



PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE B		AGENDA ITEM:	B4
Date:	14 July 2020	NON-EXEMPT	

Application number	P2020/0937/FUL
Application type	Full Planning Application
Ward	Mildmay
Listed building	No
Conservation area	Newington Green
Development Plan Context	Article 4 Direction A1-A2 (Rest of the borough)
Licensing Implications	None
Site Address	89-91 Mildmay Park, London, N1 4NB
Proposal	Erection of a part four/part five storey building (following demolition of existing single storey building (165sqm use D1 (clinic)) to allow for the creation of 7x self-contained residential flats (use C3) (3x 1bedroom units and 4x 2bedroom units) and ground floor (154sqm) chiropody/dental clinic (use D1).

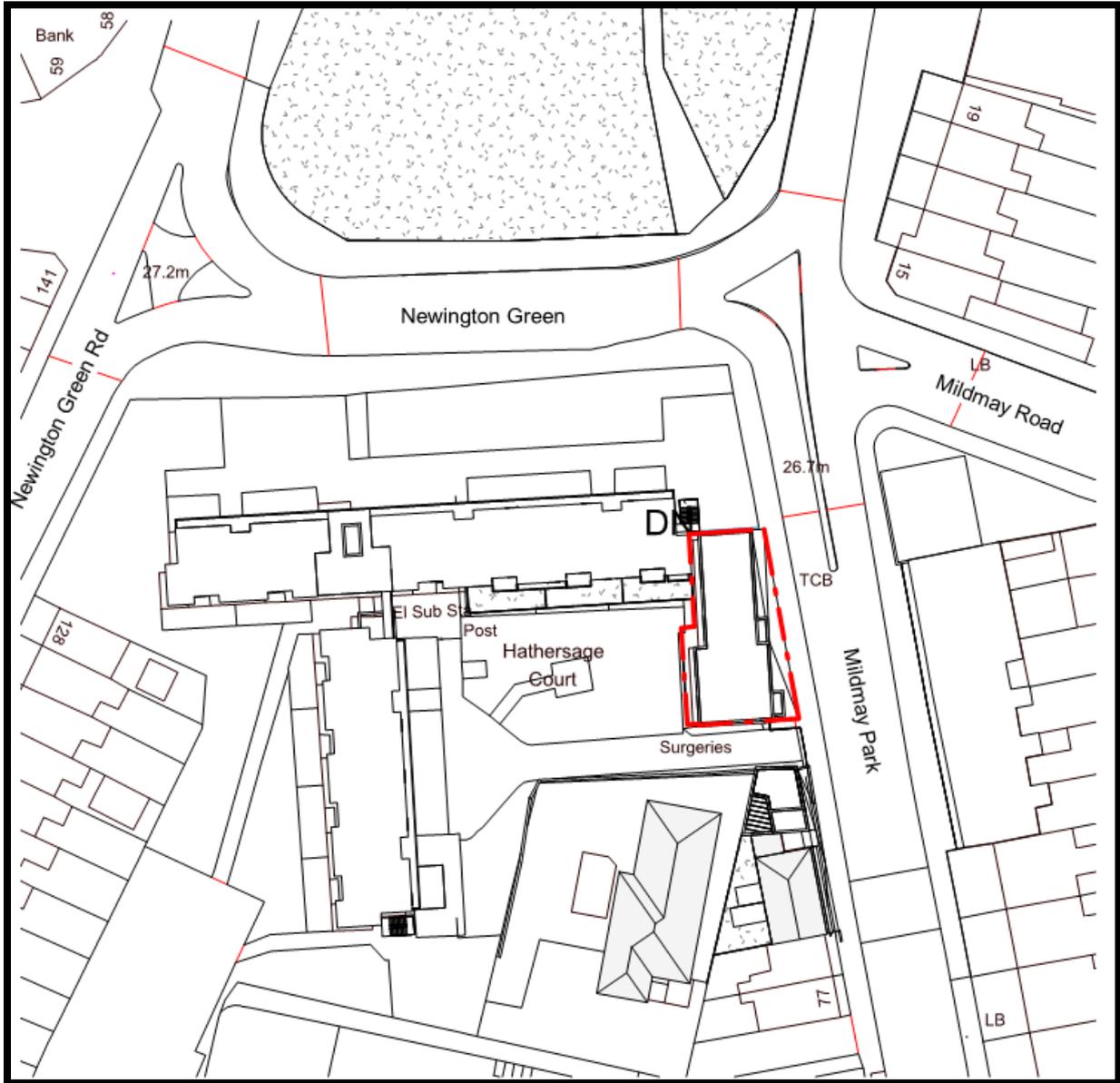
Case Officer	Samir Benmbarek
Applicant	Mrs Nagina Kauser-Zaman
Agent	Bubble Architects

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Image 1: Aerial View of the site (viewed north)



Image 2: View of existing building and frontage with Hathersage Court behind.



Image 3: Front elevation of existing building with Hathersage Court behind



Image 4: Context of Mildmay Park: No.83 Mildmay Park in the foreground with the application site behind; Lady Mildmay Pub on the opposite side and Newington Green in centre background (viewed south to north).



Image 5: Context of Mildmay Park from junction of Mildmay Park, Mildmay Road and Newington Green: Lady Mildmay Pub to the left in foreground, Hathersage Court to the right behind the trees with No. 89-91 Mildmay Park behind.



Image 6: Northern elevation of existing building (viewed south).



Image 7: Existing relationship between No. 89-91 Mildmay Park and Hathersage Court (as viewed from junction of Mildmay Park and Mildmay Road).



Image 8: Existing context of Mildmay Park from Newington Green.

4. SUMMARY

- 4.1 The application proposes the demolition of the existing single-storey building and the erection of a part-five/part-four storey mixed use building. The proposed building would comprise D1 use (non-residential institution) at ground floor level and C3 use (residential) at first to fourth floor levels to accommodate 7x residential units. The proposed building would front Mildmay Park on its western side, opposite the Lady Mildmay Public House, immediately south of Newington Green.
- 4.2 The building, as existing is made up of D1 floorspace, with a gross internal area (GIA) of 167sqm. The floorspace is split into two units with a dental surgery (Kindandental 2) and a chiropodist (Angel Chiropody).
- 4.3 The proposed new build would introduce a five storey building. This would comprise of 154sqm of reprovided D1 floorspace at ground floor level, divided into two separate units: 89sqm for the chiropody unit and 65sqm for the dental surgery. Centrally located between the 2x D1 units, there would be 60sqm of ancillary C3 space proposed as the entrance lobby, refuse and recycling storage and cycle storage.
- 4.4 At first to fourth floor levels, 648sqm of residential floorspace is proposed which would accommodate 3x 1bedroom (2 persons) flats, 3x 2bedroom (4 persons) flats and 1x 2bedroom (3 persons) flat. Each flat would have its own private outdoor amenity terrace.
- 4.5 The proposed design, layout, scale and massing of the proposed development is considered acceptable. The Council's Design and Conservation Team have been consulted during the application process and are satisfied that the proposed development would preserve the character and appearance of the Newington Green Conservation Area.
- 4.6 The proposed building including the residential amenity terraces are considered to be of an appropriate scale, and the proposal is considered to not unduly impact the residential amenity of neighbouring properties in terms of loss of daylight and sunlight, overshadowing, reduction in outlook and increased sense of enclosure, loss of privacy and overlooking. The proposal therefore accords with policy DM2.1 of the Islington Development Management Policies 2013.
- 4.7 The application is referred to committee given the number of objections received (7).
- 4.8 The proposal is considered to cause no harm to the character and appearance of the surrounding area, and to accord with the Development Plan.

5. SITE AND SURROUNDINGS

- 5.1 The application site is located on the western side of Mildmay Park, located immediately south of Newington Green and the junction of Mildmay Park and Mildmay Road. The site has one principal frontage along Mildmay Park.
- 5.2 The site is not statutorily or locally listed; however, it is located within the Newington Green Conservation Area. The site is not located in any core areas, employment or retail designations under the Islington Core Strategy.
- 5.3 The existing building is of a post-war construction and the exterior of the building consists of cement with white painted panelling and white painted timber framed doors and windows. The entrances have small overhangs which features signage of the existing occupiers. The site internally is made up of D1 floorspace, accommodating an area of 167sqm.

- 5.4 To the west of the site is Hathersage Court, a seven storey purpose built post-war housing block which fronts onto Newington Green with an external stair core that sides onto Mildmay Park behind the application site. The rear of the building features residential balconies as well as habitable windows which overlook the site. The building is constructed from pre-cast panelling and render.
- 5.5 On the opposite side of Mildmay Park (east) is a row of traditional three-storey over basement buildings. The ground floor of these buildings appear to have been originally in use as commercial units but overtime have been converted into residential floorspace associated with the uses above and below. Only one commercial unit remains at ground floor level at No. 86 Mildmay Park as a restaurant (Suruchi Indian Restaurant). The terrace of buildings is bounded at the north by the Lady Mildmay Public House, which is although is also three-storey in height, is slightly larger in scale with a frontage along Mildmay Park and Mildmay Road.
- 5.6 To the south of the site is No. 83 Mildmay Park, a detached modern dwelling house constructed in the early 2000s. It's exterior comprises stock brick with timber framed windows and a roof terrace on the flat roof. The building and the application building are separated by a gated driveway.
- 5.7 The site is in close proximity to Newington Green which features a variety of buildings including traditional, post-war and modern with a range and mix of uses including commercial and residential. Many main roads such as Mildmay Road lead onto Newington Green in which a roundabout circulates the green itself which is the focal point of the vicinity. Overall, the area is characterised as dense urban containing a mix of uses with commercial and retail spaces at ground floor with residential and some office uses on the upper floor levels within the surrounding buildings, especially around Newington Green.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission for the demolition of the existing single storey building and the erection of a replacement part-five/part-four storey mixed use building to accommodate 154 sqm of D1 use at ground floor level and C3 (residential) use at first to fourth floor levels. The development would provide 3x 1bedroom (2 persons), 3x 2bedroom (4 persons) and 1x 2bedroom (3 persons) residential units.
- 6.2 The proposed building would result in an increase of an additional four storeys from the existing building with a terminating height of 17.2m from ground level. When viewed in front elevational view, the building's first storey would be 23.8m in width. This is the same width as the existing single storey building. The first, second and third floor levels would be proposed at a width of 22.5m and the top storey would have a width of 14.5m. The building is stepped in its design with the majority of the bulk towards the north of the site.
- 6.3 The building's frontage would consist of Bronsgroen brick with perforated brick patterns, aluminium framed windows and doors with a bronze finish, metal balustrading for the residential terraces and a metal ventilated door for the refuse and recycling store. The brickwork with perforated patterns, bronze finished aluminium framing and metal balustrading is also used throughout the rest of the building's design on the other elevations. The proposed residential terraces would be inset within the building's envelope and not protrude from the elevation.

7. RELEVANT HISTORY:

Hathersage and Beasant Court:

- 7.1 P2018/1970/FUL- The demolition of 154sqm Use Class D1, the demolition and relocation of the sub-station, the re-use of two existing residential units for bicycle storage, the construction of 45 new dwelling units with associated amenity space for affordable and private homes, provided in seven new blocks ranging from 2 to 6 storeys, bicycle parking spaces, improvements to the public realm, and the provision of 293 sqm of flexible Use Class D1 / B1. **Approved with conditions and legal agreement 24/01/2019.**

Application Site:

- 7.2 P2019/1017/FUL- Erection of a part four/part five storey building (following demolition of existing single storey building (165 sqm Use Class D1 (clinic)) to allow for the creation of 7 no. self-contained residential flats (1 no. 1 bed unit, 5 no. 2 bed units, and 1 no. 3 bed units) and ground floor (177sqm) chiropody/dental clinic (Class D1). **Refused 15/07/2019.**

REASON: The proposed development, by reason of its inappropriate massing, poor quality design, prominent location, recessed residential entrance and proximity of windows to an external staircase would fail to achieve a high standard of design, would detrimentally impact the character and appearance of the conservation area and would not provide adequate provision for safety and security. The public benefits of the proposal would not sufficiently outweigh the harm to the conservation area. The proposed development is therefore contrary to the NPPF 2019, policies 3.5, 7.3, 7.4, 7.6 and 7.8 of the London plan (2016), CS8 and CS9 of the Islington Core Strategy (2011) and DM2.1 and DM2.3 of the Development Management Policies (2013) and the guidance in the Islington Urban Design Guide (2017), the Newington Green Conservation Area Design Guidelines (2014) and the Mayor's Housing SPG (2016).

REASON: By reason of its height and excessive depth, the proximity of the west facing windows to neighbouring windows and amenity areas, and the low quantum of private amenity space serving the proposed family unit, the proposed development would be overbearing, visually intrusive and result in an unacceptable loss of daylight and sunlight to the neighbouring occupiers, would result in an unacceptable perception of overlooking and light spill between the proposed development and Hathersage Court, and would provide an unacceptable standard of residential amenity for the future occupiers of the proposed units. The proposed development would therefore detrimentally impact the residential amenity of the occupiers of the neighbouring building and the future occupiers of the proposed units, contrary to policy 3.5 of the London Plan, policies DM2.1, DM3.4 and DM3.5 of the Development Management Policies (2013) and the guidance in the Mayor's Housing SPG (2016).

Pre-application

- 7.3 Q2019/3238/MIN- Erection of a part four/part five storey building(following demolition of existing single storey building –165 sqm Use class D1) to allow for the creation of 7 no, self-contained residential flats (4x2 Bed, 3x1 Bed) and Ground Floor Chiropody/Dental Clinic. **Completed 27/02/2020.**

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 227x adjoining and nearby properties at Mildmay Park, Mildmay Road, Wolsey Road and Newington Green Road (including Hathersage Court) on 23/04/2020. There was an error in the initial consultation letter as the properties at Nos. 68-90 Mildmay Park (located on the opposite side of the application site) were not sent consultation letters.

- 8.2 Consultation letters were addressed to neighbouring properties again on 26/05/2020; however the same properties on the opposite side of Mildmay Park did not receive consultation letters which was again due to an error by the Council. A third round of consultation letters were addressed on 10/06/2020 and it is confirmed that all requested neighbouring properties were addressed these letters.
- 8.3 A site notice and press advert were displayed on 30/04/2020. The public consultation of the application therefore expired on 04/07/2020; however it is the Council's practice to continue to consider representations made up until the date of a decision. It is also confirmed that the application material has been for public viewing on the Council's website since 23/04/2020.
- 8.4 At the time of the writing of this report a total of **11** responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Consultation

- No consultation letters sent to neighbouring properties;
- Submission material does not display online.

(Paragraphs 8.1-8.3)

Access and Parking

- Bin store located at the front with access to main road would cause congestion as there is existing traffic issues.

(Paragraphs 10.117-10.123)

Design and Character

- Size, bulk and massing of the proposed development is over-bearing and out of scale. Should conform to the heights of the traditional terraces;
- Proposed building is far too high;
- Design impact on Newington Green Conservation Area and should be reconsidered.

(Paragraphs 10.17-10.42)

Neighbouring Amenity

- Daylight and sunlight report has incorrectly labelled No. 90 Mildmay Park opposite as a non-domestic when it is a residential property.
- Significant reductions in daylight to the properties on the opposite side of Mildmay Park
- Proposed development would diminish the little amount of light to lower ground floor properties opposite
- Neighbours opposite would need to close blinds/curtains due to overlooking.

- Proposed front windows and terraces would cause overlooking and noise to residents opposite.

(Paragraphs 10.43-10.83)

External Consultees

- 8.5 **Metropolitan Police (Crime Prevention):** Proposed development has addressed concerns of the previous scheme. Proposed entrance, communal and residential doors and windows should be to recommended security standard.

Internal Consultees

- 8.6 **Conservation and Design Officer:** No objection, their comments conclude:

'A very recent planning precedent has established development parameters of what is an acceptable height, bulk and mass. These have been 'replicated' within this scheme.

The proposed development will provide a suitably high standard of design within the Newington Green Conservation Area using good quality materials with a quiet architectural expression in the style of contemporary contextualism.

While the building has been designed to formally face onto Mildmay Park, it has also carefully addressed and responded to its varying edge conditions and constraints. In particular, the highly prominent Newington Green frontage has been treated with the required level of animation and formality, while the residentially sensitive southern and western edges have been designed to minimise associated privacy concerns.

The building will add to the richness and variety of the Conservation Area and is therefore supported'.

- 8.7 **Inclusive Design Officer:** If the development is to provide wheelchair accessible units, 2x lifts are a requirement. Cycle parking is required for D1 staff and Bathroom layouts are not currently adaptable, nor wheelchair accessible.
- 8.8 **Planning Policy:** No objection in principle to the redevelopment of the site. The marginal loss of D1 space is acceptable given the overall improvement of the site and useable D1 space reprovided.
- 8.9 **Environmental Health:** No comments received.
- 8.10 **Energy:** No comments received.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

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

National Guidance

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.

Development Plan

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and the Islington 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.
- 9.11 Some weight is attributable to the Draft London Plan.

Designations

- 9.12 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Newington Green Conservation Area
 - Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

Draft London Plan (Intend to Publish Version), December 2019

- 9.14 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public ('EIP') which opened on 15 January 2018 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the 'Intend to Publish' version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector's report. Whilst the draft London plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account.

Relevant policies in the emerging London Plan are set out below:

- Policy D1- London's form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D5- Inclusive design
- Policy D6- Housing quality and standards
- Policy D7- Accessible housing
- Policy H1- Increasing housing supply
- Policy H2- Small sites

- Policy H10- Housing size mix
- Policy S2- Health and social care facilities
- Policy HC1- Heritage conservation and growth
- Policy SI 2- Minimising greenhouse gas emission

9.15 It should be noted that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this state what response the Mayor will make to the directions. In any event, given that is proposed in the application, the direction does not alter the assessment in this case.

9.16 Draft Islington Local Plan 2019

9.17 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.

9.18 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.19 Emerging policies relevant to this application are set out below:

- Policy H4- Delivering high quality housing
- Policy H5- Private outdoor space
- Policy SC1- Social and community infrastructure
- Policy SC4- Promoting social value
- Policy S1- Delivering sustainable design
- Policy S2- Sustainable design and construction
- Policy S4- Minimising greenhouse gas emissions
- Policy T2- Sustainable transport choices
- Policy T3- Car-free development
- Policy T5- Delivery, servicing and construction
- Policy DH1- Fostering innovation and conserving and enhancing the historic environment
- Policy DH2- Heritage assets
- Policy DH7- Shopfronts
- Policy ST2- Waste

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Quality of Accommodation

- Inclusive Design
- Secure by Design
- Highways and Transport
- Refuse and Recycling
- Energy and Sustainable Design and Construction
- Trees and Landscaping
- Small Sites Affordable Housing Contribution
- Community Infrastructure Levy (CIL)
- Other Matters

LAND USE

10.2 The site is not located within a designated Town Centre, Local Shopping Area, or within an Employment Growth Area, Employment designated area. The site is also not located within the Central Activities Zone (CAZ). The proposed development would involve the demolition of the existing D1 use building and its replacement with a mixed-use building incorporating D1 use at ground floor and C3 use above to accommodate 7x residential units.

Social Infrastructure

10.3 The proposal would result in the net loss of 11sqm of D1 floorspace with the GIA of the reprovided D1 floorspace measured at 154sqm. This would form 89sqm of floorspace for the chiropodist occupying the south of the site and 65sqm of floorspace for the dental surgery occupying the north of the site. The units would be separated by the entrance core to the residential floors above.

10.4 Policy DM4.12 (A) of the Islington Development Management Policies details that the Council will not permit any loss or reduction in social infrastructure uses unless: a replacement facility is provided on site which would, in the Council's view, (i) meet the need of the local population for the specific use ; (ii) or the specific use is no longer required on site.

10.5 It is considered that the marginal loss in floorspace is justified as two separate designated D1 use units are formed as a result of the development with each unit possessing a simple and efficient layout. Additionally, the continued D1 uses on the site would benefit from a modern building with anticipated modern internal facilities. The reprovided D1 units would also provide an active frontage at ground floor level to this part of Mildmay Park which is considered to be absent within the existing context. It should also be noted that the approved development at Hathersage and Beasant Court (ref: P2018/1970/FUL) included the demolition and rebuilding of this site, with a similar level of D1 re-provision on this part of the site.

10.6 Part C of policy DM4.12 states that new social infrastructure, including extensions to existing infrastructure and facilities must: (i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; (ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the need of intended occupiers; (iii) be sited to maximise shared use of the facility; (iv) and complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.

10.7 Whilst not technically a new form of social infrastructure or an extension to such, as the proposal is redevelopment of the site, it is considered the above considerations should apply. Newington Green is considered a focal area of local communities aided by its high accessibility and as such the existing site is considered convenient. The site and immediate

area is efficiently served by public transport with bus stops around Newington Green and cycle parking facilities located nearby. The uses are considered complementary to the existing surrounding uses and character given the dental surgery and chiropodist are accommodated in the existing single storey building.

- 10.8 The proposed ground floor units are considered to be accessible by all users and the proposed space of the individual units can accommodate the continued occupation of the dental surgery and chiropodist. Also the design and layout of the units can adapt to flexible or shared spaces should this be required in the future.
- 10.9 Therefore, on balance, the reprovided D1 space complies with policy DM4.12 of the Islington Development Management Policies 2013. Consideration has been had to policy SC4 (Promoting Social Value) of the draft Islington Local Plan. Policy SC4 encourages all development within the borough to maximise social value in order to deliver as many public benefits as possible. The provision and therefore the continued use of the chiropodist and dental surgery is considered to promote social value as it would still provide a health and social benefit to the local community as well contribute to the local economy through their services.

Housing

- 10.10 Policy CS12 of the Islington Core Strategy 2011 provides a clear direction of seeking new housing of good quality to meet identified and pressing housing needs, particularly affordability and inclusivity needs.
- 10.11 Policy DM3.1 of the Islington Development Management Policies 2013 seeks for all sites to provide a good mix of housing sizes and ensure the range of housing sizes in the borough is provided in line with Islington's Housing Needs Assessment as reflected in Table 3.1 of the Development Management Policies. For market housing the required housing mix is 10% one-bedroom units, 75% two-bedroom units and 15% three-bedroom units (0% larger units).
- 10.12 The accompanying text in paragraph 3.14 and 3.15 of the Development Management Policies reads that whilst all development proposals should provide the mix as listed in Table 3.1, the requirement is expected to be met within major developments. Within minor developments there can be some flexibility to dwelling mix when taking into consideration to the size, character and context of the development, as long as the overall mix is appropriate.
- 10.13 The proposed development would provide 4x two-bedroom flats and 3x one-bedroom flats. This would result in a dwelling mix of 57% two bedroom units and 43% one-bedroom units. Whilst the dwelling mix of housing is skewed towards smaller units, given that the proposal would still provide 4x two-bedroom units (which is the most sought market tenure), the smaller site plot (in comparison to the previously approved major development) and that the proposed scale of the building has been decreased following the previous refusal and as such less residential floorspace proposed to incorporate larger units, on a balance the dwelling mix is acceptable.
- 10.14 It is noted that the dwelling mix of the proposal is the same mix approved for Block K of planning permission Ref: P2018/1970/FUL.
- 10.15 Policy H2 of the Draft Local Plan and associated Table 3.2 seeks for all development proposals for conventional residential housing to provide a good mix of unit size. Two-bedroom units and above are considered 'family-dwellings' and Table 3.2 of the Draft Local Plan has no prescribed percentages of the different tenures within the mix. Two-bedroom market units are listed as 'high' whilst one-bedroom market units are listed as 'low'. On

balance, the proposed dwelling mix is considered acceptable given the majority of the proposed units are family dwellings.

- 10.16 Therefore, in regards to land use considerations, the proposed development is considered acceptable as it would re-provide D1 floorspace to the site of a higher quality than the existing whilst providing a suitable mix of residential units within the constraints and context of the site. This overall acceptability is subject to an assessment of all other relevant policy and material planning considerations.

DESIGN, CONSERVATION AND HERITAGE

- 10.17 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.
- 10.18 Paragraph 131 of the NPPF (2019) states that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.19 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development
- 10.20 Policy DM2.3 of the Development Management Policies will ensure that the borough's heritage assets are conserved and enhanced in an appropriate manner whilst development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. The site is located within the Newington Green Conservation Area.
- 10.21 As the site is located within a conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal, special regard must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 10.22 The part of the Newington Green Conservation Area where the application site is located has two distinct characters. There are the traditional three storey Victorian properties with a vertical emphasis, repeated fenestration patterns at upper floor level and in the case of the properties on Mildmay Park opposite the application site regularly spaced shopfronts at ground floor level. The other distinct character is the more recent form of Hathersage and Besant Court Estate, which has open planted areas and most prominently a large 1960s residential block (Hathersage Court) facing onto Newington Green that also demonstrates strong repetition in its façade treatment.
- 10.23 The application site is located on a prominent corner set between Newington Green and Mildmay Park, marking a clear junction between the two differing characters within this part of the conservation area. As such, it is essential that any building on this site is of a high design quality and appropriately responds to the differing context.
- 10.24 Supplementary to local planning policy, the Islington Urban Design Guide, at paragraph 5.76 states that '*new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the*

space or street that it defines or encloses, while also enhancing and complementing the local identity of an area'. It further details that high quality contemporary design is sought that respects the rhythm, scale and proportions of the existing street frontage.

- 10.25 Furthermore, the Newington Green Conservation Area Design Guidelines (2014) state that *'Where new buildings are deemed acceptable in principle the Council will require them to be of high quality contextual design so that they conserve or enhance the conservation area's significance'*.
- 10.26 One of the reasons for refusal of the previous application (P2019/1017/FUL) was on conservation and design grounds. Officer's concluded that the previous scheme by reason of its inappropriate massing, poor quality design and prominent location would fail to achieve a high standard of design, would detrimentally impact the character and appearance of the conservation area. Furthermore, it considered that in comparison to Block K of planning permission ref: P2018/1970/FUL, whilst the previous scheme was of a similar height and bulk, the design differed substantially from the design of Block K which would lead to a detrimental impact on the character of the conservation area.

Scale and Bulk

- 10.27 The proposed building would be part-five/part-four storeys in height and would occupy the majority of the site. Given the extant planning permission (Ref: P2018/1970/FUL), the scale, mass and height of the proposal is acceptable. The proposed development follows a similar footprint and envelope whilst also conforming to the parameters of established height, massing and bulk.

Detailed Design

- 10.28 The proposed design is considered to sit comfortably within its context with its predominance of brickwork, strong vertical fenestration echoing the historic architectural language of the Georgian and Victorian terraces, and quiet architectural expression. The ground floor presents a suitably rhythmic and coherent presence to the street with its two shopfronts separated by a clearly demarcated residential entrance, and a discretely screened refuse store.
- 10.29 The top floor element is considered skilfully designed. It is deeply recessed from its eastern (Mildmay Park) and southern edges in order to achieve a more respectful contextual fit. It has been further 'lightened' to these edges by a generous and appropriate void to solid ratio. However, where it abuts the 7 storey Hathersage Court, fronting the primary route and open space of Newington Green, it sits flush with its northern facade and is designed as an integral and primary architectural element, reading as an acceptably bold fifth storey.
- 10.30 This entire northern facade faces out towards Newington Green, over a Council owned surface parking court and therefore set considerably back from the street edge. Whilst technically a flank of the scheme, it has been given an appropriate degree of architectural frontage formality, including vertically arranged fenestration and decorative brickwork, as befits this visually prominent edge. The southern return frontage has also been appropriately animated with fenestration and balconies that have been carefully positioned so as not to impair or adversely impact on the adjacent residential uses.
- 10.31 The rear of the building sits hard up against the flank and rear of Hathersage Court, and immediately abuts part of its garden amenity space. There is limited fenestration to this façade and that which there is has been carefully positioned towards the southern edge, and away from existing homes. The building is successfully angled, from 1st floor and above, to this rear edge in order to limit any adverse impact on the amenity of Hathersage Court.

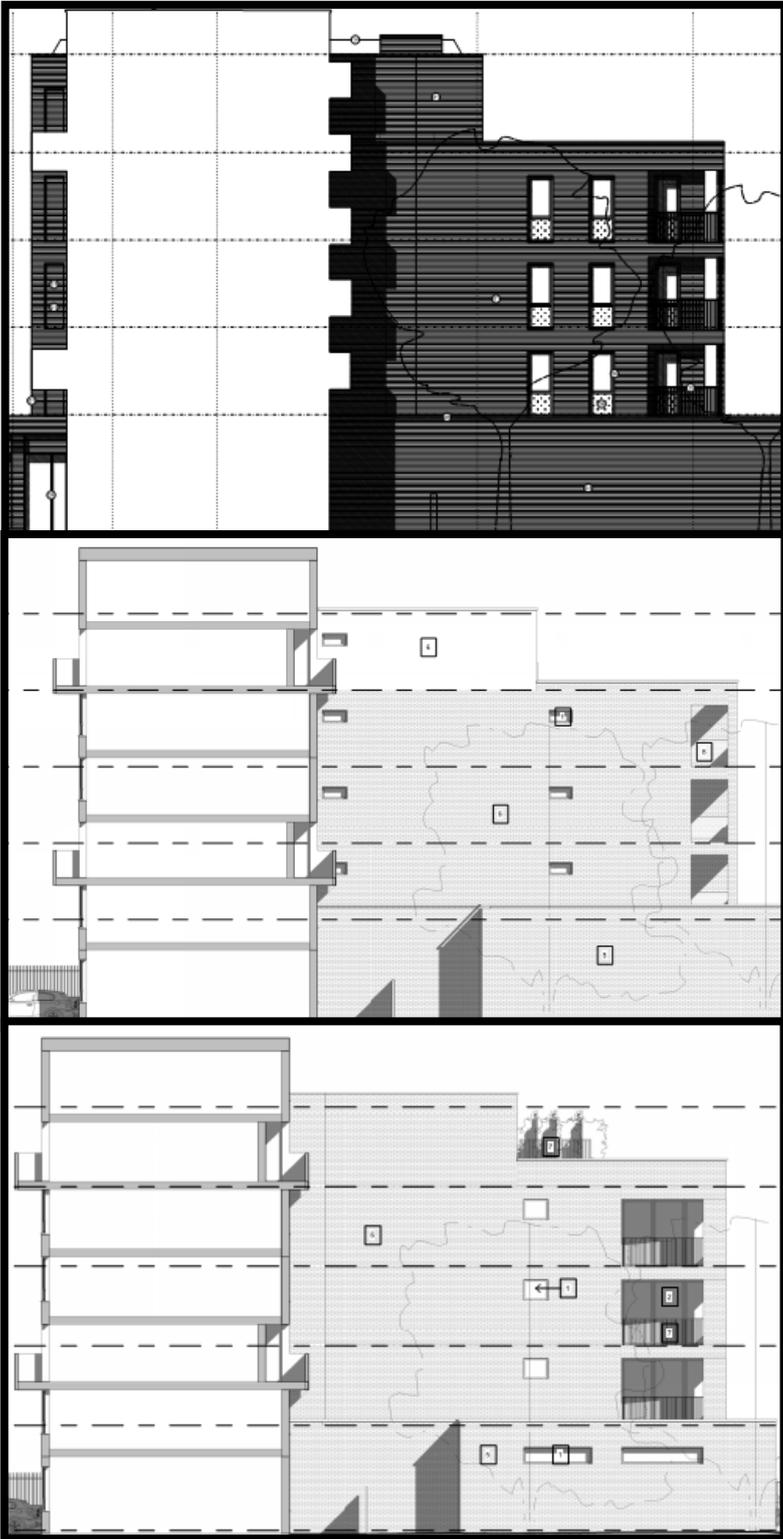
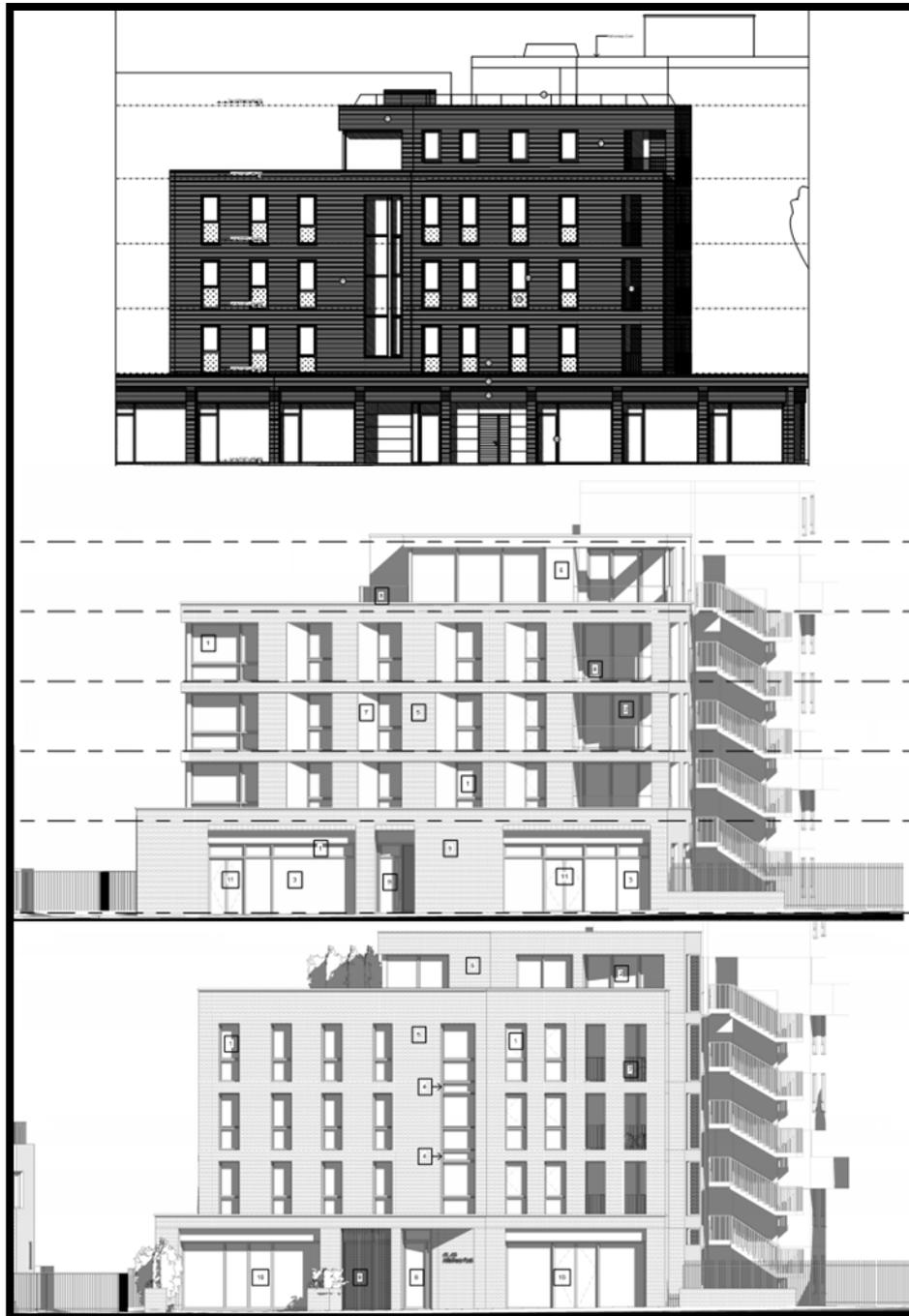


Image 9, 10 and 11: Rear elevations of Block K of P2018/1970/FUL(top); P2019/1017/FUL(middle); and the proposed development (bottom).

10.32 The front façade to Mildmay Park is architecturally successful with a clear demarcation between the commercial ground floor and the residential above and a deep recess of the top floor element. It is vertically rhythmic and yet animated as befits a front façade in this urban context.



Images 12, 13 and 14: Front elevations of Block K of P2018/1970/FUL(top); P2019/1017/FUL(middle); and the proposed development.

- 10.33 The proposed materials are considered suitable for this sensitive context and given the proposed contemporary contextual architectural language. The extensive use of brickwork is supported including to the top floor level, providing a unity and urbanity to the design.
- 10.34 The fenestration is to comprise bronze coloured aluminium windows and sliding doors with a simple metal balustrading to the balconies which is considered acceptable and appropriate to this new build. The shopfronts are also to comprise bronze coloured aluminium which is considered acceptable and will help serve as well to unify these D1 uses and ground floor element of the building with the upper parts.

Impact on Heritage Assets

- 10.35 The site is located within a heritage rich and therefore sensitive context. It sits within the Newington Green Conservation Area, specifically within the 'Newington Green Character Zone' which includes the public Green itself and those buildings and spaces that front it. These buildings are noted as being varied but mostly 19th century in origin and of London stock or red brick.
- 10.36 Paragraph 189 of the Newington Green Conservation Area guide states that the buildings which face and relate to the Green are varied, but include several groups of buildings of historic and architectural interest, most notably 52 – 55 Newington Green which date from 1658 and are London's oldest surviving brick terraced houses. These are positioned mid-way along the Green's western boundary and not visible from the site.
- 10.37 The application site was formerly home to the Mildmay Hospital Complex, demolished to make way for the Hathersage Estate. Founders Lodge, that lies to the rear of the application site, is the only surviving building associated with the former Hospital. The 7 storey Hathersage Court, that fronts onto Newington Green, was built in the late 1960s/early 1970s. It is a negative feature within this zone and detracts from the Green and the broader qualities and characteristics of the conservation area.
- 10.38 The scheme has had demonstrable regard to the design requirements of the Newington Green Conservation Area Statement SPD 2014. Specifically, paragraph 219 states that "*New buildings should be carefully designed to respect the setting of any significant historic buildings by virtue of their scale, proportion, height, massing, alignment, and use of materials*". Paragraph 222 goes on to state that where considering new buildings, "*all opportunities should be taken to enhance the significance of the Conservation Area*". Paragraph 225 advises that window openings should be set back within adequate reveals and be appropriately proportioned and positioned. It states explicitly that "*excessive areas of blank elevation should be avoided*".
- 10.39 The proposed development will provide a suitably high standard of design within the Newington Green Conservation Area using good quality materials with a quiet architectural expression in the style of contemporary contextualism. While the building has been designed to formally face onto Mildmay Park, it has also carefully addressed and responded to its varying edge conditions and constraints. In particular, the highly prominent Newington Green frontage has been treated with the required level of animation and formality, while the residentially sensitive southern and western edges have been designed to minimise associated privacy concerns.
- 10.40 The building will add to the richness and variety of the Conservation Area and is therefore supported. The proposed development is considered to significantly overcome the previous concerns and reason for refusal and is now considered a development that corresponds well to its surrounding context, in the same manner as Block K within the extant planning permission P2018/1970/FUL.

- 10.41 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Newington Conservation Area. Given the above, the proposal is not considered to cause harm to the character or appearance of the host building, or the wider conservation area. The proposed development is considered to be of a high quality design that is sensitive to its context. It would enhance and not detract from the character and appearance of the Newington Green Conservation Area as seen within public and private views. Therefore, the proposed development complies with the National Planning Policy Framework 2019, policies 7.4, 7.6 and 7.8 of the London Plan 2016, policies CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013. The development also adheres to the guidance in the Islington Urban Design Guide 2017 and the Newington Green Conservation Area Design Guidelines 2014.
- 10.42 Consideration has also been taken into policies DH1 (Fostering innovation and conserving and enhancing the historic environment) and DH2 (Heritage assets) of the Draft Islington Local Plan. The proposed development is considered a high quality contemporary build which would contribute to the diverse character of this part of Newington Green Conservation Area. It is noted that the aims of policy DH2 of the Draft Local Plan does not diverge significantly from that of policy DM2.3 of the Development Management Policies in respect to heritage assets.

NEIGHBOURING AMENITY

- 10.43 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

Daylight, Sunlight and Overshadowing

- 10.44 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.45 BRE Guidelines paragraph 1.1 states: *“People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by”*. Paragraph 1.6 states: *“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”*.
- 10.46 The applicant has submitted a Daylight and Sunlight Study by Right of Light Consulting dated 3rd April 2019 which assesses the impact of the proposed development on the properties at:

- 1-69 Hathersage Court; and
- 75A, 80, 82-86 (inclusive), 88, 90 and 92 Mildmay Park.

Daylight

- 10.47 In respect to 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 or 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).”
- 10.48 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value achievable is almost 40% for a completely unobstructed vertical wall. This is important to note particularly given the (in some cases) very high levels of existing VSC currently held by surrounding properties.
- 10.49 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 lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.*”
- 10.50 At paragraph 2.2.8 the BRE Guidelines state: “*Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside*”.
- 10.51 Paragraph 2.2.11 states: *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.*” The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 10.52 The BRE Guidelines at Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is “*in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degree. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout*”
- 10.53 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPG states that: ‘*Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in*

opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.

10.54 In term terms of assessing the impact of the proposed development on daylight, the study identifies that 17 of the 315 windows tested would fail to retain VSC values in accordance with the BRE Guidelines and would have a reduction of VSC in excess of 20%. These are detailed in the table below:

<u>Daylight</u>			Vertical Sky Component		
Flat No.	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC
Address					
Flat No. 11-69 Hathersage Court	Gnd Floor Window 190	Unknown	5.7	4.3	24*
	First Floor Window 192	Unknown	11.7	8.5	27*
	First Floor Window 193	Unknown	13.1	9.9	24*
	Second Floor Window 195	Unknown	24.6	18.2	26
	Third Floor Window 196	Unknown	7.8	5.7	27*
	Third Floor Window 197	Unknown	8.5	6.2	27*
	Gnd Floor Window 206	Unknown	30.4	18.9	37
	First Floor Window 207	Unknown	23.6	14.8	37
	Second Floor Window 208	Unknown	11.7	6.8	42*
	Second Floor Window 209	Unknown	13.7	8.7	36*
	Second Floor Window 210	Unknown	11.1	8.6	22*
	Third Floor Window 211	Unknown	36.3	23.1	36
	Fourth Floor Window 212	Unknown	26.8	17.7	34
	Fifth Floor Window 213	Unknown	12.5	9.1	27*
	Fifth Floor Window 214	Unknown	14.7	10.9	26*
90 Mildmay Park	Gnd Floor (door top-light) Window 245	Unknown	11.6	8.1	30
85 Mildmay Park	First Floor Window 306	Unknown	29.6	20.3	31

Table 1: VSC

10.55 The losses of daylight are mostly experienced within the windows of Hathersage Court that are the closest to the development. This corresponds with the findings of the daylight and sunlight assessment and conclusions for Block K in planning permission P2018/1970/FUL. Fifteen windows in this assessment were found to experience noticeable losses whilst fourteen were concluded to experience such in P2018/1970/FUL. Despite the difference of one window, the location of the impacted windows is in the same location of Hathersage Court which is immediately to the west of the proposed development.

10.56 Of the windows in Hathersage Court identified, 10 are located below balconies/recesses (asterisked in the above table). In accordance with the BRE Guidelines these windows have also been tested with the balconies/recesses omitted. The below tables shows the result of the re-assessment.

<u>Daylight</u> (Balconies/Recess omitted)			Vertical Sky Component		
Flat No.	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC
Address					
Flat No. 11-69 Hathersage Court	Gnd Floor Window 190	Unknown	31.8	27.9	27
	First Floor Window 192	Unknown	39.6	30.3	23
	First Floor Window 193	Unknown	39.6	29.1	26
	Third Floor Window 196	Unknown	39.6	32.9	17
	Third Floor Window 197	Unknown	39.6	31.6	20
	Second Floor Window 208	Unknown	39.6	26.5	33
	Second Floor Window 209	Unknown	39.6	24.9	37
	Second Floor Window 210	Unknown	39.6	23.3	41
	Fifth Floor Window 213	Unknown	39.6	34.6	13
	Fifth Floor Window 214	Unknown	39.6	32.1	19

Table 2: VSC with balconies/ recess omitted

10.57 The results of this show that there remain some reductions in excess of 30% in VSC to 3 of the windows re-tested. Omitting the balconies/recesses would result in 7 windows demonstrating compliance with the BRE Guidelines.

10.58 This therefore results in a total of 8 windows at Hathersage Court with transgressions in daylight in excess of BRE Guidelines. This comprises predominantly those windows located closest to the proposed development. This again correlates with the findings for Block K of planning permission P2018/1970/FUL.

10.59 In light of this, the applicant has carried out Daylight Distribution assessments for the properties at Hathersage Court in which the property layouts were known. This demonstrated that sufficient daylight would be provided to these rooms. Considering the extant permission and the details noted above, it is considered that the proposed development would not result in unacceptable reductions to daylight to the neighbouring properties.

10.60 It is noted that the windows at 85 and 90 Mildmay Park identified in the table above have considerable reductions in VSC. However, the window at 85 Mildmay Park is a secondary window to a room with other larger windows receiving good levels of daylight, while the window at 90 Mildmay Park is a toplight above a ground floor entrance door that is not considered to be a sensitive window. As such, the reductions in daylight to these windows are considered to be acceptable in this case.

Sunlight

10.61 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11: *“If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

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

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

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

10.64 The submitted study identifies 7 windows that would have reductions to APSH in excess of the BRE Guidelines, of which 2 windows would also have reductions in WPSH in excess of BRE Guidelines. These are detailed in the table below:

Sunlight			Annual (APSH)			Winter (WPSH) (between 21 September and 21 March)		
Flat No.	Room / Window	Room use	Existing	Proposed (target 25% or more)	Percentage reduction	Existing	Proposed (target 5% or more)	Percentage Reduction
Address								
Flat No. 11-69 Hathersage Court	Third Floor Window 165	Unknown	8	6	25	8	6	25
	Third Floor Window 196	Unknown	8	6	25	8	6	25
	Fourth Floor Window 199	Unknown	16	12	25	16	12	25
	Second Floor Window 208	Unknown	15	9	40	15	9	40
	Second Floor Window 209	Unknown	16	11	31	16	11	31
	Second Floor Window 210	Unknown	16	12	25	16	12	25
	Fifth Floor Window 213	Unknown	16	11	31	16	11	31

Table 3: APSH and WPSH figures

10.65 It is noted that half of the windows experience a reduction in APSH in excess of 30%. Of the windows in Hathersage Court identified above 3 are located below balconies/recesses and in accordance with the BRE Guidelines these windows have also been tested with the balconies/recesses omitted. All 3 windows re-tested would have acceptable levels of sunlight. It is noted that the existing level of sunlight receipt to these windows is low and this therefore results in any reduction being disproportionately represented in percentage change. The perceivable reduction in sunlight would be less apparent. These findings and number of windows with APSH reductions correlate with the results of Block K of extant permission P2018/1970/FUL.

10.66 It would appear that the windows/balcony doors immediately adjacent to the proposed development are not the sole access to daylight and sunlight for the habitable room they serve. The neighbouring windows/balcony doors to its west also provide amenity to the same rooms (as seen in image 2). Therefore, it is considered impacts are lessened given there is another form of daylight/sunlight access.

Open Space

10.67 The Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: *“gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains”*.

- 10.68 Paragraph 3.3.17 it states: *“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”*
- 10.69 The proposal would lead to a small increase in overshadowing to the open space immediately to the west of the site. However, the majority of this space (in excess of 50%) would continue to receive at least 2 hours of sunlight on the 21st March, such that the impact on this space would be acceptable.
- 10.70 All of the other amenity spaces tested would continue to receive acceptable levels of sunlight.

Conclusion on Daylight, Sunlight and Overshadowing

- 10.71 The proposed development would result in some reductions in daylight and sunlight to a number of windows in Hathersage Court in close proximity to the development..
- 10.72 It is noted in the BRE Guidelines and London Plan policies that a level of flexibility is required when assessing daylight and sunlight, with a consideration of the site context and circumstances. In this case, the site is located within close proximity to large amounts of estate open space, generally five to seven storey existing and approved buildings across the Hathersage and Besant Court Estate and the traditional lower residential scale of the wider surrounding buildings. Together these represent an urban context.
- 10.73 The extant previous permission at the site (ref: P2018/1970/FUL) forms a material consideration in the assessment of the current application. The assessment and results of the daylight and sunlight report of the proposal do not significantly diverge from the results of Block K of the extant 2018 permission.
- 10.74 Considering the extant permission at the site, the limited transgressions from the BRE Guidelines and that the proposal would introduce 7 residential dwellings and improved D1 facilities, it is considered that the proposal would be acceptable in regard to daylight and sunlight considerations.

Outlook

- 10.75 The proposal would introduce a part four, part five storey building to the site in close proximity to the south facing windows of the residential properties in Hathersage Court.
- 10.76 At ground floor level, the proposal would have a similar footprint to the existing single storey commercial premises at the site. However, the four storey height of the proposed building would project 16.8 metres beyond the rear windows and 16.2 metres beyond the balconies serving the residential units at Hathersage Court.
- 10.77 It is noted that the approved development on the site (application ref: P2018/1970/FUL) shares some similarities in its relationship with Hathersage Court, particularly its scale and massing. The western elevation at first, second and third level is chamfered away from the rear elevation of Hathersage Court, therefore the resulting outlook from these rear windows would not be of a straight solid elevation and would remain relatively open and expansive.. The top storey of the building is half the scale of the remainder of the building, resulting in a limited change to the outlook from the neighbouring block of flats.

10.78 It is also considered that the proposed development would not adversely impact upon the outlook from the opposite terrace of buildings along Mildmay Park. The separation distance is approximately 17m and their continued outlook over a highway would ensure these properties were not impacted..

Privacy

10.79 The windows and balconies on the east and south elevations of the proposed development would face over a highway and an estate road respectively and as such are not considered to result in unacceptable overlooking. The windows and balconies in the north elevation of the proposal would face onto a parking area and a stairwell, ensuring that they would not result in any overlooking to neighbouring occupiers.

Noise

10.80 Policy seeks to ensure all residential development proposals demonstrate how potential adverse noise impact on and between dwellings will be mitigated by housing layout, design and materials.

10.81 The proposed D1 uses at the site would replace the same uses at the site, with a marginal decrease in floor area, such that it would not result in additional disturbance to neighbouring and future occupiers.

10.82 Whilst the proposal would introduce seven additional residential units to the site, the area is largely characterised by residential properties and in the event the application is recommended for approval a condition would be attached for noise mitigation details and appropriate noise insulation measures to be installed prior to the first occupation of the units. The use of the residential terraces is not considered to cause adverse impacts on noise and disturbance to the properties opposite given the considerable width of the street.

10.83 Overall, the proposed development is considered to be acceptable on balance in respect to neighbouring amenity and therefore complies with policy 7.6 of the London Plan, policies DM2.1 of the Islington Development Management Policies 2013.

QUALITY OF ACCOMMODATION

10.84 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.

10.85 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New Technical Housing Standards. These new standards came into effect on 1 October 2015.

10.86 Policy DM3.4 of the Islington Development Management Policies 2013 sets the context for housing standards of new development. Table 3.2 which supports this policy and gives the minimum gross internal areas (GIA) that new residential developments are expected to

achieve. The size of the units and provided storage space is assessed in the table below against the minimum space requirements as stipulated by policy DM3.4.

No. Bed/Expected Occupancy	Proposed Floorspace GIA	Minimum Floorspace GIA	Provided Storage GIA	Required Storage GIA
Flat 1- 1bed/2persons	55sqm	50sqm	1.8sqm	1.5sqm
Flat 2- 2bed/4persons	75sqm	70sqm	3.0sqm	2.0sqm
Flat 3- 1bed/2persons	55sqm	50sqm	1.8sqm	1.5sqm
Flat 4- 2bed/4persons	75sqm	70sqm	3.6sqm	2.0sqm
Flat 5- 1bed/2persons	55sqm	50sqm	1.8sqm	1.5sqm
Flat 6- 2bed/4persons	75sqm	70sqm	3.6sqm	2.0sqm
Flat 7- 2bed/3persons	70sqm	61sqm	1.6sqm	2.0sqm

Table 4: Flat floor areas and storage areas.

10.87 The size of all seven proposed residential units surpass the minimum space requirement as set by the London Plan. The proposed bedrooms in all the units (single and double) meet the minimum space and width requirements as stated within policy DM3.4 as assessed in the table below.

Flat	Bedroom	Bedroom GIA	Minimum Required GIA
No. 1 (First Floor)	No. 1- Double	12sqm	12sqm
No. 2 (First Floor)	No. 1- Double	15sqm	12sqm
	No. 2- Double	13sqm	12sqm
No. 3 (Second Floor)	No. 1- Double	12sqm	12sqm
No. 4 (Second Floor)	No. 1- Double	15sqm	12sqm
	No. 2- Double	13sqm	12sqm
No. 5 (Third Floor)	No. 1- Double	12sqm	12sqm
No. 6 (Third Floor)	No. 1- Double	15sqm	12sqm
	No. 2- Double	13sqm	12sqm
No. 7 (Fourth Floor)	No. 1- Double	15sqm	12sqm
	No. 2- Double	10sqm	8sqm

Table 5: Bedroom floor areas

- 10.88 As seen in the tables, the proposed dwellings would comply with overall unit space standards and bedroom standards for all bedrooms. Additionally, the other living spaces such as the kitchen and living rooms and circulation space are considered to provide a good level of floorspace. All the units would provide good levels of storage and such storage is integrated into internal design and configuration of the units.
- 10.89 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Islington Development Management Policies 2013 (policy DM3.4 (C)) go further than this requirement, advising that ceiling heights of at least 2.6m. This is to provide a greater sense of space and help keep rooms cool during the summer months. The floor to ceiling heights of the proposed units go further than both the London Plan and Islington policy requirement with the units at first, second and third floor level measuring at 2.8m, and the fourth floor flat measuring at 2.7m. Therefore, the proposed floor to ceiling heights are acceptable.
- 10.90 Dual aspect flats must be provided in all situations in accordance with policy CS9(F) of the Core Strategy 2011, and policy DM3.4(D) of the Islington Development Management Policies 2013, unless exceptional circumstances can be demonstrated. All units would be dual aspect.
- 10.91 The proposed layout and configuration of the development results in no overlooking inbetween the proposed residential units.
- 10.92 Flats 2, 4, 6 and 7 all include a window in the north facing elevation located within 1.2 metres of the external staircase serving Hathersage Court immediately to the northwest of the site. This has been addressed by the proposed perforated brick pattern which obscures views from the staircase into these windows. Whilst views from a staircase are expected to be more brief and temporary (in comparison to using a terrace or balcony), the design would give occupiers further comfort in respect to the perception of overlooking.
- 10.93 Part E of the policy DM3.4 stipulates that all living areas, kitchens and dining spaces should preferably receive direct sunlight. The submitted Daylight and Sunlight Study does not include any assessment of the proposed residential units. It is likely that with the large east and south facing windows in the development and open nature of Mildmay Park to the east of the site it is likely they the proposed units would receive sufficient levels of daylight and sunlight.
- 10.94 The existing building accommodated solely D1 use in which no mitigation in respect to noise was required. The proposed development would result in the reprovided D1 floorspace being located directly underneath the residential units. Whilst this has been considered compatible in land use terms, in order to ensure occupier amenity in respect to noise, a condition would be attached upon approval to secure details of appropriate sound insulation between the ground floor D1 uses and upper floor residential uses, and details of how all residential units include sufficient sound insulation to meet British Standards, will be required by condition.
- 10.95 Policy DM3.5 identifies 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed winter gardens'. The minimum requirement for private outdoor space is 5sqm on upper floors for 1-2person dwellings. For each additional occupant, an extra 1sqm is required. This is up to a minimum of 30sqm for family housing (three-bedroom and above). Each flat is provided a terrace in which the table below assess the provided outdoor amenity floorspace.

Flat (Persons)	Proposed Outdoor Floorspace	Required Outdoor Floorspace
No. 1 (2)	6.6sqm	5sqm
No. 2 (4)	6.6sqm	7sqm
No. 3 (2)	5.5sqm	5sqm
No. 4 (4)	6.6sqm	7sqm
No. 5 (2)	5.5sqm	5sqm
No. 6 (4)	6.6sqm	7sqm
No. 7 (3)	30sqm	30sqm

Table 6: Outdoor Floorspace

- 10.96 The terraces serving 4 person dwellings are under the requirement policy; however, this is very marginal in difference and on balance is considered to be acceptable, given the proposed dwellings are smaller units and located in close proximity to public open space at Newington Green. Any form of outdoor amenity space within the existing constraints is welcomed whilst ensuring neighbouring amenity is maintained in respect overlooking from the terraces. The proposed terrace for the 2bed/4persons flat at fourth floor level would provide sufficient space for a family unit. Overall, the proposed amenity space is considered to comply with policy DM3.5 of the Development Management Policies.
- 10.97 For the reasons as discussed above, it is concluded that the proposed development provides acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space. Therefore, the proposal accords with the policy 3.5 of the London Plan 2016, policies CS8, CS9 and CS12 of the Islington Core Strategy 2011 and policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management Policies 2012 and the National Space Standard 2015.
- 10.98 Policies H4 (Delivering high quality housing) and H5 (Private outdoor space) of the Draft Local Plan has the same expectations as current policy DM3.4 and DM3.5 in regards to quality of accommodation and these new policies does not significantly diverge from the current policies of the Development Management Plan. New residential units are still required to meet to housing space standards; provide good layout and circulation space; be dual aspect; have minimum floor to ceiling heights of 2.6m; and ensure noise and vibration issues are mitigated if the residential use is part of a mixed scheme. The same space requirements for outdoor amenity space apply in policy H5 as discussed earlier within the assessment.
- 10.99 Therefore, the proposed development would reach the same considerations and conclusion in respect to quality of accommodation given the aims of the new Local Plan are largely the same as the Development Management Policies 2013. As such, the proposed development complies with future housing policies.

INCLUSIVE DESIGN

- 10.100 As a result of change introduced by the Deregulation Bill (Royal Assent 26th March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore the Council can no longer apply its flexible housing standards nor wheelchair housing standards.
- 10.101 On 1st October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. Residential development containing fewer than 10 units should be designed so that all dwellings meet Category 2 of the National Housing Standards. A written statement explaining how each of the units meets the requisite standard should be provided with the

application (this can be contained within the Planning Statement). Plans should indicate notional furniture layouts.

- 10.102 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in policy DM2.2 of the Islington Development Management Policies 2013, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.103 In respect of the non-residential parts of the proposal, the D1 units at ground floor level would be step free from the public highway.
- 10.104 The residential uses would be located at first floor level and above. Policy DM3.4 of the Development Management Policies requires 10% of all new housing (calculated against number of habitable rooms), is required to be wheelchair accessible and where such housing is not located at ground floor level, at least two lifts should be provided. One lift is provided which is short of the requirement; however, on balance, given the number of units proposed, a lift is proposed as well as a flight of stairs, and the overall quality of accommodation (as discussed within the previous section), the lack of the additional lift would not warrant a refusal for development of this scale. The stair core could be adapted with a stair lift at a later stage in lieu of the second lift if required.
- 10.105 Within the units themselves, the proposed layouts mostly comply with wheelchair adaptable and wheelchair accessible housing. The WC should be laid out in accordance with Part M4 (2) of Building Regulations.
- 10.106 Condition 12 is recommended to ensure that all residential units are to be built to Part M4(2) (Accessible and adaptable dwellings) of Building Regulations.
- 10.107 Therefore, subject to the condition attached upon approval, the proposed development is considered to comply with policy DM2.2 of the Islington Development Management Policies 2013. Furthermore, the proposed development would be considered to overall comply with Part B of policy H4 of the Draft Local Plan which has the same aims as current policy DM2.2.

SECURE BY DESIGN

- 10.108 The Mayor's Housing SPG (para 2.2.19) states that *'Buildings and spaces should deter criminal opportunism and provide residents with an increased sense of security, without being intimidating or reliant on excessive management.'* Policy DM2.1 of the Islington Development Management Policies 2013, requires development (amongst other aspects related to design) to be safe and inclusive.
- 10.109 As part of the second reason for refusal of previous planning application P2019/1017/FUL, it was considered that the design of the previous proposal should be improved in respect to the safety and security. The previous scheme proposed a recessed communal entrance with no sight lines which could give rise to anti-social behaviour and loitering and an inactive west elevation which would contribute to a dead space between Hathersage Court and the building which would also provide opportunities for anti-social behaviour.
- 10.110 The previously proposed windows of the residential units on the north elevation would be close proximity to the external staircase of Hathersage Court which could have either resulted in easy intruder access to these flats; or as a result of future occupiers, these windows could be secured and covered up. This passive surveillance could

potentially lead to opportunities of anti-social activity upon the staircase of Hathersage Court.

10.111 The Designing Out Crime Officer has reviewed the proposal and has commented that overall, the proposed development has improved from the previous scheme.

10.112 The proposed building no longer features a deep recess at its entrance along Mildmay Park and the angled design of the wall removes the blind corner and increases vision as residents approach the door. The proposed planters are considered a good use of design to separate the building uses, but consideration should be given to their height and type to ensure visibility so that loitering spots are not created.

10.113 In comparison to the previous scheme, the western elevation has more 'activity' in its design with the proposed terraces, giving the appearance of more surveillance. Whilst the Designing Out Crime Officer considers more could be done on the western elevation, upon site visit, it is observed that the western elevation would now back onto a community garden (and not a previous car park) that is enclosed by high timber fencing. Therefore, the lack of surveillance to the west is considered in this instance given this part of the neighbouring site does not have constant open public access, particularly during the night time period.

10.114 The proposed north elevation and its relationship with the external staircase with Hathersage Court has been considered to be addressed with the proposed perforated brick design. This eliminates the potential of intrusion into the residential units from the adjoining staircase whilst reducing the vulnerability of the staircase as there is still a sense of surveillance through the perforated brick.

10.115 The Designing Out Crime Officer has also suggested that certain communal and individual residential doors and windows are to be safety and security rated including some to have fob access and magnetic locks. These aspects of the proposed building are considered to be suitably addressed by condition and overall, the improvements on the design which have addressed the previous concerns on safety and security are welcomed.

10.116 Therefore, the layout and design of the proposal is considered acceptable relating to the safety and security of the residential occupiers of the proposed units, and those using the public realm surrounding the site and residents of neighbouring properties, subject to the condition attached to ensure the development would achieve 'Secured by Design' accreditation. As such, it is considered that the proposal complies with policies 3.5, 7.3 and 7.6 of the London Plan, policies DM2.1 of the Development Management Policies and the guidance detailed in the Mayor's Housing SPG and Islington Urban Design Guide (2017).

HIGHWAYS AND TRANSPORT

10.117 The site has very good access to public transport and the Public Transport Accessibility (PTAL) rating is 5. Bus routes which serve the site are 73, 476, 341, 21, 141 and 236. The site is also a ten-minute walk from Canonbury Overground Station which provides regular weekday and weekend services across North London from Stratford to Willesden Junction with some services continuing on the Clapham Junction or Richmond. Highbury and Islington station is a twenty minute walk from the site which is served by the Victoria Line between Walthamstow in north-east London to Brixton in south London via Central London.

10.118 Islington policy identifies that all new development shall be car free. Policy DN8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not

include the provision of off-street car parking. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

10.119 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).

10.120 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines' and Policy DM8.4 and Appendix 6 of the Development Management Policies 2013. In accordance with Appendix 6 of the Islington Development Management Policies 2013, 11x bicycle spaces should be provided for the 11 bedrooms proposed. The allocation proposed (14) would surpass the requirements for the residential use located at ground floor. The arrangements are acceptable in principle, however further details including plans and elevations shall be provided subject to a condition. The proposal is considered to accord with policy DM8.4 and Appendix 6 of the Development Management Policies 2013 and the Cycle Parking Standards – TfL Proposed Guidance.

10.121 The proposal would re-provide the existing dentist and chiropodist at the site; however, there would be no increase in the number of staff at the site. Whilst the applicant has noted that staff cycle parking would be provided within each of the ground floor units, details of the level of provision have not been submitted. The submitted Design and Access Statement and the Transport Statement note that the applicant is willing to fund provision of a short stay stand within the public realm if considered necessary.

10.122 The application form details that the proposed uses would have 6 full time staff and 7 part-time staff. The Full Time Equivalent (FTE) number of staff has not been provided. Should the application be recommended for approval a condition would be recommended requiring the submission of accurate FTE staff numbers and provision of appropriate cycle parking for the FTE staff. Additionally, a contribution towards the provision of a short stay stand within the public realm would be secured through a Unilateral Undertaking should the application be recommended for approval.

10.123 A number of objections have been received in regards to concerns with how the site could be developed and the impacts on Mildmay Park. The site is located near the busy junction of Mildmay Park, Mildmay Road and Newington Green. However, in any case, in order to ensure that management practices are implemented to ensure that the impact of construction on neighbouring residents is minimised, condition 4 has been recommended requiring the applicant to provide a Construction and Environmental Management Plan for the approval of the Local Planning Authority prior to the commencement of construction.

REFUSE AND RECYCLING

10.124 Section 4.4 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' states refuse produced by premises containing both commercial and residential units must be stored separately. Section 10 of this documents relates to clinical waste and further states that any development including a dental surgery and/or the production of clinical waste is required to include separate storage and collection arrangements for both clinical and non-clinical waste. Clinical waste must be stored separately from all other waste.

10.125 The submitted plans detail the provision of a single refuse and recycling store on the east side of the property and the submitted Design and Access Statement details that dedicated waste will be provided for each commercial unit with clinical waste collected by a private company. However, full details of where the commercial / clinical waste would be stored and its collection have not been detailed. Neighbouring objectors have commented on how waste collection from the site may cause congestion along Mildmay Park.

10.126 Further full details of separate refuse and recycling for the residential and commercial/clinical uses will be required by condition 5 upon approval.

ENERGY AND SUSTAINABLE DESIGN AND CONSTRUCTION

10.127 Policy DM7.1 of the Islington Development Management Policies state that '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'. Policy DM7.2 seeks to ensure Energy efficiency and carbon reduction in minor schemes.

10.128 The proposal seeks to impose sustainable design methods and a Sustainable Design and Construction Statement was submitted detailing that the development would achieve a 25% improvement on carbon emissions on Building Regulations 2010 Part L as well as achieve all credits in water efficiency within BREEAM. Measures are proposed for overall reduction in energy and water consumption. The proposed measures as summarised are:

- Integrating renewable energy sources such as mechanical ventilation and heat recovery, photovoltaic cells and/or solar hot water panels;
- Thermal insulation and better fabric U-values than prescribed by Building Regulations
- 75% of internal lighting to be energy efficient;
- Install fittings within water systems and plumbing to achieve 95litres per person per day;
- Responsibly sourced materials and where possible local.

10.129 Whilst PVs are not shown as part of the scheme, a condition is recommended requiring details of PVs to be submitted and approved in writing by the local Planning authority. It is considered a green roof would not be the most efficient measure within the proposed scheme given PV cells are potentially proposed on the roof and responsibility for the maintenance of a biodiverse roof.

10.130 As part of the Council's small sites policies, the applicant has agreed to enter a Unilateral Undertaking to pay a contribution towards carbon offsetting to the amount of £7,000 should the application be approved.

10.131 Therefore, it is considered that it would be acceptable in terms of sustainable design and construction 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 AND LANDSCAPING

10.132 Policy DM6.5 of the Islington Development Management Policies detail that developments within proximity of existing trees are required to provide protection from any damage during development.

10.133 The proposal would be located within close proximity of two mature trees that were identified as Category B and C trees in the Arboricultural Method Statement that formed part of the previous application at the site. Although an Arboricultural Impact Statement has not been submitted with the application, it is noted that the previous application at the site detailed that these trees could be retained without detrimental impact to their on-going health.

10.134 As such, should the application be recommended for an approval a condition would be included requiring the submission of an Arboricultural Method Statement detailing how these trees would be retained and protected during construction.

SMALL SITES AFFORDABLE HOUSING CONTRIBUTION

10.135 The Council's Affordable Housing Small Site Contributions Supplementary Planning Document (SPD) together with policy CS12 Part G states that development proposals below a threshold of 10x residential (gross) or below will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.

10.136 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'*.

10.137 There are no existing dwellings on site and as such the proposal would result in an uplift of 7x residential units. Therefore, the proposed scheme is liable for a contribution to Affordable Housing of 7 x £50,000 totalling £350,000.

10.138 The applicant has not provided viability information for independent assessment. Therefore, the full contribution of £50,000 per residential unit is applicable. The applicant has stated that they are willing to pay the Council in respect of the affordable housing contribution, as per CS12 and the Affordable Housing Small Sites Contributions SPD, and this would be secured by way of a Unilateral Undertaking should the application have been recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.139 The proposed development would be liable for both the Mayoral and Islington CIL. The charge is £50 per sqm and £250 per sqm (residential floorspace) respectively.

OTHER MATTERS

Swifts and Bats

10.140 Comments have been received in regards to implementing more biodiverse measures into the development such as bird boxes, swift boxes and a green roof. It has been identified that there are groups of bats and swifts nesting within the area and such, a condition would be recommended upon approval to install bat and swift nesting bricks within the development. This would provide a long-term resource to protect this species and improve the local biodiversity.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the proposed development is considered acceptable and would provide a mixed use scheme of high quality, retaining sufficient D1 floorspace and new residential floorspace above to create 7 new units. The proposed units are considered to have a good level of amenity for future occupiers, whilst the scale and design of the development would not appear out of character within the streetscene, nor would the development harm the Newington Green Conservation Area and is considered conducive to the surrounding character and use which is varied in character.
- 11.2 Overall, subject to conditions, the proposal would significantly improve the appearance of the site and would not harm the surrounding area. The proposal accords with policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.
- 11.3 On balance, it is considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties having regard to the daylight and sunlight assessment against BRE guidelines and the extant permission. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor direct overlooking and would not regard have a detrimental impact upon nearby amenity levels taken as a whole and accords with Policy DM2.1.
- 11.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Contribution of £350,000 towards affordable housing within the borough;
- Contribution of £7,000 towards carbon off-setting;
- Contribution towards the provision of a short stay cycle stand within the public realm;
- Car-free development;
- Legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.

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

RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following, and that there is delegated to each of the following: the Head of Development Management the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

List of Conditions:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved Plans List
	DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: 018058: P-Si-D-002; P-00-D-003; P-R-D-004; E-E-D-005; E-N-D-006; P-Si-D-012; P-00-D-013; P-01-D-014; P-02-D-015; P-03-D-016; P-04-D-017; P-R-D-018; E-E/N-D-019; E-E-D-020; E-N-D-021; E-S-D-022; E-W-D-023; X-AA-D-024; X-BB-D-025; X-CC/DD-D-026; D-100.

	<p>Design & Access Statement 89-93 Mildmay Park N1 4RF by Bubble Architects dated 26/04/2020; Sustainability Statement by Bubble Architects dated 19 March 2020; Transport Statement by TTP Consulting dated March 2020; Daylight and Sunlight Study 89-91 Mildmay Park, London, N1 4NB by Right of Light Consulting dated 27 March 2020.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Solid brickwork (including brick panels and mortar courses) b) window and door treatment (including sections and reveals); c) balustrading materials; d) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the Canonbury Conservation Area.</p>
4	Construction and Environmental Management Plan
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the

	<p>neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;</p> <ul style="list-style-type: none"> k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles; m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area. o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
5	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>
6	Cycle Parking
	<p>CONDITION: 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</p>
7	Sound Insulation Between Uses

	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed D1 uses 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>
8	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(L_{eq}) 23:00 - 07:00 (bedrooms) and NR30 (L_{eq} 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>
9	Secured by Design Accreditation
	<p>SECURED BY DESIGN: Prior to commencement of the development hereby approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of safety and security.</p>
10	Water Efficiency Requirements
	<p>CONDITION: The development hereby approved shall achieve a maximum internal water use of 95litres/person/day. The dwelling/s shall not be occupied until this requirement has been complied with.</p> <p>REASON: To ensure the water efficiency of the development.</p>
11	Photovoltaic Cells
	<p>CONDITION: Prior to the relevant part 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>
12	<p>Category 2 Condition</p> <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 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>
13	<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. 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

	<p>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> <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>
14	Sustainable Design and Construction
	<p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Sustainability Statement (Bubble Architects) dated 19 March 2020.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
15	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>

List of Informatives:

1	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>
2	Highway 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</p>

	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 .
3	Community Infrastructure Levy (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>
4	SECTION 106 AGREEMENT
	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.
5	PROPOSED MECHANICAL PLANT
	It is advised that a separate planning application is required to install any mechanical plant onto the hereby approved development.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 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.

- National Planning Policy Framework 2019

2. Development Plan

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

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

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

B) Islington Core Strategy 2011

- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS10 Sustainable design
- Policy CS11 Waste
- Policy CS12 Meeting the Housing Challenge
- Policy CS18 Delivery and infrastructure

C) Islington Development Management Policies 2013

Design and Heritage

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

Housing

- Policy DM3.1- Mix of housing sizes
- Policy DM3.4- Housing standards
- Policy DM3.5- Private outdoor space
- Policy DM3.7- Noise and vibration (residential uses)

Shops, Culture and Services

- Policy DM4.12- Social and strategic infrastructure and cultural facilities

Energy and Environmental standards

- Policy DM7.1- Sustainable design and construction
- Policy DM7.2- Energy efficiency and carbon reduction in minor schemes

Transport

- Policy DM8.4- Walking and cycling
- Policy DM8.5- Vehicle parking

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

The following SPGs and/or SPDs are relevant:

London Plan

- Accessible London 2016
- Character and Context 2014
- Housing 2016
- Sustainable Design and Construction 2014

Islington SPG/SPD

- Urban Design Guide 2019
- Conservation Area Design Guidelines 2002
- Environmental Design 2012
- Inclusive Design SPD
- Affordable Housing Small Site Contributions