

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department



<b>PLANNING SUB- COMMITTEE A</b>		<b>Agenda Item: B7</b>	
<b>Date:</b>	2 <sup>nd</sup> October 2018	<b>NON-EXEMPT</b>	

Application number	P2017/5001/FULL
Application type	Full Planning application
Ward	Tollington
Listed Building	Adjoins a Grade II Listed Building
Development Plan Context	Employment Growth Area
Licensing Implications Proposal	None
Site Address	440 A Hornsey Road, LONDON, N19 4EB
Proposal	Demolition of existing warehouse buildings and erection of a mixed use development comprising 490m <sup>2</sup> of commercial floorspace (Use Class B1) contained within a two storey building with basement level and a further two storey building (no basement level) to create 3 x two storey residential dwellings comprising 2 x 2 bed and 1 x 3 bed (Use Class C3) access gate, landscaping, pv panels, refuse and bike facilities and associated alterations.

Case Officer	Paul Conboy
Agent	Rok Planning Miss Bethan Hawkins

## 1. RECOMMENDATION

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

1. conditions set out in Appendix 1; and
2. Completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the contributions for affordable housing, carbon offsetting contributions and securing a car free development.

## 2 SITE PLAN (SITE OUTLINED IN BLACK)



## 3. PHOTOS OF SITE/STREET



Image 1: Aerial view of site from Thorpedale Road.



**Image 2:** Aerial view of site from Hornsey Road.



**Image 3:** View of existing accessway into the site, adjacent to the Grade II listed building at 440 Hornsey Road.



**Image 4:** Rear view of 440 Hornsey Road ( Grade II Listed Building)



**Image 5 :** View from within the site of adjoining properties along Hornsey Road.



**Image 6:** Internal view of the existing warehouse on site.



**Image 7:** View from the site of the rear of properties along Thorpedale Road.

## 4. SUMMARY

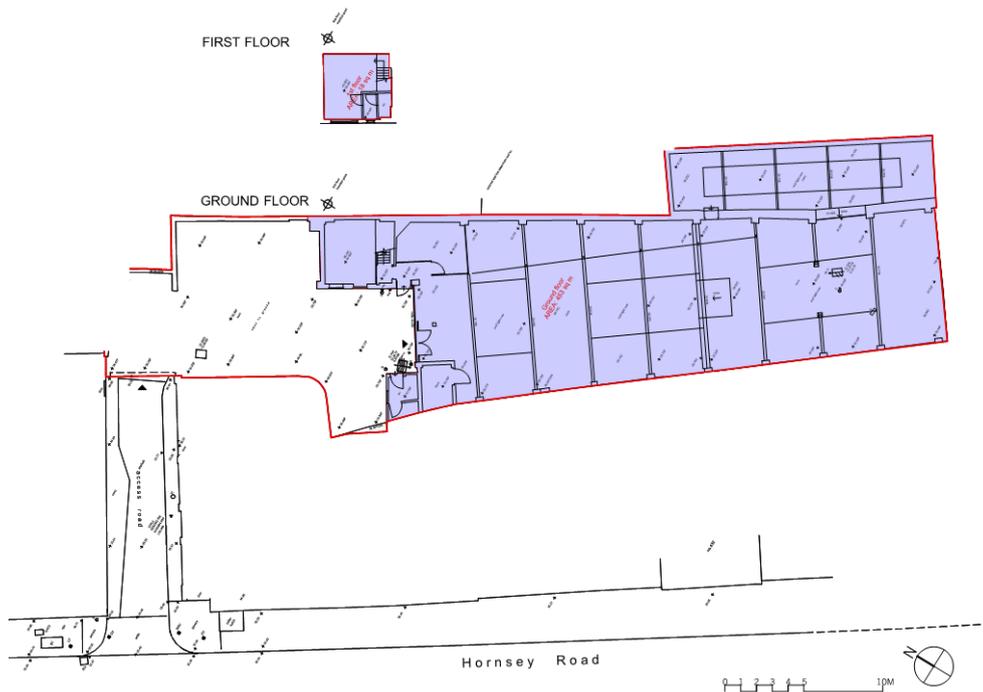
- 4.1 The application seeks permission for the complete redevelopment of the site including the demolition of the existing buildings on site which were previously used by a glass merchant, glazing company contractors workshop and associated office and storage areas. The current lawful use of the site is for light industry B1 uses. The redevelopment of the site would comprise of a mixed use commercial and residential scheme to include the provision of a two storey plus basement level office building forming 490 sq. metres of flexible B1 office floor space and a linked two storey building in the south eastern section of the site to accommodate 3 two storey dwellings.
- 4.2 The principle of the development is considered acceptable given that it would be a modest increase in the existing business floorspace and would provide additional residential accommodation in a highly accessible location.
- 4.3 The design, layout, scale and massing of the proposed development is considered to be visually acceptable and would visually integrate with the surrounding properties and be in keeping with the built form and scale of the surrounding area. The development would add visual interest to what is an existing poorly maintained and dilapidated site.
- 4.4 The quality of the resulting commercial and residential space is on balance considered to be acceptable, complying with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (2016). The Core Strategy aims to ensure that in the future an adequate mix of dwelling sizes are delivered within new development, alongside the protection of existing family housing. Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation. Development Management Policy DM 3.4 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. The removal of a previously proposed basement level to the proposed houses and the reduction of the number of new units from 4 to 3 with larger rear gardens is considered to have overcome the previous sole reason for refusal issued by the council and upheld at appeal by the Planning Inspectorate.
- 4.5 The proposal also secures the full small sites payment of £150,000 towards off site affordable housing provision and CO2 offsetting fee of £4, 500. This will be secured through a Unilateral Undertaking.
- 4.6 Private amenity space is provided (Unit 1: 14.5 sqm; Unit 2: 12.8 sqm; Unit 3: 12.4 sqm), whilst it would be below the Council's requirements, it is considered acceptable given the tight constraints of the site.
- 4.7 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 which identifies that all new development shall be car free. Appropriately located cycle parking facilities for residents have been allocated within the site in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'.
- 4.8 The development would be located in close proximity to adjoining commercial and residential uses. Careful consideration has been given to ensure that the proposed built form and layout of windows would not materially prejudice the amenity levels of adjoining occupiers/users. Where there will be negative impacts these are considered to not be so material in scale to justify the refusal of the application.
- 4.9 In terms of accessibility, refuse and sustainability credentials the proposed development is considered to be compliant with the council standards and expectations for a development of this scale and type. Conditions are suggested to ensure this moving forward. The proposal is therefore recommended for approval, subject to conditions and S106 legal agreement.

4.10 During the assessment of the application, amended drawings were received to address overlooking and privacy concerns of adjoining occupiers to the rear of properties along Bracey Street and to directly address the secure by design officer's comments to secure a fully secure development. These changes and opaque screening to the rear facing bedrooms of the residential units have been fully considered within this report.

4.11 The recent Inspectors appeal decision has been given significant weight in the assessment of this current application.

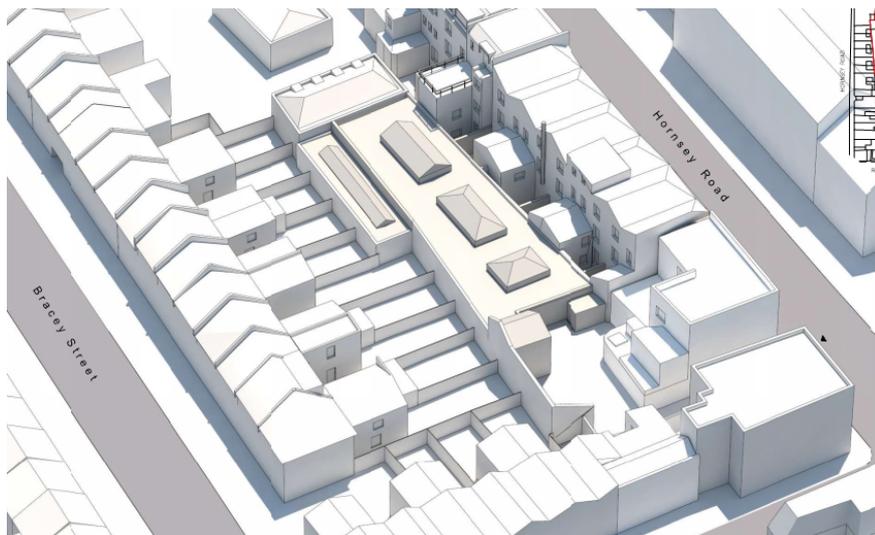
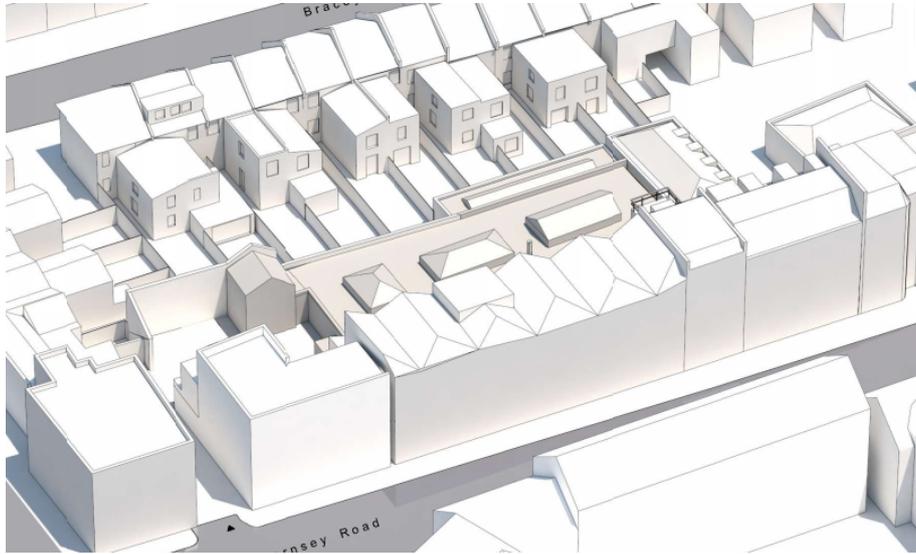
## 5. SITE AND SURROUNDING

5.1 The site is located on the eastern side of Hornsey Road and is land locked to all sides by a mix of residential and commercial units. The site has only one vehicular access from Hornsey Road. Adjoining the site and close to the existing access road is 440 Hornsey Road, a Grade II Listed building which comprises a mosque which was formerly known as the Hanley Arms Public House. The site itself is not listed and is not located within a Conservation Area. The site is of irregular shape and has no street frontage. The existing building consists of single floor level with high ceilings and large series of rooflights representing a building of nearly two storeys in height internally. The existing arrangement on site includes a large warehouse structure which abuts the rear boundary walls of Bracey Street and Hornsey Road with an open parking and courtyard area facing the main access into the site and the rear of properties along Thorpedale Road. The existing buildings are in a poor state of repair and are vacant and considered to offer a negative visual impact on the surrounding area albeit being minimally visible being located within its backland location. The site has historically been used a glass merchant, glazing company contractors, workshop, office and ancillary storage. The site is located within an Employment Growth Area



Existing site layout and coverage

- 5.2 The site has a PTAL rating of 2 with the closest tube station being Archway which is located 0.8 miles from the application site. The site is located within a designated Environment Agency flood risk category 1 which indicates that the majority of the site is at a very low risk of surface water flooding.



Existing built form of the application site from Hornsey and Thorpedale Road.

## 6. PROPOSAL (in Detail)

- 6.1 The application seeks to demolish all the buildings on site to create a mixed use development with both commercial and residential components. The proposed height of both the commercial and residential aspects of the scheme is two storeys in height above ground level with the commercial office accommodation located in the northern section of the site and comprising of office accommodation within a proposed basement level and related space at ground and first floor level. The residential section would be located in the south eastern section of the site and would abut the commercial section of the site albeit with no proposed basement and access would be from a proposed courtyard through the main access gate from Hornsey Road.

### *Commercial elements of the scheme*

- 6.2 The proposal seeks to remove all the existing buildings from the site which comprises of 440 sq metres in an inefficient layout on the site and replace it with a two storey plus basement office building located towards the entrance of the site from Hornsey Road. The space created would equal 490 square metres with 194 sq metres at basement level, 153 sq metres at ground floor level and 143 sq metres at first floor level. These office spaces are proposed to be capable to be used flexibly into the future as a number of small office units or larger units as the market demand may dictate. The existing eastern boundary wall is proposed to be reduced in height from 1.24 metres at the highest point towards northeast/eastern edge of the site to a reduction of the existing wall by 0.91 metres towards the residential section of the scheme all facing the rear gardens of properties along Bracey Street.

### *Residential Scheme*

- 6.3 The current proposal seeks to erect three 2 storey residential dwellings in the south eastern corner of the site. The previous dismissed scheme sought permission for 4 self-contained dwellings and included a full basement level for each of the proposed dwellings. The current proposals do not have a basement level proposed for the residential units in a direct attempt by the applicants to address the one previously reason for refusal:
- 6.4 The proposal is a resubmitted scheme (P2016/3218/FUL) which was refused under delegated authority on the 19<sup>th</sup> December 2016 the following reasons (**See appendix 3**):

*REASON: The proposal fails to provide a satisfactory standard of amenity for the future occupiers of the proposed family sized units, by reason of poor levels of outlook, creation of undue sense of enclosure, and resultant poor living environment to the main habitable spaces of the proposed units at basement, ground and first floor levels. Therefore the proposal is contrary to policies 3.4 and 3.5 of the London Plan (2015), policies CS8 and CS9 of the Islington Core Strategy (2011) and policies DM2.1 and DM3.4 of the Islington Development Management Policies (2013).*

- 6.5 The main differences between this previously refused and dismissed appeal scheme are as follows:
- The removal of the proposed basement level accommodation to the residential units within the scheme.
  - Reduction of the residential units from 4 to 3 units overall with a change in the mix from 4 x 2 beds previously to 2 x 2 beds and 1 x 3 bed currently.
  - Reconfiguration of the residential floor spaces and enlargement of rear gardens.
  - Increase in the proposed employment space from previously 456 sq metres to the current 490 sq metres. (Uplift of 44 sq metres)
  - Minor elevation alterations, screening details to the front and rear first floor of the development and further landscaping details.
  - Reduction in the height of the entire existing eastern boundary walls by varying amounts from 1.24 metres at the maximum to 0.91 metres towards the residential section of the scheme.

- 6.6 The proposed development would develop the majority of the site with new built form of two storeys with open courtyards and associated paving and landscaping. The proposed buildings would have a simplistic yet contextual modern form utilising handmade brick finish at ground floor levels and metal cladding to the first floor levels with flat roofs and extensive green roofs and solar panels. The proposed 3 residential units would have access to a private rear garden space.
- 6.7 The site itself would have a new access gate to create a secure and safe main entrance to the site which has no through route. The eastern existing boundary wall facing the rear gardens of Bracey Street is proposed to be lowered by varying heights from 1.24 metres to 0.91 metres to create better rear garden spaces for the proposed residential units. All other existing boundary walls along the northern, southern and western boundaries of the site would remain unaltered. Previous plans to lower the existing western shared common boundary walls of the site and the rear of properties along Hornsey Road have been removed from the proposal and these boundary walls will remain as existing. The northern and southern boundary walls would not be changed in height also.

## 7. RELEVANT HISTORY

### PLANNING APPLICATIONS:

- 7.1 19/12/2016 Planning Application ref P2016/3218 Refused 19<sup>th</sup> December 2016 for the demolition of the existing warehouse buildings at 440 A Hornsey Road and erection of a mixed use development comprising of 456 m<sup>2</sup> of commercial space (use class B1) and 4 two storey residential dwellings with basement levels.

**REASON(S) FOR REFUSAL:** The proposal fails to provide a satisfactory standard of amenity for the future occupiers of the proposed family sized units, by reason of poor levels of outlook, creation of undue sense of enclosure, and resultant poor living environment to the main habitable spaces of the proposed units at basement, ground and first floor levels. Therefore, the proposal is contrary to policies 3.4 and 3.5 of the London Plan (2015), policies CS8 and CS9 of the Islington Core Strategy (2011) and policies DM2.1 and DM3.4 of the Islington Development Management Policies (2013). **(See Appendix 3 for decision notice and subsequent appeal decision.**





CGI visuals of the refused scheme and dismissed at appeal.

- 7.2 21/12/2015 Planning Application (ref: P2015/3118/FUL) refused for *Demolition of existing warehouse buildings at 440A Hornsey Road (Use Class B1) and erection of 5 no. three storey residential dwellinghouses with green roofs and three storey commercial unit (Use Class B1) measuring 325sqm at 440A Hornsey Road London N19*
- 7.3 P111702 - Construction of three storey plus basement building comprising x 2 office/light industrial uses (B1 use class) in basement, x 6 two bedroom (three and four person) flats on ground, first and second floors including demolition of existing light industrial building (B1 Use Class). Conservation area consent application P111703 also submitted. (Withdrawn 20/03/2013)
- 7.4 P112614 - The demolition of a single storey warehouse and the erection of a two storey plus basement building, comprising four 2-bedroom flats and two B1 office/workshop spaces. (Refused. 30/07/2012)

**ENFORCEMENT:**

- 7.5 None

**PRE-APPLICATION:**

- 7.6 Pre-application Advice (ref: Q2014/4209/MIN) in relation to redevelopment of the site including the demolition of the existing office building and creation of 389sqm of office (Use Class B1) and 5 no. three storey residential units (Use Class C3) utilising the existing access to the site off Hornsey Road. 440A Hornsey Road.
- 7.7 Advice was provided that any redevelopment of the site must ensure the provision of the maximum amount of business floorspace reasonably possible. Secondly, as the site is currently in business use, even without DM5.1A the Council would require no net loss of business floorspace in accordance with DM5.2A. Proposals that would result in a loss or reduction of business floorspace will be refused unless it can be demonstrated that there are exceptional circumstances, through the submission of clear and robustly evidence which shows there is no demand for the floorspace.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of adjoining neighbouring properties along Hornsey Road, Thorpedale Road and Bracey Street on the 10<sup>th</sup> January 2018, and site notice and press adverts were also displayed with the consultation ending on the 8<sup>th</sup> of February 2018. Following the receipt of amended drawings (introducing rear first floor opaque glazing to the proposed residential units) a further 21-day consultation occurred on the 19<sup>th</sup> July 2018 and this period of reconsultation ended on the 16<sup>th</sup> August 2018.
- 8.2 The consultation period has expired; however, it is council policy to accept letters of representation up until the date of determination. At the time of the writing of this report 13 letters of objection and a petition comprising of 294 signatures objecting to the proposal have been received, with the areas of concerns raised summarised as follows (with paragraph numbers stated in brackets stating where the issue is addressed)
- Inappropriate design and visual appearance on the surrounding area (**10.14-10.24**)
  - Height of building and harm to the setting of the adjoining Hanley Arms (440 Hornsey Road) (**10.14-10.24**)
  - Loss of daylight/sunlight to neighbouring properties. (**10.45-10.57**)
  - Loss of privacy/outlook to the rear and front of the development of neighbouring properties along Hornsey Road and Bracey Street. (**10.55-10.57**)
  - Increased enclosure levels to adjoining properties (**10.55-10.57**)
  - Poor standard of accommodation and living space for future occupiers of the units. (**10.25-10.32**)
  - Concerns over access issues and parking congestion in front of the site. (**10.60 -10.66**)
  - Safety concerns over emergency access and fire brigade. (**Fire brigade and Met Police raise no objections to the proposed development**)
  - Fear of anti-social behaviour and crime around the site. (**10.80 to 10.83**)
  - Object to lowering of boundary walls in terms of structural integrity, safety and overlooking. (**10.33-10.40 &10.45-10.59**)
  - Object open courtyard areas within the proposed development adjoining rear of properties along Hornsey Road in terms of security. (**10.78 to 10.81**)
  - Structural and ground concerns regarding the basement excavation and proposals for the site. (**10.33-10.40**)
  - Traffic and noise from construction concerns related to the development. (**10.60-10.66**)
  - Compromise neighbours plans for a vertical garden on flat roof area of 432 Hornsey Road. (**No impact here, officers cannot withhold planning permission on the basis of what may or may not happen on a different site without a clear causal link between the two. In this case there is no such link.**)

- Noise pollution and transference from the increased commercial and residential use. (**10.85 to 10.86**)
- Refuse and recycling concerns (**10.78-10.79**)
- Impact on the fire escape and emergency access (**Fire brigade raises no objections to the development**)
- Disruption during construction period. (**10.83-10.85**)
- Query the veracity of the lighting strategy and its impact on adjoining properties. (**10.82**)
- Object to the use of green roofs and measures to attract birds and bats to the development as a whole. (**10.77**)

### **Internal Consultees**

- 8.4 **Design & Conservation:** raised no objections to the proposal bearing in mind the backland nature of the site and the very poor appearance of the existing buildings on site. Considered the low height and scale of the proposed development including proposed setbacks away from the boundaries with the adjacent Grade II Listed building would have a neutral impact on its setting and wide urban setting compared to the existing buildings within the site. Noted careful conditions of refuse store adjacent to list building and opportunity should be taken to improve access way and entrance gate into the site to improve the visual amenity of the area.
- 8.5 **Policy officer:** Bearing in mind previous refusal reasons and Inspectors findings: No objection – Notes the uplift in commercial space over the existing amount on site of 50 sq metres which is welcome in an employment growth area.
- 8.6 **Pollution (Acoustic) Officer:** raised no objections subject to conditions regarding a construction management plan, construction environmental plan, noise equipment condition for ground source heat pumps proposed and a land contamination condition.
- 8.7 **Inclusive Design Officer:** Initial concerns regarding achieving category 2 housing addressed with amended plans and further conditions to be secured.
- 8.8 **Sustainability Officer:** raised no objections subject to energy and sustainability conditions. Welcome green roofs and solar panels.
- 8.9 **Highways: Officer advises the imposition of a construction management plan and advises that conditions are attached to ensure:**
- 1 that no vehicles will be permitted to wait and load from Hornsey Road for any duration to prevent an impact on the strategic road.
  - 2 Delivery and service plan to be submitted before commencement of works on site.
  - 3 A condition to be secured requiring a condition survey of the public highway will be taken and formally submitted to Islington Streetworks for approval before works commence on site.
- 8.10 **Licensing:** No comments
- 8.11 **Street Environmental Services refuse:** No objections to revised bin storage facilities and location.

## **External Consultees**

- a. **English Heritage (GLAAS):** Responded no comments to make in relation to the application.
- b. **Fire Brigade:** no objections to the proposal subject to the application meeting the requirements of approved document B5 of the Building Regulations.

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

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

- 9.1 National Planning Policy Framework (NPPF) (2018): 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.
- 9.2 At paragraph 8 the NPPF (2018) states: "that sustainable development has an economic, social and environmental role".
- 9.3 The updated National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 Planning Practice Guidance for England has been published online.
- 9.4 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.
- 9.5 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.

9.6 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.

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

9.8 Details The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

9.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, and 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.

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

Land use

Design and visual impact on the street scene and adjoining Grade II Listed building.

Mix and standard of accommodation

Basement development

Inclusive design

Impact on neighbouring amenity

Transport and highways

Affordable housing

Sustainability

Waste/Recycling

Security issues and crime issues

Land contamination

Noise and light pollution

## **Land use**

### **Principle of business floorspace**

10.2 The proposal would result in the demolition of the existing buildings used as workshops and glass merchants. The existing building consists of 440 sqm of business floorspace. Following amendments to the scheme the proposed building would create 490 sq metres of floorspace for business use (B1 Use), at basement, ground and first floor levels. It is noted that the site is located within an employment growth area and the maximisation of new and increased employment floorspace is expected by policies DM 5.1 & 5.2.

10.3 Policy DM5.1 of Development Management Policies (2013) provides advice on the provision of new business floorspace. The most relevant sections of this policy are Part A and Part F. Part A states the following:

*'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*

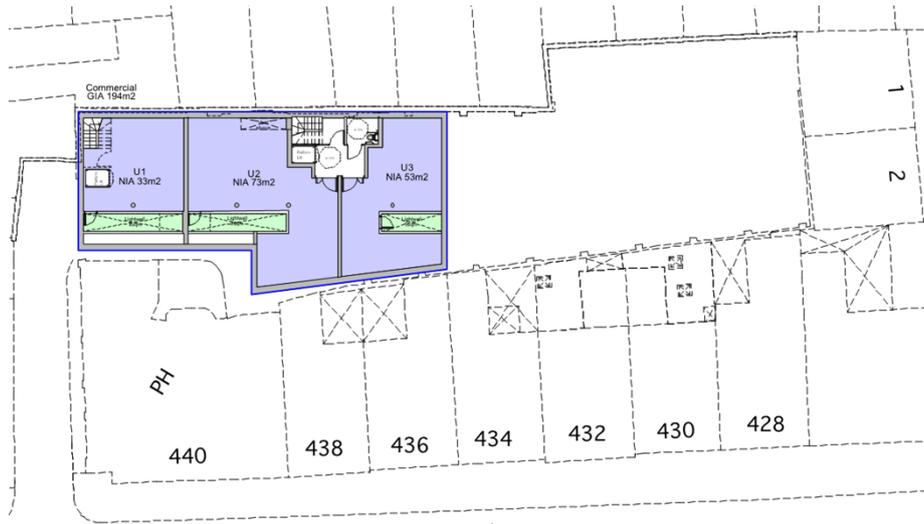
*ii) a mix of complementary uses, including active frontages where appropriate'.*

10.4 Part F states the following:

*'New business floorspace must be designed to:*

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

10.5 It is considered that the reprovided office floorspace will be of a high quality with a good layout and access through the site offering flexible workspaces to cater for a variety and mix of uses within the employment sector. It is noted that the propose basement office space has limited outlook and ventilation with small front and one internal courtyard to U3. However, the overall sizes and layout of the units are considered to be useful for small office spaces and commercial activities and addresses the tight constraints and physical limitations of the site adequately in this particular case.



Proposed basement plan



Proposed ground floor plan



Proposed first floor plan

- 10.6 Given the total business floorspace would be increased to what currently exists with an uplift of 44 sq metres, having regard to the constraints of the site, and the other material considerations in the assessment of the application, it is considered that the proposal has provided the maximum amount of business floorspace reasonably possible on the site, to comply with both sections i & ii of DM policy 5.2. Furthermore, it is considered the proposal would comply with section ii, given the proposal would include new residential units, which are found within the surrounding area, and would be complementary the proposed business floor space.
- 10.7 In terms of Part F, the proposal is considered to have future flexibility for a range of uses, including subdivision and / or amalgamation for a range of business accommodation, including for small businesses. The new business floorspace would be split between the basement, and ground and first floor levels.
- 10.9 The proposal is considered to comply with Part F, section ii, given that the scheme separates the access to the residential units, which have individual entrances, from the business floorspace which are accessible from the west elevation towards the south of the building.
- 10.10 Notwithstanding the above it is acknowledged that Policy DM5.4 requires the development proposals for employment floorspace, within Employment Growth Areas and Town Centres, must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. However, this policy relates to major developments.

#### **Proposed residential uses.**

- 10.11 The proposed creation of a residential units as part of a mixed use scheme is supported in principle. The council has a strong need for additional good quality housing provision and commercial floorspace. It is widely accepted that B1 office uses can function well in tandem with residential units when designed well without adversely affecting the quality and functioning of either use or causing undue negative impact on adjoining units.
- 10.12 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide more high quality, inclusive and affordable homes within the borough. As such, in principle, it is considered in land use terms that the redevelopment of this site for residential units is acceptable, subject to the appropriate reprovision of business floorspace.
- 10.13 It is also considered that, given this narrow back land location, other commercial uses such as retail would not be appropriate, and an active frontage in this case, is not necessary. Furthermore, the principle of a mixed use redevelopment of the site was not objected to by the council or the Planning Inspectorate previously.

#### **Design and Impact on the Conservation Area**

- 10.14 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.

10.15 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Paragraph 190 requires applicants to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.

10.16 Paragraphs 190 to 196 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."

10.17 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance, the proposal seeks planning permission for the demolition of the existing single storey building to be replaced by a proposed two storey building with a basement level below.

#### *Site layout*

10.18 The site is not located within a conservation area but adjoins a Grade II Listed building and occupies a tightly constrained backland site. At present the existing buildings on site while low scale in overall massing and height offer little visual interest to the site. The lack of breaks in built form along the majority of the boundaries (including the Grade II Listed buildings) creates a relatively cramped existing site coverage overall which offers little visual interest when viewed from the surrounding private realm.

#### *Height and massing*

10.19 The proposed development is considered to be of an appropriate overall height, scale and massing bearing in mind the immediate context of larger two to three storey buildings fronting Hornsey Road and Thorpedale Road. It is well established in townscape terms and on constrained sites for the need to create lower subservient buildings to adjoining built context to create an integrated scheme. In this case the additional height of the proposed development is not considered to be excessive bearing in mind the context and the relationship of the site to adjoining properties. The development has purposely been set away at ground and first floor levels from the rear of properties 422 to 440 Hornsey Road in recognition of the close proximity of these buildings at present to try and better reveal the setting of the adjoining Grade II listed building which is welcomed. The overall massing and height of the development is considered to be a contextual and subservient response to the surroundings which seeks to create useful space without dominating its surrounds in visual terms.



Proposed CGI aerial view of the development from Hornsey Road.



Proposed aerial view from Bracey Street.



Proposed aerial view from Thorpedale Road

### Detailed design and materials

10.20 The proposed design is intended to be read as one complete scheme with two distinct parts, one being commercial and residential. The building would be constructed of a simple yet contextual brick finish with the main finish being Highbury's hoskin brick with zinc cladding and aluminium framed windows, timber panelled bike store and access gate. The proposed first floor levels of the residential units would have partial obscure screening to the front to a height of 1.7 metres. The entire developments roof would be flat with extensive green roofs and solar pv panels.



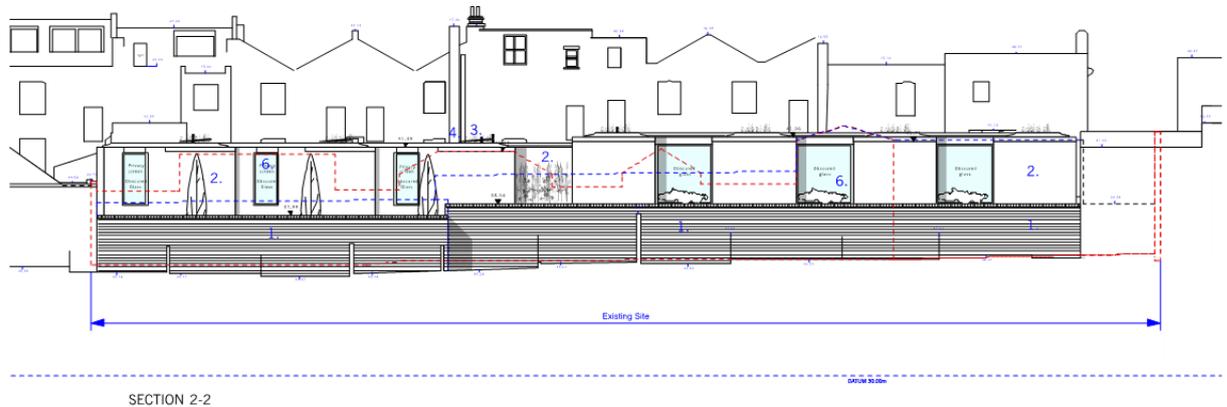
Proposed South-West Elevation (Section 3-3)

Proposed views of the development from the rear of properties along Hornsey Street.



Proposed North-East Elevation (Section 2-2)

- GF Landscape Redesign



Proposed CGI views of the development from the rear of properties along Bracey Street

### Setting of the adjacent Grade II listed building

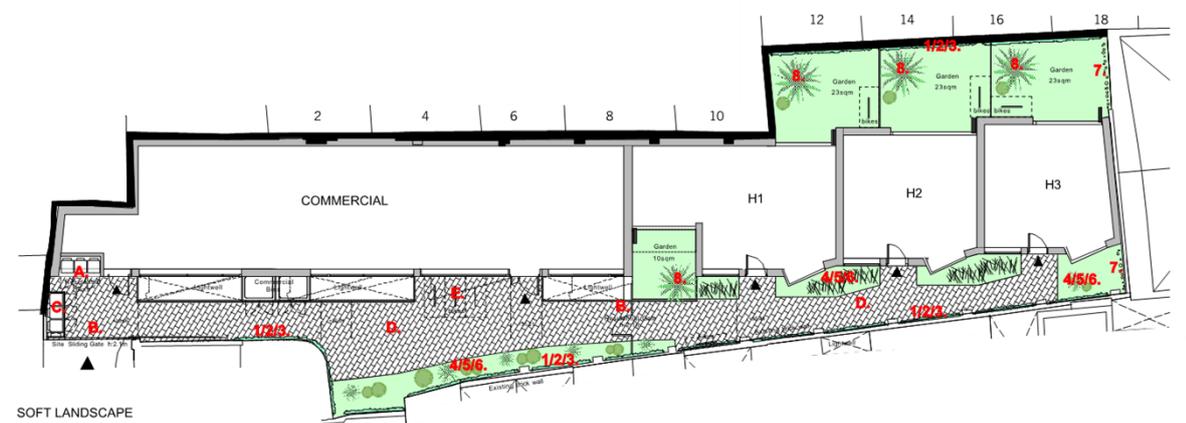
- 10.21 As detailed above, it is considered that the overall scale, massing and appearance of the proposed development offers a modern yet subservient redevelopment of the site that respects the immediate context and built form around the site. It is not considered that the proposed development would have any harmful visual impact on the setting of the adjacent Grade II listed building. This is particularly having regard to the present state of buildings on the site. The redevelopment will be set away from the rear elevations of this building and will create landscaped areas adjacent to the listed building which make the demarcation between both sites more legible and in fact enhance the setting of the listed building and its wider setting.
- 10.22 It is also important to note the Inspectors findings attached below in relation to a similarly designed redevelopment of the site which was at appeal.

22. The proposal would be situated behind Number 440 Hornsey Road; a grade II listed building, which is currently in use as a mosque. The architectural merit of the listed building is primarily confined to the front and side elevations. Taking into account the state of disrepair of the existing building on the appeal site, I consider that the proposal would result in a visual improvement to the appeal site. Also details of the bin store could be required by condition to ensure that this does not have an adverse effect on the setting of the listed building. Consequently, I consider that the proposal would preserve the setting of the listed building in accordance with the expectations of the Act<sup>1</sup>.

- 10.23 The proposed redevelopment of the site would offer a well-designed and attractive low scale development which would not dominate its backland location. The acceptable scale would remain subservient to its surrounding and would respect the setting of the adjacent listed building. Bearing in mind in the existing structures and appearance of the site it is considered that the redevelopment of the site would enhance the character and appearance of the site particularly from surrounding viewpoints from the private realm. The Council's Design and Conservation officer raised no objections to the scheme. The proposed development is considered to accord with DM policies 2.1, CS policy 9, The London Plan, Islington's Urban Design Guidance and the Updated NPPF 2018.

### Landscaping plans

- 10.24 The landscaping through the creation of paved courtyards, landscaped areas and the proposed green roofs will also significantly improve the landscaping around the site which will be visually attractive when viewed from surrounding properties over the existing situation on site and this is considered to be a visual benefit also to the scheme.



Proposed landscape plan

## Standard of accommodation

10.25 Policy DM3.4 of the Islington's Development Management Policies (June 2013) sets out the standards expected of accommodation in the borough. The size of the units would comply with and exceed the minimum floorspace requirements found within the Table 3.3 of the Development Management Policies (2013), and would have acceptable sized living areas and bedrooms. The units therefore comply with Policy DM3.4 in this regard.

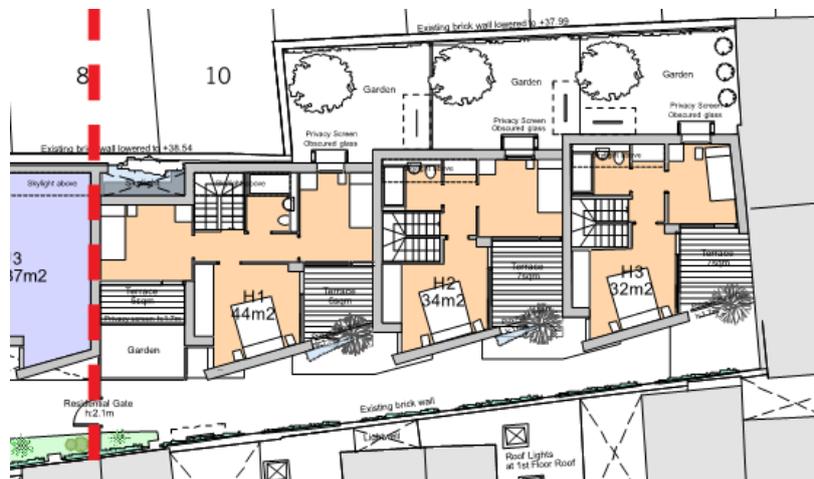
The following table shows the proposed unit sizes:

Unit	bedrooms	Required Floor Space (m2)	Provided Floor Space (m2)
Unit H1	3	61	98
Unit H2	2	61	75
Unit H3	2	61	76

10.26 In terms of amenity space, DMP policy DM3.5 states that all new residential development and conversions are required to provide good quality private outdoor space. The table below explains the proposed private amenity space for each unit:

Unit	Bedrooms	Required amenity Space (m2)	Provided amenity Space (m2)
Unit H1	3	30	44
Unit H2	2	17 to 18 sq metres	30
Unit H3	2	17 to 18 sq metres	30

10.27 The proposed amenity space for each unit consists of private rear gardens for each unit measuring 33 sq metres for the 3 bed unit and 23 sq metres for the 2 x 2 bed units and also includes 2 x first floor front terraces leading off the proposed bedrooms to unit 1 measuring 11 sq metres in total with the 2 bed units having one terrace each measuring 7 sq metres. Bearing in mind the constraints of the site it is considered that the units have very good provision of outside amenity space. Whilst the front terraces are small in nature and located close to the sites boundary wall to the rear of properties along Hornsey Road this creates some useful outside space for the bedrooms and the units have a larger more open rear private garden space to the rear.



Proposed ground and 1<sup>st</sup> floor floorplans including amenity space provision for the proposed residential dwellings.

- 10.28 The previously dismissed appeal schemes sole reason for refusal concerned poor living environment for prospective occupiers of the units to all the main habitable spaces at basement, ground and first floor level particularly in relation to outlook and poor enclosure levels. The current proposal has removed previous plans for bedrooms at basement levels and this has considerably improved the quality of the units overall. The reduction of the proposed residential units from 4 to 3 units and the change in proposed mix from 4 x 2 beds to the current 2 x 2 beds and 1 x 3 bed has also allowed larger rear gardens for each of the proposed units which is also a welcome amendment compared to the appeal scheme.
- 10.29 The proposed terraces to first floor levels are still small and the outlook from the proposed bedrooms is limited to a degree. However, enclosure and outlook concerns raised previously in terms of the overall quality of the proposed living units is considered to have been materially addressed and on balance overall particularly at ground level. It is considered that on balance having regard to the constraints of the site the proposed 3 units in this case have addressed the previous concerns and reason for refusal relating to the poor outlook and enclosure levels to the main habitable spaces of the proposed residential units. Whilst the outlook and enclosure levels to the proposed units at front ground and first floor level is restricted the units no longer have compromised and poor quality basement habitable spaces as previously proposed here.

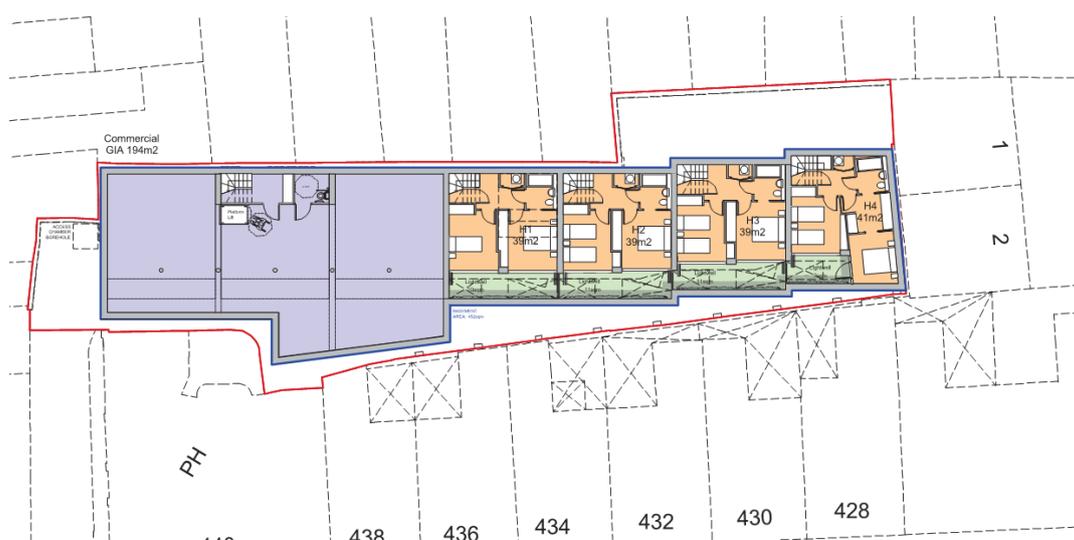
The units also have larger and more useful rear gardens than previously proposed which is considered to be a welcome and mitigating factor in this current scheme.

10.30 Previous Inspectors comments noted in particular concerns in relation to outlook and enclosures levels attached below. Members attention is drawn to the fact that as part of the appeal scheme there was habitable bedrooms proposed.

11. All of the properties at ground floor level would have an outlook onto a high wall to the front which would result in poor outlook and a sense of enclosure. In particular, due to the narrow walkway and proximity to the high boundary wall the outlook to Unit 4 would be significantly compromised and enclosed. I acknowledge that Units H2, H3 and H4 would look out onto a rear amenity space which would compensate for the lack of outlook to the front and provide some relief from the sense of enclosure. However, I note that the courtyard of Unit H1 is significantly smaller than the other units and is enclosed by high walls. At first floor level, the lounge area of Unit 1 would face out onto a small terrace in close proximity to the flank wall of the adjoining unit. Indeed, the living areas of Units H2-H4 would also look out onto flank walls of adjoining units, albeit they would have a larger terrace.

12. Attention is drawn to the dual aspect nature of the ground and first floor of Unit 1; however, both aspects would have an outlook onto a small courtyard/terrace, enclosed by high walls. Whilst Unit 1 would have a large courtyard to the basement, the walkway above would result in a compromised outlook and sense of enclosure. Although the heights of the existing walls are to be reduced they would, nevertheless, be of a significant height. I have had regard to the CGI images; however, they only serve to demonstrate the sense of enclosure which would be experienced.

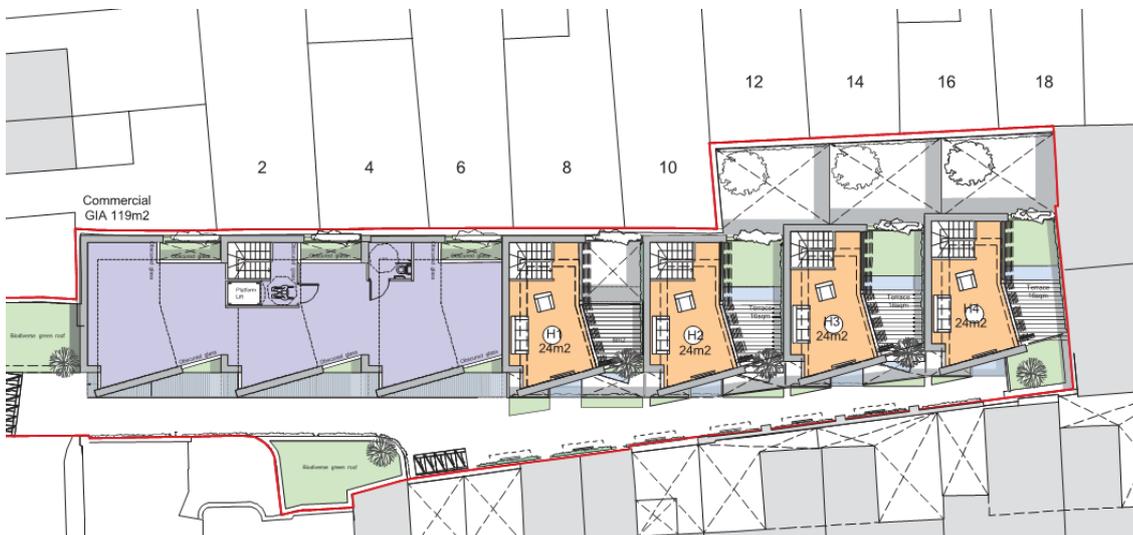
13. I acknowledge that an element of judgement may be required in assessing the outlook which would be experienced by a development proposal. Nonetheless, taking the above factors in combination, I consider that overall the proposal would provide a poor standard of accommodation. In particular Units H1 and H4 would experience unacceptable levels of outlook and enclosure.



Dismissed basement floor plan



Dismissed ground floor plan



Dismissed first floor plan

10.31 The proposed units are all dual aspect and provide a good level of sunlight and daylight from both aspects with good levels of natural ventilation. The submitted Daylight and Sunlight assessment shows that all rooms in the residential part of the scheme comply with both Annual Daylight Factor and Vertical Sky Component, in accordance with the BRE guidelines.

10.32 In conclusion it is considered that the proposed mix, number, size and quality of the proposed residential units is on balance acceptable and has adequately addressed the previous main reason for refusal concerning the quality of the proposed residential units living environment in this case.

### **Basement Development**

10.33 The proposal will also include the provision of a basement under the footprint of the proposed building and within the application site. The basement would benefit from front lightwells to provide an external source of daylight, outlook and ventilation. The Basement SPD sets out the relevant guidelines for commercial and mixed-use developments in paragraphs 7.1.16 and 7.1.17.

10.34 Paragraph 7.1.16 of the SPD sets out:

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

10.35 Paragraph 7.1.17 sets out:

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

10.36 A comparison between the extent of the proposed basement excavation on the appeal scheme (ref. P2014/4396/FUL) and the latest application can be made between the images below.



Extent of proposed basement within the current submission before members.



Extent of basement dismissed at appeal basement.

- 10.37 Paragraph 7.2.2 states that 'basements should generally not exceed 1 storey in depth, and not exceed 3m floor to ceiling height'. The depth of the basement level would be 1 storey which would be the same as those on the floors above. It considered that the depth of the proposed basement would be acceptable.
- 10.38 The extent and depth of the basement excavation within this application is considered to remain proportionate, subordinate to the above ground building element, and would not have an adverse impact on the character of its surroundings. The extent and depth of the proposed basement excavation accords with the relevant guidelines for commercial and mixed use developments in the Basement Development SPD and is acceptable in this regard
- 10.39 A Basement Structural Method Statement has been submitted by a Chartered Structural Engineer including a Ground Movement and Hydrological report and letter which indicate the potential ground movement related to the development from category 0 negligible damage to category 1 which is very slight damage this concludes that the construction of the basement is feasible and will not have an adverse impact on flooding, surface water flow, ground water flow, ground stability, or adjacent structures.
- 10.40 The amenity impact of the development in relation to the operation and construction of the proposed basement extension, including noise, air quality and vibration control would be subject to control by the submission of a Construction Management Plan (CMP) prior to the commencement of the development in accordance with the Basement SPD. It is therefore considered that the proposed basement level accommodation would accord with the requirements of the Basement SPD.

### **Inclusive Design**

- 10.41 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. 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.
- 10.42 Islington's Inclusive Design SPD states: 'The distance from car parking spaces, bus stop, dropping-off, car club and loading bays to the main entrance to the development should be kept to a minimum (no more than 50m), and the route to the entrance of the residence wheelchair accessible. The maximum distance between the dropping off point at the main entrance and unit H3 (furthest residential unit from the entrance) is 43m, which is wheelchair accessible. Therefore, the proposed development is in line with the Inclusive Design SPD.
- 10.43 On the proposed commercial units there are platform lifts for wheelchairs/mobility scooter. There are no longer any bedrooms at basement level and therefore the bedrooms can be accessed at first floor level. All of the residential units meet the DMP housing standards (DM3.4) and NSS and therefore provide enough room for the potential for a stair lift. Overall, the proposed development meets all aspects of policy DM2.2 Inclusive Design.
- 10.44 A condition has been attached to ensure that the proposal would achieve the Inclusive Design SPD standards. The proposal is therefore considered acceptable and the units would generally conform to accessible standards set within the Supplementary Design Guide (Inclusive Design) and would be compliant with Policy DM 2.2 (Inclusive Design) of the Development Management Policies 2013.

## Neighbouring Amenity

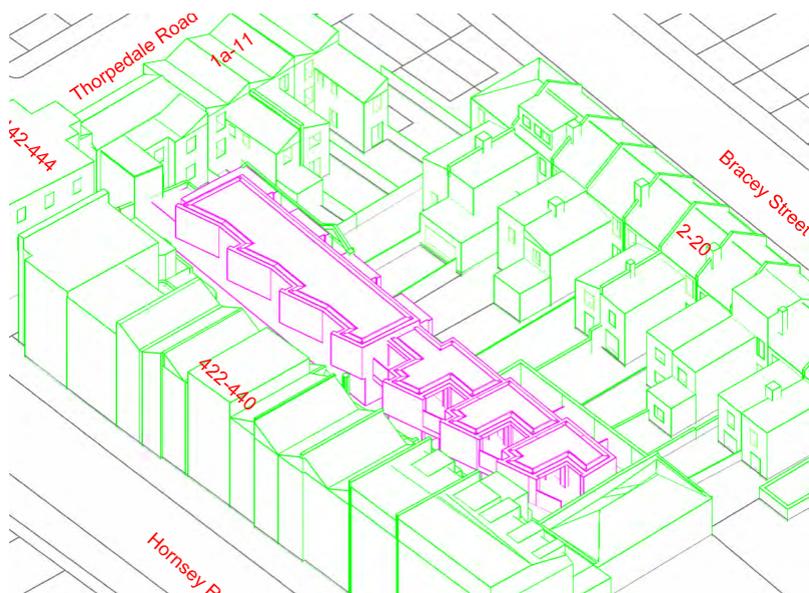
- 10.45 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 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.
- 10.46 Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. 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.

### Daylight/Sunlight

- 10.47 The loss of daylight can be assessed by calculating the Vertical Sky Component (VSC) which measures the daylight at the external face of the building. Access to daylight is considered to be acceptable when windows receive at least 27% of their VSC value or retain at least 80% of their former value following the implementation of a development. Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.
- 10.48 BRE Guidelines paragraph 1.1 states: *"People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by"*. Paragraph 1.6 states: *"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings"*.
- 10.49 Daylight: the BRE Guidelines stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either:  
*the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*  
  
*the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."* (No Sky Line / Daylight Distribution).
- 10.50 At paragraph 2.2.7 of the BRE Guidelines it states: *"If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time."*

10.51 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost n40% for a completely unobstructed vertical wall.

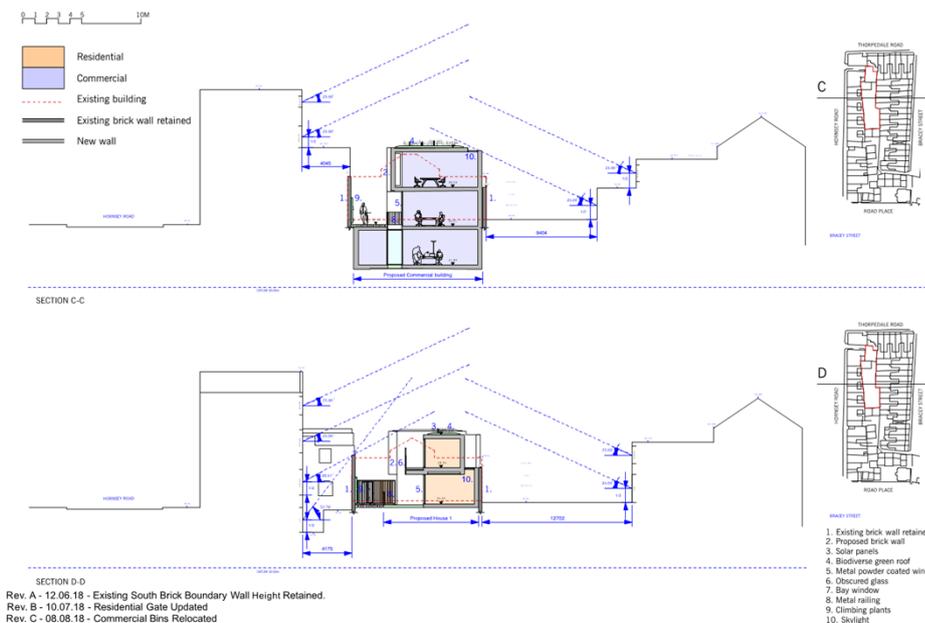
10.52 All the immediate surrounding properties have been tested to ascertain the potential loss of daylight and sunlight as a result of the proposed development. The closest neighbouring properties are found to the north, east, west and south of the site, being the upper floors of 442 to 444 Hornsey Road and 1a to 11 Thorpedale Road to the northeast and north of the site, 2 to 20 Bracey Street properties to the east of the site and 422 to 440 Hornsey Road to the west of the site. The diagram below shows these properties in relation to the application site. The buildings to the south of the site are enclosed by high boundary walls to a height of nearly two storeys so there is not considered to be any adverse impact on this building in any form.



Properties rear habitable room windows adjoining the site evaluated for sunlight/daylight purposes.

10.53 The submitted sunlight/daylight report shows quite clear results which comply fully with the Bre standards with no significant or material loss of sunlight/daylight to any of the adjoining properties around the site. The rear habitable room windows pass the VSC tests easily to indicate negligible impact on adjoining properties in terms of any potential material loss of sunlight/daylight. It is important to note that the existing site is bound by a reasonably high boundary wall facing onto all adjoining properties rear gardens and curtilage and that the overall scale of the development at two storeys in height being set off the main boundaries with adjoining properties further ensures that there would be no material loss of daylight/sunlight to adjoining properties/uses in this case.

10.54 The drawing below clearly shows the proposed massing of the development over what exists on site at present and how this would impact the amenity levels of adjoining occupiers. The boundary walls would remain the same height along and northern and southern boundaries. The south eastern boundary backing onto the rear gardens of Bracey Street properties would be lowered by metres 1.24 metres along the rear commercial elevation and by 0.91 metres along the rear elevations of the residential section to allow a better rear garden space for the proposed residential units and access to light for the commercial spaces. The outline of the existing form can be seen on the drawing showing the proposed building as higher although more set back away from the shared boundaries of the site in the south eastern corners compared to the existing built form. The proposed development will clearly be higher and more visible from the rear of adjoining properties than the existing built form on site but this increase in height and overall scale is not considered to give rise to any material loss of sunlight/daylight.



Sections through the proposed development and relationship to adjoining properties.

*Outlook, overlooking, privacy and enclosure*

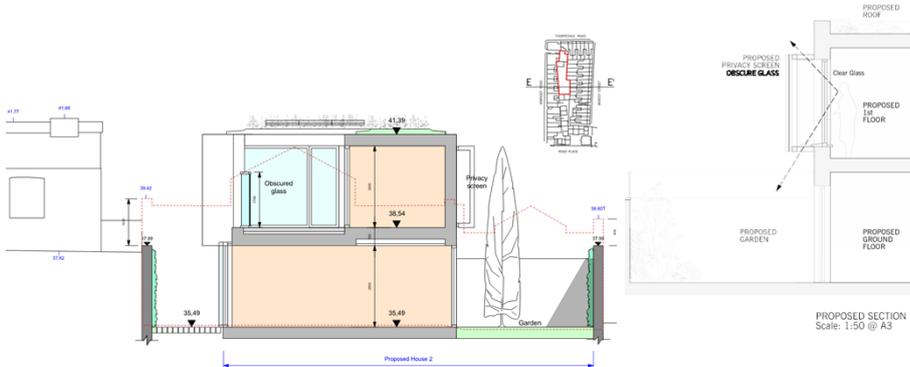
10.55 Outlook and enclosure – the visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces – can be affected by the close siting of another building or structure. Depending on its proximity, size and appearance – can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property, particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.

10.56 As the proposal would increase the height of the building to two storeys overall compared to the existing building on site, it is expected that there would be some impacts on outlook from adjoining occupiers towards the site. Inevitably the proposed building will become more of a feature from these viewpoints. The larger section of the development containing the commercial spaces would be located towards the non-residential rear elevation of 440 Hornsey Road (mosque) and other properties along this road would maintain their high boundary wall which would limit the view and experience of the built form from the lower levels of adjoining properties. It is also noted that the residential elements of the proposal will not have any windows directly looking towards the rear of properties along Hornsey Road. The rear first floor windows to the residential and commercial floors will be located varying distances from its shortest 8.3 metres to the longest at nearly 20 metres as the gardens vary in overall depth in relation to the application site. The rear first floor windows of the residential and commercial spaces are proposed to be opaque glazed to avoid direct overlooking and address privacy concerns.

10.57 It is noted that the front elevation of the development will face the existing high boundary wall of 428 to 440 Hornsey Road at a very close distance of at its smallest 2 metres to the common boundary wall with the distance between the upper floor rear elevations of the properties along Hornsey Road and the development measuring approx. 7.1 metres at its shortest point. It is recognised that this distance is close and that the development will be experienced and visible over the existing boundary wall. While noticeable and visible from these properties the majority



10.59 The acceptable design, scale, massing, height and window treatments are considered to have been well considered to ensure that the development will safeguard the amenity levels of adjoining occupiers to exert no material loss of outlook, enclosure nor increased incidence of overlooking or loss of privacy as a result of the proposed development.



Details of rear first floor opaque screening to bedrooms within the residential section of the scheme.

### **Transport**

10.60 Policy DM8.4 states that minor developments creating new residential are required to provide cycle parking in accordance with the minimum standards set out in Appendix 6. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. The proposed units will be car free in accordance with policy CS10 of the Core Strategy. The exceptions to this are blue badge holders and Islington residents who have already held a permit for the specified period of one year. This will be secured via legal agreement.

10.61 In this instance, 1 cycle space per bedroom (7) should be provided. Cycle storage provision has been incorporated within each unit for two cycles, at ground floor level. It is considered that this provision would be adequate for the residential units.

10.62 For the business floorspace element of the proposal, 1 cycle storage space is required for each 80 sqm of floorspace. The total proposed floorspace requires provision of 6 cycle spaces. The applicants have committed to providing 22 cycle spaces for the development as a whole.

10.63 With regards to the servicing of the business floorspace, the previous uses on site only ever had a narrow access into the site. DM policy 8.6 outlines the council's expectations for the provision for delivery and servicing arrangements in new developments for off street servicing particularly for commercial developments over 200 sq metres. To ensure that proposed delivery and servicing arrangements are acceptable:

*It must have demonstrated that servicing and delivery vehicles can enter and exit the site in forward gear.*

*Details shall be submitted to establish the delivery and servicing needs of developments.*

*Details of refuse and recycling must be submitted indicating locations for collection vehicles to wait and locations of refuse and bins stores within the site.*

- 10.64 It is noted that it is difficult for vehicles to enter the existing site in a forward gear due to the narrowness of the site and the historical use of the site has not had easy access for the site to be accessed in a forward gear from Hornsey Road. It is considered that to create a development to enable the forward entering and exiting of the site by vehicles would require a drastic reduction in the scale of the development to the detriment of the visual amenity of the area and the loss of employment and residential floorspace.
- 10.65 It is considered that the overall scale, quantum and layout of the site has evolved to create a proportionate development of the site which will be able to function well without this ability to be serviced in forward gear from Hornsey Road. The commercial space is of a reasonable size and is located through the main access gate to ease delivery and servicing overall the development is built out and as it functions.
- 10.66 The councils transport officer has requested detailed construction management and delivery and servicing plans to ensure the final development is carried out carefully bearing in mind the limited access route into the site. Additionally, a condition be secured to carry out a survey of the public highway around the site to be undertaken and details and results of which to be submitted to the councils for approval prior to the commencement of the development in this case. Subject to these conditions it is not considered that the proposed mixed use development here would require any more servicing and delivery requirements over what has historically existed on site.

#### **Small sites (affordable housing) and Crossrail contributions**

- 10.67 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) “.... all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.”
- 10.68 Islington’s Affordable Housing Small Sites Contribution SPD (2012) states that ‘all minor residential developments resulting in the creation of one or more additional residential unit(s) are required to provide a commuted sum of £50,000 per unit, towards the costs of providing affordable housing units on other sites within the borough’. Therefore, the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units, which is applicable in this instance.
- 10.69 Government planning policy on affordable housing contributions is set out in the National Planning Policy Framework (NPPF as revised 2018), having originally been introduced in a Written Ministerial Statement (WMS) made in Parliament on 28 November 2014 by the Secretary of State for Communities and Local Government. Neither the NPPF nor the WMS has statutory weight; both are material considerations which must be given weight according to the circumstances of a particular application. They do not override the operation of planning

statute, namely s38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

10.70 The NPPF (para 63) states that provision of affordable housing should not be sought for residential developments that are not major developments. The Islington Core Strategy requires sites delivering less than 10 residential units to provide a financial contribution towards affordable housing elsewhere in the borough. Further detail, including the level of contribution, is set out in the Affordable Housing Small Sites Contributions SPD.

10.71 The need for affordable housing in Islington is substantial, and processes are in place to ensure that the borough's small sites policy does not have a disproportionate impact on the financial viability of developments. Whilst the NPPF is a material consideration and weight must be given to it, the council must also consider whether local circumstances with regards to affordable housing and the nature of development sites should be given equal or greater weight. The recent appeal decisions supporting the borough's approach to small sites affordable housing contributions are also a material consideration, and suggest that local circumstances are such that more weight can be attached to the borough's adopted development plan policy than the NPPF. Therefore, Islington will continue to consider Core Strategy policy CS12 part G as part of the decision making process for relevant applications, and assess the weight to be given to it against local and national policies.

10.72 The proposal would create 490 square metres of floorspace with a small uplift of 44 sq metres compared to the existing quantum of existing commercial floorspace. As such, financial contributions would be required in the funding of Crossrail, and the Mayoral Community Infrastructure Levy in this instance.

10.73 The Applicant has agreed a Unilateral Agreement for payment of the full contribution to off-site Affordable Housing of £150,000 and £4,500 towards Carbon Offsetting measures will be provided to the Local Planning Authority, prior to issuing of a decision notice. Therefore, the proposal complies with policy CS12G of the Islington Core Strategy (2011) and the Islington Affordable Housing Small Sites Contributions SPD (2012) and the Environmental Design SPD (2013).

### **Sustainability**

10.74 Policy DM7.2 requires developments to achieve best practice energy efficiency standards, in terms of design and specification. Minor new-build residential developments of one unit or more are required to achieve an on-site reduction in regulated CO<sub>2</sub> emissions of at least 19% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2013 (equivalent to Code for Sustainable Homes level 4), unless it can be demonstrated that such provision is not feasible.

10.75 An Energy and Sustainability statement has been submitted. The document illustrates that the scheme will incorporate a number of sustainability measures including construction details, and the use of photovoltaic panels and a green roof. A condition will ensure the implementation of these measures and compliance with a reduction of 19% of regulated CO<sub>2</sub> emissions. In addition, a contribution of £1,500 per unit towards carbon offsetting is secured through a unilateral legal agreement.

10.76 Policy DM7.4 provides advice in relation to Sustainable design standards. The submitted Energy Strategy report has confirmed that the proposal would be built to achieve best practices and guides for sustainable development. However, a condition has been recommended to ensure compliance to achieve final energy reductions and water usage targets. In addition, conditions relating the submission of a Construction Management Plan and a report to ensure compliance with water efficiency have been recommended. Overall, the proposal is considered to have an acceptable impact in terms of sustainable design.

10.77 Concerns raised from neighbours regarding maintenance and possible waste from disposal from the bird/bat boxes and green roofs have been noted. However, it is considered that these can be managed appropriately and are very much welcome features in visual and bio diverse terms and there are no substantive reasons or justification to remove these elements from the proposal. It is not considered that the extent and scale of green roofs and bird/bat boxes provided and biodiverse measures would cause such a large number of birds and bats visiting the site to such a degree that this wildlife would cause any discernible noise or other nuisance to adjoining occupiers/users.

Extent of green roofs and solar panels proposed



### Waste/Recycling

10.78 The ground floor entrance area of the site has a dedicated waste/recycling space for the residential and commercial units. The Council's Street Environment Services Officer has advised that this provision would be satisfactory and amendments have been made during the course of the application to move the commercial uses main bin stores closer to the main gated access way into the site to decrease the distances overall.

10.79 The proposal commercial and residential uses, would increase the natural surveillance of this area, and discourage anti-social behaviour or fly tipping activities immediately adjacent to the entrance to the business floorspace element of the proposal.



Main vehicular access and refuse facilities for the development.

### **Security, crime & fire safety concerns**

- 10.80 A number of concerns have received in relation to security of the alleyway to the front/west elevation of the proposal. During the course of the application the Met police office has sought and secured several changes to the scheme in order to increase the surveillance of the surroundings and to ensure that the built form would deter crime and anti-social behaviour. These amendments have been secured and the Officer raises no objections to the scheme in its current form.
- 10.81 Key changes include ensuring a secure main gate with electronic access is created into the main site to create a safe and secure entrance and with a smaller gate within the commercial courtyard to separate the commercial aspect of the scheme from the residential spaces to create a sense of security and privacy overall and ownership clarity. The officer also welcomes the removal of plans to lower the western boundary wall with properties along Hornsey Road and measures to erect security railings on the lower elements of the commercial section of the proposal.
- 10.82 The SBD officer also welcomes the lighting plan and notes that bringing the site into a mixed commercial and residential use will increase natural surveillance within and around the site which will increase security and safety overall. On this basis the SBD officer raises no objections to the development in terms of any potential anti-social, increased crime incidences or security concerns. Officers have no reason to doubt the veracity of the lighting details and do not consider the extent of lighting to be excessive.

### Lighting Strategy



*Proposed lighting strategy on site.*

10.83 It is also important to note that The fire brigade have been consulted regarding the proposed development and have raised no objections to the proposal subject to the application meeting the requirements of approved document B5 of the Building Regulations.

### **Land Contamination**

10.84 The application site has historically been used for light industrial purposes. The councils noise and contaminated land officer has requested that any planning permission is granted with a detailed land contamination condition to fully address this issue.

### **Noise disturbances related to the development**

10.85 Consideration has been given to the tightness of the site and somewhat restricted access way into the site. The councils Acoustic/Noise officer has considered the development and the submitted details in relation to how the development would be built and managed over time through refuse collection plans and servicing and delivery plans. The officer recommends further Construction Management Plans, Delivery and servicing plan and a construction environment management plan to ensure there is no material noise disturbances to adjoining occupiers as the development is built out and operates on completion.

10.86 In relation to potential noise disturbance coming from the site once in use, these concerns have been fully considered. However, the overall scale, quantum and size of the commercial and residential uses proposed are not considered to be excessive or inappropriate within this dense urban location. The proposed use will increase natural surveillance around the site, increase security overall and is less likely to cause any discernible noise disturbances than previous lawful uses of the site for light industrial processes.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed demolition of the existing workshops/offices (B1 c use class) and the construction of a 2 storey with a basement level commercial building (490 sq metres B1 a use class) and a 2 storey residential building is acceptable in land use terms, would have an acceptable impact upon the character and appearance of the area and wider urban setting due to its high quality and subservient design and will not have a detrimental impact upon the amenities of neighbouring properties.
- 11.2 The proposal would result in an increase of 50 sq metres of business floorspace over what exists currently on site and would provide residential units which would have, on balance, acceptable living conditions for future occupiers of the residential and commercial aspect of the proposed scheme. The proposed development is considered to offer a productive and well-designed redevelopment of this underutilized site in this case. The reason the previous appeal was dismissed related to the poor quality of the proposed living environment for the units is considered to have been overcome on balance within this application through the reductions in the number of and mix of residential units in this submission including the removal of the previously proposed residential basement floor level.
- 11.3 The proposed development would not materially harm the amenity levels of adjoining occupiers in terms of loss of daylight/sunlight, outlook, enclosure levels, noise pollution or any material loss of privacy or overlooking incidences due inbuilt design features, screening and window arrangements.
- 11.4 The proposed development is of a very similar overall design, scale, massing and height as the previously dismissed appeal (planning ref P2016/3218 full). The sole reason for refusal and the ultimate reason for refusal upheld by PINS concerned the quality of the proposed residential units and not the general design or massing as previously proposed.
- 11.5 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Policy Framework and is recommended for approval subject to appropriate conditions and unilateral undertaking.

### **12. Conclusion**

- 12.1 It is recommended that planning permission be granted subject to conditions and Unilateral Undertaking as set out in Appendix 1 – RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS.

### RECOMMENDATION A

That planning permission be granted subject to the completion of a unilateral section 106 agreement to secure:

- a) A financial contribution of £150,000 towards the provision of off-site affordable housing.
- b) A financial contribution of £4,500 towards CO2 off setting.
- c) Car free development

### RECOMMENDATION B

That the grant of planning permission be subject to conditions:

#### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>3 YEAR CONSENT PERIOD: 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>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and access statement dated 8<sup>th</sup> August 2018 Rev F by Chassay &amp; Last Architects, drawing numbers: C-HRD3-156C, C-HRD3-157C, C-HRD3-155A, C-HRD3-154F, C-HRD3-153F, C-HRD3-152F, C-HRD3-151B, C-HRD3-150, C-HRD3-152F, C-HRD3-502, C-HRD3-503, C-HRD3-504, C-HRD3-A303A, C-HRD3-302, C-HRD3-102, C-HRD3-304, C-HRD3-450E, C-HRD3-451F, C-HRD3-452E, C-HRD3-453E, C-HRD3-356B, C-HRD3-357B, C-HRD3-358B, C-HRD3-352B, C-HRD3-351C, C-HRD3-352B, C-HRD3-353F, C-HRD3-359, C-HRD3-354, C-HRD3-355B, C-HRD3-SK-PS-03A, C-HRD3-SK-PS-02A, C-HRD3-SK-PS-01A, Daylight and sunlight report by BVP Partners, Planning Statement by RPS/CGMS ref JCG 18860 dated December 2017, Phase II Geoenvironmental Report numbered 4316-2 v 5 by AP Geotechnics, Ground movement and hydrogeological report dated July 2016 by CGL Solutions, Flood risk assessment ref HLEF42103/001R dated December 2017, Marketing Report by Martyn Gerrard Commercial updated January 2017, Sustainability Statement 7 Energy Strategy Report by Price &amp; Myers project number: 24185.001 dated 12<sup>th</sup> December 2017, Structural Methodology statement by Jampel Davison &amp; Bell dated December 2017, letter of reliance from CGL dated December 2017, Construction Management Plan by Chassay &amp; Last dated December 2017 &amp; Noise impact assessment report 12680.NIA.01.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>

<b>3</b>	<b>Materials</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 work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) window treatment (including sections and reveals);</li> <li>c) roofing materials;</li> <li>d) balustrading treatment (including sections);</li> <li>e) and all boundary treatments including final details and appearance of the developments front gate and internal residential entrance gate.</li> <li>f) divisions between terraces.</li> <li>g) any other facing 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.</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>	<b>Accessible Homes</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the 3 residential units 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 commencing.</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>
<b>5</b>	<b>Construction Management Plan (CMP)</b>
	<p>CONDITION: No development (including demolition works) 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 approved CMP shall be adhered to throughout the construction period. The Statement shall provide details relating to:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors;</li> <li>ii. loading and unloading of plant and materials;</li> <li>iii. storage of plant and materials used in constructing the development;</li> </ul>

	<ul style="list-style-type: none"> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>v. wheel washing facilities;</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;</li> <li>viii. mitigation measures of controlling noise from construction machinery during business hours;</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>6</b>	<b>Green Roof details</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green roofs to the development hereby approved (including details of the extent of green roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The green roofs shall:</p> <ul style="list-style-type: none"> <li>• form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</li> <li>• cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and</li> <li>• be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.</li> </ul> <p>An explanation as to why any areas of roof would not be covered with green roofs shall be included with the above details. Green roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>No roofs, including the green roofs, shall 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 development shall be carried out 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 the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced.</p>
<b>7</b>	<b>Sustainable Development</b>
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</p>

	<p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of 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>Contaminated land</b>
	<p>CONDITION: Prior to the commencement of development, the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).”</p> <p>Reason: In order to safeguard public amenity and health.</p>
<b>9</b>	<b>Delivery and servicing plan details</b>
	<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 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>
<b>10</b>	<b>Waste facilities</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans drawing numbers C-HRD3-152F &amp; C-HRD3-502 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>11</b>	<b>Bike storage facilities</b>
	<p>CONDITION: The bicycle storage areas, which shall be secure and provide for no less than 22 bicycle spaces (7 for the commercial spaces and 15 spaces for the residential) shall be constructed in accordance with approved plan C-HRD3-152F prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>12</b>	<b>Landscaping details</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <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 maximizes biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible paving's, 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 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 into perpetuity.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>

**Construction Environment Management Plan**

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 shall include details and arrangements regarding:

- a) The notification of neighbours with regard to specific works;
- b) Advance notification of any access way, pavement, or road closures;
- c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
- e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic using Thorpedale Road, Bracey Street and Hornsey Road at all times, including emergency service vehicles;
- m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
- n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.
- o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.

The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

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

	<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>14</b>	<p><b>Bird nesting boxes</b></p>
	<p>CONDITION: Notwithstanding the plans hereby approved, no less than 8 nesting boxes / bricks shall be installed on the development hereby approved.</p> <p>The nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>
<b>15</b>	<p><b>Structural Method Statement (compliance)</b></p>
	<p>CONDITION: The Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) certifying the Structural Methodology statement by Jampel Davison &amp; Bell dated December 2017/2017 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.</p> <p>REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).</p>
<b>16</b>	<p><b>Street public highway survey to be submitted.</b></p>
	<p>CONDITION: A condition survey of the public highways main accessway and approach from Hornsey Road shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>REASON: In the interest of sustainable transport and ensuring highways freeflow and safety along Hornsey Road.</p>
<b>17</b>	<p><b>Opaque the rear windows and screen details</b></p>
	<p>CONDITION: Notwithstanding the hereby approved plans, the final details (samples and detailed plans) of the exact location, design, scale, extent, finish and appearance of all screenings details and opaque glazing to both the front and rear first floor elevations to both the commercial and residential aspects of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.</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: In order to achieve a high quality final appearance of the development and to ensure adequate privacy and amenity levels to adjoining users.</p>

## List of Informatives:

1	<b>CIL Informative (Granted)</b>
	<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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>.</p> <p>Further information and all CIL forms are available 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> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
2	<b>SECTION 106 AGREEMENT:</b> You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
3	<b>DEFINITIONS:</b> (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.
4	<b>CAR-FREE DEVELOPMENT</b>
	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.
5	<b>Means of escape</b>
	You are advised that during building works a temporary means of escape must be provided to any surrounding buildings which have an existing means of escape accessed via the application site.
6	<b>Noise and construction noise and disturbances</b>
	Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are: " 08:00 to 18:00 Monday to Friday " 08:00 to 13:00 Saturday " No work on Sundays and Public Holidays If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team. T: 020 7527 7272 E: <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>

<b>7</b>	<b>London Fire Brigade</b>
	The London Fire Brigade note that they would expect any new development here to meet the requirements of Approved Document B5 of the building regulations.

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 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**

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 7.6 Architecture  
 Policy 7.8 Heritage assets and archaeology

#### **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)

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

##### Design and Heritage

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

##### Housing

DM3.1 Housing Mix  
 DM3.4 Housing Standards  
 DM3.5 Private Amenity Space

##### Employment

##### Sustainable Design

DM7.1 Sustainable design and construction  
 DM7.2 Energy efficiency and carbon reduction in minor schemes  
 DM7.4 Sustainable design standards

##### Energy and Environmental Standards

DM8.4 Walking & Cycling  
 DM8.6 Delivery & Servicing

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

Infrastructure and implementation  
DM9.2 Planning obligations

Health and Open Space

DM6.3 Protecting open space  
DM6.5 Landscaping, trees and biodiversity

5. Designations

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

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

The following SPGs and/or SPDs are relevant:

- |  |                         |
|--|-------------------------|
| Islington Local Development Plan                   | London Plan             |
| - Conservation Area Design Guidelines (2002)       | - Crossrail Funding SPG |
| - Urban Design Guide (2017)                        |                         |
| - Angel Conservation Area Design Guidelines        |                         |
| - Inclusive Design SPD                             |                         |
| - Affordable Housing Small Sites Contributions SPD |                         |
| - Basement SPD                                     |                         |
| - Planning Obligations (S106) SPD                  |                         |



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## Appeal Decision

Site visit made on 6 June 2017

**by Caroline Mulloy BSc (Hons) DipTP MRTPI**

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

**Decision date: 30 June 2017**

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**Appeal Ref: APP/V5570/W/17/3168707**

**440A Hornsey Road, Islington, London N19 4EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Fitzpatrick Team Developments Ltd against the decision of the Council of the London Borough of Islington.
  - The application Ref P2016/3218/FUL, dated 12 August 2016, was refused by notice dated 21 December 2016.
  - The development proposed is the demolition of the existing warehouse buildings at 440A Hornsey Road and erection of a mixed use development comprising 456m<sup>2</sup> of commercial space (Use Class B1) and 4 no two storey residential properties plus basement level.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Amended plans have been submitted since the determination of the application in support of the appeal which shows minor amendments to the basement level of Unit H4 in order to meet with BRE requirements. As the proposed variations are minor, I am satisfied that accepting the plans would not prejudice the interests of any party and I have determined the appeal on this basis.

### Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of future occupiers with specific reference to outlook.

### Reasons

4. The site is situated on the eastern side of Hornsey Road and is surrounded on all sides by a mix of residential and commercial units. It is proposed to demolish the existing warehouse buildings and erect a mixed use development comprising 456m<sup>2</sup> of commercial space (Use Class B1) and 3 x 2 bedroom and 1 x 1 bedroom residential dwelling houses over basement, ground and first floor levels. The units would be accessed via an access road from Hornsey Road and a glazed walkway adjacent to the boundary wall to the rear of the properties at 438-426 Hornsey Road.
  5. The units would accommodate bedrooms at basement level, looking into a basement level light well, kitchen dining space at ground floor looking onto private outdoor amenity space to the rear of each unit and living room at first floor level each with access onto a private terrace.
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6. Following the amendments to the plans, an update to the daylight/sunlight assessment has been carried out which states that the average daylight factor (ADF) would remain above BRE recommended values in all rooms.
7. The proposed basements would accommodate bedrooms served by front light wells. The basement bedroom of Unit 1 would look out onto a 25m<sup>2</sup> courtyard which is 3.4m deep and 6m wide. Unit 4 contains 2 bedrooms that look out onto a 12m<sup>2</sup> courtyard which is 2-3m deep and 5m wide. The size of the courtyards of Units 2 and 3 fall somewhere in between these measurements.
8. The appellant points to the fact that these dimensions meet the requirements set out in criterion F of Policy DM3.5 which states that any basement and/or ground floor units should have a defensible space of not less than 1.5m in depth in front of any window to a bedroom or habitable room. However, I agree with the Council that outlook is a different concept to that of defensible space. The bedroom windows would be in close proximity to an approximately 6.7m high boundary wall, to the front of the units which would significantly restrict occupier's outlook, particularly in relation to Unit 4. The sense of enclosure would be compounded by the presence of the walkway over each of the light wells which would further reduce outlook.
9. Attention is drawn to computer generated 3 dimensional images showing the outlook from some of the units. I note that these have been updated to reflect the design amendments to the scheme and that they have been produced on the basis of detailed drawings and thus I have no reason to doubt their accuracy. In terms of the basements, the CGI views show the approach to the houses from the mews where the basements can be seen. Views out from a basement bedroom within Unit 2 are also shown. However, Unit 4 is not shown which has the smallest courtyard and which is closest to the boundary wall. Furthermore, I agree with the Council that the view from the basement bedroom is taken from the opposite end of the room and, therefore, does not accurately indicate the build-up of the boundary wall from basement level. Furthermore, the image of the approach to the houses serves to demonstrate the oppressive effect of the proposed walkway on the bedrooms and the courtyard areas below.
10. I have considered the revised plans for Unit H4; however, the reduction in the light well would compound the sense of enclosure to the bedrooms and courtyard of Unit H4. I, therefore, consider that all bedrooms would have a poor outlook and a sense of enclosure. Bedrooms are habitable rooms which can be expected to have a reasonable outlook.
11. All of the properties at ground floor level would have an outlook onto a high wall to the front which would result in poor outlook and a sense of enclosure. In particular, due to the narrow walkway and proximity to the high boundary wall the outlook to Unit 4 would be significantly compromised and enclosed. I acknowledge that Units H2, H3 and H4 would look out onto a rear amenity space which would compensate for the lack of outlook to the front and provide some relief from the sense of enclosure. However, I note that the courtyard of Unit H1 is significantly smaller than the other units and is enclosed by high walls. At first floor level, the lounge area of Unit 1 would face out onto a small terrace in close proximity to the flank wall of the adjoining unit. Indeed, the living areas of Units H2-H4 would also look out onto flank walls of adjoining units, albeit they would have a larger terrace.

12. Attention is drawn to the dual aspect nature of the ground and first floor of Unit 1; however, both aspects would have an outlook onto a small courtyard/terrace, enclosed by high walls. Whilst Unit 1 would have a large courtyard to the basement, the walkway above would result in a compromised outlook and sense of enclosure. Although the heights of the existing walls are to be reduced they would, nevertheless, be of a significant height. I have had regard to the CGI images; however, they only serve to demonstrate the sense of enclosure which would be experienced.
13. I acknowledge that an element of judgement may be required in assessing the outlook which would be experienced by a development proposal. Nonetheless, taking the above factors in combination, I consider that overall the proposal would provide a poor standard of accommodation. In particular Units H1 and H4 would experience unacceptable levels of outlook and enclosure.
14. Attention is drawn to revised plans which were submitted to the Council and subsequently withdrawn for a three dwelling scheme on the appeal site. I note that the bedrooms would face onto a small courtyard enclosed by a high wall with a walkway above and as such would still experience a sense of enclosure, although the courtyard for H4 would be slightly larger. However, the unit which is most constrained in the current appeal proposal (H1) is replaced with a commercial unit. Overall, the withdrawn scheme would be less harmful than the appeal proposal and does not, therefore, justify the harm which I have identified.
15. I have had regard to the fact that the proposal meets internal space standards and outdoor amenity space standards and other policy requirements. The appellant also points to the generous internal dimensions of the units, the presence of nearby parks and the viability assessment which considers that the units would sell at market value. Although the proposal meets the density standards set out at table 3.2 of the London Plan, the supporting text to Policy 3.4 is clear that it is not appropriate to apply Table 3.2 mechanically and that other factors such as, amongst other things, local context and design need to be taken into account. In this case, I consider that the proximity to surrounding development is such a factor. Consequently, none of these factors would justify the harm which I have identified with regards to outlook.
16. Attention has also been drawn to other mews style developments in the area. In the case of Derry Mews, I note that the front of the dwellings are relatively close to the boundary wall, however, I note that these properties do not have basement level accommodation with light wells and walkways above. The case at Lotus Mews also does not have accommodation at basement level with walkways above. In both these cases, the sense of enclosure is not as significant as would be experienced by the appeal proposal. Neither of these examples are, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
17. The proposal would make a contribution, albeit limited, to housing land supply, including a contribution to off-site affordable housing. There would be some economic benefits in the short term during the construction phase and in the longer term as future residents would support local businesses and services. It would also result in the redevelopment of a previously developed site in an accessible location. However, none of these benefits either individually or cumulatively would outweigh the significant harm which I have identified.

18. For the reasons stated, I conclude that the proposal would harm the living conditions of future occupiers with specific reference to outlook. The proposal would, therefore, be contrary to Policies 3.4 and 3.5 of the London Plan 2016, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1 and DM3.4 of the Islington Development Management Policies (2013) which collectively seek to secure a high quality of development which provides a good level of amenity.

*Other matters*

19. Criterion G of Policy CS12 of Islington's Core Strategy requires that 50% of additional housing to be built in the Borough over the Plan period should be affordable. In addition, all sites capable of delivering 10 or more units gross should provide affordable homes on-site. Schemes below this threshold will be required to provide a financial contribution towards affordable housing provision elsewhere in the Borough.

20. The Islington Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) 2012 requires all minor residential developments resulting in the creation of one or more additional residential unit(s) to provide a commuted sum of £50,000 per unit towards the costs of providing affordable housing units on other sites within the Borough.

21. The Council consider that in the event that the appeal were to be allowed, the proposal should make a contribution to off-site affordable housing by way of a section 106 agreement. Following the undertaking of a viability assessment and negotiations with the Council a contribution of £76,199 has been agreed and a signed section 106 unilateral undertaking has been provided. The proposal also makes a 'carbon off-set contribution' of £6000 to be spent by the Council on the reduction of carbon dioxide emissions from the existing building stock in the Borough. As I am dismissing the appeal on other grounds it has not been necessary to consider this matter in any further detail.

22. The proposal would be situated behind Number 440 Hornsey Road; a grade II listed building, which is currently in use as a mosque. The architectural merit of the listed building is primarily confined to the front and side elevations. Taking into account the state of disrepair of the existing building on the appeal site, I consider that the proposal would result in a visual improvement to the appeal site. Also details of the bin store could be required by condition to ensure that this does not have an adverse effect on the setting of the listed building. Consequently, I consider that the proposal would preserve the setting of the listed building in accordance with the expectations of the Act<sup>1</sup>.

**Conclusion**

23. For the reason stated, and taking all other considerations into account the appeal should be dismissed.

*Caroline Mulloy*

Inspector

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<sup>1</sup> Planning (Listed Building and Conservation Areas) Act 1990

## PLANNING DECISION NOTICE



# ISLINGTON

Development Management Service  
Planning and Development Division  
Environment & Regeneration Department  
PO Box 3333

222 Upper Street  
LONDON N1 1YA

**Case Officer:** Thomas Broomhall

**T:** 0207 527 5978

**E:** [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**Issue Date:** 21 December 2016

**Application No:** P2016/3218/FUL

*(Please quote in all correspondence)*

CgMs  
140 London Wall,  
7th Floor  
London  
EC2Y 5DN

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>	<b>440 A Hornsey Road, LONDON, N19 4EB</b>
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<b>Application Type:</b>	<b>Full Planning Application</b>		
<b>Date of Application:</b>	15 August 2016	<b>Application Received:</b>	15 August 2016
<b>Application Valid:</b>	31 August 2016	<b>Application Target:</b>	26 October 2016

**DEVELOPMENT:** Demolition of the existing warehouse buildings at 440A Hornsey Road and erection of a mixed use development comprising 456 square metres of commercial space (Use Class B1) and 4x 2 bedroom residential dwelling houses and basement level excavation.

**PLAN NOS:** Design and Access Statement July 2016, Planning Statement ref: JCG18860 August 2016, Outlook and Amenity Assessment 10th May 2016, Letter from CgMs dated 10th August 2016 ref: BH/MR/18860, Report on Marketing Procedures August 2016, Construction Management Plan dated 25 July 16 Rev A, Daylight & Sunlight Report ref: 10731/Report/Hornsey Road/Daylight & Sunlight/April2016/rm, Ground Movement and Hydrogeological Report July 2016, Phase 1 Environmental Assessment ref: 4316 -2 v5 dated 19th April 2016, Phase II Geo-environmental Report, Noise Impact Assessment Report ref: 12680.NIA.01 dated 26 May 2015, Flood Risk Assessment April 2016, Energy Strategy Report ref: 24185, Letter from Copp Wilson Pettit Moore dated 10th March 2016 & Structural Methodology Statement July 2016.

Drawing numbers: HRD2 Existing drawing set dated 25th July 2016 comprising of : C-HRD2-A101, Existing GIA, C-HRD2-A102, C-HRD2-A103, C-HRD2-A104, C-HRD2-A300, C-HRD2-A301, C-HRD2-A302, C-HRD2-A303, C-HRD2-A400, C-HRD2-A401, C-HRD2-A402, C-HRD2-A403, HRD2 Proposed Drawing Set dated November 2016 Rev B comprising of : C-HRD2-A150, C-HRD2-A151 Rev B dated 30/11/2016, C-HRD2-A152 Rev B dated 30/11/2016, C-HRD2-A153 Rev B dated 30/11/2016, C-HRD2-A154 Rev B dated 30/11/2016, C-HRD2-A155 Rev B dated 30/11/2016, C-HRD2-A156 Rev B dated 30/11/2016, C-HRD2-A157 Rev B dated 30/11/2016, C-HRD2-A158 Rev B dated 30/11/2016, C-HRD2-A350 dated 30th November 2016,

C-HRD2-A351 Rev B dated 30/11/2016, GHRD2-A352 Rev B dated 30/11/2016, GHRD2-A353 Rev B dated 30/11/2016, C-HRD2-A354 dated 30th November 2016, C-HRD2-A355 dated 30th November 2016, C-HRD2-A356 Rev B dated 30/11/2016, C-HRD2-A357 Rev B dated 30/11/2016, C-HRD2-A358 Rev B dated 30/11/2016, GHRD2-A450 Rev B dated 30/11/2016, GHRD2-A451 Rev B dated 30/11/2016, GHRD2-A452 Rev B dated 30/11/2016 & C-HRD2-A453 Rev B dated 30/11/2016.

**REASON(S) FOR REFUSAL:**

- 1 REASON: The proposal fails to provide a satisfactory standard of amenity for the future occupiers of the proposed family sized units, by reason of poor levels of outlook, creation of undue sense of enclosure, and resultant poor living environment to the main habitable spaces of the proposed units at basement, ground and first floor levels. Therefore the proposal is contrary to policies 3.4 and 3.5 of the London Plan (2015), policies CS8 and CS9 of the Islington Core Strategy (2011) and policies DM2.1 and DM3.4 of the Islington Development Management Policies (2013).

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

- 1 To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Councils website.

A pre-planning application advice service is also offered and encouraged.

- 2 The applicants have indicated during the course of the application their willingness to pay the small sites contribution as supported by the recent viability assessment of the scheme carried out during the course of the application. In the event of an appeal or resubmission the council would seek to secure this payment as required by planning policies and the council's small sites contribution SPD.

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**