



PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 333
 Town Hall
 LONDON N1 2UD

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| PLANNING COMMITTEE | | AGENDA ITEM NO:B2 |
| Date: | 16 December 2019 | |

| | |
|------------------------|---|
| Application number | P2019/2429/FUL |
| Application type | Full Planning Application |
| Ward | Highbury East |
| Listed building | None on application site Adjacent/affected: Christ Church (to the west of the site across Highbury Grove, Grade II) Vicarage, 157 Highbury Grove (to the west of the site across Highbury Grove, Grade II) Balloon-making workshop at 56a Highbury Grove (adjacent the site to the north, Grade II) |
| Conservation area | Within 50 metres of the Highbury Fields Conservation Area and the Aberdeen Park Conservation Area |
| Strategic | No site allocations. Adjacent to: Melody Lane Employment Growth Area |
| Licensing Implications | n/a |
| Site Address | Land to the Rear of 2 Melody Lane, Islington, London, N5 2BQ |
| Proposal | Demolition of existing buildings and construction of 7 residential dwellings (Use Class C3) and a new 3 storey (plus basement levels) 1,419 sqm office building (Use Class B1a), with landscaping, access and associated works. |
| Case Officer | Simon Roberts |
| Applicant | Mr D Partridge |
| Agent | H Planning Ltd |

1. RECOMMENDATION

1.1. The Committee is asked to resolve to GRANT planning permission:

- subject to the conditions set out in Appendix 1; and
- 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 LOCATION AND PHOTOS



Figure 1: Site Plan (outlined in red)



Figure 2: Aerial view



Figure 3: Aerial view from the south



Figure 4: Aerial view from the east



Figure 5: Aerial view from the north



Figure 6: Aerial view from the west

3. SUMMARY

- 3.1. The application seeks permission for the redevelopment of the site for the construction of 7 residential dwellings (Use Class C3) and a new 3-storey (plus basement levels) 1,419 sqm office building (Use Class B1a), with landscaping, access and associated works.
- 3.2. The proposal has been amended during the course of the application, with revisions to inclusive design to the layout of the business use building and energy and sustainability statement, responding to internal consultee comments.
- 3.3. Planning permission was previously granted for the comprehensive redevelopment of the site on 18 May 2018 following consideration by the Planning Committee on 9 October 2017 (reference: P2016/1344/FUL). The current application under consideration is similar to the extant planning permission in regards to site layout, footprint, height, scale and massing. The current application under consideration however is different due to an alternative use to the business use building as the proposal seeks 1,419sqm of office floorspace (Use Class B1a) rather than 1,419sqm of storage and distribution floorspace (B8 Use Class) previously consented.
- 3.4. The main considerations of the application are the principle of the development upon land use, housing quality, affordable housing provision, design and appearance, impact upon neighbouring heritage assets, impact upon neighbouring residential amenity, transport and highways implications, and energy and sustainability measures.
- 3.5. In land use terms, the principle of the development to provide B1a (office) floorspace and 7x new dwellings is supported. The provision of B1(a) office floorspace can be supported given there is an overall net increase in business floorspace and the conversion from B8 to B1(a) is not restricted in this location within the Local Plan.
- 3.6. Further, the proposal would provide a financial contribution for off-site affordable housing of £350,000.
- 3.7. Minor amendments to the previously approved design have been made to the business use building, with the introduction of windows at ground, first and second floor levels. Nonetheless, the scale, height, design and appearance of the proposal is considered acceptable within its backland setting and would not cause detriment to the nearby heritage assets of the adjoining Grade II statutory listed 56A Highbury Grove and Aberdeen Park Conservation Area.
- 3.8. The development is considered to continue the existing pattern of development and general scale of recent developments adjoining and nearby the site, to the rear of Highbury Grove and Aberdeen Park.
- 3.9. The proposal is considered to be identical to the extant planning permission in regards to resultant scale and massing. The impact upon neighbouring residential amenity is minimal and would be the same as the extant planning permission. Impact to the level of daylight and sunlight has been fully considered following the submission of a daylight and sunlight report, which highlights minimal transgressions, which would not be in excess of the extant permission. The protection of neighbouring privacy from overlooking has sufficiently been mitigated through design and relevant planning conditions. Overall, neighbouring amenity is not considered to be unduly harmed by the development.
- 3.10. The site has a public transport accessibility level (PTAL) of 3, which is considered 'moderate'. The proposal would not be car-free as on-site accessible parking is to be

provided. Safety and manoeuvrability will be improved to Melody Lane with the creation of a suitable turning circle for vehicles and delineated pedestrian walkway.

- 3.11. A number of planning obligations are to be secured through a section 106 agreement in order for the development to mitigate its own direct impacts.
- 3.12. All other matters relevant to planning are considered to be acceptable. As such, the proposal is recommended for approval subject to conditions and a legal agreement.

4. SITE AND SURROUNDINGS

- 4.1. The application site is on the southern side of Melody Lane, which is a narrow un-adopted lane accessed from Highbury Grove.
- 4.2. The existing building on the site is a 1,412sqm self-storage warehouse with an ancillary stationery distribution business (Use Class B8: Storage and Distribution). There is also an attached vacant air raid shelter which forms the south and east boundaries.
- 4.3. The site is mostly covered by hardstanding and the warehouse building. The site is not within a Conservation Area and does not contain any listed buildings, but the building to the north at 56a Highbury Grove is a Grade II listed former balloon-making (airships) workshop.
- 4.4. There are no trees on the site, however there are a number of trees within the surrounding residential gardens which are close to the site boundary and are offered protection by virtue of their inclusion in the Aberdeen Park Conservation Area.
- 4.5. The site is not within a Site of Importance for Nature Conservation (SINC) and the nearest public open space is Highbury Fields, to the west of Highbury Grove.
- 4.6. To the east and south of the site are the rear gardens of properties fronting Aberdeen Park. To the north, is a Grade II Statutory Listed former balloon-making workshop, used as a taxi repair centre (Use Class B2). To the west are fourteen 3-storey modern terraced houses arranged as a mews style development in two rows around a parking courtyard, and designed by the same architect as the proposed development (Julian Cowie Architects). The rear garden boundary wall of numbers 6-22 (evens) is also the site boundary.
- 4.7. Melody Lane is not an adopted highway and the application site area extends to include Melody Lane and the access from the site to Highbury Grove. Melody Lane provides the only vehicle and pedestrian access to the neighbouring properties to the west and north of the application site. Highbury Grove is a Classified Road, and Islington Council is the Highways Authority. Highbury Grove is well served by buses, and the application site has a Public Transport Accessibility Level (PTAL) of 3 (moderate).
- 4.8. The western end of Melody Lane is within the Highbury Fields Conservation Area, which extends beyond Highbury Fields to include properties along the eastern side of Highbury Grove (as well as the western part of Melody Lane).

5. PROPOSAL (IN DETAIL)

- 5.1. The application seeks full planning permission for the demolition of the existing self-storage building on site, and the construction of a 3-storey office building (Use Class

B1(a) and 7 residential dwellings (Use Class C3) with associated landscaping and access/parking.

- 5.2. The proposed office building (Use Class B1a) would replace the existing self-storage building (following its demolition). The new office building would have 2 basement levels and three floors above ground, accommodating 1,419sqm of floor space for business use, identical to the consented scheme.
- 5.3. The proposed housing would be arranged as a row of terraced houses facing west/east, parallel to the adjacent modern terraces. The front entrances would be on the western elevations and rear gardens to the east. The houses would be 3-storeys tall under flat roofs, with open plan kitchen/dining/living rooms at ground level, with 4 bedrooms, 3 bathrooms and a study/dressing room on the upper floors.

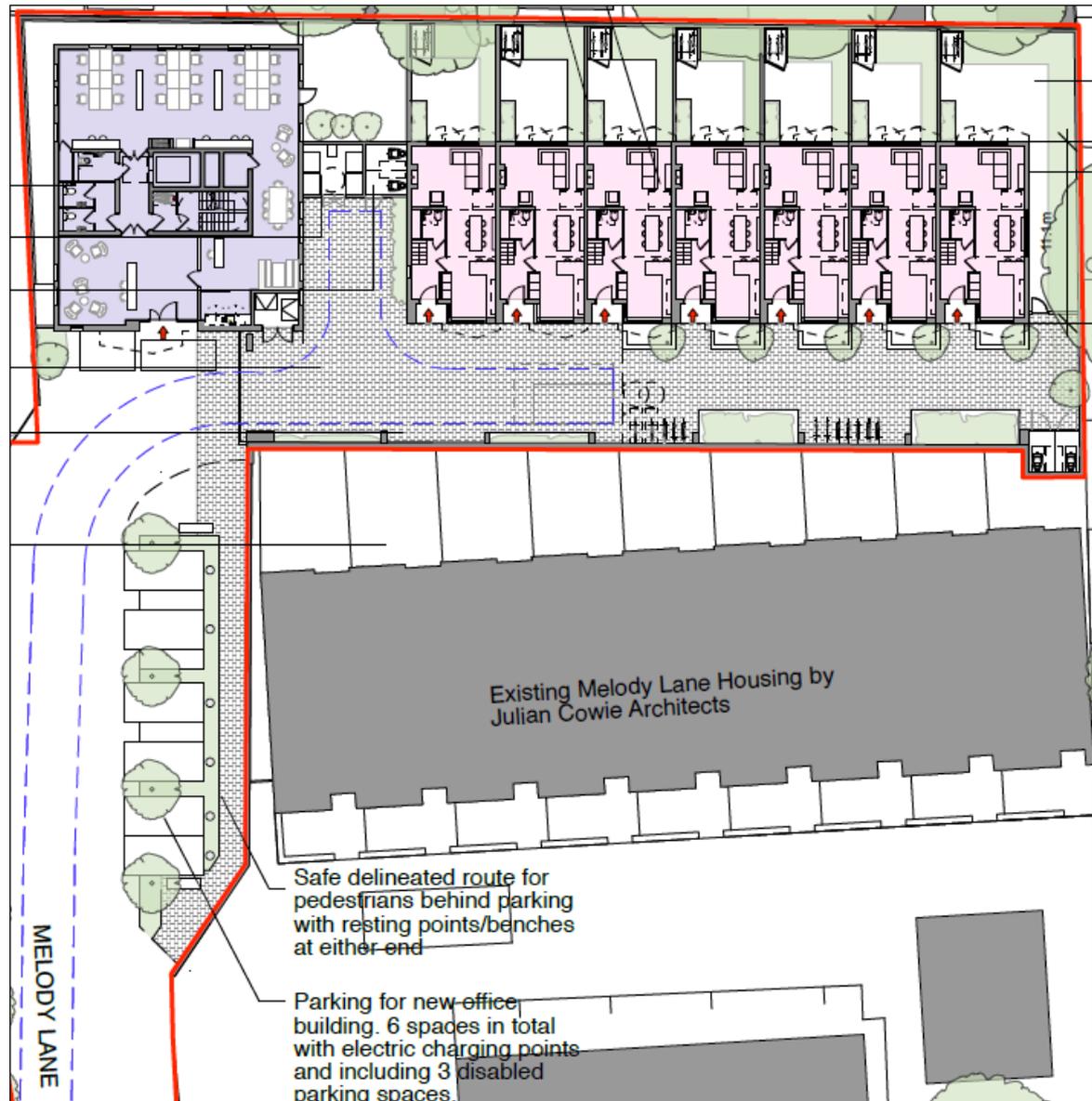


Figure 7: Proposed site plan



Figure 8: Proposed West (Front) Elevation



Figure 9: Proposed East (Rear) Elevation

- 5.4. Identical to the design of the extant planning permission, the proposed houses would have projecting bays over the first and second floors, which, along with the ground floors, would be faced with pale buff brick. There would be setback elements at second floor to reduce the perceived bulk; these would be clad in dark brown weathered copper so as to appear visually recessive. The design of the houses would be similar to the existing modern terraces on Melody Lane, although they would be built in brick rather than white render to avoid staining and watermarks.
- 5.5. The existing warehouse building would be demolished; however, the western elevation wall would be retained as the boundary treatment to the west of the site. This would retain the distinctive saw tooth profile, and would act as a physical barrier to reduce overlooking between the new dwellings and existing dwellings to the west of the site.
- 5.6. Refuse, recycling and cycle storage facilities are proposed in the space between the business use building and new housing, as per the extant planning permission. Hard and soft landscaping is proposed to the front of the dwellings and wheelchair accessible parking bays are proposed at the entrance to the site near Melody Lane for use by the business use. The residential units would be parking permit-free. There would also be a new gate feature at the entrance to the housing development, cycle and bin storage, and mobility scooter storage. The part of Melody Lane within the applicant's ownership would be re-landscaped, including separated pedestrian and vehicle access, soft landscaping and benches.

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

The subject site has only recently had planning application history as follows:

- 6.1 **P2016/1344/FUL** – Demolition of existing buildings and construction of 7 residential dwellings (Use Class C3) and new 3 storey (plus basement levels) 1,419sqm self-storage building (Use Class B8), with landscaping, access and associated works. **Granted with Conditions** on 18/05/2018, following the Planning Committee resolution to grant on 09/10/2017.

RELEVANT NEIGHBOURING PLANNING APPLICATIONS:

6.2 There are a number of planning permissions on adjacent and nearby sites which are of relevance to the current scheme. The following history is considered most relevant to the application site. Figure 10 below is a map which outlines the location of the following planning permissions on adjacent and nearby sites, in relation to the subject site.

6.3 Officers have also reviewed further local planning history; none which is particularly relevant to the current proposal.

Melody Lane

6.4 3 Melody Lane (which adjoins the application site to the north): **P110160** was granted permission dated 24/01/2014 for a single storey outbuilding for use as a new spray booth building for the taxi workshop, between the listed building and the northern boundary of 2 Melody Lane. (Shown in Figure 10 below as [1]).

Highbury Grove

6.5 60 Highbury Grove **P051441** - Permission dated 08/08/2005 for the 'Change of use from B1 offices to six self-contained flats (one 3 bedroom, three 2 bedroom flats and two studio flats)'. (Shown in Figure 10 below as [2]).

6.6 58 Highbury Grove **P121884** - Approved 28/04/2014 for the 'Conversion of the existing 263sqm floorspace in B1(a) (office) use class within the front coach house to form two no. two bed flats and the demolition of the existing buildings at the rear of the site and construction of six no. three bedroom / three storey townhouses and a three storey building comprising 683sqm floorspace in B1(a) (office) and B1(c) (Light industrial) use classes, two off-street car parking spaces (wheelchair users), loading bays, hardstanding and landscaping'. (Shown in Figure 10 below as [3]).

6.7 58A Highbury Grove **P050410** – Permission dated 11/05/2005 for the 'Demolition of existing buildings and erection of nine 3-storey terraced houses and two 2-storey mews houses with associated parking and landscaping. (Shown in Figure 10 below as [4]).

6.8 58A Highbury Grove **P051375** – Permission dated 25/01/2006 for the 'Erection of four 3-storey terraced houses and one 3-storey detached house'. This permission supplemented the earlier permission for 11 houses under P050410. (Shown in Figure 10 below as [5]).

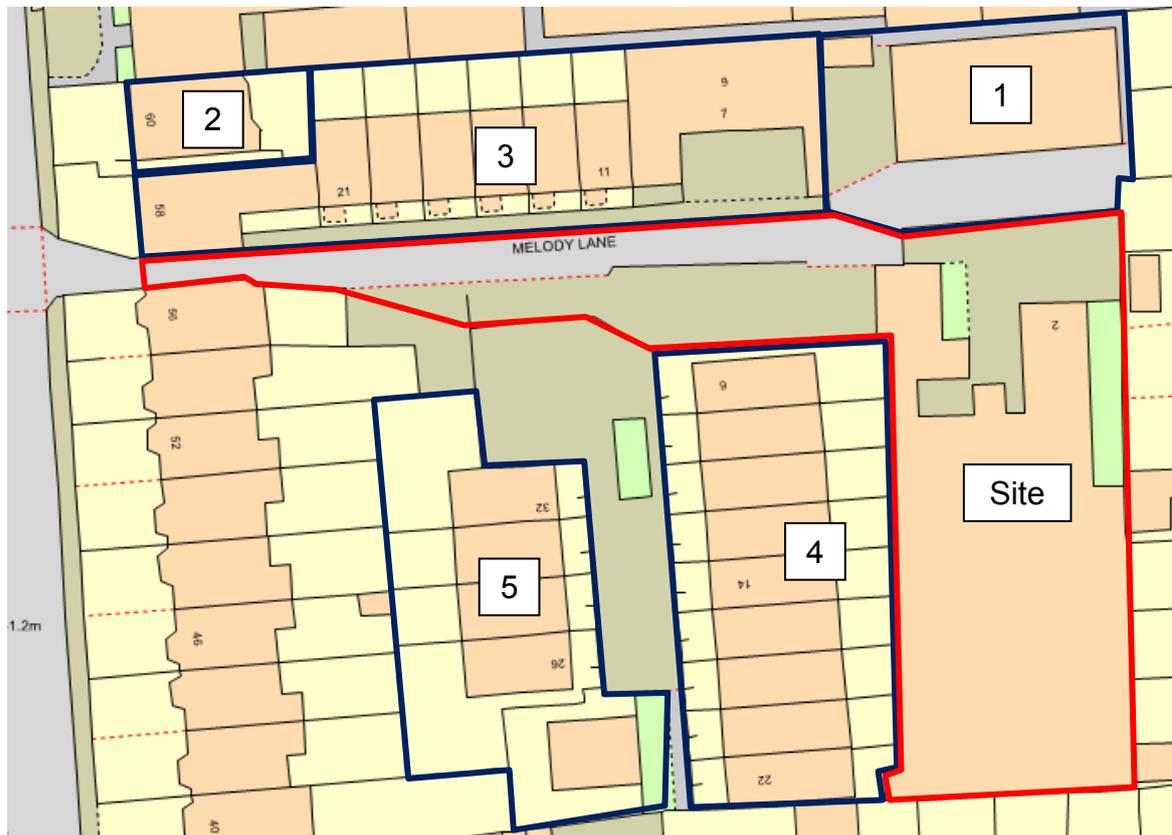


Figure 10: Map showing neighbouring planning history outlined in navy, with the subject site outlined in red.

7 CONSULTATION

Public Consultation

- 7.1 A site notice was erected and letters were sent to occupants of 159 adjoining and nearby properties on 20 August 2019, the initial public consultation of the application therefore expired on 13 September 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 To date, a total of 2 representations have been received on the application, raising objections to the application.
- 7.3 The material planning considerations raised within the objections are summarised below [with reference to which sections of this report address those particular concerns indicated in brackets]:
- The changes to the previous application are dramatic and will have a major impact on surrounding properties;
[Case officer response: The application seeks only minor alterations to what was previously approved, mainly to change the use of the commercial building from self-storage (B8) to office (B1a). Paragraphs 9.2 – 9.15 considers the acceptability of the proposed land use. The alterations to the business use building, namely the addition of fenestration to elevations is addressed in paragraphs 9.45 – 9.49 in relation to design and appearance, and in paragraphs 9.66 – 9.81 in regards to neighbouring amenity.]
 - The space would be far better served as an extension to the nearby school (which looks very good and is a great addition to the area)

[Case officer response: The proposal does not seek the provision for education use. Paragraphs 9.2 – 9.15 considers the acceptability of the proposed land use and highlights that a mixed use scheme involving office and residential uses is acceptable.]

- If we must deal with the development that no-one wants, the sheer lack of thought in the design means we lose the historic profile of the melody maker factory that has stood on the site for almost a century. Can we not rethink? The design and appearance of the proposal is as per the 2017 application. They still have the same inaccuracies. Particularly, the lack of turning circle vehicles. Is it not appropriate to ask for a redesign given there is enough space?

[Case officer response: Both the existing and proposed plans have been checked for accuracy and are considered to be consistent with those approved within the consented scheme (P2016/1344/FUL). The proposed design and appearance of the proposal is considered to be acceptable, as outlined within paragraphs 9.33 – 9.57. The proposed site layout and provision for a vehicular turning circle is considered within paragraphs 9.156. It is noted that similar cases should be considered in a consistent manner.]

- The plans do not indicate that the windows directly overlooking the gardens in Aberdeen Park would be opaque to a height of 1.80m.

[Case officer response: Paragraphs 9.66 – 9.81 detail overlooking considerations and mitigation measures to protect neighbouring residential privacy]

- The description of the trees and their categorisation is challenged and appears to be biased and self-serving. However, despite this, the application acknowledges that the proposed development is within the root protection area of at least 2 large protected trees. The recommendations at section 8 of the arboricultural impact assessment for protective measures to be in place where the works fall within root protection areas do not offer reassurance. Given the difficulties with the description and categorisation of the trees, it is not appropriate to delegate powers to the applicant's arboricultural consultant to authorise any excavations within the theoretical root protection areas.

[Case officer response: Council's Tree Officer has been consulted on the application and raises no objection as outlined in paragraph 7.12 and has been considered in the main body of the report at paragraphs 9.122 – 9.124.]

External Consultees

- 7.4 **Metropolitan Police (Designing Out Crime Officer)** – No objection, I would concur with the previous comments from the Design Out Crime team that there must be good surveillance.

Internal Consultees

- 7.5 **Inclusive Design and Accessibility Officer** – Initially raised concerns that sliding doors are not considered acceptable, insufficient details regarding transfer space for mobility scooters, clarification on the specification of the lift for the office building, clarification on accessible cycle parking and the specification of the paving to the public realm.

Revisions to the proposal have removed sliding doors, provided sufficient mobility scooter transfer, a firefighting lift has been provided, details of the public realm surfacing have been provided, to which no objection is raised.

However, further details are required in regards to delineation of the pedestrian route and the entrance to the residential/semi-private 'mews gateway'.

[Case officer comment: Noted, condition 9 secures that the accessible toilets and mobility scooter charging points to the office building, a knock-out floor panel to between ground and first floor of each residential unit and a floor drain to the bath/shower room at ground floor of each residential unit is provided prior to occupation of the development. Further details to be submitted and approved relating to delineation of the pedestrian route and the entrance to the residential/semi-private 'mews gateway' prior to commencement is also secured by condition.]

- 7.6 **Design & Conservation** – No objection. To the ground and first floor the proposed windows of the office building form a regular grid of punched openings in brickwork that replace inset brick panels of similar size and spacing in the approved scheme. No windows are proposed to the set-back upper floor at the rear but the side elevations feature a series of smaller openings in the copper cladding to the same grid pattern as the lower floors. All three elevations are improved by the addition of windows and the composition of the approved elevations, with their inset brick panels, facilitates this with minimal alteration to the original design.

The west elevation is the principle elevation of the building and the proposed amendment will introduce 4 additional windows here. These are small openings and produce a more visually busy effect than the elevation of the consented scheme which featured fewer openings and is a calmer and more ordered composition. However, I do not consider this a significant design concern and it is offset by the need for additional windows to provide good quality accommodation for office use.

- 7.7 **Energy Officer** – The proposal would achieve a 46.6% reduction in regulated CO₂ emissions against Building Regulations 2013, exceeding the London Plan target of 40%; and a 27% reduction in unregulated and regulated CO₂ emissions against Building Regulations 2013 meeting the Council's target of 27%. A CO₂ offset contribution of £65,240 is required. The proposal would not connect to a DEN but has earmarked futureproof provision of heat network connections, should they come forward.

[Case officer response: The CO₂ offset contribution is to be secured by a s.106 obligation, the measures set out in the energy statement and safeguarding of heat network connection for the residential units are to be secured by condition 17, Shared Energy Network connection with neighbouring sites at the time of first replacement or installation of future heat or power plant for the office building is secured by condition 18, the development shall achieve a BREAAAM rating of no less than 'excellent' secured by condition 19 and a s.106 obligation is recommended requiring investigation into futureproofing for a Decentralised Energy Network.]

- 7.8 **Environmental Health (Acoustic)** – The office use should be a lower noise generating use than self-storage (B8), with less deliveries and vehicles anticipated. There doesn't appear to be any building services plant marked on the plans for the office development and as such any future external plant and equipment would require a separate planning application.

To control impacts from the use of the office space I would advise a condition limiting deliveries and servicing as follows: "Deliveries, collections, unloading, loading shall only be between the following hours: Monday to Friday - 08:00 - 18:00, Saturdays - 09:00 - 13:00."

[Case officer response: Noted, Condition 29 requires the submission and approval of a Deliveries and Servicing Plan, including limited hours for deliveries and servicing to take place.]

7.9 **Environmental Health (Contaminated Land)** – The site has previously had polluting uses, and the proposed development would introduce residential uses and potential pollution linkage.

[Case officer response: Condition 26 is recommended to ensure sufficient investigation and remedial works. This is in line with the extant planning permission on the site.]

7.10 **Highways and Transport** – As per previous application, No objection. The road will not be adopted as a public road, so in order to ensure that it will remain safe and workable as a private road a safety audit is required. Stage 1 and 2 audits should be completed prior to construction, and stage 3 following the landscaping works. There should be no construction vehicle waiting or reversing onto Highbury Park.

[Case officer response: A stage 1 and 2 safety audit were submitted raising no additional concerns. Condition 20 requires a stage 3 Safety Audit; and Condition 25 requires a Construction and Environmental Management Plan. A section 106 obligation also requires compliance with the Code of Construction Practice and monitoring.]

7.11 **Planning Policy Officer** – The change of use from B8 to B1a is not restricted by Islington's Development Management Policies (DMP) (2013) in this location. The proposal meets the requirements of policy DM5.2 because it follows the principle of no net loss of business floorspace and seeks to re-provide the same amount of B-use floorspace as the existing site and the extant permission (1,419sqm). In relation to the provision of new business floorspace, DM 5.1 considers proposals outside EGAs that provide business floorspace (B-uses including B1a office) as part of mixed-use developments are acceptable.

7.12 **Tree Officer** – It is noted that this application is the same as the previously approved application (P2016/1344/FUL) with the exception of 'change of use' for the commercial element of the scheme which is remote from any existing trees.

As such the arboricultural constraints have already been appropriately considered, in accordance with council policy, and previously commented upon by the LPA which are still relevant as are any previously recommended conditions for tree protection and landscaping.

The trees mentioned by an objector are being retained (regardless of BS5837 categorization) and the development is not going to have a detrimental effect on the trees given the extent and constraints of existing development and the ground level difference. As such the submitted Tree Protection Plan and Arboricultural Impact Assessment is appropriate.

[Case officer response: Noted, Condition 5 ensures that the development should be constructed in accordance with the submitted Arboricultural Impact Assessment and Appendix 2 (Tree Protection Plan).]

8 RELEVANT POLICIES

8.1 Islington Council Planning Committee, in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the

London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance);

- As the development is adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)); and
- As the development is within close proximity to or adjacent to a statutory listed building(s) or its setting, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s66(1)).

8.2 National Planning Policy Framework (NPPF) 2019, Paragraph 11 states: *“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...”*

8.3 At paragraph 8 the NPPF states: “that sustainable development has an economic, social and environmental role”.

8.4 Further, the NPPF states that sustainable development has an economic, social and environmental role; *“these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”*

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

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

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

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

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

8.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and

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

Development Plan

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

Designations

- 8.11 The site is not currently subject to any Development Plan designations.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9 ASSESSMENT

- 9.1 This section of the report sets out the policy context against which the proposal will be assessed. The main issues arising from this proposal relate to:

- Land Use;
- Design & Appearance;
- Accessibility and Inclusive Design;
- Neighbouring Amenity;
- Landscaping and Trees;
- Transport and Highways;
- Sustainability, Energy Efficiency and Renewable Energy; and
- Waste Management;

Land Use

Loss of self-storage (B8 use) and introduction of office (B1(a) use)

- 9.2 The application site is not located within the Central Activities Zone, an Employment Growth Area or a Town Centre.
- 9.3 It is noted that the site is subject to an extant planning permission, under reference: P2016/1344/FUL, which sought an identical layout and building mass to the current proposal, albeit the use of the business building was to remain for self-storage (Use Class B8).
- 9.4 The proposal seeks the demolition of the existing 1,412sqm storage use building (Use Class B8) to be replaced with a 3-storey, plus basement, building solely for 1,419sqm office use (Use Class B1a). As such, the storage (Use Class B8) use will not be re-provided on site.

- 9.5 Core Strategy policy CS13 promotes the importance of the development of business floorspace to contribute to wider employment growth within the borough and seeks to safeguard business by protecting against the change of use to non-business uses.
- 9.6 Development Management Policies (DMP) policy DM5.2 'Loss of existing business floorspace' states that proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace.
- 9.7 The Development Management Policies (DMP) document Chapter 5, indicates that offices, workshops, industrial and warehousing uses (i.e. development within the B use classes) are 'business' uses/floorspace.
- 9.8 DMP policy DM5.1 'New business floorspace' states that outside of Town Centres, Employment Growth Areas (EGA) and the Locally Significant Industrial Site (LSIS), business floorspace may be provided within mixed use developments where this would enhance the character and vitality of the local area, would not detrimentally impact on residential amenity, and would not compromise residential growth. Further, DM policy DM5.1 goes on to state that new business floorspace must be designed to: i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses; and ii) provide full separation of business and residential floorspace, where forming part of a mixed use residential development.
- 9.9 The proposal seeks B-use employment floorspace of 1,419sqm (GIA) office (Use Class B1(a)) which is considered 'business' use. This is an increase of 7sqm over the existing floorspace and identical to the floorspace to the consented scheme. Office floorspace would support higher employment densities than those associated with storage facilities and thus create additional employment opportunities within the borough. As such, the proposal for the change of use from B8 to B1a is policy compliant and supported.
- 9.10 DM policy DM2.1, in particular subsection x), requires development to provide a good level of amenity including in terms of sense of enclosure and outlook. Office floorspace is proposed to both Basement -1 and -2 levels including meeting rooms and open plan workspaces for desks. The proposed meeting rooms and workspace are to the northern, eastern and western side of the building, and would benefit from windows looking into the north and east lightwell providing outlook and natural light, plus modern LED lighting is capable of properly lighting such office floorspace. Further, the basement level office floorspace would achieve minimum floor to ceiling heights of 2.40m, whilst the above ground floor levels would measure a minimum of 2.50m. The basement levels are fully accessible with level-access via a lift. Given the basement level workspace has access to natural light, good floor to ceiling heights and natural ventilation, it is considered that the proposed office floorspace would comprise a good working environment.
- 9.11 The application does not trigger the requirement for affordable workspace provision given the subject site is not designated within the Central Activities Zone, an Employment Growth Area or a Town Centre.

Residential Use

- 9.12 Chapter 5 of the NPPF 2019 relates to ensuring the delivery of a sufficient supply of homes, highlighting that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing

requirements are addressed and that land with permission is developed without unnecessary delay.

- 9.13 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.
- 9.14 It is therefore the case that there is a policy presumption in favour of the delivery of new housing, and the scheme would deliver 7 new terraced houses which would contribute towards the Borough's housing requirements. The site is adjacent to existing residential units and would be considered a sustainable location for new dwellings.

Land Use Summary

- 9.15 The proposal is considered to comply with the overarching land use policy directives, as it would re-provide and increase business use floorspace (following the loss of the B8 use) and would provide new housing which is appropriate in this location. The proposed land use mix is therefore acceptable in principle, subject to compliance with other development plan policies as outlined further below.

Mix and Quality of Residential Accommodation

Unit Mix

- 9.16 The NPPF acknowledges the importance of high quality and inclusive design for all development, and requires boroughs to deliver a sufficient supply and wide choice of quality homes. The London Plan recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality. London Plan Policy 3.5 states that new dwellings should take account factors relating to the "home as a place of retreat," and that housing developments should be of the highest quality both internally and in relation to their context.
- 9.17 Core Strategy Policy CS 12 (Meeting the Housing Challenge) encourages residential development in the borough, with a range of unit sizes and tenures. Part E requires a range of unit sizes within each housing proposal to meet the needs in the borough. Policy DM3.1 parts A. and B state that all sites should provide a good mix of housing sizes.
- 9.18 The proposal would be for seven 4-bedroom units, identical to the approved layout of the extant planning permission for the site.
- 9.19 The site is in a quiet mews away from a busy main road, and with good access to local facilities (for example, Highbury Fields), and on such sites the provision of larger family sized units is generally considered appropriate. It is considered that the proposed larger units are acceptable, weight is given to the consented scheme.

Standard of Accommodation

- 9.20 Paragraph 127 of the NPPF outlines a set of principles which should ensure that developments achieve well-designed places, including the creation of places which are safe, inclusive and accessible and which promote health and well-being, with high standard of amenity for existing and future users.

- 9.21 London Plan Policy 3.5 states that securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities, and that new dwellings should take account of factors relating to arrival at buildings, and the place of retreat offered by homes. Policies DM3.4 and 3.5 require new developments to provide good quality accommodation both internally and externally, which should accord with the principles of good design and provide dual aspect accommodation unless exceptional circumstances are demonstrated.
- 9.22 The relevant standards for internal layouts and room sizes are provided by:
- The London Plan (2016) MALP Policy 3.5 and Table 3.3;
 - London Plan SPG: Housing (2016);
 - The Department for Communities and Local Government's Nationally Described Space Standard (March 2015);
 - DM Policy 3.4;
- 9.23 Policy DM3.4 requires new units to have adequate sizes and layouts, good ceiling heights, dual aspect and maximise natural light, sufficient storage space, and functional, useable space.
- 9.24 London Plan Policy 3.5 requires the design of new housing developments to enhance the quality of local places and take account of factors relating to arrival at the building. Policy 7.3 states that design should encourage appropriate human activity creating a reduced risk of crime and Islington Policy DM3.4 requires logical, legible and level entrances, visible from the public realm and clearly identified.
- 9.25 All of the proposed residential units would comply with the above standards. The proposed houses are dual aspect with a range of windows to the front, rear and side elevations. This would deliver a high standard of accommodation internally as per the extant permission.
- 9.26 The external courtyard space would be clearly legible, and would follow the pattern of development already present in Melody Lane, with the houses arranged parallel to the existing mews houses. The external space would be attractive and well overlooked allowing for natural surveillance. A landscaping plan has been submitted in support of the application showing permeable granite paving to the hardstanding areas with soft landscaping in the form of planters to communal areas plus lawns and trees to the private rear gardens
- 9.27 A 'Noise Report dated July 2019 and prepared by Michael Sugiura Acoustic Consultant' was submitted with the application which demonstrates that the noise levels at the proposed dwellings would be acceptable and would result in acceptable living accommodation for future occupiers. Condition 10 is recommended to limit plant noise levels from the office use (see also "Neighbour Amenity" section of this report). Nonetheless, all plant and equipment is proposed to be located in the basement, with none proposed externally to the elevations or the roof.
- 9.28 Policy DM3.4 requires new houses to include good provision for amenity and garden space, and paragraph 3.61 of the DM Policies suggests that for family housing gardens of at least 30sqm should be provided. Paragraph 6.27 further clarifies that private open spaces, such as gardens, are important for physical and mental health, air quality, drainage, cooling, biodiversity and ecological connectivity.
- 9.29 The proposed houses would have gardens which would vary from 35.9sqm to 87.5sqm, which would comply with the requirements for outdoor amenity space.

- 9.30 The London Plan SPG Play and Informal Recreation sets out standards for playspace, which is particularly relevant as the proposed residential units would have at least 4 bedrooms each. The SPG formula estimates a child yield (for 7 no. 4-bedroom houses) as 4.2 children. For developments where the child yield is less than 10, there is no requirement for formal playspace but a financial contribution may be made to off-site provision within appropriate walking distances. Playspace falls under the definition of “community infrastructure” and is within the scope of Islington’s Community Infrastructure Levy (CIL). The requirement for a financial contribution is included within the (non-negotiable) CIL payment on commencement.
- 9.31 The notional requirement for playspace is 77sqm (or an average of 11sqm per unit). Given that each unit would have access to a private garden in excess of 35sqm, and that Highbury Fields is nearby offering a different type of outdoor playspace, the proposal is considered acceptable in this respect.
- 9.32 In summary, it is considered that the proposed development would provide appropriate residential unit sizes and layouts, and acceptable living environments for its future occupants.

Design, appearance and impact upon heritage assets

- 9.33 Paragraph 124 of the NPPF, under section 12 ‘Achieving well designed places’, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.34 Planning policies relevant to design are set out in chapter 7 of the London Plan, Policy CS9 of Islington’s Core Strategy and policies in chapter 2 of Islington’s Development Management Policies. Islington’s Urban Design Guide SPD and the Mayor of London’s Character and Context SPG are also relevant to the consideration of the current application.

Height, scale and massing

- 9.35 The proposed height, scale and massing of the proposed buildings is identical to that of the consented scheme. The extant planning permission to the site is a relevant material consideration in determining the application and similar cases should be considered in a consistent manner.
- 9.36 There would be two separate buildings; one detached 3-storey (plus 2-storey basement) office building, and a row of 7 terraced houses aligned along an access driveway/courtyard.
- 9.37 The proposed office building would have a parapet wall height of 8.70m, whilst the overhanging bay to the front of the building (west elevation) would measure a height of 9.20m. The proposed houses would have a maximum height of 9.15m.
- 9.38 The adjacent row of neighbouring terraced houses to 6-22 Melody Lane are 9.1m high, but due to a slight slope in the land the parapet height of the proposed houses would be 0.6m lower than the existing neighbouring adjacent houses.
- 9.39 In terms of access and layout, the proposed development would not result in new access to Highbury Grove, but would continue the established use of Melody Lane. The row of buildings on the site would be parallel to the adjacent mews houses, and would continue

the established character rather than introducing larger or overly dominant buildings. The new units would be smaller in scale than the buildings fronting the surrounding streets (Aberdeen Park and Highbury Grove) in terms of their width, overall sizes, and plot sizes. The existing mews houses were considered visually subordinate to the surrounding frontage development, and by continuing a similar design language the proposed development would continue this existing visual subordination and reinforce the existing character.

- 9.40 The proposed scale, height and massing is considered contextual and is supported by the Council's design officers, given it is consistent with the extant planning permission for the site.

Detailed Design and Materials

- 9.41 As with the previously consented scheme, the design of the proposed buildings would be simple and consistent, employing similar design language to the existing adjacent mews, and similar materials (light buff brick and metal fenestration) to the more recent mews development at the entrance to Melody Lane. The buildings would have flat elevations with projecting bays at first and second floor levels, and flat roofs behind brick parapets. The design of the new buildings would tie together aspects of the existing urban environment and would avoid introducing cluttered or incongruous architecture into the mews.
- 9.42 The proposed houses would have open plan layouts, with the majority of fenestration on the rear (east) elevations to avoid loss of privacy to neighbours, but there would be ground floor kitchen/dining/living room windows on the front elevations, and the warehouse building would have its entrance and office window on the same elevation to maintain passive surveillance and overlooking.
- 9.43 The proposed development would retain the existing west elevation factory wall as its boundary treatment. A structural statement was submitted demonstrating how this would be reinforced structurally, using steel columns and piled foundations. There would be a timber slatted screen attached to this wall which would be 535mm higher than the base of the sawtooth profile to maintain privacy at first floor level (see "neighbour amenity" section for further explanation). This is an existing wall and although unexceptional it is characterful and no objection is raised to the retention of this boundary treatment. The south and east boundary walls would be maintained or rebuilt, and there would be a new wall constructed to the north of the houses with a large opening for vehicular access. This would give the impression of an enclosed courtyard setting and would differentiate visually between the "public" entrance to the business unit, and the semi-private courtyard for the residential units. The design of this space and its boundary treatments would retain some of the site's industrial character and would be acceptable subject to approval of details and good landscaping design (required by conditions 3, 6 and 7).
- 9.44 The materials proposed would be consistent with those approved within the extant permission, with buff stone coloured brickwork, copper cladding to the upper floors, and metal window frames. These were considered by the Council's design officer who has stated that the material for the windows should be anodised aluminium (rather than power coated) and that the brickwork mortar should be recessed. Subject to securing further detail of acceptable materials and detailing (condition 3), the detailed design of the proposed buildings is considered acceptable.
- 9.45 It is noted that this application differs slightly to that of the extant permission P2016/1344/FUL with the addition of fenestration to the rear and side elevations of the proposed office building. These are identified as follows:

- North elevation: A total of 13 windows are proposed. 3x windows are introduced at ground floor level, 5x windows are introduced at first floor and 5x windows are introduced at second floor level;
- East elevation: 3x windows are introduced at first floor level;
- South elevation: 5x windows are introduced at ground floor level, 7x windows are proposed at first floor and a7x windows are proposed at second floor level; and
- West elevation: 2x windows are proposed at first floor level and 2x windows are proposed at second floor level.

9.46 The proposed introduction of windows to the office building replace the recessed brickwork panels which were proposed to the self-storage building in the extant permission.

9.47 To the ground and first floor the proposed windows form a regular grid of punched openings in brickwork that replace inset brick panels of similar size and spacing in the extant permission. No windows are proposed to the set-back upper floor at the rear (East elevation) but the side elevations feature a series of smaller openings in the copper cladding to the same grid pattern as the lower floors. It is considered that all three elevations (north, east and south) are improved by the addition of windows and the composition of the approved elevations, with their inset brick panels, facilitates this with minimal alteration to the original design.

9.48 The west elevation is the principle elevation of the building and the proposed amendment over the extant permission will introduce 4 additional windows here. These are small openings and produce a more visually cluttered effect than the elevation of the consented scheme which featured fewer openings and is a calmer and more ordered composition. However, this is not considered to be a significant design concern and it is offset by the need for additional windows to provide good quality accommodation for office use.

9.49 Furthermore, the lift overrun has been relocated and rotated to be more central to the building as shown in Figure 11 below. It would be at the same height as that approved within the extant permission. Given it is set within a more central location within the building, it is considered to be less intrusive within the roofscape. A number of roof lights have also been incorporated into the flat roof of the building, however these would not be visible from surrounding areas given they would be set below and behind the parapet wall of the roof.



Figure 11: Approved roof plan (left) and the proposed roof plan (right)

Heritage impacts

- 9.50 The Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to preserve or enhance the significance of heritage assets through the planning process. The NPPF places strong emphasis on the desirability of sustaining and enhancing the significance of heritage assets, and affords great weight to the asset's conservation. The NPPF defines a "heritage asset" as: "A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest".
- 9.51 The site is not within a conservation area, nor is the current building statutory listed.
- 9.52 There is however the Grade II listed former balloon making factory directly to the north of the site, which is currently in use as a taxi repair workshop. The balloon making factory building has a utilitarian and industrial appearance, and has been altered over time (including replacement lintels, part render, several new openings and a large works entrance). The building has an unusual semi-circular roof, with a glazed lantern running almost full length. The building was built for the Spencer brothers who were pioneering aeronauts of the late C19 and were noted for their work in perfecting the design of the parachute and balloon. In 1900 Stanley Spencer constructed one of the first hydrogen-filled balloons, or airships. The building is listed for its historic value and association, rather than just for its design.
- 9.53 The Balloon Making Workshop has its own setting (a forecourt) separating it from the application site, and it has an extant planning permission for an external spray booth within the forecourt. The west (front) elevations of the proposed development would be set back from the west elevation of the existing building, such that it would not substantially alter the enclosure or openness of the listed building. The proposed development is not considered to affect the setting of the Balloon Making Workshop at 56 Highbury Grove.

- 9.54 The proposal is within the vicinity of two further listed buildings, the Grade II listed Christ Church on Highbury Grove, and the vicarage at 157 Highbury Grove. Both these buildings are to the west of the site on the other side of Highbury Grove, and would be unaffected by the proposal.
- 9.55 Further, the site is also within 50 metres of the Highbury Fields Conservation Area and the Aberdeen Park Conservation Area. As it is a backland proposal and is (as above) considered visually subordinate to the surrounding highways, it is not considered to be harmful to the setting of either Conservation Area.
- 9.56 The proposal would not result in any harm to the character or setting of any other nearby heritage assets.

Summary of design, appearance and impact upon heritage assets

- 9.57 The responses received from the Council's design officer were generally positive and limited to detailed design matters which are to be secured by condition 3. The proposed office building to the north of the site would differ slightly in design to that approved as part of the extant permission, however the minor differences are not considered to be of detriment to the overall design of the proposal. The proposal is therefore considered to be acceptable in terms of its design, appearance and impact to neighbouring heritage assets.

Accessibility and Inclusive Design

- 9.58 Although the proposal is identical to the approved scheme in regards to layout of the site and form of the buildings, the proposed office use would generate a higher number of employees within the proposed office building compared to the approved self-storage building.
- 9.59 The proposal seeks to redevelop the site, removing the inherent accessibility barriers of the existing building, and both the new dwellings and the business use building.
- 9.60 The proposed office building would have step free access to all floors via a lift, and a wheelchair accessible WC to each floor.
- 9.61 There would be 3 on-site wheelchair accessible parking spaces which are proposed for the office building, however may also be used by resident blue badge holders.
- 9.62 There would also be a segregated pedestrian path into the residential part of the site to ensure pedestrian safety. Vehicles will be able to enter the site, turn around and leave in forward gear, but to improve accessibility to vehicles stopped on Highbury Grove (such as taxis and buses), benches are proposed within the external landscaping area to reduce the walking distance to Highbury Grove for less-able pedestrians.
- 9.63 Mobility scooter parking and charging points are proposed, and the residential units would all be adaptable at ground and first floor for wheelchair users (with allocated space for platform lifts).
- 9.64 Subject to a condition to secure the relevant accessible design measures (condition 9), the proposal would comply with the Council's high standards of accessible and inclusive design and would be acceptable in this respect.

Neighbouring Amenity

- 9.65 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, 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, privacy and outlook

- 9.66 The aforementioned policies above identify that *'to protect privacy for residential developments and existing residential properties, 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'*. In the application of this policy, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.
- 9.67 Paragraph 2.3.36 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.
- 9.68 The closest residential properties are considered to be 6-22 Melody Lane, which are to the west of the site, and a similar mews type development to that proposed.
- 9.69 At ground and first floor, there would be no window-to-window overlooking because the existing west elevation wall would be retained, with an attached timber screen which together would prevent any overlooking. This screen would be 535mm higher than the lowest part of the sawtooth wall profile to maintain privacy. Figures 12 and 13 below show details of the retained wall and screening to maintain privacy at ground and first floor.

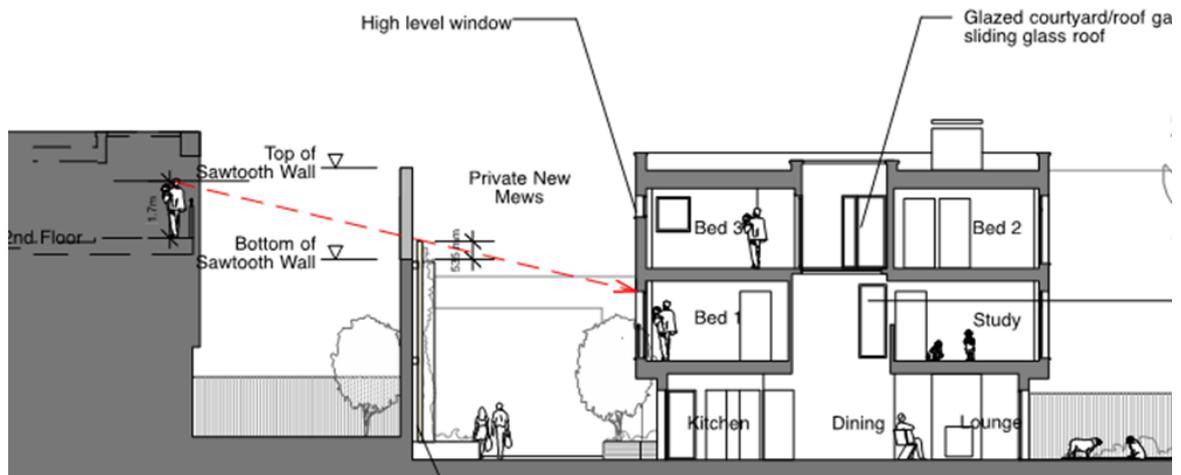


Figure 12: Proposed section drawing showing the retained wall and addition timber screen between the proposed dwellings and neighbouring balconies/windows of 6-22 Melody Lane.

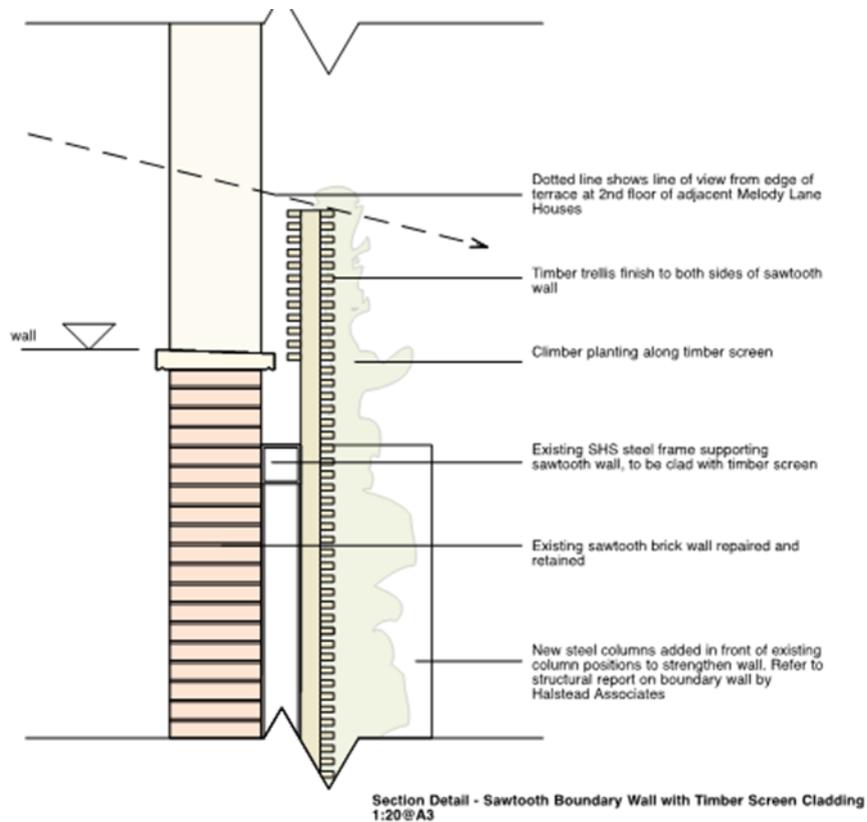


Figure 13: Section through the proposed sawtooth wall and timber screen

9.70 At second floor level there would be bedrooms on the west elevation of the proposed houses, which would have north facing windows, and windows facing into an internal courtyard; these windows would not face any neighbours. There would also be west elevation windows which would look towards the rear elevation of 6-22 Melody Lane. The houses at 6-22 Melody Lane have second floor obscured bathroom windows, and bedrooms with patio doors onto 2.8m deep inset balconies which face the application site. The second floor bedroom window-to-window separation distances to neighbouring 6-22 Melody Lane would vary from approximately 11.7m - 13.6m. These distances are less than the recommended 18m separation distances to maintain privacy.

- 9.71 The relevant windows at the proposed dwellings would serve bedrooms with 2 other windows, and are primarily aesthetic to avoid overly blank facades. Condition 12 is recommended to secure these and the adjacent bathroom windows as obscured glazed windows with 150mm opening restrictors to avoid overlooking.
- 9.72 The second floors of the proposed dwellings include partial setbacks (to reflect the massing of the adjacent mews houses). These are shown on the plans as flat roofs with no access, however condition 11 is also recommended to prevent any use of flat roofs as roof terraces, in order to avoid any future potential loss of privacy.
- 9.73 All other surrounding residential windows facing the site are more than 18m away, and would not suffer from unacceptable loss of privacy as a result of the development.
- 9.74 An objection received raised concerns that the windows directly overlooking the gardens of Aberdeen Park would not be obscured glazed. To the office building, there would be no east facing windows at second floor level. At first floor level, as highlighted in drawing: PP_125 Rev A; the windows to the east elevation facing Aberdeen Park would be obscure glazing to 1800mm above floor level. Obscured glazing to east facing first floor windows of the office building is to be secured through condition 12.
- 9.75 It is also acknowledged that windows to the southern elevation of the office building would be less than 4.00 metres away from the eastern boundary with Aberdeen Park properties. As such, there would be opportunities for overlooking into neighbouring gardens from office occupiers and into the side facing (northern elevation) windows and rear gardens of the dwellings proposed. As such, in order to protect neighbouring windows and amenity spaces from perceived overlooking, condition 12 restricts the south facing windows of the office building, at first and second floor only, to being obscured glazing.
- 9.76 Further, a west facing window at second floor level of the office building is to be obscured glazing, as annotated in drawing PP_126 Rev A; to ensure it does not overlook 6-22 Melody Lane. This is also to be secured through condition 12.
- 9.77 The proposed dwellings and office building (3 storeys above ground) would be sufficiently far from the surrounding residential units on Aberdeen Park to avoid resulting in an undue sense of enclosure (or loss of outlook).
- 9.78 The proposed buildings would however only be 11.7 - 13.6 metres away from the neighbouring dwellings at 6-22 Melody Lane. It was highlighted in the Committee Report for the extant permission application, that the previous case officer visited 10 and 18 Melody Lane to be able to assess the impacts of the proposal on the outlook available to these units. It was noted that these neighbouring houses have open plan living/dining/kitchen rooms at ground floor, opening out onto rear patio areas. From a 1.7m eye level, the proposed development will not be visible from these patio areas or from the ground floor accommodation, and the main living rooms would be essentially unaffected in this respect.
- 9.79 At the first and second floor levels of 6-22 (evens) Melody Lane, there are east facing bedrooms with windows facing the site. These windows have limited outlook, with views of the existing warehouse's sawtooth wall, but also with some sky visibility and longer views. The proposed houses would be set back approximately 7.7m from the face of the boundary wall (11.7 - 13.6 metres away from the first floor windows of 6-18 Melody Lane), and the top floor of the houses would be visible from the rear bedroom windows at both first and second floor levels. Due to the proximity of the boundary wall and the existing inset balconies, the outlook from these bedrooms is already limited. The

proposal would reduce this by obstructing longer views from the affected windows through the saw-tooth wall profile, resulting in significant loss of outlook to the first and second floor east facing habitable rooms at 6-22 (even) Melody Lane.

- 9.80 The loss of outlook to the rear elevation bedroom windows at each of the 4 bedroom houses at 6-22 Melody Lane would be significant given the retention of the existing sawtooth wall. There would be no other significant impacts on the outlook available to neighbours.
- 9.81 The harm to neighbour amenity caused by this loss of outlook needs to be considered cumulatively with the other amenity impacts, as the quality of the living accommodation does not depend on one factor alone. The proposed development would result in maintained levels of privacy, daylight and sunlight, and would not affect the main living spaces or the front elevation rooms (including bedrooms) at 6-22 Melody Lane. Although the outlook from the rear elevation bedrooms at 9 neighbouring properties would result in a significant impact on these rooms, this impact is limited to 2 out of 4 bedrooms in each property (and the properties also have other bedrooms which would be unaffected).

Noise and Disturbance

- 9.82 A Noise Report has been submitted in support of the application which examines the impact of sound from the existing building and use and the proposed development, such as use, mechanical ventilation and equipment.
- 9.83 The proposed development would be unlikely to cause any specific nuisance with regard to noise and disturbance to neighbouring occupiers given the existing use of self-storage and as the proposed use as offices are considered to be appropriate to and compatible with the existing residential neighbouring properties.
- 9.84 As per the extant planning permission, the proposed development would move the business operations further away from the neighbouring dwellings, by pushing the office building to the north east corner of the site. There would be an access driveway adjacent to the rear gardens of 6, 8 and 10 Melody Lane, although the levels of activity generated by the additional 7 houses are unlikely to be excessive, and no greater than those at the existing houses.
- 9.85 The current opening hours of the warehouse building are 09:00-17:00 Monday, Tuesday and Friday; 09:00-20:00 Wednesday and Thursday; Sunday 09:30-13:00 and closed on Saturdays.
- 9.86 Given the nature of the use of the building for office space would not create undue noise and disturbance, the hours of use of the office are not recommended to be restricted, in order to allow the flexible use of the proposed office floorspace.
- 9.87 In regards to servicing of the development, it is recommended that deliveries, collections, unloading and loading to the office building shall be restricted to only the following hours: Monday to Friday: 0800 – 1800, Saturdays 0900 – 1300 and not at all on Sundays and Public Holidays. This is to be secured within Condition 29.

Light Pollution

- 9.88 Given the proposed number and proximity of new glazing panels facing adjoining properties of Aberdeen Road and Melody Lane, the amount of light emanating from the proposed development would have the potential to harm neighbour amenity.

- 9.89 There is a possibility of late night light pollution should office staff need to work outside normal office hours. Despite this, as per the above it is not recommended that the hours of use of the office to be restricted, in order to allow the flexible use of the proposed office floorspace. To address any potential light pollution issue, it is considered that measures such as the use of daylight and occupancy sensors can be adopted for the development's internal lighting, and roller blinds can also be used to reduce the extent of light pollution during evening and night time.

Daylight, Sunlight and Overshadowing

- 9.90 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.
- 9.91 The National Government's Planning Practice Guidance is clear that similar cases should be determined in a consistent manner. In this context, unless there has been a change in circumstances, since the previous scheme was considered, then the same conclusion would be reached in relation to sunlight/daylight impacts.

Daylight Guidance

- 9.92 The BRE Guidelines stipulate that... *"the diffuse daylighting of the existing building may be adversely affected if either:*
- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.*
 - *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."* (No Sky Line / Daylight Distribution).
- 9.93 At paragraph 2.2.7 of the BRE Guidelines it states: *"If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time."*
- 9.94 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.95 At paragraph 2.2.8 the BRE Guidelines state: *"Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside"*.
- 9.96 Paragraph 2.2.11 states: *"Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight."* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

9.97 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”*

9.98 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPD states that:

“Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.

The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.”

Sunlight Guidance

9.99 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

“If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of 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 21 September and 21 March and;*
- *Receives less than 0.8 times its former sunlight hours during either period and;*
- *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

9.100 The BRE Guidelines) state at paragraph 3.16 in relation to orientation: *“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”*

9.101 The guidelines go on to state (paragraph 3.2.3): *“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun”.*

- 9.102 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Overshadowing Guidance

- 9.103 The BRE Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: 'gardens to existing buildings (usually the back garden of a house), parks and playing fields and children's playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains'.
- 9.104 At paragraph 3.3.17 it states: "*It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.*"

Assessment

- 9.105 The Applicant has submitted a Daylight and Sunlight Study (Neighbouring Properties) dated 30/03/2019 and prepared by Right of Light Consulting. This study considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines. The extant planning permission to the site is a relevant material consideration in determining the application and similar cases should be considered in a consistent manner. The proposed development is identical to the consented scheme in regards to impact to neighbouring daylight and sunlight.
- 9.106 The report assesses the impact of the development upon the light to the following neighbouring properties:
- 3, 5, 7, 9, 11, 15, 124, 126, 128, 130, 132, 134, 136, 138, 140 & 142 Aberdeen Park;
 - Escuan Lodge;
 - 3 Melody Lane; and
 - 58 Highbury Grove;

Impacts to Daylight

- 9.107 The submitted report indicates that a total of 293 windows facing the site were assessed and demonstrates that all of the windows would meet the BRE guidance ensuring that there is no reduction in excess of 20% in either VSC or DD.
- 9.108 Three of the windows at the adjacent mews to the west (the rear ground floor patio doors at 6, 8 and 10 Melody Lane) would experience negligible improvements to their daylight, and this was queried by one of the neighbour consultation responses. This is not an unusual conclusion, and occurs because the demolition of the warehouse building would remove its roof and therefore the amount of sky (i.e. the vertical sky component) to these windows will marginally increase. In practice, these improvements would be too minor to be noticeable. This is in line with the impacts of the extant consent (P2016/1344/FUL).

Impacts to Sunlight

9.109 The submitted report indicates that only those buildings identified by application of the BRE guide's preliminary 25° line test and orientation test, as explained above, have been tested. The submitted report indicates that a total of 293 windows facing the site were assessed and demonstrates that all of the windows would meet the BRE guidance ensuring that there is no reduction in excess of 20% in sunlight. This is in line with the impacts of the extant consent (P2016/1344/FUL).

Overshadowing

9.110 The BRE guidelines state that to appear adequately sunlit throughout the year, at least half of an amenity space should receive at least 2 hours of sunlight on 21st March (the spring equinox, when day and night are roughly the same length of time).

9.111 The report indicates that the demolition of the existing building and erection of the new buildings would actually increase the sunlight on the ground (identified in purple in figure 14 below) to properties at 3 Melody Lane (Gardens 18 and 19).

9.112 The report also however indicates that there would be some loss to sunlight (identified in red in figure 14 below) on the ground to properties at 126, 128 and 130 Aberdeen Park (Gardens 2, 3 and 4).

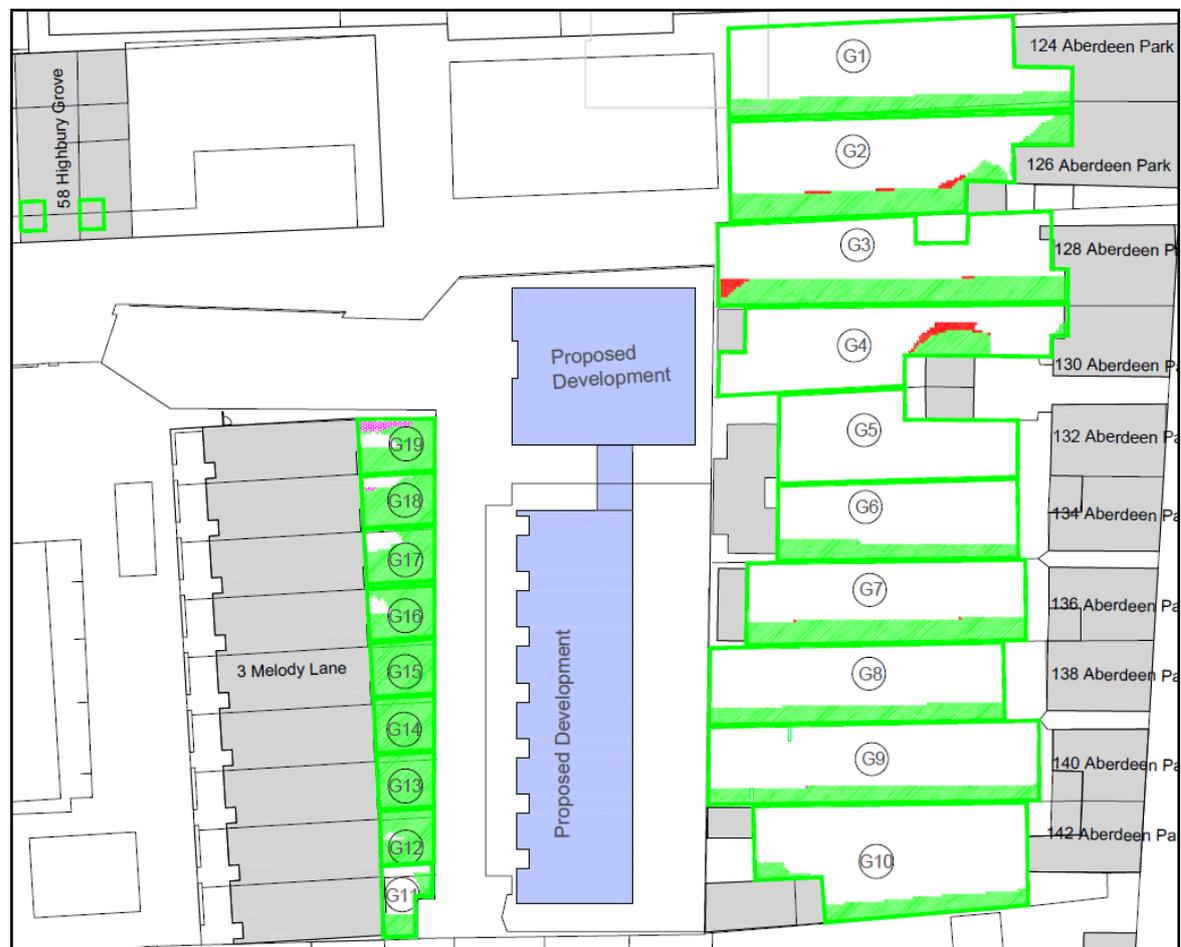


Figure 14: Overshadowing to neighbouring gardens and amenity spaces.

9.113 In summary, the proposal would see minimal losses to sunlight to the neighbouring gardens of 126, 128 and 130 Aberdeen Park, whilst there would be gains to sunlight to

neighbouring gardens of 3 Melody Lane. As such, the balance of loss and/or increase of sunlight to neighbouring gardens is not considered significant to warrant refusal of the application, given the prevailing urban context.

- 9.114 ***Daylight, Sunlight and Overshadowing Summary:*** A comprehensive impact assessment of the proposed development on surrounding rooms and gardens in all nearby dwellings has taken place. Testing was in accordance with BRE guidance and practice. The results of the assessment show that the development would not detrimentally impact upon neighbour's daylight and sunlight. The proposal is therefore consistent with the impacts of the extant planning permission.

Outbuildings

- 9.115 There are a number of outbuildings within the gardens to properties on Aberdeen Park. These are considered to be for ancillary use to the main dwelling on Aberdeen Park, and not as self-contained residential units for primary accommodation. Impacts upon the outlook, privacy daylight and sunlight to these outbuildings would not result in harm to amenity at the primary living spaces within properties on Aberdeen Park.

Construction Impacts

- 9.116 It is expected that the proposed development would cause some degree of disruption and nuisance towards the neighbours during the construction phase, the neighbours concern is acknowledged and it is agreed that the environmental impact during the construction period would need to be minimised to ensure that the neighbours' quality of life would not be adversely affected by the construction work.
- 9.117 The applicant has submitted a draft Construction Traffic Management Plan, however a number of points have not been addressed (such as confirmation that it will adhere to Islington's Code of Practice for Construction, demolition methods, abnormal load deliveries etc.). As such, a full Construction Method Statement with specified details should be submitted and agreed by the Council prior to the commencement of work. This is recommended in condition 25.

Summary of Neighbouring Amenity

- 9.118 When considering the impacts of the development on adjacent residential neighbours, the decision on the planning application needs to be made cognisant of the impacts on the outlook available to the rear elevation bedroom windows at the 4-bedroom terraced houses at 6-22 Melody Lane (even). Officers consider that this loss of outlook would not give rise to diminished living conditions at those properties, and that they would still provide their occupants with a good standard of accommodation, as per the extant planning permission scheme.
- 9.119 Subject to the conditions set out in this report, it is considered that the proposed development would not overall result in unacceptable harm to neighbouring residential amenity. The proposal is thus considered acceptable in accordance with London Plan Policies 7.6, 7.14 and 7.15, and Development Management Policy DM2.1.

Biodiversity, Landscaping and Trees

- 9.120 London Plan Policy 2.18 states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into the wider network, and Islington Policy DM6.5 states that developments must protect, contribute to and enhance the landscape, biodiversity value, and growing conditions of the development site and surrounding area.

- 9.121 There are no trees on the site, but there are trees within the adjoining surrounding sites. The application would not obstruct the root protection zones of these trees, and would not result in the removal of any trees.
- 9.122 An objection was received which questioned the description of the trees and their categorisation within the submitted Arboricultural Impact Assessment, and appears to be biased and self-serving for the applicant. It is acknowledged that the proposed development is within the root protection area of at least 2 large protected trees.
- 9.123 Council's Tree Officer has reviewed the submitted Arboricultural Impact Assessment and its Appendix 2 (Tree Protection Plan). It is noted that this application, in regards to the layout and location of the buildings is the same as the consented scheme (P2016/1344/FUL). The Tree Officer highlights that the trees mentioned by the objector are being retained (regardless of categorization) and the development is not going to have a detrimental effect on the trees given the extent and constraints of existing development and the ground level difference.
- 9.124 As such the arboricultural constraints have already been appropriately considered, in accordance with council policy, and previously commented upon by the LPA which are still relevant as are any previously recommended conditions for tree protection and landscaping.
- 9.125 Subject to the tree protection measures which are to be secured by condition 5, Council's Tree Officer raises no objection as there would be no harm to trees.
- 9.126 A landscaping plan has been provided, with limited detail. This shows an appropriate outline design incorporating the proposed trees, but does not include detail on planting mixes, gradients, drainage, or materials. Subject to condition 6 requiring further approval of details with regard to the landscaping, the area of landscaping would be acceptable.
- 9.127 An extended phase 1 habitat survey, and a plan showing proposed bird and bat boxes were also provided. No protected species were noted as a result of the survey and it concluded that although the development would have a negligible impact on biodiversity, opportunities exist for positive biodiversity enhancement. The assessment recommends controlled external lighting (to be secured by condition 14) and the installation of external bird and bat boxes (to be secured by condition 15).
- 9.128 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. Developments should use all available roof space for green roofs, subject to other planning considerations. All roofs should be biodiversity based extensive substrate roofs with a minimum substrate depth of 80-150mm. The proposed development includes biodiverse green roofs, which are to be secured by condition 15.

Security and Lighting

- 9.129 Policy DM2.1 requires developments to be designed to be safe and to demonstrate safety in design; including access, materials and site management. Policy DM2.2 requires developments to deliver safe, legible and logical environments.
- 9.130 A consultation response was received from the Metropolitan Police raising no objections given the assessment of the extant planning permission. The external courtyard area would have good levels of passive surveillance, and there would not be dark alleyways or hidden spaces. The proposal would not result in additional opportunities for crime over

the existing situation. Condition 8 is recommended to secure compliance with the Secured by Design standards for the residential units.

- 9.131 Paragraph 180 of the NPPF requires developments to limit the impact of light pollution from artificial light on local amenity, dark landscapes and nature conservation. Paragraph 7.19 (Policy 7.5) of the London Plan (2016) states that the lighting of the public realm also needs careful consideration to ensure places and spaces are appropriately lit, and there is an appropriate balance between issues of safety and security, and reducing light pollution. Poorly designed lighting has the potential to add to the existing light pollution levels in London, to cause harm to neighbour amenity, and to disturb dark corridors for wildlife.
- 9.132 No details of external lighting were submitted with the application. Condition 14 is recommended requiring details of any external lighting to be approved by the Council, to avoid excessive light pollution and ensure a well-designed and safe environment in accordance with the above policies.

Health and Air Quality

- 9.133 Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, and states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 9.134 Islington is an Air Quality Management Area in recognition of borough-wide poor air quality. An Air Quality Assessment and Air Quality Addendum were submitted, including an Air Quality Neutral Assessment which concludes that as the pollutant emissions (nitrogen oxides) from the proposed plant would be lower than the GLA's Sustainable Design and Construction SPG benchmarks, no further mitigation is required regarding the ongoing emissions arising from the building's use.
- 9.135 Of additional concern cumulatively in London is the impact of the number of concurrent construction projects underway and the resultant harm to air quality. The proposal will result in demolition and excavation works, and there will be construction dust, waste, machinery, material storage and vehicles which all have the potential to negatively impact air quality. The London Plan "Control of Dust and Emissions during Construction and Demolition" SPG requires low emission non-road mobile machinery (NRMM) to comply with low emissions standards and condition 25 is recommended to ensure that the proposal complies with these standards.
- 9.136 The proposed uses are considered compatible with the site's surroundings; however, the proposal would introduce new residents and office employees into an Air Quality Management Area. It is noted that a 'spray booth' for vehicles has been permitted to neighbouring no.3 Melody Lane (to the north of the site). As such, a site report assessing the impact and including all steps to minimise the development's future occupiers' exposure to air pollution, fumes and odour from the permitted neighbouring spray booth at 3 Melody Lane should be submitted to and approved by the Local Planning Authority. This is therefore recommended to be secured by condition 24.

Highways and Transportation

- 9.137 Paragraphs 102 – 111 of the NPPF 2019 relates to promoting sustainable transport and states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.138 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.
- 9.139 Melody Lane is not an adopted road, and is accessed via Highbury Grove. The application site has a PTAL of 3, which is considered 'moderate', as Highbury Grove is well served by bus routes.
- 9.140 A Transport Statement produced by Patrick Parsons has been submitted in support of the application, in accordance with DM policy DM8.2. The Transport Statement highlights that trips to and from the proposed office building will be lower than the amount of trips to the existing and approved self-storage building.

Pedestrian / Cycle Improvements

- 9.141 Islington Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking, cycling and public transport use. Melody Lane is currently and as proposed accessed by pedestrians from Highbury Grove.
- 9.142 The requirements for cycle parking are set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace and residential units. Cycle storage needs to be secure, covered, conveniently located and step-free.
- 9.143 For office (B1a) floorspace cycle parking is required to be provided at a rate of one space per every 80 square metres and the proposal would therefore require 17 cycle spaces based on 1,415sqm GIA of office floorspace. Provision for long-stay 19 cycle parking plus 1 accessible cycle parking space is proposed to Basement -2 level. A further 3 space for short-stay cycles is proposed to Basement -1 level.
- 9.144 Although the cycle storage is located below ground level, the parking areas would be accessible via the lift, allowing step-free access to all levels of the proposed building.
- 9.145 For the residential (C3) units, individual cycle parking stores are provided to the rear gardens of each individual unit. Furthermore, short-stay visitor cycle parking is provided to the shared surface area to the front of the proposed houses.
- 9.146 As such, cycle parking, lockers, shower and changing facilities are sufficiently provided within an accessible location and requisite number of cycle parking spaces in accordance with London Plan policy 6.9 and Islington's Development Management policy DM8.4.

Vehicle parking

- 9.147 Core Strategy (2013) Policy CS10 and Development Management Policies (2013) Policy DM8.5 seek to achieve car free development. Wheelchair accessible parking should be provided in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking). The proposed development requires 4x accessible parking bays to be provided.

- 9.148 The subject site is located within a 'residents only' Controlled Parking Area (CPZ) 'Quadrant', which operates weekdays between 0830 – 1830, whilst on matchdays as follows: Monday-Friday between 0830 – 2030 and Saturday, Sunday and public holidays between 1200 - 1630.
- 9.149 The site currently includes formal parking arrangements to the storage use (B8) with approximately 14x parking spaces as existing.
- 9.150 The proposal includes 6x car parking spaces (3x standard and 3x wheelchair accessible), this is therefore a reduction on the existing parking situation. These parking spaces are proposed to be operational parking for the office use only. These would re-provide existing parking spaces and would not result in increased vehicle activity. There would be no parking spaces for the residential units, and the Council's standard permit-free s.106 obligation would be applied, preventing new residents from obtaining parking permits.
- 9.151 However, in order for the development to be car-free, the parking provision should be reduced to provide for accessible parking spaces only. As such, condition 22 seeks a revised Parking and Servicing plan in which only 4x accessible parking spaces and no standard parking spaces are to be secured.

Vehicle access, servicing, deliveries and refuse collection

- 9.152 Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 9.153 Melody Lane is accessed via a narrow entrance onto Highbury Grove, allowing only one vehicle to pass through. The gated access to Melody Lane is 2.8m wide, and sufficient for standard refuse, delivery, and servicing vehicles. The following photographs show the access (viewed from Melody Lane), including in use by a transit sized van.



Figure 15: Photographs showing the entrance to Melody Lane from Highbury Grove

- 9.154 The submitted Transport Statement indicates that approximately 3 or 4 service vehicle trips per day (limited to stationary orders; bottled water; cleaning supplies etc.) is anticipated for the proposed office building.
- 9.155 Both businesses and residential units on Melody Lane are capable of being serviced without causing obstruction. Large vehicles can enter Melody Lane, whilst there is a low number of vehicle movements, and the main obstacle to servicing vehicles is the gated access to the established mews development on Melody Lane, as vehicles wait outside for the gate to be opened. The proposed development would not be gated and would avoid this problem.
- 9.156 An objection has been received regarding a perceived lack of turning circle within the proposed development. Servicing would be undertaken within the site whilst the separate Parking and Servicing Strategy shows a 12m turning circle between the business and residential buildings, allowing for vehicles. The location of the turning circle is highlighted below in Figure 16. This is consistent and unchanged with the arrangements approved within the consented scheme. Condition 21 ensures that the turning circle is to be provided prior to first occupation of the development.
- 9.157 Collections and deliveries would be managed on-site. While there is no objection to the servicing arrangements, given the narrow width of Melody Lane, it would be important to ensure deliveries are co-ordinated in a sensible way to avoid any queuing. As such condition 29 is recommended to secure a finalised Delivery and Servicing Management Plan (DSMP).
- 9.158 Further, in order to protect the residential amenity of neighbouring residential occupiers in regards to noise and disturbance, it is recommended that deliveries, collections, unloading and loading to the office building shall be restricted to only the following hours:

Monday to Friday: 0800 – 1800, Saturdays 0900 – 1300 and not at all on Sundays and Public Holidays. This shall be secured through condition 29.

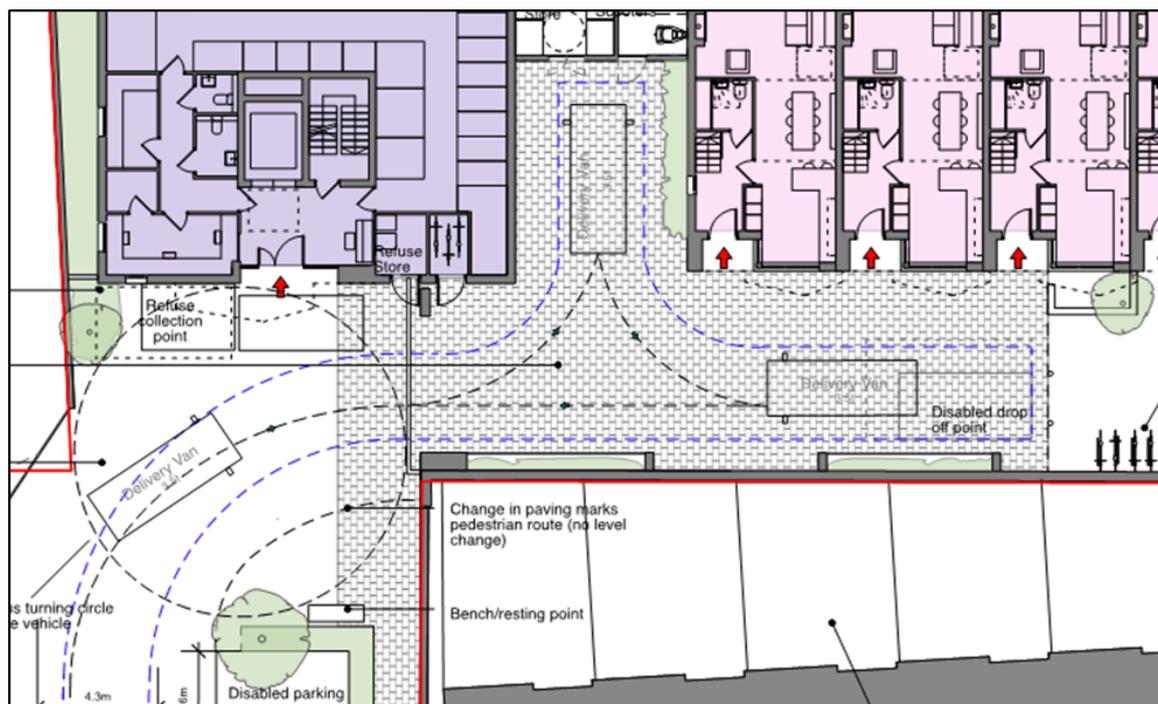


Figure 16: Location of turning circle for delivery and servicing vehicles

Fire Safety and Emergency Access

- 9.159 Part B of the London Plan policy 7.13 states that development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire.
- 9.160 The details of the development's Fire Strategy are ultimately controlled through Building Regulations and not dealt with via the planning process. However, planning impacts may arise as a consequence of the fire strategy and it is therefore prudent to consider this at planning application stage.
- 9.161 The London Fire and Emergency Planning Authority was consulted on the proposed development; however, no response has been received. It is noted that the proposal does not seek to amend the access to the site from Highbury Grove which was approved within the consented scheme. It was reported in the Committee Report of the consented scheme that the Fire Brigade were satisfied subject to the application meeting the access requirements of Approved Document B5 of the Building Regulations.
- 9.162 The gated access to Melody Lane is 2.8m wide, and sufficient for a standard 2.3m wide fire engine vehicle. It should be noted that fire engines can vary in size, and in the event the access way is not wide enough for an engine, the Brigade would still be able to reach the site utilising multiple, connected hoses. It is noted that this approach has been accepted as per the consented scheme.
- 9.163 The gate has an FB key override which allows access to emergency service vehicles. Although additional manoeuvring spaces would be desirable, the lane is accessible to Fire Engines, and the same access gate currently serves the existing development, including business and residential occupiers. It should also be noted that this access was considered acceptable as part of the consented scheme.

- 9.164 In order to comply with the building regulations, a Fire Strategy needs to be approved by the approved inspector, and if the distance from the street is considered to result in increased risks, this can be mitigated by sprinkler systems.
- 9.165 Condition 25 requires details of a construction management plan, and includes the requirement for a vehicle access route from Highbury Grove to all residential and business units within Melody Lane to be retained unobstructed for the duration of the development process.
- 9.166 An informative (no.3) has also been included in the recommendation to remind the applicant of the need to consider a detailed fire strategy at an early stage, and recommending the incorporation of sprinkler systems to mitigate any delays caused by the restricted access.
- 9.167 In line with the London Plan, the proposal is not considered to introduce any significant risks or obstacles to Building Regulations compliance (including those which may have consequences relating to planning issues), in line with the extant consent and the application is considered acceptable in this respect.

Basement Development

- 9.168 The Islington Basement Development SPD was adopted in January 2016 and sets out requirements for the Council's application of planning policies in relation to basements. This includes the need for planning applications to be accompanied by Structural Method Statements (SMS) signed by a chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E).
- 9.169 The proposal includes excavation to provide a 2-storey basement beneath the detached office building with a depth of 5.5m. This would be set away from the site boundaries and the proposed houses. It is highlighted that the surrounding properties generally do not have basements, and that there are large residential gardens adjacent to the site. The extent of the basement levels is consistent with the extant planning permission.
- 9.170 A Basement Impact Assessment (BIA) prepared by Site Analytical Services Ltd and dated July 2019 was submitted in support of the application, prepared in compliance with the qualification requirements in Islington's Basement Development SPD. This highlighted several potential implications of the basement construction, and recommendations as to how these can be dealt with.
- 9.171 The submitted report notes that there are no flood risk zones within 1km, and no record of foul sewer flooding.
- 9.172 The report identifies several initial unknowns which were verified by a ground investigation which was carried out in December 2015 and January 2016. This found that after 5 weeks groundwater rose to and settled at 2.31-1.96m below ground level. The basement therefore needs to be designed to withstand water ingress.
- 9.173 The use of conventional spread foundations (conventional strip or basement raft foundations) is proposed, with piled foundations if considered necessary following further investigation of ground conditions.
- 9.174 It is unknown whether the site is above an aquifer (although no concerns were raised by Thames Water), or whether groundwater will be encountered during investigations. The BIA recommends that further intrusive investigation is carried out prior to construction in order to inform the foundation design. A ground movement assessment was also carried

out to inform the BIA (Appendix B) which concludes that any potential ground movements will be addressed through the proper design and construction of mitigation measures during the works.

- 9.175 There is an underground foul sewer pipe which would need to be rerouted to accommodate the proposed works. The applicant would need to liaise with Thames Water (as a civil matter) that this can be achieved. Thames Water commented on the previous application raising no objection to the extant permission.
- 9.176 The BIA demonstrates that the proposed excavation can be constructed without unacceptable planning impacts on the surrounding land. The structural and detailed design of the basement are matters to be dealt with by the Building Regulations.
- 9.177 Subject to a condition (no.23) requiring the proposed basement to be constructed in accordance with the SMS to be supervised by the engineer who prepared the SMS or an alternative engineer with equivalent qualifications (in addition to the provisions of the Construction and Environmental Management Plan secured by condition 25 and the Code of Construction Practice secured by the s.106 agreement), no objection is raised to the planning implications of the proposed basement excavation.

Health and Air Quality

- 9.178 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 9.179 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition 25. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition 25.

Sustainability, Energy Efficiency and Renewable Energy

- 9.180 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 148, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.181 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions

- 9.182 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management
- 9.183 Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 9.184 The applicant has submitted the relevant detail within the Energy Strategy Report, prepared by Price & Myers – 05/08/19; Thermal Modelling Report for overheating assessment, prepared by Price & Myers – 05/04/2017; BREEAM Pre-Assessment Report prepared by Price & Myers – 30/07/2019; and a Green Performance Plan, prepared by Price & Myers – 01/08/2019.
- 9.185 Following initial comments on the submitted energy and sustainability documents by the Council's Energy Officer, revised information was submitted (Energy Assessment Report prepared by eight associates and Sustainability Statement Rev.v02 prepared by Price & Myers 22/11/2019).

Carbon dioxide emissions

- 9.186 The London Plan sets out a CO₂ reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.
- 9.187 The initial Energy Strategy submitted indicated a 37.94% reduction in regulated CO₂ emissions against a Building Regulations 2013 baseline. The revised Energy Assessment Report submitted now shows an improved CO₂ reduction of 46.6% in regulated emissions against Part L 2013 baseline, thereby meeting the London Plan target.
- 9.188 Islington Council policy requires onsite total CO₂ reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible, and 30% where not possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible.
- 9.189 The revised Energy Assessment Report shows a 27.4% reduction in total emissions against a Building Regulation 2013 baseline, thereby meeting the requirements of Islington CS10.
- 9.190 With regard to Zero Carbon policy, the council's Environmental Design SPD states "after minimising CO₂ emissions onsite, developments are required to offset all remaining CO₂ emissions (Policy CS10) through a financial contribution". All in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO₂ to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement.". In order to mitigate against the remaining carbon emissions generated by the development, the revised Energy Assessment Report includes a correctly calculated Carbon Offset contribution of £65,240 for the 70.91 tonnes of total CO₂ emissions. This is to be secured by way of a planning obligation.

Sustainable Design Standards

- 9.191 Council policy DM 7.4 A states “Major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding”. The council’s Environmental Design Guide states “Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification.”
- 9.192 A BREEAM Pre-Assessment has been submitted for the non-residential area of the development. This shows a score of 71.38% meeting the requirements of Islington DM 7.4A which requires a minimum of an ‘Excellent’ rating, which shall be secured through Condition 19.

Energy Demand Reduction (Be Lean)

- 9.193 Council policy DM 7.1 (A) states “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.” Council policy states “developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy”.
- 9.194 Following clarification with the revised Energy Strategy the proposed design has maximised incorporation of passive design measure to control heat gain and deliver passive cooling.
- 9.195 In accordance with council policy “Applications for major developments are required to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed”.
- 9.196 Thermal modelling has been carried out by the Applicant which shows that all rooms of the both residential and non-residential are not at risk of overheating using passive design measures only.
- 9.197 Council policy states “Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control”. The revised Energy Strategy includes relevant information which confirms that Active Cooling has not been specified, which is accepted by Council’s Energy Officer.

Low Carbon Energy Supply (Be Clean)

- 9.198 London Plan Policy 5.6B states: “*B. Major development proposals should select energy systems in accordance with the following hierarchy:*
1. *Connection to existing heating or cooling networks;*
 2. *Site wide CHP network;*
 3. *Communal heating and cooling;*
- 9.199 92% efficient individual gas boilers are proposed for the residential properties and a 98% efficient gas boiler for the non-residential (offices). Further, the Revised Energy Strategy shows that heating for both residential and non-residential will be supplied by a communal air source heat pump.
- 9.200 The Energy Strategy includes an excerpt from the London Heat Map which shows that there is no planned or existing Decentralised Energy Network within 500m of the

proposed development and as such there is no requirement to submit a feasibility assessment of connection.

- 9.201 Furthermore, the applicant has submitted revised drawings which shows a protected pipe route along Melody Lane to towards the main road. It also includes a detailed description of how the plant room will be designed to meet the requirements of Appendix 1 of Islington's Environmental Design SPD including providing sufficient plant room space. Futureproofing the development to ensure potential connection to a DEN should one come forward is secured through a planning obligation within the section 106 legal agreement.
- 9.202 The applicant has provided some evidence of a limited investigation of Shared Heat Network opportunities with neighbouring developments, although this only included a review of recent planning applications and did not take account of pre-existing buildings. As such, a condition (no.18) is recommended requiring the applicant to contact all neighbouring buildings to establish whether they have a communal system with sufficient capacity to form a Shared Heating Network.
- 9.203 The Energy Strategy rules out the possibility of a Carbon Heating Plant due to low heat demand from the size of the development, which is accepted by the Council's Energy Officer.

Renewable Energy Supply (Be Green)

- 9.204 The use of renewable energy should be maximised to enable the achievement of CO₂ targets.
- 9.205 In regards to futureproofing the development, the applicant has explored the possibility of connection to a future Decentralised Energy Network (DEN), a communal heating system between the residential and non-residential elements of the scheme, opportunities to form a Shared Heating Network (SHH) with neighbouring developments and possibility of Combined Heat and Power (CHP).
- 9.206 Further, the Revised Energy Strategy shows that the proposed development would meet Islington's reduction target for total CO₂ emissions
- 9.207 Following the submission of an updated Energy Assessment Report prepared by eight associates, Council's Energy Services do not object its outcomes and recommendations.

Green Performance Plan (GPP)

- 9.208 Applications for major developments are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO₂ emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy." The council's Environmental Design SPD provides detailed guidance and a contents check-list for a Green Performance Plan.
- 9.209 A Draft Green Performance Plan has been submitted with measurable targets for gas, electricity, CO₂ emissions and water usage. This also includes how data will be collected and details of how this will be collected and monitored and arrangements for addressing any underperformance. The draft GPP has been accepted by Council's Energy Services and a finalised Green Performance Plan is to be submitted and is secured through a section 106 agreement.

9.210 In summary it is concluded that the proposed development would contribute to the achievement of sustainable development as per the provisions of the NPPF and in accordance with Policies within the London Plan and Local Plan.

Planning Obligations, Community Infrastructure Levy and local finance considerations

9.211 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

9.212 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- Affordable Housing small sites contribution of **£350,000**;
- Permit (CPZ) free residential units;
- Facilitation, during the construction phase of the development, for 1 work placement. The placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£10.75 as at 11/11/2019). If these placements are not provided, LBI will request a fee of: **£5,000**;
- Payment towards employment and training for local residents of a commuted sum of: **£15,794**;
- Compliance with the Code of Construction Practice, including a monitoring fee of: **£707** and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- Submission of a Green Performance Plan.
- A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: **£65,240**
- Safeguarded DEN connection for the B1(a) office building, and a feasibility study into connection to a local energy network for the B1(a) office building on first replacement of the heating and energy plant, if technically and economically viable;
- Approval and compliance with a draft full travel plan to be submitted to the Council for approval prior to occupation; a full travel plan to be submitted to the Council for approval within 6 months of first occupation (including a full travel survey); and a

travel plan update to be submitted to the Council for approval three years after first occupation.

- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required. Prior to commencement a reinstatement payment (as calculated by the LBI Highways) is to be made to the Council as a deposit. If this deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council; and
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

9.213 All payments to the Council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

9.214 The heads of terms that have been agreed with the applicant would suitably mitigate any impacts of the development. They are considered to be fairly and reasonably related in scale and kind to the scale and nature of the proposals. None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured. The full list of contributions is set out at Appendix 1 of this report.

9.215 These obligations sought by the Council satisfy the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (and paragraph 56 of the NPPF 2019), as set out below:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

10 SUMMARY AND CONCLUSION

Summary

10.1 The redevelopment of the site to provide a office (B1a) and residential accommodation (C3) is considered acceptable in land use terms. The loss of self-storage floorspace (B8) to facilitate the mixed use scheme is considered acceptable, given an increase in business use floorspace is proposed to the site.

10.2 The proposed buildings would be sensibly laid out and would continue the existing backland pattern and general scale of development within the immediate locality, and would be visually subordinate to the frontage buildings on Highbury Grove and Aberdeen Park. The proposed design and appearance of the buildings would maintain the mews-style character of the recently constructed development within Melody Lane.

10.3 The proposal would not give rise to detrimental disturbance from noise, odour, fumes or other environmental harm to neighbouring occupiers which would warrant refusal. The impacts on neighbour amenity would be limited to reduced outlook at upper bedroom windows at 9 bedrooms of the existing residential neighbours, but it is noted that those units are dual aspect and will still provide an acceptable standard of accommodation following the development.

- 10.4 It is recommended that conditions are attached to minimise the impact of any noise or light disturbance to an acceptable level.
- 10.5 The proposed residential accommodation would be fit for purpose, offering a high quality of living standards and amenity for future occupiers.
- 10.6 In regards to transport, the proposal sets out adequate provision for on-site servicing, waste storage, blue badge parking, cycling, collections and deliveries, and includes a transport statement which sets out measures to promote sustainable modes of transport (to be expanded on through a Travel Plan).
- 10.7 The development would be highly sustainable and energy efficient in compliance with relevant planning policies. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure and would contribute towards the provision of off-site housing.
- 10.8 For the reasons given above and explained in more detail in the subsequent sections of this report, the proposal is considered to be acceptable and in accordance with relevant planning policy and is thus recommended for approval subject to conditions and completion of a section 106 legal agreement to secure the necessary mitigation measures.

Conclusion

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

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:

1. Affordable Housing small sites contribution of £350,000;
2. Permit (CPZ) free residential units;
3. Facilitation, during the construction phase of the development, for 1 work placement. The placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.75 as at 01/04/17). If these placements are not provided, LBI will request a fee of: £5,000;
4. Payment towards employment and training for local residents of a commuted sum of: £15,794;
5. Compliance with the Code of Construction Practice, including a monitoring fee of: £707 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
6. Submission of a Green Performance Plan.
7. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £65,240
8. Safeguarded DEN connection for the B1(a) office building, and a feasibility study into connection to a local energy network for the B1(a) office on first replacement of the heating and energy plant, if technically and economically viable;
9. Approval and compliance with a draft full travel plan to be submitted to the Council for approval prior to occupation; a full travel plan to be submitted to the Council for approval within 6 months of first occupation (including a full travel survey); and a travel plan update to be submitted to the Council for approval three years after first occupation.
10. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required. Prior to commencement a reinstatement payment (as calculated by the LBI Highways) is to be made to the Council as a deposit. If this deposit exceeds the cost of the works as finally determined, the balance will be refunded to the developer. Conversely, where the deposit is insufficient to meet costs then the developer will be required to pay the amount of the shortfall to the Council; and
11. Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

That, should the Section 106 Deed of Planning Obligation not be completed within 6 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

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| 1 | Commencement of Development |
| | <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p> |
| 2 | Approved Plans |
| | <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>PP_120 – Proposed Location Plan; PP_121 Rev A – Site Plan; PP_122 Rev A – Proposed Ground Floor Plan; PP_123 Rev A – Proposed Basement -01 Plan; PP_124 Rev A – Proposed Basement -02 Plan; PP_125 Rev A – Proposed 1st Floor Plan; PP_126 Rev A – Proposed Second Floor Plan; PP_127 Rev A – Proposed Roof Plan; PP_128 Rev A – Typical House Plan; PP_130 – Proposed West Elevation; PP_131 – Proposed East Elevation; PP_132 – Proposed North Elevation; PP_133 – Proposed South Elevation; PP_134 – Proposed Office Building South Elevation; PP_135 – Proposed Mews Houses North Elevation; PP_136 – Proposed Section A-A; PP_137 – Proposed West Elevation – Sawtooth Boundary Wall; PP_140 – Proposed Section A-A, Measures to Prevent Overlooking; PP_141 – Proposed Details of Timber Screen to Western Boundary; PP_146 – Proposed West Elevation; PP_147 – Proposed East Elevation from Aberdeen Park gardens; PP_148 – Proposed North Elevation; PP_149 – Proposed South Elevation; PP_150 – Proposed Office Building South Elevation; PP_151 – Proposed Mews Houses North Elevation; PP_152 – Section A-A; PP_153 – Proposed West Elevation – Sawtooth Boundary Wall; 16525/PL10 – Proposed Boundary Treatment; Access to and use of buildings for disabled people Revision A November 2019; Affordable Housing Statement prepared by H Planning Ltd; Air Quality Assessment prepared by Air Quality Consultants August 2017; Air Quality Addendum prepared by Air Quality Consultants July 2019; Arboricultural Impact Assessment prepared by Environmental Services 06/08/2019; AQ Neutral Information Requirement – Proposed energy strategy; Basement Impact Assessment 15/24595-2 prepared by Site Analytical Services Ltd; Bird and Bat Box Plan prepared by Environmental Services; BREEAM 2018 Pre-Assessment Report prepared by Price & Myers 30/07/2019;</p> |

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| | <p>Daylight and Sunlight Study (Neighbouring Properties) prepared by Right of Light Consulting 30/03/2017; Daylight and Sunlight Study (Within Development) prepared by Right of Light Consulting 29/03/2017; Daylight and Sunlight Update Letter Design & Access Statement July 2019; Economic Regeneration Statement prepared by H Planning Ltd; Energy Strategy Report prepared by Price & Myers 05/08/2019; Energy Assessment prepared by Eight Associates; Extended Phase 1 Habitat Survey prepared by Environmental Services 09/12/2016; Flood Risk Statement and Sustainable Drainage Report prepared by Price & Myers; Green Performance Plan Rev.v02 prepared by Price & Myers 22/11/2019; Health Impact Assessment prepared by XCO2 August 2019; Market Demand Analysis Report prepared by H Planning Ltd; Noise Report prepared by Michael Sugiura dated July 2019; Parking and Servicing of the Proposed Development Revision A November 2019; Report on a Phase 1 Risk Assessment 15/24595-1A prepared by Site Analytical Services Ltd July 2019; Site Waste Management Plan (SWMP) prepared by JC July 2019; Stage 1/2 Road Safety Audit P3119 v2.0 Stillwell Partnership March 2017; Statement of Community Involvement prepared by H Planning Ltd August 2019; Structural Feasibility Study for a new build office building 16525/DO/mh Rev. B prepared by Halstead Associates July 2019; Structural Boundary Treatment Letter (to be read in conjunction with drawing no.16525/PL10) prepared by Halstead Associates 08/12/2016; Supporting Planning Statement prepared by H Planning Ltd August 2019; Sustainability Statement Rev.v02 prepared by Price & Myers 22/11/2019; Thermal Modelling Report for overheating prepared by Price & Myers 05/08/2019; Transport Statement A19139C v2.0 prepared by Patrick Parsons August 2019; Utilities Assessment v01 prepared by Price & Myers August 2019;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p> |
| 3 | Materials |
| | <p>CONDITION: Unless otherwise approved in writing by the Local Planning Authority, the following external facing materials shall be used for the hereby approved development, details and samples of which were submitted with the planning application:</p> <ul style="list-style-type: none"> a) The external brickwork shall be St Ives Cream Rustica by Wienerberger. b) The brickwork mortar shall be light buff white and recessed. c) External coping shall be natural stone in "natural buff." d) External metal cladding shall be Copper, Nordic Brown Light by Aurubis. <p>Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> e) Details of external joinery, which for the window frames shall be anodized aluminium; f) soffits, cills and reveals (and details of how these will be designed to avoid watermarks or staining to the surfaces below), the undersides of any projecting elements, and junctions of external materials including expansion gaps |

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| | <p>g) roof materials and edge details; h) rainwater goods (including locations, fixings, material and colour); i) details and location of all soil, vent and waste pipes which shall (except for the termination) be constructed within the building; j) details of any other pipes, equipment or devices to be installed externally external surfaces of the building including meter boxes, service connection access, aerials and satellite dishes; k) any other materials to be used (including any alternatives to the materials specified in parts a-d of this condition).</p> <p>No additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/ fixed to any elevation(s) of the buildings hereby approved. The development shall be carried out strictly in accordance with the details and samples as approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p> |
| 4 | <p>Green Procurement Plan (Approval of Details)</p> <p>CONDITION: Prior to the commencement of superstructure works, unless otherwise agreed in writing by the Local Planning Authority, a green procurement plan for sourcing the proposed materials shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to minimise the environmental impacts of the development.</p> |
| 5 | <p>Tree protection (Compliance)</p> <p>CONDITION: The development shall be constructed in accordance with the approved Arboricultural Impact Assessment and its Appendices prepared by Environmental Services 06/08/2019 and with BS3998:2010 and BS5837:2012.</p> <p>The scheme of protection and supervision shall be carried out as approved and will be administered by a qualified Arboriculturist instructed by the applicant.</p> <p>REASON: In the interest of protecting retained and proposed tree health, biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p> |
| 6 | <p>Landscaping (Approval of Details)</p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved development. The landscaping scheme shall include the following details:</p> <p>a) a scaled plan showing vegetation to be retained and plants to be planted; b) specification to ensure successful establishment and survival of new planting. c) a schedule detailing sizes, species and numbers of all new trees/plants; d) soft plantings: including grass and turf areas, shrub and herbaceous areas; e) hard landscaping: including surface treatments, permeability of hard surfaces, kerbs, edges, ridge and flexible paving, unit paving, furniture, modular soil systems, steps and if applicable synthetic surfaces; f) a plan showing gradients and step free access suitable for wheelchair users to the entrances of the buildings; g) details as to how the landscaping design and materials would result in</p> |

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| | <p>h) maximum passive on-site sustainable urban drainage (SUDS); any other landscaping features forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first available planting season following the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p> |
| 7 | Boundary Treatments (Approval of Details) |
| | <p>Details and samples of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the boundary treatments. The details shall include information on the proposed materials, design, structure and dimensions of all walls, fences, screen walls, barriers, rails, retaining walls and hedges.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p> |
| 8 | Secured by Design |
| | <p>CONDITION: Notwithstanding the plans hereby approved, the residential units and the office building, shall not be occupied until secured by design certification has been achieved, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of securing secure and safe development.</p> |
| 9 | Inclusive Design (Approval of Details) |
| | <p>CONDITION: Notwithstanding the approved 'Access to and use of buildings for disabled people' Rev.A November 2019, full details of Inclusive Design and Accessibility in accordance with the principles of Inclusive Design, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The details shall include delineation of the pedestrian route and the entrance to the residential/semi-private 'mews gateway'.</p> <p>Unless otherwise approved in writing by the Local Planning Authority and prior to the occupation of the residential units, the residential units shall be constructed to comply with building regulation M4 (2) (accessible and adaptable dwellings) and shall include provision so that the ground and first floors are adaptable for use equivalent to a 'wheelchair user dwelling' as defined by building regulation Part M4 (3).</p> <p>The following facilities shall be installed prior to the occupation of the residential units:</p> <p>a) 4x mobility scooter charging points in accordance with BS8300:2018. Each space is to be of a minimum size of 1500mm x 2500mm;</p> |

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| | <p>b) 2x external benches;</p> <p>c) A “knock out” floor panel suitable for the installation of a platform lift between ground and first floor at each residential unit;</p> <p>d) A floor drain suitable for the provision of a Building Regulations Part M4 (3) bathroom or shower room at ground floor level at each residential unit;</p> <p>e) The passenger lift to the office (B1(a) use) building shall be a minimum 1400mm x 2100mm. The lift hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved.</p> <p>f) All the doors to the accessible WCs and accessible shower are to be hinged doors which open outwards as indicated on the plans;</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 order to facilitate and promote inclusive and sustainable communities.</p> |
| 10 | Noise from fixed plant (Compliance) |
| | <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest residential window, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure an adequate level of internal amenity is provided for future residents, and to protect the amenities of the neighbouring occupiers from the proposed mechanical plant.</p> |
| 11 | No use of flat roofs |
| | <p>The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected.</p> |
| 12 | Obscured Glazing |
| | <p>CONDITION: The hereby approved residential units shall not be occupied until all west (front) elevation windows at second floor level within 1.8m of finished floor level have been obscure glazed and either fixed shut or with 150mm opening restrictors.</p> <p>The hereby approved office building shall not be occupied until all of the following windows within 1.8m of finished floor level have been obscure glazed and either fixed shut or with 150mm opening restrictors:</p> <ul style="list-style-type: none"> - First floor windows to both the South and East Elevations; - Second floor windows to both the South and West Elevations; <p>The development shall be maintained as such thereafter.</p> <p>REASON: To safeguard the amenities of the adjoining residential units.</p> |
| 13 | Blinds |
| | <p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> |

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| | <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</p> |
| 14 | External lighting |
| | <p>CONDITION: Full details of external lighting across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, and hours of operation. The details submitted shall demonstrate that the proposed lighting would not result in increased light pollution, harm to visual amenity, or harm to the safe operation of the highway.</p> <p>The external lighting shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any general or security lighting is appropriately designed and located, to avoid light pollution, harm to visual amenity, and harm to the safe operation of the highway.</p> |
| 15 | Bird and bat boxes (Compliance) |
| | <p>CONDITION: 2 bat boxes, 4 sparrow terraces and 1 bird nesting box shall be installed prior to the first occupation of the approved residential units in accordance with the approved bat and bird box plan (by Innovation Group Environmental Services) and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p> |
| 16 | Biodiverse roofs (Approval of Details) |
| | <p>CONDITION: Notwithstanding the hereby approved details, a biodiverse roof shall be installed on all flat roofs over the approved dwellinghouses (C3) and the office (B1a) building prior to first occupation unless a feasibility assessment and alternative biodiverse/green roof plan is submitted to and approved in writing by the Local Planning Authority.</p> <p>The biodiverse roof(s) shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); and b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiverse (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> |

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| | <p>The biodiverse roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity</p> |
| 17 | Energy Efficiency (Compliance) |
| | <p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy and supporting documents shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, a revised Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p> |
| 18 | Shared Energy Network (SEN) (Approval of Details) |
| | <p>CONDITION: Prior to the commencement of development an investigation shall be carried out to establish the feasibility of forming a Shared Energy Network (SEN) with nearby development and the results of the investigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>If it is demonstrated that an SEN is feasible then a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p> |
| 19 | BREEAM (Compliance) |
| | <p>CONDITION: The development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p> |
| 20 | Stage 3 Safety Audit (Approval of details) |
| | <p>Prior to the occupation of the hereby approved units, a Highway Safety audit (Stage 3) relating to the area of Melody Lane within the site boundary (as shown within the red line boundary on the site plan) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of ensuring safe access to the approved development.</p> |
| 21 | Wheelchair Parking Provision (Compliance) |
| | <p>CONDITION: Notwithstanding the plans hereby approved, further details of the</p> |

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| | <p>proposed parking spaces, to include a minimum of 4x accessible (wheelchair) parking spaces and no standard parking spaces are to be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The accessible (wheelchair) parking spaces, shall be provided prior to the first occupation of the development, and maintained as such thereafter. The wheelchair parking spaces shall be accessible by blue badge holders, including those at the hereby approved residential units.</p> <p>The hereby approved turning circle shall be provided prior to occupation of the development.</p> <p>REASON: To ensure inclusive and accessible design.</p> |
| 22 | Cycle Parking Provision (Compliance) |
| | <p>CONDITION: The cycle storage areas and facilities shown on the hereby approved plans, securing provision of no less than 17x bicycle spaces and 1x accessible cycle parking space for the office (B1(a) use, no less than 7x communal short-stay cycle spaces and 2x communal accessible cycle spaces for the residential, shall be provided prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p> |
| 23 | Basement (Approval of Details) |
| | <p>CONDITION: The development shall be constructed in accordance with the approved Structural Method Statement Basement Impact Assessment dated July 2019 and prepared by Site Analytical Services Ltd, unless otherwise agreed in writing.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design approved within the Structural Method Statement and a Building Control body.</p> <p>REASON: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p> |
| 24 | Air Quality (Approval of Details) |
| | <p>CONDITION: Notwithstanding the approved details, prior to the commencement of works on the development hereby permitted, a site report detailing assessing the impact and including all steps to minimise the development's future occupiers' exposure to air pollution, fumes and odour from the permitted neighbouring spray booth at 3 Melody Lane shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter</p> <p>Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" and the GLA's "Air Quality Neutral" policy in the compilation of the report.</p> <p>REASON: To protect the amenities of the future occupants and to avoid harm to health arising from exposure to poor air quality.</p> |

25 Construction and Environmental Management Plan (Approval of Details)

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 Method of Demolition and Construction Statement shall include details and arrangements regarding:

- a) The notification of neighbours with regard to specific works;
- b) Advance notification of any access way, pavement, or road closures;
- c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
- e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction;
- 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 units accessed via Highbury Grove and Melody Lane at all times, including emergency service vehicles;
- m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
- o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.
- p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent

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| | <p>amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p> |
| 26 | <p>Contamination (Approval of Details)</p> |
| | <p>Prior to the commencement of development (including demolition) the following assessment shall be submitted to and approved in writing by the Local Planning Authority (in response to the NPPF and in accordance with CLR11 and BS10175:2011).</p> <p>a) A land contamination investigation (including intrusive investigation).</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To avoid unacceptable risk to health arising from contamination.</p> |
| 27 | <p>Removal of Permitted Development Rights – Residential Use (Compliance)</p> |
| | <p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no additional windows, extensions or alterations to the dwellinghouses hereby approved shall be carried out or constructed without express planning permission.</p> |

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| | <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouses in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p> |
| 28 | <p>Removal of Permitted Development Rights – Office Use (Compliance)</p> <p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or the provisions of any Order revoking and re-enacting that Order, no change of use of the approved B1(a) floorspace shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining residential units and the area generally, to ensure a sustainable mix of uses, and to allow the Local Planning Authority to assess the impacts that the loss of office floorspace would have on the provision of employment in the borough.</p> |
| 29 | <p>Delivery and Servicing Plan (Approval of Details)</p> <p>CONDITION: A delivery and service management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The plan shall include details of all servicing for the development, refuse and recycling collection, hours of collection, location (confirmation) and size of vehicles etc.</p> <p>Deliveries, collections and loading/unloading to the office (B1(a)) building shall only be between the following hours:</p> <ul style="list-style-type: none"> - Monday to Friday - 08:00 - 18:00, - Saturdays - 09:00 - 13:00; and - Not at all on Sundays and Public Holidays <p>REASON: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p> |

List of Informatives:

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| 1 | Positive Statement |
| | <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p> |
| 2 | Community Infrastructure Levy (CIL) |
| | <p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo.</p> |
| 3 | Fire Safety |
| | <p>It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings.</p> <p>It is recommended that a fire strategy is developed at an early stage in consultation with the emergency services and including compliance with part B5 of the Building Regulations. In particular, consideration should be made to installing sprinkler systems to mitigate delays caused by the restricted access to the site for emergency vehicles.</p> <p>Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations.</p> |
| 4 | The Building Acts and Building Regulations |
| | <p>To ensure compliance with the Building Acts and Building Regulations, you should</p> |

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| | <p>contact the Building Control Service regarding the development and any intended works. T: 020 7527 5999 E: building.control@islington.gov.uk</p> |
| 5 | Street Naming and Numbering |
| | <p>If the development results in changes to any postal address or addresses on the site you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries. T: 020 7527 2245 / 2611 E: address.management@islington.gov.uk</p> |
| 6 | Highways Requirements |
| | <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 streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing.</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 streetworks@islington.gov.uk Section 50 license must be agreed prior to any works commencing.</p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk</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 streetworks@islington.gov.uk.</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 highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the</p> |

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| | <p>development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.</p> <p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk</p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980 Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</p> |
| 7 | Superstructure |
| | <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p> |
| 8 | Roof top plant |
| | <p>The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.</p> |

APPENDIX 2: RELEVANT POLICIES

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

National 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.

Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 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 | |
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| 1. Context and strategy | 5.10 Urban greening |
| 1.1 Delivering the strategic vision and objectives for London | 5.11 Green roofs and development site environs |
| | 5.12 Flood risk management |
| | 5.13 Sustainable drainage |
| 2. London's places | 5.18 Construction, excavation and demolition works |
| 2.9 Inner London | 5.21 Contaminated land |
| 3. London's people | 6. London's transport |
| 3.1 Ensuring equal life chances for all | 6.3 Assessing effects of development on transport capacity |
| 3.2 Improving health and addressing health inequalities | 6.9 Cycling |
| 3.3 Increasing Housing Supply | 6.10 Walking |
| 3.4 Optimising Housing Potential | 6.11 Smoothing traffic flow and tackling congestion |
| 3.5 Quality and Design of Housing Developments | 6.12 Road network capacity |
| 3.6 Children and Young People's Play and Informal Recreation Facilities | 6.13 Parking |
| 3.7 Large Residential Developments | 7. London's living places and spaces |
| 3.8 Housing Choice | 7.1 Building London's neighbourhoods and communities |
| 3.9 Mixed and balanced communities | 7.2 An inclusive environment |
| 3.10 Definition of affordable housing | 7.3 Designing out crime |
| 3.11 Affordable housing targets | 7.4 Local character |
| 3.12 Negotiating affordable housing on individual private residential and missed use schemes | 7.5 Public realm |
| 3.13 Affordable housing thresholds | 7.6 Architecture |
| 4. London's economy | 7.8 Heritage assets and archaeology |
| 4.1 Developing London's economy | 7.12 London view management framework |
| 4.2 Offices | 7.13 Safety, security and resilience to emergency |
| 4.3 Mixed use development and offices | 7.14 Improving air quality |
| 4.12 Improving opportunities for all | 7.15 Reducing noise and enhancing soundscapes |
| 5. London's response to climate change | 7.18 Protecting open space and addressing deficiency |
| 5.1 Climate change mitigation | 7.19 Biodiversity and access to nature |
| 5.2 Minimising carbon dioxide emissions | 7.21 Trees and woodlands |
| 5.3 Sustainable design and construction | |
| 5.5 Decentralised energy network | 8. Implementation, monitoring and review |
| 5.6 Decentralised energy in development proposals | 8.1 Implementation |
| 5.7 Renewable energy | 8.2 Planning obligations |
| 5.8 Innovative energy technologies | 8.3 Community infrastructure levy |
| 5.9 Overheating and cooling | |

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| B) Islington Core Strategy 2011 | |
| Strategic Policies CS8 Enhancing Islington's character CS9 Protecting and Enhancing Islington's Built and Historic Environment CS10 Sustainable Design | CS11 Waste CS13 Employment Space Infrastructure and Implementation CS18 (Delivery and Infrastructure) |
| C) Development Management Policies June 2013 | |
| 2. Design and Heritage DM2.1 Design DM2.2 Inclusive Design DM2.3 Heritage 3. Housing DM3.1 Mix of housing sized DM3.2 Existing housing DM3.4 Housing standards DM3.5 Private outdoor space DM3.6 Play space DM3.7 Noise and vibration (residential uses) 5. Employment DM5.1 New business floorspace DM5.2 Loss of existing business floorspace DM5.4 Size and affordability of workspace 6. Health and open space DM6.1 Healthy development DM6.5 Landscaping, trees and biodiversity DM6.6 Flood prevention | 7. Energy and Environmental Standards DM7.1 Sustainable design and construction statements DM7.2 Energy efficiency and carbon reduction in minor schemes DM7.3 Decentralised Energy Networks DM7.4 Sustainable design standards DM7.5 Heating and cooling 8. Transport DM8.1 Movement hierarchy DM8.2 Managing transport impacts DM8.3 Public transport DM8.4 Walking and cycling DM8.5 Vehicle parking DM8.6 Delivery and servicing for new developments 9. Infrastructure DM9.1 Infrastructure DM9.2 Planning obligations DM9.3 Implementation |

Designations

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

- Within 50m of a Conservation Area (Aberdeen Park)
- Within 50m of a Conservation Area (Highbury Fields)
- Article 4 Direction A1 to A2 (rest of borough)
- Article 4 Direction B1c to C3

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Accessible Housing in Islington SPD
- Affordable Housing Small Sites Contributions 2012
- Environmental Design SPD
- Inclusive Landscape Design
- Planning Obligations and S106
- Streetbook 2012
- Urban Design Guide 2017

London Plan

- Accessible London 2014
- Affordable Housing and Viability 2017
- Character and Context 2014
- Control of Dust and Emissions During Construction and Demolition 2014
- Crossrail Funding 2016
- London Planning Statement 2014
- Sustainable Design & Construction 2014
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy 2013