity space, but should only be allowed where they are not visible from the street and do not cause problems of overlooking of neighbours.

**1.24** New development should conform to the scale of existing buildings in the area.

9.32 Paragraphs 5.84 to 5.88 of the UDG provides advice in relation to rooflines. It advises that *there is usually more scope for change in the roofline and facades within streets where there are a variety of frontages and building heights, particularly where the height of frontages is relatively low in proportion to the width of the street. However, even where there are existing variations in building heights, an alteration to the existing roofline is likely to be unacceptable where:*

*It adversely impacts on views and landmarks.*

*It impacts adversely on the topography of the street.*

*It causes a canyon effect and/or unduly overshadows the street.*

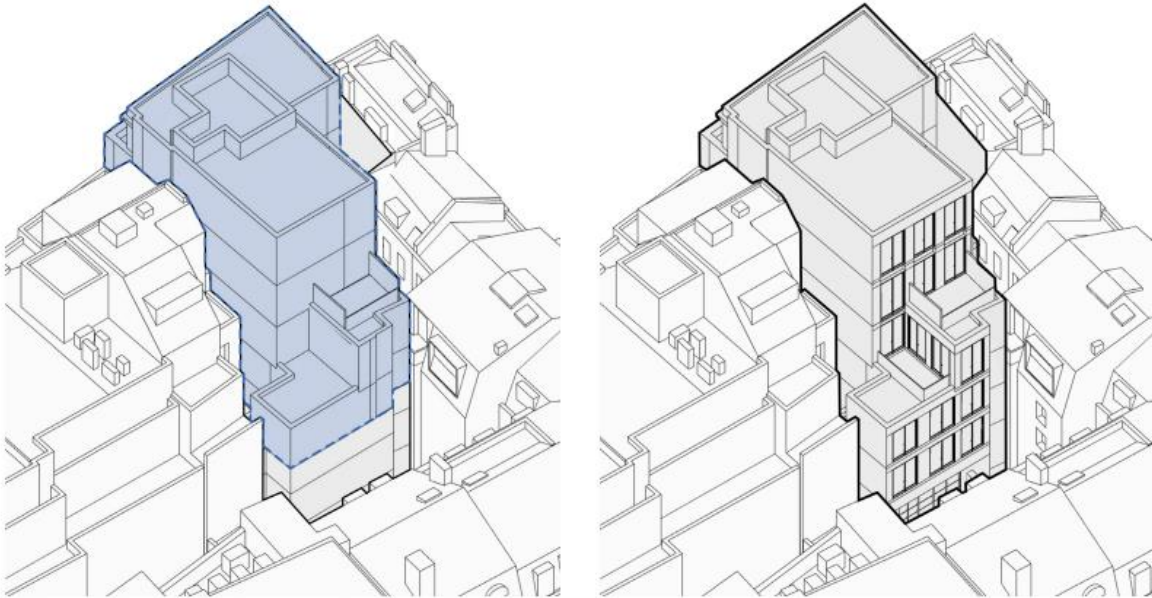
*It impacts adversely on the character of an open space or the public realm.*

*The existing street frontages and roof profile have historical and/or architectural importance and/or contribute to an area’s individual character. This will include listed buildings, conservation areas and sometimes other buildings that do not have this status.*

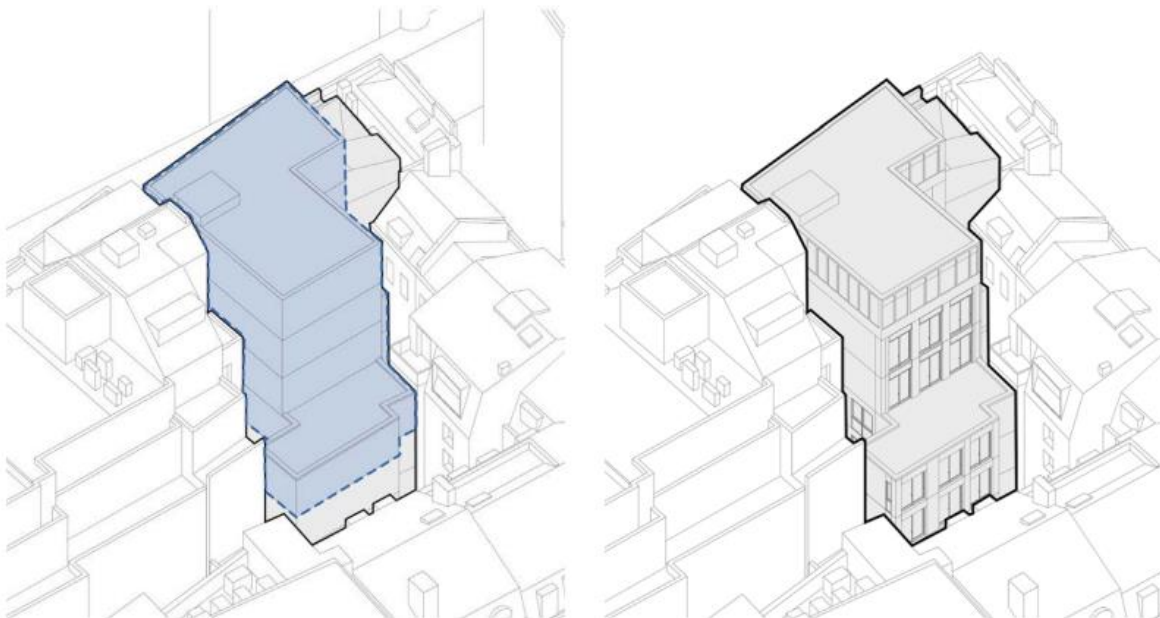
*The alteration to a façade or roofline impacts adversely upon the architectural integrity and quality of the existing or neighbouring buildings.*

*A change to the roofline or façade would be out of scale with its neighbours and undermines the rhythm of the street frontage.*

9.33 The proposal follows several earlier pre-apps and applications which were not supported. The latest Pre-application advice was given in August 2022 (Q2022/2896/MIN) for revised scheme which was generally supported by officers, and the current proposal is almost identical to the design presented at that pre-app.



**Image 13:** Refused massing



**Image 14:** Current proposal (latest cutback of 3<sup>rd</sup>,4<sup>th</sup> and 5<sup>th</sup> floor not shown\*)

9.34 The current proposal is to retain the original façades and parapet heights of the existing buildings. This is supported as the existing parapet heights are considered to be appropriate in the street context.





**Image 15:** Proposed front elevation

- 9.35 The existing two storey roof extension to 17-18 would be replaced with a new two storey roof extension of similar height, but with a slightly enlarged floor plate and a more coherent understated design. The 4<sup>th</sup> and 5<sup>th</sup> floor levels are both stepped in height setting back the massing from street level. This would result in a six-storey building that would be visible in some views from Aylesbury Street. It would not normally be considered acceptable as it does not comply with the CADG criteria above. However, in this case there is an existing visible roof structure up to a height of six storeys which detracts from the appearance of the building, and officers do not consider that replacing it as proposed would cause any additional harm to the character or appearance of the building or surrounding Conservation Area. There would be an improvement in appearance compared with the existing roof structure, which is poorly designed and unsightly with a prominent projecting dormer which protrudes above the parapet in views from the street contrary to guidance in the CADG 1.23 above.
- 9.36 The proposed overall height is slightly lower than the existing, but the proposed massing would extend all the way to the side wall of 17-18 whereas the existing structure does not. The modelled views provided show that although it would be more visible than the existing in some views (looking west along Aylesbury Street) the overall visual impact and appearance would be an improvement over the existing situation. This is because of the more consistent linear form without protruding dormers which is more in keeping with the character of the building and area, and the improved quality and consistency of façade treatment.
- 9.37 The rear of the roof structure would be just visible above the roofline of 49, 50 and 52 St John's Square in some of the views from St John's Square, but the existing structure is similarly visible. The proposal would result in a (very slight) increase in visibility but would also deliver an improved appearance and would be no worse overall.
- 9.38 In regard to the impact on designated views, the site falls within several locally designated views but officers are satisfied that the potential impact on these views has been adequately addressed. The relevant viewpoints (in the Archway Road area) are a significant distance from the site and the proposed development (which is of a similar height to the existing building) would not affect them at all.

- 9.39 In regard to the rear extensions, the proposals given their limited scope beyond the existing building would have no adverse impact on adjacent heritage assets to the rear of the site and the existing rear part of 17-18 is not considered to be of any heritage interest or architectural merit. The massing adjustments are generally contained within existing enclosed spaces at the rear and would not result in any adverse impacts to the Conservation Area.
- 9.40 The proposals to the ground floor facades of both 17c and 17-18 with a historically appropriate design including two doors for the former is supported, whilst the more contemporary window and door replacements for the latter address is considered acceptable subject to details.
- 9.41 The front terrace would by and large be enclosed by the proposed parapets proposed at 4<sup>th</sup> and 5<sup>th</sup> floor level. The parapet at 5<sup>th</sup> floor would only be 0.8m high, as opposed to the 1.1m high parapet below and it's considered that balustrading would be required. In this case officers including the Design and Conservation Officer consider a condition to be relevant requiring details of any additional balustrading prior to occupation of the office. The materiality would need to be a lightweight metal addition and light in colour set behind the parapet wall.

### Elevation treatment and materiality



**Image 16:** Proposed front elevation

- 9.42 The proposed development to the rear and sides on the 2nd, 3rd and 4th floor will be brickwork to match the existing. On the rear of the 5th floor, it will be a dark composite stone. To the front, the 4th and 5th floor replacement facades will be in a light composite stone. Windows and doors included for the new rear extensions and replacement extensions would consist of metal framed double glazing with a vertical emphasis portrayed at 4<sup>th</sup> and 5<sup>th</sup> floor levels.

- 9.43 Officers, consider the architecture to be of a high quality and with an appropriate contemporary language and a good use of high-quality materials. The use of the dark stone cladding material at the rear would ensure that the structure will blend in with the existing historic roofscape and not appear incongruous.

### **Conclusion**

- 9.44 Overall, the proposed redevelopment of the building would not cause harm to the 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 adjacent listed buildings or the character and appearance of the conservation area. The proposal is therefore considered to satisfy the objectives of the policies listed below, in particular Chapter 16 of the NPPF (2021) which seeks to conserve and enhance the historic environment, policy HC1 of the London Plan 2021 which seeks to conserve and enhance the significance of heritage assets as well as the provisions of policy CS9 of Islington's Core Strategy 2011 which seek to protect and enhance Islington's built and historic environment and policy DM2.3 of Islington's Development Management Policies which seeks to protect and enhance Islington's historic environment.
- 9.45 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 park and tombs, their setting and any of their features of special architectural or historic interest.
- 9.46 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area.
- 9.47 Given the above, the proposal is considered to enhance the character and appearance of the current building and is a well-designed and acceptable form of office development. The application therefore complies with the NPPF 2021, policies D4 and HC1 of the London Plan 2021, Policy CS8 and CS9 of the Islington Core Strategy 2011, policy DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the guidance contained within the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.

### **Neighbouring Amenity**

- 9.48 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.
- 9.49 The application building is bound by a number of mixed use buildings within a dense urban location. 17B Aylesbury Street to the east, on the corner with Jerusalem Passage, is currently in restaurant use (Class E(b)) at lower ground and ground floors, whilst the upper floors (1st-3rd) have recently been granted planning permission to be converted to a self-contained residential unit (Class C3) from restaurant under planning reference (P2020/0327/FUL). This property is attached directly to the east flank of the application building. 1 Clerkenwell Green to the west, is in use as an office (Class E (g) (i)) at basement and ground floor level with 4

residential units on the upper floors (Class C3). This property is also directly attached to application building, but to the west flank. Whilst directly attached, there is a void space between the host building and No.1 with separation of 2.8m, this space is cut off by the host building rear section. To the south and south-east, the site is bound by properties fronting St John's Square and Jerusalem Passage respectively, including 50-52 St John's Square and 8-12 Jerusalem Passage. These buildings are in a mix of uses primarily commercial uses (including office, retail and restaurant) at lower floors, with upper floors in residential use (Class C3) apart from 11 Jerusalem Passage which is wholly office. The rear elevation of No. 12 Jerusalem Passage is approximate 2.1m from the flank of the host property, this space increases to 3.1m from fourth and above. The rear elevation No.11 Jerusalem Passage at ground floor level is 3.3m from the east flank of the building, this increases to 5.3m on the upper floors. No.9-10 Jerusalem Passage is partially attached to the east flank of the host building from ground floor to second floor level. The rear elevation of No.9-10 faces the southeast corner and rear portion of the application building from third floor and above, approximately 1.9m from the nearest corner. No.8 is set behind 9-10 and does not face the existing building.

### **Overlooking and Loss of Privacy**

- 9.50 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.*' A number of objections have been received in regard to overlooking and the loss of privacy levels to neighbouring properties.
- 9.51 As existing, the office building contains glazing to all facades and the building shares mutual overlooking with the residential buildings of 1 Clerkenwell Green to the west flank and 8-12 Jerusalem Passage to the east flank. Properties to the rear include 50-52 St John's Square. The proposal would seek to add additional glazing to the rear of the building at first and second floor levels by 1no. additional window and alteration to the façade would create 3no. homogenous openings in their width and design as opposed to the existing openings. The additional window proposed would draw interaction closer to the rear glazing of 9-10 Jerusalem Passage and would be 3.7m from the centre of the nearest window. This contains residential properties above ground level. Whilst the glazing would be pulled closer, given the angle of the property to the new window and taking into account the protrusion of the sill, there would only be oblique views to the south-east. The window similar to the existing window would serve office occupiers during general office hours Monday-Friday. Taking this into consideration, it's not considered that the alteration would cause unacceptable amenity impacts to the adjacent residential properties. Notwithstanding the above, it's considered necessary to obscure the glazing of the new window additions at 1<sup>st</sup> and 2<sup>nd</sup> floor adjacent to 9-10 Jerusalem Passage to protect residential amenity when the office is occupied. At third and fourth floors, rear glazing would be replacement but would utilise the existing openings. The same also to the east flank. These alterations would not intrude on the privacy of properties on Jerusalem Passage anymore than the existing circumstances.
- 9.52 At fourth also, a front terrace is proposed along the width of the replacement extension at this level. It is approximately 1.1m deep. There is an existing 4<sup>th</sup> floor terrace that spans around the east flank and front elevation. The replacement extension by virtue of it's extension eastwards would in face result in the removal of the existing flank terrace with overlooking focussed only over Aylesbury Street which would result in no adverse overlooking. It should be noted that the rear terrace spaces previously proposed under application reference: P2022/1527/FUL have been removed from the proposal.

9.53 The extension of the fourth and fifth floor eastwards would draw glazing within the new cladding area towards Jerusalem Passage. However, this would be centred over the corner of Jerusalem Passage towards 17b at a level that would not result in adverse overlooking towards residential windows below.

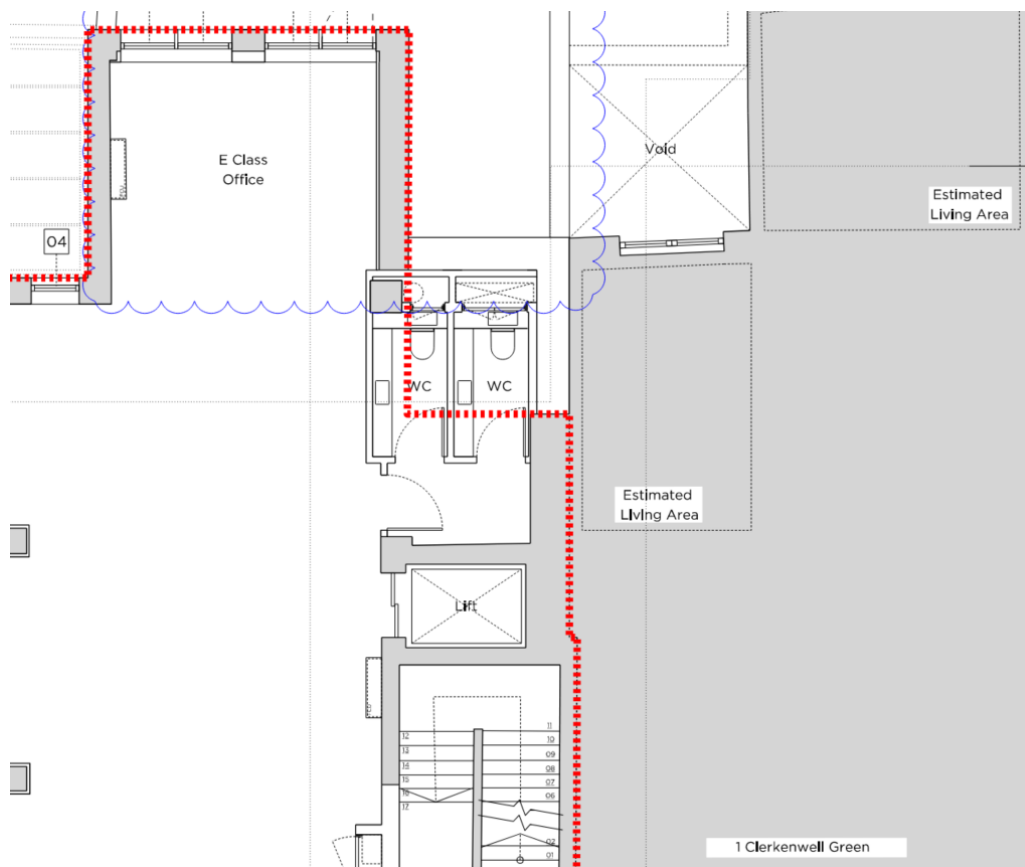
9.54 Glazing alterations adjacent to No.1 Clerkenwell Green would be similar to the current circumstances and would therefore not have an adverse amenity impact to the residential flats at this location.

### Outlook and Enclosure

9.55 As per the assessment above, the proposed development would be enclosed by commercial, mixed and residential buildings.

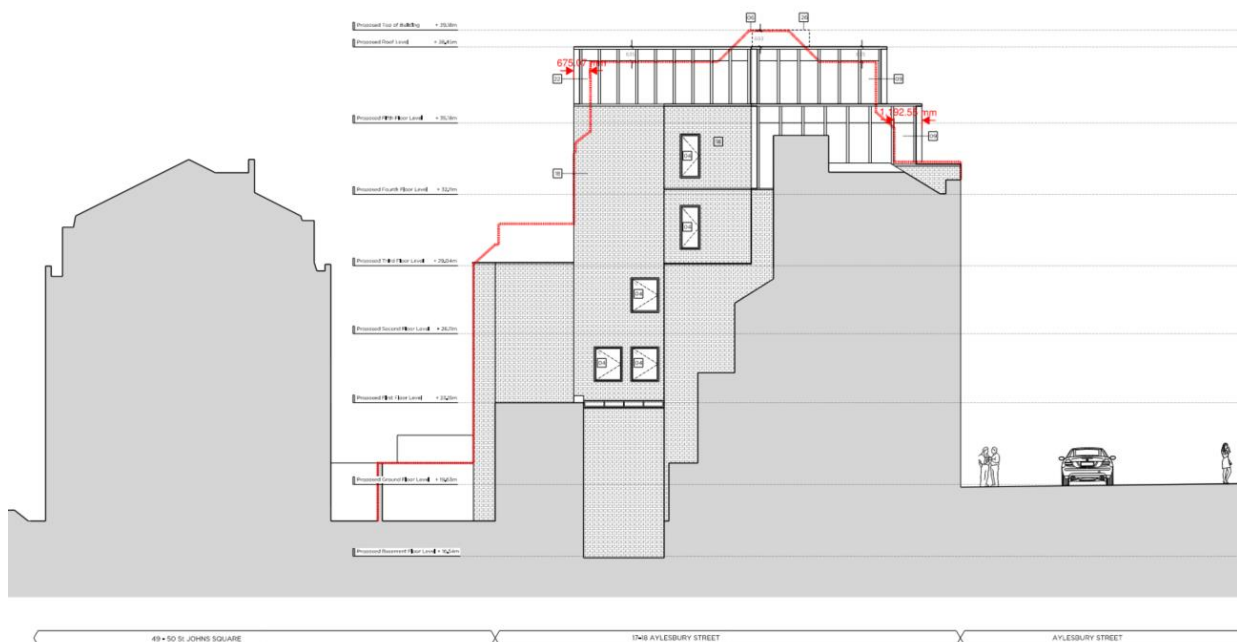
9.56 In regard to outlook, an assessment has been made to ensure the impact to the flats (1 across each floor) at 1 Clerkenwell Green (west of the site) are not adversely impacted from the rear extensions. Floor layouts of these flats show secondary bedrooms (at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors) as the closest habitable spaces to the proposed development, with primary bedroom spaces further beyond and away from the development to the west, with living room and kitchen spaces overlooking Aylesbury Street. 1 bed units are proposed from the 4<sup>th</sup> to 5<sup>th</sup> floor but with a similar layout on a smaller floorplate.

9.57 Amended plans provided show the reduction in the depth of the extension so that it is no deeper than the rear elevation of this building at 3<sup>rd</sup> floor level. The adjacent window serves a bedroom, and the cutback at this level ensures the outlook of this property is sufficient despite the dense urban location. The red dotted line indicates the existing massing.



**Image 17:** 3<sup>rd</sup> floor cutback

- 9.58 On the floor below, the 2<sup>nd</sup> floor extension would extend out beyond the rear elevation by 5.37m for a width of 2.5m. Whilst the extension would go beyond this 2<sup>nd</sup> floor secondary bedroom window it is as existing enclosed to all sides by development and the 2<sup>nd</sup> floor of the building at this location would be cut back to the rear by 1.9m which would increase spacing between this window and the host building to the rear, reducing the level of enclosure. When considering the existing outlook at this location, the proposed extension is not considered to result in an adverse impact to this flat which is supported by a primary bedroom to the opposing side and living room, kitchen and dining space facing Aylesbury Street that would remain unaffected.
- 9.59 At 4<sup>th</sup> and 5<sup>th</sup> floor levels, the extension would go beyond the rear elevation of No.1 by 2.7m. Whilst this is noted, the windows at these levels serve staircases and would not adversely affect habitable space.
- 9.60 To the rear of the site, the building would only be marginally extended at 5<sup>th</sup> floor with the deepest part of the building being increased by approximately 0.6m and to either part of this flank by approximately 0.4m. This would not be significantly noticeable to the commercial space on St John Street to the south or to the rear elevation of properties on Jerusalem Passage to the east.
- 9.61 The 4<sup>th</sup> and 5<sup>th</sup> floor the development would be increased in width by 3.7m and tapers further to the rear and east flank by 2.86m. This would draw development closer to the rear of 12 Jerusalem Passage and 17B Aylesbury Street which is directly attached to the east flank of the host building. Whilst this is noted, only a 1m section of the massing would be perceptible by the property at 12 Jerusalem Passage given the predominant area of the bulk would be sited against 17B Aylesbury Street. This property contains no rooflights and no flank windows that may have their outlook impacted. Overall, when considering the proposed layout, the marginal increase in height (as shown in the image below) the proposed development would not adversely impact on the outlook of the mentioned properties.



**Image 18:** Proposed development (red outline shows existing)

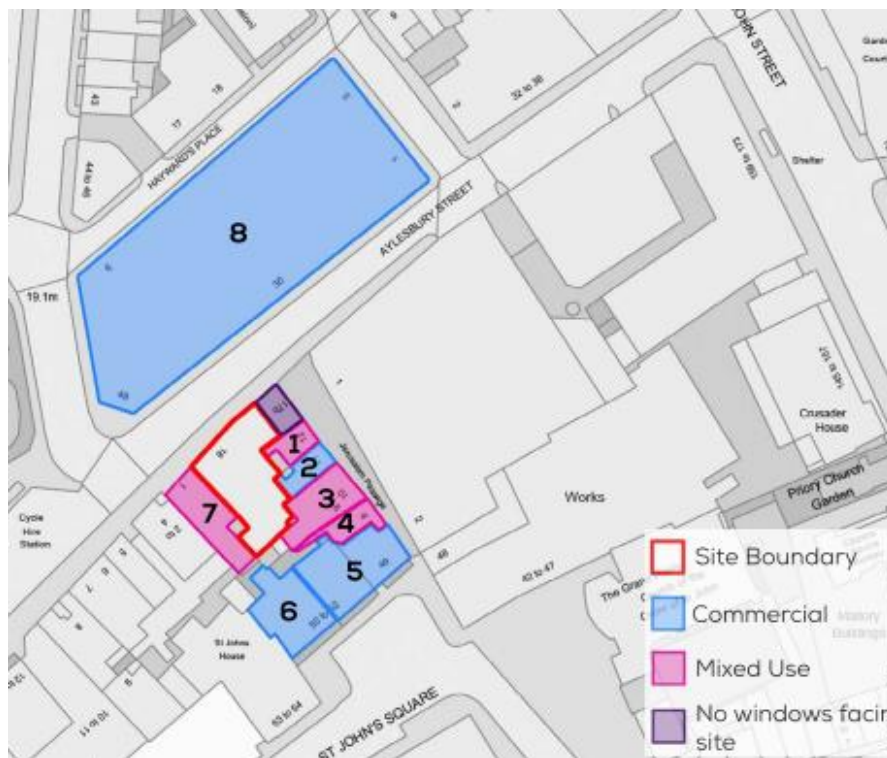
- 9.62 Overall, the proposal would not have a detrimental impact, outlook, privacy and overlooking and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017.

## Daylight and Sunlight

9.63 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours. A number of objections have been raised with regard to the impact of the proposed development upon the levels of sunlight and daylight provided to neighbouring properties.

9.64 The applicant has provided a Daylight and Sunlight Report by gia chartered surveyors 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:

- 12 Jerusalem Passage (plan ref 1);
- 9-10 Jerusalem Passage (plan ref 3);
- 8 Jerusalem Passage (plan ref 4);
- 50-52 St John Square (plan ref 5 and 6 – office only)
- 1 Clerkenwell Green (plan ref 7)



**Image 19:** Adjacent properties assessed under BRE guidance

9.65 The report was updated following the revisions to reduce the depth of the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floors adjacent to 1 Clerkenwell Green.

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

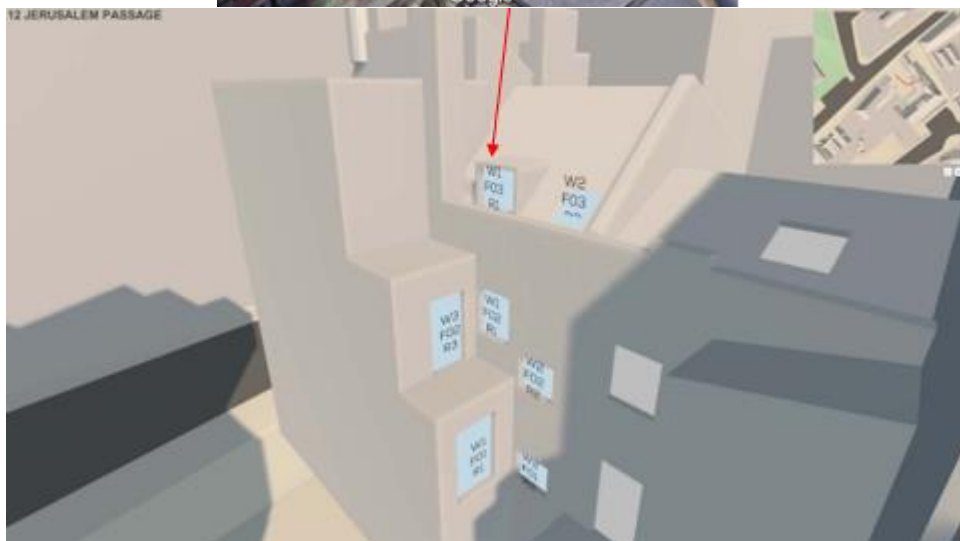
- the Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value (Skylight); or

- 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.

### 12 Jerusalem Passage

12 Jerusalem Passage			Vertical Sky Component			No sky line (Daylight Distribution)		
	Room number/ Window number	Room use	Existing (%)	Proposed (%)	Loss (%)	Existing (%)	Proposed (%)	Loss (%)
Third	R1/W1/F03	Bedroom	10.2	6.9	32.4%	31.8	24.5	22.9%

**Table 3:** Daylight results 12 JP



**Image 20 & 21 :** Aerial view and window affected assessed under BRE guidance



9.67 The results show losses below BRE guidance at 32.4% (previously 38.4% for refused app: P2022/1527/FUL) for the VSC test and a loss of 22.9% (previously 36.6%) just beyond the guidance for the NSL test. The reduction in the massing from the previous refusal results in the 2<sup>nd</sup> floor rear window now passing both tests.

9.68 During the application process, further details were required from a Right of Light Specialist and the applicant in regard to confirmation of uses for rooms and the general layout of the building. From the details provided no.12 Jerusalem Passage contains a single flat consisting of 3 floors of residential space above the commercial unit at ground floor. Whilst it is noted that the rear bedroom window fails both tests in regard to window daylight and room daylight, layout plans for the property show that the flat contains 4 other residential habitable rooms in addition to a dining and kitchen area. The unit has a dual aspect also with front glazing in addition to the 3<sup>no.</sup> rear facing windows adjacent to the proposed development. It should also be noted that the levels of daylight and sunlight afforded to bedrooms within new development and existing development is less important in comparison to main living rooms and kitchens as per paragraphs 2.1.14, 2.2.10, 3.1.2 and 3.2.3 of the BRE Guidance (June 2022).

9.69 When considering the above, and the reductions in losses from the previous application, it's not considered that the extent and amount loss of VSC and NSC to the one rear bedroom window would cause such adverse impact to the amenity of the 3 storey flat to refuse the application in this dense urban location.

**1 Clerkenwell Green**

1 Clerkenwell Green			Vertical Sky Component				No sky line (Daylight Distribution)		
	Room number/ Window number	Room use	Existing (%)	Proposed (%)	Loss	<b>Loss prior to cutback (%)</b>	Existing (%)	Proposed (%)	Loss (%)
First	R1/W1/F01	Bedroom	15.3	15	2%	2.6%	80	80	0.0%
	R2/W1/F02		5.0	4.6	8%	24.0%	29.6	31.3	-5.9%
Second	R1/W1/F02	Bedroom	24.9	23.8	4.4%	4.4%	100	99.9	0.1%
	R2/W2/F02		17.0	15.1	11.2%	32.4%	94.5	94.2	0.3%
Third	R1/W1/F03	Bedroom	30.1	30.1	0%	0%	99.0	99.0	0.0%
	R2/W2/F03		22.3	21.6	3.3%	28.4%	96.9	96.6	0.3%

**Table 4:** Daylight results 1 CG

9.70 The above property is in use as an office (Class E (g) (i)) at basement and ground floor level with 4 residential units on the upper floors (Class C3). Floor plan layouts were received which detail apartment/flats across each floor containing a mix of 1 bed and 2 bed units. Amended plans were received to improve the outlook and daylight to the flats within this property given the original failures below BRE guidance and given the fact the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floor extensions obstructed outlook to a detrimental degree. As shown above, the results now show compliance with the BRE guidance following the reduction in the massing of the rear extensions and the flats would continue to provide a good level of amenity.



**Image 22 & 23:** Rear elevation and windows affected assessed under BRE guidance (all now passing)

## 50 St John Square

50 St John Square			Vertical Sky Component			No skyline (Daylight Distribution)		
	Room number/ Window number	Room use	Existing (%)	Proposed (%)	Loss (%)	Existing (%)	Proposed (%)	Loss (%)
Third	R1/W1/F03	Office	13.4	13	3%	35.6	28.4	20.1%

**Table 5:** Daylight results 50 SJS

- 9.71 The previously refused application failed to provide results on the commercial space to the rear of the site that is required to be assessed as part of the June (2022) updated BRE guidance. The results have now been provided to assess all relevant windows and rooms adjacent to the development. All 41 windows tested for VSC at both 50-52 St John Square will remain BRE compliant in that they will see a change of 20% or less. Of the 17 rooms tested for NSL, 16 (94%) will remain BRE compliant in that they will see a change of 20% or less. There is one loss noted above, but this is a marginal loss by 0.1% and overall is not considered to have such an adverse on the office accommodation as a whole given the high volume of windows and rooms the office serves.
- 9.72 For daylight VSC and NSC, all windows are fully BRE compliant at 8 and 9-10 Jerusalem Passage.
- 9.73 **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.

## 1 Clerkenwell Green

1 Clerkenwell Green			Annual (APSH)			Winter (WPSH) (between 21 September and 21 March)		
	Room number/ Window number	Room use	Existing (%)	Proposed (%)	Loss (%)	Existing (%)	Proposed (%)	Loss (%)
Second	R2/W2/F02	Bedroom	28	24	14.3	4	3	25.0%

**Table 6:** Sunlight results 1 CG

- 9.74 The report confirms that of the eight windows tested for sunlight, seven remain BRE compliant. The remaining window (W2/ F02) will experience reductions which would breach BRE Guidelines. Whilst it is noted that this window relates to a bedroom. Whilst there is a reduction

by 25% for winter sunlight, the window would not receive less than 0.8 times its former sunlight hours annually and the loss over the whole year is not greater than 4% of annual probable sunlight hours. In line with the BRE guidance at paragraph 9.73 of this report the residential flat would not be adversely impacted. Daylight at this property is also not adversely impacted. Overall, the drop in winter sunlight by 1% is not considered to result in such adverse impacts to this host property taking into account the above assessment and flat layout and quality of accommodation.

- 9.75 In regard to APSH at 8, 9-10 Jerusalem Passage, 1 Clerkenwell Green and 50-52 St John Square all windows pass.
- 9.76 Officers note that representations were made in relation to Right to Light. However, this is subject to separate legislation and cannot be taken into consideration in the assessment of the application. The planning assessment of daylight and sunlight to the neighbouring properties has been carried using the BRE Daylight Sunlight Guidance document as a guide to assess the implications on the surrounding properties. It's considered also that the modelling of the adjacent sites was accurate and that any marginal discrepancy in the size of windows would not materially impact the results. In this case, the window in question noted within a representation was a bathroom and windows at this level comply with BRE Guidance.
- 9.77 Representations were also raised in relation to the lack of a site visit in relation to the BRE assessment. The summary of the report BRE: Site layout planning for daylight and sunlight (2022) states the following:

*This guide gives advice on site layout planning to achieve good sunlighting and daylighting, both within buildings and in the open spaces between them. It is intended to be used in conjunction with the interior daylight recommendations for new buildings in the British Standard Daylight in buildings, BS EN 17037. It contains guidance on site layout to provide good natural lighting within a new development; safeguarding of daylight and sunlight within existing buildings nearby; and the protection of daylighting of adjoining land for future development.*

- 9.78 Therefore, whilst it may be beneficial to carry out a site visit to confirm assumptions on the layout of adjoining buildings, it is considered that the assessment can be carried out without a site visit if there is sufficient knowledge of the layouts of adjoining properties, and their use.
- 9.79 Officer would note that a site visit did took place at the application site and an assessment was made externally at roof level to review the location of windows and adjacent properties.
- 9.80 Overall, the daylight and sunlight assessment has evidenced that there would be very few and localised breaches of daylight and sunlight to neighbouring properties of which would not cause harm to the overall amenity of each property taking into consideration the quality of accommodation, availability of daylight and sunlight for other windows, the room layouts and room uses.

## **Noise**

- 9.81 A number of objections have been received regarding noise from plant equipment proposed at ground floor level within a rear lightwell instead of at roof level as previously refused. Two heat pumps are proposed along with a Mechanical Ventilation with Heat Recovery system.
- 9.82 In regard to noise impacts attributed from the replacement extensions no objection has been raised by the Council's Acoustic Officer noting that the submission includes a noise report which predicts compliance with Islington's noise criteria with mitigation in the form of attenuators to the MVHR vents and an acoustic screen for the ASHPs. Two conditions are proposed to ensure noise measures 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 and a report provided thereafter to demonstrate compliance with the db levels required above.

- 9.83 Some concern was also raised with the construction phase. Whilst it is expected that a degree of noise shall take place during the construction period, the proposed use of the site for office use is established and the redevelopment of the office space on a similar floorplate would not result in unacceptable levels of noise. However, in order to ensure that management practices are implemented to control and mitigate the impact of construction noise/disturbance on neighbouring residents, a condition has been recommended requiring the applicant to provide a detailed Construction Management Plan directly referencing Islington's Code of Practice for Construction Sites (2018) for the approval of the Local Planning Authority prior to the commencement of construction.

### **Conclusion**

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

### **Accessibility**

- 9.85 Local Plan policy DM2.2 and the Inclusive Design SPD remains a material consideration to any development.
- 9.86 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.*
- 9.87 The proposal seeks to improve the existing office accommodation. In addition to the extensions improved and limited additional floorspace added a number of internal alterations to deal with the constraints of the existing building - to provide suitable independent access to and around the building, including sanitary provisions and to meet Building Control Regulations.
- 9.88 The proposal also seeks to make the proposal more inclusive, with the front entrance being designed to include ramped access to the building, replacing the previous stepped access. All of the WCs in the building will be unisex and an accessible WC will be located on the ground floor, as per the existing WC provision.
- 9.89 When reviewing the plans submitted and from reviewing the site internally as part of a visit, the proposal would result in an improvement to the current circumstances.

### **Highways**

#### *Car Free Development*

- 9.90 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. 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. The proposal will continue to be car free.

### *Construction Management Deliveries*

- 9.91 Due to the proposed works, a Construction Management Plan will be required to demonstrate how the development would not result in congestion on the highway. The document will require details in accordance with the guidance of the Code of Construction Practice for Construction Sites (CoPCS) 2018.

### *Cycle storage*

- 9.92 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.
- 9.93 In accordance with Appendix 6, 1 space per 80sq.m of office floorspace is required. The site currently does not contain cycle storage. The uplift would be less than 80sq.m taking into consideration the reductions to the scheme from the previous proposal and from the reductions within the current process. Therefore, whilst there would be no cycle storage the proposal does meet the threshold requirement for this. Even if it did, it's not considered that the lack of cycle storage would be a reason to refuse the application. Additionally, the site has a PTAL rating of 6a which is considered excellent, and is easily accessible by foot, cycle and train.

### *Refuse and recycling*

- 9.94 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy CS11. Development Management Policy DM8.6 seeks that details of refuse and recycling collection be submitted indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores. The Planning Statement confirms that the existing refuse strategy will be retained, in which tenants are responsible for bringing their own waste to the pavement for private collection. A condition could be secured to ensure that this provision would be acceptable and accord with the Council's 'Refuse and Recycling Storage Requirements' (2008) document.

### **Sustainability**

- 9.95 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.
- 9.96 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 9 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 9.97 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.

- 9.98 Despite a small increase in the floorspace of the building (89sq.m prior to reductions to rear extensions) the application is supported by a Sustainable Design & Construction Statement by Webb Yates. The energy strategy proposed is stated to meet the Building Regulations Part L 2021 Volume 2 requirements and is aimed to achieve the best outcoming in terms of sustainability and energy efficiency.
- 9.99 The proposed building will be utilising ASHP's for heating and cooling. This is advantageous for the local air quality of the surrounding area and is a form of renewable energy. A feasibility study for use of other technologies was also explored.
- 9.100 The Statement has also provided details on how the development will meet baseline reductions through the use of low fabric u-values, new mechanical supply and extract ventilation, high efficiency ASHP heating system, energy efficient LED lighting.
- 9.101 Notwithstanding the details provided, considering the level of demolition and re-building involved it's considered relevant and reasonable to apply a condition to require an Adaptive Design Strategy which should at the heart of it provide details on Circular Economy strategies to avoid construction waste and unnecessary demolition of structures. The strategy should show how the building would be adaptable to change or various uses throughout its life and maximise the re-use of and/or recycling of all materials arising from demolition and remediation works.
- 9.102 Overall, the details are considered satisfactory for the minor development proposed.

### **Fire Safety**

- 9.103 Policy D12(A) of the London Plan (2021) requires new developments to achieve the highest standards of fire safety, embedding these at the earliest possible stage.
- 9.104 The application proposes a small addition of floorspace to the existing six storey (above basement) office building. The building is not considered a relevant building as set out by Planning Gateway One.
- 9.105 Nevertheless, a Planning Fire Statement by *bespoke fire safety design* (January 2023) has been submitted in support of this application.
- 9.106 The submitted Fire Statement makes multiple references back to the Building Regulations and the applicant is reminded that the Building Regulations 2010 legislation covers the construction and extension of buildings and these regulations are supported by Approved Documents. Approved Document B addresses fire safety precautions which must be adhered to, to ensure the safety of occupants, firefighters and those close to the building in the event of fire.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The office use (Class E(g)) of the site is suitable within the site location. The proposal is considered to be acceptable, and would provide improved, accessible and additional office space within the Central Activities Zone and Employment Priority Area.
- 10.2 The proposed redevelopment of the site is not considered to adversely impact the residential amenity of adjacent residential properties in line with policy DM2.1 of the Development

Management Policies 2013 being designed, orientated and setback in a way from adjacent residential buildings. The proposal accords with policies DM2.1.

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 Conservation Area. The proposed replacement extensions and new extensions 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.

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

**APPENDIX 1**

**RECOMENDATION A**

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

**List of Conditions:**

<b>1</b>	<b>COMMENCEMENT (3 YEAR CONSENT PERIOD)</b>
	<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>
<b>2</b>	<b>APPROVED PLANS LIST (COMPLIANCE)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>P1999, P2000, P2001, P2002, P2003 Rev 01, P2004 Rev 01, P2005 Rev 01, P2006 Rev 01, P2100, P2101, P2102 Rev 01, P2103 Rev 01, P2200, P2201, P4500, Planning Design and Access Statement by Marke Wojciechowski Architects (Revision – 08/02/2023). Daylight &amp; Sunlight Impact on Neighbouring Properties Report by gia chartered surveyors (14 June 2023), Daylight &amp; Sunlight Impact on Neighbouring Properties Report: Appendices by gia chartered surveyors (14 June 2023), Planning Statement by Savills (March 2023), Planning Fire Statement by Bespoke Fire Safety Design (19 January 2023) Rev 06, Noise Impact Assessment Report Rev G (23/02/2023) and Sustainable Design &amp; Construction Statement by Webb Yates Rev 05 (17.02.2023).</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>



<b>3</b>	<b>MATERIALS (DETAILS)</b>
	<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"> <li>a) Brickwork and cladding panels (including brick panels and mortar courses);</li> <li>b) Roofing;</li> <li>c) Window and door treatment (including sections and reveals);</li> <li>d) Shopfront window and door treatment;</li> <li>e) Any other materials to be used.</li> </ul> <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 surrounding area.</p>
<b>4</b>	<b>CONSTRUCTION MANAGEMENT PLAN (DETAILS)</b>
	<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"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>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;</li> <li>d) Details regarding the planned demolition and construction vehicle routes and access to the site;</li> <li>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;</li> <li>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;</li> <li>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.)</li> <li>h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;</li> <li>i) Details of measures taken to prevent noise disturbance to surrounding residents;</li> <li>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;</li> <li>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</li> </ul>

	<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>p) Details of measures taken to deal with any form of asbestos during the demolition of the existing garages.</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>
<b>5</b>	<b>FIXED PLANT NOISE LEVELS (COMPLIANCE)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> 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 <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:2014+A1:2019</p> <p>REASON: To protect the amenity of adjoining properties.</p>
<b>6</b>	<b>FIXED PLANT NOISE COMPLIANCE (DETAILS)</b>
	<p>CONDITION: A report is to be commissioned using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 5. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter</p> <p>REASON: To protect the amenity of adjoining properties.</p>
<b>7</b>	<b>NO USE OF FLAT ROOFS AS TERRACES (COMPLIANCE)</b>
	<p>CONDITION: Notwithstanding the terrace areas approved and shown on the approved plans, all other flat roof areas of the office shall not be used as a terrace or any other form of private amenity space into perpetuity.</p> <p>REASON: To protect the amenity of the adjoining residential properties.</p>
<b>8</b>	<b>OFFICE USE ONLY (COMPLIANCE)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Amendment)(England) Regulations 2020, the development hereby approved shall be</p>

	<p>used only as an Office (Class E(g)) (or the equivalent use within any amended/updated subsequent Order) hereby approved, shall be limited to those uses and for no other purpose (including any other use within Class E) of the Schedule to the Town and Country Planning (Amendment)(England) Regulations 2020, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development, in order to protect the supply of office floorspace in this Employment Area and Central Activities Zone location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met.</p>
<b>9</b>	<b>CIRCULAR ECONOMY (DETAILS)</b>
	<p>CONDITION: Prior to the commencement of works, details of an Adaptive Design Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The submitted Adaptive Design Strategy shall demonstrate that the hereby approved development has been designed to</p> <ul style="list-style-type: none"> <li>a) last as long as possible and suit its anticipated lifespan – the strategy must specify the intended overall design life of all buildings in the development;</li> <li>b) avoid construction waste and the unnecessary demolition of structures;</li> <li>c) be built in layers to allow elements of buildings to be replaced overtime, supporting a modular design;</li> <li>d) be adaptable – the plan form, layout and structure enables the building to be adapted to respond to change and/or adapted for various uses throughout its life;</li> <li>e) enable ease of deconstruction - building materials, components and products can be disassembled and re-used at the end of their useful life; and</li> <li>f) maximise the re-use and/or recycling of all materials arising from demolition and remediation works.</li> </ul> <p>REASON: Required prior to commencement to ensure the scheme achieves the sustainability targets required by local policy.</p>
<b>10</b>	<b>OBSCURE GLAZING (COMPLIANCE)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, prior to occupation of the development, the 2no. new windows proposed (and as shown on Drawing No. P2001 and P2002) to the 1<sup>st</sup> and 2<sup>nd</sup> floor rear elevation shall be obscurely glazed with purpose made obscure glass to protect the amenity of 9-10 Jerusalem Passage.</p> <p>REASON: To protect the amenity of the adjoining residential properties.</p>

**List of Informatives:**

<b>1</b>	<b>Construction works</b>
	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 <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) 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.
<b>2</b>	<b>Highways Requirements</b>
	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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . All agreements relating to the above need to be in place prior to works commencing. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Section 50 license must be agreed prior to any works commencing. 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 <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> .
<b>3</b>	<b>Highways (Additional)</b>
	The Public footpath should not be obstructed at site entrance.

## **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 D13** Agent of change  
**Policy D14** Noise  
**Policy E1** Offices  
**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 CS7** Bunhill and Clerkenwell  
**Policy CS8** Enhancing Islington's Character  
**Policy CS9** Protecting and enhancing Islington's built and historic environment  
**Policy CS10** Sustainable design  
**Policy CS11** Waste  
**Policy CS18** Delivery and infrastructure

#### **C) Development Management Policies June 2013**

**Policy DM2.1** Design  
**Policy DM2.2** Inclusive Design  
**Policy DM2.3** Heritage  
**Policy DM6.1** Healthy development  
**Policy DM6.5** Landscaping, trees and biodiversity  
**Policy DM7.1** Sustainable Design and Construction  
**Policy DM7.2** Energy efficiency and carbon reduction in minor schemes

**Policy DM8.4** Walking and Cycling

**Policy DM8.5** Vehicle Parking

**Policy DM8.6** 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:

- Central Activities Zone
- Core Strategy Key Area (Bunhill & Clerkenwell)
- Conservation Area (Clerkenwell Green)
- Employment Priority Areas (General)
- Finsbury Local Plan Area (Bunhill & Clerkenwell)
- Local Views LV4 (Local view from Archway Road)
- Local Views LV5 (Local view from Archway Bridge)
- Article 4 Direction (A1-A2 / Rest of Borough)
- Locally Listed Building (19c or Earlier)

### **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 SP1** Bunhill and Clerkenwell

**Policy B1** Delivering business floorspace

**Policy B2** New business floorspace

**Policy S1** Delivering Sustainable Design

**Policy S2** Sustainable Design and Construction

**Policy S4** Minimising greenhouse gas emissions

**Policy T3** Car Free Development Parking

**Policy T2** Sustainable Transport Choices

**Policy T5** Delivery, Servicing and Construction

## PLANNING DECISION NOTICE



Savills  
33 Margaret Street  
London  
W1G 0JD

Development Management Service  
Planning and Development Division  
Community Wealth Building  
PO Box 3333  
222 Upper Street  
LONDON N1 1YA

**Case Officer:** Daniel Jeffries  
**T:** 020 7527 2685  
**E:** [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**Issue Date:** 24 June 2022  
**Application No:** P2022/1527/FUL

*(Please quote in all correspondence)*

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.

<b>Location:</b>	17c, 17-18 Aylesbury Street, London, EC1R 0DB		
<b>Application Type:</b>	Full Planning Application		
<b>Date of Application:</b>	03 May 2022	<b>Application Received:</b>	03 May 2022
<b>Application Valid:</b>	03 May 2022	<b>Application Target:</b>	28 June 2022

#### DEVELOPMENT:

Redevelopment of 17-18 Aylesbury Street, comprising extensions at fourth and fifth floor, (following partial demolition of second, third, fourth and fifth floors) rear extensions at second and third floor and internal refurbishments, to provide additional Class E(g)(i) office floorspace with improvements to the ground floor shopfront at 17c Aylesbury Street.

#### PLAN NOS:

Daylight & Sunlight Impact Report by GIA Chartered Surveyors dated 13 April 2022, Planning Design and Access Statement Rev.A dated 12/04/2022, Planning Fire Statement dated 13 April 2022 Revision 04 by bespoke Fire Safety Design, Heritage Appraisal by THE HERITAGE PRATICE dated February 2022, Noise Impact Assessment Report Report 23341.NIA.01Rev C by kp acoustics, Planning Statement, Sustainable Design & Construction Statement Ref: J4790-B-RP-0001 Revision: 01 by Webb Yates Engineers, P0200A, P1399A, P1400A, P1401A, P1402A, P1403A, P1404A, P1405A, P1406A, P1999A, P2000A, P2001A, P2002A, P2003A, P2004A, P2005A, P2006A, P1500A, P1501A, P1502A, P1503A, P1600A, P1601A, P2100A, P2101A, P2102A, P2103A, P2200A, P2201A.

**REASON(S) FOR REFUSAL:**

- 1 REASON: Due to scale, bulk and massing of the proposed extension to the rear and at roof level, the proposal would result in harm to the host building and the setting of the heritage assets which is not outweighed by sufficient by public benefits. In addition, the proposal has failed to demonstrate that the proposal would not have a detrimental impact on the adjacent designated open space (OS 152 St James Park) and the local views (LV4 and LV5). Therefore the proposal is contrary to policies D1, D4 and HC1 of London Plan (2021) CS7, CS8 and CS9 of Islington Core Strategy (2011) DM2.1, DM2.3, DM2.4 and DM6.3 of Development Management Policies (2013) and BC7 of Finsbury Local Plan (2013) and is unacceptable in design terms.
  
- 2 REASON: The application has failed to demonstrate that the proposed extensions would not have a detrimental impact on the amenity of neighbouring residential and the use of commercial units, in terms of loss of daylight/sunlight and a sense of enclosure. Therefore the proposal is contrary to policies DM2.1Ax of Development Management Policies (2013) and the requirements of the BRE Guidelines document titled Site layout planning for daylight and sunlight: A guide to good practice (2022).

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

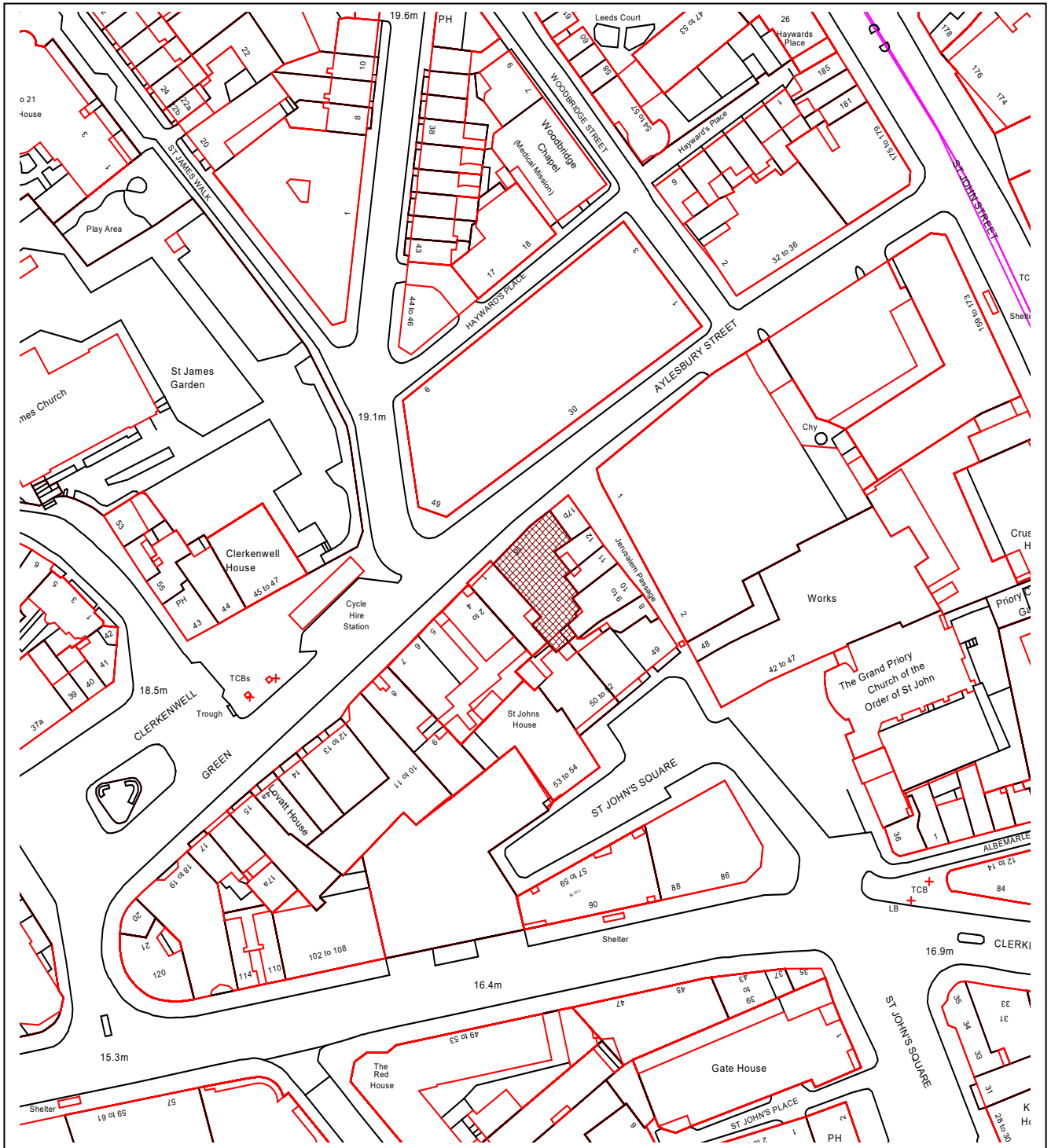
Yours faithfully



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



# ISLINGTON



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P2023/0630/FUL

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**PLANNING COMMITTEE REPORT**

Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	11 July 2023	<b>NON-EXEMPT</b>

Application number	P2022/2440/FUL
Application type	Full Planning Application
Ward	Tollington
Listed building	N/A
Conservation area	N/A
Development Plan Context	Cycle Routes (local) - 170914 Within 50m of Conservation Area – 170914 Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	Clyro Court, Tollington Park, London, N4 3AQ
Proposal	Demolition of existing garages and erection of single storey building to accommodate 1x2-bedroom self-contained residential unit with associated landscaping, cycle parking and refuse storage and associated works to existing flats including new amenity spaces and landscaping treatments

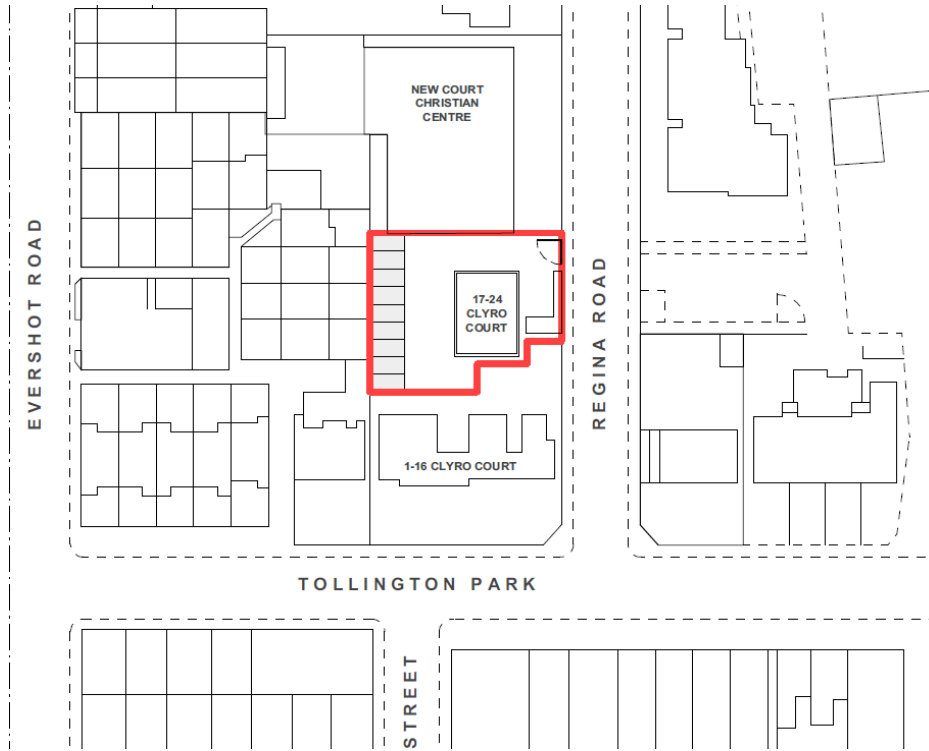
Case Officer	Marc Davis
Applicant	Mr Laurie Pearson
Agent	Mr Tom Lacey – Lacey & Saltykov Architects Ltd

**1. RECOMMENDATION**

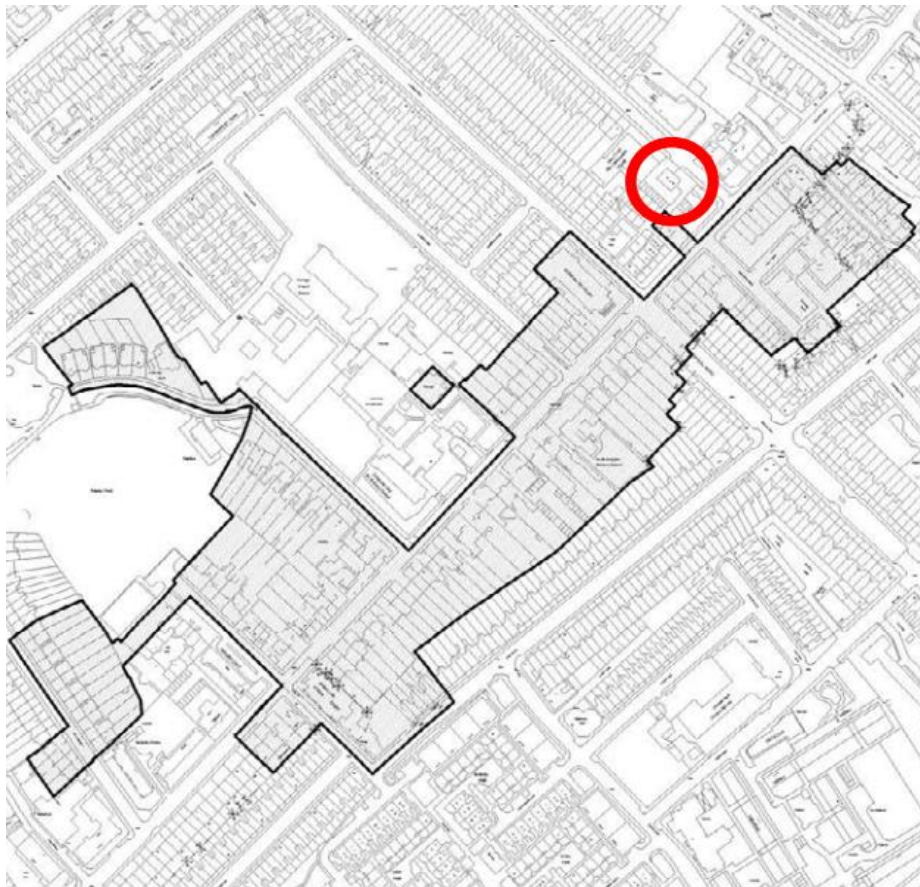
The Committee is asked to resolve to **GRANT** planning permission

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

**2. SITE PLAN (SITE OUTLINED IN RED)**



**Figure 1 – Site Plan (with red line boundary)**



**Figure 2 - Site and location of adjacent Conservation Area**



*Figure 3 – Aerial site plan (areas circled in red)*

**3. PHOTOS OF SITE/STREET**



*Figure 4 – Street View from Regina Road*



**Figure 5** – Existing accessway leading to Garages at the rear



**Figure 6** – Single storey garages as Existing



**Figure 7** – Garages in the context of Clyro Court



**Figure 8** – Existing side elevation (Block C) with storage cupboard (white doors)

#### **4. SUMMARY**

- 4.1 The proposal seeks planning permission for the demolition of the existing single storey garages and erection of a single storey dwellinghouse located to the rear of Block C, Clyro Court including associated landscaping, cycle parking and refuse storage.
- 4.2 The proposed building would have a similar height as the existing garages at a lesser width, with the appearance being controlled via a materials condition. On this basis, it is considered acceptable in design terms subject to conditions and would comply with National Planning Policy Framework (NPPF) 2021, Policies D3 and D4 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 2013, the Islington Urban Design Guide 2017.
- 4.3 The proposed dwellinghouse would provide a high quality of accommodation with associated amenity space and additional areas of amenity space would be introduced to the existing units of Block C, Clyro Court. The proposal would therefore comply with policy CS12 of Islington Council's Core Strategy 2011, Policy DM3.4 Islington's Development Management and Policy D6 of the London Plan 2021 as well as Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021.
- 4.4 The proposal is also not considered to adversely impact on the residential amenity of adjacent residential properties in line with policy DM2.1 of the Development Management Policies 2013
- 4.5 The Council's Small Sites Affordable Housing contribution has been secured by a legal agreement in line with policy CS12 Part G and the Council's Affordable Housing Small Sites SPD (2012).
- 4.6 The application is referred to the Planning Sub Committee because of both the number of, and content of the content of submitted planning objections. Overall, the application is considered to be in accordance with the relevant policies within the Development Plan and is therefore recommended for approval subject to appropriate conditions.

#### **5. SITE AND SURROUNDINGS**

- 5.1 The application site (Clyro Court) relates to a collection of 3 no. residential blocks located on the north-western side of Tollington Park. Blocks A & B have a frontage on to Tollington Park, whilst Block C has a frontage on to Regina Road. The surrounding vicinity is predominantly residential.

- 5.2 The site has both vehicular and pedestrian accessways which leads to 9 no. existing garages located to the rear of Block C. The garages have been used for residential storage purposes only and have not had a known commercial use. To the rear of the garages lie the terraced properties of Searle Place.
- 5.3 No parts of the existing site are statutorily or locally listed and although located within close proximity (50m) of the Tollington Park Conservation area, the site itself is not located within a conservation area.

## 6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the demolition of the existing garages and erection of single storey building to accommodate 1x2-bedroom self-contained residential unit with associated landscaping, cycle parking and refuse storage.
- 6.2 The proposal is the third re-submission at the site. Previous applications sought to implement a side extension to Block C, but this has now been omitted from the scheme. The current proposal now relates solely to the garages towards the rear of the site, as seen in Figures 5 & 6, above. The unit would have two bedrooms (one double, one single) and a private rear garden space.
- 6.3 The landscaping of the site as a whole would be reconfigured, with provision of a new landscaping area to existing ground floor units of Block C. The existing vehicle access (from Regina Road) would also be fenced off with a vertical-boarded panel timber fence and a controlled pedestrian access leading to the new dwellinghouse would instead be introduced.
- 6.4 Cycle parking would be provided in the form of a cycle storage unit within the site for use of all Clyro Court residents, alongside additional spaces within the rear garden space. The refuse storage space would utilise an existing storage cupboard within the main Block C (seen in Figure 8, above).

## 7. RELEVANT HISTORY

### Planning Applications

**P2022/0492/FUL** - Erection of two storey side extension to accommodate 2x studio units and redevelopment of existing rear garages to accommodate 1x 2-bedroom unit with associated access, landscaping, cycle parking and refuse storage. **Withdrawn** 16/06/2022.

**P2021/2011/FUL** - Erection of three storey side extension to accommodate 3x studio units and conversion of existing rear garages into habitable use to accommodate 2x 1-bedroom units with associated cycle parking and refuse storage. **Withdrawn** 15/12/2021.

**P2017/4471/FUL** - Proposed roof extensions to Blocks A, B and C to provide 2no 2bed flats and 2no 1bed flats. Proposed infill rear extension to form 4no 1 bed flats from existing 4no studio flats. Provision of new refuse storage arrangements, cycle store, and drying area. **Withdrawn** 24/01/2018.

**P2017/0209/FUL** - Proposed roof extensions to Blocks A,B and C to provide 2no 2 bed flats and 2no 1 bed flat. Proposed infill rear extension to enlarge 4no. existing studio flats into 4no. 1 bedroom flats. Proposed elevational improvements to street elevations of all blocks. **Refused (Sub-Committee B)** 07/11/2017. **Appeal Withdrawn** 24/04/2018.

- Members suggested a refusal on grounds of the design, the loss of amenity for present occupiers, the erection of an inadequate ventilation shaft with associated poor ventilation and a contrived access arrangement to the shaft through an existing flat.

**P043185** - Conversion of existing ground floor garages to form two x 1 bed flats including alterations to external elevations and new amenity area. **Approved with Conditions** 03/03/2005.



**P040956** - Conversion of existing ground floor garages to form 2 x 1 bed flats. **Refused** 14/07/2004.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 216 adjoining and nearby properties on 13/07/2022. A site notice was also displayed, and a press notice was issued, with the public consultation of the application expiring on 14/08/2022.
- 8.2 A total of 7 no. public responses were received in objection to the proposed development. The responses are summarised as follows:
1. Inappropriate design and appearance/materiality (**Paragraphs 10.18-10.20**)
  2. Concerns about the means of access from Regina Road (**Paragraph 10.33**)
  3. No indication of the fence height and concerns it will impact upon light to gardens (**Paragraph 10.39**)
  4. Increased noise from the newly proposed communal areas (**Paragraph 10.47**)
  5. Concern towards light pollution and light spillage (**Paragraph 10.48**)
  6. Concerns surrounding the proposed refuse/recycling arrangement (**Paragraphs 10.63-10.66**)
  7. Increased risk of anti-social behaviours and security risk to existing flats (**Paragraphs 10.67-10.69**)
  8. Lack of provision and information on energy/sustainability matters (**Paragraphs 10.70-10.75**)
  9. Concerns towards the landscaping facing Regina Road (**Paragraphs 10.76-10.78**)
  10. Objection towards the loss of the existing garages (**Paragraph 10.85**)
  11. Damage to properties and their associated walls a result of the loss of garages (**Paragraph 10.86**)
  12. Impacts to quality of life/mental wellbeing and increased strain on the surrounding community (**Paragraph 10.87**)
  13. Errors and inconsistencies in the submission documents – notably the planning statement. (**Paragraph 10.87**)
  14. Disruption as a result of the building works (**Paragraph 10.88**)
  15. Concerns towards sewage arrangements (**Paragraph 10.88**)

### **Internal Consultees**

- 8.3 **Design & Conservation:** Discussed at a surgery. No objection to the contemporary design of the dwellinghouse. Some concerns raised towards the appearance of the fence which would face Regina Road, as a vertical boarded fence is preferred. Additional concern also raised towards the number of ground floor spotlights proposed.
- 8.4 **Inclusive Design:** Clarity requested on matters relating to transport, approach arrangements, entrance arrangements and internal layout were requested. Officer's response: The comments have since been relayed to the applicant who has complied with the given requests. Confirmation has since been received from Inclusive Design officers that there are no objections to the development based upon the latest set of revised drawings.
- 8.5 **Building Control:** Further information requested during the assessment stage in the form of a Fire Statement Form and the detailing of evacuation routes. Upon review of the further information, no objection is raised but the applicant should be reminded that a follow-up building regulations application is required.

## **External Consultees**

8.6 **Design Out Crime:** No objection, subject to the inclusion of a pre-commencement condition outlining how the development achieves Secured by Design accreditation.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES**

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

9.2 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.) and;
- As the development is within a conservation area, 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) Planning (Listed Buildings and Conservation Areas) Act 1990).

9.3 National Planning Policy Framework (NPPF): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay.

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

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

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

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

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

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

9.9 The 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**

9.10 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**

9.11 The Development Plan is comprised of the London Plan (2021), Islington Core Strategy (2011), Development Management Policies (2013). The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

### **Designations**

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

- Cycle Routes (local) - 170914
- Within 50m of Conservation Area – 170914
- Article 4 Direction A1-A2 (Rest of Borough)

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

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

### **Emerging Policies**

#### **Draft Islington Local Plan 2019**

9.14 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation, with consultation on the Regulation 19 draft taking place from 5 September 2019 to 18 October 2019. The Draft Local Plan was subsequently submitted to the Secretary of State for Independent Examination in February 2020. The Examination Hearings took place between 13 September and 1 October 2021. The Council consultation on Main Modifications to the plan took place between 24 June to 30 October 2022.

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

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

- The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.16 Given the advance stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

9.17 Emerging policies that are relevant to this application are set out below in **Appendix 2**.

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Character
- Quality of Accommodation
- Neighbouring Amenity
- Accessibility and Fire Safety
- Transport, Access and Parking
- Waste Management
- Crime Prevention
- Energy & Sustainability
- Landscaping, Trees and Biodiversity
- Small Sites Contributions
- CIL & s106 Planning Obligations
- Other Matters

### **Land Use**

10.2 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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 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.

10.3 Policy DM6.3(E) of Islington's Development Management Plan Document (2013) precludes development on private open space where there would be a 'significant loss of open space/open aspect' and where there would be a 'significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation.'

10.4 Islington's Urban Design Guide (2017) sets out the design principles for backland development and outlines that not all backland sites are appropriate for development due to the importance of open space for providing visual relief as well their contribution to the environment. In conservation areas, backlands sites can also be a positive contributor to the significance of their character. Where, backland residential development is acceptable in principle, new buildings should be subservient to the surrounding development, contextual in their design, and meet all other planning standards.

10.5 It is proposed to construct a new single storey dwellinghouse, which falls within the C3 Use Class. The dwellinghouse would replace a group of 9 no. single storey garage buildings which are located to the rear of the main block of Clyro Court. It is considered that this site could be suitable for a low scale residential development and given that there is no policy protection for the retention of the existing garages, therefore their loss is considered to be acceptable in principle subject to a high quality replacement in design and townscape terms. The principle of the loss of the garages has also been deemed acceptable in previous applications at the site. Although no objections are therefore raised in pure land use terms, the site is likely to raise a number of

specific planning issues which will be addressed in detail within the relevant sections of this committee report.

- 10.6 The erection of a new dwelling would lead to a more intensive use of the site and there would be a reduction in the extent of open space. However, the scale of the development is considered by Officers to be proportionate to the site and it is also welcomed that in addition and improvements to the existing private amenity space that would be enjoyed by occupants of the new dwellinghouse itself, new areas of private amenity space would also be created for the existing flats of Clyro Court (Block C). As such, the reduction in private open space would not be 'significant' which is the key test under Policy DM6.3 regarding the development on private open space. Due to the sizable extent of open space retained the development would not conflict with the objectives of Policy DM6.3(E).
- 10.7 In judging the acceptability of residential use in this location, it is considered that residential use would be appropriate in this predominantly residential area. The provision of additional housing would accord with policy CS12 of the Core Strategy which seeks to meet and exceed the borough housing targets through the provision of additional housing in suitable locations. The proposal would also need to be in line with the requirement of London Plan (2021) policy D6 in that Housing development should be of high-quality design and provide adequately sized rooms. The proposal is therefore deemed to be acceptable in terms of overall land use.

### **Design and Character**

#### ***Policy Context:***

- 10.8 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, significant 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.
- 10.9 Core Strategy Policy CS8 states that the scale of development will need to reflect the character of the area.
- 10.10 Core Strategy Policy CS9 states that the Islington's heritage assets and historic environment will be conserved and enhanced whether they are designated or not. All development will need to be based on coherent street frontages and new buildings need to fit into the existing context of facades.
- 10.11 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.

#### ***Previous Development Context:***

- 10.12 The current proposal follows two previous applications (refs: P2021/2011/FUL and P2022/0492/FUL), both of which, in addition to the removal of garages and replacement with a single storey dwelling, proposed works to Block C of Clyro Court to create additional residential units by way of a three storey and two storey side extension, respectively. Owing to the existing site constraints, officers considered the introduction of a side extension to Block C to be unacceptable in terms of design and thus, both previous applications were withdrawn. The current proposal relates to the garages to the rear of Block C only, with the exception of new landscaping being created to the ground floor residential units of Clyro Court.

### ***Site and Surroundings:***

- 10.13 Paragraph 5.67 of the Islington Urban Design Guide (2017) states that “new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area. The nature of the existing street frontage will therefore normally determine the extent of potential development.”
- 10.14 The development relates to a set of freestanding garages to the rear of Block C of Clyro Court. The garages are single storey in nature and are set away approximately 24.0m from the closest part of the highway (Regina Road) and therefore do not contribute directly to the streetscene, as can be seen in Figure 9, below. The surrounding vicinity, with the exception of the neighbouring Newcourt Christian Centre is almost entirely residential and consists of buildings between two to four storeys in height.



***Figure 9 – View of garages from the streetscene (Regina Road)***

- 10.15 Associated works are also proposed to the existing units within Block C. New areas of green amenity space are proposed to the ground floor units which would be surrounded by a timber fence. A further shared amenity area is also proposed to the south-eastern side of Block C for use by occupants of the upper floors. Officers support the associated works which are considered to improve the quality of accommodation of the existing block whilst serving as a design benefit, introducing new areas of green space. The below design assessment will therefore be more focused upon the proposed single storey dwellinghouse which is being proposed in place of the existing garages.

### ***Footprint and Building Form:***

- 10.16 The proposed dwellinghouse seeks to demolish the existing garages and replace these with a single storey building of a very similar, if not identical height, but shallower built footprint. The retention of a single storey building in this location is accepted and it is considered not to compete with the surrounding residential buildings which are notably higher in urban grain. Given its single storey scale, the building, when compared to the main building it serves (Block C), would read as a clear ancillary space. This is important from a visual perspective, primarily in this case from private views, but also in terms of respecting the site’s historic character as a low-rise backland garage site. The comparison between the existing and proposed building heights can be seen in Figure 10, below.



**Figure 10** – Comparison of the existing (above) and proposed (below) building heights

10.17 The proposed building which would be of contemporary appearance (see below) is also considered to contribute positively to the context and although perhaps not immediately prominent in some of the wider public views given the setback from Regina Road, it would nonetheless serve as an improvement to the existing garages, of which the recent officer site visit found to be in worsening condition. For this reason and those outlined above, the proposed replacement building is considered to be of an acceptable scale in this location and would not be at odds with the immediate and wider surrounding residential character.

**Materiality:**

10.18 With regards to design and appearance, the proposed dwellinghouse opts for a contemporary external appearance. The grey brickwork design proposed, would be the principal material for the external walls. The use of brickwork is generally common within the vicinity and the use of this material is considered acceptable. However, to allow for a greater degree of detailing for the external appearance in this case, a condition will be included on the decision notice requesting samples of all facing materials. Officers consider that a contemporary appearance would add architectural interest but simultaneously wish to ensure that the materials to be used are of high-quality. This is to ensure the enhancement of the surrounding character.

10.19 Other design factors of contemporary appearance are also proposed, including opaque slot windows and a metal front door canopy. The front door itself would be of a more traditional timber material as would the surrounding boundary fence. Both of these features would also be included within the samples of materials condition. Examples of some of the contemporary materials being proposed can be seen in Figure 11, below



**Figure 11 – Examples of materiality proposed**

10.20 It is also important to note from an appearance perspective that the site does not fall within an area of conservation and the proposed dwellinghouse would be sufficiently set back from the public highway (Regina Road). It is considered there is flexibility for a more contemporary design in this case. As outlined in the above section, the contemporary design is considered to serve as an improvement in appearance when compared to the existing garages. The inclusion of a green roof is also welcomed, as this is considered to aid in blending the building in to the urban context, whilst also remaining in keeping with both the existing and proposed amenity spaces which are being proposed as part of the current application

**Other Matters:**

10.21 As outlined in the consultation section of the report, the proposal has been discussed with D&C officers. Concerns were raised towards the inclusion of a horizontal boarded timber fence, given that it was considered to more closely resemble that of a garden fence rather than that of a street boundary frontage. Further concerns were also raised towards the number of spotlights proposed around the perimeter of the site. Both of these concerns have since been addressed, with a more appropriately designed vertical boarded timber fence at a height of 1.8m (with 0.3m trellis add on) being proposed and the number of spotlights reduced by 50%. This is therefore considered to resolve D&C concerns relating to the proposal.

10.22 The new dwellinghouse would be located within close proximity to the Newcourt Christian Centre at No. 3 Regina Road. Whilst this building has a unique design, it has been found not to form part of the Council’s Local List. The Council’s D&C officers consider that the building could be considered a non-designated heritage asset but given that the proposed dwellinghouse would remain at a single storey height and the appearance is to be controlled via a pre-commencement condition, it is considered that any impact to the setting of this building would be acceptable.

**Design Conclusion:**

10.23 Taking into account the above, the proposal overall is considered to be acceptable from a design and character perspective and would be in line with the objectives of the NPPF (2021), Policies D1 and D4 of the London Plan (2021), Policy CS8 of the Islington Core Strategy (2011), Policy DM2.1 of the Development Management Policies (2013), the guidance contained within the Urban Design Guide (2017).

**Quality of Accommodation**

***New Residential Dwellinghouse:***

10.24 In terms of new residential development, 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 dual aspect layouts. 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

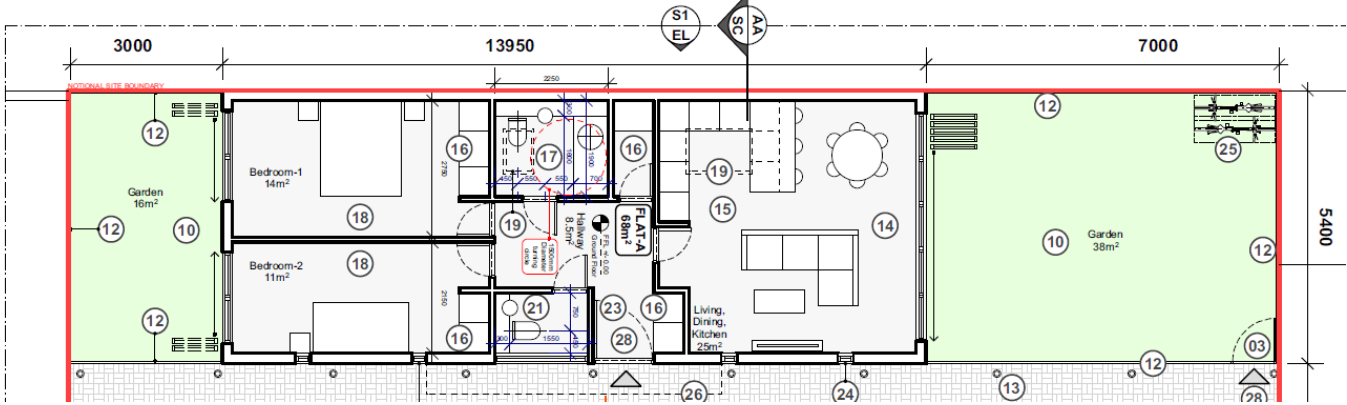


standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.

- 10.25 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.
- 10.26 Policies CS9 and CS12 of the Core Strategy, and policy DM3.4 of Islington's Development Management Policies Document state that new development should provide accommodation of an acceptable standard with satisfactory aspect, daylight and sunlight.
- 10.27 Policy DM2.1 of the DMP concerns quality of design, including the requirement for development to provide good levels of direct sunlight and daylight. 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 for the proposed dwelling house.
- 10.28 The table below sets out the expected spatial standards that should be met for the newly proposed residential units:

Unit	No. Bedrooms/ Occupancy	Expected Floor Space (Approx.)	Minimum Required Floor Space	Provided Storage (Approx.)	Required Storage
<b>1</b>	<b>2 bedroom, 3 person (2b3p)</b>	<b>68.0sqm</b>	<b>61.0sqm</b>	<b>2.5sqm</b>	<b>2.5sqm</b>

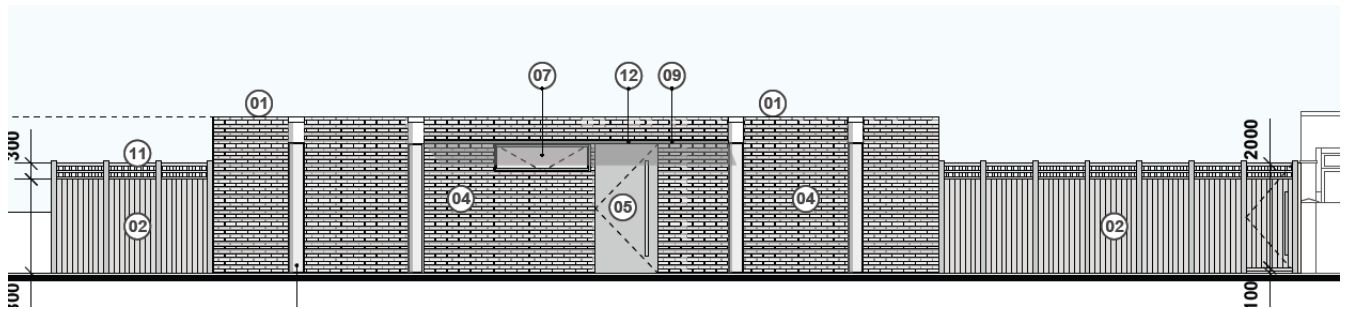
10.29 The proposed unit would comply with the relevant minimum floorspace requirement for its respective size and this is welcomed. The unit would also incorporate a minimum internal storage space of 2.5sqm in line with Policy DM3.4. The proposed floorplan can be seen in Figure 12, below.



**Figure 12 – Floorplan layout of proposed dwellinghouse**

10.30 The design of the unit ensures that the main habitable spaces, namely the living kitchen dining area and 2 no. bedrooms have access to the 2 no. garden spaces which are proposed. Additional opaque slot windows are also proposed, which would face the main block of Clyro Court. The dual-aspect unit, as designed, is considered to give good levels of outlook and given the siting and size of the windows, would also result in acceptable levels of daylight/sunlight and ventilation to all habitable spaces. Notwithstanding, a pre-commencement condition will be requested to obtain further details of internal daylight levels to demonstrate a good standard of residential accommodation prior to commencement. This will be in line with the latest (2022) BRE guidance.

- 10.31 It is welcomed that there would be limited outlook towards Block C of Clyro Court, as the separation distance between the new dwellinghouse and outlook in this particular direction is considered to be more constrained. The proposed slit windows will be obscure glazed to prevent any impact upon neighbouring privacy and this is outlined further as part of the Neighbouring Amenity section of the report.
- 10.32 Comments on the proposed layout have been received from the Council's inclusive design officers during the application stage. The scheme has been amended to ensure that bathroom doors open outwards rather than inwards, and clarifications have been provided to ensure the bathroom dimensions are in accordance with Category 2 M4(2) – Accessible & Adaptable Dwellings. Step-free access has also been found to not be necessary in this specific case, owing to the fact no level changes are being proposed.
- 10.33 Access to the proposed unit would be from Regina Road. The existing vehicle entrance to the north would be fenced off and a controlled access gate (with emergency exit lock) would be introduced, effectively resulting in a car-free arrangement. The existing pedestrian access would also introduce a controlled access gate, which would be secured by an entry phone, leading to a covered entrance, which was requested by the Council's inclusive design officers, with the proposed front elevation shown in Figure 13, below. Consultations have also been carried out with the Design Out Crime officer regarding accessed to the site which are discussed further below within the 'Crime Prevention' section of the report.



**Figure 13 – Floorplan layout of proposed dwellinghouse**

**Private Amenity Space:**

- 10.34 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. The minimum requirement is 5sqm on upper floors and 15sqm on the ground floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors and an extra 5sqm on ground floors up to a minimum of 30sqm for family housing (three bedroom residential units and above)
- 10.35 The table below sets out the expected amenity space provision that should be met for the newly proposed residential units:

Unit	Outdoor space Provided	Minimum required outdoor space as per policy DM3.5
1	54.0sqm	20.0sqm

- 10.36 The proposed unit would incorporate 2 no. private garden spaces, measuring 38sqm and 16sqm. This would give a total provision of 54sqm which is in excess of the 20sqm minimum. Additional

courtyard spaces would be provided to the existing ground floor units of Block C of Clyro Court, as well as an additional 44sqm shared amenity space for use by all occupants of Block C.

10.37 The general reconfiguration of the amenity space is welcomed, as this would not only comply with Policy DM3.5 but would also improve the quality of accommodation of the existing units within Block C of Clyro Court, providing a means of accessible and usable amenity space. Whilst there could be some degree of overlooking between existing flats and gardens, this is considered to be outweighed by the generous provision that is being introduced to flats with an existing amenity shortfall.

### **Neighbouring Amenity**

10.38 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

### ***Daylight/Sunlight/Overshadowing:***

10.39 As noted in the Design and Character section of the report, the height of the proposed dwellinghouse would not significantly detract from that of the existing garages (0.1m increase in height but 10.06m width reduction). For this reason, it is considered that there would generally not be an undue impact in terms of a loss of light and/or increased overshadowing to neighbouring properties. It is also noted that the height of the fence (plus trellis) would result in a total height of 2.1m. Given the maximum height allowed for a fence boundary fence which does not face a highway under permitted development is 2.0m, the additional 0.1m is considered not to result in undue loss of light or increased overshadowing to existing amenity spaces in this case

10.40 An external daylight/sunlight assessment has been provided with the application which assesses the proposed impact upon daylight/sunlight of the habitable properties to the rear of the existing garages (10-17 Searle Place), as well as the non-habitable Newcourt Christian Centre (3 Regina Road). The results of the external assessment demonstrate that the identified neighbouring windows pass the relevant BRE tests, both for daylight/sunlight and for overshadowing to gardens and the impact of the development to these particular properties is therefore considered to be acceptable in this regard.





**Figure 14** – *Windows tested at 10-17 Searle Place*

10.41 It is acknowledged that the external daylight/sunlight assessment does not take into account the other properties of Clyro Court. A separation distance of approximately 6.0m also exists between the ground floor habitable windows of Block C and the garages and a lesser separation distance of 4.5m exists between ground floor habitable windows of No's 1-16 Clyro Court and the garages. The separation distances have been taken into account here, but given the minimal difference in height between the garages and the proposed dwellinghouse, the impact is considered not to be detrimental and the quality of accommodation of the units at Clyro Court would not be diminished as a result of the new dwellinghouse and the development would, alike the impact upon Searle Court and the Newcourt Christian Centre, align with the relevant BRE guidance.

***Outlook/Sense of Enclosure:***

10.42 Further to the above, it is important to note that as part of the current proposal, the ground floor units of Clyro Court would have garden spaces introduced with associated timber fence surrounds. These units would therefore be less impacted by the newly proposed dwellinghouse, which would in itself, not present the opportunity for loss of outlook from the ground floor habitable windows of Clyro Court.

10.43 With regards to outlook from the windows of Searle Place, although the separation distance would be limited at 6.0m, attention is drawn again to the minimal height difference between the existing and proposed structures. The newly proposed dwellinghouse would also maintain a flat roof in a similar arrangement to the garages and it is therefore considered that the visual situation from the rear windows of Searle Place would not be too dissimilar from the existing and the proposal would not result in an undue loss of outlook or increased sense of enclosure to these properties.

10.44 Attention is also drawn to the ground floor windows of Block B (1-16 Clyro Court), some of which are located within close proximity to the garages (approx. 4.5m), shown in Figure 14 below. For the same reasoning as above, these windows are considered not to be unduly impacted as a result of the minimal height increase for the new building and this reasoning also applies in relation to daylight/sunlight.

10.45 It is also worth noting that the newly proposed dwellinghouse would serve as a visual improvement from these windows, given that the existing garages are of worsening condition. The existing garages are considered to present a monotonous, blank appearance, whereas the new dwellinghouse presents improved brickwork, green roof and other contemporary features which are a notable visual improvement on the existing situation.



**Figure 14** – View of Block B's (1-16 Clyro Court) proximity to the Garages

**Overlooking/Privacy:**

10.46 The proposed dwellinghouse has been designed to minimise direct outlook towards neighbouring properties. The only windows that would face the main block of Clyro Court would be obscure glazed slot windows which would not result in undue harm to privacy and the details of these will be obtained via materials condition, whilst a further condition will be included to ensure these are kept as obscure glazed throughout the course of the development. The window that would face larger of the two gardens (38sqm) which is proposed for the dwelling would face the site of the Newcourt Christian Centre rather than existing neighbours and this is also considered not to result in unacceptable privacy impacts as a result. Whilst the windows from the bedroom spaces that would face the smaller of the two gardens (16sqm) would face the ground floor windows of Block B (1-16 Clyro Court), the applicant has confirmed that a timber fence is proposed at a height of 1.8m (plus 0.3m trellis), which is considered to minimise the opportunity for direct overlooking to these windows.

**Noise/Disturbance:**

10.47 It is important to note that access to the new dwellinghouse would require passing beyond the existing ground floor windows of the Clyro Court Block C building and it is also acknowledged that new communal amenity areas would be introduced. Whilst these factors have been acknowledged, officers consider that the garages as existing could result in comings and goings of a similar nature and the separation distances between the new unit and Block C would be very similar, if not identical to the existing. The use (2-bedroom unit) is considered to be of low intensity and would bring overall benefits to the site by means of new and improved landscaping and fencing. For these reasons, and the fact the general residential use of the site would remain under use by Clyro Court residents, it is considered that there would not be an undue impact to surrounding residents on noise grounds.

**Light Pollution:**

10.48 Finally, it is noted that a number of spotlights would be introduced to the perimeter of the site. Although it has been acknowledged that these would introduce a new form of light emission at the site, it is considered that the impact to neighbours would be minimal, given they would be vertical facing and minimal in size. As outlined in the above, the new residential dwellinghouse is considered not to introduce an overall over-intensive use to the site.

## Amenity Conclusion

- 10.49 Taking all of the above into consideration, the proposed development is deemed not to cause demonstrable harm to the amenities (including daylight, sunlight, outlook or increased sense of enclosure) of adjoining occupiers in accordance with policy DM2.1 of the Development Management Policies (2013)

## Accessibility and Fire Safety

- 10.50 All new developments are expected to achieve an acceptable accessibility standard as per requirement under the London and Local Plan. The design of the scheme has been amended since first submission and the latest proposal consists of a lift to ensure that all unit entrances are step free or lift accessible. The latest technical standards for housing as set out in Part M of the Building Regulation Volume 1, relevant to local planning policy DM2.2 and the Inclusive Design SPD that the dwellinghouse should achieve Category 2 M4(2) – Accessible & Adaptable Dwellings. This will be re-iterated as a planning condition with any recommendation for approval.
- 10.51 Additional clarifications were sought at the application stage, and these have been discussed within the relevant sections of the report. Inclusive Design are satisfied, owing to the additional clarifications and amendments to the drawings, that the proposed development would be in compliance with Category 2 M4(2) – Accessible & Adaptable Dwellings and policy DM2.2. The proposal overall is therefore considered to be acceptable on these grounds.
- 10.52 Policy D12 of the London Plan (2021) seeks to ensure that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:
- 1) *identify suitably positioned unobstructed outside space:*
    - a) *for fire appliances to be positioned on*
    - b) *appropriate for use as an evacuation assembly point*
  - 2) *are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*
  - 3) *are constructed in an appropriate way to minimise the risk of fire spread*
  - 4) *provide suitable and convenient means of escape, and associated evacuation strategy for all building users*
  - 5) *develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in*
  - 6) *provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.*
- 10.53 During the application stage, a fire statement was submitted titled 'Fire Statement Form' prepared by HSRs Limited which confirmed that the fire safety design will follow the principles of Approved Document B Volume 2. The report also included details of the building schedule (products and materials used), issues which might affect the fire safety of the development and proposed servicing arrangements including a fire service route to the new building and associated access points.
- 10.54 Following consultations with the Council's Building Control colleagues, further information in addition to the Fire Statement Form was requested in the form of an outline fire strategy. The drawing No. 1535-A-GA-PL-111 (Rev. A) has since been submitted which confirms **i)** a hose travel distance from the deepest point of the new dwellinghouse to the street would be less than 45.0m, **ii)** there would be two allocated evacuation routes from the new dwellinghouse to the street, with one route making use of the side access path which is more than 3.7m wide and **iii)** emergency exit locks would be incorporated to both of the proposed access gates. Upon review of the follow-up information, the building control officer has confirmed they are now satisfied with the proposal at this stage of the process and the applicant will be advised via informative on the decision notice to apply for a follow-up building regulations application to regularise the details

with the relevant building control criteria. From a planning perspective however, officers are satisfied that the proposal would be in accordance with Policy D12 of the London Plan (2021). An image of the outline fire strategy can be seen in Figure 15, below.

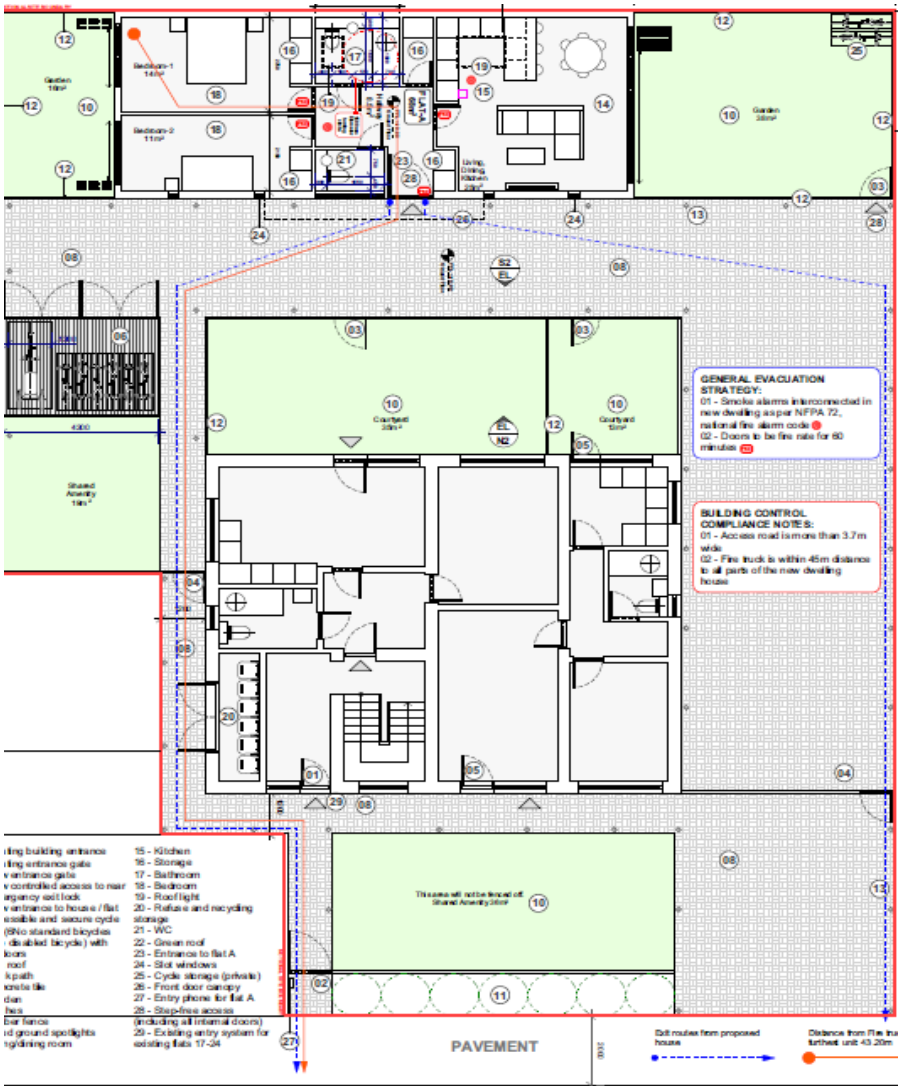


Figure 15 – Outline fire Strategy showing escape routes and hose route

**Transport, Access and Parking**

**Car Free Development:**

- 10.55 The council expects that all new development be ‘car-free’ in accordance with policy CS10H (with the exception of car parking for disabled users). All planning permissions granted for the provision of residential accommodation are conditioned to ensure ‘car-free’ development.
- 10.56 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. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
- 10.57 The submission details that the proposal will be car free. This has been included within the Unilateral Agreement and must be adhered to as part of any decision.

### **Cycle Parking:**

- 10.58 Policy DM8.4 and Appendix 6 of Islington's DMP (2013) outline the standards for cycle parking and advise that cycle spaces should be sheltered, secure, accessible and conveniently located in the interests of supporting sustainable transport. This is also an expectation of Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines.'
- 10.59 The applicant is required to provide 2 no. cycle parking spaces (one per bedroom). The proposed unit would have its own private cycle parking located within the larger of the 2 no. amenity spaces (38sqm). It is also welcomed that communal cycle parking would be introduced, with a cycle storage facility being introduced within the 44sqm shared amenity space. The site at present, does not contain cycle parking spaces.
- 10.60 The Council's inclusive design officers have also reviewed the proposed transport arrangements. The applicant has since clarified accessible cycle parking arrangements and has confirmed that these would be accessed via swing doors which provide wider openings for bikes. 1 space would be accessible, whilst 6 spaces would be standard. The width has also been confirmed to be sufficient at 1.2m for transporting bikes from Regina Road. Owing to these reasons and clarifications, both officers and inclusive design officers do not raise an objection to the scheme on transport grounds.
- 10.61 A condition is recommended requiring the proposed cycle storage to be provided prior to the first occupation of the development. Subject to this condition, the development would suitably accord with Policy DM8.6 and Appendix 6 of Islington's DMP (2013) as well as the Cycle Parking Standards – TfL Proposed Guidance.

### **Construction Management and Deliveries:**

- 10.62 A Construction Management Plan would be required detailing how the development would not result in congestion on the highway and to mitigate the impacts of the construction works on local residents. A CEMP is recommended to be secured via condition and this would be required to be developed in accordance with the guidance of the Code of Construction Practice for Construction Sites (CoPCS).

### **Waste Management**

- 10.63 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy CS11. Development Management Policy DM8.6 seeks those details of refuse and recycling collection be submitted indicating locations for collection vehicles to wait and locations of refuse and recycling stores. A copy of the council's 'Refuse and Recycling Storage Requirements' (2008) document is required to be referred to for designing-in appropriate refuse and recycling requirements.
- 10.64 Recycling and Refuse Storage Requirement guidance requires size of unit total storage capacity of at least 200 litres for 1 bedroom unit or a further 140 litres for each additional bedroom. At least 50% of total storage capacity must be allocated for recycling.
- 10.65 Several public representations have been received during the consultation period raising concern towards both the existing and proposed waste arrangements. The existing drawings demonstrate that a refuse storage area is already in place within a cupboard to Block C. However, public representations have consequently confirmed that this is not currently used as a refuse area and is instead used as a storage cupboard.
- 10.66 In spite of the uncertainty on the current use of the cupboard, the proposed arrangement, which would make use of this space, would be designed to accommodate the refuse storage to both the existing units of Clyro Court and the newly proposed dwellinghouse. It is considered that this space would be adequate to accommodate the required number of bins for both the new dwellinghouse and existing units in this case and officers are also satisfied that the travelling distance would be close to 10.0m which is the preference of the Council's waste team. Overall,



the proposal is therefore deemed to be acceptable on waste management grounds and would be in accordance with Policy CS11.

### **Crime Prevention**

- 10.67 Policy DM2.2 (part ii) identifies that all developments should deliver safe, legible and logical environments. New residential developments should also achieve Secured by Design (SBD) accreditation from the Met Police prior to occupation.
- 10.68 Consultations have taken place with the Design Out Crime officer during the planning assessment stage. At the Design Out Crime officer's request, a 0.3m high trellis has been added to the surrounding garden fence to reduce the potential of break-ins via this route and with the site being a dead-end, this approach to reduce crime risk is deemed acceptable. The applicant has also now confirmed that sufficient lighting is in place at the entrance of the dwellinghouse to remove areas of concealment as per the Design Out Crime officer's request.
- 10.69 With the above requests being attended to, the Design Out Crime officer has confirmed they are satisfied with the proposal, subject to the inclusion of a prior-commencement planning condition requiring demonstration on how the development achieves Secured by Design accreditation. The condition will also require the development to be carried out strictly in accordance with the approved details. This condition will be included alongside any recommendation for approval of permission.

### **Energy and Sustainability**

- 10.70 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.
- 10.71 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.
- 10.72 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.
- 10.73 For minor new build residential schemes, a 25% CO2 reduction target (Development Management policy DM7.2) shall continue to apply to all schemes and shall be demonstrated through the submission of a suitable sustainability standard (i.e., BREEAM, Code or HQM) or submission of an Energy Statement or addressed within a section of the Sustainable Design and Construction Statement.
- 10.74 Whilst a green roof has been incorporated, and Energy & Sustainability report has not been submitted with the application. These details will be conditioned to ensure the development would be in line with the relevant Building Regulations criteria, Policy SI2 of the London Plan, Islington Core Strategy CS10 and Development Management Policies DM7.1 and DM7.2.

10.75 The applicant will also be requested to pay the carbon offset charge for the dwellinghouse (1 x £1500) to offset the remaining carbon emission caused by the development. Subject to the inclusion of a condition and the agreement to a carbon offset contribution and details to be submitted of how sustainability targets are to be met, it is considered that the proposed development would have an acceptable level of energy efficiency measures and the sustainable design standards.

### **Landscaping, Biodiversity and Trees**

10.76 In accordance with Development Management Policy DM6.5 (Landscaping, trees and biodiversity), all 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. It is expected that the development should incorporate biodiversity green roofs and bird / bat boxes to help boost biodiversity.

10.77 A search into the site constraints has found there not to be any examples of trees which are under a Tree Protection Order (TPO) in proximity. Although the submitted Arboricultural Impact Assessment prepared by Bucks Plant Care Ltd identifies a large chestnut tree which is in proximity to the proposed unit, the assessment confirms that the proposed development would not unduly impact this tree. For these reasons, the proposal is considered to be acceptable on the grounds of Trees.

10.78 With regards to landscaping and biodiversity, it is acknowledged that several new areas of green space are proposed which are identified as a clear benefit of the proposal. It is considered that there is scope in this case for the applicant to explore more soft landscaping and greening. Given the general absence of detailing on these areas in the submission drawings and documents however, a pre-commencement condition will be included with any recommendation for approval requesting a landscaping plan. A further pre-commencement condition will also be included requesting details of a sustainable urban drainage system (SUDS). These conditions are considered to bring the proposal more closely in line with Policy DM6.5.

### **Small Sites Contributions**

10.79 Islington's Core Strategy Policy CS12 (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.

10.80 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.

10.81 The proposal consists of one new residential unit, in accordance with the Core Strategy policy CS12 G and Affordable Housing Contribution SPD, the council will seek a financial contribution in-lieu of on-site provision. The required contribution is 1 x 50,000 = £50,000.

10.82 The applicant has signed a s106 Unilateral Undertaking for obligation of full payment and this has been completed in association with the Council's legal planning team. This will be included as part of the recommendation for approval of permission and the full head of terms are set out below.

## **CIL and s106 Planning Obligations**

- 10.83 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.
- 10.84 The following heads of Terms would be secured within a s106 agreement (Unilateral Undertaking):
- 1) Small sites contribution towards affordable housing: £50,000
  - 2) CO2 offset payment: £1,500
  - 3) Car free development

## **Other Matters**

- 10.85 Public representations were received regarding the losses of the existing garages and damage to properties as a result. A policy assessment on the loss of the garages has been carried out in the 'Land Use' section of the report and their ownership is a civil matter which cannot be taken into account as a material planning consideration.
- 10.86 With regards to potential damage to properties as a result of the garage demolition, this is also not a formal material planning consideration that can be taken into account. However, in this case, the officer site visit found that the garages share a boundary with Searle Place to the rear and are in very close proximity to the dwellinghouses themselves (approx. 6.0m). The recommendation for approval will therefore include a construction management plan as a pre-commencement condition.
- 10.87 Further public representations were received regarding an increased strain on the community and loss of quality of life. Given that a single residential unit is proposed only, it is considered that there would not be an undue strain upon the local community as a result. Furthermore, the introduction of new amenity spaces to the existing flats is seen as a benefit of the scheme which weighs against any undue harm to quality of life and/or mental wellbeing. It should also be noted that all previously highlighted inconsistencies in the planning drawing have been rectified.
- 10.88 Finally, public representations were received with regards to sewerage arrangements and disturbance during the construction period. Whilst these particular representations have been acknowledged, they are not examples of material planning considerations which can be taken into account as part of the planning assessment.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposal seeks planning permission for the demolition of the existing single storey garages and erection of a single storey dwellinghouse located to the rear of Block C, Clyro Court including associated landscaping, cycle parking and refuse storage.
- 11.2 The proposed building would have a similar height as the existing garages at a lesser width, with the appearance being controlled via a materials condition. On this basis, it is considered acceptable in design terms subject to conditions and would comply with National Planning Policy Framework (NPPF) 2021, Policies D3 and D4 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 2013, the Islington Urban Design Guide 2017.

- 11.3 The proposed dwellinghouse would provide a high quality of accommodation with associated amenity space and additional areas of amenity space would be introduced to the existing units of Block C, Clyro Court. The proposal would therefore comply with policy CS12 of Islington Council's Core Strategy 2011, Policy DM3.4 Islington's Development Management and Policy D6 of the London Plan 2021 as well as Technical Housing Standards- Nationally Described Space Standards (March 2015) and the NPPF 2021.
- 11.4 The proposal is also not considered to adversely impact on the residential amenity of adjacent residential properties in line with policy DM2.1 of the Development Management Policies 2013
- 11.5 The Council's Small Sites Affordable Housing contribution has been secured by a legal agreement in line with policy CS12 Part G and the Council's Affordable Housing Small Sites SPD (2012).
- 11.6 The application is referred to the Planning Sub Committee because of both the number of, and content of the content of submitted planning objections. Overall, the application is considered to be in accordance with the relevant policies within the Development Plan and is therefore recommended for approval subject to appropriate conditions.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That planning permission be granted subject with 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 £50,000 towards affordable housing within the borough
- Contribution of £1,500 towards carbon off-setting.
- Car Free Development.

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved Plans List</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>1535-A-SP-01 - Location Plan, 1535-A-SP-02 (Rev. B) - Block Plan, 1535-A-GA-EL-11 (Rev. E) - Proposed Internal North Elevation, 1535-A-GA-EL-12 (Rev. E) - Proposed West Elevation, 1535-A-GA-EL-13 (Rev. E) - Proposed External South Elevation, 1535-A-GA-EL-14 (Rev. E) - Proposed East Elevation, 1535-A-GA-EL-15 (Rev. E) - Proposed Internal South Elevation, 1535-A-GA-EL-16 (Rev. E) - Proposed External North Elevation, 1535-A-GA-PL-11 (Rev. D) - Proposed Ground Floor Plan, 1535-A-GA-PL-12 (Rev. C) - Proposed Roof Plan, 1535-A-GA-SC-11 (Rev. B) - Proposed Section AA, Planning Statement prepared by Fuller Long (dated August 2022), Design &amp; Access Statement prepared by Lacey &amp; Saltykov (dated 30/08/2022), Daylight &amp; Sunlight Report prepared by Right of Light Consulting (dated 16/02/2022), Arboricultural Impact Assessment prepared by Bucks Plant Care Ltd (dated 10/02/2022), Fire Statement Form prepared by HSRs Limited (dated 03/03/2023), 1535-A-GA-PL-111 (Rev. A) - Fire Access Proposed Ground Floor Plan</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Details)</b>
	<p>MATERIALS (DETAILS): 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> <ol style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window treatment (including sections and reveals);</li> <li>d) roofing materials;</li> <li>e) balustrading treatment (including sections);</li> <li>f) any other materials to be used.</li> </ol> <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>
<b>4</b>	<p><b>Construction Management Plan (Details)</b></p> <p>CONSTRUCTION MANAGEMENT PLAN: No development shall take place on site unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide details in relation to:</p> <ul style="list-style-type: none"> <li>(a) proposed programme of works</li> <li>(b) site manager/liaison officer details</li> <li>(c) proposed programme of works</li> <li>(d) hours of work</li> <li>(e) access arrangements for vehicles and material storage</li> <li>(f) noise, air quality and vibration control</li> <li>(g) hoarding arrangements (with consultation with the Street Works Team)</li> </ul> <p>The development shall be carried out strictly in accordance with the CMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>5</b>	<p><b>Cycle Parking Provision (Compliance)</b></p> <p>CYCLE PARKING PROVISION (COMPLIANCE): The bicycle storage area shown on the plans, hereby approved, shall be provided strictly in accordance with the details and provided prior to the first occupation of the development, and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>6</b>	<p><b>Refuse Storage (Compliance)</b></p> <p>REFUSE/RECYCLING PROVIDED (COMPLIANCE): The dedicated refuse / recycling enclosure(s) shown on the plans, hereby approved, shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</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>
<b>7</b>	<p><b>RENEWABLE ENERGY (DETAILS)</b></p> <p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 25% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. Details of the renewable energy technology(s) and measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>The energy efficiency measures/features and renewable energy technology(s) shall be provided/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 sustainable development and to ensure that the Local Planning Authority may be satisfied that CO<sub>2</sub> emission reduction targets by energy efficient measures/features and renewable energy are met.</p>

8	<p><b>Accessible Dwellings</b></p> <p>ACCESSIBLE DWELLINGS: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
9	<p><b>Secured by Design</b></p> <p>SECURED BY DESIGN: (A) Prior to works commencing 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. (B) The development shall be carried out strictly in accordance with the details so approved and SBD accreditation must be achieved prior to first occupation.</p> <p>REASON: In the interests of safety and security.</p>
10	<p><b>Removal of PD Rights</b></p> <p>REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (COMPLIANCE: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
11	<p><b>Landscaping Plan (Details)</b></p> <p>LANDSCAPING (DETAILS): 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> <ul style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of boundary walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>i) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>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. 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</p>

	<p>shall be maintained as such.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>12</b>	<b>GREEN/BROWN BIODIVERSITY ROOFS (COMPLIANCE):</b>
	<p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);  b) laid out in accordance with plan 1535-A-GA-PL-12 (Rev. C) hereby approved; and  c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>13</b>	<b>FLAT ROOF NOT USED AS AMENITY SPACE (COMPLIANCE):</b>
	<p>CONDITION: The flat roof area shown on plan no. 1535-A-GA-PL-12 (Rev. C) hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>14</b>	<b>WINDOWS OBSCURED AND FIXED SHUT / ANGLED AS SHOWN ON PLANS (COMPLIANCE):</b>
	<p>CONDITION: Notwithstanding the hereby approved plans, the approved front elevation slot windows shown on the plans hereby approved shall be obscurely glazed and shall be provided as such prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter into perpetuity.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>15</b>	<b>DRAINAGE (DETAILS)</b>
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system including, rainwater recycling, swale and 2 no. attenuation basins shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be 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. The drainage system shall be installed/operational prior to the first occupation</p>



	<p>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 the sustainable management of water.</p>
<b>16</b>	<b>DAYLIGHT/SUNLIGHT STUDY (INTERNAL)</b>
	<p>CONDITION: Details of an internal daylight/sunlight study shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based upon the latest BRE Criteria (June 2022).</p> <p>REASON: To ensure a high quality of accommodation for occupants of the new dwellinghouse.</p>

## List of Informatives

<b>1</b>	<b>CIL</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p>
<b>2</b>	<b>Noise</b>
	<p>It is recommended that the "Acoustics of Schools – a design guide" is followed in ensuring internal noise levels and noise transmission do not have detrimental impact on the wider area.</p>
<b>3</b>	<b>Construction Works</b>
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) 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>
<b>4</b>	<b>Highways Requirements</b>
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. 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 <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a></p>
<b>5</b>	<b>Party Walls</b>
	<p>The applicant is reminded that although works to neighbouring boundary walls is classed as a civil matter between neighbours these may be subject to the Party Wall Act (1996).</p>

## APPENDIX 2: RELEVANT POLICIES

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

### 1 National Guidance

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

- National Planning Policy Framework 2021

### 2. Development Plan

The new London Plan was adopted in March 2021. The adopted London plan has now full weight and is considered a material consideration. The adopted London Plan policies have been fully taken into account.

Therefore 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 D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive Design
- Policy D6 Housing Quality and Standards
- Policy D7 Accessible Housing
- Policy D12 Fire Safety
- Policy H1 Increasing Housing Supply
- Policy H6 Affordable Housing Tenure
- Policy H10 Housing Size Mix
- Policy SI8 Waste Capacity and Net Waste Self-Sufficiency
- Policy T5 Cycling

#### B) **Islington Core Strategy 2011**

- Policy CS8 Enhancing Islington's Character
- Policy CS10 Sustainable Design
- Policy CS11 Waste
- Policy CS12 Meeting the Housing Challenge
- Policy CS18 Delivery and infrastructure

#### C) **Islington Development Management Policies 2013**

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM3.1 Mix of Housing Sizes
- Policy DM3.2 Existing Housing
- Policy DM3.4 Housing Standards
- Policy DM3.5 Private Outdoor Space
- Policy DM3.7 Noise and Vibration
- Policy DM4.12 Social and Strategic Infrastructure and Cultural Facilities
- Policy DM5.2 Loss of existing Business Floorspace
- Policy DM6.3 Protecting Open Space
- Policy DM6.5 Landscaping, trees and biodiversity
- Policy DM6.6 Flood Prevention
- Policy DM7.1 Sustainable Design and Construction

- Policy DM7.2 Sustainable design standards
- Policy DM8.1 Movement Hierarchy
- Policy DM8.2 Managing Transport Impacts
- Policy DM8.4 Walking and Cycling
- Policy DM8.6 Delivery and Servicing for New Developments

### 3. Designations

- iArticle 4 Direction - office to residential
- iCore Strategy Key Areas – Archway
- iTown Centres – Archway Town Centre
- Site within 100m of a TLRN Road
- iBusiness Association Areas – Junction

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

The following SPGs and/or SPDs are relevant:

#### Islington Local Development Plan

- Inclusive Design in Islington (2014)
- Islington Urban Design Guide (2017)

#### London Plan

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

### 5. Emerging Policies

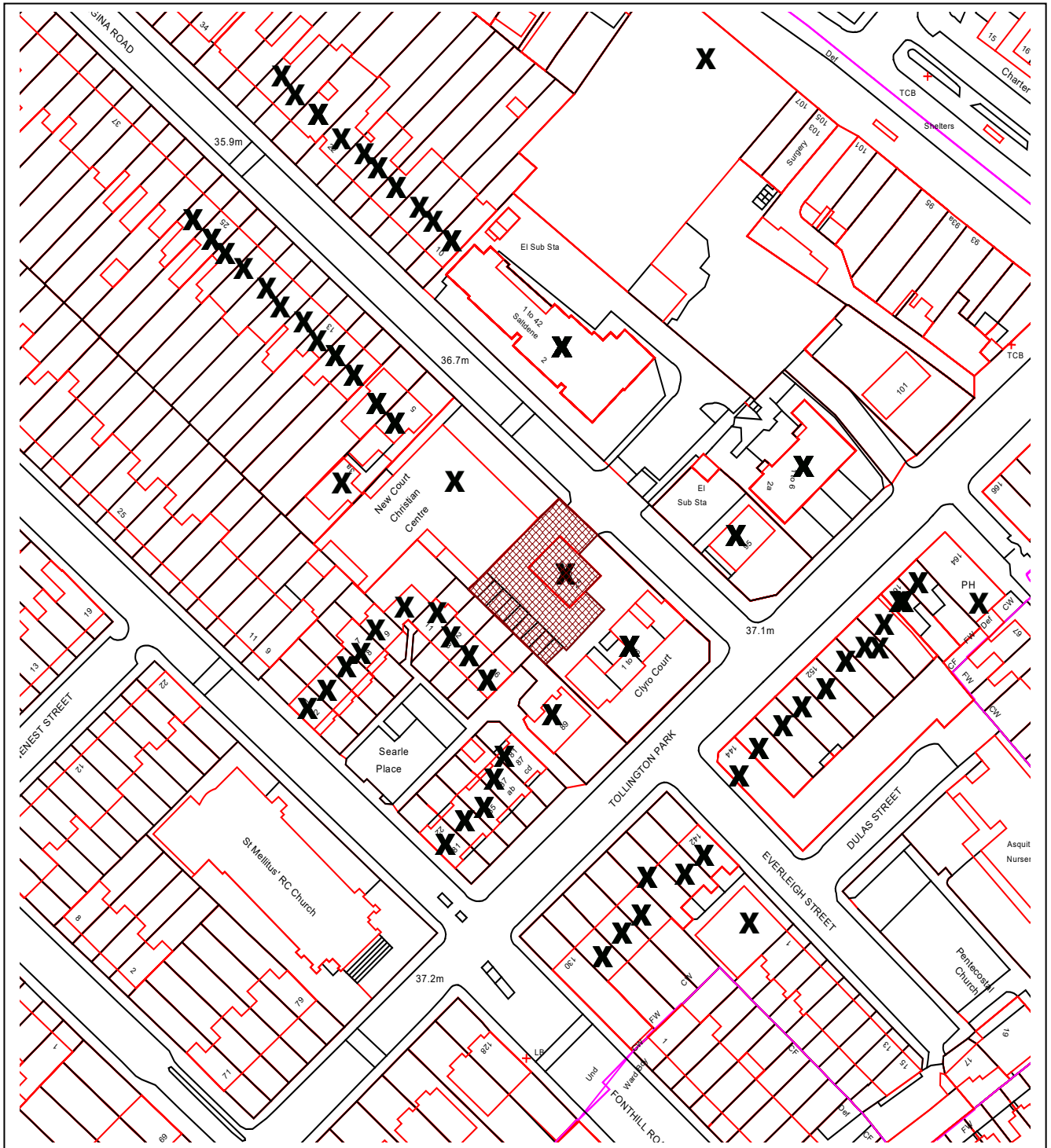
#### Draft Islington Local Plan (2019)

Emerging policies relevant to this application are set out below:

Policy PLAN1 Site Appraisal, Design Principles and Process  
 Policy G1 Green Infrastructure  
 Policy G2 Protecting Open Space  
 Policy G4 Biodiversity, landscape design and trees  
 Policy S1 Delivering Sustainable Design  
 Policy S2 Sustainable Design and Construction  
 Policy S4 Minimising greenhouse gas emissions  
 Policy SC1 Social and Community Infrastructure  
 Policy SC4 Promoting Social Value  
 Policy T3 Car Free Development Parking  
 Policy T2 Sustainable Transport Choices  
 Policy T5 Delivery, Servicing and Construction  
 Policy ST2 Waste

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# ISLINGTON



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**PLANNING COMMITTEE REPORT**

 Development Management Services  
 Planning and Development Division  
 Community Wealth Buildings

<b>PLANNING COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	11 <sup>th</sup> July 2023	<b>NON-EXEMPT</b>

Application number	P2023/1388/FUL
Application type	Full Planning Application
Ward	Highbury Ward
Listed building	N/A
Conservation area	Highbury Fields Conservation Area
Development Plan Context	Highbury Fields – Metropolitan Open Land Highbury Fields – Open Space Highbury Fields – Site of Importance for Nature Conservation Article 4 Direction – A1 to A2 Article 4 Direction - A1, B1, D1 to temporary 'flexible uses'
Licensing Implications	N/A
Site Address	Highbury Fields Cafe Catering Kiosk, The Old Bandstand, The Bungalow-153 Highbury Grove, London, N5
Proposal	Demolition of the existing café, park keeper's bungalow, bandstand, and associated ancillary structures; construction of new café, with public toilets and changing places toilet, and a new teaching shelter with associated wildlife garden.  This application involves development on Metropolitan Open Land (DEPARTURE FROM THE DEVELOPMENT PLAN).

Case Officer	Joseph Hennessy
Applicant	Lara Ellington Brown, London Borough of Islington – Park Projects Team
Agent	N/A

**1. RECOMMENDATION**

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

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

2. **SITE PLAN (site outlined in red, estate outlined in blue)**



*Image 1 - Site Plan*



3. PHOTOS OF SITE/STREET



*Image 2 - Aerial view from south*



*Image 3 - Existing Highbury Fields Cafe*



*Image 4– Existing Bandstand Building*



*Image 5– Existing View of Bungalow Site, Looking North*

#### **4. SUMMARY**

- 4.1 The application seeks planning permission for the demolition of the existing café, park keeper's bungalow, bandstand, and associated ancillary structures across the north-western section of Highbury Fields and the construction of two new buildings to replace the demolished structures. Improvements to landscaping are also proposed.
- 4.2 The proposed café building would also house a parkkeeper's office, new public toilets, a changing places toilet, refuse storage, storage for the park keeper, and space for plant equipment. The proposed teaching shelter would be provided within a wildlife garden.

- 4.3 The proposal would result in a small loss in metropolitan open land and this is considered to be a departure from local policy which seeks to protect the borough's open space. Despite this, the principle of the proposal, in increasing the useability, accessibility, and biodiversity value of the park, is considered acceptable. Whilst the development involves the demolition of a structure used for child care provision, the proposal involves the reprovion of this social infrastructure in an improved form. As such, in land use terms, the proposed development is considered to be acceptable in principle and is consistent with the aims and objectives of the NPPF as well as London Plan policies as well as most existing and emerging local policies. Furthermore, the planning benefits of the proposed scheme is considered to justify the departure from existing Development Management Policy DM2.2 and emerging Local Plan G2.
- 4.4 The proposal is considered to introduce well-designed and contextual buildings that would enhance the surrounding parkland. The development has been sensitively designed to enhance the setting of the Highbury Fields Conservation Area. Moreover, the proposal includes a well-considered landscape strategy that would increase the site's biodiversity.
- 4.5 The location of the proposed development is considered to be sufficiently set away from neighbouring residences to have any impacts on residential amenity in terms of daylight, sunlight, overshadowing, privacy, outlook, or sense of enclosure. Other impacts on neighbouring amenity such as noise / disturbance and transport impacts are considered to have been successfully mitigated and minimised, subject to appropriate conditions as detailed in Appendix 1.
- 4.6 The proposal is considered to be a sustainable form of development in a sustainable location. The application proposes a number of energy efficiency measures and a reduction in carbon emissions in accordance with adopted policy. The proposal would be a car-free development.
- 4.7 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement with suitable planning obligations and financial contributions in order to mitigate the impacts of the development.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site sits within the north eastern section of Highbury Fields and comprises a number of existing temporary and permanent single storey structures. These structures include the existing 63.08 sqm café which, whilst poorly sited, is well used and the 70.44 sqm bandstand, which formerly hosted the One O'clock Club but is now unoccupied due to the building's poor condition. Other structures within the application site include public toilets, a park keeper's store, shed and a bungalow, which was formerly occupied by the park keeper.
- 5.2 Highbury Fields is the largest park in Islington. The park is designated Metropolitan Open Land, meaning it has the same level of protection as Green Belt land, is a designated open space and is also a Site of Importance for Nature Conservation (SINC) of 'Local' grade. The north eastern corner of Highbury Fields is largely devoted to the three sports court enclosures, and the café and associated seating. It has been reported that there is a lack of public toilet provision in this part of the park.
- 5.3 Highbury Fields is located within the Highbury Fields Conservation Area (CA05), an area characterised by the consistently high architectural and historic quality of its buildings, combined with a spacious scale of development.
- 5.4 The surrounding area is predominantly residential, although the Lower Holloway and Upper Street shopping areas are nearby. The site has a PTAL score of 6a (excellent) with numerous bus routes and train stations nearby. The site does not contain any listed or locally listed buildings. The site is not located within any site allocations and no protected views or local views pass over the site.



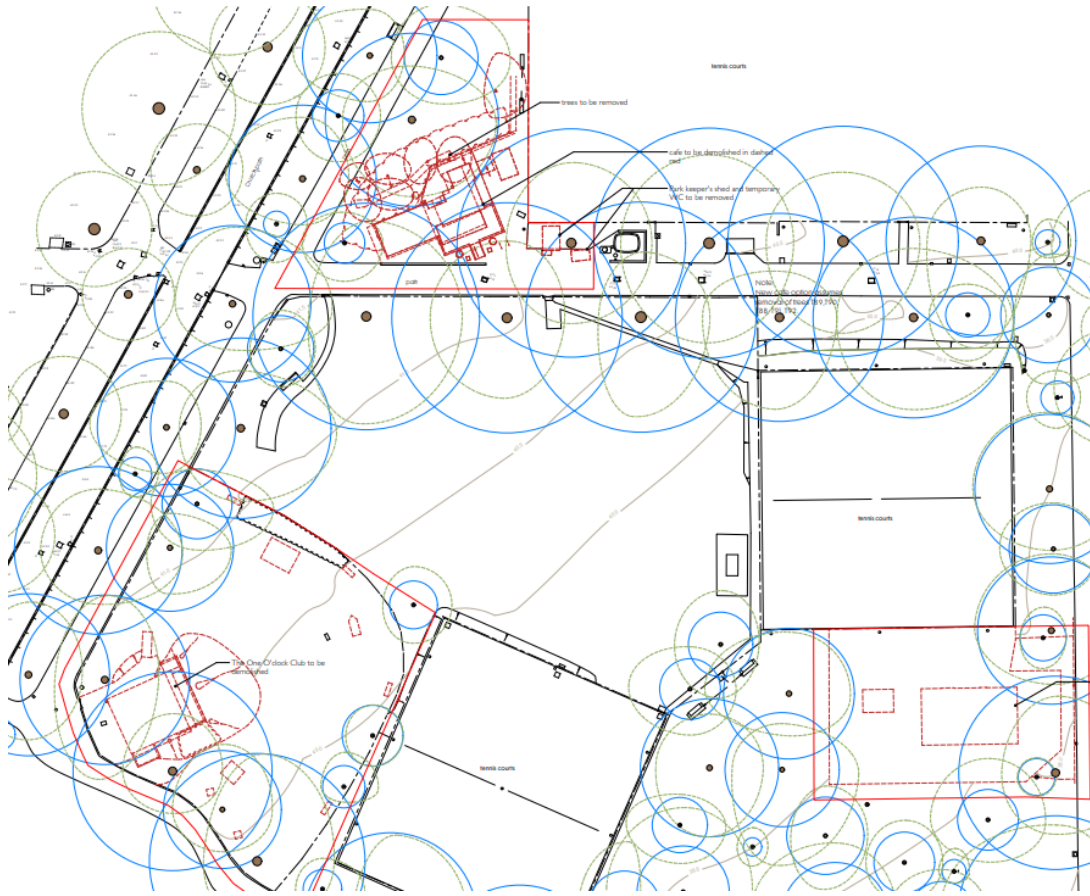
*Image 6– Plan showing the three red line boundaries*

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for the redevelopment of the café and bandstand (former One O'clock Club) in Highbury Fields. The proposed development would include the total demolition of the café and bandstand, along with a number of other now redundant structures, and the construction of a building providing a new café/public toilets/park keeper's office with adjacent outside space, and also a new outdoor sheltered teaching shelter with associated landscaping.
- 6.2 The total footprint of the structures to be demolished is 264.7 sqm. It is currently proposed that the total footprint of the structures to be built is 291.9 sqm, representing a net total loss of 27.2 sqm of Metropolitan Open Land albeit with a more integrated and centrally located replacement structure in its place overall.

### Demolition

- 6.3 The proposal includes the demolition of a number of structures as detailed below:
- The existing Oasis Café
  - The existing Bandstand building (formerly the One O'Clock Club)
  - The parkkeeper's cottage and outhouse building
  - Various ancillary structures, comprising the parkkeeper's hut, two storage units, the bandstand storage unit, and temporary WCs to the north and east of the Oasis Café building.



*Image 6– Proposed demolition plan*



*Images 7,8,9– Photos showing (left to right) existing park keeper's hut, temporary WCs, storage units*

### Proposed Café Building

- 6.4 The scheme proposes the construction of a new café building on the site of the existing café. The building would be 202 sqm and would comprise a new cafe with seating, a new park-keeper's office, storage, and 6 new individually accessed public toilets, including one accessible toilet and one changing place toilet.

### Proposed Classroom Building and Wildlife Garden

- 6.5 The application also proposes the construction of a new 90sqm outdoor sheltered teaching space. The surrounding parkland would be relandscaped to provide a number of ecological enhancements.



*Images 10, 11 – CGIs showing (left to right) proposed café and teaching shelter*

## **7. RELEVANT PLANNING HISTORY:**

- 7.1 The applications relevant to the application site are as follows:

**820436** – Erection of an extension. Highbury Fields Bandstand Highbury Fields. – Approve with conditions 08/07/1982.

**851526** – Extension to provide storeroom and erection of open sided covered area. – Approve with conditions 11/09/1986.

**972125** – Siting and installation of one universal superloo with integral internally illuminated display panels. – Approve with conditions 30/01/1998.

**P010941** – Siting of an automatic public toilet adjacent to the tennis courts which are opposite Fieldview Court, Highbury Grove. – Approve with conditions 06/11/2001.

## **8. PRE-APPLICATION ADVICE**

- 8.1 Pre-Application engagement between the Applicant and the Council was undertaken (reference: Q2021/3622/MIN) prior to the submission of the planning application.

- 8.2 A number of challenges were highlighted, including the proposal to build on Metropolitan Open Land and the potential loss of housing as a result of demolishing the parkkeeper's bungalow. However, it was considered that the proposed scheme would result in an improved park for the borough with more useable open space and an increased social infrastructure offering. As such, it was confirmed that the proposals could be acceptable in terms of land use, subject to robust justification for the size of the development and additional information being provided regarding the history of the parkkeeper's bungalow.
- 8.3 In terms of the design, the demolition of the existing café, bandstand, parkkeeper's bungalow, and ancillary structures and the development of two new buildings was considered acceptable, subject to consideration of the surrounding conservation area and accessibility.
- 8.4 The application has developed in response to the pre-application advice with further refinement to the design of the buildings, their massing, and their siting. Extensive consultation with the local community also informed the development of the proposals.

## 9. CONSULTATION

### Public Consultation

- 9.1 Letters were sent to occupants of 628 adjoining and nearby properties on 25<sup>th</sup> May 2023. A site notice and press advert were displayed on 1<sup>st</sup> June 2023. The public consultation of the application therefore expired on 25<sup>th</sup> June 2023; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 9.2 At the time of the writing of this report 7 letters of objection, 15 letters of support, and 5 letters providing comments have been received in response to the consultation on this planning application.
- 9.3 The issues raised can be summarised as follows (with the paragraphs in brackets indicating where in the report the respective points have been addressed):

#### Objection:

- New café is too big and the architecture is dated and old fashioned (11.37-11.44; 11.51-11.55);
- The bandstand should be refurbished instead of being replaced (11.19);
- Application does not take in to account the waste arising from demolition (11.51; 11.57);
- Non-café spaces within the café building are too large and leaves too small a space for cafe seating (11.97-11.98);
- Orientation of proposed café building and provision of indoor seating would result in users not feeling the benefit of being close to greenspace (11.38);
- The proposals will change the character of the fields (11.66-11.67);
- Construction works will lead to disruption (11.119);
- Objection to the removal of open space (11.9);
- Access to toilet cubicles off a corridor is likely to create a chaotic and unpleasant environment (11.43-11.44);
- The external barrier across the south frontage is obtrusive and divides the space in front of the café (11.97-11.98);

#### Support:

- Plans to make café accessible and useable in all weather conditions are long overdue;
- The lack of accessible toilets in Highbury is a real issue;
- Good to demolish the bungalow which is an eyesore;
- Will enhance appearance of Highbury Fields;
- Café needs an upgrade;
- Welcome additional biodiversity measures;

- Proposals will make park more useful to the community;
- Proposed buildings would be an asset to the park;

Comment:

- Toilets should not be unisex (11.40);
- Wooden structures tend to weather quickly and could result in more graffiti (11.54; 11.173-11.174);
- Please consider changing the handrail to black wrought iron to be in keeping with railings elsewhere in park (11.66-11.67);
- Not enough space for cargo bikes (11.135-11.141);
- The plans need more bike racks (11.135-11.141);
- Would be good to include some form of regular toddler play to make up for loss of bandstand (11.20);
- It is vital that the new café is a family environment, with toys and places for parents, carers and children to meet and feel safe (11.183);
- The visual impact of the proposed stores could be reduced by painting them a darker colour or growing plants up the walls (11.54).
- The Oasis Cafe name is well known by Islington residents, it should not be changed (11.181);
- The proposed signage is very prominent (11.181);
- Islington already has Gillespie Park and Ecology Centre which is used for teaching. Could the funds being used for the teaching shelter and wildlife garden not be better utilised elsewhere? (11.183).

9.4 An additional letter of support was submitted by ward councillors. This letter welcomed the return of the derelict bungalow to open space and the provision of six additional public toilets, including one accessible toilet and one changing places toilet. The letter also praised the design of the proposed buildings and applicant's consultation process.

### **External Consultees**

- 9.5 **Secure by Design - Metropolitan Police:** The Design Out Crime Officer welcomed the incorporation of Secured by Design principles and raised no objections to the proposals subject to the inclusion of a condition requiring the scheme to achieve Secure by Design accreditation prior to occupation.
- 9.6 **Islington Swift Group:** Please include building integrated measures for biodiversity such as nest sites and bat boxes, in accordance with the Islington Biodiversity Action Plan. Avoid sparrow terraces however as these are an inflexible measure.

### **Internal Consultees**

- 9.7 **Ecology Officer:** Welcomed the proposals and the high Biodiversity Net Gain score, however requested that this score be conditioned along with a Habitat Management Plan. The Officer noted that there were a couple of discrepancies in the submitted documents and the applicant updated these documents in response.

The Officer also noted that if more than a year has elapsed since the bat survey of the buildings, then another bat survey should be undertaken

- 9.8 **Energy Officer:** Reviewed the proposals and confirmed they had no concerns. The Officer noted that the proposed energy efficiency measures proposed under the 'Be Lean' section compare well to those outlined in the council's Environmental Design SPD and that, whilst solar PV would normally be the most appropriate renewable technology for a development of this type, it is accepted that they would not work in this location due to significant overshadowing from nearby trees.



The Officer also confirmed that the applicant is correct in stating that there is no heat network within a feasible distance to achieve a connection and that no alternative heat sources exist in the vicinity.

- 9.9 **EPPP Officer:** Raised no objections to the proposals and welcomed the measures outlined within the submitted management plans. The Officer noted that whilst there is a considerable separation distance between the proposed plant equipment and the nearest residences, good acoustic design should be used for both spaces such as incorporating acoustic louvres to minimise the noise impact on Highbury Fields as a green space itself. Recommended that any future proposed kitchen extraction system can be controlled by condition.
- 9.10 **Highways and Traffic:** Details of the proposed scheme were presented to the Council's Highways Officer. The Officer confirmed they had no concerns.
- 9.11 **Inclusive Design Officer:** Welcomed the proposals and noted that it was a well-rounded application with a good level of inclusive design measures. The Officer requested some additional details but agreed that these could be addressed via conditions.
- 9.12 **Planning Policy:** Reviewed the proposals and noted that the proposed increase in built footprint is in conflict with emerging Local Plan policy G2 part A which states that development is not permitted on any public open space. The Officer also noted that the proposals would meet the exception to the unacceptability of building on green belt set out set out in NPPF paragraph 149 part B (provision of appropriate facilities).

Raised no objection to the replacement of the bandstand with the teaching space and confirmed that it would not constitute a loss of social infrastructure.

Highlighted that emerging SDMP Policy H2 resists the loss of existing self-contained housing and noted that, whilst evidence has been provided to demonstrate that the bungalow has been vacant since 2012, this is not sufficient to demonstrate that the bungalow was conceived as ancillary accommodation. Agreed that the demolition of the bungalow would help to compensate the increase in floorspace associated with the application and improve the openness of this part of Highbury Fields.

- 9.13 **Sustainability:** Officer welcomed the extensive use of permeable surfaces, the recycling of demolition materials, and biodiversity enhancements. Requested additional information regarding circular economy, sustainable drainage, and water management. The Sustainability Officer has confirmed that all outstanding concerns can be dealt with via appropriate conditions.
- 9.14 **Trees Preservation Officer:** No objections. The seven removed trees should not be seen as a constraint to development and the canopy loss would be compensated for by the wildlife garden and replacement tree planting.

Recommended conditions requiring a tree protection plan and arboricultural method statement, details of the café building's foundation design, and details of tree planting and tree pit proposals.

- 9.15 **Urban Design & Conservation Officer:** Objects to the proposals on the basis that the layout of the proposed café building would give rise to functional issues due to the staff entrance to the café and parkkeeper's office sharing circulation space with the new public toilets. Raised some concern regarding how the toilet block and the café building intersect/interact but confirmed that overall, the proposed massing is successful.

The Officer welcomed the proposals as an ambitious scheme which will rationalise the layout of the park and remove poor quality buildings. Welcomed the sustainability of the designs and the use of natural materials which complement the naturalistic setting of the park.

## 10. RELEVANT POLICIES

- 10.1 Islington Council (Planning Committee), in determining the planning application has the main following statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
  - As the development is within or adjacent to a conservation area(s), the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area (s72(1)).
- 10.2 National Planning Policy Framework 2021 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 10.3 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
- 10.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 10.5 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.
- 10.6 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.
- 10.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 10.8 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.

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

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

### **Development Plan**

10.11 The Development Plan is comprised of the London Plan (March 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 policy: draft Islington Local Plan**

10.12 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation, with consultation on the Regulation 19 draft taking place from 5 September 2019 to 18 October 2019. The Draft Local Plan was subsequently submitted to the Secretary of State for Independent Examination in February 2020. The Examination Hearings took place between 13 September and 1 October 2021. The Council consultation on Main Modifications to the plan between 24 June to 30 October.

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

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

10.14 Given the advance stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

10.15 Emerging policies that are relevant to this application are set out in Appendix 2. The emerging policies are considered to be consistent with the current policies.

### **Designations**

10.16 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:

- Highbury Fields Conservation Area
- Article 4(2) Highbury Fields

- Metropolitan Open Land (Highbury Fields)
  - Open Space (Highbury Fields)
  - Sites of Importance for Nature Conservation (SINC) (Highbury Fields)
- 
- Local Cycle Routes
  - Article IV direction A1 to A2

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

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

## **11. ASSESSMENT**

11.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation & Heritage Considerations
- Biodiversity, Ecology and Trees
- Accessibility & Inclusive Design
- Neighbouring Amenity
- Transport and Highways
- Energy & Sustainability
- Crime Prevention

### **Land-Use**

#### **Development on Metropolitan Open Land**

- 11.2 The application site is located within Highbury Fields, an area of designated Metropolitan Open Land. The London Plan supports making the best use of land, including protecting and enhancing London's open spaces, through Policy GG2. The London Plan protects Metropolitan Open Land through Policy G3, which states that Metropolitan Open Land should be afforded the same status and level of protection as Green Belt and as such, should be protected from inappropriate development in accordance with the National Planning Policy Framework tests that apply to the Green Belt. Policy G3 goes on to state that boroughs should work to enhance the quality and range of uses of Metropolitan Open Land.
- 11.3 The National Planning Policy Framework states that the construction of new buildings on Green Belt is inappropriate and should not be approved except in very special circumstances. Exceptions to this include 'the provision of appropriate facilities... [which] preserve the openness of the Green Belt' (paragraph 149(b)) and 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' (paragraph 149(d)).
- 11.4 The proposal is for the redevelopment of the café and bandstand (former One O'clock Club) in Highbury Fields. The proposed development would include the total demolition of the café and bandstand, along with a number of other now redundant structures, and the construction of a building providing a new café/public toilets/park keeper's office with adjacent outside space, and also a new outdoor sheltered teaching space with associated landscaping.

	Building Area (GEA, m <sup>2</sup> ) removed	Building Area (GEA, m <sup>2</sup> ) added
<b>Existing</b>		
Oasis Café	63.1	
Bandstand	70.4	
Bandstand – Container	5.2	
Bungalow	92.0	
Bungalow – Outbuilding	11.9	
Ancillary Building – Store 1	3.4	
Ancillary Building – Store 2	8.9	
Parkkeeper’s Hut	6.6	
Temporary WCs	3.2	
<b>Proposed</b>		
Café, WCs, Storage Building		202
Teaching Shelter		89.9
<b>Total</b>	264.7	291.9
<b>Total Loss of Open Space</b>		27.2

*Table 1 – Existing and proposed built footprint*

- 11.5 The total footprint of the structures to be demolished is 264.7 sqm. It is currently proposed that the total footprint of the structures to be built is 291.9 sqm, representing a total loss of 27.2 sqm of Metropolitan Open Land.
- 11.6 Whilst the proposals would result in 27.2sqm of open space being built on, this represents a total loss of 0.02% of the total area of Highbury Fields and therefore, it is considered that the replacement buildings would not be materially larger than the existing buildings in line with para. 149 (d) of the NPPF. Furthermore, the demolition of the existing parkkeeper’s bungalow and the siting of the proposed buildings would increase the perceived openness of this part of Highbury Fields, in line with para. 149 (d) of the NPPF.
- 11.7 The proposed buildings would enhance the services provided by the existing buildings, with a better café building and a wildlife focussed teaching shelter which would allow for the continuation of the childcare services provided by Bright Start and the introduction of new facilities which would increase the useability of the park. The proposals can therefore be seen to be in line with London Policy G3 by enhancing the quality and range of uses of Highbury Fields.
- 11.8 Policy DM2.2 of the Islington Development Management Policies and Policy G2 of the emerging Local Plan state that development is not permitted on any public open space. Therefore, it can be seen that the proposals represent a contravention of local policy. Whilst local policy requires a presumption against development on open space, this must be weighed against the planning benefits of the proposals. The proposed development would improve the quality of the open space, with the reorientation of the café building creating a more active frontage. Furthermore, the new café building would include the provision of better public toilet facilities and the introduction of new landscaping around the classroom building would enhance local biodiversity. Although the proposals result in an additional 27sqm of open space being built upon, the demolition of redundant structures would increase the perception and feel of openness in the park.
- 11.9 The proposals comply with national and London policy requirements relating to building on Metropolitan Open Land by enhancing the quality, functionality and useability of Highbury Fields within a reasonably similar and integrated built footprint. Whilst the proposals do not comply with local policy, given the planning benefits noted above, this is considered to be acceptable against this adopted policy in the planning balance.

#### Development on a Site of Importance for Nature Conservation (SINC)

- 11.10 In addition to being Metropolitan Open Space, Highbury Fields is also designated as a (local level) Site of Importance for Nature Conservation (SINC 27).
- 11.11 Part A of policy G6 of the London Plan 2021 states that SINC's should be protected. Part D of policy CS15 of Islington's Core Strategy requires developments to protect and enhance biodiversity across the borough, protecting SINC's in line with their importance within the hierarchy and supporting improvements to their biodiversity value. Development Management policy DM6.3 states that planning permission will not be given for any schemes which adversely affect designated SINC's (of either regional or local designation). Emerging policy G4 notes that SINC's of Local Importance will be strongly protected.
- 11.12 The Biodiversity Net Gain Assessment, prepared by LUC dated 12th May 2023, submitted as part of this application demonstrates that the proposals would result in a 45.76% increase in habitat units and a 100% increase in hedgerow units. As such, it can be seen that the proposals would result in the increase of the SINC's biodiversity value and are therefore acceptable in this respect.
- 11.13 The biodiversity measures are assessed in more detail within the Biodiversity and Ecology section below.

#### Demolition of Park Keeper's Bungalow

- 11.14 Amongst the structures proposed to be demolished is the former park keeper's bungalow. Islington Development Management Policy DM3.2 states that the loss of existing housing will be resisted unless it is replaced. Emerging policy H2 also notes that the loss of existing housing will be resisted. As such, it is important to establish whether the park keeper's bungalow would be considered existing housing.
- 11.15 To support this application, the applicant provided evidence to confirm that the bungalow has not been inhabited since 2012 and the Planning Statement, prepared by LUC dated 4th May 2023, notes that that before this time, the bungalow provided dedicated accommodation for the parkkeeper and their family. Whilst no documentation exists to confirm that the accommodation was tied to the park keeper's specific role, Islington's Parks Team have provided a letter confirming that the bungalow was historically occupied by the Highbury Fields parkkeeper and their family. The letter confirms that this arrangement ended in 2008 and information supplied elsewhere in the application confirms that the bungalow became vacant in 2012 after the last parkkeeper's family moved out.
- 11.16 Whilst it has not been possible to confirm that the accommodation was tied to the park keeper's role, the evidence submitted as part of this application strongly suggests that this bungalow was ancillary to the park use and would therefore not be required to be replaced. Furthermore, it is not considered that Highbury Fields is an appropriate location for housing, and it is unlikely that permission for housing in this location would be permitted in a future application. Re-providing housing in this location would be at the expense of opening up this space for parkland use and given Islington's noted lack of open space, it is not considered that this would be appropriate. Therefore, the demolition of the bungalow without providing replacement housing is considered acceptable in this instance. The existing residential building here has not been in active residential use in over ten years and is somewhat of a unique anomaly within its park context. Within this specific site circumstances, it is considered that the loss of this no longer used residential unit would be acceptable as it directly frees up the redevelopment of the wider site to provide a much more integrated and high-quality community space for users of the park as a whole.

## Proposed Uses

- 11.17 London Plan policy S1 protects social infrastructure, advising that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered. Islington Development Management policy DM4.12 goes further, stating that no loss of social infrastructure will be permitted unless a replacement facility is provided on site or the specific use is no longer required on site.
- 11.18 Emerging Local Plan Policy SC1 sets out the council's position in relation to planning applications affecting social and community infrastructure. Policy SC1 part E(i) states that the council will not permit any loss of social and community infrastructure uses unless a replacement facility is provided on-site. Any facility must be of at least equivalent quality, quantity and accessibility to that of the existing facility and be consistent with the criteria set out in Part H.
- 11.19 The submitted planning statement states that the bandstand was home to the One O'Clock Club, which hosted stay and play sessions for young children, until 2021. Following structural reports, the bandstand structure has been deemed unsafe for use. However, early years sessions have continued to be run from the green space outside the structure. Since 2021, these sessions have been offered by Bright Start Islington.
- 11.20 The applicant proposes to demolish the existing bandstand and build a new classroom building alongside a re-landscaped amenity space. In order to demonstrate compliance with Part H of emerging policy SC1, the applicant has provided a Community Needs Assessment. This assessment sets out the activities that Bright Start run from the land adjacent to the bandstand and confirms that the proposals would not result in a loss of social and community infrastructure because the classroom building would increase Bright Start Islington's ability to deliver sessions for under 5s and their carers whilst allowing for provision of new, additional services. The proposed demolition of the bandstand and provision of a classroom building and wildlife garden in its place is therefore considered acceptable in land use terms.
- 11.21 The application site does not sit within a designated town centre or local shopping area however, emerging Local Plan Policy R1 notes that A3 use classes not within specifically designated areas provide a valuable service to local communities and must be protected.
- 11.22 The applicant proposes to demolish the existing café and replace it with an improved structure that allows for both indoor and outdoor seating, as well as housing a new parkkeeper's office, public toilets, and storage. The proposed building would ensure the café use was protected and could continue to operate in this location in to the future. It is therefore considered this proposal is acceptable in land use terms.

## **Design, Conservation and Heritage Considerations**

### Policy Context

- 11.23 Quality of design lies at the heart of the planning system and is stressed at Chapter 12 of the NPPF (Achieving well-designed places). It states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF requires that developments are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Further, it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 11.24 The London Plan, throughout Chapter 3 (Design) sets out its support for high quality architecture and public realm, which responds to local context by delivering buildings that are positioned and of a scale, appearance, and form that response to the identity and character of the locality.
- 11.25 London Plan Policy D3 sets out the design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. London Plan Policy D3 also sets out criteria relating to appropriate form, layout, experience, quality, and character which will be addressed in this section.
- 11.26 At the local level, policy CS9 of Islington's Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity.
- 11.27 Development Management (2013) Policy DM2.1 states all forms of development are required 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. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. 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. Emerging Local Plan Policies DH1 and DH2 echo the sentiments of Policies DM2.1 and DM2.3 and set out the boroughs approach to design and heritage.
- 11.28 Draft Local Plan Policy PLAN1 states that all forms of development are required to be of a high quality and make a positive contribution to local character, legibility, and distinctiveness, based upon an up-to-date understanding and evaluation of the defining characteristics of an area. This policy outlines the high-quality design expectations which proposals will need to meet.
- 11.29 Islington's Urban Design Guide (2017) provides guidelines and principles for good urban design, e.g., how buildings look and fit into their setting, the layout and organisation of public spaces and the appearance of street frontages. Of particular significance is paragraph 5.67 which states that 'new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses'. Historic England's Historic Environment Good Practice Advice in Planning Note 3 (The Setting of Heritage Assets), the council's Urban Design Guide SPD and the Mayor of London's Character and Context SPG are also relevant to the consideration of this application

### Site Context

- 11.30 The application site sits within the north eastern section of Highbury Fields and comprises a number of existing temporary and permanent single storey structures. These structures include the existing 63.08 sqm café and the 70.44 sqm bandstand. Other structures within the application site include public toilets, a park keeper's store, shed and a bungalow, which was formerly occupied by the park keeper.
- 11.31 The footprint of the existing café lies at an angle relative to the footpath to the south, facing away from the busiest route through the park. The existing café has solid walls, with the servery and covered seating area only visible from the south. These blank frontages are uninviting and mean it is not necessarily clear what the function of the building is to passers-by.
- 11.32 The existing bandstand is a single storey timber clad building with a shallow mono-pitch roof. The dark timber cladding and low form of the building makes it relatively discrete and hard to see in longer views across the park through trunks of park trees. The existing bandstand building is in a very poor condition and it is no longer suitable for occupation.



- 11.33 Highbury Fields is the largest park in Islington. The park is designated Metropolitan Open Land, meaning it has the same level of protection as Green Belt land, is a designated open space and is also a Site of Importance for Nature Conservation (SINC) of 'Local' grade. The north eastern corner of Highbury Fields is largely devoted to the three sports court enclosures, and the café and associated seating. It has been reported that there is a lack of public toilet provision in this part of the park.
- 11.34 The application site sits within the Highbury Fields Conservation Area, an area characterised by the consistently high architectural and historic quality of the buildings which, combined with the spacious scale of development, give the area a special character and appearance which is considered essential to preserve and enhance. The site does not contain any listed or locally listed buildings.
- 11.35 Whilst the Highbury Fields Conservation Area Guidelines do not make much reference to the park itself, any proposals should act to preserve and enhance the special character and appearance of the area.

#### Principle of Development

- 11.36 As noted above, the application site sits within Highbury Fields and has a number of buildings and ancillary structures which are either redundant, in a poor state, or do not relate well to the surrounding area. The proposal to demolish these buildings and structures and to provide them in two new buildings with associated landscaping is assessed in more detail below. It is considered that the proposed buildings work well within the parkland setting. The café building has been repositioned to face the footpath and successfully houses a number of uses within a tight space. The teaching space would re-provide existing social infrastructure uses within a well landscaped setting. The building heights and form have been driven by the surrounding character. It is considered that the proposed arrangement follows a design led approach and satisfies the criteria set out in London Plan Policy D3 which seeks to ensure site capacity is optimised through the design led approach.

#### Assessment

##### *Siting and Massing*

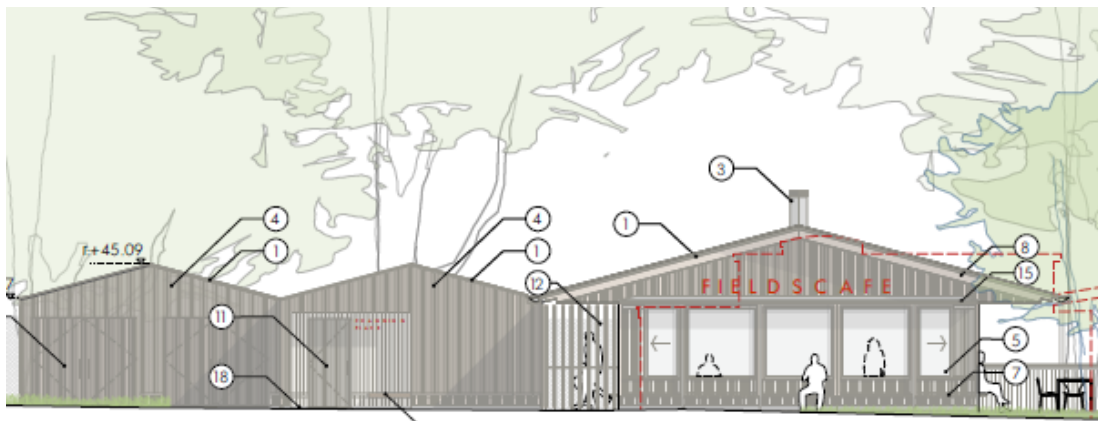
- 11.37 Two buildings are proposed across the application site, with the café building sitting roughly in the position of the café building and the teaching space occupying the same parcel of land as the existing bandstand building. It is considered that the proposed buildings are of a characterful form and contribute positively to the overall quality of the development.



*Image 6– Site Layout showing location of proposed café building and teaching space*

### *Café Building*

- 11.38 The proposed café building would remain in roughly the same location as the existing café however, the position and orientation of the structure have been shifted to align better with the paths through the park, making it more visible for users and making the most of the southern aspect. The café building would also replace the group of disparate, poor-quality structures in this area and consolidate them into one new building. The building would also house new facilities including a Changing Places Toilet.
- 11.39 The Café Building and associated toilet block forms an 'L' shape. The café forms a shorter side of the 'L' and would front onto paths running to the south and west of the site. It is a simple, single storey, timber building with a pitched roof and overhanging eaves. The pitched roof form has a sloped soffit which is exposed inside the café and office. This creates an airy and higher internal space and sheltered spaces around the boundary of the café.



*Image 7– Café Building– Western Elevation*

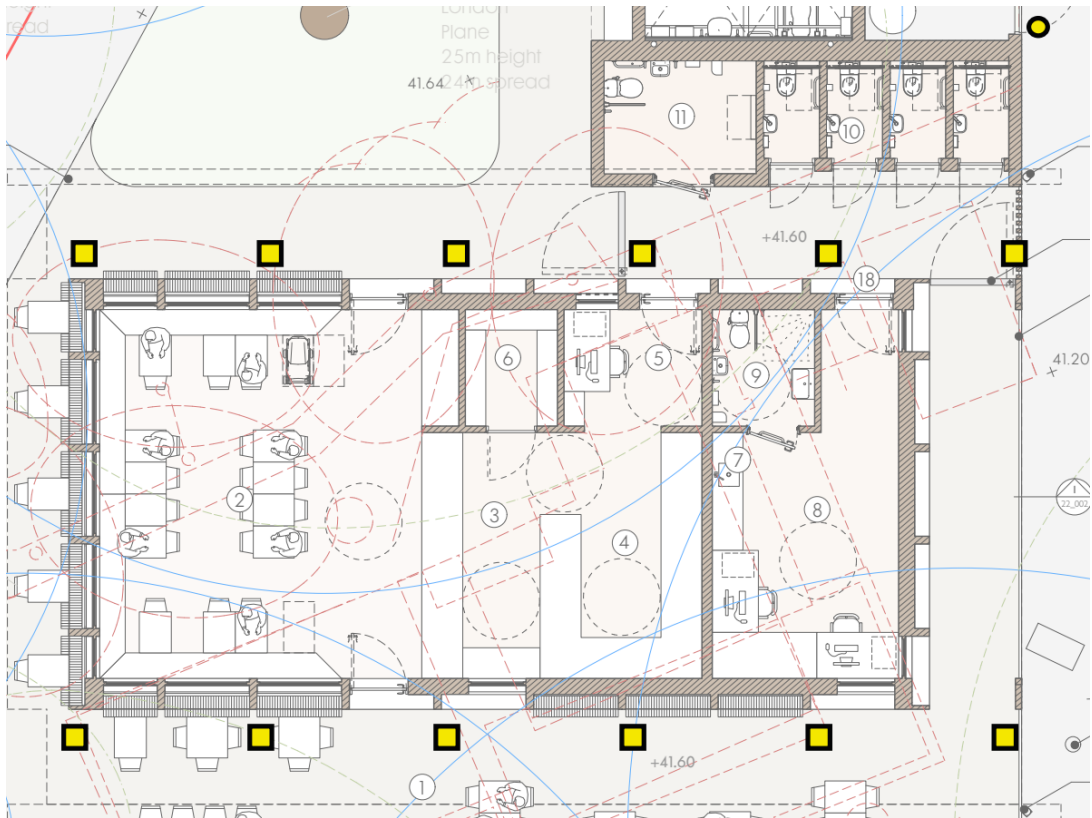


*Image 8– CGI showing Café Building as seen from the north*

- 11.40 To the rear of the café there is a separate toilet and storage block. The toilet block provides an accessible toilet, a changing places toilet, and four individually accessed unisex toilets. Each toilet will have baby changing facilities and wash hand basins, meaning there would be no shared space. The block is split into two forms under a pair of pitched roofs. This reduces the mass of the building and the repeated form creates a level of cohesion between this subsidiary block and the café. The toilet and storage block has been designed to narrow to the north in order to avoid root protection areas and to preserve as many trees as possible.
- 11.41 Some concern is raised regarding the intersection of the two pieces of the building. It is considered that the café is an attractive pavilion structure which would be better viewed in isolation, rather than attached to other buildings. However, the provision of the toilet block with an accessible toilet and a changing places toilet is considered to be a key planning benefit of the scheme. Furthermore, the toilet block is set back from the main structure and surrounded by trees, minimising the visual impact of this intersection
- 11.42 Overall, the massing of the two elements of the café is considered to be successful. The form of the café works well in the parkland landscape. It is a simple and modest building that compliments the naturalistic environment of the park and is supported. The lower ridge lines of the toilet block allow the café to dominate the composition as the most public facing element.

#### *Café Building Layout*

- 11.43 The Council's Design and Conservation Officer raised an objection to the application regarding the layout of the proposed café building, specifically regarding the space between the café structure and the toilet block. The space between the café and toilets is 2.5m wide, with five toilet doors on one side of the space and the staff entrance to the café and the parkkeeper's office on the other side. It is considered that this may result in a poor level of amenity for those working in the café building. It is also considered that this layout may result in functional issues when there are large queues for the toilets if workers need to enter/exit the building or take rubbish to the refuse store. Furthermore, with two points of entry to the toilets, it is not clear how people would queue to use these toilets at busy times.



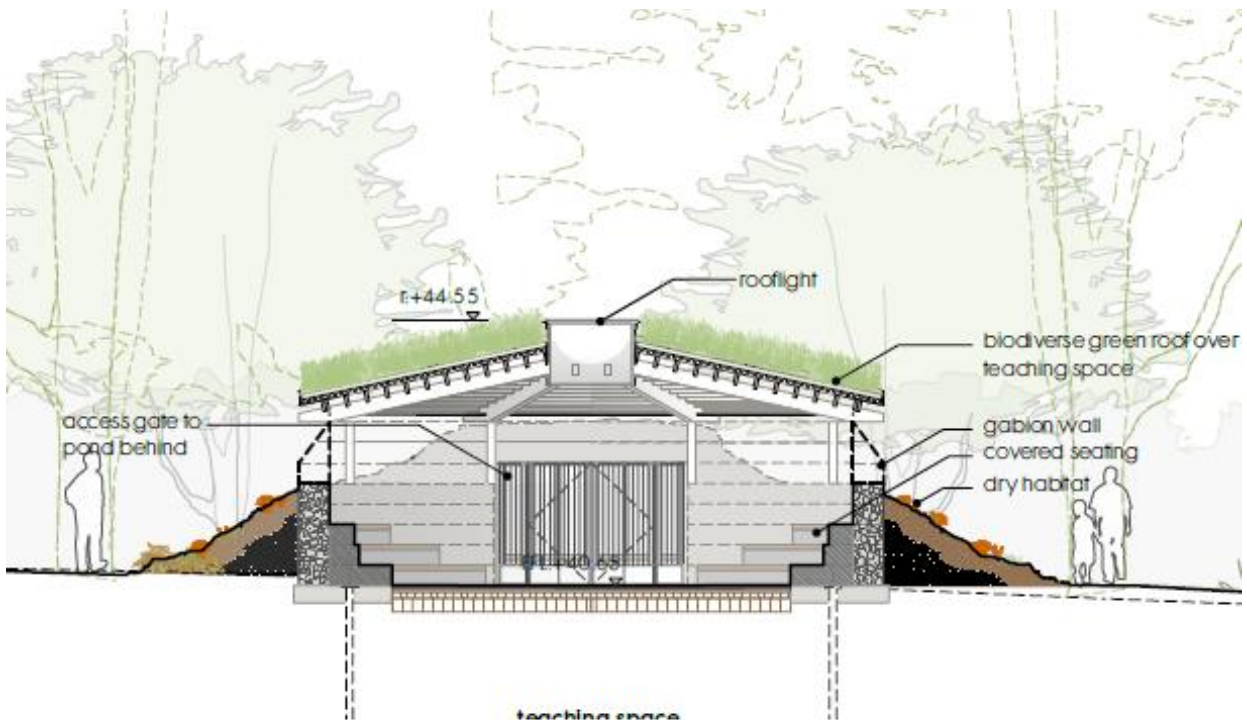
*Image 9 – Excerpt from Café Building layout showing relationship between the public toilets and the staff entrances*

11.44 Whilst this layout is regrettable and considered to dilute the overall success of an otherwise exceptional scheme, it is accepted that the layout cannot be revised without increasing the built footprint on open space and impacting surrounding trees. It is therefore recommended that conditions be added to the decision notice requiring details of wayfinding signage (including details of how queues will be arranged) (7) and an operational management plan which details how any potential amenity impacts or functional issues arising from the toilets will be mitigated (17).

#### *Teaching Shelter*

11.45 The existing bandstand building would be replaced by a covered teaching shelter. This sheltered space would be located within a curved enclosure with seating arranged around its edges. Around the new shelter, a new wildlife garden would be formed. As well as the teaching space, the shelter will have its own toilet and storage space.

11.46 The teaching structure has been designed to integrate well into the surrounding landscape. The building is made up of two 'rings'. The inner ring creates the main teaching space and is made up of a round timber structure with a pitched green roof featuring a glazed oculus at its centre. The outer ring creates a secure perimeter around the teaching space. A gabion wall with gates is located at the main entrance to the space and encloses a lobby, off which the toilet and store are located. Dry habitat spaces are placed in mounds around the east and west sides of the shelter which further conceal the structure and creates a secure perimeter and also biodiverse habitats.



*Image 10– Cross-section of Teaching Shelter*

- 11.47 There is one small area where the structure would be more visible. This where there is an opening that fronts onto the pond. This opening would allow glimpses into the space, activating the structure and making the building easier to locate from the public realm. Furthermore, in addition to having biodiversity benefits, the pond creates an area of defensible space at the rear of the building.
- 11.48 Some concern was raised regarding whether the design of the teaching shelter would allow people to climb on top of the structure and its green roof. The surrounding fence is low and the sloping habitat space could aid climbing. The Metropolitan Police's Design Out Crime Officer was consulted on the proposed design and noted that it would be important to ensure the structure is secured against misuse out of hours. It is recommended that these details be secured via condition 19.
- 11.49 Overall, the massing of the teaching shelter is supported. The building is a simple structure and the high level of planting softens its impact on the surrounding area and helps it to blend in to the parkland setting. The creation of an opening at the rear of the building allows passers-by to look glance in to the space, creating a good relationship between the building and the park.

#### Appearance

- 11.50 Whilst distinct from each other, the language of both proposed buildings respond to the parkland setting and use a naturalistic material palette. As a result, the proposed buildings establish a collective identity and continuity whilst still allowing the Highbury Fields parkland to dominate. The design of the buildings is therefore considered to be in line with Policy DM2.2, the NPF (paragraph 13) and the London Plan Policy D3 which all require buildings to respond to local character.

#### *Café Building*

- 11.51 The café is an attractive and well composed building which has considered sustainability matters well. Through the use of low embodied carbon materials and a pre-fabrication construction method which minimises the use of steel and concrete, the design minimises embodied carbon. Furthermore, the raised terraces will be formed from gabion cages which are to be filled with

reclaimed materials from the from the demolished buildings. It is recommended that details of how materials from the demolished structures are to be re-used be secured via condition 7.

11.52 Café signage will be integrated into the western and eastern gables of the building where it will be most visible. Seating areas will be placed around the southern and western edges to increase the visibility of the business and animate the path network.

11.53 The structure is to be elevated slightly in order to protect the existing roots of surrounding trees. This will minimise the number of trees which need to be removed and will ensure that the building is surrounded by mature trees, helping to minimise the visual impact of the new building.



*Image 11– CGI showing Café Building as seen from the south-west*

11.54 The key materials have been set out in the Design and Access statement. The primary cladding material for the café will be Brimstone Ash (thermo-treated UK grown ash). This naturalistic material compliments the park environment, although it is noted that it will change in appearance as it ages. The roof is to be made of zinc, and the primary structure of the building will be made from glulam beams and columns. The windows will be aluminium and timber.

11.55 The proposed material choices are supported however, to ensure a high quality structure is provided, it is recommended that samples and construction details be secured via condition.

#### *Teaching Shelter*

11.56 The teaching shelter is an attractive and naturalistic building with exceptional sustainability credentials which closely align with the Council's Net Zero ambitions and the approach to sustainable design set out in Chapter 6 of the emerging Local Plan.

- 11.57 The main wall enclosure comprises a combination of timber framed service posts and gabion walls. The gabion walls would be formed of stainless steel wire baskets filled with materials resulting from the demolition of the existing buildings. This material provides an ideal dry habitat and means that a considerable amount of demolition waste would avoid being needed to be removed from the site, thereby reducing construction traffic and associated pollution.
- 11.58 A bank of reclaimed and organic material would create planted dry habitat around the edges of the gabion enclosure partially concealing the gabion wall and forming a biodiverse edge to the new shelter. The upper part of the gabion basket enclosure would be left un-filled, creating a secure enclosure whilst maintaining daylight at the top of the wall and allowing views in and out for users.
- 11.59 The roof structure is to be formed of timber which would be exposed internally, within the teaching space. Externally, the roof would be covered with a biodiverse roof and outlets from the roof would allow any excess rainfall to run off into the new pond.
- 11.60 The proposed material choices are supported however, to ensure a high quality structure is provided, it is recommended that samples and construction details be secured via condition 7.



*Image 12 – CGI showing Café Building as seen from the south-west*

- 11.61 The circular shelter would sit within a newly landscaped wildlife garden. The structure would be integrated into the landscape, with planting and a green roof reducing its visual impact. In order to maximise biodiversity value and visual interest, the proposed wildlife garden would include a number of different habitats, including a pond, woodland planting and hedgerows, new trees and an enclosed glade. The biodiversity impacts of the proposed landscaping are assessed in more detail in the following section however, in design terms, it is considered that the proposed landscaping around the site is of a very high value and would improve the appearance of the park. A condition (12) is recommended securing details of this landscaping, along with a maintenance plan to ensure its survival.

## Assessment of Significance to Highbury Fields Conservation Area

- 11.62 The existing appearance of the Highbury Fields Conservation Area is largely created by the surviving 18th and 19th century buildings, built of brick, render, timber windows and doors and slate roofs. For new development within the conservation area, materials should be sympathetic to the character of the area, in terms of form, colour and texture.
- 11.63 Whilst the Highbury Fields Conservation Area Guidelines do not make much reference to the park itself, any proposals should act to preserve and enhance the special character and appearance of the area. Paragraph 5.31 of the Conservation Area guidelines supports the improvement of paving, street furniture, and open space in the area. There is no specific guidance in this document aside from this general point. The main priority for the character of the open space should be the surrounding landscape rather than the built environment.
- 11.64 Historic England's guidance on the Setting of Heritage Assets notes that setting may include:
- Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas..... the numbers and proximity of heritage assets in urban areas mean that the protection and enhancement of setting is intimately linked to townscape and urban design considerations. These include the degree of conscious design or fortuitous beauty and the consequent visual harmony or congruity of development, and often relates to townscape attributes such as enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges, or the treatments of boundaries or street surfaces.*
- 11.65 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requires decision makers with respect to any buildings or other land in a Conservation Area to pay 'special attention... to the desirability of preserving or enhancing the character or appearance of that area'.
- 11.66 Along with improvements to the Highbury Fields landscaping, the proposed works involve the demolition of a number of redundant structures and buildings which are considered to be unsightly and do not contribute to the quality of the conservation area. Whilst the built footprint of the proposed buildings is larger than those that are to be demolished, the buildings are located in areas of the park which are not well used and the proposed demolitions would lead to an increased feeling of openness in the park. Furthermore, the buildings have been designed to complement the parkland setting, reducing their visual impact.
- 11.67 The proposals take design cues from the surrounding environment and carefully consider the location of the buildings. It is therefore considered that the proposals represent an improvement on the existing situation and an enhancement to the setting of the neighbouring conservation area.

## Conclusion

- 11.68 The application proposes well-designed new buildings that are considered to mediate successfully between the need to develop on open land and the protection and enhancement of the parkland setting. The proposal makes a positive contribution to the surrounding public realm while suitably protecting the surrounding conservation area. In terms of design and appearance, heritage and conservation, the proposal is considered to be in accordance with London Plan Policies D1, D2, D3 and HC1, Islington Core Strategy Policies CS8 and CS9, Development Management Policies 2013 DM2.1 and 2.3, and emerging Local Plan PLAN1, DH1, and DH2 as well as Islington's Urban Design Guide (2017) and Historic England advice GPA3 (The Setting of Heritage Assets).



## **Biodiversity, Ecology and Trees**

- 11.69 Chapter 15 of the NPPF states opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 11.70 London Plan Policy G6 states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
- 11.71 Core Strategy Policy CS15 outlines the requirement to protect and enhance biodiversity across the borough and address deficiencies in access to nature. SINC's will be protected in line with their importance within the hierarchy and improvements to their biodiversity value will be supported.
- 11.72 Part C of policy DM6.2 of the Islington Development Policies 2013 states that public open space provision or improvement must maximise biodiversity benefits. New or improved public open spaces shall incorporate areas of biodiversity habitat complementing surrounding habitats and supporting the council's Biodiversity Action Plan. Species chosen for planting across the space must maximise biodiversity benefit.
- 11.73 Development Management Policies Policy 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.
- 11.74 Emerging Local Plan Policy G4 states that all developments must protect, enhance and contribute to the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting and enhancing connectivity between habitats.
- 11.75 As mentioned previously, the site is designated as a Site of Importance for Nature Conservation (SINC) and is classified within the local development plan as local grade.
- 11.76 Part A of policy G6 of the London Plan 2021 states that SINC's should be protected. Part D requires development proposals to manage impacts on biodiversity and aim to secure net biodiversity gain. Any assessment should be informed by the best available ecological information and addressed from the start of the development process. Emerging Local Plan Policy G4 states that SINC's of Local Importance will be strongly protected.
- 11.77 A Preliminary Ecology Appraisal and a Biodiversity Impact Assessment were submitted with the application which outline the biodiversity measures to be implemented as part of the redevelopment of Highbury Fields. Amongst the proposals is the creation of a new wildlife garden surrounding the teaching space which would include a new pond and wetland habitat, woodland planting, hedgerows, species rich lawn, and a biodiverse green roof. Bird and bat boxes are also proposed across the development.
- 11.78 The submitted Biodiversity Net Gain Assessment, prepared by LUC dated 12<sup>th</sup> May 2023, demonstrates that through the landscaping and ecology proposals, the proposed development stands to result in a net gain of 0.68 habitat units (+45.67%) and a net gain of 1.62 linear hedgerow units (+100%).
- 11.79 The submitted Ecological Enhancement Scheme, prepared by LUC dated 23<sup>rd</sup> May 2023, notes that the parkkeepers bungalow is considered to provide suitable commuting and foraging habitat for bats, although no roosts were identified during surveys. To ensure bat habitats are not adversely impacted, the report recommends a precautionary approach be implemented. This

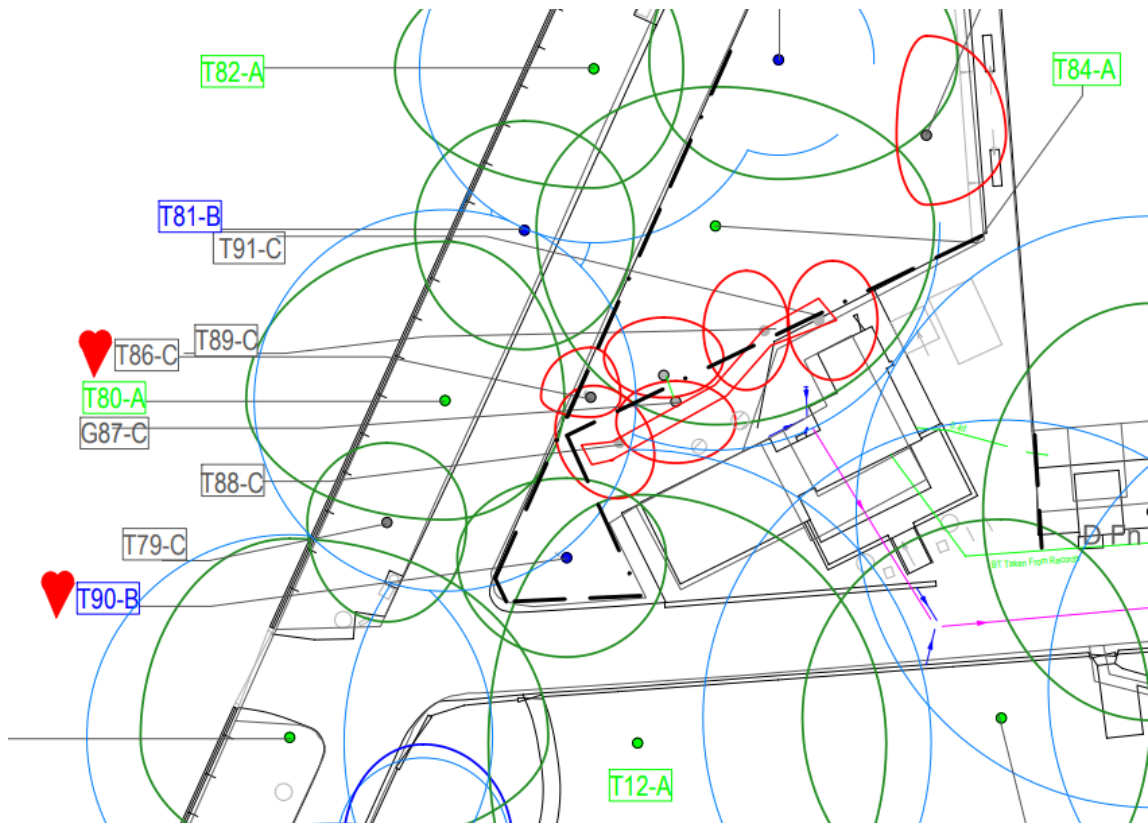
should include undertaking works at a time of the year when bats are least sensitive, having a suitably qualified ecologist on site during demolition, providing alternative roosts by installing bat boxes on nearby trees or incorporating bat boxes into the building structures such as through bat bricks to replace features lost through the proposed schemes. Furthermore, if a year passes between the bat surveys and work commencing, it is recommended to update the bat surveys to address the risk of the buildings being used for a roost.

- 11.80 In terms of nesting birds, trees and buildings would be cleared between September and February (inclusive) to avoid the main breeding bird season. Alternatively, an ecologist will check potential nesting habitats immediately before clearance if it is scheduled during the main breeding season (March to August inclusive). Any active nests identified will be retained in situ with a suitable buffer until the ecologist has confirmed that the chicks have fledged, and the nest is no longer active.
- 11.81 It is recommended that a condition (23) be added to the decision notice requiring that the recommendations for the protection of habitats contained within the submitted Biodiversity Net Gain Assessment, Preliminary Ecological Appraisal, Ecological Enhancement Scheme, and Bat Survey be adhered to.
- 11.82 The Biodiversity Net Gain Assessment states that biodiversity net-gain will be achieved the provision of medium and high distinctiveness habitats including the pond, reedbeds, other neutral grassland, and green roof.
- 11.83 The submitted reports were reviewed by Islington's Ecology Officer who agreed with the recommendations for biodiversity enhancements. The Officer also requested a habitat maintenance plan be provided to ensure the proposed wildlife garden is successful.
- 11.84 A condition is recommended requiring that the above recommendations are carried out to ensure any on-site biodiversity is enhanced (12). A separate condition requiring details of proposed bird and bat boxes is also recommended (13).
- 11.85 Islington's Sustainability team stated that the green roofs should be wildflower based with no more than a maximum of 25% sedum. A condition (14) is recommended requiring that details of green roof are submitted to and approved by the Local Planning Authority alongside a maintenance plan. This is to ensure that the green roof will be of good quality, will make a meaningful contribution to on-site biodiversity and greening and will be maintained in the future.

#### Trees

- 11.86 Development Management Policies Policy DM6.5 states that developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, and must be agreed with the council and suitably re-provided.
- 11.87 Emerging Local Plan Policy G4 states any loss of or damage to trees or other significant planting, or adverse effects on their growing conditions or survival, will only be permitted where it is demonstrably unavoidable in order to meet other relevant Local Plan policy requirements (as agreed with the Council). In such circumstances, suitable high-quality re-provision of equal value must be provided on-site. Where on-site re-provision is demonstrably not possible (as agreed with the Council), a financial contribution of the full cost of appropriate re-provision will be required.
- 11.88 90 trees are assessed in the submitted Arboricultural Method Statement which considers the three red line areas. None of the trees on, or adjacent to the site are protected by a Tree Preservation Order (TPO), however they are all located within a conservation area.

11.89 In order to facilitate development, the applicant seeks to remove five Category C trees and one group of two Category C trees in the area surrounding the proposed new café building. Four of the trees to be removed are field maples. One pear tree is to be removed and one cherry tree which acts as a memorial is also to be removed. The memorial tree will be replaced. The submitted Arboricultural Method Statement notes that there are 5 Category U trees which are to be retained, subject to Parks Management.



*Image 12 – Excerpt from Arboricultural Impact Assessment highlighting trees to be removed in red*

11.90 The proposed café building is to be located near a mature Plane tree and Officers consider that additional information is required regarding the structure's foundation design to ensure there is minimal impact to the surrounding retained trees. A condition (5) is therefore recommended to secure details of how the building's foundation has been designed to ensure the protection of surrounding trees.

11.91 Islington's Tree Protection Officer was consulted on the scheme, and it was confirmed that they raised no objections subject to appropriate conditions being added to secure the protection of retained trees. The Officer confirmed that the seven trees proposed to be removed should not be seen as a constraint to development and would be easily mitigated by the planting proposed within the wildlife garden.

11.92 Whilst no objection is raised to the removal of these trees, emerging policy G4 requires that their combined canopy cover be replaced. In order to achieve this, the applicant proposes to plant 8 new trees, inclusive of the replacement memorial tree, which will replace any canopy cover lost as a result of the proposed works.

## **Accessibility and Inclusive Design**

- 11.93 Policy GG1 of the London Plan 2021 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promotes the creation of an inclusive London where all Londoners can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.
- 11.94 The Inclusive Design principles are set out within policy D5 of the London Plan which states that development proposals should achieve the highest standards of accessible and inclusive design. It should:
1. be designed taking into account London's diverse population.
  2. provide high quality people focused spaces that are designed to facilitate social interaction and inclusion.
  3. be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment.
  4. be able to be entered, used and exited safely, easily and with dignity for all
  5. be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 11.95 Policy DM2.2 of the Islington Development Management Policies requires all development to demonstrate that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime.
- 11.96 In terms of emerging policy, Local Plan Policy R1 outlines how new retail developments must incorporate the highest inclusive design standards. Policy SC1 notes that new social and community infrastructure must be inclusive and accessible. Policy G4 requires landscaping to achieve a functional, attractive and inclusive design. To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD and Inclusive Landscape Design SPD (2010).
- 11.97 To support this application, the applicant has submitted an inclusive design statement, prepared by Withernay Projects dated 11th May 2023. This document demonstrates how the proposed buildings have been designed to accord with local and national requirements relating to accessibility and highlights the inclusive design measures incorporated in to the design.
- 11.98 The proposed café building would be single storey, with step-free access. A clear 1800mm width access around the perimeter of the building would be maintained, wide enough for two wheelchairs to pass one another. Six unisex toilets are to be provided, one of which would be wheelchair-accessible and another would be a 'Changing Places' toilet. The entrance to the 'Changing Places' toilet would have sufficient space and equipment for those with disabilities, meeting the guidance of Changing Places: The practical guide (CPT Funding 2021 England only – Local Authorities reference) and BS 8300-2:2018 18.6.
- 11.99 The outdoor sheltered teaching space, and adjoining wildlife garden achieve a fully accessible design. Bound gravel paths are to be used which would provide an acceptable surface for wheelchairs. The site would include no ramps or steps, and a space to store prams is to be provided. A wheelchair-accessible unisex toilet would also be provided within the teaching space.

Furthermore, in selected locations within the wildlife garden, planting would be raised up, allowing access by wheelchair users.

11.100 The proposed inclusive design measures are considered to be a key planning benefit of the application and would result in a safer, more convenient and inclusive park for all future users. To secure these inclusive design measures, it is recommended that conditions 9, 10, 11, and 12 be added, requiring details of how inclusive design measures are incorporated in to the scheme.

### **Neighbouring Amenity**

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

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

11.103 Policy DM2.1 of the Development Management Policies Document 2013 identifies that 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.

11.104 The proposed café building is to be built in the centre of Highbury Fields and the classroom building, whilst closer to the edge of the park, would be over 20 metres from the nearest residential property. Given the locations of the proposed buildings, and their single storey height, it is considered that the proposals would have minimal impacts to nearby residential properties in terms of daylight, sunlight, overshadowing, privacy, outlook, or sense of enclosure

### **Daylight, Sunlight and Overshadowing**

11.105 The built aspects of the development are located away from the park's boundaries. As such, it is considered that the proposed development would not impact upon the daylight and sunlight of neighbouring residential occupiers and the development does not require a daylight and sunlight assessment (in accordance with BRE criteria).

### **Privacy**

11.106 Views from the proposed buildings would be of the surrounding park and therefore, would not result in any direct overlooking into neighbouring residential properties. All other aspects of the development due to its minor scale and nature would not detrimentally impact upon neighbouring privacy.

11.107 Any resulting increased and intensified use of the park is also considered to not detrimentally impact upon neighbouring amenity given that the relationship between the park and surrounding residential properties would not alter and the high-level boundary walls separating such properties from the park would remain as existing. Overall, the relationship between the site and neighbouring properties in terms of privacy would remain.

## Outlook

11.108 It is considered that whilst the outlook from surrounding properties may change to some extent, it would not be adverse due to the landscaping and built form improvements that could be appreciated in the longer private views. Furthermore, it is considered that as the built structures of the redevelopment would be located away from the park's boundaries, this would not lead to an overbearing development, nor a sense of enclosure. Overall, the proposed development would maintain the same open outlook from neighbouring properties across a large urban park within the townscape

## Noise and Disturbance

11.109 Development Management Policy DM2.1 also states development should not have an adverse impact on amenity in respect to noise and disturbance. Policy DM3.7 states that residential developments should be adequately separated from major sources of noise, such as road, rail and certain types of development. Mitigation will be required where the noise environment necessitates this.

11.110 The emerging Local Plan Policy states that all development proposals which have the potential to cause or exacerbate unacceptable noise and vibration impacts on land uses and occupiers in the locality must fully assess such impacts. Where noise and/or vibration impacts are identified suitable mitigation measures must be put in place to reduce these impacts to acceptable levels.

11.111 Whilst the proposal would result in the same or similar uses, both the cafe and the teaching space have the potential to increase levels of noise and disturbance.

11.112 The café is located a considerable distance from the nearest residential properties and the teaching space would be at least 20 metres from the nearest property on Highbury Place. The applicant has submitted draft operational management plans which confirm that both buildings will abide by a number of rules, including the prohibition of alcohol sales and a limit of 80dB when playing music. The Council's Environmental Health Officer has reviewed the submitted details and raised no concerns. It is recommended that confirmation of measures to limit noise levels be secured via Conditions 17 and 19. It is recommended that a compliance condition (24) be added to any decision notice banning the sale or consumption of alcohol within the proposed buildings.

11.113 The submitted Sustainable Design and Construction Statement notes that air source heat pumps are to be installed in the café building. Given the distance between this building and neighbouring properties, it is not considered necessary to include a condition on noise, however an informative is recommended to advise the applicant to use good acoustic design, such incorporating acoustic louvres, to minimise the noise impact on Highbury Fields as a green space itself.

11.114 Two flues are included within the design of the proposed café to serve the incoming tenants. The submitted Planning Statement notes that these flues may not be necessary depending on who is selected to operate the café. Details of the proposed flues, including the proposed kitchen extraction system noise levels, should be secured via condition 20.

## Hours of Operation and Management

11.115 Draft operational management plans for both proposed buildings were submitted as part of the application. These set out the hours of use for the buildings as 7am-9:30pm daily, throughout the year. Currently, the existing Highbury Fields Café operates from 8:30am-5:30pm daily. It is not clear whether the café and teaching shelter would be open for the entirety of the proposed operating hours, but the proposed hours would allow the buildings to support additional functions.

- 11.116 The proposed buildings are set back a considerable distance from the park boundary and neighbouring residential properties. Furthermore, the proposed operational hours are similar to the approved opening hours of park buildings elsewhere in the borough. It is therefore considered that the proposed hours of operation are acceptable, subject to further information being provided via the final operational management plans.
- 11.117 The submitted management plans provide details for permitted uses and core rules including, that the sale and consumption of alcohol is prohibited, and no amplified music above 80 decibels is permitted. The plan also details safety and security measures, deliveries, waste collection (discussed further on in this report), permitted occupancy levels, supervision, and maintenance arrangements.
- 11.118 Whilst the proposed measures within the submitted operational management plans are considered acceptable, given that the applicant has not confirmed incoming tenants for the buildings, it is recommended that final operational plans be secured by conditions 17, 18, and 19.
- 11.119 The proposed hours of use are considered acceptable and provide an appropriate balance between maximising community use of the park and minimising disturbance and noise to adjoining residents. It is recommended that these hours of use be confirmed in the final operational management plans.

#### Construction Impacts

- 11.120 No Construction Management Plan (CMP) was submitted as part of this application. Therefore it has not been possible to assess the impact of construction on neighbouring properties. The Council's EPPP Officer has raised no objections to this, however it is recommended that a Demolition, Construction and Environmental Management Plan be secured via condition 3 to ensure that the impacts of construction on neighbouring properties are minimised.

#### Impact on Neighbouring Amenity: Conclusion

- 11.121 The proposals involve the construction of two structures similar in scale and use to those that currently occupy the site. The café is located a considerable distance from the nearest residential properties and the teaching space would be at least 20 metres from the nearest property on Highbury Place. It is therefore not considered that the proposals would have undue impacts on residential amenity, subject to conditions securing finalised operational management plans and details of construction impacts.

#### Transport and Highways

- 11.122 The NPPF Chapter 9 emphasises the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, and consider the needs of people with disabilities and reduced mobility.
- 11.123 London Plan Policies T1, T2, T3, T4, T5, T6 and T6.1 seek for all new development to identify opportunities to improve the balance of space given to people to dwell, walk, cycle, and travel on public transport and in essential vehicles, so space is used more efficiently, and streets are greener and more pleasant. Adding to this, policies also set out requirements for levels of on-site vehicle parking, cycle parking and for servicing.
- 11.124 London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are well-connected by public transport, but with provision made for disabled persons parking bays.

- 11.125 London Plan Policy T6.5 states that disabled persons parking should be provided in accordance with the levels set out in Table 10.6, ensuring that all non-residential elements should provide access to at least one on or off-street disabled persons parking bay. Table 10.6 requires 6% of total parking provision to be provided as disabled persons parking.
- 11.126 London Plan Policy T7 states that seeks to ensure that development proposals facilitate safe, clean and efficient deliveries and servicing.
- 11.127 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.
- 11.128 Draft Local Plan Policy T1 requires that applicants must provide appropriate information to allow proper assessment of transport impacts and show how these impacts can be addressed. This policy goes on to state that all new development will be car-free, which will contribute to the strategic aim for a modal shift to sustainable transport modes.
- 11.129 Draft Local Plan Policy T5 requires that Delivery and Servicing Plans be provided for developments that may impact on the operation of the public highway, private roads, the public realm and/or the amenity of residents and businesses, by virtue of likely vehicle movements.
- 11.130 The application site has a PTAL of 6a, which is considered 'excellent', due to the site's proximity to National Rail, Underground, and Overground stations as well as numerous bus links.
- 11.131 The application site is located within the Quadrant Controlled Parking Zone (CPZ), 'Zone Q', which operates weekdays between 08:30 – 18:30, with additional matchday controls due to the proximity to the Emirates Stadium.

#### Servicing, Deliveries and Refuse collection

- 11.132 In terms of refuse and recycling, officers have had regard to the council's refuse and recycling storage requirements. Within the submitted management plans, it is outlined that waste collection for the buildings would be carried out from within the park by LBI Parks Service Grounds Maintenance Team as part of the existing daily park litter collection and would therefore not result in additional vehicle activity.
- 11.133 It is proposed that servicing and deliveries will be undertaken according to current procedures and the submitted management plans for the café and teaching space provide details of the proposed strategy.
- 11.134 LB Islington Highways were consulted as part of this application and accepted the proposed delivery and servicing arrangements. Given that it is not possible to confirm the tenants of the café at this stage, a condition is recommended (16) requiring details of a final Delivery and Servicing Plan, including hours, frequency, location and size of vehicles to be submitted to and approved in writing by the Local Planning Authority.

#### Vehicle Parking

- 11.135 The proposed development would be car free. Having regard for London Plan Policy T6.5, Blue Badge holders in Islington can park on-street reasonably close to the site. Given the site location, it is not considered that the provision of off-street parking would be appropriate in this location. As such, the applicant's proposed lack of dedicated disabled persons parking is considered acceptable in this instance.



## Cycle Parking

- 11.136 Policy T5 of the London Plan states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. It should also secure appropriate levels of cycle parking that should be fit for purpose, secure and well-located.
- 11.137 The draft Local Plan Policy T2 states that all new developments must provide cycle parking, and associated circulation space for ease of use of cycle parking, in accordance with the minimum cycle parking standards set out in Appendix 4 Table A4.1. These standards are either in line or exceed the London Plan standards and are identified in the table below:

Use Class	Spaces per member of staff	Spaces per visitor/customer
A3	1 per 175sqm	from a threshold of 100sqm: 1 space per 20sqm
D1 – Community Centres	1 per 3 staff	1 space per 100sqm

*Table 2 – Number of bike spaces required by local policy*

- 11.138 Emerging Policy T2 states that 20% of spaces must be for accessible cycle parking (2 sqm) to provide for non-standard cycles and ambulant disabled cyclists using regular cycle. The Council will prioritise cycle parking that is practically useful for the majority of people, which is secure and allows convenient ease of access and avoids the risk of personal injury when manoeuvring a bicycle; Sheffield stands in particular are supported.
- 11.139 It is proposed that two Sheffield stands be provided outside the teaching shelter, which will provide four cycle parking spaces, and seven Sheffield stands be provided outside the café, providing parking for fourteen bicycles. Two of these spaces have space of 1500 mm next to them to accommodate adapted cycles and family cycles.
- 11.140 Although the amount of cycle parking proposed is considered acceptable, further details are required to demonstrate that such facilities would be fully accessible. It is recommended that these details be secured by condition 10.
- 11.141 Overall, the proposal would provide an acceptable level of cycle facilities to support the development and to encourage use of alternative transport modes, which complies with the objectives of Policy T5 of the London Plan 2021, policy DM8.4 of the Islington Development Management Policies 2013, and policy T2 of the emerging local plan.

## Construction

- 11.142 No Construction Management Plan (CMP) was submitted as part of this application. Therefore it has not been possible to assess the impact of construction on the local area. The Council's Highways Officer has raised no objections to this, however it is recommended that a Demolition, Construction and Environmental Management Plan be secured via condition (3) to ensure that the impacts of construction on surrounding highways is minimised.

## Highways Summary

11.143 Overall, it is considered that the application would have adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries, subject to the relevant conditions. The proposal would be acceptable and would comply with the local development plan policies.

## Energy and Sustainability

11.144 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.

11.145 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.

11.146 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity.

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

11.148 Development Management Policy DM7.2 requires minor schemes to achieve best practice energy efficiency standards, in terms of design and specification.

11.149 Draft Local Plan Policy S3 outlines that all minor non-residential new build developments and minor non-residential extensions of between 100sqm and 500sqm are required to demonstrate how all credits for Water consumption (Wat 01) would be achieved under the relevant BREEAM scheme. A minimum of 3 credits must be achieved where rainwater and/or greywater recycling is demonstrated not to be feasible, in order to achieve water credits equivalent to an Excellent standard.

11.150 Draft Local Plan Policy S4 requires all developments to demonstrate how greenhouse gas emissions will be reduced in accordance with the energy hierarchy as part of the Sustainable Design and Construction Statement.

11.151 A Sustainable Design and Construction Statement prepared by Integration, dated 25/05/2023, was submitted with the application. This statement confirms that the development is expected to achieve a 12.1% reduction in regulated emissions against a Part L 2021 baseline, and a 5.0% reduction in total (regulated + unregulated) emissions vs. Part L 2021. Given this is an application for a non-residential minor scheme, no carbon offset contribution is applicable.

11.152 The Council's Energy Officer reviewed the submitted energy efficiency measures proposed and confirmed that they compare well to the measures outlined in the council's Environmental Design SPD. The development achieves a reduction of 10.1% in regulated emissions vs. the baseline, which falls slightly short against the London Plan 15% energy efficiency reduction target for major schemes.

- 11.153 Emerging Policy S5 requires that larger minor new-build developments located within 50 metres of a heat network must connect. The submitted Sustainable Design and Construction Statement correctly identifies that there is no heat network within a feasible distance to achieve a connection. Furthermore, the Council's Energy Officer has confirmed that no other alternative heat sources exist in the vicinity and therefore, the proposed air-source heat pump system for provision of heating and hot water is considered to be a reasonable approach.
- 11.154 In addition to the proposed air source heat pumps, the submitted Sustainable Design and Construction Statement assesses the feasibility of providing other renewable technologies within the development. Whilst photovoltaic panels are commonly used in schemes of this scale, their use has been ruled out on the grounds that there would be significant overshadowing from nearby trees, and they would therefore be ineffective. Given the low-rise nature of the building and the extensive tree cover in the area, this justification is accepted.

#### Circular Economy

- 11.155 Emerging Policy S10 Part E requires minor new build developments to provide an Adaptive Design Strategy demonstrating how a circular economy approach has been adopted as part of the building design and construction, and how the building will adapt to change over its lifetime.
- 11.156 The submitted Sustainable Design and Construction Statement confirms that a minimum 10% of the total value of materials used in the construction will be derive from recycled and re-used content in the products and materials selected. Furthermore, in line with the requirements set out in Emerging Policy S10 Part E, the applicant confirmed in an email that the buildings have been designed to last as long as possible, to avoid construction waste, to be built in layers, to be adaptable, and to enable ease of deconstruction. Whilst this confirmation is welcomed, it is considered that further details are required to ensure that the scheme is compliant with emerging policy. It is recommended that these details be secured via Condition 6.

#### Sustainable Drainage and Water Management

- 11.157 Policy DM6.6 and emerging policy S9 require all minor new build developments to reduce water run-off levels as far as possible and, as a minimum, maintain existing run-off levels.
- 11.158 Emerging Policy S9 requires developments to adopt an integrated approach to water management which considers sustainable drainage, water efficiency, water quality and biodiversity holistically across a site and in the context of links with wider-than-site level plans. Policy S9 also requires that development proposals ensure that surface water run-off is managed as close to its source as possible, in line with the London Plan drainage hierarchy, with priority given to green features over grey features:
- 11.159 Across the scheme, the applicant proposes the use of rain gardens, green roofs, and permeable paving. Furthermore, the café building is to be supported on steel screw piles which will increase in the area of permeable ground after the concrete slab and tarmac are removed around the existing cafe.
- 11.160 In accordance with emerging Local Plan Policy S3 Part G, minor new build developments must demonstrate that all water credits can be achieved and, where rainwater recycling is demonstrated not to be feasible, a minimum of 3 credits must be achieved. The applicant has considered water efficiency and proposed the use of efficient sanitaryware. The submitted SDCS states that the development will achieve BREEAM "Excellent" standard.

11.161 Whilst the proposed sustainable drainage measures are welcomed, it is not considered the applicant has provided sufficient evidence to show why rainwater harvesting or recycling has not been included within the proposals. As such, further detail in relation to the sustainable drainage strategy will need to be provided to ensure that water-attenuation is maximised. This would be secured by condition 8.

#### Green Roofs

11.162 The applicant proposes to introduce a biodiverse green roof over the proposed teaching shelter. This is welcomed and a condition (14) is recommended requiring details of this roof to ensure that it is sufficiently biodiverse, has an acceptable substrate depth, and a maintenance plan.

11.163 Emerging Local Plan Policy G5 requires applications to use all available roof space for green roofs, subject to other planning considerations. The applicant has confirmed that no green roof is to be provided on the café building due to the location of the building being under a dense tree canopy which would limit the possibility of the green roof planting being successful. The Sustainability Officer confirmed they were satisfied with this justification.

#### Air Quality

11.164 NPPF Chapter 15 requires that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

11.165 In accordance with Development Management Policies Policy DM6.1 developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.

11.166 Emerging Local Plan Policy S1: Delivering Sustainable Design states that all new development must be designed, constructed and operated to limit contribution to air pollution and to improve air quality as far as possible, as well as reducing exposure to poor air quality, especially among vulnerable people.

11.167 The whole of the borough of Islington has been designated by the council as an Air Quality Management Area.

11.168 In terms of demolition and construction works, which have the potential to generate dust, a suit of mitigation measures will need to be applied to minimise dust emissions. Details of this would be secured by condition (3) requesting a detailed Demolition and Construction Management Plan (DCMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour).

11.169 In terms of operational impacts, the proposed development would be 'car-free' and ASHPs are proposed. Therefore, the operational effects of the proposed development on existing sensitive receptors will be insignificant.

11.170 With low building and transport related emissions, the proposed scheme would comply with the requirement that all new developments in London should be at least air quality neutral.

#### Crime Prevention

11.171 London Plan Policy D11 state that 'boroughs should work with their local Metropolitan Police Service 'Design Out Crime' officers and planning teams, whilst also working with other agencies such as the London Fire Commissioner, the City of London Police and the British Transport Police to identify the community safety needs, policies and sites required for their area to support provision of necessary infrastructure to maintain a safe and secure environment and reduce the fear of crime.'

11.172 The supporting text of Development Management Policy DPD Policy DM2.1 states at paragraph 2.8 that 'developments must meet the principles set out in Safer Places (2004) and Secured by Design through consultation with Islington's crime prevention design advisor.'

11.173 Paragraph 1.41 within Objective 3 of the draft Local Plan states that 'designing out crime is a key planning principle, which incorporates a number of design techniques to limit incidences of crime; this includes increases in natural surveillance and designing space, so it is conducive to positive behaviour.'

11.174 Secured by Design principles have been considered throughout the design development. The Metropolitan Police's Designing Out Crime Officer reviewed the proposals as part of the consultation process for this application and raised no objections.

11.175 To ensure that the proposed development would be secure and meet the relevant crime prevention objectives, it is recommended that a condition (15) be added to the decision notice requiring the applicant to achieve Secured By Design accreditation.

### **Planning Balance**

11.176 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".

11.177 There is a degree of conflict with Development Management Policy DM2.2 and emerging Local Plan G2 relating to the development of public open space. This has been carefully examined and while the resulting loss of open space weighs against the scheme, it is considered that it would have a low adverse impact overall and therefore would not cause undue or unacceptable harm to the borough's open spaces. Whilst it is regrettable that the scheme would involve the loss of open space, on balance this is not considered to outweigh the benefits of increasing the useability, accessibility, and biodiversity of Highbury Fields.

11.178 The proposed land uses on site are acceptable in principle and, overall, it is considered that the scheme accords with the development plan as a whole.

11.179 Subject to conditions, the scheme would comply with policies relating to energy, sustainability, and highways, whilst no objection is raised to the scale, mass, or appearance of the proposal.

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

- Inclusion of numerous inclusive design measures, including the provision of a 'Changing Place' toilet;
- Replacement of dilapidated social infrastructure with a new building that would increase the number of services able to run from the space;
- Enhancements to the landscaping with an uplift in biodiversity;

11.181 In summary, Officers consider that the aforementioned public benefits are significant and therefore outweigh the harm caused from the development to the borough's level of open space, in the overall planning balance.

## **Other Matters**

- 11.182 Representations have also been received regarding the external signage and name of the proposed café. The submitted Design and Access Statement confirms that these are indicative and that the responsibility for naming the café and applying for advertisement consent will be the responsibility of the future café operators. An informative shall be added to the decision notice advising the applicant that signage has not been approved and separate advertising consent will be required.
- 11.183 Representations have been received regarding the use of funds to provide these proposals. This matter is being handled by the applicants and is not considered relevant to the assessment of this application.
- 11.184 Representations have been received which seek confirmation that the proposed café will be a family environment. Whilst this matter is not considered relevant to the assessment of this application, it is noted that the existing play field in front of the café is to be maintained.

## **12. SUMMARY AND CONCLUSION**

- 12.1 The proposed development will provide a more appropriate and efficient use of land which is currently occupied by a number of redundant and unsightly buildings. The scale, form, materiality, and elevation design of the proposed buildings is well-considered and results in a scheme of strong design quality that is sensitive to the local context. The proposed new buildings and associated landscaping will result in a more useable and accessible park. Furthermore, the circular economy and energy efficiency measures accord with the Council's Net Zero aspirations and emerging policy guidance on sustainable design. Whilst it is regrettable that the proposals would result in a small loss of open space, this must be weighed against the considerable public benefit of providing much needed new public toilets and accessibility improvements to the borough's largest park, as well as considerable biodiversity enhancements.
- 12.2 The proposal is considered acceptable in planning terms, and it is recommended that planning permission be granted subject to conditions as set out in **Appendix 1 – RECOMMENDATIONS**.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

<b>1</b>	<p><b>Commencement (Compliance)</b></p> <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>
<b>2</b>	<p><b>Approved plans and documents list (Compliance)</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>1714_22_101_D – Proposed Wildlife Garden Section A-A (Levitate, 12/05/2023); 1714_22_102_C – Proposed Wildlife Garden Section B-B (Levitate, 12/05/2023); 1714_22_002 – Proposed Café Section B-B (Levitate, 12/05/2023); 1714_22_010 – Proposed Café Section A-A (Levitate, 12/05/2023); 1714_21_104_A – Proposed Wildlife Garden West Elevation (Levitate, 12/05/2023); 1714_21_103_A – Proposed Wildlife Garden North Elevation (Levitate, 12/05/2023); 1714_21_102_B – Proposed Wildlife Garden East Elevation (Levitate, 12/05/2023); 1714_21_101_C – Proposed Wildlife Garden South Elevation (Levitate, 12/05/2023); 1714_21_004_E – Proposed Cafe North Elevation (Levitate, 12/05/2023); 1714_21_003_D – Proposed Cafe East Elevation (Levitate, 12/05/2023); 1714_21_002_D – Proposed Cafe South Elevation (Levitate, 12/05/2023); 1714_21_001_D – Proposed Cafe West Elevation (Levitate, 12/05/2023); 1714_20_102 – Proposed Wildlife Garden Roof Plan (Levitate, 12/05/2023); 1714_20_101_D – Proposed Wildlife Garden Site Plan (Levitate, 12/05/2023); 1714_20_003_A – Proposed Café Roof Plan (Levitate, 12/05/2023); 1714_20_002_D – Proposed Café Plan and Surrounding Landscape (Levitate, 12/05/2023); 1714_20_001_D – Proposed Site Plan (Levitate, 12/05/2023); 1714_17_009 – Existing Bungalow Elevations (Levitate, 12/05/2023); 1714_17_008 – Existing Bungalow Roof Plan (Levitate, 12/05/2023); 1714_17_007 – Existing Bandstand Elevations (Levitate, 12/05/2023); 1714_17_006 – Existing Bandstand Roof Plan (Levitate, 12/05/2023); 1714_17_005 – Existing Outbuildings Elevations (Levitate, 12/05/2023); 1714_17_004 – Existing Cafe Elevations (Levitate, 12/05/2023); 1714_17_003 – Existing Cafe Roof Plan (Levitate, 12/05/2023); 1714_17_002 – Existing Cafe Ground Floor Plan (Levitate, 12/05/2023); 1714_17_001 – Existing Site Plan (Levitate, 12/05/2023); 1714_05_001 – Site Demolition Plan (Levitate, 12/05/2023); 253-003 – Landscape Sections (FFLO, May 2023); 253-002.B – Landscape Planting (FFLO, June 2023); 253-001 – Landscape GA (FFLO, May 2023); Site Plan (TerraQuest, 16/05/2023); 1104/SK-D-01 Rev. A – Café Drainage Plan (TGTM, May 2023); 917390A_U – Survey Extension (APR Services, December 2017); 917390A – Survey Extension (APR Services, December 2017); 917390 1 – Two O Clock Club Ground Floor Plan (APR Services, October 2017); 917390 2 – Various Structures Ground Floor Plan (APR Services, October 2017); 917390 3 – Bungalow Ground Floor Plan (APR Services, October 2017).</p>

	<p>Arboricultural Impact Assessment Report Rev. A (Sharon Hosegood Associates, May 2023); Draft Wildlife Garden Management Plan (Islington, June 2023), Draft Highbury Fields Cafe Management Plan (Islington, June 2023), Planning Statement Rev. 3 (LUC, 04/05/2023); Wildlife Garden – Design and Access Statement Rev.B (FFLO Landscape Architects, 13/06/2023) Inclusive Design Statement Rev. 2 (Withernay Projects, 11/05/2023), Preliminary Ecological Appraisal (LUC, 15/12/2021); Ecological Enhancement Scheme Rev.3 (LUC, 15/06/2023), Biodiversity Net Gain Assessment Rev. 2 (LUC, 12/05/2023), Sustainable Design and Construction Statement Rev. 6 (Integration, 27/06/2023) &amp; Design and Access Statement (Levitate, May 2023).</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>
<b>PRIOR TO COMMENCEMENT</b>	
<b>3</b>	<b>Construction Management Plan and Construction Logistics Plan - (Details)</b>
	<p>CONDITION:</p> <p>a) Prior to commencement of works, a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) for all relevant aspects related to demolition shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>b) Prior to any construction works, a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) for all remaining aspects shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The reports shall assess the highways and environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development on Highbury Fields. the surrounding streets, and nearby residences together with means of mitigating any identified impacts. The CMP must refer to the latest LBI Code of Practice for Construction Sites.</p> <p>The development shall be carried out strictly in accordance with the approved documents during demolition and construction, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets. Required prior to commencement of development to ensure the impacts of demolition and construction shall be mitigated.</p>
<b>4</b>	<b>Tree Protection (Details)</b>
	<p>CONDITION: Prior to the commencement of works, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> <li>a) Location and installation of services/ utilities/ drainage.</li> <li>b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</li> <li>c) Details of construction within the RPA or that may impact on the retained trees.</li> <li>d) a full specification for the installation of boundary treatment works.</li> <li>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,</li> </ul>



	<p>parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>h) a specification for scaffolding and ground protection within tree protection zones.</li> <li>i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</li> <li>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</li> <li>k) Boundary treatments within the RPA</li> <li>l) Methodology and detailed assessment of root pruning</li> <li>m) Reporting of inspection and supervision</li> <li>n) Methods to improve the rooting environment for retained and proposed trees and landscaping</li> <li>o) Veteran and ancient tree protection and management</li> </ul> <p>The development thereafter shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.</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>
<b>5</b>	<b>Café Foundations (Details)</b>
	<p>CONDITION: Prior to the commencement of works, details of the café building's foundation design shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The submitted details shall demonstrate how the design of the building's foundation minimises any impact on surrounding trees, in particular tree T84 as identified in the hereby approved arboricultural method statement by Sharon Hosegood Associates, dated May 2023.</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>
<b>6</b>	<b>Circular Economy (Details)</b>
	<p>CONDITION: Prior to the commencement of works, details of an Adaptive Design Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The submitted Adaptive Design Strategy shall demonstrate that the hereby approved development has been designed to</p> <ul style="list-style-type: none"> <li>a) last as long as possible and suit its anticipated lifespan – the strategy must specify the intended overall design life of all buildings in the development;</li> <li>b) avoid construction waste and the unnecessary demolition of structures;</li> <li>c) be built in layers to allow elements of buildings to be replaced overtime, supporting a modular design;</li> <li>d) be adaptable – the plan form, layout and structure enables the building to be adapted to respond to change and/or adapted for various uses throughout its life;</li> <li>e) enable ease of deconstruction - building materials, components and products can be disassembled and re-used at the end of their useful life; and</li> </ul>

	<p>f) maximise the re-use and/or recycling of all materials arising from demolition and remediation works.</p> <p>REASON: Required prior to commencement to ensure the scheme achieves the sustainability targets required by local policy.</p>
<b>PRIOR TO SUPERSTRUCTURE WORKS</b>	
<b>7</b>	<b>Facing Materials (Details)</b>
	<p>CONDITION: Detailed drawings and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works.</p> <p>The submitted information shall include:</p> <ul style="list-style-type: none"> <li>a) Timber cladding; Sample panels of proposed cladding to be used showing the colour, texture, spacing and backing shall be provided;</li> <li>b) Plan, elevation and section drawings of windows, doors and access points, gates, handrails, and balustrades;</li> <li>c) Gabion baskets;</li> <li>d) Roof materials, including details, samples, and detailed drawings;</li> <li>e) Lighting;</li> <li>f) Wayfinding and signage, including details of how signage will be used to direct queues to the public toilets;</li> <li>g) Green procurement plan; and</li> <li>h) Any other materials to be used.</li> </ul> <p>The submitted details shall demonstrate how materials retained from the demolished structures shall be reused in the construction of the hereby approved development.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
<b>8</b>	<b>Sustainable Urban Drainage and Water Management (Details)</b>
	<p>CONDITION: Notwithstanding the hereby approved documents, details of a drainage strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works commencing on site.</p> <p>The details shall include existing run-off levels and confirmation that water run-off levels have been reduced as far as possible. The submitted details shall also demonstrate how surface water run-off shall be managed as close to its source as possible, in line with the London Plan drainage hierarchy.</p> <p>The details shall demonstrate that an integrated approach to water management has been taken, which considers sustainable drainage, water efficiency, water quality and biodiversity holistically across a site and in the context of links with wider-than-site level plans.</p> <p>The submitted details shall confirm that all BREEAM water credits can be achieved. Should it be satisfactorily demonstrated that rainwater recycling is not feasible, a minimum of 3 credits must be achieved.</p> <p>The drainage strategy 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: Required prior to commencement to ensure the potential for surface level flooding is minimised and the development will promote the sustainable management of water.</p>
<b>9</b>	<p><b>Public Toilets (Details)</b></p> <p>CONDITION: Notwithstanding the approved plans, details of the public toilets, including the accessible toilet and changing places toilet, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works. The submitted details will include details of door openings, ventilation, and outline how inclusive design measures have been incorporated.</p> <p>The approved public toilets shall be provided prior to the first occupation of the hereby approved development and shall be maintained as such thereafter.</p> <p>REASON: To ensure public toilets are available and easily accessible on site and to secure the high quality design of the toilets proposed.</p>
<b>10</b>	<p><b>Cycle Parking (Details)</b></p> <p>CONDITION: Notwithstanding the approved plans, details of the cycle parking, including details of accessible cycle storage, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works. The submitted details will outline how inclusive design measures have been incorporated into the structures.</p> <p>The approved cycle parking shall be provided prior to the first occupation of the hereby approved development and shall be maintained as such thereafter.</p> <p>REASON: To ensure safe and secure cycle parking is available and easily accessible on site, to promote sustainable modes of transport and to secure the high quality design of the structures proposed.</p>
<b>11</b>	<p><b>Refuse and Recycling (Details)</b></p> <p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works. The details shall include:</p> <ul style="list-style-type: none"> <li>a) the layout of the dedicated refuse/recycling enclosure;</li> <li>b) confirmation of how inclusive design measures have been incorporated into the design;</li> </ul> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The refuse enclosures shall be erected prior to the completion of works 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>
<b>12</b>	<p><b>Landscaping (Details)</b></p> <p>CONDITION: Notwithstanding the submitted detail and the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works relating to the teaching shelter and wildlife garden. The scheme shall include the following details:</p> <p>The landscaping scheme shall comprise the following details:</p> <ul style="list-style-type: none"> <li>a) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>b) proposed trees: their location, species, size, and section showing rooting area; details of tree pit design and any underground modular systems. The submitted tree details</li> </ul>

	<p>shall demonstrate that no less than 8 trees are to be provide and that any canopy cover lost as a result tree removals shall be replaced.</p> <ul style="list-style-type: none"> <li>c) soft planting: including grass and turf areas, vertical greening, shrub and herbaceous areas;</li> <li>d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>e) enclosures and boundary treatment: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces;</li> <li>g) inclusive design principles adopted in the landscaped features;</li> <li>h) a biodiversity statement detailing how the landscaping scheme maximises biodiversity and achieves a biodiversity net gain of 45.76%;</li> <li>i) a landscaping maintenance plan;</li> <li>j) a habitat maintenance plan;</li> <li>k) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following the first use of the hereby approved teaching shelter. 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>
<b>13</b>	<b>Nesting Boxes (Details)</b>
	<p>CONDITION: Details of bird boxes, swift bricks and bat bricks across the development shall be submitted and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the approved details and maintained as such thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>14</b>	<b>Green/Blue Roof Details (Details)</b>
	<p>CONDITION: Prior to the commencement of superstructure works, details of the biodiversity (green/brown) roofs shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The submitted details shall:</p> <ul style="list-style-type: none"> <li>a) confirm the green roofs are biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) include details of the irrigation and maintenance regime for the proposed green roofs;</li> </ul>

	<p>The biodiversity (green) roofs shall be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roofs should be maximised across the site and shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details as approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>PRIOR TO OCCUPATION</b>	
<b>15</b>	<b>Secure by Design (Details)</b>
	<p>CONDITION: Prior to the first occupation of the hereby approved development, details shall be submitted to, and approved in writing, by the Local Planning Authority which demonstrate that the development achieves full 'Secured by Design' accreditation.</p> <p>The development shall be constructed and operated strictly in accordance with the approved details and maintained as such thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of creating safer, sustainable communities.</p>
<b>16</b>	<b>Delivery and Servicing Plan (Details)</b>
	<p>CONDITION: Prior to the first occupation of the development hereby approved, a Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved and shall be maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
<b>17</b>	<b>Operational Management Plan – Café Building (Details)</b>
	<p>CONDITION: Notwithstanding the hereby approved Draft Café Operational Management Plan, full details of the operation of the café building shall be submitted to and approved in writing by the Local Planning Authority prior to the building's first occupation. The details include, but shall not be limited to:</p> <ul style="list-style-type: none"> <li>- final Opening/operating times;</li> <li>- Noise control;</li> <li>- Details of building maintenance;</li> </ul> <p>The café building shall operate in strict accordance with the approved plan thereafter, unless otherwise agreed in writing by the planning authority.</p> <p>REASON: To ensure that an appropriate standard of amenity is provided.</p>

<p><b>18</b></p>	<p><b>Operational Management Plan – Toilet Block (Details)</b></p> <p>CONDITION: Notwithstanding the hereby approved details, full details of the operation of the toilet block shall be submitted to and approved in writing by the Local Planning Authority prior to the building’s first occupation. The details include, but shall not be limited to:</p> <ul style="list-style-type: none"> <li>- final Opening/operation times;</li> <li>- Details of how staff will be trained to use the equipment within the Changing Place toilet;</li> <li>- Details of who will be notified and how staff will respond when an assistance alarm from the changing places toilet is in place;</li> <li>- Details of how the public toilets shall be maintained;</li> <li>- Details of how toilet queues shall be managed to ensure the café and parkkeeper functions of the building are not adversely affected.</li> </ul> <p>The toilet block shall operate in strict accordance with the approved plan thereafter, unless otherwise agreed in writing by the planning authority.</p> <p>REASON: To ensure that an appropriate standard of amenity is provided.</p>
<p><b>19</b></p>	<p><b>Operational Management Plan – Teaching Shelter and Wildlife Garden (Details)</b></p> <p>CONDITION: Notwithstanding the hereby approved Draft Wildlife Garden Operational Management Plan, full details of the operation of the teaching shelter and wildlife garden shall be submitted to and approved in writing by the Local Planning Authority prior to the building’s first occupation. The details include, but shall not be limited to:</p> <ul style="list-style-type: none"> <li>- Final Opening/operation times;</li> <li>- Noise control;</li> <li>- Details of how anti-social behaviour will be deterred when building is not in use.</li> </ul> <p>The teaching shelter and wildlife garden shall operate in strict accordance with the approved plan thereafter, unless otherwise agreed in writing by the planning authority.</p> <p>REASON: To ensure that an appropriate standard of amenity is provided.</p>
<p><b>20</b></p>	<p><b>Café Building – Flues (Details)</b></p> <p>CONDITION: Prior to the first occupation of the hereby approved café building, details of any flues/extraction systems shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The details shall include a justification for the height and size of the flues, their location, height above roof level, specifications and cladding. The details shall also include details of noise levels, air pollution, and any other environmental impacts that may arise.</p> <p>The development shall be carried out strictly in accordance with the approved details and maintained as such thereafter, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of good design and to ensure that the flues do not have a harmful impact on the character and appearance of the surrounding area. To ensure the flues do not have any undue environmental impacts.</p>

<b>COMPLIANCE</b>	
<b>21</b>	<b>Energy Efficiency (Compliance/Details)</b>
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology, as detailed within the 'Sustainable Design and Construction Statement' (prepared by Integration, dated 25/05/2023) shall be installed and operational prior to the first occupation of the relevant phase of development.</p> <p>Should there be any change to the energy features/ measures within the approved Sustainable Design and Construction Statement, a revised Statement shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>22</b>	<b>Plumbing (No pipes to outside of building) (Compliance/Details)</b>
	<p>CONDITION: No additional plumbing, down pipes, rainwater pipes or foul pipes shall be located to the external elevations of the development hereby approved, unless otherwise approved in writing by the Local Planning Authority via the discharge of this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
<b>23</b>	<b>Nature Conservation (Compliance/Details)</b>
	<p>CONDITION: The development hereby permitted shall be built with the measures and recommendations as outlined within the approved Biodiversity Net Gain Assessment (Rev.2) prepared by LUC, dated 12/05/2023, the Preliminary Ecological Appraisal prepared by LUC, dated 15/12/2021, and the Ecological Enhancement Scheme (Rev.3) prepared by LUC, dated 15/06/2023.</p> <p>Should more than a year elapse between the Bat Survey being carried out and works commencing, an updated Bat Survey shall be undertaken and the results shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.</p>
<b>24</b>	<b>No Alcohol Permitted (Compliance)</b>
	<p>Notwithstanding any event(s) nor any events permitted under a Temporary Events Notice, the sale or consumption of alcohol in association with the uses hereby approved is not permitted.</p> <p>REASON: To ensure the uses do not adversely impact on existing and future residential amenity.</p>

## INFORMATIVES

### List of Informatives:

1	<p><b>Working with the applicant</b></p> <p>In dealing with this application, Islington Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the relevant constituent parts of the Local Plan and London Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.</p>
2	<p><b>Air Source Heat Pumps</b></p> <p>The applicant is advised that good acoustic design, such as the incorporation of acoustic louvres, should be utilised in the design of the ASHP store to minimise the noise impact on Highbury Fields.</p>
3	<p><b>Superstructure</b></p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
4	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p>Pre-Commencement Conditions:          These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
5	<p><b>Car-Free Development</b></p> <p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>



## **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 (July 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 - Spatial Development Strategy for Greater London (March 2021)**

- Policy GG1** Building strong and inclusive communities
- Policy GG2** Making the best use of land
- Policy GG3** Creating a healthy city
- Policy GG5** Growing a good economy
- Policy GG6** Increasing efficiency and resilience
- Policy D3** Optimising site capacity through the design-led approach
- Policy D4** Delivering good design
- Policy D5** Inclusive design
- Policy D8** Public realm
- Policy D11** Safety, security, and resilience to emergency
- Policy D14** Noise
- Policy H8** Loss of existing housing and estate redevelopment
- Policy H10** Housing size mix
- Policy S4** Play and informal recreation
- Policy HC1** Heritage conservation and growth
- Policy G1** Green infrastructure
- Policy G3** Metropolitan Open Land
- Policy G4** Open space
- Policy G6** Biodiversity and access to nature
- Policy G7** Trees and woodlands
- Policy S11** Improving air quality
- Policy S15** Water infrastructure
- Policy S112** Flood risk management
- Policy S113** Sustainable drainage
- Policy T1** Strategic approach to transport
- Policy T2** Healthy streets
- Policy T3** Transport capacity, connectivity, and safeguarding
- Policy T4** Assessing and mitigating transport impacts
- Policy T5** Cycling
- Policy T6** Car parking
- Policy T7** Deliveries, servicing, and construction
- Policy T9** Funding transport infrastructure through planning

## **B) Islington Core Strategy 2011**

### Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

### Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS13 (Employment Space)

Policy CS15 (Open Space and Green Infrastructure)

## **C) Development Management Policies June 2013**

### Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

### Housing

DM3.2 Existing housing

### Shops, culture and services

DM4.3 Location and concentration of uses

DM4.12 Social and strategic infrastructure and cultural facilities

### Health and open space

DM6.1 Healthy development

DM6.2 New and improved public open space

DM6.3 Protecting open space

DM6.5 Landscaping, trees, and biodiversity

DM6.6 Flood prevention

### Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

### Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

### Infrastructure

DM9.1 Infrastructure

DM9.3 Implementation

## **Emerging policy: draft Islington Local Plan 2019**

1. 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 to 5 October 2021.

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).

Emerging policies that are relevant to this application are set out below in Appendix 2. The emerging policies are considered to be consistent with the current policies.

### **Emerging Islington Local Plan (2019)**

**Policy PLAN1** Site appraisal, design principles and process

**Policy SP8** Highbury Corner and Lower Holloway

**Policy H1** Thriving Communities

**Policy SC1** Social and Community Infrastructure

**Policy SC2** Play space

**Policy SC4** Promoting Social Value

**Policy R5** Dispersed retail and leisure uses

**Policy G1** Green infrastructure

**Policy G2** Protecting open space

**Policy G3** New public open space

**Policy G4** Biodiversity, landscape design and trees

**Policy G5** Green roofs and vertical greening

**Policy S1** Delivering Sustainable Design

**Policy S2** Sustainable Design and Construction

**Policy S3** Sustainable Design Standards

**Policy S4** Minimising greenhouse gas emissions

**Policy S6** Managing heat risk

**Policy S7** Improving Air Quality

**Policy S9** Integrated Water Management and Sustainable Drainage

**Policy S10** Circular Economy and Adaptive Design

**Policy T1** Enhancing the public realm and sustainable transport

**Policy T2** Sustainable Transport Choices

**Policy T3** Car-free development

**Policy T4** Public Realm

**Policy T5** Delivery, servicing and construction

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

**Policy DH2** Heritage assets

**Policy ST2** Waste

**Policy ST4** Water and wastewater infrastructure

## **5. 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:

- Highbury Fields Conservation Area
- Article 4(2) Highbury Fields
- Metropolitan Open Land (Highbury Fields)
- Open Space (Highbury Fields)
- Sites of Importance for Nature Conservation (SINC) (Highbury Fields)
- Local Cycle Routes
- Article IV direction A1 to A2

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

Environment Design Planning Guidance  
(2012)

Highbury Fields (CA05) Conservation Area  
Design Guidelines (2002)

Planning Obligations (Section 106) (2016)

Inclusive Design in Islington (2014)

Inclusive Landscape Design (2010)

Islington Urban Design Guide (2017)

London Plan

Accessible London SPG

Character and Context SPG

Green Infrastructure and Open Environments

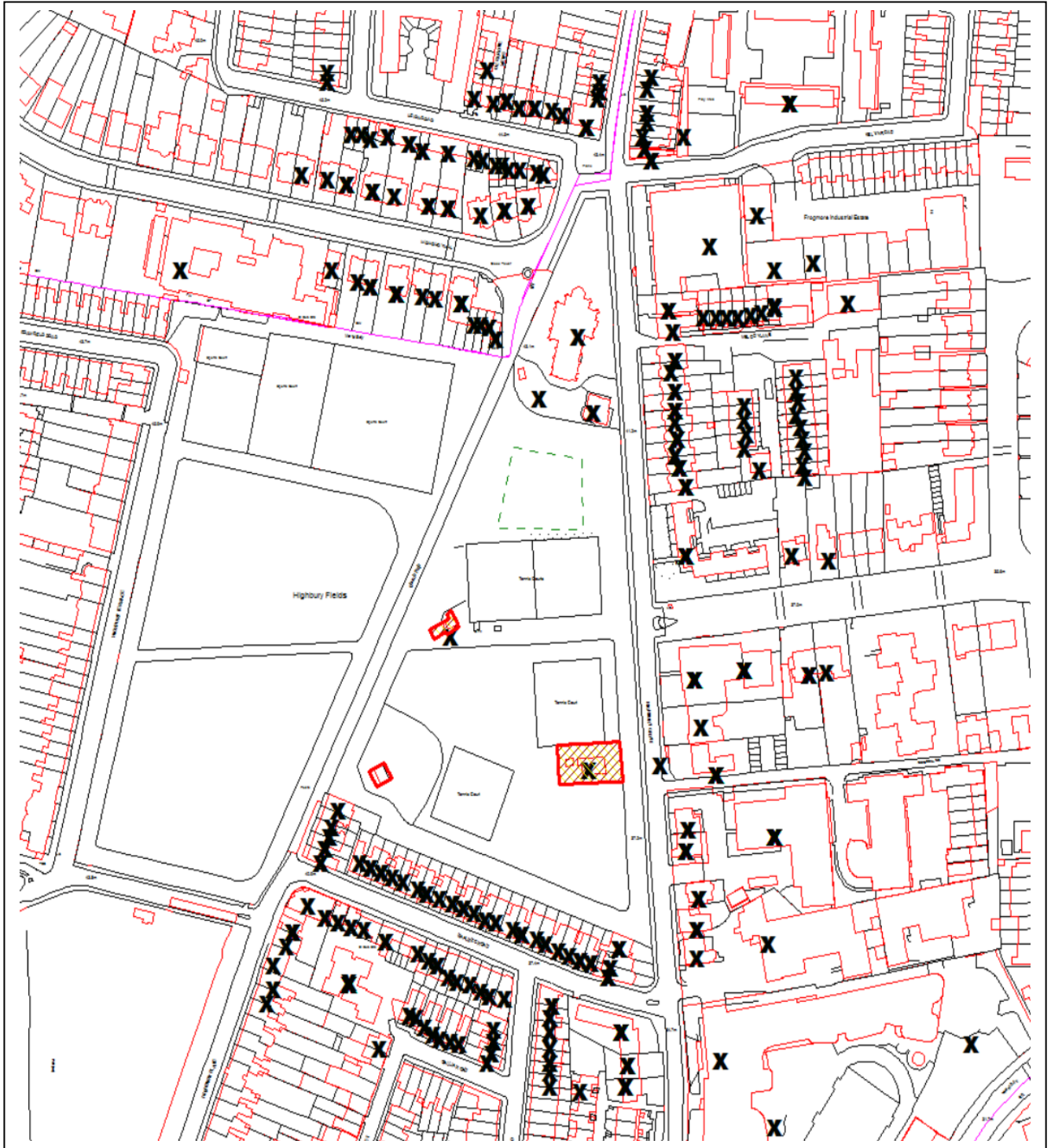
Planning for Equality and Diversity in London

Play and Informal Recreation

Public London Charter

Social Infrastructure

# ISLINGTON



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