

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



PLANNING SUB COMMITTEE A		AGENDA ITEM: B2
Date:	9 th May 2017	NON-EXEMPT

Application number	P2016/1602/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	<ul style="list-style-type: none"> - Nags Head and Upper Holloway Key Area - Strategic Cycle Route - Alexandra Palace Protected Vista - Secondary Retail Frontage - Nags Head Town Centre
Licensing Implications	None
Site Address	270 Holloway Road, London, N7 6NE
Proposal	Demolition of existing building and construction of a five storey mixed-use building comprising a ground floor cafe/ restaurant (A3) and four 2-bedroom flats (C3) including associated residential cycle parking and private amenity space to first floor flat at the rear with roof level solar pv panels and rear flue to the rear elevation.

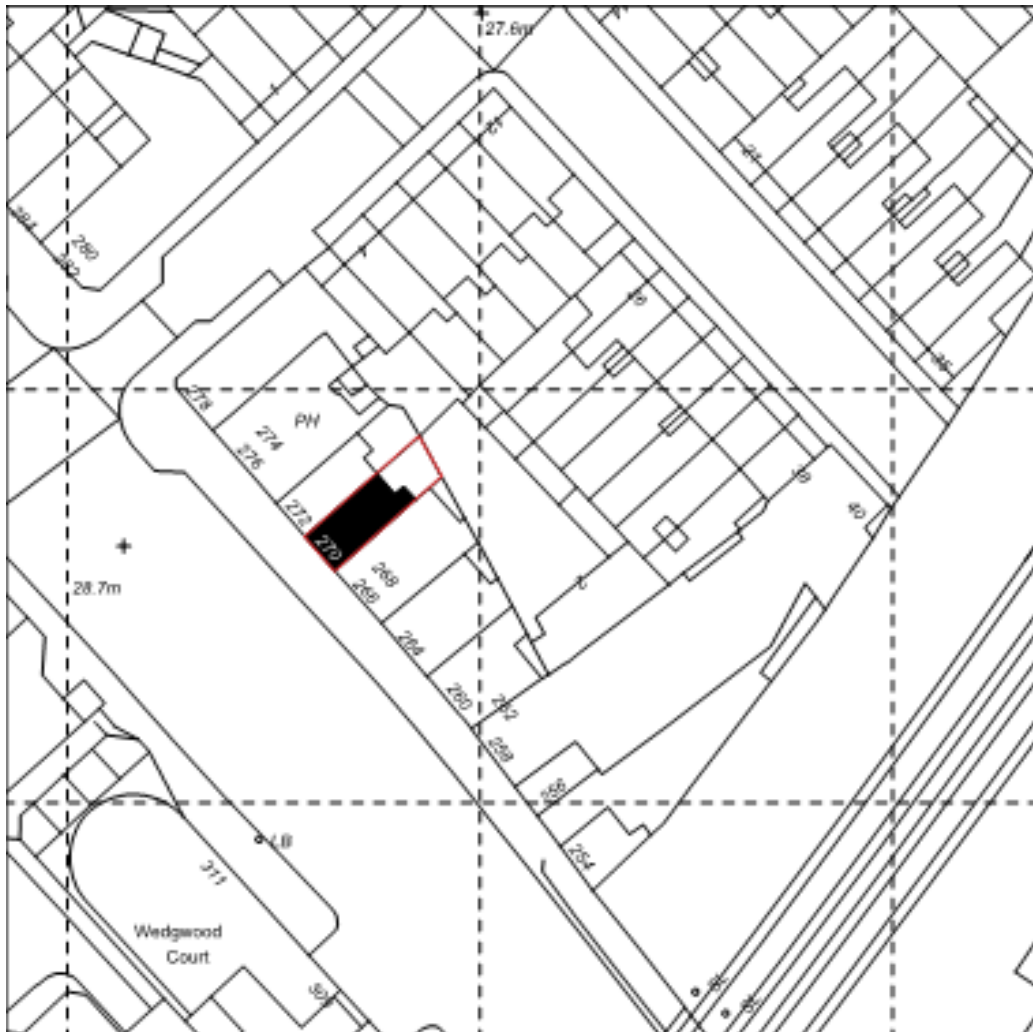
Case Officer	Duncan Ayles
Applicant	Landes Land
Agent	Dominic Mckenzie

1. RECOMMENDATION

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

1. The conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Image1: Photograph from the front of the site.



Image 2: Aerial View showing the rear of the site.



Image 3: Aerial view of the site and surrounding built form.



Image 4: Photograph showing rear of 268 Holloway Road.



Image 5: Rear of 272 Holloway Road

3. Proposal

- 3.1 The application seeks consent for the demolition of an existing four storey mixed use building comprising a ground floor A3 café use, and a single 5 bedroom residential unit that is located across the first, second and third floor levels. The proposal is to redevelop the site to include the erection of a five storey building comprising a ground floor café with four self-contained residential flats above. The proposed development is considered to be acceptable in land use grounds, and provides residential accommodation of a high standard in accordance with policy. The site is situated on a prominent location on a busy arterial road, and it is considered that the proposal is a high quality contextual design that meets relevant design policies and guidance.
- 3.2 The application includes details of a flue to the rear elevation. The proposed flue would be located on the rear elevation and would project one metre above the eaves of the building. Some details have been provided within an energy report, but the applicant has not provided a full specification for all elements of the flue and extraction system.
- 3.3 Objections have been received from a number of nearby properties, raising issues including the loss of daylight, sunlight, outlook and privacy. The applicant has submitted a daylight and sunlight report in support of the application, and it is considered that the scheme would generate an acceptable impact on neighbour amenity grounds, and strikes an appropriate balance between safeguarding adjoining residents neighbour amenity levels and townscape considerations.

- 3.4 The applicant has submitted a viability report and quantity surveyor's report to justify the failure to make a contribution toward affordable housing. The reports have been assessed by the Council's external viability surveyor, external quantity surveyor and internal viability officer who have all confirmed that the lack of an affordable housing contribution is justified in this instance due to the high build costs which stem from the constrained nature of the site.
- 3.5 The application is also considered to be acceptable in terms of highway and transportation issues, sustainability, the housing mix proposed, and in terms of the impact on neighbour amenity and on trees. As a result, it is recommended that the application is approved subject to conditions.

4. SITE AND SURROUNDING

- 4.1 The application site is located at 270 Holloway Road, and currently comprises a single five bedroom residential unit (C3) over a café (A3). The application property is believed to be late Georgian or early Victorian, but is not locally or nationally listed nor situated in a conservation area.
- 4.2 The application site is located on a busy arterial road, immediately to the north-west of the Harper Building, an imposing five storey building which has recently been converted into retail and restaurants at ground floor level with flats at first, second, third and fourth floor level. The application site and the adjoining buildings are smaller in scale, and are between two and four storeys in height. The application site, and the adjoining building at 272 Holloway Road, is set to the back of the predominant building line formed by the adjacent Harper Building and the former public House at 272 Holloway Road, which contains fenestration on its side elevation at first and second floor level.
- 4.3 The application site is located on Holloway Road, within an area that has undergone a significant process of change in recent years. On the opposite side of Holloway Road the Ramsay Scout Centre is a seven storey mixed use development comprising a community use at ground floor level with flats above, and to the south-east another eight storey mixed use building comprising retail and café uses with residential flats above.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks consent for the demolition of the existing four storey building at the site comprising a café unit with a residential/HMO unit above, and its replacement with a larger mixed use building comprising an A3 unit with four residential flats at first, second, third and fourth floor level. The new building will comprise an A3 restaurant/café unit at ground floor level, with a floor area of 68 square metres, representing a 20 square metre uplift from the existing. At ground floor level, the proposed building covers the whole of the development site, extending to meet a single storey building immediately to the rear of the site.
- 5.2 The proposed development includes four two bedroom residential flats at first, second, third and fourth floor levels. The flats are dual aspect, and have a floor area of 61 square metres. The flats are accessed via a single stair and lift core on the southern side within the building. At ground floor level, 6 wall mounted cycle storage stands are provided for the flats and two boxes for the storage of folding bicycles. The first floor flat would include a private roof terrace accessed immediately from the flat, and a 2.4 metre high privacy screen would be provided on the southern side of the terrace.

- 5.3 The proposed building has height of 14.4 metres to its parapet, and the balustrade to the roof terrace has a height of 15.5 metres. The proposed rear projection has a height of 3.4 metres, and this extends to the rear of the plot. The rear façade of the building will contain an extract flue for the ground floor A3 unit.
- 5.4 The proposed development will be constructed in brick, and comprise a flat roof. The front elevation includes two arched elements across the ground and first floor levels. Three windows are provided to the first, second and third floor levels. The parapet of the proposal is in line with the parapet to the adjoining Harper Building at 272 Holloway Road. The top of the fascia panel is in line with the top of the fascia of the adjacent 272 Holloway Road.
- 5.5 The roof of the proposal incorporates a green roof and 17 solar pv panels, alongside a maintenance access to the roof, the roof of the lift shaft and a small maintenance access area.

Amendments

- 5.6 During the assessment of the application, amendments were made to the scheme to reduce the height of the proposed building to match the adjacent building at 268 Holloway Road, and to show a privacy screen on the rear roof terrace. The plans were also amended to accurately show the location of windows on neighbouring properties, and the internal layout of adjacent properties.
- 5.7 Amendments were made to the design of the front elevation including to remove Juliet balconies from the front elevation and to alter the fenestration arrangement to provide a hierarchy of fenestration. A roof terrace was removed from the proposed buildings main flat roof slope, and this was replaced with a biodiverse roof.

6. RELEVANT HISTORY:

Planning Applications:

- 6.1 **P02153:** Certificate of lawfulness (existing) for use of the ground floor premises as a cafe (use class a3): **APPROVED**

ENFORCEMENT:

- 6.2 None

PRE-APPLICATION ADVICE:

- 6.3 **Q2015/2051/MIN:** Pre-Application advice was given on a scheme for the redevelopment of the site to re-provide the existing A3 use with five two bedroom residential flats. Advice was given to the effect that the scheme was acceptable in land use terms, but that the top floor would need to be removed from the scheme. It was noted that the amenity impact of the scheme would need to be justified given potential impacts on neighbouring properties through a daylight and sunlight report. Due to the relationship with the immediately adjacent property at 272 Holloway Road, it was also noted that it would be preferable for the site to be redeveloped as part of a larger scheme including no. 272 Holloway Road, with both properties demolished and replaced with properties in line with the established building line.

7. CONSULTATION

Public Consultation

7.1 Letters were sent to occupants of 236 nearby and neighbouring properties on Holloway Road, Jackson Road and Dunford Road on the 13th May 2016. The original public consultation of the application therefore expired on the 7th July 2016. Amended plans were received on the 8th July 2016, 6th January 2016 and 12th April 2017. A 14 day reconsultation was undertaken on the 3rd April 2017 and this expired on the 17th April. No additional responses were received from the recent second round of consultation. The amendments made to the scheme following the last reconsultation comprised the removal of a roof terrace and therefore did not require reconsultation. A total of four objections were received in response to the original consultation, raising the following issues:

-Design and impact on the appearance of the Harper Building (9.8-9.14)

-Impact on the Amenity of Neighbouring properties including in terms of the loss of daylight, sunlight and outlook. (9.17-9.34)

-that the daylight and sunlight report submitted is inadequate (9.19-9.26)

-that the building is overbearing (9.6-9.14)

-noise and disturbance from the roof terrace. **Officers Comment:** The roof terrace to the main roof slope that was the subject of this objections has now been removed from the scheme & 9.32)

-Loss of privacy and overlooking (9.31)

7.2 Two objections were received in response to the reconsultation from neighbouring properties. These objections reiterated the previous points and did not raise any new issues.

External Consultees

7.3 **Transport for London:** The application site is located on the A1, which forms part of the Transport for London Road Network. The site is car free which is welcome, but only six cycle parking spaces are proposed which does not meet the 8 spaces required by the London Plan. A construction management plan should be secured by condition on any consent.

Internal Consultees

7.4 **Inclusive Design:** The new dwellings meet category 2 criteria within the new National Housing Standards, and the provision of a lift is welcome. However, the application does not include details of transport facilities for disabled residents for whom public transport is inaccessible. The common staircase is a utility stair rather than a general access stair, and a full general access stair with lower treads should be provided.

7.5 **HMO Licensing:** The property does not have a license to be used as an HMO, although it is located within the Holloway Road additional licensing area. It appears from Council tax records that the property has been occupied by more than four people which indicate some form of HMO use.

- 7.6 **Design and Conservation:** The final scheme is considered to be a significant improvement and is broadly acceptable. The front elevation now shows a hierarchy of fenestration to the windows on the front elevation, with the top floor windows reduced in size, and the removal of the Juliet balconies and roof terrace is welcome. The proportions of the arched features is not completely successful but this would not justify the refusal of the application.
- 7.7 **Viability Officer:** Adam's Integra has made a detailed assessment of the viability of the project, and they raised concerns regarding the build costs. However, the build costs have now been considered by an independent quantity surveyors' company Anderson Bourne, who have confirmed that the build costs are reasonable. We accept Adam's Integra's conclusions that the scheme cannot make a contribution toward affordable housing.
- 7.8 **Updated comment 27/01/2017:** Adams Integras advice is sound, and as we agreed to consult Anderson Bourne on costs and as the conclusion of the two reports is that the scheme is in deficit we cannot insist on an affordable housing contribution in this case.
- 7.9 **Tree Officer:** The applicant has not provided a tree report with the application, but it is clear that the trees in the rear yard would fall under categories C or U under BS:5837:2012, and therefore are not a constraint to development. The trees are not of a landscape or environmental significance, not protected, and I do not believe we could successfully prevent the removal of the trees. The loss of the trees could be mitigated, however.
- 7.10 **Acoustic Officer:** The application should be approved subject to approval of details application for the kitchen extracts any other plant serving the café. Conditions are also required to provide for sound insulation due to the high noise levels on Holloway Road and the relationship between the café and residential flats.
- 7.11 **Updated Comment 30/03/2017:** The applicant has provided additional information regarding the flue system within their energy report. The noise output of the flue varies significantly at different speeds.
- 7.12 **Sustainability officer:** The loss of the trees and planting capacity at the site is not justified and a green roof is not appropriate mitigation. The proposal is likely to give rise to increased water run-off, and the provision of a compliant green roof with additional water storage could be one solution the applicant should consider, but this would not fully mitigate against the loss of the open space.
- 7.13 The commitments within the energy statement, including a 19% reduction in CO2 versus BR2013 is acceptable and should be conditioned. Water efficiency should also be secured via condition.
- 7.14 **Environmental Health:** The scheme proposes electrostatic and ultra violet light filtration, which is welcome but they confirm that the final scheme is to be confirmed follow review of tenant cooking type. This is not acceptable as we would look for specific plant at planning state. The application also does not refer to pre grease filters which would usually be the norm.

Other Consultees

- 7.15 **Adams' Integra (Viability Consultant):** The applicant has provided a viability assessment with high build costs and while this is supported by a Quantity Surveyor's report, the Council should have the QS report assessed by an independent QS. Following the additional justification provided by the applicant the sales value, existing use value and professional fees and other inputs are reasonable.

7.16 When the viability of the scheme is modelled with the revised build costs as per those agreed with the independent viability consultants, the scheme would be unable to provide an affordable housing payment due to the high build costs which results in the scheme providing a deficit of £180,000. The scheme could therefore only provide a contribution if the profit level was reduced below 12%.

7.17 **Anderson Bourne (Independent Quantity Surveyor):**

7.18 The build costs for the apartment is fair and cannot be criticised. The preliminary costs for the scheme are high but these are justified by the constraints to the site and difficult access. The applicant has entered the fit out costs of the restaurant element into the viability appraisal. This is not justified as the fit out for a restaurant is usually borne by the occupant. The changes to the scheme including the removal of the roof terrace and replacement with a green roof would not significantly alter the build costs.

7.19 **Officer's Comment:** The fit out costs were excluded from Adams Integra's viability appraisal in line with the Anderson Bourne advice.

8. RELEVANT POLICIES

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

National Guidance

8.1 The National Planning Policy Framework 2012 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.

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

Development Plan

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

Designations

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

- Nags Head and Upper Holloway Key Area
- Strategic Cycle Route
- Alexandra Palace Protected Vista
- Secondary Retail Frontage
- Nags Head Town Centre

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land use
- Housing Mix
- Design, Conservation and Heritage Considerations (including Archaeology)
- Landscaping
- Neighbouring Amenity
- Highways and Transport
- Refuse collection and storage

Land-use

- 9.2 The lawful use of the ground floor of the property is an A3 café use, confirmed under application P021563 approved in 2002, and is currently occupied by the euro café. The site is located within a designated Town Centre and within a secondary retail frontage. The application proposes to re-provide the existing A3 use within the new building (and the applicants have advised that the existing occupant will occupy this unit). Policy DM 4.4 of the DM Policies confirms that applications should maintain and enhance the retail and service function of Islington's Town Centres. The re-provided A3 use would include an uplift in floorspace from 48 to 68 square metres, but the A3 unit would remain appropriate in scale to the character of the retail frontage and Town Centre. As a result, the ground floor element of the development is considered to be acceptable in land use terms, and is in accordance with DM 4.4 C, (i), (ii) and (iii).
- 9.3 There is no planning history for the upper floor of the property or any applications submitted for a House of Multiple Occupation to the Council's licensing team, and at the time of the site visit the site was being used in some form of House of Multiple Occupancy use. The property is a five bedroom property, and the rooms are relatively small, with the largest top floor bedrooms having a restricted head height within the current mansard roof. On this basis, it is likely that rooms have been occupied by single persons, which would mean that the house is occupied by 5 people and the current use of the site would fall under the small scale C3 (c) residential use allowing a group of up to 6 people living together as a single household. Therefore it is accepted that there is one residential unit on the site at present in land use terms.
- 9.4 Policy DM 3.9 C and D of the Development Management Policies aims to protect House of Multiple Occupation, and requires proposals leading to the loss of HMOs to provide accommodation to meet acute needs. However, the supporting text (paragraph 3.100) to the policy confirms, within paragraph 3.10, that because permitted development rights allow for changes between use classes C3 and C4, HMOs within use class C4 will not be subject to policy DM 3.9. As a result, the loss of the existing use of the upper floors, which being a C4 use HMO, is not considered contrary to DM 3.9 C of the DM Policies 2013.
- 9.5 The application proposes to increase the number of residential units at the site. The site is not located within a designated employment priority area, and many properties within the area comprise residential uses at upper floor level. As such, the proposed residential units are considered to be acceptable in terms of land use.

Design

- 9.6 Policy DM 2.1 of the Development Management Policies 2013 requires all new development to be of a high quality, to efficiently use the site, respect and reinforce local distinctiveness and create a positive sense of place. Detailed design guidance is set out within the Islington Urban Design Guide SPD (2017).
- 9.7 The existing building on the site is a four storey residential property comprising a café at ground floor level and a residential use above. The existing property is believed to date from the late Georgian or early Victorian period, although it has been heavily altered over the years. The site is not situated in a conservation area, and the building is not locally or nationally listed. Although the loss of the existing building on the site is regrettable, as it is a reminder of an earlier phase in Holloway Road's development, the loss of the existing building on site is considered to be acceptable subject to a high quality replacement being provided.
- 9.8 The proposed building is a five storey mixed use building in brick, comprising an A3 café / restaurant unit at ground floor level with four residential flats at upper floors. The proposed building matches the parapet height of the adjacent building to the south at 268 Holloway Road, and while the building would be higher than the adjacent buildings to the north at 272-276 Holloway Road, the overall scale of development would be in accordance with DM 2.1 (vii) in terms of its relationship to the existing building heights within its immediate and wider context.
- 9.9 The existing building at the site is recessed behind the predominant building line formed by the front of 268 Holloway Road and 274 Holloway Road, alongside the immediate neighbour at 272 Holloway Road which is also set back to the same distance. The proposed building would be brought forward to match the building line formed by 272 and 268 Holloway Road. The Islington Urban Design Guide emphasises the importance of established and coherent building lines, and it is considered that this alteration would be of a significant benefit in townscape terms as it would result in a more consistent and coherent building line in accordance with the Islington Urban Design Guide.
- 9.10 The Islington Urban Design Guide confirms that materials should be robust and contextual, and it is proposed that a pale red brick would be used on the upper part of the façade with a glazed shopfront at ground floor level. The materials proposed are considered to be adequately contextual, responding to brick buildings within the immediate and wider context of the application site, including historic and more contemporary buildings. A condition can be imposed to require samples of the facing materials to ensure they are of a high standard in accordance with policy.
- 9.11 Following concerns raised by the Design and Conservation officer, the applicant has made a number of alterations to the front elevation, including to align the fascia panel above the ground floor unit to match with no 272 Holloway Road, to remove the roof terrace from the scheme and to reduce the size of the windows on the top floor to create a sense of hierarchy of the fenestration.
- 9.12 The scheme now provides a clear sense of hierarchy to the fenestration on the front elevation, as the windows to the upper floor are smaller than the second and third floor windows. This ensures that the proposed development relates to its immediate context and accords with the guidance in section 5.94 of the Islington Urban Design Guide 2017. The elevational treatment of the front is now considered to be acceptable and in accordance with DM 2.1 of the DM Policies 2013.

- 9.13 The flat roof of the scheme will comprise a bio-diverse roof and 7 solar panels, alongside an access hatch for maintenance. The lift comprises a small overrun that projects 50 cm above the parapet line. This feature is set back 8.8 metres from the front of the building and as such would not be visible from street level. A condition is recommended to require the applicant to provide all details of roof top structures, including the solar panels to ensure that the panels are laid flush and therefore would not be visible from street level.
- 9.14 Overall, the design of the scheme is considered to be acceptable. Following amendments to the scheme the proposal is considered to be high quality and relate to its immediate context in terms of its elevational treatments. The scheme also provides a major townscape benefit by responding to the established building line by bringing forward the front elevation to align with the Harper Building to the south of the site. The proposal is therefore considered to be in accordance with policies CS 7 and CS8 of the Core Strategy, DM 2.1 of the DM Policies 2013 and the Islington Urban Design Guide SPD.

Housing Mix

- 9.15 Policy DM 3.1 of the DM Policies 2013 relates to the housing mix of new residential schemes. Table 3.1 sets out a required mix for new housing but the supporting text to the policy DM 3.1 confirms that the policy is designed to be informative to minor schemes only. Tables showing the housing size mix under table 3.1 and that proposed in this application are set out below.

Tenure	1 bed	2 Bed	3-Bed	4-Bed More	or	Total
Housing Mix for Market Housing set out in policy	10%	75%	15%	0%		100%
Housing Mix within Application Scheme	0%	100%	0%	0%		100%

- 9.16 As shown on the table above, the scheme provides 100% two bedroom units, which is greater than the 75% set out in the policy, and the scheme also does not provide any one bedroom or 3- bed flats. However, as the policy confirms that the mix is informative for minor schemes, the housing mix is considered to be acceptable given the constraints of the application site, busy town centre location and the relatively small scale of the scheme.

Neighbouring Amenity

- 9.17 The application site is located in close proximity to a number of residential flats, and policy DM 2.1 requires all new development to protect the amenity of all nearby and neighbouring properties in terms of the loss of daylight, sunlight, outlook, privacy and overlooking. The application is supported by a sunlight and daylight report, and the application drawings show the internal layout and windows on neighbouring properties. Objections have been received from a number of neighbouring properties regarding the impact on the amenity of neighbouring properties, including the neighbours at 272 and 274 Holloway Road, and from residents on the opposite side of Holloway Road.

9.18 The neighbouring buildings impacted upon by the scheme include the Harper Building immediately to the south of the site, 272 Holloway Road which comprises a doctor's surgery at first floor level with flats at first, second and third floor level, and the first and second floor flats to 272 Holloway Road.

Loss of Daylight and Sunlight

9.19 The application is supported by a full daylight and sunlight report prepared by Nathaniel Lichfield and Partners, and further details have been provided in response to concerns raised by officers and neighbours. The only part of the scheme that projects to the rear of the adjacent building at 268 Holloway Road is the single storey café element. The proposed rear elevation drawing submitted demonstrates that this element would be adjacent to the ground floor restaurant/café use within the neighbouring building, and that the privacy screen to the rear roof terrace would be lower than the mid-point of the adjacent window. The proposed privacy balustrade would therefore pass the 45 degree rule test when applied in elevation although it would be broken in plan, and as a result the proposal would not lead to any material loss of daylight to residential windows in this property.

9.20 The Daylight and Sunlight report submitted also considers the impact on other nearby and neighbouring properties, including 272 Holloway Road, 317-321 Holloway Road, 2 Jackson Road and 26a-26b Dunford Road. The report found that only three windows tested did not accord with the daylight tests set out within the Building Research Establishment Document: Site Layout Planning for Daylight and Sunlight.

9.21 The report submitted found that the proposal would lead to a reduction in daylight to three windows on the front façade of 272 Holloway Road in excess of the BRE criteria. The three affected windows at the first, second and third floors on the right hand side of the front elevation (marked as w2 on the figure below) would retain 0.7, 0.71 and 0.74 times their previous level as a result of the development. The applicant has shown the layout of the first, second and third floor flats within this property and the loss of daylight would be to the main living space at the front of the property. The loss of daylight to the main living space is less than ideal, but the daylight report demonstrates that the loss of daylight would only be slightly greater than is allowed by the BRE criteria and that the living spaces includes second windows that would not experience a loss in excess of the BRE criteria which are marked as windows W1 in the diagram below. Finally, the loss of daylight to these windows is as a direct result of the alteration to the building line which is considered to be a major townscape benefit to the scheme, and therefore this element is considered to be acceptable.



Existing front windows to 272 Holloway Road

- 9.22 The daylight report submitted demonstrates that the loss of daylight to the windows on the rear façade of 272 Holloway Road at first, second and third floor levels, is within the BRE criteria and therefore would not lead to any material harm in planning terms.
- 9.23 The impact of the proposal on the daylight received by the flank windows of 274 Holloway Road was not considered within the original daylight and sunlight report, but further justification was provided following concerns raised by officers. 274 Holloway Road contains flank windows at first and second floor level, and the proposed building would be brought forward in front of these windows. However, the applicant has provided the floorplans of the flats at first and second floor level, and these properties contain an open plan living/kitchen space with four windows that face toward the Holloway Road and a single window on both the northern and southern flank elevations. Given that five of the windows will be unaffected by the proposed development, the loss of daylight into the front living space overall would be negligible.
- 9.24 The adjacent building at 272 Holloway Road comprises a single storey rear extension, which serves a doctor's surgery. This rear extension comprises glass bricks on part of its southern elevation, directly on the party wall, and these would be covered by the proposed single storey rear extension. There is no record of the Council approving the windows on the flank elevation of the extension, but based on the appearance of the extension, it may be that the windows are lawful under the four year rule. The applicant has submitted an existing floorplan of the adjacent extension and it appears that the glass bricks serve a corridor space. The BRE Guidelines confirms that the loss of daylight to non-residential floorspace is only problematic where there is a requirement for the floorspace to have natural daylight. In this case, the loss of daylight would be to floorspace that does not require natural light.
- 9.25 The daylight and sunlight report also considers the impact on sunlight of properties due north of the application site such as 272 Holloway Road. All of the windows tested meet the relevant sunlight tests within the BRE Guidelines.
- 9.26 Overall, the loss of daylight and sunlight is considered to be acceptable. The only loss of daylight and sunlight in excess of the BRE criteria is on the adjacent property at 272 Holloway Road. This loss of daylight is an unavoidable consequence of the alteration to the front building line, which is considered to be beneficial to the streetscene. Of the 21 windows tested for daylight, only three windows experiences a reduction greater than the BRE criteria. Ten windows were tested for the loss of sunlight, and all of these windows passed the relevant BRE tests.

Loss of Outlook and Increased Sense of Enclosure

- 9.27 The impact of the proposal on the outlook of 268 Holloway Road is considered to be acceptable. As shown on the rear elevation drawing, the balustrade to the rear roof terrace would be below the mid-point of the first floor residential window at 268 Holloway Road, and given the limited depth of this feature, the loss of outlook and increased sense of enclosure would be acceptable.
- 9.28 The proposal would lead to some loss of outlook to the living space of the flats at first, second and third floor level at 272 Holloway Road. However, this existing property is recessed behind the main building line, and as such the outlook from this property is already compromised. The proposed development also projects to the rear of this property, which would result in some loss of outlook to the windows at the rear. However, as the proposed building would projection only 2.4 metres beyond the rear of 272 Holloway Road, the loss of outlook would be acceptable given that the flats would continue to have an open outlook at the rear.

- 9.29 The proposal would also result in some loss of outlook to the first and second floor windows on the flank elevation of 274 Holloway Road. However, these windows already have a restricted outlook which faces toward the flank elevation of 268 Holloway Road. While the proposed development would result in some further loss of outlook to these windows, the first and second floor flats would continue to benefit from an open outlook toward Holloway Road from the four windows on the front elevation. As such, the proposal would not unacceptably alter the standard of accommodation within this property.
- 9.30 Concerns have been raised by residents of flats on the western side of Holloway Road, regarding the amenity impact. However, due to the width of Holloway Road and separation distance to these properties, no adverse impact would occur in terms of the loss of outlook.

Privacy and overlooking

- 9.31 The windows on the rear elevation would face toward a single storey industrial unit, and would be separated by 23 metres from the windows on the rear façade of the properties at Dunford Road. The set back from the rear roof terrace would be 21 metres. These separation distances are in accordance with the 18 metre supporting text set out within the supporting text to policy DM 2.14, and would protect the privacy of these properties. The proposed drawings show a 2.4 metre high privacy screen to the side of the first floor, and this would protect the privacy of residential flats at 268 Holloway Road. The proposed floor level of the roof terrace is 1.6 metres below the side parapet of the rear projection to 272 Holloway Road, and this relationship ensures that the amenity of the flats within 272 Holloway Road would be suitably protected.

Odour, Noise and Fumes

- 9.32 The application drawings confirm that an extract flue is proposed to the rear façade of the building, and provides some details of the system within the application's energy statement. The proposed system would be an electrostatic precipitator and ultra violet light unit to filter the extract. The report also provides details of likely noise emissions at different fans speeds. The Council's Environmental Health Team and Noise Officer are both broadly happy with the details submitted, but have requested additional details are submitted to confirm the unit type that would be used.
- 9.33 The applicant has indicated that it is not possible to provide the final details of the extract/filtration unit at this stage, as the requirements would depend on the final occupier. As a result, it is recommended that a condition is imposed requiring full details of the extract system including fan noise data and silencer specifications. This would allow the Council to ensure that the final system would provide effective extraction and filtration while protecting the amenity of neighbors in terms of noise output, in accordance with policy DM 6.1 (Healthy Development.)
- 9.34 Overall, the impact of the proposed scheme on the amenity of nearby and neighbouring properties is considered to be acceptable and in accordance with DM 2.1 given the daylight and sunlight report submitted. In addition, the most significant amenity impacts would be as a result of the alteration to the front building line, which is considered to be a significant townscape benefit arising from the scheme. As such, the scheme is considered to strike an appropriate balance between townscape and neighbor amenity considerations.

Standard of living environment

- 9.35 Policy DM 3.4 of the Development Management Policies 2013 requires all new housing developments to provide good quality accommodation of an adequate size, shape and layout of rooms, good aspect, outlook, noise, ventilation, privacy and light. Policy DM 3.5 of the Development Management Policies requires all new residential units to benefit from some form of outdoor amenity space, in the form of a balcony, roof terrace or winter garden. Central government has also issued housing technical standards that include a nationally described space standard.
- 9.36 The scheme provides four two bedroom residential flats (C3), which have an identical dual aspect layout that is replicated on each floor, albeit with a different fenestration arrangement between the different floors. Each flat is laid out with the one single and one double bedroom at the rear of the flat, and the main living and kitchen space at the front of the space on the Holloway Road frontage. The proposed layout is considered to provide a good standard of accommodation, with good level of daylighting to habitable rooms at the front and rear of the flat, cross ventilation, high levels of privacy and an open aspect. The proposed first floor residential unit has unusual arched windows serving the main living space to this unit. Officers consider that the amount of glazing here would ensure adequate access to daylight and outlook would remain for this unit which also has rear outlook and access to daylight towards the rear being dual aspect and also with a rear roof terrace. The proposed flats have a floor area of 61 square metres, which exactly meets the space standard nationally described space standard and the requirement within policy DM 3.4. The bedrooms, living/kitchen/dining and main sitting areas also meet the relevant size and width requirements within the London Housing SPG and table 3.3 of the Development Management Policies 2013.
- 9.37 The Daylight/Sunlight report submitted considered the daylight and sunlight penetration into the new residential units. In all cases the daylight and sunlight levels would be above the BRE criteria for vertical skylight component, average daylight factor and daylight distribution, indicating that the new units would meet the criteria within DM 3.4 in terms of daylight and sunlight.
- 9.38 The acoustic officer has advised that a condition is required to provide a scheme for sound insulation to the flats due to the high noise levels on Holloway Road, and because of potential noise emissions from the A3 café to the flats above. While it is acknowledged that Holloway Road is a busy arterial road with high traffic levels, the quality of accommodation is considered to be acceptable subject to the condition being imposed. It is also noted that there is extensive residential units on the upper floors of adjacent buildings.
- 9.39 Only one of the flats, the first floor flat, benefits from private outdoor space in the form of a rear roof terrace in accordance with DM 3.5. The roof terrace has a floor area of 12.1 square metres, which accords with the minimum standard of 10 square metres for a three person dwelling. The remaining flats do not include any external amenity space, but this is considered to be acceptable given the constraints to the site.

Accessible and Inclusive Design

- 9.40 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via:
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
 - Deregulation Bill received Royal Assent 26th March 2015

- 9.41 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.
- 9.42 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 9.43 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The London Plan 2016, requires that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 9.44 The plans have been assessed by the Council's Inclusive Design Officer who raised concerns that the development does not provide a safe drop off point, accessible cycle storage or charging facilities for mobility scooters, and that the common stair is a utility stair and not a general access stair. However, the Inclusive Design Officer has confirmed that the stairs do meet category 2 of the National Housing Standards, and has welcomed the provision of a lift.
- 9.45 While the failure to provide a *general access stair* as defined under the building regulations is regrettable, in this case the site is constrained and the provision of a larger stair would reduce the amount of space available for the restaurant and residential uses. In addition, the proposal contains a lift with a level access, and part M of the Building Regulations confirms that in this circumstance the provision of a smaller *utility stair* is acceptable. The Accessibility officer has raised concerns regards the lack of provision for disabled parking and drop off. However, the site is located on the Holloway Road, and while there are parking bays to the front of the site, it would not be possible to provide dedicated disabled parking at the site as part of this application. The proposed A3 use is also considered to be acceptable in accessibility terms, as it benefits from a level access and includes a disabled w.c.
- 9.46 The proposal is therefore considered to be acceptable in terms of the level of accessibility and inclusive design to both the A3 and C3 elements. The proposal is therefore considered to be in accordance with DM 2.2 of the DM Policies 2013.

Highways and Transportation

- 9.47 The application site is located in a highly sustainable and accessible location, having a PTAL rating of 4 and is in close proximity to the Holloway Road underground station and is well served by buses. The proposed development is car free, and a condition can be imposed on the consent to ensure that occupants of the flats are not able to access residents parking permits.
- 9.48 The proposed A3 unit does not benefit from any dedicated cycle parking, or end of trip facilities for cyclists in accordance with DM 8.4 of the DM Policies 2013. While the failure to provide dedicated end of trip facilities to the café use is not ideal, policy DM 8.4 confirms that end of trip facilities should be proportionate to the proposed use, and give that the A3 use is relatively small, this would not justify forming a reason for refusal on the application. In addition, staff and users of the A3 unit would be able to access on street cycle parking in close proximity to the site on Holloway Road adjacent to the junction of Holloway Road and Jackson Road.

- 9.49 The application provides cycle parking at ground floor level for the C3 residential flats. Appendix 6 of the Development Management Policies 2013 provides a standard of 1 space per bedroom, which provides a total requirement of 8 full sized spaces for the residential element of the scheme. The proposal does not meet this requirement, as it provides only 6 full sized spaces with a further 2 boxes for the storage of folding bikes. However, the applicant has provided an intensive approach to the meeting of cycle parking standards in accordance with Appendix 6, with a combination of wall mounted racks and boxes. As a result it is considered that the failure to meet best practice for cycle storage is acceptable given the constraints to the site, and the efforts that the applicant has gone to maximise cycle parking.
- 9.50 The site is located on the Holloway Road, and the only available construction access would be from the front of the site. Transport for London have requested that Construction Management Plan is secured via condition, and this would be justified given the location of the site and constraints to site access during the construction phase.
- 9.51 Policy DM 8.6 of the DM Policies deals with delivery and servicing to new developments. The policy confirms that delivery and servicing should be off street, particularly for commercial developments over 200 square metres gross floor area. The A3 unit proposed has a gross floor area less than 200 square metres, and it is also noted that the existing a3 unit has on street servicing without any planning restrictions. An on street parking/loading bay is located to the front of the site. The proposed on street servicing of the A3 unit is therefore considered to be acceptable subject to a detailed service and delivery plan being submitted via a condition.

Sustainability

- 9.52 Policy DM 7.1 of the DM Policies requires development to incorporate best practice sustainable design standards, during the design and construction phases, and policy DM 7.2 of the DM Policies requires development or achieve best practice standards in terms of design and specification and to meet CO2 reduction 25% in excess of the Building Regulations 2010. Policy DM 7.4 sets out sustainable design standards in terms of the Code for Sustainable Homes, but the code for sustainable homes has now been discontinued by central government.
- 9.53 The application is supported by an energy statement that has been assessed by the Council's Sustainability Officer. The Sustainability officer has confirmed that the approach within the Energy Statement, which proposes a 19% reduction in CO2 emission against the 2013 Building Regulations is supported. A condition securing the water efficiency credits in the relevant BREEAM scheme is also required in accordance with DM 7.4 part G.

Small sites (affordable housing) and carbon off-setting contributions

- 9.54 The development requires a contribution towards affordable housing in the Borough, in line with policy CS12 of the Core Strategy and the councils Supplementary Planning Document- 'Affordable housing- small sites' 2012. A contribution is also required towards Carbon Off-setting. The Council has also adopted a Viability SPD, which provides guidance on the assessment of Viability appraisals.
- 9.55 The application is supported by a viability report, which states that no contribution toward affordable housing provision is viable in this case. This report was assessed by the Council's viability consultants, who originally considered that a contribution toward affordable housing could be made. The main areas of disagreement related to the build costs, existing and future scheme values and the profit level. In response to Adams Integra's comments the applicant provided a quantity surveyors report to justify the build costs used. Adams Integra has confirmed that the high build costs is the main issue that has made the scheme unviable.

- 9.56 The quantity surveyors report submitted by the applicant was considered by Adams Integra (Council's advisors) to show unreasonably high costs, and therefore the quantity surveyor's report was assessed by an independent quantity surveyor, Anderson Bourne. Anderson Bourne considered that the high build costs were generally justifiable given the constraints to the site and the difficult site access. Cost savings were identified in respect of the restaurant element and these costs were excluded within Adams Integra's viability appraisal.
- 9.57 The Council have adopted the Viability SPD, which provides detailed guidance on the assessment of Viability Appraisals. The SPD confirms that the submission of viability appraisals showing an overall deficit raises questions regarding the veracity of the viability information submitted, and in respect of the deliverability of a scheme. As a result, the SPD advises that a statutory declaration will need to be provided by a director of the developer company to confirm that the information submitted is accurate and that the company undertaking the assessment has not been instructed on the basis of performance related pay or is incentivised in any other way according to the outcome of the viability process. The applicant has provided the statutory declaration in accordance with the SPD.
- 9.58 The SPD also advises that the submission of a viability appraisal showing a deficit raises a question regarding the deliverability of the scheme. Where an applicant agrees to pay a contribution toward affordable housing despite a scheme being in deficit, the SPD advises that a deliverability declaration is required to confirm that the scheme is deliverable with the contribution. In this case, however, the applicant has not agreed to a contribution given that the scheme is identified as in deficit. As a result, the Council would not risk the loss of any affordable housing contributions if the scheme did not come forward. On this basis it is not considered that a deliverability statutory declaration is required in this case.
- 9.59 The Council's internal viability officers have also been consulted on the scheme, and have assessed the viability appraisal submitted and considered the responses from both Adams Integra and Anderson Bourne. They have confirmed that they are happy with the conclusion that no Affordable Housing contribution is viable in this case. As a result, the failure to provide a contribution toward affordable housing or carbon off setting is considered to be acceptable, and fully justified in accordance with the Viability and small sites contribution SPD.

Loss of Trees and Open Space

- 9.60 The existing rear yard at the site contains a number of trees and shrubs which would need to be removed as part of the construction of the scheme, as the single storey element projects across the entire site to the boundary with the development to the rear. The Council's tree officer has been consulted on the application and has confirmed that while a tree survey has not been provided it is clear that the trees would fall under categories C or U, or because of their small size, may not even constitute trees for the purposes of the planning system. As a result of this, it is not considered that the trees constitute a constraint to development and neither could the loss of the trees could be resisted.
- 9.61 The Council's sustainability officer has objected to the inclusion of a single storey element at the rear of the site which would be a permanent constraint to any future landscaping in the site, which would harm the biodiversity and urban drainage function of the site. The Council's sustainability officer has commented that the inclusion of a biodiverse green roof would not fully mitigate the loss of the open space, as a green roof and landscaping have different functions in sustainability terms, and has therefore suggested that the loss of the trees is mitigated by a contribution to offsite landscaping improvements. However, the applicants' viability information demonstrates that it would not be possible to secure a contribution to off-site mitigation.

- 9.62 Overall, while the loss of the existing open space and planting is regrettable, it is considered that the provision of a full biodiverse roof would be sufficient mitigation bearing in mind the limited extent of loss. The proposal is therefore considered to be in accordance with policies DM 6.5 (Landscaping, trees and biodiversity) and 6.6 (Flood Prevention) of the Development Management Policies 2013.

Other Matters

- 9.63 The proposed ground floor drawing shows that refuse storage will be provided within a retractable underground bin at in the communal entrance, which would provide approximately 1000 litres of waste storage. Additional storage could also be provided within the rear roof terrace to the first floor flat. As the applicant has not been able to confirm exact details of the refuse system, it is recommended that this is dealt with via a condition.
- 9.64 The construction phase of the development would give rise to noise and disturbance impacts on neighbouring buildings in terms of noise, vibration and dust. Due to the close proximity to residential properties on both sides of the site, these impacts will need to be controlled through condition 4, which require a construction environmental management plan to be submitted, to protect neighbour amenity.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposed development is considered to be acceptable in land use terms, and strikes an appropriate balance between neighbour amenity and townscape grounds in accordance with policy DM 2.1. The residential mix proposed is also considered to be acceptable, and the proposed units provide a high standard of accommodation in terms of daylight, sunlight, outlook and privacy.
- 10.2 The proposal is acceptable in terms of highways matters given the accessible location of the site, subject to appropriate controls on the construction and servicing. The details provided regards sustainability within the energy statement are also considered to be acceptable. The overall approach to refuse is considered to be acceptable subject to further details being secured by condition.
- 10.3 The application does not propose a financial contribution toward affordable housing in accordance with policy. However, the application is supported by a viability appraisal and quantity surveyor's report which have been assessed by an external quantity surveyor, external viability consultant and internal viability officers. As a result, the failure to provide a contribution toward affordable housing or for carbon offsetting is considered to be justified in accordance with the Viability SPD.
- 10.4 The impact of the proposed development on neighbour amenity is considered to be acceptable in terms of the loss of daylight, sunlight, outlook and privacy. The proposal enhances the street scene by providing a more coherent and consistent building line in accordance with design guidance.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: [Design and Access Statement, Sustainability Statement, Energy Statement, S106 Management Viability Appraisal, David R Parker Quantity Surveyors Report, 59_P_02, 59_P_03, 59_P_09 rev a, 59_P_10 rev a, 59_P_11 rev a, 59_P_12 rev a, 59_P_20 rev a, 59_P_21 rev a, 59_P_22 rev a, 59_P_23 rev B, 59_P_30, 59_P_31 rev a, 59_P_35 rev e, 59_P_36 rev d, 59_P_37 rev b, 59_P_40_, 59_P_41, 59_P_42, 59_P_50 rev d, 59_P_51 rev C, 59_P_52 rev b] REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.
3	Materials (Details) CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include: a) solid brickwork (including brick panels and mortar courses) b) window treatment (including sections and reveals); The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.
4	Construction Environment Management Plan (Details) CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The CEMP shall assess the environmental impacts of the development including, but not limited to: noise, air quality including dust, smoke and odour, vibration and TV reception. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.

	<p>The Statement shall also specifically provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works. <p>The development shall be carried out strictly in accordance with the details so approved and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
5	Flues And Extraction (Details)
	<p>CONDITION: Details of proposed flues, extraction systems and other plant associated with the A3 unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the A3 unit hereby approved. This shall include fan noise data and silencer specification, hours of operation and any other noise and vibration mitigation measures. The flue/stack shall discharge the extracted air no less than 1.0m above the roof eaves of the building to which it is affixed. The flue shall be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration (carbon filters rated with 0.1 second resistance time) or alternatively fine filtration followed by counteractant / neutralising system to achieve the same level as above.</p> <p>The fan and silencer shall be regularly checked, maintained and serviced in accordance with the manufacturer's/installer's guidelines. Any noise and vibration mitigation measures shall be carried out strictly in accordance with the details hereby approved and shall be maintained as such thereafter.</p> <p>The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned in accordance with the manufacturers/ installer guidelines; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
6	Plant Noise (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."</p> <p>REASON: In the interests of residential amenity.</p>

7	Sound Insulation (Details)
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)</p> <p>Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour</p> <p>Dining rooms (07.00 -23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment.</p>
8	Sound Insulation Between Café and Flats (Detail)
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed café use and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to protect the amenity of the residential units hereby approved.</p>
9	Accessible Housing - Minor Schemes (Details)
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the residential unit shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON - To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>

10	Privacy Balustrade (Compliance)
	<p>CONDITION: The visual screen to the first floor rear roof terrace shown on the drawings hereby approved shall be installed prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows</p>
11	Car Free (Compliance)
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons, ii) In the case of units designated in this planning permission as 'non car free', Or iii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>REASON: To ensure that the development remains car free.</p>
12	Sustainability
	<p>CONDITION: The development hereby approved shall be constructed in strict accordance with the Planning Statement Energy Assessment (ref:1740-Energy Assessment-1703-21ch) and Sustainability Statement (1742-270 Holloway Road-Sustainability Strategy-1703-16ch), and shall not exceed the water use target of 110L/person/day.</p> <p>REASON: In the interests of sustainability.</p>
13	Green Roof details
	<p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall:</p> <ul style="list-style-type: none"> a) be biodiversity based with extensive substrate base (depth 80-150mm); b) 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). c) Comprise an additional water storage layer <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>

14	<p>Roof top structures</p> <p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> a) Solar panels b) ancillary enclosures/structure; and c) lift over run <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 good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
15	<p>Main Roof Not used as Amenity Space</p> <p>CONDITION: The top floor flat roof area shown on plan no. 59_P_23 rev B 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 into perpetuity.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
16	<p>Delivery and Service Plan</p> <p>CONDITION: 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 (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
17	<p>Bike Storage</p> <p>CONDITION: The bicycle storage area hereby approved, which shall provide for no less than 6 full sized bicycle spaces and 2 storage boxes, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

18	Lift Provision
	<p>CONDITION: The lift serving all floors of the proposed development hereby approved shall be installed and operational prior to the first occupation of the residential dwellings hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that adequate access is provided to the residential units at all floors.</p>
19	Refuse Details
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse / recycling enclosure(s);</p> <p>b) a waste management plan</p> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>CIL 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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability</p>

	<p>Notice setting out the amount of CIL payable on commencement of the development.</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 and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
3	Definitions
	<p>DEFINITIONS: (Definition of 'Superstructure' and 'Practical Completion') 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	CAR-FREE DEVELOPMENT
	<p>CAR-FREE DEVELOPMENT: All new developments are car free. 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 2012 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.

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

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – Strategic Priorities

Policy 2.11 Central Activities Zone – Strategic Functions

Policy 2.12 Central Activities Zone – Predominantly Local Activities

Policy 2.15 Town centres

3 London's people

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

Policy 3.13 Affordable housing thresholds

Policy 3.15 Coordination of housing development and investment

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and

5 London's response to climate change

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

offices
Policy 4.7 Retail and town centre
development

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS5 (Angel and Upper Street)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS13 (Employment Spaces)
Policy CS14 Retail and Services

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.4 Protected views

Housing

DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.7 Noise and vibration (residential
uses)

Shops, culture and services

DM4.2 Entertainment and the night-time
economy
DM4.3 Location and concentration of uses
DM4.4 Promoting Islington's Town Centres
DM4.8 Shopfronts

Employment

DM5.1 New business floorspace
DM5.4 Size and affordability of workspace

Energy and Environmental Standards

DM7.1 Sustainable design and construction
statements
DM7.4 Sustainable design standards

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new
developments

Infrastructure

DM9.1 Infrastructure

5. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Nags Head and Upper Holloway Key Area
- Strategic Cycle Route
- Alexandra Palace Protected Vista
- Secondary Retail Frontage
- Nags Head Town Centre

- Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Urban Design Guide (2017)
- Conservation Area Design Guidelines
- Accessible Housing in Islington
- Planning Obligations and S106
- Affordable Housing Small Sites Contributions
- Basement Development SPD
- Viability SPD

London Plan

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Housing