



PLANNING COMMITTEE REPORT



PLANNING SUB COMMITTEE B		AGENDA ITEM	B5
Date:	14 July 2020	NON-EXEMPT	

Application number	P2019/0031/FUL
Application type	Full Planning Application
Ward	St. Marys
Listed building	Not Listed
Conservation area	Within 50m of three conservation areas: Barnsbury, The Angel and Upper Street (North).
Development Plan Context	<ul style="list-style-type: none">- Core Strategy Key Area – Angel and Upper Street;- Angel Town Centre;- Archaeological Priority Area – Islington Village and Manor House;- Article 4 Direction A1-A2 (Town Centres)- Within 50m of three Conservation Areas;
Licensing Implications	None
Site Address	Moore Court, Anderson Square, London, N1 2TF
Proposal	The construction of two new residential units on the existing flat roof of Moore Court, forming a 4th storey to the existing building, as well as an additional refuse store and associated cycle parking facilities.

Case Officer	Owen Griffiths
Applicant	Ishguard Limited
Agent	BB Partnership - Mr Steve Taylor

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1; and
2. Subject to the terms agreed within the Unilateral Undertaking which was signed and completed on the 14th May 2020 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)

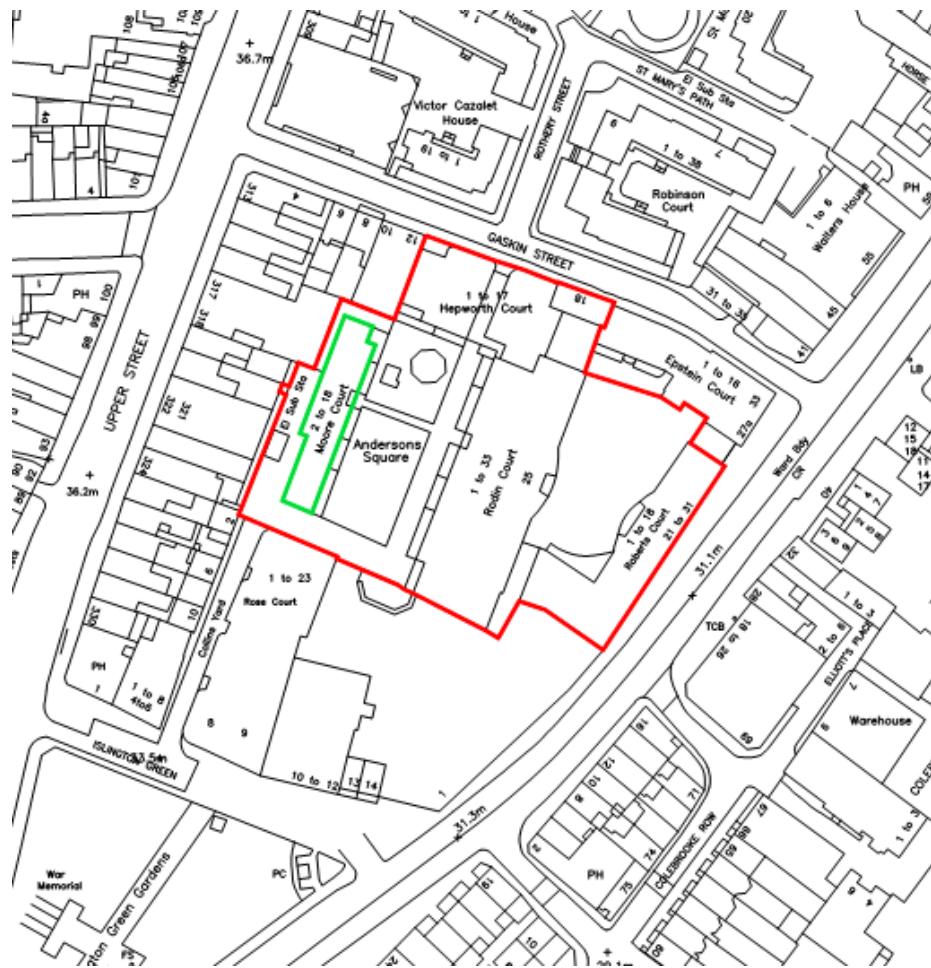


Image 1 – Site Location Plan

3. PHOTOS OF SITE/STREET



Image 2 - Aerial View of Site



Image 3 – View of Moore Court from Anderson Square Gardens



Image 4 - View of Moore Court from Anderson Square Gardens



Image 5 - Rear View of Building from Collins Yard



Image 6 – Roof Top View Facing the Rear of Upper Street (West).



Image 7 – Roof Top View Facing Rose Court (South).



Image 8: View

4. SUMMARY

- 4.1 The site currently forms part of the modern residential estate situated between Essex Road and Upper Street in the Angel Town Centre area of the borough.
- 4.2 Permission is sought for a single-storey extension at third floor level to provide two new residential units on the residential block known as Moore Court.
- 4.3 The total height of Moore Court would be increased from 10.3 metres to 12.9 metres and the development includes two terrace areas that will face an internal landscaped area known as Andersons Square Gardens.
- 4.4 The overall design of the development has been assessed for its quality, effect on the neighbouring conservation areas and effect on neighbouring amenity. It is concluded that the design is of a sufficiently high quality to be permissible and there is no harm being caused to surrounding heritage.
- 4.5 Potential effects on neighbouring amenity are deemed to be acceptable. Where there are infringements of the BRE guidelines these are minor and will not lead to unacceptable effects on the amenities of surround residents.
- 4.6 Conditions are recommended to ensure the development adequately addresses sustainability issues.

5. SITE AND SURROUNDING

- 5.1 Moore Court is one of five residential blocks within the Andersons Square residential estate. All the blocks are of a similar appearance, being of brick construction between three to five storeys in height. Roberts Court, that fronts Essex Road, includes two setback mansard sections at top floor level. The middle block, Rodin Court, includes a modern single storey extension at fifth floor level that was part of the original permission for the Andersons Square development. Between Roberts Court and Rodin Court is a courtyard with vehicle parking and further parking is located underneath Rodin Court. Between Rodin Court and Moore Court is a landscaped area known as Anderson Square Gardens. Further access is provided from Collins Yard via Islington Green and from Gaskin Road to the north.
- 5.2 Primary access to the residential estate is from Essex Road underneath Roberts Court. Roberts Court includes commercial uses on the ground floor: the former Brew Dog Bar/Restaurant at 31 Essex Road and number 21 Essex Road is occupied by 'More Yoga' and 'Floatworks'. Further along Essex Road to the north east is Epstein Court that borders Essex Road and Gaskin Street. This residential block contains a former 'Bathstore' showroom at ground floor level (33 Essex Road). A commercial gym (Nuffield Health) is located at ground level in Rodin Court with secure access provided from Essex Road thought the courtyard.
- 5.3 The site is located within the Angle Town Centre and therefore the surrounding context is commercial in nature. In this area of Essex Road, the predominant built form arrangement is commercial uses at ground floor level with residential accommodation on the upper levels. Further south towards Angel Underground Station are purpose build commercial blocks and the Angel Shopping Centre. To the north east of the site, along Gaskin Street, are further residential blocks. Further north beyond these residential blocks and along Rothery Street (accessed from Gaskin Street) is St Mary's Church Gardens and St Mary's Church (Grade II Listed).

- 5.4 The site is within 550 metres of Angel Tube Station to the south and Essex Road Train Station to the north. There are numerous bus services in the locality and the site has a PTAL score of 6a, the second best score possible.
- 5.5 To the north and west of Moore Court is the Upper Street (North) Conservation Area that borders the residential estate. The rear of the buildings to Upper Street (numbers 317 to 314) are within the conservation area and adjacent to the site. To the south of the site, across Essex Road, are a pair of Grade II listed building, 28 and 30 Essex Road. Furthermore, the opposite side of Essex Road is within two adjoining conservation areas. The Angel Conservation Area is to the south of Colebrook Row and the Duncan Terrace/Colebrook Row Conservation Area is to the north of Colebrook Row.

6. PROPOSAL

- 6.1 It is proposed to construct an additional fourth storey on the rooftop of Moore Court. The additional storey will contain two new self-contained residential units, both containing one double and one single bedroom. The units will not take up the entire roof space of Moore Court with an area to the north east of the roofspace remaining undeveloped. The extensions will be constructed from laminate cladding panels and metal powder coated glazing to match the appearance of the extension on Rodin Court.
- 6.2 Access to the new units will be provided from the existing stair cores in the building that will be extended into the new third floor. There is one stair core for each unit, one to the south of the building and one in a more central location. The additional floor will be set back from the elevation of Moore Court that faces south towards Anderson Square Gardens which will facilitate terraces for both units and associated railings that will match the appearance of the proposed window frames. The north elevation of the building will be extended by 2.6 metres and include fenestration, with some being obscure glazed to address potential privacy impacts.
- 6.3 Refuse Storage will be provided in an existing refuse storage area within Rodin Court and a further area will be provided in an area to the south of the site to provide additional refuse storage for the wider estate. Cycle parking for the new units is being provided in an area behind Roberts Court in the courtyard that also contains vehicle parking.

Revision 1

- 6.4 The scheme has been revised to address design feedback from officers. The initial design included a pitched roof to address previous pre-application advise that suggested a matching design to that of the extension to Rodin Court may be acceptable. Notwithstanding this, it was felt that a flat roof would be more appropriate in this location and would be less obtrusive to surrounding residents. Furthermore, there would be little benefit in mimicking the pitched roof design to that of Rodin Court given the location of the site that is largely not visible from the public realm apart from limited views along Collins Yard. Further amendments included a privacy screen to the southern end of the terrace and an additional refuse storage area to address capacity issues with the current store.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
P2019/0720/FUL	New mechanical plant on the rear flat roof of the commercial unit.	Approved	28/08/19
P2019/0030/FUL	The construction of two new residential units on the existing flat roof of Roberts Court, forming a 5th storey.	Withdrawn	N/A
P2016/4084/FUL	Construction of a glass roof terrace extension and side brick extension to north east facing façade (amended scheme 6.4 sq.m larger from previously approved P2014/1810/FUL granted 28/07/14); Installation of 2 no. glazed roof lights to roof terrace; 2 no. opaque bathroom windows to north-east elevation; Glass roof infill to existing internal courtyard area; Additional 4No additional rooflights into the pitched areas of the zinc roof at 5th floor, and installation of solar panels to the south side of the roof.	Approved	20/12/2016
P2014/1810/FUL	Construction of a glass roof terrace extension and side brick extension to north east facing facade; Installation of 2 no. glazed roof lights to roof terrace; 2 no. opaque bathroom windows to north-east elevation; Glass roof infill to existing internal courtyard area; and provision of zones to accommodate solar panels to NW/SE pitched roofs.	Approved	28/07/2014
P110647	Renewal of planning permission REF: P080740 dated 30 May 2008 for the installation of balustrade to enclose part of the roof, to serve as a terrace area for the existing penthouse flat.	Approved	31/05/2011
P080740	Installation of balustrade to enclose part of roof, to serve as a terrace area for the existing penthouse flat (Flat 13).	Approved	30/05/2008
P001308	Erection of 16 flats and four car parking spaces, for residential purposes, retail or restaurant unit to ground floor and link to future Chelsea-Hackney line access shaft.	Approved	20/02/2001
970266	Variation to planning permission granted for residential (84 units), Health Club, retail and restaurant (ref. 96/1026). Variation relates to the provision of parking which is increased from 43 spaces to 61 spaces by the enlargement of the basement parking.	Approval	22/04/1997
961026	Redevelopment (with the exception of 18 Gaskin Street) to provide 84 residential	Approval	07/11/1996

	units (27 one bedroom, 47 two bedroom 10 three bedroom) and a health club, restaurant and shops along with associated parking and landscaping.	
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8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 282 adjoining and nearby properties at Moore Court, Hepworth Court, Rodin Court, Epstein Court, Rose Court, Upper Street, Islington Green and Essex Road on the 15th February 2019. A second round of consultation occurred on the 14th November 2019. These reposes are addressed from paragraph 8.5 below.
- 8.2 A site notice and press advert were displayed on the 21st February 2019. The first public consultation of the application therefore expired on the 17th March 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 The application has received 43 objections that have raised the following issues with the proposed development:

- Loss of Privacy

Privacy Implications are addressed from paragraph 10.32

- Loss of light

Sunlight and Daylight implications are addressed from paragraph 10.15

- Overbearing design

Outlook/Enclosure is addressed from paragraph 10.34.

- Noise impact from terraces.

There are already various terraces facing Anderson Square Gardens that do not raise noise concerns.

- Car and Cycle Parking Impacts – strain on provision.

Transport and Highways issues are addressed from paragraph 10.44

- Development will lead to an unacceptably high density / over-development, straining resources and communal services.

Land use issues are addressed from paragraph 10.2

- Design is large and incongruous being out of proportion with the existing building and only extends part of the roof space.

Design issues are addressed from paragraph 10.5

- Development would enclose and overlook garden setting.

Amenity impacts are addressed from paragraph 10.14

- Fire risk and structural capacity of building

These are Building Control issues and the construction will require building control certification prior to habitation.

- Negative effect on surrounding conservation areas, streetscene and skyline.

Effect on the surrounding conservation areas and streetscene is addressed at paragraph 10.12

- No disabled access.

Accessibility is addressed from paragraph 10.56

- Impact peaceful quiet enjoyment for surrounding residents.

Condition 4 (Construction and Environmental Management) Plan has been included to address impacts during construction.

- Negative impact on house prices / rental prices.

This is not a planning related matter

- Negative effects during construction phase

Condition 4 (Construction and Environmental Management) Plan has been included to address impacts during construction.

- Disruption to the habitats of birds

No evidence to suggest the habitat of birds will be disrupted by the roof extension. Swift Boxes have also been secured by the requirements of condition 12

- Gas installation

Condition 5 (Updated Energy Study) has been included with the planning consent to ascertain if gas boilers are to be can be installed at the site and the effect this will have on the stated emission reduction targets.

- Developer has no right to develop airspace.

It is possible to apply for and be granted planning permission before obtaining rights to develop.

- Loss of daylight to gardens and negative effect to garden during construction disrupting ecology.

Sunlight and Daylight implications are addressed from paragraph 10.15

- Lack of sunlight / daylight report

A sunlight and daylight report was initially provided and an updated version provided, dated 21st October 2019, as certain windows at 321 Upper street were not included in the initial assessment. A further addendum report was provided in June 2020 to include an extant permission at 320 Upper Street (ref: P2017/2213/FUL).

- Properties will not be affordable

A Unilateral Undertaking has been secured between the council and the applicant for a £100,000 contribution towards affordable housing in the borough in accordance with Islington's Small Sites SPD.

- Certificate B has not been provided and notice not served.

The applicant has completed Certificate B and detailed that notice has been provided for all the residents in the Anderson Square estate.

Comment

8.4 An additional comment was received that suggested swift bird boxes should be installed as part of the development.

A condition has been included for swift boxes to be installed on the extension, paragraph 10.64.

Additional Round of Consultation

8.5 An additional round of consultation was undertaken in late 2019 with letters being sent to the same residents on the 14th November 2019. A further 7 objections were received from surrounding occupiers or those with an interest in the building. 15 people who objected during the first round of consultation also responded during the second round. The objection points raised reiterated the objection reasons listed above but additional points raised were in relation to the refuse store and how this is not in a suitable and convenient location for some residents.

Refuse arrangements are addressed from paragraph 10.50

External Consultees

8.6 None

Internal Consultees

8.7 Inclusive Design Officer –

- Measure to meet diverse needs not detailed;
- Proposal doesn't have level access;
- Provision of accessible cycle parking and storage/charging facilities for mobility scooters is not detailed;
- There is no lift, and step free access is not provided; and
- W.C does not meet requirements for visibility and adaptability.

8.8 Conservation and Design Officer:

- The proposed roof extension would be visible in some public views, but it would not be visible above the roofline of heritage assets and it would not cause harm to the

- character and appearance of the Conservation Area or to the prevailing character of the application site.
- The view of the spire of St Mary's Church through Collins Yard will remain unaffected.
- The proposed development is in line with the Urban Design Guide. The visual impact of the development on the character and appearance of the adjacent Conservation Area will be minimal and is not considered to cause harm.

8.9 Refuse and Recycling:

- Agree with the new refuse collection point at the end of Collins Yard.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;
- As the development is within close proximity to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

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

9.3 At paragraph 8 the NPPF states: "that sustainable development has an economic, social and environmental role".

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.

National Guidance

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

Development Plan

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

Emerging Policies

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

9.11 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”) this opened on 15 January 2019 and continued until May 2019. The Panel of Inspectors made several recommendations to the Mayor on the 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 Inspectors’ 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 GG4 Delivering the Homes Londoners Need
 - 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 D14 Noise
 - Policy H1 Increasing Housing Supply
 - Policy H12 Small Sites
 - Policy H4 Delivering Affordable Housing
 - Policy H6 Affordable Housing Tenure
 - Policy H10 Housing Size Mix
 - Policy T5 Cycling
 - Policy T4 Assessing and Mitigating Transport Impacts
 - Policy T6 Car Parking
 - Policy T6.1 Residential Parking
 - Policy T7 Deliveries, Servicing and Construction
 - Policy D11 Safety, Security and Resilience to Emergency
 - Policy HC1 Heritage Conservation and Growth
- 9.12 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 stage what response the Mayor will make to the directions. In any event, given what is proposed in the application the direction does not alter the assessment in this case.

Draft Islington Local Plan 2019

- 9.13 The Regulation 19 draft of the Local Plan was approved at Full Council on 27th 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.
- 9.14 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).

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

- Policy H1 Thriving Communities
- Policy H3 Genuinely Affordable Housing
- Policy H5 Private Outdoor Space
- Policy G4 Biodiversity, Landscape Design and Trees
- Policy S2 Sustainable Design and Construction
- Policy T2 Sustainable Transport Choices
- Policy T5 Delivery, Servicing and Construction
- Policy DH2 Heritage Assets
- Policy H2 New and existing Conventional Housing
- Policy H4 Delivering High Quality Housing
- Policy S1 Delivering Sustainable Design
- Policy S3 Sustainable Design Standards
- Policy T3 Car Free Development Parking
- Policy DH1 Fostering Innovation and Conservation and Enhancing the Historic Environment

Designations

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

- Core Strategy Key Area – Angel and Upper Street
- Angel Town Centre
- Article 4 Direction A1-A2 (Town Centres)
- Archaeological Priority Area – Islington Village and Manor House;
- Within 50m of a Conservation Area; Barnsbury, The Angel and Upper Street (North).

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Neighbouring Amenity
- Standard of Accommodation
- Highways and Transportation
- Inclusive Design
- Energy Efficiency and Renewable Energy
- Planning Obligations and CIL

Land-use

- 10.2 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.
- 10.3 The proposed development is providing two additional residential units on a housing block within a residential estate and the applicant has also completed a legal agreement under Section 106 to make a contribution towards affordable housing in the borough in line with Islington's Affordable Housing – Small Sites SPD (Adopted October 2012).
- 10.4 As the development is proposing additional housing on land already used for this purpose and as a contribution will be made to affordable housing in the borough, the principle of the use at the site is acceptable and is in accordance with the aspirations of Policy CS12.

Design and Conservation

- 10.5 Paragraph 193 of the NPPF (2019) states that '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)*'. Furthermore, at paragraph 196 it states: '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
- 10.6 Chapter 7 of the London Plan sets out policies relevant to design and conservation, and the Mayor of London's Character and Context SPG is also relevant. Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.7 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. The application site is not within a Conservation Area but it borders the Upper Street North Conservation Area to the north and west as well as being in close proximity to the Duncan Terrace/Colebrooke Row Conservation Area and the Angel Conservation Areas to the west and south. Therefore, any potential impact that the development may have on the character and appearance of the conservation areas must be assessed.
- 10.8 The proposed development incorporates a new fourth storey level being constructed on the existing roofspace of Moore Court. The development will take up approximately two thirds of the existing roofspace, leaving a third undeveloped towards the north of the building. The new structure will be 2.6 metres taller than the existing parapet wall and be 3.4 metres in total height (from the existing flat roof).

Facing towards Anderson Square Gardens there will be two terrace areas for the new units, with metal balustrading to match the metal powder coated window frames that face the terrace. The terraces will be 0.9 metres wide with the extensions being set back from the Anderson Square elevation by 1.2 metres.

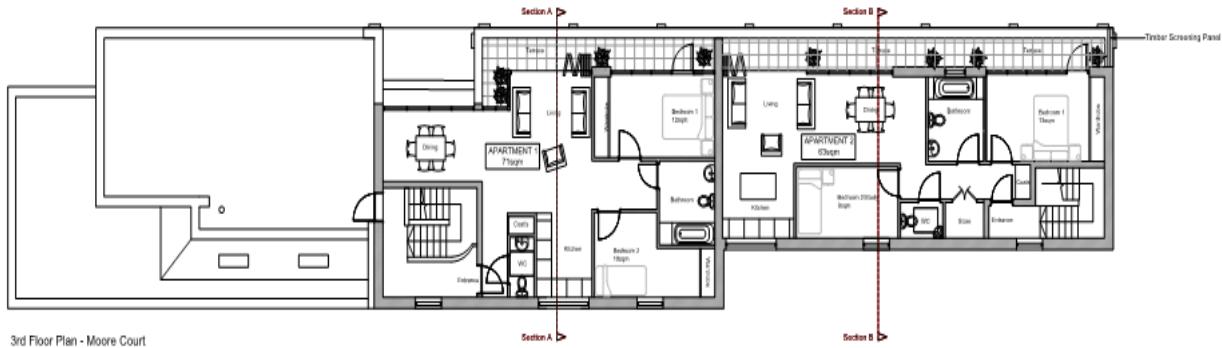


Image 9 – Floorplans of New Units

- 10.9 The façade of Moore Court is primarily of brick construction with finer detailing including stucco banding and horizontal stone banding. The proposed extension is to be constructed with compact laminate cladding panels to match the roof projection at Rodin Court, which was part of the original construction for the residential estate. The extension will include a flat roof and the fenestration to the front and rear will be constructed from metal powder coated frames.



Image 10 – Proposed Front Elevation of Moore Court

- 10.10 Several objections have been received that have raised concerns over the design of the extension and mention that it would appear bulky and incongruous with the other residential buildings. When viewed in elevation (Image 10), the new third floor does appear taller than the second floor below but the elevation drawing does not convey how the extension is setback from the primary elevation and this is not how the extension will be viewed once constructed.
- 10.11 Rodin Court, that also faces Anderson Square Gardens, already includes a set-back extended roof area at third floor level that is of a similar scale and design to that of the proposed extension on Moore Court. When viewed from ground level the third floor mass on Rodin Court appears subservient to the main mass of the building and

does not appear overly bulky or top heavy (Image 10). The appearance of the extension on Moore Court will have a similar subservient appearance to that of the extension on Rodin Court as the extension is set-back from the primary elevation and rises behind an existing parapet wall. Furthermore, the materiality of the extension will match the extended area on Rodin Court that will facilitate the extension having a lightweight appearance. It is therefore concluded that the extension will be of a suitably high quality design, be in keeping with surrounding development in terms of height and use of materials and consequently, in terms of its design, the development is considered to be acceptable.



Image 11 – View of Roding Court from Anderson Square Gardens

- 10.12 The site is within close proximity to the Upper Street (North) Conservation Area that borders the residential estate to the north and west. The proposed extension will only be visible from acute public views along Collins Yard to the south of the site and the section of Collins Yard that adjoins the Andersons Square Estate is not within the Upper Street (North) Conservation Area. Due to the limited visibility of the extension from public views and as the overall design of the extension is considered to be of a satisfactory high standard, the proposal would therefore not detrimentally impact the character and appearance of the neighbouring conservation area and in this regard the development is acceptable and in accordance with Policies DM2.1 and DM2.3.
- 10.13 In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not considered to cause harm to the character nor the appearance of the neighbouring conservation area due to the sympathetic design of the development that will only be visible from very limited public and private views and would sit comfortably in terms of overall massing and design on the existing building in this instance.

Neighbouring Amenity

- 10.14 Policy 7.6 of the London Plan states that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution,

overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.

Sunlight/Daylight

- 10.15 When assessing the daylight and sunlight impact of new development on existing buildings, the Building Research Establishment (BRE) Guidelines are considered. The application has been submitted with a daylight and sunlight assessment dated February 2019 and a subsequent updated version, dated August 2019 was provided due to alterations to the roof type from a pitched roof to a flat roof. An addendum report was provided dated October 2019 that included certain windows to the rear of 321 Upper Street that were not included within the initial assessment. A further addendum report has been provided for an extant permission at 320 Upper Street that was not assessed in the aforementioned reports received.
- 10.16 The assessments were carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 10.17 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Daylight

- 10.18 The BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);

And

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.

- 10.19 The daylight results provided confirm that in all but two instances VSC figures do not drop below 27% or NSL figures do not reduce by more than 20%. Therefore, the majority of the windows tested pass the strict application of BRE guidance.

322 Upper Street

- 10.20 The two exceptions to this are window W1 (26% reduction in NSL) and W2 (25% reduction in NSL) on the lower ground floor to 322 Upper Street (see table 1). The results table indicates that these windows serve a kitchen and that there is a further window (W3) that will only see a minimal VSC reduction of 6%. Given that there is BRE complaint window to this room and the marginal breach of BRE guidance to the other windows, 6% for W1 and 5% for W2, these figures are considered to be acceptable in this instance and will not lead to unacceptable amenity impacts for the residents at 322 Upper Street. Furthermore, the Daylight Distribution figures for the

lower ground floor rooms at 322 Upper Street do not breach BRE guidance with reduction figures of 0.01% and 0%.

321 Upper Street

- 10.21 An addendum to the Daylight and Sunlight Assessment was provided due to certain windows at 321 Upper Street not being detailed in the initial assessment. Windows W2 and W3 to the ground floor can be seen in Image 12 below. The results for these windows (see table 1) indicate that there will be a marginal transgression beyond BRE guidance for W3 where the VSC figure will be reduced by 30%. However, this is a secondary window to a living room and the other window (W2) will only be reduced by 6%, comfortably within the BRE guideline allowances. This room also passes the NSL test with an overall reduction of 5%. On this basis, the reduction in VSC to W3 is acceptable.

320 Upper Street

- 10.22 In November 2017 an application was approved at 320 Upper Street (ref: P2017/2213/FUL) for the erection of a full width rear extension at the lower ground and ground floor levels and a part first floor rear extension as well as the erection of a roof terrace with glazed balustrading at the first floor level. Further alterations to the roof were also consented including the creation of a mansard roof extension with front and rear dormers to facilitate a loft conversion. The exterior alterations were part of a scheme to subdivide the property into 2 no. self-contained flats (1 x 2 bed and 1 x 4 bed). The three-year implementation period for this application expires on the 11th November 2020 and it is understood that the scheme has yet to be implemented. Should this development be constructed at the site, the extension to Moore Court has the potential to impact the new habitable rooms to 320 Upper Street and so an assessment of these potential impacts is required.
- 10.23 A further Daylight/Sunlight addendum report was produced on the 16th June 2020 and the VSC and DD results are included in Table 1 – only the lower ground and ground floor rear windows have been included as the remaining windows on the upper levels are comfortably within BRE guidance figures. The lower ground floor and ground floor plans are also shown in image 12. The Annual Daylight Factor figures were initially provided but the VSC and DD figures were requested and have been used to provide a consistent assessment across all neighbouring development.

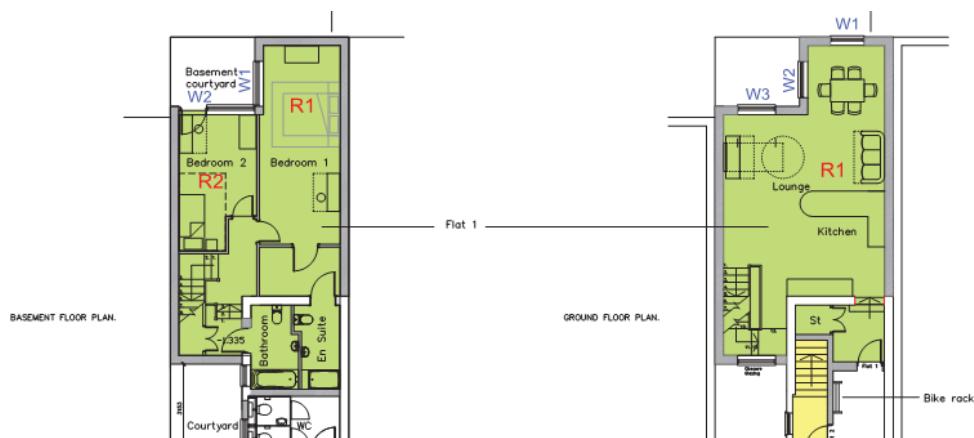


Image 12 – Approved Development at 320 Upper Street

- 10.24 The VSC results for the approved basement and ground floor unit at 320 Upper Street indicates that W2 to R2 (bedroom) will see a reduction of 28% in VSC. This is higher

than the BRE recommended 20% reduction but as the overall reduction is below 30% it is considered that such a decrease in these circumstances is acceptable. Basement rooms often provide low VSC figures, as can be seen in the existing figure of 8.38, and the DD reduction to this room is 15% which is within guidance limitations. The ground floor Living/Kitchen/Dining room to this unit also sees two instances where VSC is reduced by more than 20%: W1 (31%) and W3 (24%). However, W2 be reduced by 8%. It should be noted that this room benefits from a triple aspect, with W1 and W3 facing east, W2 facing north and there is a further window to the west of the unit to an internal courtyard area. However, this window is to a landing above the LKD room and the plans indicate this window is also obscure glazed so the volume of light that comes into the LKD from this orientation will be limited. The DD reduction figure to this room 17% which is BRE compliant. It is concluded that, on balance, there will be a minimal impact to the future inhabitants of this unit in relation to reductions in daylight as the overall effect will be barely discernable from the approved situation without the extension to Moore Court being in place.

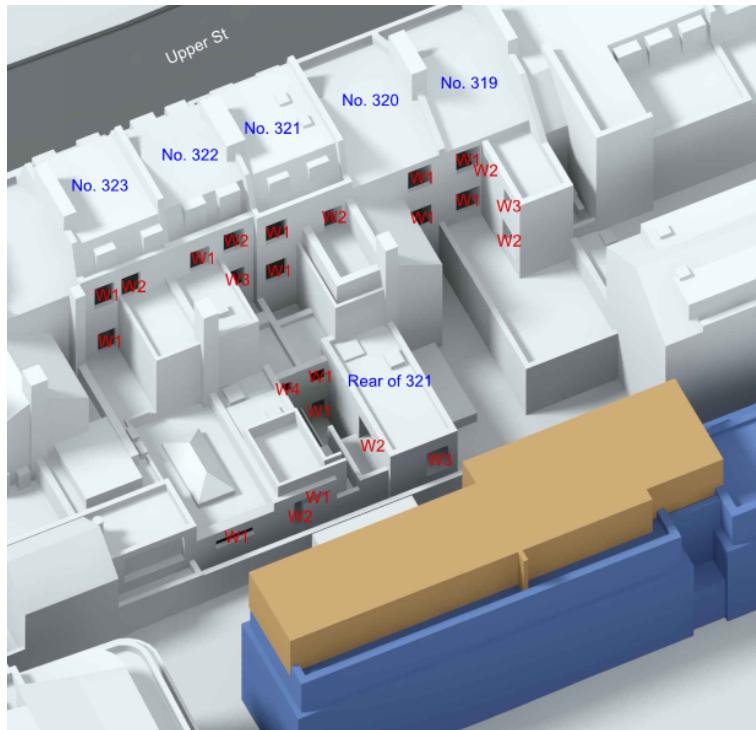


Image 13 – Rear Windows Map of 319 to 323 Upper Street

Address	Window	Room Use	VSC (existing)	VSC (proposed)	VSC Reduction (%)
322 Upper Street	W1 (LGF)	Kitchen	21.51	15.99	26
	W2 (LGF)	Kitchen	18.62	14.1	25
	W3 (LGF)	Kitchen	17.75	16.84	6
321 Upper Street	W2 (G)	Living	16.79	15.74	6
	W3 (G)	Living	17.4	12.14	30

320 Upper Street (Approved Scheme)	W1 (LGF)	Bedroom	6.69	6.00	10
	W2(LGF)	Bedroom	8.38	6.05	28
	W1 (G)	LKD	17.87	12.31	31
	W2 (G)	LKD	13.08	11.99	8
	W3 (G)	LKD	16.07	12.23	24

Table 1 – VSC Results

Rose Court and Rodin Court

- 10.25 An assessment has also been conducted to the windows and rooms at Rose Court and Rodin Court where the development is within the 25-degree line that indicates a detailed assessment is required. The results table of the Daylight and Sunlight report confirms that there will be no transgressions beyond BRE guidance for any of the windows or rooms to these residential blocks that required a detailed assessment.

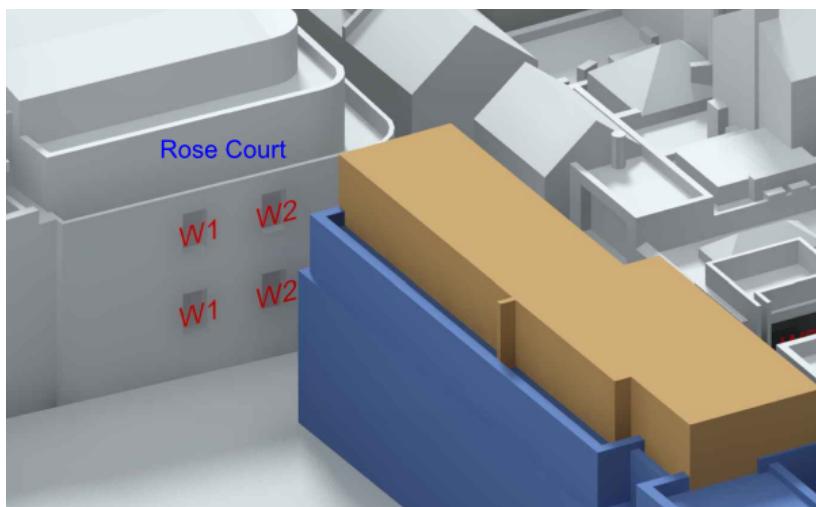


Image 14 – Assessed windows to Rose Court

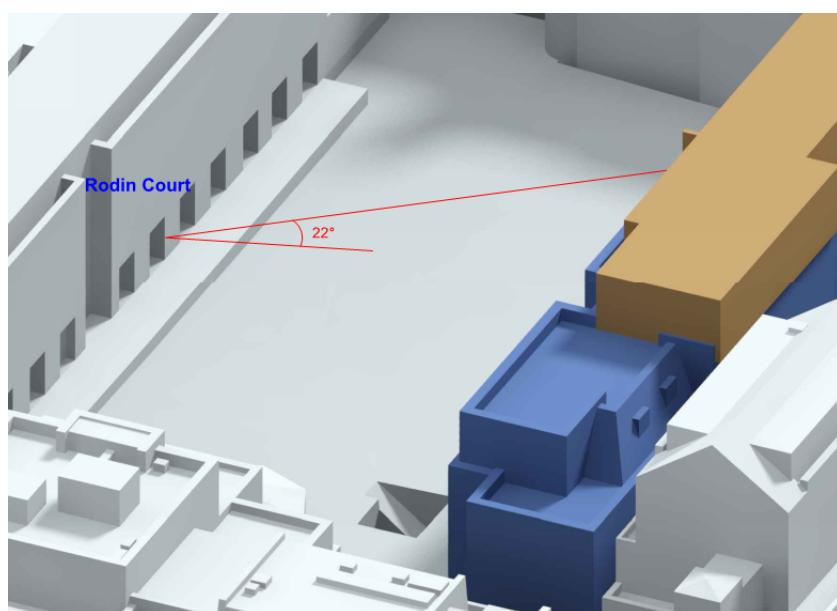


Image 15 – Assessed windows to Rodin Court

- 10.26 It is concluded that the effect of the development in terms of loss of daylight to surrounding residential premises is acceptable and is in accordance with Policy DM2.1.
- 10.27 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be a noticeable loss of sunlight where:
- *The centre of the window receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21st September and 21st March (winter) 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.*
- 10.28 The August 2019 report and updated October 2019 report indicate three locations where sunlight will be reduced beyond the BRE guidelines (see Table 2). For 320 Upper Street the annual reduction is just 5% which will offset the one hour lost during the winter hours. At 321 Upper Street the living room is served by two windows and the second window (W3) is within BRE guidance as the APSH reduction is below 25% and the winter absolute reduction is 3 hours. Similarly, at 322 Upper Street the APSH reduction is 10% and therefore over the course of a year the sunlight reduction will be barely discernible. It is acknowledged that the winter sunlight hours reductions appear to be high in some instances but this is mainly due to the existing poor sunlight levels received during the winter months which is not uncommon in a dense urban environment. Furthermore, the absolute reductions are between 1% and 2% and on balance these reductions are considered to be acceptable in this instance.

Address	Window (level)	Room Use	Annual Sunlight Hours existing/proposed (reduction %)	Winter Sunlight Hours Existing / proposed (reduction %)
320 Upper Street	W1 (G)	Bedroom	20 / 19 (5%)	1 / 0 (100%)
<i>Approved Scheme (see para 10.24 & 10.33)</i>	W1(G)	LKD	20/11 (45%)	5/2 (60%)
	W3 (G)	LKD	16/8 (50%)	0/0 (0%)
321 Upper Street	W2 (G)	Living	41 / 36 (12%)	2 / 0 (100%)
	W3 (G)	Living	33 / 25 (24%)	11 / 8 (27%)
322 Upper Street	W3 (G)	Bedroom	21 / 19 (10%)	2 / 1 (50%)

Table 2 – Sunlight Results

- 10.29 Various objectors have raised issue with the potential daylight and sunlight impactions of the development and consider that they will be adversely effected. This includes residents of Rodin Court. Image 14 confirms that the development at Moore Court is within the 25-degree line from the ground floor windows at Rodin Court, however the extension is outside of the 25-degree line from the upper level windows. Therefore, the ground floor windows have been given further assessment and all windows comfortably pass the VSL test (NSL does not apply to windows that do not have 90-degree orientation of south). All other windows and rooms that are within the 25-degree line have been assessed and as has been outlined above, where there are transgressions beyond BRE guidance the effects will be minimal and acceptable in this instance. As previously noted, the numerical guidelines of BRE are to be interpreted flexibly as stated within the guidance itself.
- 10.30 As has been outlined previously at paragraph 10.24, there is an extant permission at 320 Upper Street and the sunlight results for this development have been included in table 2. Only the ground floor of the lower level unit sees reductions beyond BRE guidance and therefore only these results have been listed. The annual sunlight hours to the ground floor LKD are reduced by 45% to W1 and 50% to W3. Such reductions do raise concern as they are beyond the normal tolerances that could be applied to BRE guidance. Given the tight urban location in which the site is located and the acceptable reductions in daylight reductions that have been assessed above, the reductions in sunlight to the ground floor of this approved unit are considered to be acceptable in this instance. The room will still benefit from a satisfactory volume of sunlight hours of the course of the year and the overall light levels to this room are also aided by the triple aspect orientation of windows to the room that is not a common feature to residential properties.
- 10.31 It is concluded that on balance, the proposed development would not result in unacceptable losses of sunlight to the neighboring occupiers.

Privacy/Overlooking

- 10.32 The development proposes two front facing terrace areas that provide private outdoor amenity space for the new units proposed. The terraces will face Anderson Square Gardens with the extension being set back from the main elevation of Moore court by 1.2 metres. There is already a terrace area to Hepworth Court, to the northeast of Moore Court at third floor level and there is a further terrace at third floor level at the southern end of Rodin Court that also faces Anderson Square Gardens. Rodin Court also includes a fourth storey with widows facing Anderson Square Gardens that offer similar vantage points to those from the proposed terraces to Moore Court.
- 10.33 The terrace to the south for proposed Apartment 2 is in close proximity to Rose Court, an apartment block that does not form part of the Andersons Square development but that does face north towards Anderson Square Gardens. This building is five storeys in height including a setback top floor with terrace and there is a further terrace at third floor level. Objections have been received regarding potential overlooking from the terrace areas proposed. A privacy screen will be installed at the southern end of the terrace to stop direct overlooking towards Rose Court from the terrace to Apartment 2. A compliance condition has also been included (Condition 8) to ensure the screen is constructed from opaque glazing rather than timber as shown on the submitted plans as this will provide a higher quality final appearance. This would ensure that the terrace has similar privacy implications as the windows on the lower floors. There is already a high level of overlooking between the terraces and

windows of the different apartment blocks in and around the site, which is not uncommon in a dense urban environment such as the application site. The terrace to the north for Apartment 1 is not in close proximity to neighbouring buildings and therefore, there are no overlooking or privacy issues raised from this area.

Outlook/Enclosure

- 10.34 The extension to Moore Court will rise 2.6 metres above the existing parapet wall to Moore Court and is set back from the primary elevation, facing Anderson Square Gardens, by 1.2 metres. Therefore, from vantage points to the east, the extension and overall mass of Moore Court with the extended area on the roofspace will not be overbearing to surrounding residents. To the rear of the building facing west, the height of the building is increasing from 9.6 metres to 12.2 metres. The site slopes down to the south and therefore the height increase at the southern end of the building is 10.3 metres to 12.9 metres. Views of the rear of the building will only be possible from the rear of the premises along Upper Street. Given the separation distance between the extended rear wall to Moore Court and the primary rear elevations to the properties that along Upper Street (around 24 metres) it is considered that the increased height of Moore Court will not be materially overbearing to these occupiers to such an extent that the council could warrant the refusal of the proposal on this basis.
- 10.35 The development would be located 5.9 metres from Rose Court, which has a number of windows facing the site as detailed in image 16 below. The two windows to the right of image 13 are at third floor level and at roughly the same height as the proposed extension at Moore Court. The window on the left does not directly face onto the side flank wall of Moore Court and the effect upon this window is deemed to be acceptable. The window on the right will be more impacted but there would still be a good level of outlook as wide views across Anderson Square Gardens would still be possible. Furthermore, the extension will rise 2.6 metres above the existing parapet level and such an increase in height will not lead to an unacceptable overbearing effect for either of the noted windows at Rose Court.



Image 16 – View of Rose Court from the Roof Space at Moore Court

Conclusion on Amenity

10.36 Overall, the development proposed is concluded to not adversely affect surrounding occupier's amenity in terms of, sunlight/daylight, privacy or having an overbearing effect. The massing of the building is modest at only 2.6 metres above the existing parapet and sufficiently set back from the primary elevation to appear subservient to the main mass of the building. The terrace areas are sufficiently set back from neighbouring units as to not raise potential privacy concerns and screening will be used to ensure no untoward effects will be realised in this regard. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies.

Standard of Residential Accommodation.

- 10.37 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.
- 10.38 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 which post-dates the determination of the application by the Council. From this date Councils are expected to refer to the NDSS in justifying decisions.
- 10.39 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve. For a 2 bed, 3 person flat the table states that a Gross Internal Area (GIA) of 61 square metres is required, with 2 square metres of storage.
- 10.40 The proposed floor area of Apartment 1 is 70.8 square metres (2.7 square metres of storage) and Apartment 2 has a floor area of 66.8 square metres (3 square metres of storage). The proposal would exceed the floor area required by the above prescribed standards in the NDSS and Development Management Policies. The internal layouts of the proposed residential unit are considered to be functional and satisfy the minimum space standards. The units are dual aspect with good outlook and natural ventilation. The proposed units have a floor to ceiling height of 2.5 metres. While this is below the 2.6 metres detailed in DM3.4 Part C, the NDDS provide a minimum floor to ceiling height of 2.3 metres for at least 75% of the dwelling. Therefore, a 2.5 metre floor to ceiling height across the whole of each unit is considered acceptable. This would also ensure that the proposed development is not unnecessarily increased in height.
- 10.41 The Development Management policy DM3.5 requires the provision of 5 square metres plus 1 square metres per person of good quality private outdoor space at upper levels. The proposed development would provide private terraces that would exceed the amount of private space required under policy DM3.5, that being 6 square

metres for a three person dwelling. Apartment 1 includes a 10.2 square metre terrace and Apartment 2 has a 14.5 square metre terrace.

- 10.42 To ensure there is sufficient outlook from the rear facing bedrooms, the proposed opaque glazing should be transparent. A compliance condition has been added (Condition 8) that will ensure this element will be included within the constructed scheme.
- 10.43 For the above reasons it is concluded that the proposed dwellings provide acceptable living conditions for future occupants and complies with Policy 3.5 of the London Plan 2015, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management and the National Space Standard, 2015.

Transport and Highways

- 10.44 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner and to adequately address delivery, servicing and drop-off requirements. Policy DM8.5 states that all additional homes will be car free and that applications for vehicle parking within the curtilage of existing residential properties will be refused.
- 10.45 No additional car parking is proposed as part of the current application and the ability of future residents of this development to obtain an on street parking permits will be restricted by way of a clause in the Unilateral Undertaking between the applicant and the council. Therefore, in terms of Policy DM8.5 the application is compliant.
- 10.46 Various objectors raised issue with the strain on parking the development may have. No parking is being created with the new units and the existing situation will remain unchanged in terms of the existing residents who already have a parking space within the private development. The council cannot control the ownership of existing private parking spaces, but as no additional parking is being created and as the site has a very high PTAL score (6a), no adverse issues are raised in terms of a stain on the existing parking spaces due to two new units being constructed on site.
- 10.47 Policy DM8.4 requires bicycle parking to be provided in accordance with Table 6.1 (Appendix 6). The development is therefore required to provide four additional cycle spaces (one per new bedroom). The applicant has identified an area in the housing estate where existing cycle parking is situated. Two additional Sheffield cycle stands are proposed which can accommodate four additional cycles. Policy DM8.4 also requires cycle parking to be sheltered and therefore Condition 7 has been included that requires details of the cycle parking to be submitted to evidence how the proposed cycle parking area complies with the requirements of DM8.4.
- 10.48 Objectors have raised issue with capacity of the existing cycle parking should the development be constructed and occupied. The requirements of DM8.4 and the resultant details required by Condition 7 will ensure that there is no loss of cycle parking provision and that the development has sufficiently addressed sustainable transport issues in line with Policies DM8.4 and DM8.5.
- 10.49 It is considered that the proposals have incorporated sufficient sustainable and accessible transport facilities to meet the transport needs of the building and is in

compliance with the relevant transport policies of the London Plan and Islington's Core Strategy and Development Management Policies.

Refuse and Recycling

- 10.50 The initial proposal intended to use the existing waste and recycling facilities within the residential estate but capacity issues with this storage area were raised by various objectors. The existing bin store is located at ground floor beneath the Rodin Court block and has a mix of recycling and general waste Eurobins (1100 litre capacity per bin),
- 10.51 An updated refuse strategy document was provided that identified a shortfall in the existing storage area due to the onsite gym using 4 of the 18 bins in this area. To overcome this issue a new refuse storage area has been proposed within the residential estate behind Moore Court. The new refuse shelter will be used to increase the capacity for the whole estate rather than just for the occupants of the new units. The shelter will be located to the west of Moore Court and behind an existing electricity substation (Image 18) that can be seen from Collins Yard. The refuse structure in also close the rear boundary with 320 Upper Street.

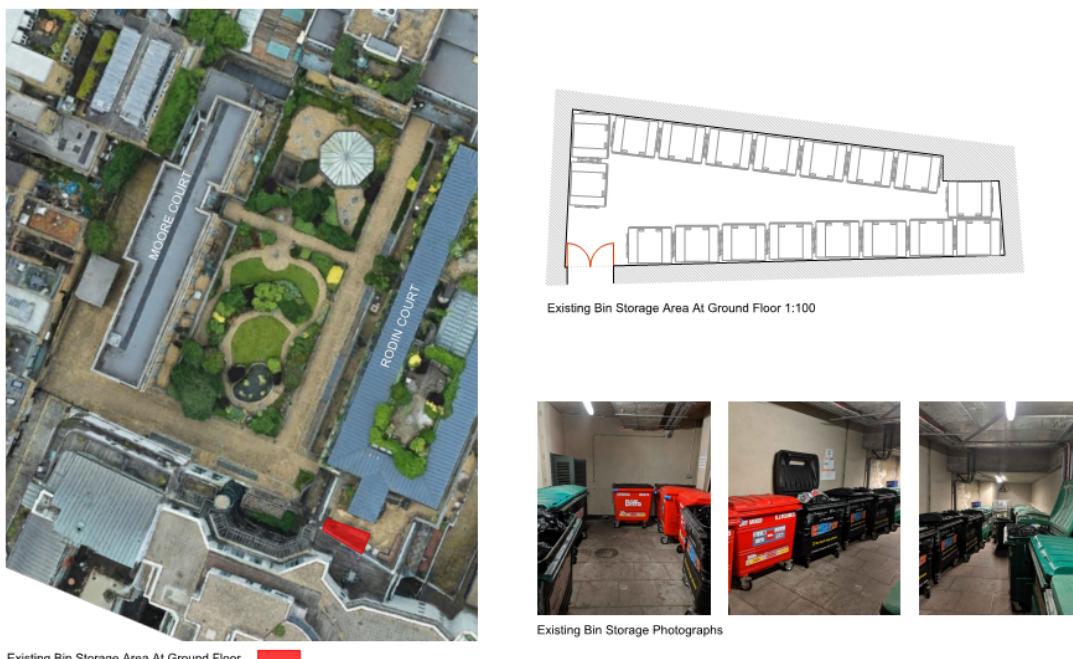


Image 17 – Existing Refuse Storage Area

- 10.52 The shelter will have a maximum height of 2.3 metres, be of timber construction and has the capacity to house 4 x 1,100 litre Eurobins that will not only provide the extra capacity for the 2 new units proposed but also make up for the existing shortfall due to the gym operator using the existing storage area.



Image 18 – Proposed Refuse Storage Area

- 10.53 The new shelter will require refuse collections to be made from Collins Yard rather than from the courtyard in front of Rodin Court where collections are currently made. Contact was made with the Refuse and Recycling Team over the requirement to collect residential refuse from this location. It was advised that residential refuse collections are already made from Collins Yard and that there would not be an issue with making collections from this new area proposed. On this basis the new refuse strategy is deemed to be acceptable and represents an improvement over the existing situation where an under provision of storage was identified.
- 10.54 One objector raised concern with the new refuse storage area as the route to this area from their property in Moore Court is further than the route to the current storage area. While this may be the case for this particular flat, towards the north of Moore Court, it is intended for the area to provide extra capacity for the whole residential estate and those who may have a shorter route to the refuse area, potentially in another block, can also use the new storage shelter.
- 10.55 Given the above, it is concluded that the refuse storage strategy is acceptable.

Accessibility

- 10.56 Comments received from the Inclusive Design Officer sought clarification over the accessible elements that have been incorporated into the design. Issues were raised with aspects such as accessible cycle parking, mobility scooter storage, lack of lift access and the lack of minimum standards for the bathrooms that should be visitable and adaptable.
- 10.57 Moore Court does not currently include lift access to the upper levels. It has been claimed by the applicant that installing lift access would be unfeasible given the resultant knock on effects this would have on the service charge for existing residents. Two lift cores would need to be installed through the existing building and this raises further issues as there may not be the internal space required to provide the cores needed.

- 10.58 London Plan Policy 3.8 relates to 'Housing Choice' and requires a certain percentage of new housing to be suitable for wheelchair users. Supporting paragraph states:
- 'As set out in Approved Document M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (2), step free access must be provided. Generally, this will require a lift where a dwelling is accessed above or below the entrance storey. The application of requirement M4 (2) has particular implications for blocks of four storeys or less, where historically the London Plan has not required lifts. Boroughs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, for these types of buildings this requirement may be subject to development-specific viability assessments and consideration should be given to the implication of ongoing maintenance costs on the affordability of service charges for residents. Where such assessments demonstrate that the inclusion of a lift would make the scheme unviable or mean that service charges are not affordable for intended residents, the units above or below the ground floor that cannot provide step free access would only need to satisfy the requirements of M4(1) of the Building Regulations.'*
- 10.59 The building at Moore Court is currently three storeys and with the extension proposed the building will be four storeys. Therefore, the London Plan supporting statement above is applicable to the site. No specific viability assessment has been provided to demonstrate the provision of lift access is unviable but as outlined above in 10.57, providing lift cores in the building is considered to be challenging given that existing floorspace would need to be lost to provide the necessary core(s) through the building.
- 10.60 Given these restrictions, the new units only have to meet the requirements of M4(1) of the building regulations. It is therefore concluded that the application meets the requisite building regulation standards and is in compliance with London Plan Policy 3.8.

Sustainability

- 10.61 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. It is acknowledged there are no solar panels proposed as part of the development although the Sustainable Design and Construction Statement submitted states that the roof space could accommodate 4 x 330w PV panels. The statement goes on to address the passive design strategy of the new units that offers a simple way of increasing sustainability. The statement concludes that the overall emissions reduction achievable at the site equates to 20.19% under building regulations AD L 2013. However, the calculations are based on PV panels being used at the site. In order to ensure appropriate carbon reductions measures are incorporated into the design a condition is advised that requires PV panels to be installed at the site and for the details of the panels to be submitted to the council by way of a submission of detail application (Condition 11).
- 10.62 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. New-build developments should use all available roof space for green roofs, subject to other planning considerations. It may be possible for a green roof to be installed on the new flat roof area to the new units as well as to the remaining flat roof area of Moore Court that is not being developed. The existing building may have certain structural limitations in relation to the increased load of a green roof being installed

on the roofspace and there may also be a conflict with the installation PV panels. To overcome this, a green roof feasibility study condition is proposed that will require the applicant to conduct a feasibility study that will ascertain if it will be structurally possible to install a green roof on the flat roof areas to Moore Court (Condition 10) that would also not conflict with the installation of PV panels.

- 10.63 Various objectors have raised concerns over references to the installation of gas and the use of gas boilers in the Sustainable Design and Construction Statement as Moore Court does not currently have a gas connection. The energy efficiency model contained within the statement is based upon the use of gas and should it not be possible to install gas at the site the emissions target may not be met. It is therefore required for an updated Energy Study to be submitted to the council via a submission of detail application that outlines how the 20.19% emissions reduction will be achieved as well as the water efficiency target of 95 litters per person per day.
- 10.64 A comment to the application has been received from the Islington Swifts Society requesting for swift boxes to be installed at the site. A development of this scale could accommodate such an ecological feature and therefore a further condition is advised requiring the details of where swift boxes will be installed on the extended area to Moore Court (Condition 12).
- 10.65 Overall, it is concluded that the conditions referenced above will ensure the development is adequately sustainable and will sufficiently address the requirements of Policy CS10, DM6.5 and DM7.2 as well as the relevant policies within the London Plan.

Affordable Housing and Carbon Offsetting

- 10.66 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units which do not provide social rented housing on site. Schemes below this threshold will be required to provide a financial contribution towards affordable housing elsewhere. The reasons for this approach are explained in the supporting text and in the Affordable Housing Small Site Contributions SPD which refers in turn to relevant aspects of policy found in the London Plan (2016). The SPD sets out a tested viability requirement for a contribution of £50,000 per new dwelling (£100,000 in total for the two new units at Moore Court).
- 10.67 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the offset contribution is outlined in Islington Planning Obligation SPD (2016) which stipulates a flat fee of £1,000 per flat (£2,000 in total for the two new units at Moore Court).
- 10.68 Both the small site housing contributions and carbon offsetting have been secured by way of a Unilateral Undertaking between the applicant and the council.

11. SUMMARY AND CONCLUSION

- 11.1 The overall design of the extension is acceptable and accords with DM2.1 and DM2.3
- 11.2 The effect on neighbouring amenity has been assessed with regards to Daylight/Sunlight, privacy and being overbearing. The development is considered to be acceptable in terms of amenity and will not adversely affect surrounding residents.
- 11.3 The standard of living accommodation for the new units complies with the minimum space standards and sufficient conditions have been included with the planning consent to ensure the development is sufficiently sustainable.
- 11.4 A new refuse storage shelter has been proposed to address previous capacity issues with the existing estate and to provide additional storage for the new units.
- 11.5 A Unilateral Undertaking agreed between the council and the applicant on the 14th May 2020 for a £100,000 contribution towards affordable housing and £2,000 contribution towards carbon offsetting.
- 11.6 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the National Planning Policy, the London Plan, the Islington Core Strategy, Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly

Conclusion

- 11.7 It is recommended that planning permission be granted subject to conditions and the requirements of a legal agreement as detailed in Appendix 1.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

That planning permission be granted subject to the obligation contained within the Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990, that was signed on the 14th May 2020, between the Council and all persons with an interest in the land (including mortgagees) that secured 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 £100,000 towards affordable housing within the borough.
- Contribution of £2,000 towards carbon off-setting
- Car free development no parking permits

That planning permission be granted subject to conditions listed below and the legal agreement that was signed on the 14th May 2020.

List of Conditions:

Condition	
1	Commencement 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 The development hereby approved shall be carried out in accordance with the following approved plans: FYV_206_2 Rev A, FYV_205_2 Rev C, FYV_204_2 Rev B, FYV_301_2, FYV_300_2, FYV_001_2, FYV_103_2, FYV_101_2, FYV_102_2, Design and Access Statement Rev A April 2019, Daylight Sunlight & Overshadowing report August 2019 by BVP, Addendum Daylight and Sunlight Report ref ds/rm/11545 dated 21 st October 2019, Addendum Daylight and Sunlight Report ref ds/rm/11545 dated 8 th June 2020, Sustainable Design and Construction Statement 28/01/19, Refuse Strategy November 2019, 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.
3	MATERIALS (DETAILS) CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:

	<p>a) Final colour, type and sample panel for the main elevations window treatment (including sections and reveals); b) roofing materials; c) balustrading treatment (including sections); d) Any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (DETAILS)</p> <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 should refer to Islington's Code of Practice for Construction Sites (2018) and 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 neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site; k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;

	<p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>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.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads. The report should contain detailed information on the minimizing of noise, demolition methods and best practice measures in line with Islington's Code of Practice for Construction Sites (2018).</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	<p>Updated Energy Study</p> <p>CONDITION: Prior to superstructure work commencing on site, an updated Energy Study shall be submitted to and approved in writing by the Local Planning Authority. The study should address how the 20.19% overall emissions reduction target will be achieved for the new units and how the 95 liters per person per day water efficiency target will be met under building regulations AD L 2013.</p> <p>The development shall be carried out strictly in accordance with the details so approved, and shall be maintained as such thereafter. No change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development.</p>
6	<p>Refuse Storage</p> <p>CONDITION: Notwithstanding the details shown on the approved plans no. FYV_301_2 and FYV_301_2; detailed drawings of the bin store, as well as the details of collection arrangements to serve the residential properties, have been submitted to and approved in writing by the local planning authority. No occupation of the dwellings hereby permitted shall take place until the facilities have been provided and made available for use in accordance with the details as approved.</p> <p>REASON: In the interest of securing sustainable development.</p>
7	<p>CYCLE PARKING (DETAILS)</p> <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</p>

	<p>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 4 cycle spaces for the proposed residential units</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	<p>Obscure Glazing</p> <p>CONDITION: Notwithstanding the details shown on the approved plan FYV_205_2 Rev C and FYV_204_2 Rev B, the windows to the rear facing bedrooms should be clear glazed and 1800mm high privacy screen to the south of the site should be constructed from opaque glazing and be maintained as such in perpetuity.</p> <p>Reason: To ensure there is an adequate outlook from the rear facing habitable rooms.</p>
9	<p>Privacy Screen</p> <p>Notwithstanding the details shown on approved plan FYV_204_2 Rev B, the 1800mm high privacy screen to the south of the site shall be constructed from opaque glazing and be maintained as such in perpetuity.</p> <p>Reason: To ensure the final appearance of the development is acceptable and to protect the privacy of surrounding residents.</p>
10	<p>Green/Brown Roof Feasibility Study</p> <p>CONDITION: Prior to the superstructure work commencing on site, a feasibility study shall be submitted to and approved in writing by the Local Planning Authority assessing the following:</p> <p>A) the structural capability of the building to incorporate an 80mm (minimum) deep Green or Brown Biodiverse Roof.</p> <p>B) Should the feasibility report conclude that a Green/Brown Roof is structurally feasible, the following additional details should be provided against condition 13: Confirmation that the Green/Brown Roof will be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan 1666/43B hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>

11	Location of PV Panels
	<p>CONDITION: Prior to the superstructure work commencing on site, full details of the siting and location of the Photo Voltaic Panels on the Roofspace at Moore court shall be submitted to and approved in writing by the local planning authority.</p> <p>REASON: In the interest of securing sustainable development</p>
12	Installation of Swift Boxes
	<p>CONDITION: Prior to the commencement of the hereby approved development details of swift box locations shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information an investigation of the most suitable location and shall include nesting locations and boxes for swifts. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p>

List of Informatics:

1	Construction works
	<p>INFORMATIVE: 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	Highways Requirements
	<p>INFORMATIVE: 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. <u>All agreements relating to the above need to be in place prior to works commencing.</u></p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. <u>Section 50 license must be agreed prior to any works commencing.</u></p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>

	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 .
4	Section 106 agreement
	INFORMATIVE: 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	Car-Free Development
	INFORMATIVE: All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

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.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 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 CS13 Employment spaces
- Policy CS18 Delivery and infrastructure

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes

DM3.3 Residential conversions and extensions

DM3.4 Housing standards

DM3.5 Private outdoor space

Energy and Environmental Standards

DM7.1 Sustainable Design and Construction

DM7.2 Energy efficiency and carbon reduction in minor schemes

Transport

DM8.4 Walking and Cycling

DM8.5 Vehicle Parking

DM8.6 Delivery and servicing for new developments

E) Site Allocations June 2013

Not Allocated

3. Designations

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:

- Core Strategy Key Area – Angel and Upper Street;
- Angel Town Centre;
- Archaeological Priority Area – Islington Village and Manor House;
- Article 4 Direction A1-A2 (Town Centres)
- Within 50m of three Conservation Areas;

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)
Town Centres (2014)

Islington Affordable Housing Small Sites Contributions (2012)
Conservation Area Design Guidelines (Canonbury Conservation Area; 2002)
Environmental Design (2012)
Inclusive Design in Islington (2014)
Islington Urban Design Guide (2017)

- BRE Guidance – Site Layout Planning for Daylight and Sunlight, A guide to good practice (Second Edition)