

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department

PLANNING SUB-COMMITTEE A	AGENDA ITEM NO:B1
Date: 14 th January 2020	NON-EXEMPT

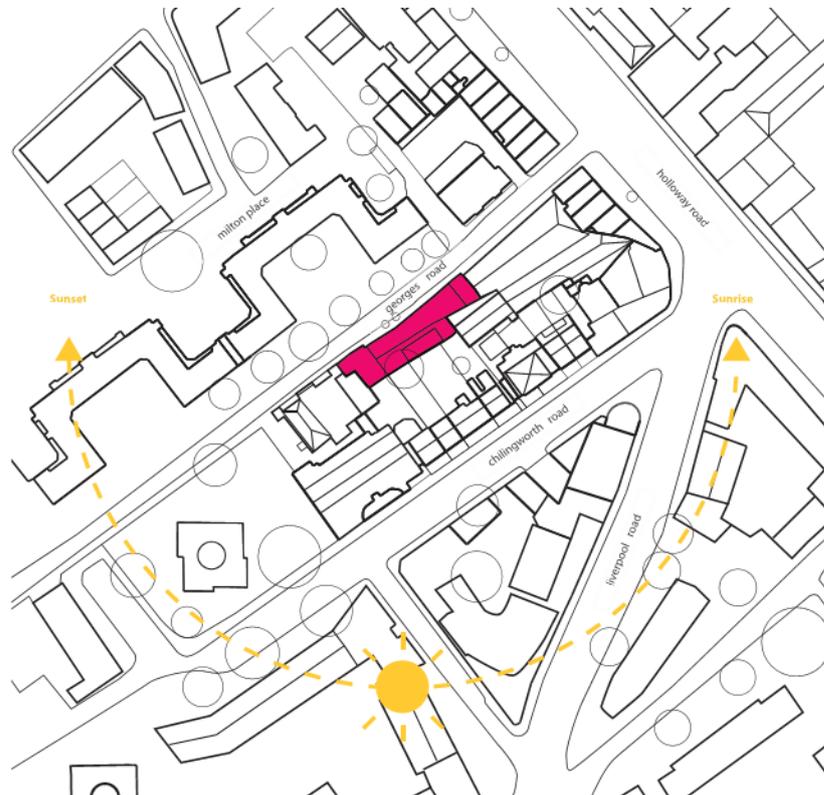
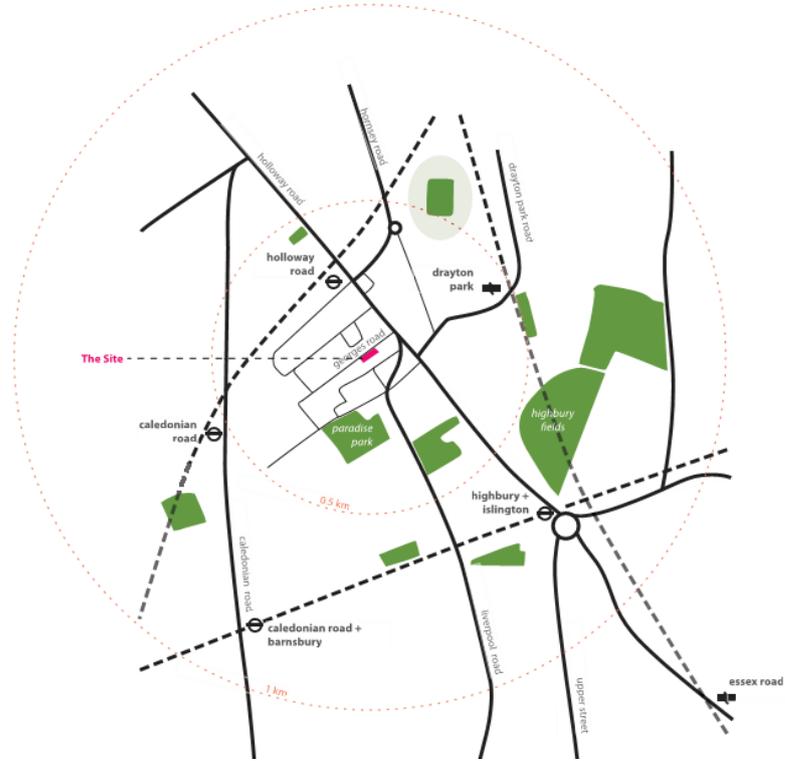
Application number	P2019/1923/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	School Of Audio Engineering, Chillingworth Road less than 50m from site
Conservation area	St Mary Magdalene Conservation Area
Development Plan Context	St Mary Magdalene Conservation Area Article 4 Direction – St Mary Magdalene Conservation Area Employment Growth Area Mayors Protected Vista Within 100m of a TLRN Road Article 4 Direction A1 – A2(Rest of Borough) Article 4 Direction B1(c) to C3
Licensing Implications	N/A
Site Address	5, 7-11 & 13 Georges Road, London, N7 8HD
Proposal	The demolition of the existing buildings and structures on the site and the erection of a building comprising an Office B1 unit and five residential dwellings (4 x three-bed and 1 x one-bed), with associated landscaping, cycle parking and refuse facilities, solar panels and roof terraces.

Case Officer	Ross Harvey
Applicant	Bexwell Development Limited
Agent	Crawford Partnership - Mr Tim Spiller

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission – subject to
- i) conditions set out in Appendix 1; and
 - ii) Prior completion of a deed of planning obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN AND LOCATION



3. PHOTOS OF SITE/STREET



Image 1: Aerial View of the Application Site (shaded in pink)



Image 2: Photograph from street level showing the front elevation of the host buildings looking east



Image 3: Photograph from street level showing the front elevation of the host buildings looking west



Image 4: Panoramic view of application site from Georges Road (Source – Design and Access Statement by Crawford Partnership)

4. SUMMARY

- 4.1 Planning permission is sought for the demolition of the existing buildings and structures (113sqm) on the site and the erection of an office unit (B1(a) use) and five residential dwelling houses (4 x three-bed and 1 x one-bed), along with associated landscaping, cycle parking and refuse storage facilities.
- 4.2 The current application represents a resubmission of a similar scheme that was refused by the LPA under planning application Ref: P2017/1654/FUL. The reasons for refusal were due to:
 - its unacceptable impacts associated with its overall design and scale, impacts on conservation area and nearby historic buildings,
 - neighbouring amenity issues,

- poor quality residential accommodation,
 - and failure to provide the necessary financial contribution to affordable housing.
- 4.3 An appeal was dismissed by the Planning Inspectorate on the basis of the poor quality outlook from the proposed ground floor level rear facing windows, insufficient provision of defensible space to the proposed front garden areas of the scheme and the resulting unacceptable harm to the living conditions of the occupants of St James School Flat No.1 due to overlooking from the roof top terrace of Flat no.5 and an increased sense of enclosure.
- 4.4 Crucially, the Planning Inspector did not refuse on the basis of poor design quality nor impacts on the conservation area nor on the lack of a financial contribution towards affordable housing in the borough (small sites policy and SPD) (Appendix 3).
- 4.5 In light of the previous appeal decision, the current application has been submitted to a similar scale and form as Ref: P2017/1654/FUL. The new scheme differs from the appeal scheme as it:
- incorporates defensible space at the main entrance of each proposed dwelling
 - omits the roof terrace from proposed House No. 5 in order to overcome potential overlooking into Flat no.5 at the St James School.
 - the primary living spaces of proposed Houses 1-4 are now shown at upper floor levels, as a response to the Planning Inspector's concerns regarding the provision of poor quality outlook to the proposed units.
- 4.6 Since the expiration of the consultation period, the Case Officer and the Design Officer met with the applicant to discuss ongoing issues associated with the overall design of the new buildings, quality of accommodation and neighbouring amenity. Although the previous application (ref: P2017/1654/FUL) had not been dismissed by the planning inspectorate on the basis of design/conservation issues, the applicant agreed to amend the proposals to ensure a high quality design/finish is accomplished. House 5 was also amended to allow a larger outdoor amenity area to the rear. All dwellings were altered so that bedrooms were located at first floor and key living areas at second floor.
- 4.7 The applicant submitted a viability appraisal which concluded that a contribution towards affordable housing would not be viable. However, as a result of negotiations between the applicants and our officers along with an independent viability assessment undertaken by Adams Integra confirming that the development would be viable for the full contribution, the applicant has now agreed to pay the full contribution towards affordable housing and carbon offset. A financial contribution of £200,000 towards the provision of off-site affordable housing and £7,500 towards CO2 offsetting would therefore be secured by a unilateral undertaking (in progress) should the council approve the scheme.

- 4.8 Overall it is considered that the current application has addressed the Councils previous reasons for refusal as well as the Appeal Decision (Ref: P2017/1654/FUL), which relate to the lack of defensible space to residential entrances, lack of outlook at ground floor rear and overlooking into neighbouring properties from the roof terrace at house no.5. In addition, Officers have successfully negotiated amendments to the scheme securing high quality of architectural design that demonstrably enhances the character of the St Mary Magdalene conservation area and is sympathetic to the surrounding heritage assets, whilst improving the living conditions of House 5 and quality of office accommodation. The applicants have now agreed to pay the full small sites contribution of £200,000 towards the provision of off-site affordable housing and £7,500 towards CO2 offsetting. Given the level of objections to the scheme, the proposal would go to Planning Sub Committee for determination with a recommendation for approval subject to a Unilateral Undertaking (Legal Agreement) and conditions.
- 4.9 The proposed development is considered to accord with the National Planning Policy Framework 2019, and the policies found within the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents. The proposal is therefore recommended for approval subject to a legal agreement and appropriate conditions.

5. **SITE AND SURROUNDING**

- 5.1 Nos. 5 – 11 and 13 Georges Road is occupied by a two-storey Georgian property and a single storey warehouse structure converted into various units. The site premises are occupied by a covered workshop (Sui Generis) (202sqm), recording Studio (B1 Use) (113sqm) and 1no. two-bed residential unit (C3 Use). The existing buildings on site are not statutory listed but they are located within St Mary Magdalene Conservation Area. The application site also falls within a designated Employment Growth Area which seeks maximisation/ uplifting of business floorspace (Policy DM5.1). The surrounding area is a mix of commercial and residential uses. Holloway Road lies in close proximity to the east of the application site.
- 5.2 To the north the application site fronts on to Radford House a high density six storey purpose built residential block. The modern council block is considerably set back from the street and incorporates landscaping, footways and a dwarf wall with railings on top to its street frontage. To the south-east the application site backs on to no. 12 Chillingworth Road occupied by a three-storey villa with a single storey rear extension which covers the full site. No. 12 Chillingworth Road is occupied by a commercial operation. To the south and southwest the site backs on to two-storey terraced and linked semi-detached residential properties with generous rear gardens. To the east the application site adjoins the locally listed four-storey former St James School building which has been converted into flats. To the west the application site adjoins a low rise garage which remains in use.

5.3 The site itself does not form part of but adjoins the Ring Cross Hamlet Archaeological Priority Area to its east.

6. PROPOSAL (IN DETAIL)

6.1 The application seeks planning permission for the demolition of the existing buildings and structures on the site and the erection of an office unit (B1(a) use) (203.gsqm) and five residential dwelling houses (4 x three-bed and 1 x one-bed), along with associated landscaping, cycle parking and refuse storage facilities within a new three storey building. The proposed development would be contained within a two to three storey building along the George's Road street frontage. The office unit would also contain a single storey basement. In terms of its materiality, the building would predominantly consist of brickwork and incorporates recessed/angled bricks for visual articulation.

6.2 The current application represents a resubmission of a similar scheme that was refused under planning application Ref: P2017/1654/FUL. The reasons for refusal were due to its unacceptable impacts associated with its overall design and scale, impacts on conservation area and nearby historic buildings, neighbouring amenity issues, poor quality residential accommodation, and failure to provide the necessary financial contribution to affordable housing. An appeal dismissed by the Planning Inspectorate on the basis of the poor quality outlook from the proposed ground floor level rear facing windows, insufficient provision of defensible space to the proposed front garden areas of the scheme and the resulting unacceptable harm to the living conditions of the occupants of St James School Flat No.1 due to overlooking from the roof top terrace of Flat no.5 and an increased sense of enclosure.

Revisions

6.3 Following Officers advice, the original application was revised to make amendments to ensure a high quality design/finish is accomplished. House 5 was also amended to allow a larger outdoor amenity area to the rear. All dwellings were altered so that bedrooms are now located at first floor and key living areas in second floor. A summary of the revisions is as follows:

- House elevations –removal of all contemporary panels and louvres across houses 1-4 and introduction of recessed brickwork and angled brickwork panels from House 5 across the entire scheme. Alteration to rear elevation fenestration patterns to account for the flipped floors at first and second level.
- Office elevations – curved entrance into the unit has been removed and a simpler front elevation proposed.
- House internal changes – bathrooms now to the front and then bedrooms dual aspect with living spaces at the rear opening out onto the gardens. House 5 has been re-configured with an open-plan ground floor space and larger rear garden following the building line. A small panel has been added to the rear window of the bedroom for House 5 to prevent any angular overlooking and retain the privacy of occupants.

- bin and cycle storage shown within enclosures integrated into to the front of the building, instead of within rear gardens for residential units and public highway for office unit

7. PLANNING HISTORY:

Pre-Application Advice

- 1.1 Q2014/ 2679/MIN: A pre-application enquiry was submitted with respect to the redevelopment of the site. It was advised that any future submission would be required to demonstrate that the loss of commercial/business floorspace would not have a detrimental impact on the areas primary economic function, including by constraining future growth of the primary economic function of the site located within an Economic Growth Area.
- 1.2 It was also advised that the demolition of the existing house at no. 5 George's Road which is of historic interest is unacceptable and would be resisted. It was further advised that a new building at this site should be no taller than two storeys with a third storey set back, to ensure that there is a better relationship with the adjoining locally listed and the buildings either side of the proposed development.
- 1.3 In relation to the quality of accommodation it was advised that any basement and/ or ground floor unit should have an adequate defensible space in front of any window to a bedroom or habitable room. It was further advised that dual aspect residential accommodation must be provided in all situations.

Planning Applications

5, 7-11 & 13 Georges Road, London N7 8HD

- 1.4 February 2018: Planning Application (ref: **P2017/1654/FUL**) refused for "Demolition of the existing buildings and structures on the site comprising 1 no. residential unit, a recording Studio, a workshop and storage spaces, and the erection of 5no. residential dwellings (comprising 4 no. three-storey, three bedroom dwellings and 1no. two storey, one bedroom dwelling) and a three storey (plus lower ground floor) B1 Office building (comprising 204sqm of B1 floorspace) including excavation at basement level, together with associated landscaping, cycle parking and refuse storage".

REASON: The proposed three storey commercial building, 4 no. three-storey dwellings and 1no. two-storey dwelling, by reason of their inappropriate front building line, height, form and scale, along with the poor design, would appear to be an incongruous addition to the townscape which would be out of keeping with the character and appearance of the St Mary Magdalene Conservation Area and would have a harmful material impact upon the setting of the adjacent locally listed building known as St James Flats. As such the proposal would be contrary to policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2012), policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan (2016) and policy CS9 (Protecting and Enhancing

Islington's Built and Historic Environment) of Islington's Core Strategy (2011), policies DM2.1 and DM2.3 of Islington's Development Management Policies (2013) and the guidance contained within the Islington Urban Design Guide (2017) and the Conservation Area Design Guide (2002).

REASON: The applicant has failed to submit written confirmation of an agreement to pay the financial contributions sought by the Islington Affordable Housing Small Sites Contributions SPD and the Environmental Design SPD. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy (2011), policy DM7.2 of the Islington Development Management Policies (2013), the Islington Affordable Housing Small Sites Contributions SPD (2012) and the Islington Environmental Design SPD (2012).

REASON: The provision of residential accommodation opening directly on to a narrow pavement along with a lack of defensible space and an enclosed and compromised internal living environment due to the proposed units' poor outlook, aspect, ventilation, sense of enclosure and access to natural light, results in a poor quality of accommodation which would be detrimental to the amenity of the future residential occupiers. This would be contrary to policy 12 of the NPPF; policy 3.5 of the London Plan (2016); policy CS12 of the Core Strategy (2011); and policies DM2.1 and DM3.4 of the Development Management Policies (2013).

REASON: The proposed scheme is not suitable in design terms and has failed to justify the loss of the existing Georgian house on site which makes an important contribution to the appearance of the streetscene. Its demolition would therefore be harmful to the character and appearance of the St Mary Magdalene Conservation Area. This is contrary to policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2012), policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan (2016) and Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy (2011), policies DM2.1 and DM2.3 of Islington's Development Management Policies (2013) and the guidance contained within the Urban Design Guide (2017) and the Conservation Area Design Guide (2002).

REASON: The proposed height, scale, bulk and massing of house no. 5 would have an unacceptably harmful impact on the residential amenities of the neighbouring properties at Flat No's 1 and 6, St James School, due to an unacceptable loss of outlook, creation of undue sense of enclosure and overbearing impact on the ground and first floor windows on the side elevation of this adjoining property. Therefore the proposal, results in unacceptable harm to the amenities and living conditions of those occupiers contrary to the NPPF (2012); policy 3.5 of the London Plan (2016), policies CS8 and CS9 of the Core Strategy (2011) and policy DM2.1 of the Islington Development Management Policies (2013).

This case was dismissed on appeal ref: APP/V55700/W/18/3200677 dated 29 March 2019.

The appeal was dismissed by the Planning Inspectorate on the basis of the poor quality outlook from the proposed ground floor level rear facing windows, insufficient provision of defensible space to the proposed front garden areas of the scheme and the resulting unacceptable harm to the living conditions of the occupants of St James School Flat No.1 due to overlooking from the roof top terrace of Flat no.5. The Planning Inspector did not refuse on the basis of poor design quality nor impacts on the conservation area nor on the lack of a financial contribution towards affordable housing in the borough (small sites policy and SPD). The following relevant extracts are taken from the Inspectors Appeal Decision dated 29 March 2019 (which is appended in full at Appendix 3):

Paragraph 6 - *Having regard to the above factors, I find that the proposal would result in inadequate outlook for its future occupants at rear ground floor level, with an unacceptable sense of enclosure and being hemmed in. I do not accept that views of the sky to the rear of the dwellings, as cited by the appellant, derived from Vertical Sky Component (VSC) figures, would be sufficient to overcome this.*

Paragraph 8 - *With regard to defensible space, the proposal omits internal courtyard-like enclosures at the front of dwellings, which were in the previous scheme and would provide some separation prior to entering the dwellings. I have had regard to the dwellings without defensible space at the front, cited by the appellant. However, these are older properties and I saw a modern apartment development nearby on George's Road with defensible space in the form of setback from the street and front railings. Within this context, the proposal's lack of separation from front door to the relatively narrow street would, in my judgement, result in insufficient provision of defensible space*

Paragraph 12 - *The gable end of proposed dwelling 5 would be just over 3m from one of the side windows of Flat No.1. Dwelling 5's rear roof terrace would around 5m from Flat No.1's other side window. Despite the changes to the roof and mass of the proposed development's end unit nearest to the LLB, compared to the previous scheme, these combined factors would cause harm to the outlook of Flat No.1 and create an undue sense of enclosure of it. I attach moderate weight to this harm*

Paragraph 14 - *In respect of living conditions of houses on Chillingworth Road, I have had regard to neighbours' concerns about privacy and noise. Obscure glazing to bathrooms and dressing rooms on first and second floors, which could be secured by planning condition, would address overlooking from most proposed first and second floor rear windows. A planning condition could also be applied regarding roof terrace details to address privacy and noise concerns. Regarding views from first-floor bedroom windows of proposed dwellings 1 to 4, the separation distance from these to the main body of houses on Chillingworth Road, as illustrated in the drawings, would be in excess of 20m. Views from the bedroom windows would be filtered to some extent by their juliet balconies and by the rear gardens on Chillingworth Road. These combined factors would substantially address matters of privacy and noise. However, this does not outweigh the harm I have found in respect of Flat No. 1 of the LLB.*

- 1.5 December 2015: Planning Application (ref: **P2015/1812/FUL**) refused for Demolition of existing buildings and structures on the site, excavation at basement level and erection of a three storey (plus lower ground floor) building comprising 198sq.m of B1 floorspace and 6 no. three-storey (plus lower ground floor) residential dwellings (5 no. three-bed units and 1 no. two-bed unit), together with associated landscaping, cycle parking and refuse storage.

REASON 1: *The proposed three storey commercial building and 6 no. three-storey dwellings, by reason of their inappropriate front building line, height, form, scale along with its poor design would appear to be an incongruous addition to the townscape out of keeping with the character and appearance of the St Mary Magdalene Conservation Area and having a harmful material impact upon the setting of the adjacent locally listed building to St James Flats. As such the proposal would be contrary to policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2011 and policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies and the guidance contained within the Islington Urban Design Guide 2006 and the Conservation Area Design Guide 2002.*

REASON 2: *The proposal would fail to incorporate the maximum amount of business floorspace or any uplift reasonably possible on site located within an Employment Growth Area. As such the proposal would be contrary to policies DM5.1, DM5.2, paragraphs 5.5, 5.6 and 5.17 of the Development Management Policies 2013.*

REASON 3: *The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit an agreed viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. As such the proposal would be contrary to policy CS12 Part G of the Islington Core Strategy 2011, the Islington Affordable Housing Small Sites Contributions SPD.*

REASON 4: *The provision of residential accommodation opening directly on to a narrow pavement, lack of defensible space and provision of habitable rooms at basement level with poor outlook would result in poor quality of accommodation which would be detrimental to the amenity of the future residential occupants. This would be contrary to policy 12 of the NPPF; policy 3.5 of the London Plan 2011; policy CS12 of the Core Strategy; policies DM2.1 and DM3.4 of the Development Management Policies.*

REASON 5: *The proposed scheme is not suitable in design terms to justify the loss of the existing Georgian house which makes an important contribution to the appearance of the streetscene, its demolition would therefore be harmful to the character and appearance of the St Mary Magdalene Conservation Area. This is contrary to policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2015 and Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies and the guidance contained within the Islington Urban Design Guide 2006 and the Conservation Area Design Guide 2002.*

This case was dismissed on appeal ref: APP/V5570/W/16/3144490 dated 2 December 2016.

- 1.6 A planning application was submitted on 07 September 2014: The planning application (Ref. **P2014/3785/FUL**) sought planning permission to demolish the existing buildings and structures on the site, and to the erect a three storey (plus lower ground floor) building comprising of 198sq.m of B1 floorspace and 6 no. three-storey (plus lower ground floor) residential dwellings (5 no. three-bed units and 1 no. two-bed unit), together with associated landscaping, cycle parking and refuse storage. The application was Withdrawn by the applicant on 11 December 2014.

Unit 7, 5-11, Georges Road, Islington, London, N7 8HD

- 1.7 In January 2007 planning application (Ref. P062577) was refused for a change of use from workshop/office (B1) to mini cab office (Sui Generis). The reason for refusal was as follows:

The proposed use is considered unacceptable because of the detrimental effects that would be caused to neighbouring residential amenity, road safety and the free flow of traffic in Georges Road and is contrary to polices E5, Env17, and D3 of Islington's UDP 2002.

5, Chillingworth Road

- 1.8 In September 2014 planning permission (Ref. **P2014/2998/FUL**) was Granted for the demolition of existing single storey rear extensions, erection of full width single storey rear extension at ground floor level and part single rear extension at first floor level with rooflights in flat roof, installation of rooflight to rear roof slope and installation of three new windows to ground floor side elevation.

8. **CONSULTATION**

Public Consultation

- 8.1 This application has been subject to two rounds of consultation.
- 8.2 During the first round of consultation letters were sent to occupants of 220 no. adjoining and nearby properties on George's Road, Radford House, Chillingworth Road, Holloway Road, St James School and St Mary's House properties on 12th July 2019. A site notice was displayed outside the site, and a press notice was displayed. The initial public consultation of the application therefore expired on 11th August 2019.
- 8.3 During the second round of consultation letters were sent out on 12 December 2019 to the occupants of 220 no. adjoining and nearby properties following the submission of amended drawings to ensure a high quality design/finish is accomplished. House 5 was also amended to allow a larger outdoor amenity area to the rear. All dwellings were altered so that bedrooms were located at first floor and key living areas in second floor. The second public consultation expired on the 5th January 2020, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.4 At the time of the writing of this report a total of 11 no. objection letters, 1 no. support and 1 no. general comment had been received from the public with regard to the application. The issues raised can be summarised as follows (including corresponding paragraphs in this report addressing the issues in brackets):

- Loss of music production studio is detrimental to the area and self-employed persons (10.2-10.11);
- Excessive and over scaled height and massing of development would harm the character and scale of George's Road (10.25-10.35);
- Development is too large and dominant and out of keeping with character of the street (10.25-10.35);
- Overlooking, loss of privacy, sense of enclosure and loss of amenity to rear of Chillingworth Road properties from proposed rear facing windows 15 metres away (10.64-10.68);
- Overlooking from roof terraces into Chillingworth Road and St James School Building properties (10.64-10.68);
- Loss of light, loss of outlook, sense of enclosure and oppressive impact on windows of St James School flats (10.70-10.81);
- Noise and disturbance from use of roof terraces (10.82-10.83);
- Overbearing and increased sense of enclosure to St James School Building properties (10.59-10.63)
- Drawings describe the flat roof above House 5 as inaccessible in some and 'terrace' or 'roof terrace' in others. Concerns raised over the use of the flat roof as outdoor amenity space (10.64-10.68)
- Use of pavement for cycle storage not acceptable (10.90-10.93)
- Uncovered vertical cycle stands unlikely to be used due to maintenance associated with weathering) (10.90-10.93)

8.5 During the second round of consultation an additional 4no. letters were received from individuals that had objected to the initial round of consultation. The updated objection letters re-iterated their following concerns with the proposals and raised the following additional comments:

- Concerns regarding the use of the flat roof of House 5 which has been labelled as 'for maintenance only' (10.64-10.68);
- Overshadowing of St James School Flats and obscures views of the School along Georges Road from Holloway Road (10.70-10.81);
- Loss of privacy to St James School Flats (10.64-10.68)
- Need for windows at second floor level to be obscure glazed and privacy screens to roof terraces to be at a height of 1.7m (10.64-10.68)

8.6 The general comment raised concerns in relation to the inclusion of nesting boxes/bricks for swifts. A condition is attached to secure installation of bird boxes and bat boxes. (Para 11.23)

Internal Consultees

8.7 Design & Conservation: raised no objections to amended drawings subject to conditions relating to materials to be submitted to and agreed by the LPA.

8.8 Trees: I would agree in principle with the previous comments. I have no objection to the proposal subject to a Tree Protection Plan and Arboricultural Method Statement, in accordance with BS5837:2012, being submitted via an appropriately worded condition.

This third-party owned tree is of moderate – low amenity value and given its constrained location and that it appears to have had the soil levels altered around its root plate, I predict that the tree will go into decline in the near future and should not be considered a significant constraint to the development proposal. The only issue regarding this tree I have is that it will cause shading, seasonal debris etc. to the new residential units because the tree overhangs the site and is located directly south of the site. However, moderate pruning would help alleviate much of these issues.

I am more concerned about the protection of the two young council owned trees located in the highway at the front. So we need to ensure these trees are not harmed during and construction/demolition works.

A condition securing an Arboricultural Method Statement is suggested

- 8.9 Pollution (noise): raised no objections to the proposal but requested a condition relating to the submission of a Construction Management Plan. (Condition 7)

Inclusive Design: in response to amended drawings the applicant has not provided clarification on the type of lift. We still assume that it is a platform lift, whose opening door will conflict with the lobby door.

A 1500mm turning circle still need to be shown for the Accessible WC.

For residential units all thresholds must be accessible and therefore not exceed 15mm

- 8.10 LBI Viability Officer: We have reviewed the updated report from Adams Integra and provide comments below:

Adams Integra have maintained various assumptions within their updated financial viability assessment including their residential sales values and commercial rental values assumptions. We agree with Adam Integra's total assumed residential sales values of £4,756,000, and rental values of £20psf for the basement and £30psf for the upper floors for the proposed B1 unit.

We note that Adams Integra have revised three assumptions including increasing professional fees to 10% of construction costs, including a carbon offsetting contribution to £7,500 and amending developers profit which has been increased to 17% on the residential element with 15% on the commercial. These adopted assumptions result in a reduced residual land value of £868,305, but this remains above the Benchmark Land Value of £857,500 and therefore demonstrates that the scheme can still viably provide the full small sites affordable housing contribution of £200,000.

We are of the view that Adams Integra's adopted input assumptions are reasonable and that the proposed development can viably provide the required £200,000 Small Sites Affordable Housing contribution.

Consequently, the applicant is now required to enter into a Unilateral Undertaking to pay the £200,000 Small Sites affordable housing contribution and the £7,500 carbon offsetting contribution.

External Consultees

- 8.11 Adams Integra (Independent Viability Assessor): Concluded that the scheme could support the full contribution of £200,00 towards off-site Affordable Housing

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
 - As the development affects the setting of listed buildings, Islington Council (Planning Sub Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 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..."
- 9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

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

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

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

9.1 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

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

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

- St Mary Magdalene Conservation Area
- Site within 100m of a TLRN Road
- Article 4 Direction – St Mary Magdalene Conservation Area
- Employment Growth Area
- Mayors Protected Vista
- Article 4 Direction A1 – A2(Rest of Borough)
- Article 4 Direction B1(c) to C3

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use;
- Design and Conservation;
- Quality of residential accommodation
- Neighbouring amenity;
- Inclusive Design;
- Highways and transportation;
- Basement Excavation;
- Refuse and Recycling
- Crime Prevention/Security;
- Energy and Sustainable Design and Contribution
- Affordable housing contribution;
- Trees;
- CIL;
- Other matters;

LAND-USE

10.2 It is proposed to demolish the existing buildings and structures on site comprising of two storey residential unit (40sqm), a music recording studio in the main warehouse building with associated communal areas (113sqm), a car repair yard (53sqm) and covered and uncovered disused storage areas to the rear of the site (149sqm). This has been accepted as a total of 166 square metres of existing business floorspace on the site.

10.3 The proposal would result in the provision of 204 square metres of B1(a) floorspace (office space) over ground to second floors and 5 no. residential dwellings.

10.4 The level of provision of business floor space meets the criteria as set out in Policy DM5.2, given that it would be in excess of the level currently provided by the music workshop and the car repair yard (166sqm), and considering the semi-formal nature of the storage structure and yard area.

10.5 The application site is in an Employment Growth Area (EGA) and there remains a requirement for any development to maximise the provision of business floorspace. The applicant submitted a viability appraisal to demonstrate claims of compliance. An independent viability surveyor has reviewed the Viability Assessment and concluded that the scheme produces a surplus of £15,000. It is considered that this demonstrates that the latest scheme is delivering the maximum amount of commercial floor space possible whilst still remaining viable.

- 10.6 The Council's Viability Officer is in agreement with these conclusions which are based on the full affordable housing contribution of £200,000 (4x £50,000). It is the Viability Officer's opinion that this demonstrates that the scheme is delivering the maximum amount of commercial floor space possible whilst still remaining viable. This is on the assumption that the applicant makes the £200,000 affordable housing payment.
- 10.7 Any proposals for the redevelopment of existing business floorspace within designated EGA's are required to incorporate the maximum amount of business floorspace reasonably possible on the site, while complying with other relevant planning considerations.
- 10.8 In designating the site as part of an Employment Growth Area, the Development Plan clearly identifies that the most appropriate use for this site is for the intensification of existing employment uses. As set out in paragraph 5.5, within EGAs the council will seek as a priority the intensification and renewal of business floorspace. The new residential units and business floorspace is adequately separated and the new business floor space would allow for future flexibility for a range of uses. This would be in line with the requirements of policy DM5.2.
- 10.9 In this instance, because there is one existing, albeit undersized, residential unit on the application site the maximisation of business floorspace required by DM5.1A(i) needs to be balanced with policy DM3.2 which resists the loss of existing self-contained housing unless the housing is replaced with at least equivalent floorspace. Due to the existing low level of residential use on the site (40sqm), it is considered that provision of a single one-bed residential unit of 50 square metres would satisfy the requirements of DM3.2 regarding replacement of housing. This would therefore not limit the provision of the maximum amount possible of business floorspace.
- 10.10 On the basis of the provision of 204 square metres of B1 office floorspace and an overall uplift of 38 square metres of commercial floorspace, and the conclusions of the viability assessment, the scheme is considered to accord with the aims of policy DM5.1 and policy DM5.2A of the Development Management Policies (2013).
- 10.11 As a result, the latest proposals are considered to be acceptable in pure land use terms.

DESIGN AND CONSERVATION

- 10.12 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 10.13 Under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority has a duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 10.14 Whilst the host building is not a listed building, the application site is located within the St Mary Magdalene Conservation Area and also there is a Grade II Listed Building, being St Mary's House/St Marks Studios, located 10-15m to the south east, along Chillingworth Road. Therefore, the proposal is required to pay special regard to either preserving or enhancing the visual appearance and historic character of the host buildings and the heritage assets, being primarily the St Mary Magdalene Conservation Area, and the Grade II Listed St Mark's Studios.
- 10.15 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 10.16 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'. Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 10.17 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'.
- 10.18 The Urban Design Guide provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings. The St Mary Magdalene Conservation Area Design Guidelines provides advice in relation to acceptable forms of development in this conservation area.
- 10.19 The proposed design has been considerably modified since the most recently refused (and dismissed on appeal) scheme.
- 10.20 Further amendments were negotiated with the applicant, having had regard to the comments and advice from the Planning Inspectorate, including the appeal-established parameters.
- 10.21 It is considered that a satisfactory design has now been achieved that will protect and enhance the characteristics of this part of the Conservation Area through a quiet but suitably playful architectural expression. The use of brick and brick patterning further provides an animated façade to the street. The treatment to the ground floor front façade and internal layout beyond has been problematic in both appeal schemes. However, the current iteration now suitably addresses the street at the entrance level while creating acceptable levels of privacy within each home. The refuse bins and cycle stores are cleverly 'hidden' within the front facade and the internal configuration now provides a good quality spatial offer and layout including a direct route from the entrance lobby to the rear garden. The rear elevation has been amended and

no longer threatens the privacy of those homes to the rear with reduced fenestration proportions to the top floor.

10.22 The end of terrace two storey house has been reduced to the rear and now provides for a reasonable sized patio garden. At first floor it is now appropriately reduced and configured so as not to cause any harm to the adjacent flats.

10.23 The elevational treatment to the B1 buildings has been redesigned so as to present a more distinct façade to the street, better signifying its use as being distinct from the residential.

10.24 As such there are no longer any objections from the Design and Conservation team and the terrace as proposed is considered to offer good quality new homes and new work space.



Front elevation (refused and dismissed at appeal (P2017/1654/FUL))



Front elevation (as initially submitted (P2019/1923/FUL))



Front elevation (amended and current proposal)

Image 6, 7 and 8: Drawings showing the recent evolution of the proposed front elevation. The final image represents the current proposal.



Rear elevation (refused and dismissed at appeal (P2017/1654/FUL))



Rear elevation (as initially submitted (P2019/1923/FUL))



Rear elevation (amended and current proposal)

Image 9, 10 and 11: Drawings showing the recent evolution of the proposed rear elevation. The final image represents the current proposal.

Demolition of Existing Conservation Area Buildings

10.25 With regard to the principle of the demolition of the Georgian building at 5 George's Road, the Inspector stated in the 1st dismissed appeal (APP/V5570/W/16/3144490) that the affected building:

“to some extent reflects the traditional former functional character of the area, and I also appreciate that it is one of few remaining buildings of this nature in the CA in terms of illustrating the development of the settlement... in the absence of a proposed overall scheme design that would represent an acceptable addition to the CA and not cause unacceptable harm to the character and appearance of the LLB, and with insufficient substantive evidence to indicate that it could not be renovated or repaired, I consider that its demolition would be unjustified.”

10.26 In the 2nd dismissed appeal, Appeal Ref: APP/V55700/W/18/3200677, while the Inspector found fault with some elements of the detailed design, he ruled that the demolition of No 5 George's Road did not form part of the reason for the dismissal of the appeal and accordingly expressed no objection in principle to the loss of the building nor did he connect its loss to the need to secure a high quality calibre of replacement scheme (paragraph 24 of Appended decision).

10.27 Nevertheless, the design has now been amended since it was resubmitted as part of this current application. It has retained some of the architectural elements that the Inspectorate positively and specifically supported, such as the barrel vaulted roof forms to both the end buildings. It has also addressed those areas where the scheme was found to be failing by the Inspectorate namely the relationship between the rear of the proposed end house and the existing locally listed block at No 15 Georges Road, St James's School flats, and the elevational treatment to the ground floor front of all the houses plus the internal layout configuration to their ground floors.

10.28 The initial submission read as somewhat dated and uninspiring with an elevational emphasis on the application of metal panelling and Juliet balconies. There was limited 'grain' or richness to the front facades and insufficient high quality detailing while the ground floor treatment and layout was still considered unsatisfactory.

10.29 A significantly higher quality architectural response has now been negotiated. It contains a richness to the front façade, particularly to the critical ground floor interface. This is achieved by the removal of contemporary steel panels, and a greater emphasis on the use of recessed and angled brickwork and the removal of utilitarian waste storage containers at the street frontage. The proposed terrace is now more reflective of the positive characteristics of the Conservation Area including decorative brickwork and animated fenestration patterns. This response, bearing in mind as well the Inspectorate's most recent ruling, justifies the loss of the heritage asset at No 5 George's Road.

10.30 The CADG states that:

“While some buildings are protected by statutory listing, there are also many other non-listed buildings which are important to the historic and architectural character and appearance of the area. The Council considers the 18th and 19th century buildings critical to the character and historic charm of the area and their loss would reduce the historic and architectural interest of the area”.

10.31 The Council considers this building to be one of the aforementioned 19th century buildings and that its loss would reduce the historic and architectural interest of the conservation area if the replacement scheme is not of an acceptably high calibre. Given the considerable amendments that have been forthcoming and the resulting architectural response, the loss of this building can now, on balance, be accepted.

Building Heights and Massing

10.32 The Inspector (Appeal 2) found the scale and height of the proposed development to be acceptable including the set back of the useable areas on the roof terraces, plus the roof terraces themselves.

10.33 There remained however a concern about the impact of the bulk and mass on the amenity of homes within the adjacent building, specifically Flat 1 of St James’s School flats, Georges Road.

10.34 This has now been addressed through the reduction of the mass to the rear at first floor level of the end unit, the removal of the first floor roof terrace, and the reduction at ground floor level of the building footprint.

10.35 As such the height and mass of the proposal is now considered acceptable.

Design

10.36 Given the height, bulk and mass parameters have been established by the Planning Inspectorate, these characteristics have been agreed and are considered acceptable.

10.37 The use of brick, as the primary material, is welcomed subject to the submission and approval of a sufficiently high quality brick and mortar treatment. The extensive metal panelling has now been removed and replaced with a finer grain, more richly detailed architecture whereby decorative brickwork adds a richness in a more successful manner than the earlier metal panelling did. The fenestration is now lively yet sufficiently ordered in keeping with Victorian and Georgian domestic rhythms.

10.38 The scheme has been designed to read as ‘of our time’ rather than a pastiche response which is also welcomed.

10.39 There is now sufficient set back (1.3m approx.) from the pavement edge to each residential entrance lobby which enables an acceptable level of amenity to be achieved at this critical interface whilst presenting an attractive response to the adjacent tightly configured public realm. This was a key concern with the

previously refused schemes. There is now a sufficient amount of 'defensible space' in front of the entrance doors and the layout of rooms and associated uses beyond provides for a successful internal configuration to the ground floors.

- 10.40 The proposal now expresses a suitable degree of architectural differentiation between the 'employment' building at No 5, and the adjoining 'domestic' terrace, by way of the loss of Juliet balconies at first and second floor levels and associated altered fenestration pattern to the office unit whilst retaining the large ground floor shopfront window. This provides for a welcome enhanced level of legibility as well as being an effective rationale for enriching and animating the architecture.
- 10.41 The uses to floors 1 and 2 have been 'flipped' resulting in a more comfortable relationship between the kitchen/living room and the roof terraces at upper level while addressing the impact of overlooking through altering the accompanying fenestration pattern. The overlooking issues have been addressed within the Neighbour Amenity Section below.
- 10.42 The obscure glazed balustrades to the roof terraces are shown as being setback approximately 0.8m from the front parapet of the building. It is acknowledged that these are unlikely to be visible from public view and that the inspector was satisfied that the setback would 'satisfactorily soften the roof terraces' visual impact, viewed from the front and rear of the proposed building'. Notwithstanding this, a condition has been suggested requiring the details of balustrades at the front and rear of the new building to be submitted to and agreed in writing by the LPA.

Conclusion (Design)

- 10.43 Planning policy, together with the historic and architectural context of the site, requires a development of a high quality of architectural design that demonstrably enhances the character of the St Mary Magdalene conservation area and is sympathetic to the surrounding heritage assets.
- 10.44 In conclusion, the proposal is considered to preserve the visual appearance and historic character of the nearby associated heritage assets, including the wider St Mary Magdalene Conservation Area and the setting of the Grade II Listed Building, complying with the design advice within the Urban Design Guide (2017) and St Mary Magdalene Conservation Area Design Guidelines, subject to the detailed conditions outlined in Appendix 1.
- 10.45 It is therefore considered acceptable in design terms, and compliant with policies DM2.1 and DM2.3 of the Development Management Policies 2013, CS9 of the Core Strategy 2011 and the NPPF 2019.

QUALITY OF RESIDENTIAL ACCOMMODATION

- 10.46 Core Strategy Policy CS12 and Policy DM3.1 of the DMP refers to the requirement for a range of dwelling sizes, and the required housing mix for residential development within the Borough.
- 10.47 The table below (Table 1) assesses the proposed housing mix against Table 3.1 of Development Management Policies (2013):

Tenure	1 Bed	2 Bed	3 Bed	4 Bed +
Market	10%	75%	15%	0%
Proposed	20%	0%	80%	0%

Table 1: table showing required and provided housing mix.

- 10.48 Table 1 above illustrates that the market tenure has little need for 3 bed units with a greater need for 2 bed units. The proposed provision of larger units (3 beds) equates to 80% of the total mix. However, whilst the mix is considered to be heavily skewed towards a provision for 3no bed units, this would not be sufficient in itself to form grounds for the refusal of the application. The narrowness of the site and general constraints regarding height limitations is considered to lend the redevelopment of the site for single family accommodation. It is also important to note that the previous appeal had a mix heavily in favour of family accommodation and this did not form a reason for refusal previously by the council or indeed the Planning Inspectorate.
- 10.49 Policy DM3.4 seeks to ensure all new housing developments (including conversions, Changes of Use, Houses in Multiple Occupation, and sheltered housing) are required to provide accommodation that is of adequate size, with acceptable shape and layout of rooms (with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light).
- 10.50 The proposal is for 5 no. self-contained townhouses all of which have dual aspect, and are considered to be an acceptable shape and layout, having adequate daylight/sunlight, dual aspect and acceptable levels of outlook from habitable rooms. The proposed units are considered to be of adequate size, which is shown in Table 2 below:

	Dwelling type (bedroom (b)/persons- bedspaces (p))	Required GIA (sqm)	Proposed GIA (sqm)
Unit 1	3b6p	95	129
Unit 2	3b6p	95	125
Unit 3	3b5p	86	108
Unit 4	3b5p	86	110
Unit 5	1b2p	50	52

Table 2: Size of proposed residential units.

- 10.51 Policy DM3.1 seeks to ensure all sites provide a good mix of housing sizes. The purpose of the housing size mix policy is to ensure that new housing meets the housing needs of the population, both for market, social and intermediate housing, in order to create mixed and inclusive communities. The evidence shows that the delivery of different unit sizes has not, overall, responded to housing need. Paragraph 3.14 of the Development Management Policies (2013) confirms *development proposals should provide for a mix of unit sizes in accordance with Table 3.1. The mix of dwelling sizes appropriate to specific developments will also be considered in relation to the character of the development, the site and the area. Developers should demonstrate how the mix of dwelling sizes meets the housing size mix requirements and is appropriate to the site's location.*
- 10.52 As shown in the table 2 above the resulting residential units would meet the minimum gross internal area stipulated within the Development. The proposed new units would all benefit from dual aspect and an acceptable standard of accommodation, with good levels of daylight/sunlight to all habitable rooms, and are considered acceptable in this instance. It is also noted that the amended scheme has swapped the first and second floor levels to Houses 1-4, resulting in bedrooms being located at first floor level and main living areas at second floor level. Whilst this alteration was undertaken for design and neighbour amenity purposes (outlined in detail below), the amended layout is considered to improve functionality as the roof terraces would be situated above kitchen/living room rather than two bedrooms. In addition, the amended design would allow second floor level rear facing windows to be obscurely glazed to prevent overlooking to residential properties along Chillingworth Road (16m separation distance), without compromising the standard of residential accommodation at the application site. This is due to the open plan nature of the second floor level, meaning outlook can be provided to George's Road. Had the scheme not been amended in this regard, then concerns would be raised due to poor quality accommodation due to loss of outlook to bedroom windows, given the need for obscure glazing at the second floor level rear.

- 10.53 One reason for refusal of P2017/1654/FUL referred to the opening of residential units directly on to a narrow pavement and a lack of defensible space. This concern was shared by the Planning Inspectorate, who noted the following at paragraph 8 of the appeal decision *'with regard to defensible space, the proposal omits internal courtyard-like enclosures at the front of dwellings, which were in the previous scheme and would provide some separation prior to entering the dwellings. I have had regard to the dwellings without defensible space at the front, cited by the appellant. However, these are older properties and I saw a modern apartment development nearby on George's Road with defensible space in the form of setback from the street and front railings. Within this context, the proposal's lack of separation from front door to the relatively narrow street would, in my judgement, result in insufficient provision of defensible space'*. The amended scheme re-instates a front courtyard-like feature at each new unit. As mentioned in the sections above, the ground floor layout now achieves the right balance between an active frontage and privacy for the residents which was an issue within the previous two appeal schemes. There is now a sufficient amount of 'defensible space' in front of the entrance doors and the layout of rooms and associated uses beyond provides for a successful internal configuration to the ground floors.
- 10.54 Concerns had been raised by officers initially due to the provision of poor quality private outdoor amenity space. This is due to the size of the rear garden as initially proposed, which would be enclosed by a large boundary wall and a rear projection to House 5. Cycle storage was also initially shown to being within the rear garden. The scheme has since been amended, removing the rear projection at House 5 resulting in a rear garden of approximately 12sqm. Despite the reduction in floor space, House 5 would remain in excess of the minimum floorspace area required by Development Management Policy DM3.4.
- 10.55 Policy DM3.5 Part C requires a minimum of 30 square metres of amenity space for ground floor family housing (three bedroom residential units and above) and a minimum of 15 square metres for ground floor 1-2 person dwellings. Based on the plans provided, the proposals fail to meet this requirement at ground floor level with step-free access; however large roof terraces are proposed for all units. It is noted that concerns were raised by officers during the previous application with regards to the size of rear gardens, limiting outlook from ground floor bedrooms and quality of roof terraces proposed. Notwithstanding these concerns, the application was not refused due to being contrary to DM3.5. In addition, the Inspectors Appeal Decision for P2017/1654/FUL did not mention the quality of outdoor amenity spaces. Amendments have been made to the ground floor rear gardens which are considered to be a substantial improvement when compared to the previous scheme. It is noted that the rear elevation no longer includes the glazed projections at ground floor level, increasing the size and usability of outdoor amenity space. The rear gardens were previously used for the storage of bicycles. These are now located within an internal enclosure to the front of each property, which increases the amount of usable garden area. In light of the changes to the rear gardens, as well as the lack of any concerns raised by the Planning Inspector's Appeal Decision, it

would be considered that the private amenity space would be of sufficient size and quality.

- 10.56 Overall, the proposal is considered to provide satisfactory living conditions and adequate outdoor amenity space for future occupiers, and is acceptable in this regard and compliant with DM3.4 and DM3.5 of the Development Management Policies 2013.

AMENITY

- 10.57 Policy DM2.1(x) seeks to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.58 The rear elevation of the proposed building faces towards the rear of the residential properties on Chillingworth Road and in close proximity to the eastern elevation of the St James School Flats. There is an existing level of overlooking between the existing windows on the first floor rear of the existing residential unit at 5 George's Road and windows on the rear elevation of the commercial property at 4A Chillingworth Road.

Outlook and Sense of Enclosure

- 10.59 Paragraph 2.14 of the Development Management Policies 2013 seeks to ensure a minimum distance of 18 metres between windows of habitable rooms, to protect privacy for proposed residential developments and existing residential properties. However, it notes that this does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 10.60 The height, scale, bulk and massing of the proposals broadly matches that previously proposed. There have been minor alterations to the design of the end house known as house 5, to reduce its size and omit its roof terrace. Concerns had been raised by the Council due to the impact on outlook to the windows of Flats 1 and 6 within the St James School site which face towards the side elevation of the application site.
- 10.61 It is noted that the Inspector's Appeal Decision letter for appeal ref: APP/V5570/W/18/320677 noted the following comments with regards to the impact on neighbouring amenity caused by House 5:

'Turning to the matter of outlook from Flats No.1 and 6 of the LLB, these properties have habitable room windows in their side elevation, directly facing the appeal site, close to it. Although the living rooms concerned also have front-facing windows, the side windows serving the double height living rooms provide a key level of outlook, particularly for Flat No.1.'

The gable end of proposed dwelling 5 would be just over 3m from one of the side windows of Flat No.1. Dwelling 5's rear roof terrace would around 5m from Flat No.1's other side window. Despite the changes to the roof and mass of the proposed development's end unit nearest to the LLB, compared to the previous scheme, these combined factors would cause harm to the outlook of Flat No.1 and create an undue sense of enclosure of it. I attach moderate weight to this harm.

The view of the proposed development from the side windows of Flat No.6 would largely be over the top of the barrel roof of proposed dwelling 5, to the gable end of proposed dwelling 4. As such, I consider that dwelling 5 would not cause significant harm to the outlook of Flat No.6.

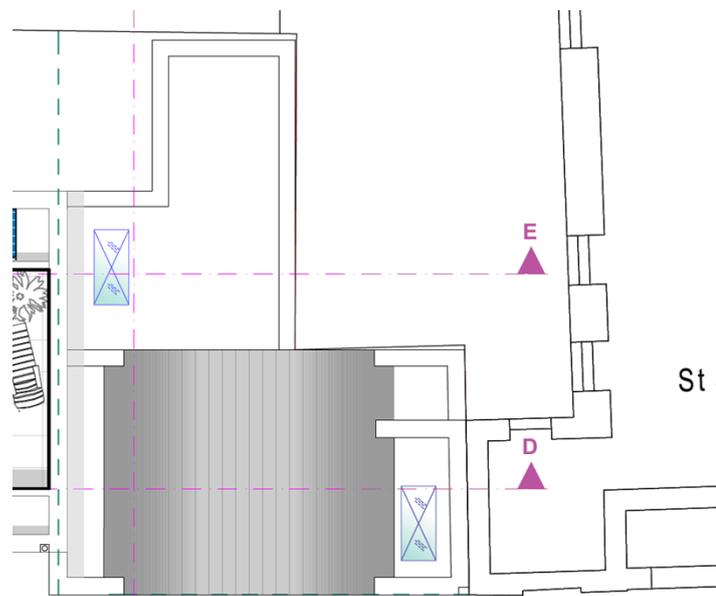


Image 12: Roof Plan (P2017/1654/FUL)

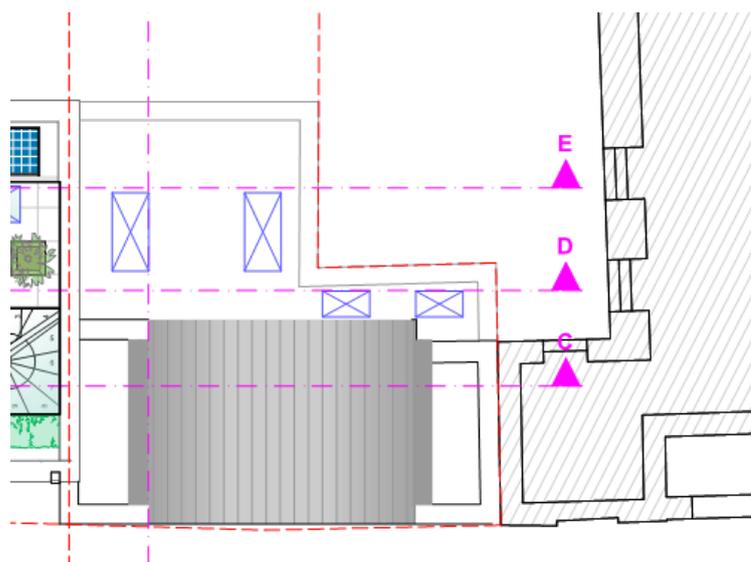


Image 13: Roof Plan (current proposal)

- 10.62 Whilst the barrel roof to House 5 has been retained within the current proposals, its overall depth has been materially reduced from 6.1m to 3.7m when compared to P2017/1654/FUL. In addition, the full depth ground floor rear addition with outdoor terrace above has been omitted from the current scheme. Therefore whilst the barrel roof to House 5 would remain in close proximity to side facing windows at Flats 1 and 6 of the Locally Listed Building, the overall scale and massing of the house has been materially reduced. These changes are considered sufficient to overcome the previous reasons for refusal and the Planning Inspectorates appeal decision relating to the loss of outlook and increased sense of enclosure experienced by occupiers of adjacent Flat no.1.
- 10.63 Given the separation distances, the height of the proposed dwellings are not considered to have a harmful impact on the other neighbouring residential properties, specifically those on Chillingworth Road with regards to outlook or enclosure.

Overlooking/Loss of Privacy

- 10.64 The rear elevation of the upper floors of the proposed residential units is located a similar distance from the rear boundary of the site to that proposed under the refused scheme. The rear elevation of the upper floors of houses 1 and 2 continue to be located approximately 3.5 to 4m metres from the rear boundary of the site. The position and extent of the third floor roof terraces on houses 1 to 4 on the latest scheme closely match those on the previously refused scheme. It is noted that the Planning Inspector did not consider the roof terraces to result in a harmful loss of neighbouring amenity.
- 10.65 Consideration has been given to the impact on overlooking and privacy to the neighbouring property at nos. 4, 8 and 10 Chillingworth Road which are located at a distance between 16m to 22m away with the exception of the rear of 6 Chillingworth Road which has a rear extension resulting in a reduced distance to windows of habitable rooms. Consideration has been given to the relationship of the proposed rear windows and the roof top roof terrace.
- 10.66 In the latest appeal decision, the planning inspector noted that '*a planning condition could also be applied regarding roof terrace details to address privacy and noise concerns.*' It is noted that the proposed roof terraces would incorporate a setback of approximately 1.5m from the rear parapet. Submitted rear elevations indicate that safety balustrades would be positioned to the rear of the terrace. However, in order to protect the amenities of residential properties to the rear, it would be required that these be privacy screens to a height of 1.7m.
- 10.67 It is noted that the rear rooms at second floor level to houses 1 to 4 are now shown as open planned kitchen/living/dining rooms with outlook to the front and rear of the property. Although submitted plans and elevations do not show the second floor level rear facing windows as obscurely glazed, such a treatment would not be considered to compromise the standard of accommodation experienced by future occupiers of the proposed development. This is on the basis that the outlook from front facing windows would be retained. A condition has been attached requiring obscure glazing to houses 1 - 4 at second floor

level and a further condition requiring details of the height and materials of the rear parapet to the third floor roof terraces to be submitted and approved prior to occupation of the units and retained in perpetuity.

- 10.68 In addition to the above, the roof terrace to House 5 previously proposed under P2017/1654/FUL has been omitted from the scheme. This weighs in favour of the current scheme, particularly noting the concerns over the close proximity of the roof terrace to the nearest windows of habitable rooms at St James School flats that were raised by officers and the Planning Inspectorate previously. Conditions have also been suggested to restrict the use of the flat roof as external amenity space and for it to be a biodiverse/green roof instead.

Daylight and Sunlight

- 10.69 A daylight and sunlight report has been submitted. This takes into account the neighbouring buildings which could be affected by the development namely; Flats within Radford House, St James School Flats and 6 – 10 Chillingworth Road (even).
- 10.70 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. An additional table has been submitted which includes the existing levels of daylight and sunlight, and the results of the impact of the consented scheme and the revised proposed scheme. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE ‘provides guidance on sunlight layout planning to achieve good sun lighting and day lighting’.
- 10.71 Daylight: the BRE Guidelines stipulate that... “*the diffuse daylighting of the existing building may be adversely affected if either:*
- the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*
- 10.72 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.*”

10.73 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.

10.74 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.

In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours

10.75 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.

Analysis of Daylight Results

10.76 The report indicates that the proposed development would pass the BRE Vertical Sky Component (VSC) Test.

10.77 The report highlights that a material loss of daylight (VSC) would occur with regards to 2no. living/dining windows (W6/50 and W10/50) on the ground floor of St James School Flats. The losses would be 31.26% and 23.09%. Both resulting VSC would be greater than 18% better than all but 2 other ground floor windows in this building. These 2no windows serve the same room (along with 5 other windows) and the room would experience 0.1% loss in daylight Distribution – representing BRE compliance to that test. The threshold for the reduction would therefore remain within the acceptable range as outlined in the BRE Guidelines.

10.78 The report indicates that adjoining properties/rooms tested for BRE Daylight Distribution would all pass but one room. This is located on the first floor of St James School flats, identified as Room R1/51 which would see a loss of 41.3%. This loss is as experienced by P2017/1654/FUL and was considered to weigh against the scheme as a whole as outlined within the officer report. The Daylight Sunlight Report that has been submitted with the current application notes that the window sill serving R1/51 is just above the internal finished floor level and the window head is only marginally above the conventional working plane used to plot the no skyline. The report therefore considers the daylight distribution test to be inappropriate in this instance.

10.79 The applicants submitted Daylight and Sunlight Report, shows the height of the window serving R1/51 within St James School Flats. This information was not included within the report submitted with the previous refusal. Therefore, whilst the results in terms of Daylight Distribution remain as previously proposed, it is considered that the further losses experienced have been suitably justified by the applicant.

10.80 The results in VSC and Daylight Distribution Testing referenced in the paragraphs above relating to the St James School Flats have been extracted within the table below. Failures are highlighted in bold.

Floor	Room / Window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
			Existing (%)	Proposed (%)	Percentage reduction in VSC	Existing %	Proposed %	Percentage reduction in Daylight Distribution
St James School Flats								
Ground	R1/40 W1/40	Kitchen	11.79	13.24	-12.3	44.3	44.3	0
Ground	R1/50 W1/50	Living Dining	5.19	5.19	0	343	342.6	0.1
Ground	R1/50 W2/50	Living Dining	4.77	4.77	0			
Ground	R1/50 W3/50	Living Dining	22.8	22.8	0			
Ground	R1/50 W4/50	Living Dining	19.04	19.04	0			
Ground	R1/50 W5/50	Living Dining	17.13	13.79	19.5			
Ground	R1/50 W6/50	Living Dining	26.26	18.05	31.26			
Ground	R1/50 W10/50	Living Dining	23.95	18.42	23.09			
Ground	R2/50 W7/50	Living Kitchen Dining	29.42	27.03	8.12	299.2	299.5	-0.1
Ground	R2/50 W8/50	Living Kitchen Dining	9.28	9.28	0			
Ground	R2/50 W9/50	Living Kitchen Dining	7.24	7.24	0			
First	R1/41 W1/41	Bed	18.15	17.38	4.24	41.3	41.3	0

First	R1/51 W2/51	Bed	31.26	25.46	15.55	110.3	64.8	41.3
First	R2/51 W1/51	Bed	19.03	19.03	0	83.5	83.5	0
First	R3/51 W3/51	Bed	33.56	30.52	9.06	122.0	121.9	0.1

Table 3: VSC and Daylight Distribution Testing to St James School Flats (Ground and First Floor)

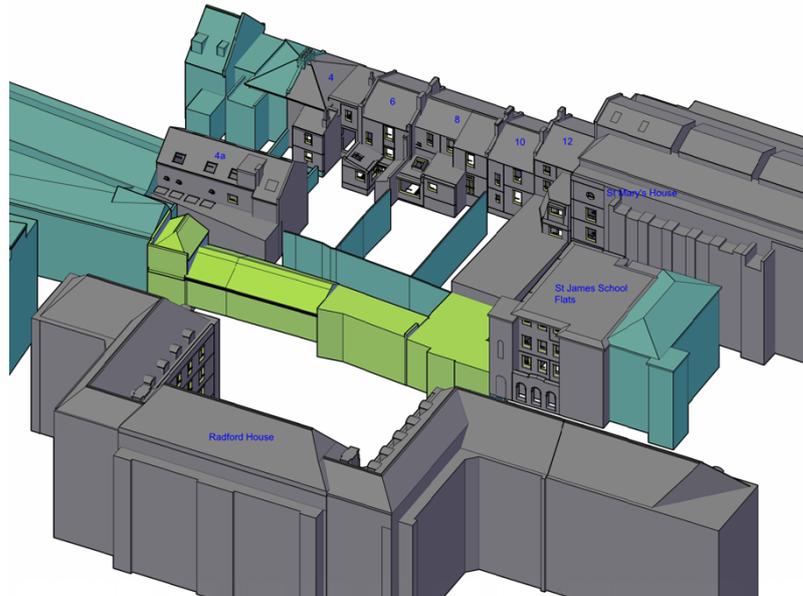


Image 13: Daylight/Sunlight Imagery Existing

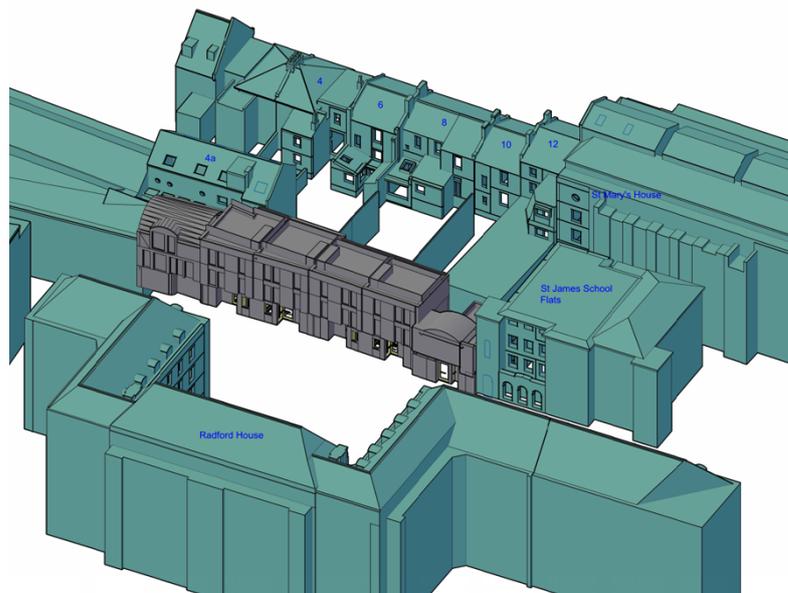


Image 14: Daylight/Sunlight Imagery Proposed

Analysis of Sunlight Results

- 10.81 The applicants Daylight and Sunlight Report provides little interpretation in terms of the likely impacts on annual probable sunlight hours that will be experienced by the proposed development. Whilst this is unfortunate it is noted that the results of testing undertaken at Radford House, St James School Flats and no.6 Chillingworth Road have all been included in the report at Appendix 5. those windows which are shown pass the BRE requirements for APSH and WPSH.

Noise disturbance

- 10.82 With regards to the concerns raised in relation to noise disturbance the scheme is for residential use and office use. It is considered that these uses would not generate noise disturbance to a level that would warrant a refusal of the application. The Acoustic Officer did not raise concerns regarding the proposed uses. However, conditions relating to noise associated with any additional plant equipment and limiting the hours of operation of the lift shaft have been recommended to further control noise disturbance.
- 10.83 The proposal is therefore considered to have an acceptable impact on regard to the amenity of the occupiers of neighbouring properties and those within the proposed development. It would therefore comply with policy DM2.1 of the Development Management Policies 2013, subject to conditions relating to sound insulation between uses, lift noise and land contamination investigation.

INCLUSIVE DESIGN

- 10.84 The proposals result in five new build residential dwellings (four units over three floors and one unit over two floors) and a new B1 Office unit over new basement to second floor levels.
- 10.85 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.

- 10.86 As a result, the proposed new units are required to accord with Category 2 of the National Standards for Housing Design, set out within the Building Regulations.
- 10.87 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.

Residential Units

- 10.88 The layouts of the ground and first floor of the residential units seem largely to meet Category 2 standards. The Inclusive Design Officer has been consulted throughout the assessment process and has had access to amended drawings. They have advised that all thresholds within the proposed flats must not exceed 15mm in order to be considered accessible. This detail can be secured by condition, ensuring that all elements of the scheme are compliant with Category 2 of the National Standards for Housing Design as set out within the Building Regulations.

B1 Office Unit

- 10.89 The Inclusive Design SPD still applies to commercial units. Whilst the Inclusive Design Officer has objected to the proposed platform lift, it is acknowledged that the applicant will be required to undertake internal works in accordance with the relevant Building Control Regulations. As no other objections were raised in this regard, an informative will be included to remind the applicant to construct in accordance with the relevant Building Control Regulations.

HIGHWAYS AND TRANSPORTATION

- 10.90 The site has excellent access to public transport and the Public Transport Accessibility (PTAL) rating is 6a. Bus routes within walking distance to the site are the 43, 153, 263, 271, 393 and N41 from Holloway Road. The site is a five to ten-minute walking distance to Holloway Road Underground Station on the Piccadilly Line, Caledonian Road Underground Station also on the Piccadilly Line, and Drayton Park rail station which provides a frequent weekday service between Moorgate and Hertfordshire.
- 10.91 As the scheme is to be recommended for approval subject to a legal agreement, a clause has been inserted in the Unilateral Undertaking preventing the new residents from being permitted to apply for on-street car parking permits. This is required to ensure that the development meets the requirements of Part H of Core Strategy Policy CS10 (Sustainable development), and Development Management Policy DM8.5 (Vehicle parking).

- 10.92 The council's policies require one cycle parking space per bedroom and 1 per 80 square metres of B1 floorspace. Capacity for 2no. bicycles is shown in a secure location within the building at ground floor level and accessible from George's Road. Whilst this represents a shortfall of 1no as required by Development Management Policy DM8.5, it would not be sufficient to warrant refusal of the application. This is particularly noting the sites location and its high level public transport accessibility. A condition will be included to ensure the submission of details of the storage unit to ensure it is high quality.
- 10.93 The submitted Highways Statement anticipates that refuse collection for the residential units will be carried out on-street in a similar fashion to other residential properties along George's Road. It also notes that the full details of delivery and servicing will not be fully realised until a later date. As the proposals include residential and office uses at a scale that is broadly consistent with that already established in the area, it is considered that a condition requiring details of a Delivery and Servicing Plan to be agreed by the LPA would be appropriate in this instance.

BASEMENT EXCAVATION

- 10.94 The proposal includes single storey basement level excavation covering an extent of 50 square metres and would be wholly contained within the same footprint as the B1 office unit.
- 10.95 For all basement development a Structural Method Statement (SMS) must be submitted (in accordance with the SMS requirements in Appendix B) of the Basement Development SPD 2016 in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer.
- 10.96 The new basement would only be one storey below ground, with an internal ceiling height of 2.8m. This is considered to be acceptable height for office accommodation.
11. The application is accompanied by a Basement Impact Assessment (BIA), which has been prepared by Symmetrys Limited and signed by a Structural Engineer (CEng MStructC). The Basement Impact Assessment includes information on site history, geology, ground water, flooding, and ground stability. The BIA also includes structural engineering drawings and calculations, including details of underpinning. It is considered that the BIA is consistent with the requirements set for Structural Method Statements outlined within Appendix B of the Basement Development SPD and a condition will be included on any permission being granted requiring compliance with the details and methodologies outlined within the BIA. An additional condition has been recommended to secure the current structural engineer throughout the entire construction phase of the development.

REFUSE AND RECYCLING

- 11.1 Storage for refuse and recycling is shown within the front ground level courtyard of each new unit (including commercial). The storage areas are shown as contained within the application site and within secure locations.
- 11.2 Further details will be secured by conditions in order to ensure that storage areas are sufficiently sized and suitably designed as to not cause harm to the character and appearance of the host property or wider conservation area.

ENERGY AND SUSTAINABLE DESIGN AND CONSTRUCTION

- 11.3 The applicant has submitted an Energy Statement and a Developer Statement and includes the provision of solar panels on the roof tops of the proposed residential units and the commercial unit.
- 11.4 Development Management policy DM6.5 requires all new development to protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development and surrounding area. Developments are required to provide green roofs and the greening of vertical surfaces where it can be achieved in a sustainable manner.
- 11.5 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 11.6 The application has been supported by an Energy Strategy prepared by Energist London in June 2019. This document details how the dwelling will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement incorporates the 'Be Lean Be Clean Be Green' approach and describes the use of high quality building fabric, materials, glazing and the installation of 3.6 kWp of photovoltaic panels to the flat roof areas, on a 30° pitch. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. The report specifies a 19.33% reduction in CO2 emissions across the whole site and identifies the following design measures to reduce energy demand:
 - Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs.
 - High-efficiency double-glazed windows throughout.
 - Quality of build will be confirmed by achieving good air-tightness results throughout.
 - Low-energy lighting throughout the building, with automatic occupancy controls to the non-domestic areas.
 - High efficiency mains gas boilers to all plots.

- 11.7 The report also specifies strategies to limiting water consumption to the standard of 125 litres of water per person per day.
- 11.8 Although not shown as part of the scheme, a condition will be included to secure the use of the flat roof above ground floor level of House 5 as a biodiverse green roof. The condition will require details of the green roof to be submitted to and approved by the LPA to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.
- 11.9 The provision of pv Solar cells on the roof of the new building as well as use of sustainable and high quality materials, contributes to renewable energy and carbon reduction in accordance with policies 5.1; 5.2; 5.3; and 5.9 of the London Plan (2016) and policy CS10B of the Islington Core Strategy (2011), and policies DM7.1, DM7.2 and DM7.4 of the Development Management Policies (2013).

TREES

- 11.10 Policy DM6.5 seeks to ensure developments protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Part B of this policy seeks to ensure developments within proximity of existing trees are required to provide protection from any damage during development. Also the council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.
- 11.11 The design incorporates the existing neighbours tree and there is adequate rooting volume and above ground space to ensure the tree can continue to contribute environmental and amenity benefits. The Tree Officer has been consulted with on a number of similar recent applications at this site and has not objected.
- 11.12 The Council's Tree Officer has assessed the submitted report and has recommended conditions in the event the application is approved, requiring a scheme for the protection of the retained off site trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) to be submitted to and approved in writing by the Local Planning Authority.
- 11.13 The Tree Officer has confirmed that he would have no objections to the proposal subject to the imposition of this condition. It is therefore considered that the proposal would be acceptable in this regard and compliant with the objectives of Policy DM6.1.

AFFORDABLE HOUSING

- 11.14 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 11.15 Paragraph 3.0.5 of the SPD states 'in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough where this site is located.
- 11.16 As a proposal for five units which results in an uplift of four residential units, the scheme is liable for a contribution to Affordable Housing of 4 x £50,000 totalling £200,000. The applicant has submitted a viability assessment and initially was not proposing to make the contribution as sought by the Islington Affordable Housing Small Sites Contributions SPD. As the proposal results in the provision 5 new build residential houses, a financial contribution of £7,500 is required as set out in the Environmental Design SPD.
- 11.17 The applicant initially submitted a Viability Appraisal which concluded that a contribution would not be viable, which was consistent with the conclusions of the Planning Inspectors Decision for P2017/1654/FUL. Notwithstanding this, the Viability Appraisal prepared by the Council's independent viability assessors, Adams Integra, concluded that the scheme could support the full contribution of £200,00 towards off-site Affordable Housing plus £7,500 towards the Council's Carbon Offset strategy.
- 11.18 The applicant initially provided a rebuttal to the contribution being sought. This was sent to the Council's Independent Viability Assessor, Adams Integra. They have maintained various assumptions within their updated financial viability assessment including their residential sales values and commercial rental values assumptions. LBI Officers agree with Adams Integra's total assumed residential sales values of £4,756,000, and rental values of £20psf for the basement and £30psf for the upper floors for the proposed B1 unit.
- 11.19 Adams Integra have revised three assumptions including increasing professional fees to 10% of construction costs, including a carbon offsetting contribution to £7,500 and amending developers profit which has been increased to 17% on the residential element with 15% on the commercial. These adopted assumptions result in a reduced residual land value of £868,305, but this remains above the Benchmark Land Value of £857,500 and therefore demonstrates that the scheme can still viably provide the full small sites affordable housing contribution of £200,000.
- 11.20 The applicant was advised that the council were of the view that Adams Integra's adopted input assumptions are reasonable and that the proposed development can viably provide the required £200,000 Small Sites Affordable Housing contribution. The applicant then agreed to pay the required contribution towards affordable housing and carbon offsetting.

- 11.21 Consequently, the applicant is now required to enter into a Unilateral Undertaking to pay the £200,000 Small Sites affordable housing contribution and the £7,500 carbon offsetting contribution.

OTHER MATTERS

Archaeological Priority Area

- 11.22 Islington GIS maps confirm that the site is immediately adjacent to the Ring Cross Hamlet Archaeological Priority Area. As the site is adjacent to the existing Archaeological Priority Area, but not within it, consultation with Historic England has not been undertaken. It is also noted that within Historic England's Archaeological Priority Areas Appraisal (July 2018) Ring Cross Hamlet Archaeological Priority Area appears to have been omitted. In light of this, basement excavation works in accordance with the Basement Development SPD 2016 is considered appropriate and no further archaeological investigation works are required.

Swifts and Bats

- 11.23 Concerns have been raised in relation to the lack of nesting locations for swifts and bats. The applicant has submitted an Ecological Appraisal which provides the results of a survey undertaken to determine whether any swifts or bats have been nesting on site. The report concludes that whilst neither were observed on site, a total of 2no. bat brick boxes and 2no. swift boxes be installed beneath the eaves of the proposed building. As such a condition has been recommended for at least 4 no nesting location to be provided.

Community Infrastructure Levy (CIL)

- 11.24 It should also be noted that the proposal would be liable for CIL (Community Infrastructure Levy) payments.

12. SUMMARY AND CONCLUSION

Summary

- 12.1 A summary of the proposal and its impacts and acceptability is set out at paragraphs 3.1 to 3.7 of this report.
- 12.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and material considerations being the National Planning Policy Framework and as such is recommended for approval subject to conditions.

Conclusion

- 12.3 It is recommended that planning permission be granted subject to conditions and section 106 legal agreement head of terms as set out in Appendix 1.

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:

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.

The Heads of Terms agreed by the applicant are:

- A financial contribution of £200,000 towards the provision of off-site affordable housing
- A financial contribution of £7,500 towards CO2 offsetting.
- Car-free development
- 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

All payments are due on commencement of development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 Officer.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
	REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)

2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Dwg 03-100 Rev B; Dwg 03-101 Rev B; Dwg 03-102 Rev B; Dwg 03-103 Rev B; Dwg 03-104 Rev B; Dwg 03-200 Rev A; Dwg 03-201 Rev A; Dwg 03-300 Rev A; Dwg 03-301 Rev A; Dwg 03-302 Rev A; Dwg 03-303 Rev A; Dwg 03-000; Dwg 03-001; Dwg 03-002; Dwg 03-003; Dwg 03-004; Dwg 03-005; Dwg 03-006; Dwg 03-007; Dwg 03-008; Dwg 03-009; Daylight & Sunlight Report 22 May 2019 by Lumina London Limited; Design & Access Statement June 2019; Ecological Appraisal June 2019; Tree Quality Survey June 2019; Energy Strategy 6 June 2019 by Energist London; Highways Technical Note May 2019; Planning Statement May 2019 by Nicholas Taylor + Associates; Desktop Basement Impact Assessment Rev B January 2018 by Symmetrys Ltd</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <p>a) solid brickwork (including brick panels and mortar courses) b) window treatment (including sections and reveals); c) plinth to the front elevation along entire terrace d) roofing materials; e) balustrading treatment (including sections); and f) any other materials to be used.</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 securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Category 2 Condition
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall</p>

	<p>be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
5	Inclusive Office
	<p>CONDITION: Notwithstanding the drawings hereby approved, further details will be required to be submitted and approved in writing to Council prior to occupation of the development:</p> <p>These details include</p> <ul style="list-style-type: none"> - specifications of the platform lift and openings of lobby door - The WC with a 1500mm turning circle <p>REASON: to secure the provision of visitable and adaptable office accommodation appropriate to meet diverse and changing needs.</p>
6	Construction Environmental Management Plan
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. 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 mitigate the impact of the development to nearby residents and businesses.</p>
7	Basement Development Monitoring
	<p>BASEMENT DEVELOPMENT MONITORING: The Chartered Structural Engineer (MI Struct.E) certifying the Structural Method Statement (SMS) dated January 2018 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.</p> <p>REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).</p>

8	Construction Method Plan
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <ul style="list-style-type: none"> a) identification of construction vehicle routes b) how construction related traffic would turn into and exit the site (including appropriate traffic management) c) the method of demolition and removal of material from the site d) the parking of vehicles of site operatives and visitors e) loading and unloading of plant and materials f) storage of plant and materials used in constructing the development g) the erection and maintenance of security hoarding h) wheel washing facilities where applicable i) measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and construction works j) construction works k) reference the Arb Report that seeks to protect the 2no. street trees at the front of the site <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
9	Sound Insulation Between Uses
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed D1 office and C3 residential uses of the development shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure future occupiers are not unreasonably impacted by unreasonable levels of noise generation.</p>

10	Lift Sound Insulation
	<p>CONDITION: Prior to the first occupation of the residential flats hereby approved sound insulation shall be installed to the lift shaft sufficient to ensure that the noise level within those residential flats does not exceed NR25(Leq) 23:00 - 07:00 (bedrooms) and NR30 (Leq 1hr) 07:00 - 23:00 (living rooms) and a level of +5NR on those levels for the hours of 07:00 - 23:00</p> <p>REASON: To ensure future occupiers are not unreasonably impacted by unreasonable levels of noise generation.</p>
11	Land Contamination
	<p>“Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).”</p> <p>REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants</p>
12	Refuse/Recycling
	<p>CONDITION: Details of refuse / recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p>

	<p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
13	<p>Cycle Parking (Details)</p> <p>CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential units approved under this consent. The storage area(s) shall be secure and provide for no less than 9 cycle spaces for the proposed residential units and 2 spaces for the commercial uses hereby approved. The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
14	<p>Tree Protection (Details)</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage. b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c. Details of construction within the RPA or that may impact on the retained trees. d. a full specification for the installation of boundary treatment works. e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. h. a specification for scaffolding and ground protection within tree protection zones.

	<ul style="list-style-type: none"> i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k. Boundary treatments within the RPA l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping o. Veteran and ancient tree protection and management <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
15	Second Floor Rear Facing Windows
	<p>CONDITION: Notwithstanding the details shown on the plans hereby approved, the windows to the rear of houses 1 to 4 at second floor level shall be obscure glazed up to 1.7m above finished floor level and shall be implemented fully prior to first occupation of the dwellings and be maintained as such thereafter into perpetuity.</p> <p>REASON: To prevent the undue loss of privacy to the future residential dwellings.</p>
16	Details of Roof Top Privacy Screens and Safety Balustrades
	<p>CONDITION: Prior to the occupation of the building details of the height and materials of the rear parapet and front facing safety balustrades to the roof terraces are to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Rear balustrades shall be obscured and shown as being 1.7m in height from finished floor level.</p> <p>REASON: To ensure the outlook and privacy of neighbouring properties and visual appearance of the host building is not adversely impacted by the proposed development.</p>

17	Biodiversity Green Roof House 5 (DETAILS)
	<p>CONDITION: The flat roof area above ground floor level to House 5 shown on plan no. Dwg 03-102 Rev B hereby approved shall be used only for the purpose as a biodiversity green roof. Details of the biodiversity green roof at third floor level shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof shall be:</p> <ul style="list-style-type: none"> d) biodiversity based with extensive substrate base (depth 80-150mm); e) laid out in accordance with plans submitted and hereby approved; and f) 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 biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs 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>
18	Photovoltaic Panels (details)
	<p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from Georges Road:</p> <ul style="list-style-type: none"> • Location; • Area of panels; and • Design (including angle of panels and elevation plans). <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>

19	Sustainable Design & Construction
	<p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Energy Statement (Energist London) dated June 2019.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
20	Bird/Bat Boxes (Compliance)
	<p>CONDITION: For the hereby approved development, a minimum of 4 no. nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form, and shall be retained into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>

Informatives

1	CIL
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy.</p>
2	Tree Protection
	<p>The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3998:2010 Tree work – Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

3	Construction Works
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
4	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. 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. 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. 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. 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.</p>
5	Section 106 Agreement
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>

APPENDIX 2: RELEVANT POLICIES

RELEVANT POLICIES

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.

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

Development Plan

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

A) The London Plan 2016

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.15 Coordination of housing development and investment

5 London's response to climate change

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.9 Cycling

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

8 Implementation, monitoring and review

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (employment space)

Strategic Policies

Infrastructure and Implementation

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

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

Transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

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:

- Article 4 Direction – St Mary Magdalene Conservation Area
- Employment Growth Area
- Mayors Protected Vista
- Within 100m of a TLRN Road
- Article 4 Direction A1 – A2(Rest of Borough)
- Article 4 Direction B1(c) to C3

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Urban Design Guide
- Inclusive Design

London Plan

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

Appendix 3 Previous appeal decision



The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2018

by **William Cooper BA (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 29th March 2019

Appeal Ref: APP/V55700/W/18/3200677

5, 7-11 & 13 George's Road, London N7 8HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Bexwell Developments against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2017/1654/FUL, dated 18 April 2017, was refused by notice dated 23 February 2018.
 - The development proposed is the demolition of the existing buildings and structures on the site, together with the erection of a five residential dwellings (1-4 three bed and 5 one bed) and Office building B1, together with landscaping, cycle parking and storage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the application for planning permission, the Government published a revised National Planning Policy Framework¹ (the Framework). I shall proceed on this basis.

Main Issues

3. The main issues are:
 - (a) whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook, overbearing, natural light, defensible space and ventilation
 - (b) the effect of the proposed development on the living conditions of the occupants of neighbouring properties, in respect of outlook
 - (c) whether the proposed development would preserve or enhance the character or appearance of the St Mary Magdalene Conservation Area (CA), including its effect on the character and appearance of the adjacent St James' School flats locally listed building (LLB), and
 - (d) whether the proposed development makes sufficient provision for affordable housing.

Reasons

Background

4. I have had regard to the planning history of the site, specifically the application for a three-storey plus lower ground floor building, comprising six dwellings and office space in 2015, which was refused, and the subsequent appeal decision Ref: APP/V5570/W/16/3144490. Given the relatively recent nature of this decision on the same site as the proposed development, I afford it substantial weight.

Living conditions of future residents

5. Regarding outlook, the previous Inspector's concern has partly been addressed through not having basement rooms in the proposed development. However, concern remains about outlook from rear ground floor windows, as the proposed building would be closer to the high rear boundary wall than the previous scheme which was considered unacceptable. I note that the appellant considers that 'views over the rear boundary wall would be visible from deep within the living/kitchen/dining room, with a generous amount of private amenity space provided'. However, with reference to the drawings, it is evident that the rear wall would overly dominate rear views from within much of the proposed building's ground floor.
6. Having regard to the above factors, I find that the proposal would result in inadequate outlook for its future occupants at rear ground floor level, with an unacceptable sense of enclosure and being hemmed in. I do not accept that views of the sky to the rear of the rear of the dwellings, as cited by the appellant, derived from Vertical Sky Component (VSC) figures, would be sufficient to overcome this.
7. I am satisfied that the VSC figures provided by the appellant demonstrate that, overall, ground floor rooms in the proposed development would enjoy a reasonable level of daylight. However, this does not outweigh the harm I have found.
8. With regard to defensible space, the proposal omits internal courtyard-like enclosures at the front of dwellings, which were in the previous scheme and would provide some separation prior to entering the dwellings. I have had regard to the dwellings without defensible space at the front, cited by the appellant. However, these are older properties and I saw a modern apartment development nearby on George's Road with defensible space in the form of setback from the street and front railings. Within this context, the proposal's lack of separation from front door to the relatively narrow street would, in my judgement, result in insufficient provision of defensible space.
9. Regarding ventilation, I note that the appellant considers this is a matter for Building Regulations rather than planning. Nonetheless, Housing standards Policy DM3.4 of Islington's Local Plan: Development Management Policies (2013) (DMP), includes ventilation, and the Council has concern regarding cross-ventilation in relation to kitchen windows being fixed shut due to abutting the pavement. I find that there is insufficiently detailed evidence from the parties on this matter to reach a conclusive view on it.
10. To conclude on this main issue, the proposed development would provide unacceptable living conditions for future occupiers, with regard to outlook to

the rear and defensible space. As such, it would conflict with Policy 3.5 of the London Plan (2016) (LP), Policy CS12 of the Islington's Core Strategy (2011) (CS) and Policies DM2.1 and DM3.4 of the DMP. Together the policies seek to ensure that development safeguards the living conditions of occupiers. I attach substantial weight to this harm.

Living conditions of neighbouring occupiers

11. Turning to the matter of outlook from Flats No.1 and 6 of the LLB, these properties have habitable room windows in their side elevation, directly facing the appeal site, close to it. Although the living rooms concerned also have front-facing windows, the side windows serving the double height living rooms provide a key level of outlook, particularly for Flat No.1.
12. The gable end of proposed dwelling 5 would be just over 3m from one of the side windows of Flat No.1. Dwelling 5's rear roof terrace would be around 5m from Flat No.1's other side window. Despite the changes to the roof and mass of the proposed development's end unit nearest to the LLB, compared to the previous scheme, these combined factors would cause harm to the outlook of Flat No.1 and create an undue sense of enclosure of it. I attach moderate weight to this harm.
13. The view of the proposed development from the side windows of Flat No.6 would largely be over the top of the barrel roof of proposed dwelling 5, to the gable end of proposed dwelling 4. As such, I consider that dwelling 5 would not cause significant harm to the outlook of Flat No.6.
14. In respect of living conditions of houses on Chillingworth Road, I have had regard to neighbours' concerns about privacy and noise. Obscure glazing to bathrooms and dressing rooms on first and second floors, which could be secured by planning condition, would address overlooking from most proposed first and second floor rear windows. A planning condition could also be applied regarding roof terrace details to address privacy and noise concerns. Regarding views from first-floor bedroom windows of proposed dwellings 1 to 4, the separation distance from these to the main body of houses on Chillingworth Road, as illustrated in the drawings, would be in excess of 20m. Views from the bedroom windows would be filtered to some extent by their Juliet balconies and by the rear gardens on Chillingworth Road. These combined factors would substantially address matters of privacy and noise. However, this does not outweigh the harm I have found in respect of Flat No. 1 of the LLB.
15. To conclude on this main issue, the proposed development would cause unacceptable harm to the living conditions of the occupants of St James School Flat No.1. As such, it would conflict with Policy 3.5 of the LP, Policies CS8 and CS9 of the CS and Policy DM2.1 of the DMP. Together the policies seek to ensure that, through high quality design, development protects the residential environment as a place to live.

Character and appearance of the CA and effect on the LLB

16. The appeal site is a row of buildings comprising a two-storey Georgian house, recording studio and mechanic's workshop. It is located on a side road off Holloway Road, within the CA.
 17. The CA covers an area north of the North London Line, including a stretch of Holloway Road and some streets off it. Its significance lies in the high quality of
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its varied architecture and townscape, including its early Victorian terraced housing, and school and college buildings. Within this context, I consider that the appeal site contributes positively to the significance of the conservation area due to its visibility from Holloway Road, its heritage buildings, and as part of the setting for the adjacent LLB.

18. George's Road features a variety of building types, styles and heights, with examples between one and five storeys high. Buildings on the street within the conservation area range from the snaking, symmetrical mass of the Radford House flats opposite the appeal site in their green grounds, to the LLB. The LLB is a fairly grand, four-storey building, whose prominence in the street is enabled by the space around it, particularly at upper floor levels. Much of the George's Road between Holloway Road and the LLB is characterised by buildings fronting directly onto, or tight to, the pavement.
19. Within this context, the proposal is for a central symmetrical core of four, flat-roofed three-storey dwellings. This core would be bookended by a fifth, lower dwelling and an office building with varied facades and curved roof elements. Roof terraces are proposed for the dwellings.
20. With regard to design quality, the simplified front building line of the proposed development satisfactorily addresses the previous appeal Inspector's concern about linearity.
21. Regarding the setting of the LLB, the proposal would result in partial loss of views of the side elevation of the LLB from George's Road. However, this is a plainer facade of the LLB than its more ornate front elevation, which will remain clearly visible. Furthermore, the one-storey step down in height from proposed dwelling 5 to the LLB would, in my judgement, provide sufficient separation space to 'announce' the LLB on George's Road. Through retaining some views of the LLB's whitewashed side elevation, this space would maintain some degree of visual 'isolation' for the LLB.
22. Moreover, I consider the increase in separation space, compared with the previous scheme, would result in a sufficiently harmonious step down from the front of the proposed building to the LLB's distinctive horizontal banding. Accordingly, the combined factors described above address the previous Inspector's concerns regarding the LLB's banding and its distinctive grandeur.
23. In summary in respect of the LLB, the proposed development would result in some reduction of views of the former's plainer northeastern elevation. However the proposal's separation space and the continued visual influence of the LLB's distinctive front elevation would overall result in a neutral effect in relation to the LLB.
24. Regarding the existing Georgian house at No.5 George's Road, as seen on my site visit, it is small, plain and unremarkable in appearance, with few of its original detailed architectural features remaining, and is in a poor state of repair. Whilst it makes a modest contribution to the eclecticism of the street's character, it is not a building of beauty or an obvious visual cue to the area's past. Furthermore, in my judgement, proposed new house 5 at the other end of the appeal site, with its two storey height and elliptical barrel roof pediment would adequately replace the eclecticism of the old No.5, in the development's front facade. As such, the old No.5's removal and new No.5's introduction would preserve the character of the streetscene and the conservation area,

thereby satisfying the Islington's Conservation Area Design Guidelines (2002) (DG). Taken along with the appellant's evidence that the refurbishment of this dwelling would be prohibitively expensive and render the scheme unviable, I am satisfied that No.5's demolition is an acceptable element of the proposed scheme.

25. I acknowledge that the proposed building is somewhat plain in its external materials and that its fenestration is more vertical than adjacent buildings. I also recognise that its elliptical roof pediment, curved dormer top and barrel top roofs would be somewhat quirky additions to the streetscene, which echo the curved window shapes of the LLB. Overall, I consider that these elements go some way to echo the eclectic spirit of the existing site. Furthermore, architecturally the proposed building's front facade strikes an acceptable balance between symmetry and individuality, and modesty and personality to fit into the street and the wider area.
26. I note the Council's view that the proposed building should be no taller than two storeys with a third-storey setback/roof addition, within the somewhat narrow streetform. However, given the proposal's separation space from the LLB and the diversity of townscape described above, I consider that the proposal would visually assimilate into the streetscene of George's Road.
27. The Council's concern about the bulk of the proposed building's roof terraces competing visually with the LLB is noted. However, the setback of the balustrade from the edge of the roof behind its parapet, as illustrated in the drawings, would satisfactorily soften the roof terraces' visual impact, viewed from the front and rear of the proposed building.
28. I turn to the proposal's relationship with adjacent industrial buildings to the east. From what I saw of the limited sight lines to those buildings from the appeal site and around it, and their plain, functional architecture, I consider that the proposal would not have an adverse effect on the setting of those buildings.
29. The proposed building would replace longer views of the Radford House flats and their grounds from the rear of terraced housing on Chillingworth Road, which is adjacent to appeal site. However, the diversity of building type, scale and density on George's Road and Chillingworth Road would help assimilate the proposal visually. Furthermore, the rear gardens of dwellings on Chillingworth Road provide some visual and spatial buffer between those houses and the proposed development.
30. Having regard to the above, whilst there would be some change to the local townscape, in my judgement the proposed development would overall assimilate satisfactorily into the area in terms of character and appearance.
31. To conclude on this main issue, the proposed development would preserve the character and appearance of the CA and would be acceptable in terms of its effect on the character and appearance of the LLB. It would therefore accord with Policies 7.4, 7.6 and 7.8 of the LP and Policy CS9 of the CS. It would also accord with Policies DM2.1 and DM2.3 of the DMP, together with the associated guidance in the DG. The policies, when taken together, seek to ensure that development is of appropriate design and appearance to conserve or enhance the historic environment. The policies are broadly consistent with the approach of the Framework in respect of the desirability of sustaining and enhancing the

significance of heritage assets, with great weight given to the asset's conservation.

Affordable housing

32. Policy CS12 of the CS sets out a requirement for a financial contribution towards affordable housing provision for proposed residential development of less than 10 units. Whilst planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, CS12 predated the Written Ministerial Statement of 28 November 2014 (the WMS), which is confirmed Government policy. The WMS sets out that such contributions should not be sought for developments of 10 units or less, and which have a maximum combined gross floor space of 1,000 sq.m. That policy is reflected in national Planning Practice Guidance (PPG) and is now also reflected in paragraph 63 of the Framework. As such, this is a significant material consideration to which I attach great weight.
33. I have had regard to the Council's evidence of need for small sites' planning contributions for affordable housing, in light of the Borough's circumstances. These include high house prices, poverty levels, high population density and the proportion of housing delivery which comes forward on small sites. I also note that the Council takes account of development viability in the level of contributions expected.
34. I have also had regard to appeal decision Ref: APP/V5570/W/16/3144490. In that decision, the Inspector concluded that those factors set out to justify such contributions relating to the Borough's housing market would not merit a departure from the national policy, whilst acknowledging the Council's viability approach to such contribution requirements. As that decision relates to the same site, borough and development plan policy as the current appeal, I see no reason to disagree with those findings.
35. For the above reasons, I conclude on this issue that, regardless of the dispute between the parties over viability and the appellant's view that a financial contribution towards affordable housing would be unviable, such a contribution would not be necessary for this scale of housing development, due to the greater weight that I have afforded to the national policy set out in the Framework.

Conclusion

36. It is recognised that the proposal would provide five new dwellings and office space. I have also found that the proposal would be acceptable in terms of its effect on the CA and LLB, and that a contribution towards affordable housing would not be necessary. However, these matters do not outweigh the harm identified to living conditions of the future occupiers and neighbours.
37. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR