

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING SUB-COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	<b>B1</b>
<b>Date:</b>	7 <sup>th</sup> November 2019	<b>NON-EXEMPT</b>	

Application number	P2018/4159/FUL
Application type	Full Planning Application
Ward	St. Mary's
Listed building	No
Conservation area	Within 50m of Conservation Area (Canonbury)
Development Plan Context	Town Centre (Angel) Secondary Retail Frontage (Angel) Article 4 Direction A1-A2 (Town Centres)
Licensing Implications	None
Site Address	137 - 139 Essex Road, N1 2NR
Proposal	Demolition and replacement of front and rear facades (including roofing) and additions to the roof, to include a one-storey extension fronting Essex Road, and two-storey extension fronting Astey's Row (with glass box above) to accommodate 5x (1 no. 1-bedroom unit [2 person] x 2no. 2-bedroom units [3 person] x 1no. 2-bedroom units [4 person] x 1no. 3-bedroom [5 person unit) residential units; refurbishment of existing ground and first floor and creation of part basement level Class B1 office space (166sqm) and retention of ground floor (100sqm) Class A1 retail unit fronting Essex Road.

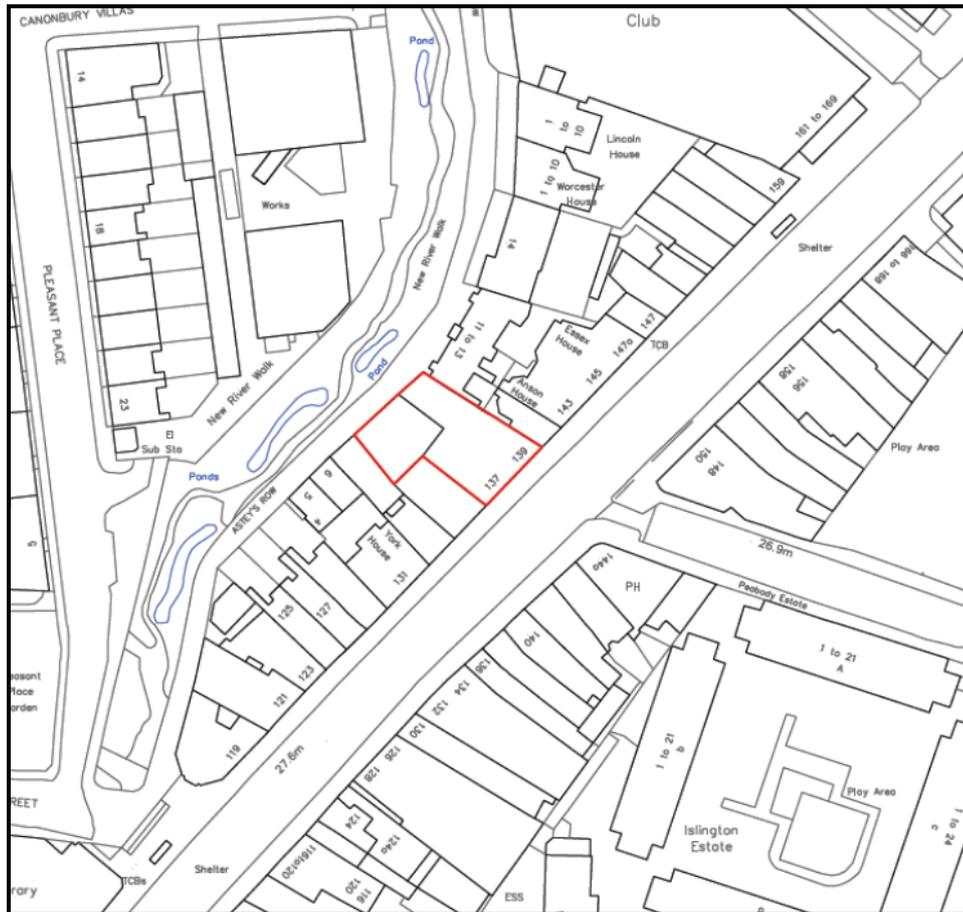
Case Officer	Mr Jake Shiels
Applicant	c/o Savills (UK) Limited
Agent	Ms Mia Scaggiante

## 1. RECOMMENDATION

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

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

## 2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET

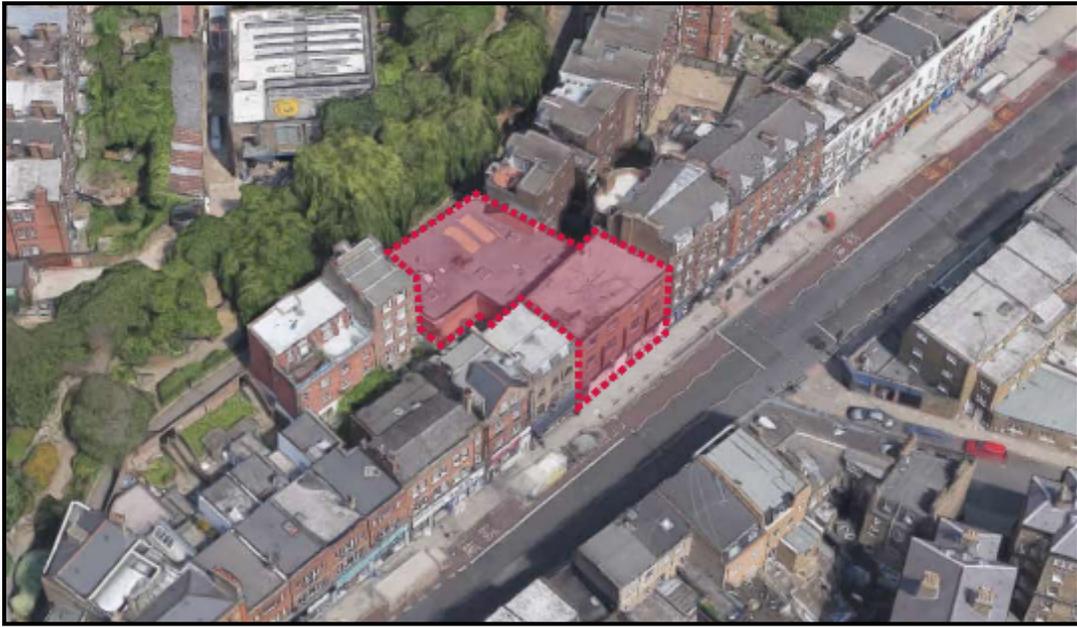
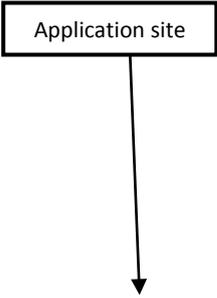


Image 1: Aerial view of the site



Image 2: View of frontage

existing Essex Road



**Image 3:** View of existing Astey's Row frontage



**Image 4:** View of existing 2<sup>nd</sup> floor flat roof of application building facing southwards towards 7 Astey's Row



**Image 5:** View over existing 2<sup>nd</sup> floor flat roof of application building facing northwards towards 11-13 Astey's Row.



**Image 6:** View over existing 2<sup>nd</sup> floor flat roof of application building facing northwards inbetween 7 Astey's Row and 131, 133 and 135 Essex Road.



**Image 7:** View over existing 2<sup>nd</sup> floor flat roof of application building facing northwards inbetween 11-13 Astey's Row and Anson House

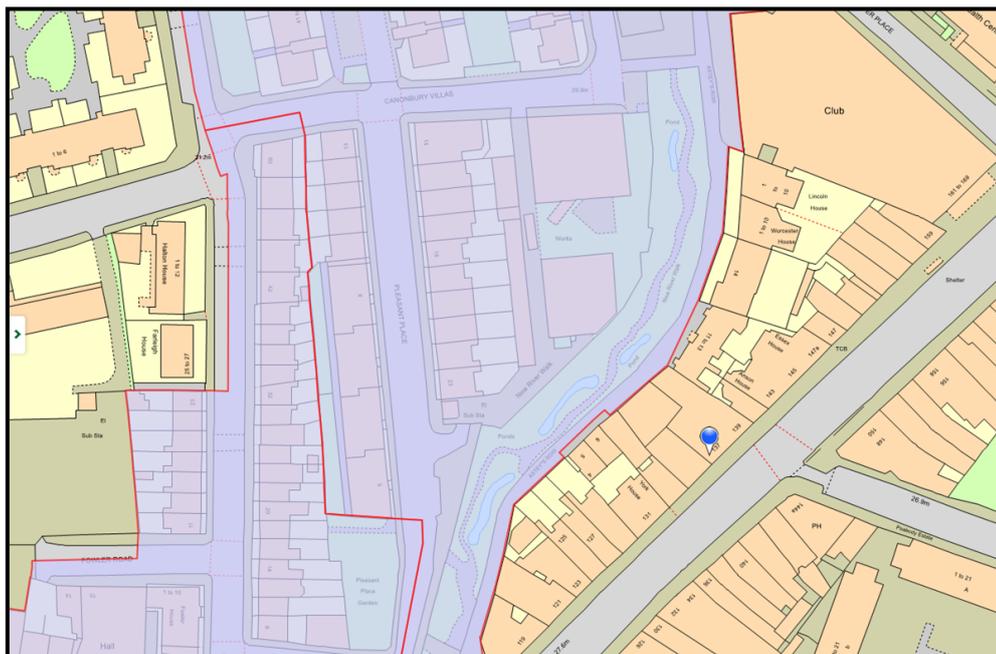
#### **4. SUMMARY**

- 4.1 The application proposes the demolition and replacement of front and rear facades (including roofing) and additions to the roof, to include a one-storey extension fronting Essex Road, and two-storey extension fronting Astey's Row to accommodate to accommodate 5x residential units; refurbishment of existing ground and first floor and creation of part basement level Class B1 office space and retention of ground floor Class A1 retail unit fronting Essex Road.
- 4.2 The site as existing is made up of ground floor (A1) retail space, accomodating an area of 322sq.m from front to rear, whilst the first and second floor (fronting Essex Road only) comprises an area of 462.5sq.m office (B1) floor space.
- 4.3 The proposed extension to the Essex Road frontage, would result in an additional storey which would house 1 x no. 2 bed (4 person) unit and 1 x no. 3 bed (5 person) unit and would include a ballustrated private terrace space for Home 5. The proposed extension to the Astey's Row frontage would result in an additional two storeys which would house 1 x no. 1 bed (2 person) unit and 2 x no. 2 bed (3 person) unit and a ballustrated private terrace space with glass box enclosure for Home 1. The residential floorspace proposed is approximately 484sq.m taking into account the amendment to the 3<sup>rd</sup> floor of the Astey's Row extension.

- 4.4 The proposal involves the retention of ground floor (100sqm) Class A1 retail fronting Essex Road that would span 8.2m across the ground floor front elevation with new step free access.
- 4.5 The proposal includes a basement excavation to create office/storage space to the rear of the site. A rear lightwell is proposed towards the rear boundary with associated hedging providing rear access to the proposed office space with internal refurbishment at ground and first floor creating an overall total of 629.30sq.m office space.
- 4.6 The design, layout, scale and massing of the proposed development is considered acceptable. The Design and Conservation Team have been consulted during the application process and are satisfied that the proposed external alterations would preserve the character and appearance of the host building and the adjacent Conservation Area.
- 4.7 The proposed extensions and newly formed terrace areas are considered to be of an appropriate scale, and the proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of sunlight and daylight, increased sense of enclosure, overlooking, overshadowing or loss of privacy. The proposal therefore accords with policy DM2.1 of the Development Management Policies 2013.
- 4.8 The application is referred to committee given the number of objections received (14).
- 4.9 The proposal is considered to cause no harm to the character and appearance of the surrounding area, and to accord with the Development Plan.

**5. SITE AND SURROUNDINGS**

- 5.1 The site is located on the north western side of Essex Road, opposite the junction with Greenman Street. The site has two frontages, one onto Essex Road comprising 3 storeys and one onto Astey’s Row comprising 2 storeys. The site falls within the Angel Town Centre and within the Angel Secondary Retail Frontage.



- 5.2 The application site is not listed and not within a Conservation Area however, it is in close proximity to the Canonbury Conservation Area (CA08) which is located to the north and west of the site. Astey's Row Rock Garden is located directly to the rear of the site and is a designated open space. The site is also located in an Archaeological Priority Area.
- 5.3 The building is post WW2 comprising brickwork to the front and rear elevation, and features a rendered ground floor frontage and metal entrance up to the first floor.
- 5.4 The site internally is made up of ground floor (A1) retail space, accomodating an area of 322sq.m from front to rear, whilst the first and second floor (fronting Essex Road only) comprises an area of 462.5sq.m office (B1) floor space.
- 5.5 This area is characterised as dense urban containing a mix of uses with commercial and retail spaces at ground floor with some office and residential units upon the upper floors to the Essex Road frontage, whilst Astey's row comprises residential properties with a range of architectural styles. To the Essex Road frontage, the site is adjoined to the east flank by Anson House a 5 storey mixed use brick built building, to the west flank is 135 Essex Road a 4 storey commercial building. To Astey's Row the building to the rear is flanked by 11-13 Astey's Row to the east, this is a 4 storey residential building with roof terrace. To the west flank is 7 Astey's Row a 4 storey residential building.

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

- 6.1 The application seeks permission for the demolition and replacement of front and rear facades (including roofing) and additions to the roof, to include a one-storey extension fronting Essex Road, and two-storey extension fronting Astey's Row to accommodate 5x (1 no. 1-bedroom unit [2 person] x 2no. 2-bedroom units [3 person] x 1no. 2-bedroom units [4 person] x 1no. 3-bedroom [5 person unit) residential units; refurbishment of existing ground and first floor and creation of part basement level Class B1 office space (166sqm) and retention of ground floor (100sqm) Class A1 retail unit fronting Essex Road.
- 6.2 The proposed extension to the Essex Road frontage, would result in an additional storey creating a front façade height of 15.1m. The frontage would consist of new brickwork, inward opening juliet balconies from the 1<sup>st</sup> to the 3<sup>rd</sup> floor, with dark coloured piers including stone and metal at ground floor supporting the ground floor retail frontage and office space upon the upper floors. Upon the roof of the extension is a ballustraded private terrace space of 23sq.m for Home 5 (as detailed within the submitted plans). This extension would house 1 x no. 2 bed (4 person) unit and 1 x no. 3 bed (5 person) unit.
- 6.3 The proposed extension to the Astey's Row frontage would result in an additional two storeys, resulting in an overall height of 13.8m (from ground level of new lightwell below Asteys row). The frontage would also consist of new brickwork matching the front, inward opening juliet balconies from the 1<sup>st</sup> to the 2<sup>rd</sup> floor, with single windows at ground floor above the proposed rear lightwell. Upon the roof of the extension is a ballustraded private terrace space of 21sq.m with glass box enclosure for Home 1 (as detailed within the submitted plans). This extension would house 1 x no. 1 bed (2 person) unit and 2 x no. 2 bed (3 person) unit.

- 6.4 The existing roof of the building at second floor level between the two proposed extensions would become a landscaped walkway/podium to allow for access from Essex Road and up from the associated internal staircase to Home 1, 2 and 3 on the Astey's Row frontage. A rooflight is also proposed and the area is screened by planters with railings accompanying them.
- 6.5 The proposal includes excavation to create 109sq.m of basement office/storage space to the rear of the site closest to Astey's Row. A rear lightwell is proposed extending by approximately 1m towards the rear boundary with associated hedging providing rear access to the proposed office space. There is currently no basement on site.
- 6.6 Amended plans were received, to include a reduction to the massing of the two storey extension fronting Astey's Row, alterations to front facade, reductions to 2no. roof terraces, amendments to podium screening including landscaping and walkways and amendment to dwelling mix including removal of 2no. 1-bedroom studios and addition of 1no. 2-bedroom 4 person unit.
- 6.7 The application has been referred to the planning sub-committee due to the number of objections received.

## 7. RELEVANT HISTORY

- 7.1 881930: Part second floor and part third floor extension to existing building for B1 purposes. Approved on 25/03/1989.
- 7.2 920978: Retention of ground floor for showroom/retail use and change of use of upper floors to residential entailing conversion to form 3 x 1-bedroom and 4 x 2-bedroom flats. **Refused** on 20/10/1992; **appeal allowed for retail use but dismissed in relation to residential use** on 17/03/93.
- 7.3 P2014/1816/PRA: Prior approval for change of use of first and second floors (B1a) to 4 residential units. **Approved with conditions** on 03/07/14.
- 7.4 P2014/1817/PRA: Change of use of rear ground floor from A1 to C3. **Prior approval not required** on 03/07/14.
- 7.5 P2015/0364/PRA: Prior Approval application for change of use of first and second floors of existing B1[a] office to four residential units Class C3 [2 X 3-bedroom units and one floor of 2 X 2-bedroom maisonettes]. **Prior approval required – refused** on 13/04/2015.

### *Pre-application*

- 7.6 Q2018/1540/MIN: Erection of two-storey rear extension on Essex Road and two-storey extension on Astey's Row to accommodate 7 new residential dwellings (4 x 2 beds & 3 x 1 beds). Refurbishment of existing ground and first floor to provide upgraded office space for Patel Taylor Architects and a retail unit fronting Essex Road. **Completed** on 5<sup>th</sup> October 2019.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on 19<sup>th</sup> December 2018, and closed on 4<sup>th</sup> February 2019, a total of **8** objections were received (including an objection from the Canonbury Society).
- 8.2 Following the submission of amended plans, additional letters were sent to occupants of adjoining and nearby properties on 19<sup>th</sup> September 2019, a total of 8 objections were received from the latest round of consultation, 5 of these are new objectors to the proposal. Therefore, at the time of the writing of this report a total of **14** objections have been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

### ***Access and Parking***

- Heavy usage of parking in the road behind the building for existing building, further development would worsen situation
- Existing Astey's row is narrow with poor vehicle access, any further development would worsen situation
- Extension involving rear lightwell would make it impossible for two vehicles to pass
- Development is described as car free, but the development is likely to create causing parking issues
- Unclear as to how construction vehicles would access and leave the site given the constraints of the site
- Concern with Highway safety and vehicle and pedestrian access
- Disturbance from demolition and works would be high and if the council are minded to approve the application a Construction Management Plan should be created to ensure safety
- Safety issues with walking through park at night during construction if road blocked off
- Emergency access impacted
- Access blocked off during construction affecting residents movement.

(paragraphs 10.65-10.70).

### ***Design and character***

- Proposed glass box for the roof terrace would appear incongruous with the surrounding properties in particular 7 Astey's row
- Roof extension seems much higher than neighbouring dwellings and is unsympathetic to character of the area
- Design impact on Canonbury Conservation Area should be considered.
- Scheme is totally out of character with both Essex Road and Astey's row
- Design, scale and character of the building would be incongruous with the character of area
- External lightwell with storage and bicycle area would be an eyesore from flats
- Development contrasts with rest of street
- Light pollution would impact on Astey's row neighbourhood on Rock Garden and potentially the New River path area
- Revised plans show minimal change in response to visual impact on Conservation Area.

**(paragraphs 10.9-10.22).**

### ***Neighbouring amenity***

#### *Loss of daylight/sunlight*

- Loss of natural sunlight to flat living space
- Loss of sunlight to rear of property from Essex Road from Astey's Row extension
- Additional height above the existing structure to the Astey's Row side would harm the current flora by loss of daylight
- Overshadowing from additional height would impact public gardens, omitting the 5<sup>th</sup> floor access room would help in mitigating this loss of sunlight
- Overshadowing to nearby flat windows and terrace area
- Calculation on how BRE is derived is queried
- No access to neighbouring flat and so assessment questioned
- Depth of Astey's row extension would be on boundary with terrace and would block light
- Impact much greater than assessment shows
- 45 degree line impacted from Astey's row extension to neighbouring kitchen window conflicting with the guidance
- Revised Daylight and Sunlight Assessment report refers to a different number of windows labelled at odds with the original submission creating confusion
- 'Marginal deviations' as noted in D&S Report are clearly significant proportions of the original minimum targets.

**(paragraphs 10.36-10.45)**

#### *Privacy*

- Objection based on overlooking to office space on Essex Road from proposed communal area (2<sup>nd</sup> floor podium), any mitigation via screening should be ensured by a condition if application acceptable.
- Existing overlooking stated within the submitted Planning Statement as an incidental sitting area is far removed from the new intensive residential use and the statement is misleading
- Concern with numbers using second floor terrace
- Internal 'courtyard' (2<sup>nd</sup> floor podium) most likely be more intensive than described, potentially being used for sitting area/barbeques that would affect noise and overlooking
- No details on screening and planting buffer to avoid loss of privacy to nearby residential unit. A physical barrier is therefore requested to avoid overlooking
- 4<sup>th</sup> floor terrace would cause unacceptable overlooking to neighbouring flat

**(paragraphs 10.24-10.28).**

#### *Noise*

- Noise impact on Astey's Row neighbourhood
- A terrace of the size proposed could be used for larger gatherings, and due to its exposure would increase impact in terms of noise and disturbance
- Revised terrace still large enough to hold high numbers of persons
- Existing noise from building from music and loud noises impacting mental health
- Building as existing not sound proofed

**(paragraph 10.29)**

### *Outlook and enclosure*

- Astey's row would appear obtrusive, overbearing and create a strong sense of enclosure to third floor living area of adjacent flat
- Impact on outlook from neighbouring living room area, kitchen and existing terrace would feel enclosed
- View from second floor bedroom would be blocked on one side
- Revised plans to show extension angled away this would still negatively impact outlook.

**(paragraphs 10.30-10.35).**

### ***Ecology***

- The building is close to areas where swifts are nesting and will potentially nest, so a request is made that a significant number of integrated swift nest boxes are installed near the highest level of brickwork. Integrated bricks for bats, would be welcome to further enhance local biodiversity. An ecology survey could identify the best location in the building for these installments (Islington Swifts Group)
- Enquiry in to whether a consultant ecologist should conduct a wildlife assessment to assess impact on local conservation area from new development.

**(paragraph 10.74).**

### ***Other***

- Total lack of care of existing building, including rubbish left out
- Current relationship between owner of site and neighbours not good
- Revised plans show bare minimum made, applicant therefore driven by maximumising commercial benefit regardless of detrimental impact development will have on community amenity
- Consultation between neighbours and applicant concerning.

**No comments made regarding the above objections.**

## **8.2 The Canonbury Society:** Objection, based on the following:

Would neither generate more useful activity in Astey's Row, nor make Astey's Row, nor the Gardens of New River Walk, safer and more attractive (**paragraph 10.21**)  
Access of residential units from Astey's Row would have provided neighbourly footfall (**paragraph 10.21**)

- Both entrances for office on Astey's Row are in same position, no improvement here. From a commercial view access from Essex Road may be better (**paragraphs 10.61-10.70**).
- Loss of sunlight and overshadowing to Astey's row would have a harmful impact on Conservation Area, omitting the 5<sup>th</sup> floor access/room would help in mitigating against loss of sunlight. (**paragraphs 10.9-10.22**).
- The basement excavation could result in the temporary closure of Astey's Row, in circumstance should the gardens be closed to the public. (**paragraphs 10.65-10.70**).

### Internal Consultees

8.3 **Acoustics Officer:** No objection subject to conditions if permission is granted.

8.4 **Design and Conservation officer:** No objection, their comments read:

*'The revisions to the south façade, including the vertical subdivision of the ground floor glazing, the removal of the plaster quoins between the application site and 141 Essex Road and the internal rearrangement of the third floor flat to avoid producing a partially blank window on the principle elevation, have produced an acceptable scheme. The scheme under consideration sits more successfully in the surrounding Essex Road streetscape than the initial scheme, particularly at ground floor level.*

*The scheme is not considered to cause harm to the setting of the neighbouring Canonbury conservation area (a designated heritage asset).'*

8.5 **Planning Policy Officer:** Concern raised, their comments read:

*'As discussed it retains a retail frontage. Also worth considering is the size of the retained retail space. Is it of sufficient size to be considered desirable for future occupiers and not compromise the future operation of the retail unit.*

*With regards the office floorspace, I note the proposal results in an uplift of 167sqm, however there is also an uplift in residential floorspace of 494sqm/6 units. In line with DM5.1 we need to be satisfied that the maximum amount of business floorspace is being provided. Whilst the planning statement identifies that the total office floorspace of 629sqm makes up more than 50% of total floorspace this is only a little over half the total floorspace. As noted in the planning statement CS5 also resists any significant introduction of residential.'*

8.6 **Inclusive Design Officer:** Objection, their comments read following submission of amended plans:

- *Only 2 of the studio flats have been removed. Justification is requested about the remaining 4 studio flats.*
- *The initial suggestion of a shared entrance has not been taken on board.*
- *Winding treads are inaccessible and not considered inclusive*
- *There is no private amenity space for a majority of future occupants, which is against our policies.*
- *Limited provision of accessible cycle parking, in line with Appendix 6, Local Plan review. The cycle storage space for the office is also completely substandard in terms of circulation space.*
- *Door swings across landings – this is unacceptable (landings must be clear, 1200mm deep).*

Officers would like to comment that no studio flats are proposed as indicated on the first bullet point.

## **External Consultees**

8.7 **Crime Prevention Officer (MPS):** No objection, but concern raised with rear lightwell space, recommended that passageway is fully enclosed to access the rear of the premises, in order to deter anti-social behaviour, crime issues or attacks to the vulnerable rear of the premises. Request made for the inclusion of a planning condition to achieve Secured by Design accreditation.

8.8 **Historic England (GLASS):** Recommend No Archaeological Requirement, which reads:

*'Although within an archaeological priority area, archaeological survival within this site is likely to be poor. Additionally, the submitted archaeological assessment shows that the site falls just outside the historic settlement. Given the limited archaeological potential and the relatively small scale development it is unlikely that there would be an archaeological impact at this location. Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.*

*No further assessment or conditions are therefore necessary'*

8.9 **London Fire & Emergency Planning Authority:** Comments read:

*'The Commissioner has been consulted with regard to the above-mentioned premises and makes the following observations:*

*Other comments: There should be fire brigade vehicle access to the perimeter of the building and sufficient hydrants and water mains in the vicinity which should comply with Approved Document – B (AD-B) and maintained at all times.*

*The Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life.*

*The Commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier.'*

8.10 **TfL (Road Network Development):** No objection, which reads:

*'Having assessed the proposals, I can confirm that TfL Spatial Planning has no strategic transport comments to make on this planning application other than to emphasise the development should comply with the transport policies set out in the draft London Plan.*

*The footway and carriageway must not be blocked during the development. All vehicles associated with the development must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.'*

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

9.1 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.)

9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

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

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

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

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

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

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

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

### **Development Plan**

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

- 9.11 Some weight is attributable to the Draft London Plan.

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

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

## **10. ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:
- Land use
  - Design and assessment of any heritage impacts
  - Impact on the amenity of neighbouring residents.
  - Accessibility
  - Noise implications
  - Landscaping
  - Highways and delivery and servicing
  - Refuse facilities
  - Archaeology
  - Small sites and affordable housing
  - Quality of accommodation and residential mix
  - Other areas

### **Land Use**

- 10.2 The site is not within an Employment Growth Area, Employment designated area or within the Central Activities Zone (CAZ). The site is however within the Angel Town Centre. Policy CS13 of the Core Strategy encourages the location of business floorspace within town centres, and there is a need for business space within the borough generally. Consequently, there is no objection to the provision of additional office space at the site and for the use of this in an open plan layout for Patel Taylor Architects, the applicant, whom are currently based within the southern part of Islington on Rawthorne Street. It should be stressed that the site has a long term plan in being a base for the Architects firm in order to accommodate their expanding operations which would contribute to the economy of the local area with the creation of jobs, whilst providing a mixed use building with retail at ground floor and residential at upper floors.

- 10.3 Policy CS5 (Part D) of the Core Strategy provides that any significant introduction of residential uses in Angel Town Centre will be resisted, but that retail-led mixed use development with an element of conventional residential use which makes a significant contribution towards meeting affordable housing objectives may be acceptable.
- 10.4 Whilst the Council notes that the scheme as proposed is not primarily 'retail-led', the proposal would be a significant improvement visually over the existing building which would have a material townscape benefit, in addition to contributing towards meeting housing needs and involves a substantial financial contribution towards affordable housing in the borough. It also offers other benefits, such as an uplift of approximately 166.8m<sup>2</sup> of office space and the creation of a high-quality building internally and externally to replace one which currently is of limited architectural merit in visual terms. It is therefore considered that, on balance, the introduction of residential use in this instance, which is an integral part of the scheme's viability is considered to be acceptable based on the existing site specifics, unusual depth and double frontage of the site onto Essex Road and Astey's Row. These site specific factors and townscape attributes are considered to weigh in favour of the application in planning terms.
- 10.5 The existing retail (A1) floor space at the site totals 322.8m<sup>2</sup>, and the proposed scheme seeks to re-provide 100m<sup>2</sup> of retail space on Essex Road. The scheme would therefore result in a net loss of retail space of 222.8m<sup>2</sup>. Policy DM4.5 of the Development Management Policies provides that, within secondary retail frontages, proposals to change the use of existing retail premises will not be permitted unless a number of criteria are satisfied. These are:
- i) The resulting proportion of retail units would not fall below 50% in the secondary frontage;
  - ii) The proposed change of use would not result in a break in continuity of retail frontage of more than two non-retail units;
  - iii) The premises have been vacant for two years and continuous marketing evidence for this period is provided to demonstrate that there is no realistic prospect of the unit being used for retail (A1) purposes;
  - iv) The proposed use would not have a harmful effect on the retail function and character of the town centre; and
  - v) The proposed use on the ground floor would provide an active frontage.
- 10.6 In this instance, the desktop study submitted (Pg.23 of the Planning Statement) has indicated that criteria i) is satisfied and, given that the scheme seeks to retain a retail unit across the majority of the frontage on Essex Road, criteria ii), iv) and v) are also broadly satisfied. However, the requirement to submit marketing evidence demonstrating a two-year vacancy period cannot be complied with, as the property is currently occupied by a retail business.
- 10.7 The proposal has not provided any market demand analysis provided for the reduction in retail floorspace, which would help to justify the loss of ancillary space as detailed by the Planning Policy Officer. Whilst this is acknowledged, regard is had to the active frontage and this being retained. The existing unit as shown in the image below is a narrow strip lengthways of the active frontage, beyond and walled off from the frontage is a larger area of retail that drops down to the rear of the building. The rear area is not part of the frontage nor visible, and appears very much underutilised. Officers are therefore of the view that this would not harm the retail function of the Town Centre due to the fact that the majority of the 'lost' retail space is located towards the rear of the site (Astey's Row is not a retail frontage), and a retail presence

is still being maintained on Essex Road which is the key frontage, the proposal would have very little impact on the retail character of the street or the wider town centre. Therefore, whilst a technical breach of Policy DM4.5 exists, the proposal is not considered to compromise the objectives of the Local Plan when considering the site specifics, Townscape improvement and is considered a material planning consideration that outweighs the conflict with Policy DM4.5.

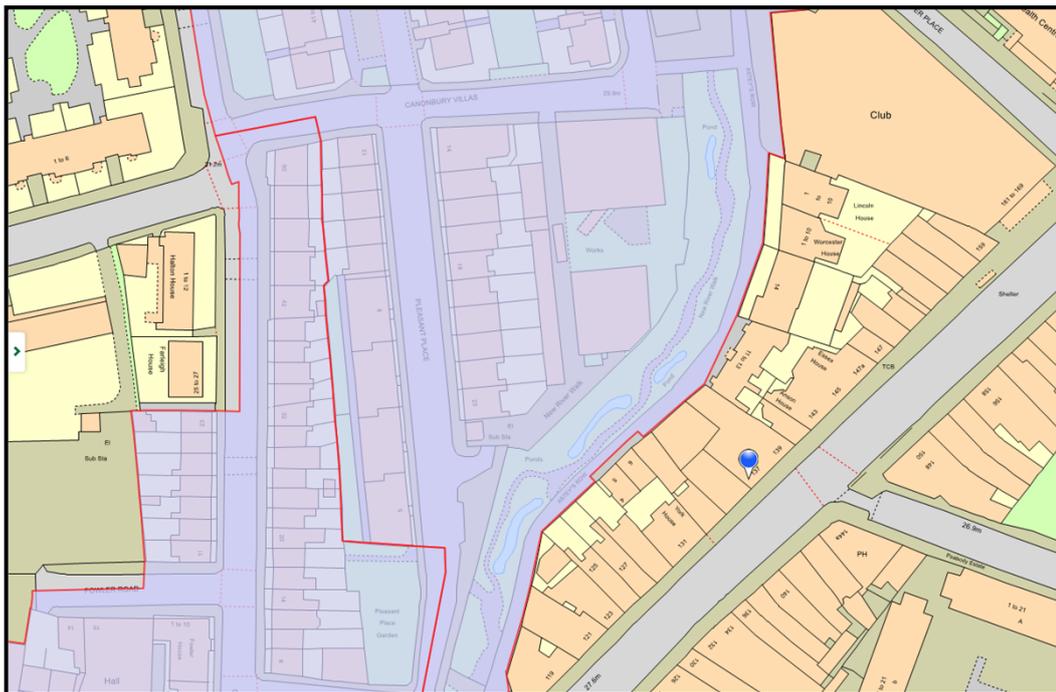
- 10.8 Regard is also had to emerging Draft Local Plan, more specifically R3 (Islington's Town Centre) and R6 (Maintaining and enhancing Islington's unique retail character) in particular, the latter of which states that the provision of small shop units are generally considered to be of around 80sq.m, the re-provision of 100sq.m of active frontage is therefore acceptable, and the proposal seeks to address the emerging policies that do gather weight, and are relevant in regards to this proposal.



**Image 8:** Existing ground floor retail frontage

## Design

- 10.9 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.10 Paragraph 131 of the NPPF (2019) states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.11 Policy CS8 of Islington's Core Strategy sets out the general principles to be followed by new development in the Borough. Policy CS9 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.12 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. The proposal is located south of the Canonbury.



**Image 9:** Application site (blue marker) in context of Canonbury Conservation Area (blue shading).

- 10.13 The proposal is broken up into 3 main visual components, that would have an impact on the character of the Conservation area and surrounding area.

Essex Road Frontage

- 10.14 The proposed extension to the Essex Road frontage would result in an additional storey creating a front façade height of 15.1m. The existing character along the Essex Road frontage includes primarily a range of 3-4 storey building heights, to the east is Anson House a 5 storey mixed use brick built building, to the west flank is 135 Essex Road a 4 storey commercial building. The proposed scale is therefore considered acceptable aligning roughly in height with 141 Essex Road (Anson House). Additionally, officers note that the extension massing follows the existing building lines to either flank and would therefore not appear prominent or out of character within the existing streetscape.
- 10.15 The frontage would consist of new red brickwork that has been formed following pre-application process and in comparison to the other brick colours and textures explored, reads well within the immediate streetscape. The façade also includes inward opening juliet balconies from the 1<sup>st</sup> to the 3<sup>rd</sup> floor, with dark coloured piers including stone and metal at ground floor supporting the ground floor retail frontage and office space upon the upper floors (as detailed in the image below). Officers consider following pre-application discussions that the fenestration, proportions and detailing of the proposed scheme were of a very high quality and officers consider the lighter red brick work would fit its context more appropriately. The proposed frontage and façade would be contemporary in appearance, at odds with the existing building, however, the existing building in appearance appears tired and does not conserve the character of the area or hold architectural merit, and the façade following the submission of amended plans is considered acceptable in line with the comments of the Conservation Officer.

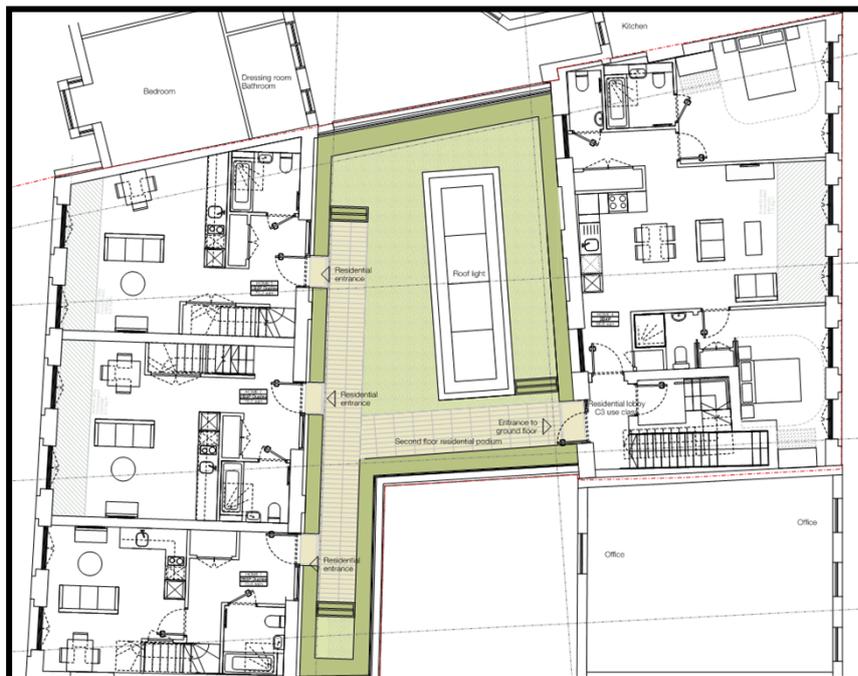


**Drawing 1: Proposed Essex Road elevation**

- 10.16 Upon the roof of the extension is a ballustraded private terrace space of 23sq.m for Home 5 (as detailed within the submitted plans). Concern was originally raised by Officers in regards to the visibility of the terrace area and it's impact on the streetscape. Following further assessment of photo montages and visual images that were provided by the applicant, officers consider that the front terrace would have very limited visibility from Essex Road and Greenman Road to the south and would not have an adverse impact on the character of the area, and is therefore acceptable.



**Image 10:** Photomontage of proposed Essex Road elevation



**Drawing 2:** Second floor Podium level.

- 10.17 The site would contain a podium level upon the second floor upon what is the existing roof of the building behind the principal elevation of the building. This area would be for access to residential units on Astey's Row only, and would be characterised by planters, a central rooflight and boundary screening consisting of hedging with railings internally, which would all not be considered large scale nor significantly visible from the public realm to cause harm to the character of the area.

Astey's Row Frontage

- 10.18 The proposed extension to the Astey's Row frontage would result in an additional two storeys, resulting in an overall height of 13.8m which would be in close proximity to the Canonbury Conservation Area. The building to the rear is flanked by 11-13 Astey's Row to the east which is a 4 storey residential building with roof terrace. To the west flank is 7 Astey's Row a 4 storey residential building, both of which vary architecturally to each other and the application building. The two storey development would infill an area of space that as existing contains an open flat roof area and would not extend deeper than the rear elevation of both neighbouring properties. The development in scale is therefore consistent with the neighbouring residential buildings.
- 10.19 The frontage would also consist of red brickwork matching the Essex Road elevation featuring inward opening juliet balconies from the 1<sup>st</sup> to the 2<sup>nd</sup> floor, metallic roof extension with larger panes of glazing and single windows at ground floor above the proposed rear lightwell. As detailed within the analysis of the materials fronting Essex Road, the façade would read well with the primarily red brick of the adjacent properties at 7 and 11-13 Astey's Row and overall reflects positively to the surrounding area. Paragraph 5.156 of the Urban Design Guide states that "Contemporary roof extensions, with a lightweight appearance such as glass and steel, comprise a vertical frontage and flat roof that is usually well set back behind the front parapet. They are most appropriate on relatively modern buildings." The 4<sup>th</sup> floor extension in this regard is therefore acceptable given the overall modernisation of the building, and updating of the appearance of this elevation as a whole in comparison with the existing elevation that currently features security grills over windows, alarms, signage, vents and fading brickwork. Officers consider the proposed extension and new façade to be an improvement to the townscape and would comply with the requirements of DM2.3.



**Drawing 3:** Proposed Astey's Row elevation

- 10.20 Upon the roof of the extension is a ballustrated private terrace space of 21sq.m with glass box enclosure for Home 1 (as detailed within the submitted plans). Concern was originally raised by Officers in regards to the visibility of the terrace area and it's impact on the Canonbury Conservation Area.



**Image 11:** Photomontage of proposed Astey's Row elevation

- 10.21 The scheme has been amended to include a reduction in the length of the amenity space, including the length of the metal balustrade housing the terrace area (3.4m reduction), this in addition to the length of the over glazed glass panel box (1.94 reduction) that would provide access up from the 3<sup>rd</sup> floor residential property to access the terrace space. Following further assessment of photo montages and visual images that were provided by the applicant, officers consider that the rear terrace would not be significantly visible in short views from Asteys' Row given the setback and the reduction would result in a reduction in the bulk to this level and would not have an adverse impact on the character of the Conservation area, and is therefore acceptable. Officers also consider, that the greater height proposed overlooking the park would add greater natural surveillance which is welcomed in urban design terms and crime prevention.
- 10.22 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest. Officers consider that the proposed development positively reflects the character of the existing building and character of the Conservation Area and would not harm the character of the Conservation Area.

## Neighbouring Amenity

10.23 All new development is 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. Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

### Overlooking and Loss of Privacy

10.24 Paragraph 2.14 of the Development Management Policies 2013 states that '*there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.*'

10.25 In this instance, both proposed elevations facing Essex Road and Astey's Row respectively do not overlook neighbouring amenity to an unacceptable degree given the spacing to neighbouring properties, whilst there are no flank windows proposed that would cause issues of overlooking.

10.26 The podium level which provides access to the Astey's Row residential properties, is a communal area to the centre of the site in-between the two extensions. This element has been amended since the submission of the originally submitted plans following concerns regarding overlooking to the office space (135 Essex Road) to the south and residential space to the north (11-13 Astey's Row and 141 Essex Road) and south (7 Astey's Row). Specific concern was raised in regards to the access of the space for 4no. units and disturbance created, no screening along the perimeter, proximity of residential accesses to adjacent properties and the use of the podium area space beyond access purposes. Objections were received with concern with the podium proposed from neighbouring properties also. The following changes were proposed following further discussion between the applicant and Council:

- Home 1. Front door moved away from podium edge. Internal layout adjacent accordingly.
- Home 4. Front door moved away from podium edge. Internal layout adjacent accordingly.
- Inclusion of larger zones of defensible planting along podium edges. Increased width from 100mm to 550mm and increased height to 1700mm. Planting to consist of low maintenance hedges which are fast growing and evergreen.
- New position of planters at ends of walkways restricting access.
- Reduced length and reduced width of residential walkways. Walkways moved away from podium edges.
- Low maintenance soft landscaping on podium with ground cover, low level grasses and low level perennials to reduce opportunities to dwell and limit spaces to sit.

- 10.27 The amended layout satisfies the concerns raised in regards to overlooking and privacy, by reducing the number of units accessing the podium, screening adjacent properties from 3no. flats users on the podium by virtue of hedging with railings, restricting access on the central part of podium by creating a landscaped area, reducing the length and width of the walkways to ensure the area's primary use is access only.
- 10.28 A number of objections have been raised in regards to overlooking and disturbance by virtue of noise from the two no. roof terraces on both extensions. The proposed roof terrace to the Essex Road frontage would serve Home 5 only and given its siting above neighbouring properties would not result in direct overlooking to neighbouring windows, and the area is primarily set off from the perimeter, and set back from the north and south of the adjacent properties. The proposed roof terrace to the Astey's Row side has been reduced in lengths away from 11-13 Astey's Row, more specifically the top floor flat (No.6) whereby the proposed terrace was originally in close proximity. The reduction, is considered to overcome the concerns originally raised, again this terrace would be above the adjacent properties and away from the perimeter of the proposed extension, meaning there would be no direct overlooking of neighbouring windows with views over residential properties and towards Astey's Row park.
- 10.29 A number of objections have been raised in regards to both terraces, and access for large gatherings, creating noise and disturbance. Whilst this objection is acknowledged, terraces (Approx. 17sq.m in total) are noted at both flats at 11-13 Astey's Row upon the third floors. The proposed terraces would serve one private unit each, and given the site's dense urban location within the Angel Town Centre, the development is on balance considered acceptable, in the context of the site surroundings, and the setbacks and amendments made.

Outlook and enclosure

- 10.30 The proposed one storey extension fronting Essex Road would align with the flank wall with 141 Essex Road (Anson Road) and be higher than 135 Essex Road, officers note that the extension massing follows the existing building lines to either flank and rear, whilst there are no flank windows that would be enclosed to an unacceptable degree, additionally.
- 10.31 The Astey's row two storey extension would span the full width of the rear part of the building. It would not extend deeper beyond the rear elevation of the neighbouring building lines, there are no flank windows at 7 Astey's Row and would not impact on the residential amenity of this neighbour by virtue of its siting. To the opposing side, the extension would extend up to northern boundary with 11-13 Astey's Row, whereby there is a roof terrace area, and to the right hand side the fourth floor of the building that contains the kitchen area north east of the extension and living room due north of the development.

- 10.32 Officers acknowledge that the outlook from the terrace and kitchen area is that of Astey's Row tree line and public park to the west, whilst the flat roof 2<sup>nd</sup> floor of the application building is directly below to the south affording views in this direction unobstructed. The living room is setback from the proposed development by 4.2m, and at present would also look out over the open area of the flat roof.
- 10.33 An objection has been received in regards to the loss of outlook and adverse impacts from the enclosure of the development and its prominence in relation to the living space of the flat at this level. The applicant has since amended the plans to reduce the proximity of the extension at 4<sup>th</sup> floor to the living space at this level, resulting in an angled cutback, meaning a cutback closes to the boundary by approximately 2.7m, the extension then extends 3m south before jutting out by approximately 0.9m, with a clear 1m setback from the rear elevation. The amendment would reduce the sense of enclosure to this neighbour, however, the amenity of this property in any case would remain adequate, when considering the kitchen window (a non-habitable room) would not be obstructed in views towards the park, whilst the living room is dual aspect with bay windows overlooking the park. Therefore, whilst the view is obstructed directly south, the terrace and habitable space would still have a good level of outlook west and south west following the amendment. Officers would also acknowledge the relationship the terrace at Flat 5 (11-13 Astey's Row) has with Flat 6 in its enclosure, and the similarities the development would have, although bettered now by the amended angle of the extension. The application site does not conform with the architectural character of the surrounding area by virtue of the dip in built form given its two storey stature amongst the taller buildings. Therefore, whilst the terrace and lounge view would be partially obstructed to the south by virtue of the proposed development, on balance, the proposal would be consistent with the architectural form of the surrounding area and the affected flat would retain a good level of outlook to justify support of the application on these grounds.
- 10.34 The podium area to the centre of the proposed development would include 1m high railings and internal hedging 1.7m high around the perimeter, the adjacent office windows to the south and residential to the north and south (as shown on the proposed 2<sup>nd</sup> floor plan) would be in view of this. This development would however not be considered prominent to neighbouring properties when considering the existing layouts and outlook that properties have either facing the rear wall of the Essex Road rear elevation or the rear elevation of the Astey's row development.
- 10.35 Overall, the proposal would not have a detrimental impact, outlook, privacy and overlooking and would therefore be in compliance with policies DM2.1 of the Development Management Policies 2013 and the guidance set out in the Urban Design Guide 2017.

### Daylight and Sunlight

10.36 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours. A number of objections have been raised with regard to the impact of the proposed structure upon the levels of sunlight and daylight provided to neighbouring properties. The applicant has provided a Sunlight and Daylight analysis, which has assessed the impact of the proposal on the windows that could potentially be affected of the adjoining properties on:

- 4-7 Astey's Row (south-west),
- 11-13 Astey's Row (north),
- 141-143 Essex Road: Anson House (north-east),
- 131 Essex Road (south),
- 133 Essex Road (south),
- 144 Essex Road (east),
- 144a/b Essex Road (east),
- 148-150 Essex Road (east),

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

- the Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value (Skylight); or
- the daylight distribution, as measured by the No Sky Line Contour (NSC) test where the percentage of working plane area receiving light is measured, is not reduced by greater than 20% of its original value.

10.38 The results from both the VSC test and daylight distribution show that all windows tested at all tested properties (except for 11-13 Astey's Row and 141 Essex Road - Anson House) are not reduced by greater than 20% of its original value (Skylight) nor are they reduced by greater than 20% of their original value in regards to daylight distribution. Therefore, the impact of the proposal upon access to daylight at the neighbouring properties is considered to be acceptable in line with BRE Guidelines and recommended target values. Neither test is failed by any window or room other than singular cases noted at the properties in brackets.

#### *11-13 Astey's Row (north)*

10.39 The results from the VSC test show that 2 windows fail out of the 49 assessed, with the other 47 showing no noticeable change meeting BRE guideline criteria. Those failing are W3 on the first and second floor serving the flank of the 3no. bay window for one property each, indicted on the table below. The main windows of the bay serving the rooms would experience no noticeable change in daylight levels and, in addition, the mean VSC reduction across all or the windows is at or within 0.8 times the former value. The results are therefore compliant with the BRE criteria.

<b>Daylight Assessment (VSC)</b>	W3-L (First)	W3-L (Second)
VSC – Existing	8.7	23.7
VSC – Proposed	6.0	7.1
PR/EX	0.7	0.3
Meets BRE Guidance	NO	NO

10.40 The results of the of NSC, show that 3 windows fail out of the 22 rooms assessed (indicated on the table below), with the other 19 showing no noticeable change meeting BRE guideline criteria. Those failing are rooms identified as R3 (served by W6) on the ground floor, together with R2 (served by W4 and W5) and R3 (served by W6) on the first floor serving one residential property. These rooms back on to the rear of the Astey’s Row elevation which face the yard immediately adjacent to the lower level. As existing the outlook and daylight is constrained, and therefore the losses are assessed to be exacerbated by the existing low level of which the values start at, and fall to 0.7 its former value, below the 0.8 requirement. Whilst this is acknowledged, the decrease is marginally below 0.8 and would retain an acceptable level of compliance with the VSC assessment, to not result in such demonstrable harm to loss of daylight.

<b>Daylight Assessment (NSC)</b>	R3-W6 (Ground)	R2-W4 & W5 (Ground)	R3-W6 (First)
VSC – Existing	17.4	56.2	21.2
VSC – Proposed	12.7	41.7	14.3
PR/EX	0.7	0.7	0.7
Meets BRE Guidance	NO	NO	NO

*141-143 Essex Road: Anson House (north-east)*

10.40 The results from the VSC test show that 1 window fails out of the 28 assessed, with the other 27 showing no noticeable change meeting BRE guideline criteria. The window failing is W2 on the second floor of the building showing a marginal reduction below the BRE targets (indicated on the table below). The room is however served by an additional window to the that would remain unaffected in daylight levels. The results are therefore compliant with the BRE criteria. All windows would pass the daylight distribution test (NSC).

<b>Daylight Assessment (VSC)</b>	W2-L (Second)
VSC – Existing	23.9
VSC – Proposed	17.6
PR/EX	0.7
Meets BRE Guidance	NO

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

*sunlighting to the existing dwelling may be adversely affected. This will be the case if the centre of the window;*

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

10.42 All windows within 4-7 Astey’s Row (south-west), 131 Essex Road (south), 133 Essex Road (south), 144 Essex Road (east), 144a/b Essex Road (east) and 148-150 Essex Road (east) would meet the BRE guidelines.

*11-13 Astey’s Row (north)*

10.43 The results from Sunlight tests show that 1 of the 17 rooms assessed would not retain APSH levels in excess of the targets. The room affected is a bedroom on the second floor served by Windows W1-W3 (Bay window) that faces Astey’s Row and the public park/garden. The APSH level would go down to 21% in annual sunlight, which is below the suggested 25% target, whilst winter daylight will go down to 3% APSH in the winter months.

<b>Sunlight Assessment</b>	<b>R1 W1-W3 (Second floor)</b>
ANNUAL – Existing	39
ANNUAL – Proposed	21
PR/EX	0.5
Meets BRE Guidance	NO
WINTER – Existing	10
WINTER – Proposed	3
PR/EX	0.3
Meets BRE Guidance	NO

10.44 The affected windows W1, W2 and W3 would have a reduction in sunlight received over the whole year greater than 4% of APSH from existing to proposed APSH, although the reduction to 21% would only be marginally shorter than the 25% required figure. When considering general compliance with BRE guidance in regards to VSC and daylight distribution, and marginal deviations below the sunlight requirements within this urban location it is not considered that the proposal would cause unacceptable harm to the level of daylight and sunlight received by the windows of the existing property on 11-13 Astey’s Row, identified to justify refusal of permission in line with BRE Guidance. In addition to this, in line with BRE guidance, sunlight to bedrooms is less important than other habitable spaces. It is worth noting additionally, that the windows adjacent to the top floor of the amended setback extension are kitchen windows and a living room providing light from bi-fold doors, these all comply with both the daylight and sunlight tests and officers consider that this assessment indicates no adverse impacts to this neighbouring flat.

*141-143 Essex Road: Anson House (north-east)*

- 10.45 The results from the sunlight assessment show that five of the six rooms assessed retain sunlight in excess of the BRE targets. The remaining room (bedroom) can be identified as R2 (W2 and W3) on the second floor and with the proposal in place, the results show total sunlight levels of 21%, and winter levels of 2% which is below the BRE targets. This room within the residential property would however retain a good level of daylight, retaining adequate levels of daylight (VSC and NSC), and given the marginal reduction below 0.8 in annual sunlight to 0.6, it is not considered justifiable to refuse the application on this basis given the marginal deviations and existing site constraints.

<b>Sunlight Assessment</b>	<b>R1 W1-W3</b>
ANNUAL – Existing	34
ANNUAL – Proposed	21
PR/EX	0.6
Meets BRE Guidance	NO
WINTER – Existing	6
WINTER – Proposed	2
PR/EX	0.3
Meets BRE Guidance	NO

*Basement excavation*

- 10.46 Paragraph 7.1.16 of the Council's Supplementary Document – Basement Development (SPD) states that 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.
- 10.47 Paragraph 7.1.17 of the SPD states that 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.
- 10.48 The application has been supported by a Structural Method Statement by Aviron, Geotechnical and Land Contamination Specialists (August 2015) highlighting minimal effects on neighboring amenity, trees and flood risk and conducting appropriate borehole and trial pits. The report is supported by an updated 2018 Structural Method Statement, which outlines the basement construction method in detail, plans of the proposed excavation and is again supported by a chartered structural engineer. There is therefore no objection to the scope of the works proposed, and a condition would be applied to adhere to the documentation submitted.

## Housing considerations

### *Housing mix*

- 10.49 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes. Table 3.1 sets out an indicative housing size mix required for each housing tenure. For market housing, 10% of units should be 1-bed, 75% should be 2-bed and 15% should be 3-bed. The proposal provides a compliant mix of housing units with the provision of only 1 bed unit, three 2 bed units and one 3 bed unit and is welcomed in policy terms. The quality of the units and the amenity for these will be discussed in the next section

### **Quality of Accommodation**

- 10.50 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.51 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.
- 10.52 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy and gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve.
- 10.53 Amended plans were received, to include a reduction to the massing of the two storey extension fronting Astey's Row, this resulted in the layout of Home 3 being amended to a 1 bed 2 person dwelling. During the application process further amendments to the mix included the removal of 2no. 1-bedroom studios and addition of 1no. 2-bedroom 4 person unit upon the 3<sup>rd</sup> floor.

**Table 1:** Minimum floor and storage space

<b>No. Bedrooms / Expected Occupancy</b>	<b>Floor Space Provided</b>	<b>Minimum Required</b>	<b>Provided Storage</b>	<b>Required Storage</b>
2bed/3person (H1)	75.6 sq.m	61 sq.m	2 sq.m	2 sq.m
2 bed/3person	76.5 sq.m	61 sq.m	2.2 sq.m	2 sq.m
1bed/2person	70.2 sq.m	50 sq.m	0.9 sq.m	1.5 sq.m
2bed/4person	86.6 sq.m	70 sq.m	1.9 sq.m	2.5 sq.m
3bed/5person*	103.2 sq.m	86 sq.m	0 sq.m	3 sq.m

**Table 2: Minimum bedroom floorspace**

Home	Bedroom	Floor Space Provided	Minimum Required Floor Space
1	Double Bedroom Single Bedroom	12sq.m 9.3sq.m	12sq.m 8sq.m
2	Double Bedroom Single Bedroom	14.4sq.m 10sq.m	12sq.m 8sq.m
3	Double Bedroom	13sq.m	12sq.m
4	Double Bedroom Double Bedroom	16.7sq.m 17.4sq.m	12sq.m 12sq.m
5	Double Bedroom Double Bedroom Single Bedroom	16sq.m 22.7sq.m 18.9sq.m	12sq.m 12sq.m 8sq.m

- 10.54 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms, additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) and the London Plan (2016) Policy 3.5 providing a good level of floorspace for each unit. Units would provide a good level of storage, however no storage is proposed at Home 5, although, given the generous size of the unit well beyond the standards, space for storage should be accommodating.
- 10.55 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. All units on both the 2<sup>nd</sup> and 3<sup>rd</sup> floor would achieve at least 2.5m ceiling height in accordance with the London Plan, Home 1-3 would achieve the DM policies, whilst the larger Home 3-4 would be marginally short of 2.6m. Therefore, the proposed floor to ceiling heights would generally meet the minimum ceiling heights stipulated by the London Plan, whilst 2 home falling again marginally short of the Development Management Policies. The units would provide a good level of amenity for each unit, especially the larger units fronting Essex Road.
- 10.56 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. It is considered that the dwelling would satisfy these requirements. The proposed dwellings would be afforded with an adequate level of outlook with the smaller units facing Astey's Row Park and Garden, whilst the larger units would have ample outlook over Essex Road with a good level of glazing proposed within all units. The units would look over each between the proposed podium with a separation distance of 7.8m, whilst Home 1 would be opposite the second and third floor of 135 Essex Road with a separation distance of 8.5m. Therefore, whilst there is a degree of dual aspect, the outlook would not be as

advantageous to these elevations. Whilst this is acknowledged, regard is had to the existing building line and layout of adjacent buildings, whereby the separation distances are similar, this is observed between 4-7 Astey's Row and 131 Essex Road and also 11-13 Astey's Row and Anson and Essex House (141-147a Essex Road), therefore this proximity with the site context would be acceptable.

- 10.57 The layout of the podium results in a window to window relationship between units, with Homes 1-3 to the Astey's Row side and Homes 4-5 to the Essex Road side, with 4 at 2<sup>nd</sup> floor and 5 at 3<sup>rd</sup> floor. At second floor the layout has been designed to mitigate as little direct overlooking between the units by virtue of their position, with the windows within home 1-3 providing light to only the entrance and storage areas and would serve an entrance area and storage area for Home 4 minimising direct overlooking. Upon the 3<sup>rd</sup> floor the glazing from Essex Road would consist of high level glazing to the centre, one obscurely glazed window serving the entrance area and a clear glazed Juliet balcony for the bedroom, whilst to the opposing side at Astey's Row the glazing is predominantly obscured, with clear glazing positioned in a manner to not directly overlook the bedroom of Home 4. Officers consider the revised layout and fenestration to successfully overcome overlooking between the units given the constraints and separation distances. Additionally, the amendments made result, in the podium only being accessed by Homes 1-3 to access their own unit, with little or no scope to get within close proximity of the Essex Road units given the landscaping proposed.
- 10.58 Policy DM3.4E stipulates that all living areas, kitchens and dining spaces should preferably receive direct sunlight. Given the high level of glazing in all units it is considered that adequate sunlight would be provided with good levels of outlook from Essex Road and Astey's Row.
- 10.59 Policy DM3.5 identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. Units on Astey's Row, including 1 bed-2 person (Home 3) and the 2 bed-3-person unit (Home 3) would not have amenity space nor the unit at 2<sup>nd</sup> floor at Essex Road (Home 4) which is 2 bed-4-person unit. Whilst the plans indicate amenity space at Home 2 and 3, officers do not agree with this assertion as it is within the internals of the property and is not included. The lack of amenity space would be of a concern for the larger unit as noted by the Inclusive Design Officer, however regard is had to the overall size of the unit well beyond the standards, additionally, Astey's Row public garden is in close proximity, whilst Canonbury Gardens is within 100m of the site with play space and landscaped areas accessible. Therefore, on balance this is considered acceptable to mitigate non-compliance with Policy DM3.5. Home 1 and Home 5 would have ample space upon the roof of the extensions, complying with the requirements and providing a good level of outlook and living space.

10.60 For the above reasons, it is concluded that the proposed development provides acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with policy 3.5 of the London Plan 2016, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2013 and the National Space Standard 2015.

### **Accessibility**

10.61 As a result of the change introduced by the Deregulation Bill (Royal Assent 26<sup>th</sup> March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.

10.62 On 1<sup>st</sup> October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. Residential development containing fewer than 10 units should be designed so that all dwellings meet Category 2 of the National Housing Standards. A written statement explaining how each of the units meets the requisite standard should be provided with the application (this can be contained within the Planning Statement). Plans should indicate notional furniture layouts.

10.63 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone.

10.64 In respect of the non-residential parts of the proposal, the applicant should have regard to the guidance contained within Section 4 of the Inclusive Design in Islington SPD (2014). The approach to all units should be step-free and the approach to the main entrance should be level or ramped. Due to the nature of the site and units located on the upper floors, there is no step free access, whilst access to the bicycle storage within the rear lightwell would not be step free and the entrances to the building do not have level thresholds. Concern was also raised in regards to the lift and how this could not be used for the residential space above. Having assessed the internals of the building and the layout proposed that clearly splits the uses between the floors it is not possible to be fully compliant, whilst the existing building and access to this would not be compliant, therefore, on balance given the site context, it is not justifiable to refuse the application based on these grounds. A condition is therefore attached to any permission given to ensure the residential dwellings, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards in order to secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.

## **Highways and Construction Noise**

- 10.65 A number of objections have been received in regards to concerns with how the site could be developed and the impacts on Astey's Row to the rear which is a public highway. Astey's Row is a single access road allowing the passing of one vehicle only, the development into the rear lightwell would not jeopardise this road given the development would be within the private boundary. However, in any case, in order to ensure that management practices are implemented to ensure that the impact of construction on neighbouring residents is minimised, a condition has been recommended requiring the applicant to provide a Construction and Environmental Management Plan for the approval of the Local Planning Authority prior to the commencement of construction. The applicant has agreed to this requirement for a pre-commencement condition.
- 10.66 As per refuse and recycling, much of the deliveries and servicing will take place on Essex Road as per the existing circumstances, whilst Astey's Row can allow for a small amount of servicing with access to the new rear lightwell. The A1 and B1 uses are characteristic of the Town Centre area, whilst the site constraints dictate on street delivery for the associated uses.
- 10.67 For the reasons above, and subject to the conditions recommended, it is considered that the proposed development would not unacceptably harm the living conditions of the occupiers of adjoining and adjacent properties. Accordingly, the proposal does not conflict with policy DM2.1 of the Development Management Policies 2013 or policy 7.6 of the London Plan 2016 insofar as they aim to safeguard residential amenity. The scheme would also adhere to the core principle of the National Planning Policy Framework, which is to always ensure a good standard of amenity for all occupants of land and buildings.

## **Highways continued**

- 10.68 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking, and the loss of the existing parking is considered to be acceptable. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. This is to be secured via a s106.
- 10.69 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6, 10 bicycle spaces should be provided for the 10 bedrooms proposed. The allocation proposed (11) would surpass the requirements for the residential use located at ground floor, whilst the combined commercial cycle spaces within the rear lightwell would amount to 12 spaces which would fulfil the requirements under Appendix 6. The

arrangements are acceptable in principle, however further details including plans and elevations shall be provided subject to a pre-commencement condition. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance

- 10.70 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units. The proposed bin stores have been shown on the proposed plan as being located to the ground floor entrance area for the residential units facing Essex Road, whilst the office space at ground and first floor has extensive storage areas for refuse and recycling for the commercial area and a rear lightwell that can provide servicing from Astey's Row. When taking into consideration that the bin stores would be located would not be visible from the street, the proposed refuse storage requirements are acceptable and would cause no harm to the character or appearance of the host building. The arrangements are acceptable in principle, however further details including plans and sections shall be provided subject to a pre-commencement condition for the approval of the Local Planning Authority prior to occupation of the development.

### **Sustainability and Ecology**

- 10.71 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 10.72 The Planning statement submitted states that the scheme has been designed in accordance with London Plan Policy 5.3 which seeks to address sustainable design and construction. The proposed development incorporates a green roof and green landscaping to the podium. This is considered to be an improvement over the environmental quality of the existing building and would be in line with policy DM7.1. A condition has been attached to ensure that the green roof contains a substrate base of 80-150mm, and is planted/seeded with a mix of species containing no more than a maximum of 25% sedum.
- 10.73 The applicant seeks to provide an exemplary building with an environmentally responsible design that conserves energy and enhances the environment which has been supported by a Sustainable Design & Construction Statement. This document details how the dwelling will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement aims to not exceed water use targets of 110L/per/day. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved should be conditioned to be in accordance with the standards stipulated by policy DM6.6.

- 10.74 In light of comments received from the Islington Swifts Society, it is recommended that a pre-commencement condition be included to ensure bat and bird boxes are implemented based on information on the most suitable locations in accordance with the Council's biodiversity objectives.

### **Landscaping and Trees**

- 10.75 DM6.5 states that Developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.
- 10.76 The proposed development and adjacent River Walk is separated by the roadway, kerb and fencing and the development into the basement and lightwell are a sufficient distance away from the root protection area of the willow tree located closest to the site. The structural impact assessments have not identified any harm to any trees and the development is acceptable in this regard.
- 10.77 The proposal would result in the greening of the roof of both extensions, by virtue of a sedum roof, this along with podium level hedging and hedging within the rear lightwell to the rear of the site which would contribute to the character of the Astey's Row, above and beyond the current building that is in situ and therefore reflects positively on the area.

### **Archaeology**

- 10.78 The site is within the Islington Village and Manor House Archaeological Priority Area. The applicant has instructed CgMs Heritage to produce an Archaeological Desk Based Assessment (November 2018). The report has considered there to be a low to moderate potential for Saxon archaeology and moderate potential for Medieval evidence. Comments have been received from Historic England (GLASS) who recommend no Archaeological requirements as although within an archaeological priority area, archaeological survival within this site is likely to be poor. Additionally, the submitted archaeological assessment shows that the site falls just outside the historic settlement. Given the limited archaeological potential and the relatively small scale development it is unlikely that there would be an archaeological impact at this location. It is therefore concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

### **Small Sites Affordable Housing Contribution**

- 10.79 Islington's Core Strategy Policy CS 12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.
- 10.80 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of 1 or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units. Based on a study of the level of financial contribution that would be viable, the required contribution is £50,000 per additional (net) unit.
- 10.81 The applicant has agreed to contribute the full sum of £250,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This has been secured through a Unilateral Undertaking.

### **Community Infrastructure Levy**

- 10.82 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The principle of the development is considered acceptable and would provide a mixed use scheme of high quality, retaining retail space within the Angel Town Centre and Secondary Frontage, additional office floorspace and refurbishment of the existing building for local business use, and residential development at the proposed 3<sup>rd</sup> and 4<sup>th</sup> floors that have a good level of amenity for future occupiers, whilst the scale and design of the external development would not appear out of character within the streetscene, nor would the development harm the adjacent Canonbury Conservation Area and is considered conducive to the surrounding character and use which is varied in character.

- 11.2 Overall, subject to conditions, the proposal would significantly improve the host building and would not harm the surrounding area. The proposal accords with policies DM2.1 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the Urban Design Guide 2017.
- 11.3 It is considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties having regard to the daylight and sunlight assessment against BRE guidelines. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor direct overlooking and would not regard have a detrimental impact upon nearby amenity levels taken as a whole and accords with Policy DM2.1.
- 11.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- Contribution of £250,000 towards affordable housing within the borough.
- Contribution of £1,500 towards carbon off-setting

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

### RECOMMENDATION B

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

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>450-PT-10-ELE-PL-1001 PL1, 450-PT-10-ELE-PL-1002 PL1, 450-PT-10-L00-PL-1001 PL1, 450-PT-10-L01-PL-1001 PL1, 450-PT-10-L02-PL-1001 PL1, 450-PT-10-SEC-PL-1001 PL1, 450-PT-10-SEC-PL-1002 PL1, 450-PT-10-SEC-PL-1003 PL1, 450-PT-20-ELE-PL-2001 PL2, 450-PT-20-ELE-PL-2002 PL2, 450-PT-20-L00-PL-2001 PL2, 450-PT-20-L02-PL-2001 PL2, 450-PT-20-L03-PL-2001 PL2, 450-PT-20-L04-PL-2001 PL2, 450-PT-20-LRF-PL-2001 PL2, 450-PT-20-SEC-PL-2001 PL2, 450-PT-20-SEC-PL-2002 PL2, 450-PT-20-SEC-PL-2003 PL2, 450-PT-20-SEC-PL-2004 PL2, 450-PT-20-SEC-PL-2005 PL2, Daylight and sunlight by eb7 (September 2019), Design addendum (September 2019), Design and Access Statement including Landscape and ecology report, Heritage statement, Noise report, Tree report (December 2018), Archaeological Desk Based Assessment by cgms Heritage (November 2018), Planning Statement (December 2018), Sustainable design and construction statement</p>

	<p>(December 2018) and Structural method statement by conisbee (December 2018) including: Suggested Basement Construction Sequence (Appendix A), associated Trial Pit Locations &amp; Logs (Appendix B) and Geotechnical Investigation by Aviron (Appendix C).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Details)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Final colour, type and sample panel of brickwork for the main elevations</li> <li>b) window and door treatment (including sections and reveals);</li> <li>c) terrace glazing;</li> <li>d) balustrading;</li> <li>e) All boundary treatments nad screens including podium level boundary treatments</li> <li>f) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the Newington Green Conservation Area.</p>
<b>4</b>	<b>Opaque Screening</b>
	<p>CONDITION: The extent and final details regarding opaque glazing proposed within the development shall be submitted prior to commencement of development.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers.</p>
<b>5</b>	<b>Construction and Environmental Management Plan</b>
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> <li>a) The notification of neighbours with regard to specific works;</li> <li>b) Advance notification of any access way, pavement, or road closures;</li> <li>c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;</li> </ul>

- 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 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.

**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.

6	<b>Refuse/Recycling</b>
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
7	<b>Cycle parking</b>
	<p>CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure and provide for no less than 11 cycle spaces for the proposed residential units and 12 spaces for the commercial uses hereby approved.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	<b>Acoustic Design Statement</b>
	<p>An Acoustic Design Statement following the guidelines of PPG24 and a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by; and implemented to the satisfaction of the Local Planning Authority prior to the first occupation of the rooms hereby approved. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)  Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour  Dining rooms (07.00 -23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>The development would require mechanical ventilation and the report should pay reference to the AVO guidance on ventilation and overheating and the ProPG Planning and Noise guidance.</p>

	<p>REASON: To protect the amenity of neighbouring properties and future occupiers.</p>
<b>9</b>	<p><b>Air Quality Report</b></p>
	<p>CONDITION: Before commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:</p> <ul style="list-style-type: none"> <li>· the area within the boundary of the site, which may exceed relevant national air quality objectives.</li> <li>· specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives.</li> <li>· identify areas of potential exposure.</li> <li>· detail how the development will reduce its impact on local air pollution.</li> </ul> <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications - Technical Guidance Note", the GLA's Air Quality Neutral policy and EP-UK &amp; IAQM's "Planning For Air Quality" in the compilation of the report.</p> <p>REASON: To protect the amenity of neighbouring properties and future occupiers.</p>
<b>10</b>	<p><b>Secured by Design accreditation</b></p>
	<p>SECURED BY DESIGN: Prior to commencement of the development hereby approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
<b>11</b>	<p><b>Basement Development Monitoring</b></p>
	<p>BASEMENT DEVELOPMENT MONITORING: The Chartered Structural Engineer (MI Struct.E) certifying the Structural Method Statement (SMS) dated December 2018 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>12</b>	<b>Water efficiency requirements</b>
	<p>CONDITION: Prior to the occupation of the hereby approved development, details shall be submitted and approved in writing, demonstrating compliance with the water efficiency requirements of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD. The approved measures shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure the water efficiency of the development.</p>
<b>13</b>	<b>Carbon efficiency</b>
	<p>CONDITION: The development hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2015 and an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with <i>Building Regulations Part L 2010</i> (equivalent to Code for Sustainable Homes level 4), unless such provision is not feasible.</p> <p>REASON: In the interest of securing sustainable development.</p>
<b>14</b>	<b>Landscaping</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) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>b) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>c) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>g) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved.</li> </ul> <p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>15</b>	<b>Green Roof</b>
	<p>CONDITION: The biodiversity green roof as indicated on Drawing No. 450-PT-20-LRF-PL-2001 PL2 shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan number 450-PT-20-LRF-PL-2001 PL2 hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>16</b>	<b>Ecology protection</b>
	<p>CONDITION: Prior to the commencement of the hereby approved development details of the bat and bird boxes shall be submitted and approved. The details shall include information an investigation of the most suitable location and shall include nesting location and boxes for swifts. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p>
<b>17</b>	<b>Accessible Homes Standards</b>
	<p>ACCESSIBLE HOMES STANDARDS - (COMPLIANCE): The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>

## List of Informatives:

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

## **APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE**

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

### **1. National and Regional Guidance**

The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- NPPF (2019)

### **2. Development Plan**

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

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

Policy 3.3 Increasing Housing Supply  
Policy 3.4 Optimising Housing Potential  
Policy 3.5 Quality & Design of Housing Developments  
Policy 3.8 Housing choice  
Policy 3.12 Negotiating affordable housing  
Policy 3.14 Existing housing  
Policy 4.3 Mixed use development and offices  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.9 Overheating and cooling  
Policy 6.7 Better streets and surface transport  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 7.1 Lifetime neighbourhoods  
Policy 7.2 An inclusive environment  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage Assets and Archaeology

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

Policy CS5 Angel and Upper Street  
Policy CS8 Enhancing Islington's character  
Policy CS9 Protecting and enhancing Islington's built and historic environment  
Policy CS10 Sustainable design  
Policy CS11 Waste  
Policy CS12 Meeting the Housing Challenge  
Policy CS13 Employment spaces  
Policy CS14 Retail and services  
Policy CS18 Delivery and infrastructure

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

### Design and Heritage

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

### Housing

- DM3.1 Mix of housing sizes
- DM3.3 Residential conversions and extensions
- DM3.4 Housing standards
- DM3.5 Private outdoor space

### Shops, culture and services

- DM4.4 Promoting Islington's Town Centre
- DM4.5 Primary and Secondary Frontages

### Employment

- DM5.1 New business floorspace

### Health and Open Space

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

### Energy and Environmental Standards

- DM7.1 Sustainable Design and Construction
- DM7.2 Energy efficiency and carbon reduction in minor schemes

### Transport

- DM8.4 Walking and Cycling
- DM8.5 Vehicle Parking
- DM8.6 Delivery and servicing for new developments

## **3. Designations**

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

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

The following SPGs and/or SPDs are relevant:

- |                    |                              |
|--------------------|------------------------------|
| <u>London Plan</u> | Accessible London (2016)     |
|                    | Character and Context (2014) |
|                    | Housing (2016)               |

Sustainable Design and Construction (2014)

Town Centres (2014)

Islington

Affordable Housing Small Sites Contributions (2012)

Conservation Area Design Guidelines (Canonbury Conservation Area; 2002)

Basement Development (2016)

Environmental Design (2012)

Inclusive Design in Islington (2014)

Islington Urban Design Guide (2017)