



PLANNING COMMITTEE REPORT



PLANNING SUB COMMITTEE B		
Date:	27 January 2022	NON-EXEMPT

Application number	P2021/0446/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	None
Conservation area	None
Development Plan Context	Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	Gunners Pub, 204 Blackstock Road, London, N5 1EN
Proposal	Renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 3-storey building to rear plus basement. The development will provide additional public house (Sui Generis) space, a new flexible Class E retail or office (Class E) commercial unit and 7 no. self-contained residential dwellings (Class C3).

Case Officer	Ross Harvey
Applicant	N/A
Agent	Mr Mark Shearman

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1; and
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)



Image 1 – Site Location Plan

3. PHOTOS OF SITE/STREET



Image 2 - Aerial View of Site looking North



Image 3 – View of Gunners Pub from Blackstock Road/Elwood Street junction



Image 4 - View of Gunners Pub from Elwood Street



Image 5 - View of Gunners Pub from Blackstock Road

4. SUMMARY

- 4.1 The site is currently occupied by a part single part two storey public house known as 'The Gunners'. The building is wholly occupied as a public house, with ancillary residential accommodation at first floor level.
- 4.2 Permission is sought for the renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 4-storey building to rear plus basement. The development will provide additional Sui Generis public house space, a new flexible Class E (retail or office) commercial unit and seven new residential dwellings.
- 4.3 The current application represents a resubmission of a similar scheme that was refused by the LPA under planning application Ref: P2020/1245/FUL. The reasons for refusal are summarised below:
- Excessive and unsympathetic extensions to both the roof level of the public house and the new additions to the rear. The proposals were considered to be unduly overbearing in visual terms and failed to appear subservient to the host property
 - Loss of residential amenity to neighbouring properties in terms of loss of light, increased sense of enclosure and noise disruption from the intensified public house use
 - The proposed self-contained residential units would fail to achieve a satisfactory standard of living accommodation by virtue of the limited outlook from flats 1 and 2; the northern aspect of the living/dining/kitchens to flats 1, 2, 3 and 4; lack of proper dual aspect accommodation for Flat 8. In addition, insufficient evidence has been provided to ensure that the proposed residential units would not be severely impacted

in terms of noise and disturbance associated with the music and entertainment uses and associated plant.

- Over provision of 3 bed family units representing 57% of the proposed mix. The development fails to adequately provide a better and needed mix of smaller units to which the borough requires. The proposed 4 x 3 bed units also fail to provide adequate and functional high quality amenity space for family occupiers through the provision of rear facing constrained terraces. The proposed development is therefore considered to offer an unacceptable overall mix and poor provision of family appropriate amenity space
- Insufficient information submitted within the Structural Method Statement, in line with the Basement Development SPD, to demonstrate the acceptability and impact of the proposed basement development in terms of its structural integrity, depth and design
- Neither sufficient quantity of nor an acceptable detailed design of the cycle storage and refuse storage spaces.

4.4 The current application was registered in March 2020. The scale of development as submitted was broadly consistent with the previously refused application and therefore failed to substantially address the reasons for refusal summarised above. Significant concerns were raised by officers during the course of the application. Significant amendments have since been submitted following feedback from officers, incorporating the following changes from the initial submission:

- Reduced building height by one storey, resulting in seven new residential dwellings being proposed. The reduction in building height also resulted in a lowered parapet height for the new building, which was previously taller than the parapet of the public house;
- Traditionally styled mansard proposed above the new build to the rear resulting in a better relationship with the mansard proposed above the public house;
- New building setback from Elwood Street reducing the overall width of the proposal;
- Key living spaces positioned to the front portion of the units within the new building, with bedrooms situated in the rear allowing better light and outlook to living/kitchen/dining areas; and
- Removal of balconies along the rear elevation reducing visual clutter and overlooking to neighbouring properties.
- Clarity over the status of Flat 7 which was initially described as being ancillary to the public house. The flat is entirely self-contained and the application has been assessed accordingly.

4.5 It is considered that the current proposal has addressed the Council's previous reasons for refusal. In addition, Officers have negotiated amendments to the scheme securing an improved architectural response that is more sympathetic to the existing host building (public house) and the surrounding context, whilst improving the living conditions of the newly created residential dwellings. The applicants have agreed to the full small sites contribution of £350,000 towards the provision of off-site affordable housing and £7,000 towards carbon offsetting. Given the scale of development and that relevant objections have been received, the proposal is required to be presented to Planning Sub-Committee for determination in compliance with the Council's Terms of Reference, with a recommendation for approval subject to a Unilateral Undertaking (Legal Agreement) and conditions.

4.6 The proposed development is considered to accord with the National Planning Policy Framework 2019, and the policies found within the London Plan 2021, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning

Documents. The proposal is therefore recommended for approval subject to a legal agreement and appropriate conditions.

5. SITE AND SURROUNDING

- 5.1 The Gunners Public House is on the north corner of Blackstock Road and Elwood Street and is a two storey late Victorian public house with single storey rear function room and yard on the Elwood Street frontage. The rear room was originally lantern-lit (the form is still present) and the top lighting suggests it may have been a billiards or other recreation room. The corner pub building has a rectangular pedimented blocking course on Elwood Street and first floor windows below triangular or segmental bracketed pediments. Decorative ironwork forms a continuous first floor sill band above a pilastered pub front with entrances at the north of the Blackstock Road elevation and the middle of the Elwood Street frontage. There are decorative brick chimney stacks to the rear and north. The building is a pleasing component of the townscape.
- 5.2 The building is not in a conservation area. Its neighbour on Elwood Street is a five storey brick block of flats. To the north on Blackstock Road is a terrace of two and three storey traditional shopfronted buildings and whilst the Gunners is of two expressed storeys it is the same height as the three storey buildings adjacent. Directly opposite is a four storey block of late 20th century flats with a setback fifth storey.
- 5.3 The application site is within close proximity to but outside of the Finsbury Park Town Centre.

6. PROPOSAL

- 6.1 The application seeks planning permission to renovate the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 4-storey building to rear plus basement. The development will provide additional Class A4 public house space, a new flexible Class E (retail or office) commercial unit and 6 no. new residential dwellings together with the retained Class Sui Generis public house accommodation.
- 6.2 The mansard roof extension would be erected above the existing two storey section of the Gunners Public House, where it fronts Blackstock Road and Elwood Street. The mansard roof would be clad in natural slate and include the erection of five box dormer windows in corresponding locations to the windows on the floor level below. The mansard roof extension would accommodate two newly created residential units, with private outdoor amenity space for five units contained behind the mansard roof form.
- 6.3 A three storey new build extension is proposed to the rear of the public house with a mansard level above. The new build extension would incorporate the extended public house (sui generis) use at basement and ground floor level, a commercial (Class E) use at ground floor and four residential units in first to roof level. The new build extension would incorporate a ground level shopfront along the full extent of its front façade, and would comprise London Stock brickwork on the floor levels above. Its mansard roof would be constructed from natural slate.
- 6.4 Cycle and refuse storage is proposed at the rear of the site, within the remaining side return of the public house. Amended drawings have been received illustrating that the commercial and residential cycle and refuse enclosures are segregated, with a gate restricting access to the residential storage area from the commercial enclosure.
- 6.5 A green roof and Photovoltaic panels are proposed at the roof level of the building to reduce carbon emissions in line with Part L compliant baseline using SAP 10 emission factors.

7. RELEVANT HISTORY:

Planning Applications:

- 7.1 **P2020/1245/FUL** - Renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 3-storey building to rear plus basement. The development will provide additional Class A4 public house space, a new flexible Class A1/B1 commercial unit and 6 no. residential dwellings together with the retained Class A4 public house accommodation. Refusal of permission 20/11/2020.

REASON: The proposed rear new building to the rear of the site and rear glazed roof extension to the main building by reason of their excessive detailed design, siting, bulk, massing, height, depth, width and overall bulk would not be subservient to the host building and would form a discordant and dominant form of development that that would be readily visible form the surrounding public and private realm that would harm and overwhelm the character and appearance of the host terrace building, terrace setting and the wider streetscene. The proposal is therefore contrary to the National Planning Policy Framework (2019), policies 7.4, 7.6 and 7.8 of the London Plan 2016, policy CS8 and CS9 of Islington's Core Strategy 2011, policy DM2.1 (design) of Islington's Development Management Policies 2013 and the guidance contained within the Islington Urban Design Guide 2017 and the NPPF 2019.

REASON: The proposed development by reason of its excessive bulk, massing, height, depth, width and proximity to neighbouring residential units would cause unacceptable harm to the amenity of adjacent and nearby residential units through undue increase in enclosure levels, overbearing and harm to outlook to residents within Twyford House and 204a and 204b Blackstock Road and loss of daylight and sunlight to residents within Twyford House. Insufficient information has been submitted with regard to the sunlight impact on existing properties. In addition, insufficient evidence has been provided to ensure that the music and entertainment within basement and ground floor level will not adversely impact surrounding residential properties in terms of excessive noise and disturbance. The proposal is therefore contrary to policy 7.6 of the London Plan 2016, policy DM2.1 of the Development Management Policies 2013 as well as BRE 'Site layout planning for daylight and sunlight: a guide to good practice' (Second Edition 2011).

REASON: The proposed self-contained residential units would fail to achieve a satisfactory standard of living accommodation by virtue of the limited outlook from flats 1 and 2; the northern aspect of the living/dining/kitchens to flats 1, 2, 3 and 4; lack of proper dual aspect accommodation for Flat 8. In addition, insufficient evidence has been provided to ensure that the proposed residential units would not be severely impacted in terms of noise and disturbance associated with the music and entertainment uses and associated plant. The proposal is therefore contrary to policies 3.5 and 3.6 of the London Plan (2016), policy CS12 of Islington's Core Strategy (2011) and policy DM3.4 of the Islington Development Management Policies (2013) and the NPPF 2019.

REASON: The proposed residential development creates an over provision of 3 bed family units representing 57% of the proposed mix. The development fails to adequately provide a better and needed mix of smaller units to which the borough requires. The proposed 4 x 3 bed units also fail to provide adequate and functional high quality amenity space for family occupiers through the provision of rear facing constrained terraces. The proposed development is therefore considered to offer an unacceptable overall mix and poor provision of family appropriate amenity space and is therefore considered to be contrary to CS policy 12 and Islington's Development Management policies 3.1, 3.4 & 3.5 and the NPPF 2019.

REASON: The proposed development would represent a substantial intensification of the use of the site, resulting in a significant uplift in commercial, public house and live music floorspace and an enlarged area at basement floor level for live music and entertainment with 7 residential units above. The potential impacts in terms of noise and disturbance to adjacent and on site residential dwellings (C3) has not been sufficiently addressed and insufficient information has therefore been provided to demonstrate that the intensified Sui Generis (public House) use and proposed C3 and Class E (flexible commercial unit) land uses can be

reasonably accommodated on site. As a result, the proposed development is contrary to Development Management Policies DM3.7 (Noise and vibration (residential uses), DM4.2 (Entertainment and the night-time economy), and DM4.3 (Location and concentration of uses).

REASON: There is insufficient information submitted within the Structural Method Statement, in line with the Basement Development SPD, to demonstrate the acceptability and impact of the proposed basement development in terms of its structural integrity, depth and design. In this regard, the development fails to appropriately consider the risks the proposal may have upon property, infrastructure and the public as set out in Planning Practice Guidance in relation to structural stability and fails to accord therefore with policies CS9, CS10 and CS15 of the Islington Core Strategy (2011) and policies DM2.1, DM6.5, DM7.1 of the Islington Development Management Policies (2013) and the Basement Development SPD (2016).

REASON: The proposed development does not provide a sufficient quantity of or an acceptable detailed design of the cycle storage and refuse storage spaces contrary to Policy CS10 of the Core Strategy 2011, Policies DM2.1 and DM8.4 of the Development Management Policies 2013, the Urban Design Guide 2017 and TfL's 'Cycle Parking Standards'.

- 7.2 **932122** - Erection of a rear ground floor level extension to the existing public house to provide a function room. Approved with conditions 09/08/1994

Pre-Applications

- 7.3 **Q2014/4865/MIN:** refurbishment of A4 public house and construction of new building to the rear to provide A4 space at ground floor and 9 x C3 residential units on first, second and third floors. Completed on 28/10/2015. Summary of response (design only):

The height of the building sits awkwardly when viewing alongside the existing public house building and is viewed as unacceptable. The building height should align with the existing public house building.

No part of the building should exceed the adjoining residential building at Elwood Street

Windows should be recessed and not projecting. The current design is out of keeping with the surrounding buildings.

External balconies are generally not supported. Is there scope to retain external amenity space i.e. through winter gardens?

The mansard roof extensions to the main public house building and the rear extension should be appropriately angled. At present the mansard to the existing pub building looks 'box-like' and detracts from the host building below

The roof element of the extension looks bulky and overly prominent despite being setback from the parapet

Concern about the introduction of a large expanse of glazing along the residential side street

- 7.4 **Q2019/0419/MIN:** Renovation of the existing public house including erection of mansard roof storey, and demolition of single storey rear buildings and erection of 4storey building (with additional recessed roof storey plus basement below) to provide additional Class A4 public house space, new flexible commercial unit and 9 no. new residential units alongside retained A4 public house. Completed 31/05/2019. Summary of response:

The proposed new building adversely dominates its setting through its excessive and inappropriate detailed design, scale, height, massing, rearward projection and overall bulk and form. It is substantially too tall, deep and bulky and leads to an overdevelopment of the

site and needs to be wholesale reconsidered and reduced in scope, quantum and detailed design to better respond to its context.

Substandard residential accommodation due to poor dual aspect and poor quality private amenity space.

The proposed development would impact on the amenities of neighbouring occupiers due to its excessive bulk immediately adjacent to bedroom windows serving Blacktock Estate and potentially habitable windows at the rear of Blacktock Road. Concerns were raised regarding the potential loss of natural light and outlook.

- 7.5 **Q2019/2935/MIN:** Renovation of the existing public house including erection of a single-storey roof extension, demolition of single storey rear buildings and erection of 4-storey building (plus basement below) to provide additional Class A4 public house space, a new flexible Class A1/A2/A3 commercial unit (249sqm) and 9 no. new residential units alongside retained Class A4 public house. Completed 14/02/2020. Summary of response:

The retention of existing public house and introduction of residential above is considered acceptable in principle but not to the scale, quantum and intensity as proposed here, subject to careful consideration of the potential impacts that the public house may have on the new uses. The retention of the public house would be prioritised over the introduction of a new commercial use and new residential dwellings.

The proposed development is considered to be entirely unacceptable due to its disproportionate and excessive form, design, scale, depth, width, height and overall massing. The development subsumes the host building and overwhelms in visual terms the host terrace and wider urban setting. The scale of the development represents a clear overdevelopment of the site and causes clear visual harm such that officers object to the development in principle in this case.

Significant concerns are raised regarding the loss of daylight/sunlight to nearby windows and habitable rooms at Blacktock Estate. Justifications for the losses in excess of BRE guidance are not considered comprehensive nor do they address concerns by the council.

Significant concerns are raised regarding the loss of outlook and increased sense of enclosure to nearby windows at Blacktock Estate. Further justification for the bulk and scale of the proposals is required in this regard given the proximity of the proposed development.

- 7.6 **Q2020/2571/MIN** - Renovation of the existing public house to include the erection of a mansard roof extension, demolition of existing single storey rear extensions and erection of 3-storey building to rear plus basement. The development will provide additional Class A4 public house space, a new flexible Class A1/B1 commercial unit and 6 no. residential dwellings together with the retained Class A4 public house accommodation. Pre-application meeting held on 14 October 2020. Summary of design related concerns outlined below:

The proposed development remains a disproportionate and excessive form, design, scale, depth, width, height and overall massing. The concerns raised regarding its overall height, depth, bulk, massing and scale have not been overcome and concerns regarding the relationship between the new build element and the host pub remain.

8. CONSULTATION

Public Consultation

- 8.1 In total, 202 letters were sent to the occupants of Blacktock Road, Conewood Road, Elwood Street, and Twyford House on the 10th March 2021. A site notice and press advert were also

displayed on the 18th March 2021. A second round of consultation was also undertaken on 3rd September 2021 and expired on 17th September 2021 following the submission of amendments to the overall design of the proposals addressing concerns raised by officers. A third round of public consultation was undertaken on 21st December 2021 and expired on 4th January 2022. The third consultation was undertaken following amendments to the proposal description clarifying that Flat 7 is a self-contained dwellinghouse and not ancillary to the public house.

8.2 The application has received 2 objections and 47 letters of support. The letters of objection have raised the following issues (*with the paragraphs in brackets indicating where in the report the respective points have been addressed*):

- Object to noise and disruption from public house and how this will be mitigated by the proposed development. (*Paragraphs 10.88 to 10.90*)
- Unwanted satellite dish shown on the adjacent property on Blackstock Road. (**Officer Note:** *It is not clear where this is detailed on the submitted drawings. Regardless permission can only be granted for works within the application site detailed within the red line shown on the submitted Site Location Plan*)
- Disturbance from use and movement of waste bins at the rear of the site particularly late at night. (*Paragraphs 10.123 – 10.126*)

Letters of Support

8.3 The letters of support generally relate to the continuation of the use of the Gunners Public House.

External Consultees

8.4 Blackstock Estate Management – Object to loss of beer garden and overshadowing of the Blackstock Estate. Not clear what the basement is to be used for

8.5 Greater London Authority - Between 2007 and 2017, London lost 35% of its grassroots live music venues. These venues are part of London's lifeblood, important economic drivers for borough economies, and contributors to the city's cultural vibrancy and diversity.

One of the biggest threats to the future of live music venues has been inappropriate residential development. The Agent of Change principle is included in the London Plan (policy D13) to ensure that any new homes, in areas with night time venues and vibrant night time activity, are properly designed and soundproofed. Islington's Local Plan policies, such as R1, R10 and R11, recognise the importance of both pubs and music venues to the social fabric of the borough and support the development of new music venues where appropriate. Islington's Local Plan and Statement of Licensing Policy both incorporate the Agent of Change principle.

Supportive of the retention of the Gunners Pub and the creation of a new permanent music venue within the development. Also support the principle of culture-led residential development, in which residential units can support and compliment the cultural activity of the pub and live music venue. In undertaking this development, it will be important to ensure that the development of the new residential units meets the requirements of the 'Agent of Change' principle, in order to guarantee the viability of the pub and the new venue.

8.6 CAMRA - Supports the application on the basis of expanded public house space and the inclusion of an entertainment space within the basement level being a benefit to the community.

8.7 Campaign for Pubs - support the Gunners' application on the basis that it will allow the pub to expand and offer more to customers and thus boost the trade, which is important to giving

this important and historic pub a successful long term future, serving the local community, Arsenal fans and visitors

- 8.8 Islington Swifts Group - Support the inclusion of swift nesting bricks on the proposed western elevation and the biodiversity green roof, to enhance biodiversity, and support the regeneration of this important community venue

Internal Consultees

- 8.9 Urban Design Officer: The proposal has addressed many of the earlier design concerns that were evident in the 2020 refused scheme. The changes to the host building have now been more sensitively designed and are considered acceptable.

The redesign of the return building to Ellwood Street, with its simple background architectural language and recessed form is also considered acceptable. This element appropriately reads as a separate entity to the host building, complementing it and not competing with it. It successfully presents a new building to Ellwood Street as opposed to an 'extension' to the Blackstock Road Gunners Public House building.

The materiality of the proposal to the Ellwood Street edge, with its London Stock Brick and mansard roof, sits comfortably within this mixed urban neighbourhood. The height, bulk and massing is also a compatible contextual fit.

- 8.10 Environmental Protection Officer: The application has a noise report which looks at the impacts, provides an assessment and proposes mitigation. It is possible to mitigate the impacts but clearly very expensive to create a box within a box type construction within the basement and significant upgrading of the insulation elsewhere. It is noted that that the report assumes a L_{A90} (or background sound level) of 25-30dB within the new residential but with new façade treatments and mechanical ventilation it may be lower than this and hence make the operational pub noise more noticeable. The EPPP Team appreciate that moving the external area into the basement and providing acoustic lobbies and ventilation may be positive in terms of reducing noise impacts but there are concerns with the introduction of new residential receptors directly above the pub. Conditions have been recommended minimising noise impacts for the new residential units from external sources and from noise and disruption from the ground and basement level bars. With the substantial basement works, a CMP is required to look at the potential impacts and proposed mitigation in line with Islington's Code of Practice for Construction Sites. This should be via condition/S106 response document

- 8.11 Licensing Officer: Raised concerns regarding the lack of a beer garden and sought further information regarding the use of alcohol and smoking on the public footpath.

Officer Note: *The existing license restricts the hours of operation of the public house, including the use of the beer garden on football match days. It is noted that the scheme removed the beer garden. A condition has been recommended ensuring that the public house operates in accordance with the opening hours, matching those within the existing license. In addition, a condition for an Operations Management Plan has been recommended. The OMP will be required to detail the management of the public house, including on match days.*

- 8.12 Commercial Environmental Health: There is no detail in the application about the commercial kitchen extract plant and any associated odour abatement equipment. Given the application is proposing new residential units above the commercial we would expect to see odour abatement equipment to prevent any odour nuisance from cooking smells. A condition is recommended ensuring that the flue/stack shall discharge the extracted air no less than 1.0m above the roof eaves of the building to which it is affixed.

- 8.13 Highways Officer: The proposals do not provide adequate and policy compliant cycle parking, disabled/mobility parking and without a formal loading bay to support servicing would be harmful to the safe and efficient operation of the Highway and this prompts an **Objection**, (Policies .T1, T2 and T3 relate).

Revised proposals are sought that properly address the transport needs of the proposals.

Officer Note: *It is considered that the proposed ground floor cycle storage area is workable as amended. However, full cycle storage details will be secured by condition (13) to ensure compliance with the policies referenced by the Highways Officer above. The submission of a servicing and delivery plan is recommended to be secured by condition (21).*

- 8.14 Inclusive Design Officer: Objections raised due to narrow communal access routes to residential units and insufficient internal circulation space. A residential lift would also be welcomed.

The basement bar needs to achieve full step-free access to all facilities - the stage needs a platform lift.

Access to cycle parking is substandard and should incorporate a ramp.

Request safe drop off in neighbouring public realm according to Inclusive Design SPD 2014.

- 8.15 Tree Officer: No objection, subject to conditions.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990).
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance).
- To determine the application in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paying special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

- 9.2 National Planning Policy Framework 2021 (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 2021 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 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 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan (2013) and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

National Guidance

- 9.11 The National Planning Policy Framework 2021 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

- 9.12 The Development Plan is comprised of the London Plan 2021, 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.

Designations

- 9.13 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:
- Article 4 Direction A1-A2 (Rest of Borough);

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Emerging Policies

Draft Islington Local Plan 2019

- 9.15 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 now in progress. As part of the examination consultation on pre-hearing modifications took place between from 19 March to and 9 May 2021. The Matters and Issues have now been published with hearings having taken place from 13 September to 5 October 2021
- 9.16 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).
- 9.17 Emerging policies that are relevant to this application are set out in **Appendix 2**.

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Character
- Neighbouring Amenity
- Inclusive Design
- Affordable Housing
- Dwelling Mix
- Quality of accommodation
- Basement Development
- Highways, transport and site access
- Trees, Landscaping and Ecology
- Waste
- Energy and sustainable design and construction
- Community Infrastructure Levy

Land Use

Proposed Commercial Use

- 10.2 The floor plans detail a separate ground floor unit in use as a single commercial unit with a floorspace area of approximately 76m². The ground floor commercial unit is proposed as flexible Class E a) or g) use class (comprising retail and office only).
- 10.3 The site is not located within a designated Town Centre nor an area where there is likely to be a high demand for retail use. Notwithstanding this, Development Management Policy DM4.7 relates to dispersed shops. It states at DM4.7 Part A that 'the council will support and protect shops (Use Class A1) located outside designated Town Centres and Local Shopping Areas'. It continues to state at para 4.39 that 'Local shops and other commercial uses located outside designated Town Centres and Local Shopping Areas can provide a valuable service

to the local community by providing for essential day-to-day needs. Their accessibility is particularly important for those on low income, the elderly and people with mobility difficulties'. The overall size of the new unit is slightly less than 80m² and is therefore consistent with a small retail unit as described within the Development Management Policies.

- 10.4 With regard to a potential office use on site, Development Management Policy DM5.1 Part C states the following, 'Outside Employment Growth Areas, Town Centres and the Vale Royal/Brewery Road Locally Significant Industrial Site, business floorspace may be provided within mixed use developments where this would enhance the character and vitality of the local area, would not detrimentally impact on residential amenity, and would not compromise residential growth'. It continues to state the following at Part F 'New business floorspace must be designed to:
- i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses, and
 - ii) provide full separation of business and residential floorspace, where forming part of a mixed use residential development
- 10.5 It is noted that increasing office floorspace is generally encouraged throughout the Borough, particularly where they are flexible and support small business. As noted above, the proposed floorspace area of the commercial unit is approximately 80m². The layout of the proposed commercial unit is considered to be simple and functional with much of the floorspace being useable for future occupiers. It is also noted that the unit would benefit from generous floor to ceiling heights in excess of 3m. It is considered that the proposed unit owing to its functional layout, generous floor to ceiling heights and overall good quality design would provide a suitably flexible layout that can readily accommodate retail and/or office use occupiers.
- 10.6 It is considered that the introduction of an 80m² flexible retail/office space in this location would be acceptable in land use terms, as it is a size that could be appropriate for small and localised business owners. In addition, the proposed unit comprises a highly usable layout which would likely be attractive to independent retailer or small and medium enterprises (SME's).

Intensification of Sui Generis Use (Drinking Establishment)

- 10.7 Development Management Policy DM4.10 states that the council supports the retention of Public Houses, and opposes their redevelopment, demolition and change of use. The proposals include the retention of the existing public house, including its ancillary landlord accommodation, at first floor above the bar. The intensification of the public house is considered to be broadly in-line with Policy DM4.10.
- 10.8 Development Management Policy DM4.2 states that entertainment and night-time activities are generally inappropriate outside Town Centres, and where proposed outside Town Centres, applicants will need to demonstrate that such uses will not result in adverse impacts, including cumulative impacts, as assessed in relation to Policy DM4.3.
- 10.9 Development Management Policy DM4.3 states that proposals for drinking establishments and other similar uses will be resisted where they would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.
- 10.10 The use of the site is currently as a public house, which offers live music and events as an ancillary function at ground floor level. The proposals retain the public house and introduces a dedicated live music and events area within a newly created basement, representing a significant intensification of the existing use. The current public house floorspace measures 361sqm (excluding 141sqm of ancillary residential accommodation on the upper floor levels) and it is proposed to increase this to 515sqm across ground and basement floor level. Whilst the proposals result in the loss of the ancillary residential use at first floor level in favour of a

self-contained flat (141sqm), the proposals would facilitate an increase in commercial public house floorspace that would support the economic function of the public house. Development Management Policies DM4.2 and DM4.3 therefore remain relevant given the extent of the intensification proposed for the existing use.

- 10.11 As noted above, the public house is currently used for events, including live music. The proposed plans indicate that the area used for such events will be relocated to the enlarged basement area, and is accessed internally from the public house or from doors onto Blackstock Road, which have the capacity to provide separate access directly to the public house as well. The intensification of the use with the increase in floorspace and dedicated events space has the potential for more people attending the premises and potentially loud music events. The Agent of Change principle (London Plan Policy D13) *'places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Boroughs should ensure that Development Plans and planning decisions reflect the Agent of Change principle and take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby'*.
- 10.12 An Acoustic Report has been submitted with the application and has been subject to consultation with the council's Acoustic Officer. This is assessed in detail below. However, the Acoustic Officer has raised no objections to the proposals on the basis that noise levels are controlled by condition, as well as full details of a scheme of sound insulation between the proposed basement and ground floor bar, commercial unit and residential use of the building being approved in writing by the Local Planning Authority. In addition, it is considered that the proposed uses are compatible, particularly noting the sites proximity to the Finsbury Park Town Centre and the broad range of commercial uses within the local area. Music and events already occur within the ground floor of the property. Whilst the entertainment purposes of the property are proposed to be intensified, they would be limited to basement level and therefore not directly below the proposed residential units, with greater allowance for noise protection measures to be installed to reduce impacts on existing and future residential occupiers of the property and the wider area. In addition, the full details of refuse collection and deliveries as well as operating hours and an Operations Management Plan for the expanded public house will be secured by condition to mitigate any potential future impacts on the proposed residential units and neighbouring residential occupiers.
- 10.13 It is therefore considered that despite the intensification of the existing uses on site, the proposed development can be reasonably accommodated without harming the amenities of future and adjacent occupants in terms of noise and disruption.
- 10.14 Based on the above, it is considered that sufficient information has been provided to support the increased intensification of the existing public house use. Therefore, the scheme is considered to be acceptable in land use terms in accordance with Policy DM4.10, DM4.2 and DM4.3 of the Development Management Plan 2013.

Proposed C3 Residential

- 10.15 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should normally approve applications for residential development, provided that there are not strong economic reasons why such development would be inappropriate.
- 10.16 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.
- 10.17 The scheme would deliver 7 new residential units, contributing towards the Borough's housing targets. Concerns have been raised by officers during the submission of recent planning applications, as well as the current submission regarding the scale of development

proposed at this site. The current application has been significantly amended, resulting in a reduction in yield of residential units, compared to previous submissions.

- 10.18 Development Management Policy DM3.7 states that 'Residential developments should be adequately separated from major sources of noise, such as road, rail and certain types of development. Mitigation will be required where the noise environment necessitates this'. This is further emphasised within Policy D13 of the London Plan 2021 which places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It is therefore vital to ensure the proposed residential units are sufficiently sound and vibration proofed to the noise generated by the existing public house does not significantly disrupt their livability. As mentioned above, the Acoustic Officer has reviewed the Acoustic Report submitted with the application, and has not objected to the proposals on the basis that further details of noise mitigation measures between uses on site are secured by condition. Compliance with the conditions recommended would ensure the proposals would could be reasonably accommodated on site in accordance with Development Management Policy DM3.7.
- 10.19 As noted above, the existing landlord's accommodation is to be converted to a self-contained residential unit (Flat 7). Whilst the loss of public house floorspace would generally be objected to in isolation, the extensions at ground and basement level would facilitate an uplift of public house floorspace overall.

Class E

- 10.20 As noted above, the proposals include the creation of a self-contained flexible retail/office unit at ground floor level, which would fall within Use Class E.
- 10.21 Notwithstanding the above, Class E was introduced to the Town and Country Planning (Use Classes) Order 1987 on 1 September 2020 and broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(3) including:
- E(a)** Display or retail sale of goods, other than hot food
 - E(b)** Sale of food and drink for consumption (mostly) on the premises
 - E(c)** Provision of:
 - (i) Financial services,
 - (ii) Professional services (other than health or medical services), or
 - (iii) Other appropriate services in a commercial, business or service locality
 - E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
 - E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
 - E(f)** Creche, day nursery or day centre (not including a residential use)
 - E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - (i) Offices to carry out any operational or administrative functions,
 - (ii) Research and development of products or processes
 - (iii) Industrial processes
- 10.22 Not all the uses encompassed by the new Use Class E would be appropriate at this site or can be adequately assessed on the basis of the limited information submitted. Specifically:

Food and drink

- 10.23 Policy DM4.2 states that entertainment and night time activities are generally inappropriate outside Town Centres and where proposed outside Town Centres applicants will need to demonstrate that such uses will not result in adverse impacts, including cumulative impacts as assessed in relation to Policy DM4.3. Policy DM4.3 states that proposals for cafes and restaurants will be resisted where they would result in negative cumulative impacts; would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.

- 10.24 No information has been submitted to demonstrate that the ground floor commercial unit would be used as a dedicated café/restaurant. Such a use would require extraction units which can be noisy and odorous, and has associated movements. Further technical information would therefore be required to demonstrate that such a use would be appropriate and can be reasonably accommodated within existing extraction and air handling equipment currently used by the public house or with new extraction equipment, particularly given the public house will contain other potentially noisy and odour generating uses and services.

Financial, professional and other services

- 10.25 This can include banks, building societies, estate agents and betting offices. Policy DM4.3 states that proposals for betting shops and other similar uses will be resisted where they are in proximity to schools or sensitive community facilities. Supporting paragraph 4.24 states that where the location or concentration of certain uses may result in negative impacts the Council may use conditions to prevent the use of A2 premises (now Class E premises) as betting shops. The location and concentration of uses SPD (2016) provides further detailed guidance on suitable locations for betting shops and payday loan shops and the information that needs to be submitted with any planning applications for such uses

- 10.26 It is considered that financial and professional services are employment generating uses and are encouraged within this location and that the proposed Class E unit could reasonably accommodate such an occupier. However, the applicant has not proposed such a use here and it is considered that the proposed retail/office use would be more appropriate.

Indoor sport, recreation or fitness

- 10.27 Policy DM4.4 of the Development Management Policies states that applications for more than 80m² of floorspace for uses within the A Use Classes, D2 Use Class and for Sui Generis main Town Centre uses (all subsumed by the new Use Class E) should be located within designated town centres. Where suitable locations within town centres are not available, local shopping areas or edge-of-centre sites should be chosen. Where this is not possible, out-of-centre sites may be acceptable where alternative sites within these centres have been thoroughly investigated, the development would not have a detrimental impact on the vitality and viability of these centres, and the development would be accessible by all sustainable means of transport.

- 10.28 The proposal includes 76sqm of Class E floor space. The applicant has failed to provide adequate justification for sport/recreation or fitness use in this location (previously a D2 use as referred to in the policies). Therefore, it is not considered appropriate for a sport/recreation or fitness use to be permitted in this instance.

- 10.29 Sport/recreation or fitness uses have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

Medical or health services

- 10.30 Part C of policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.

- 10.31 Medical or health facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use

with potential noisy equipment and/or events, and the potential for future mechanical ventilation.

- 10.32 Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

Crèche, day nursery or day centre

- 10.33 Part C of Policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.

- 10.34 Crèche, nursery or day centre facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

- 10.35 Overall, it is considered that sufficient information has been provided on the suitability of a general Class E use in this location. A number of the uses within Class E at this location are contrary to the policies detailed above. A condition is therefore recommended for the premises to be used as retail, office and financial and professional services only

Land Use Conclusion

- 10.36 The proposed development represents a substantial intensification of the application site, including a significant uplift in public house (Sui Generis) floorspace incorporating an enlarged basement area for live music and entertainment, the introduction of 7 self-contained residential dwellings, and the introduction of 76sqm of flexible Class E floorspace. The retention of the public house is supported, and it is considered that sufficient details have been submitted by the applicant to demonstrate that the site can accommodate the mix of land uses sought within the latest amended drawings. The proposals are therefore considered to be acceptable in land use terms subject to acceptability on other planning grounds discussed in the sections below.

Design and Character

- 10.37 Policy CS9 of the Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and complementary to local identity, and provides that the historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced, whether designated or not. Policy DM2.1 of Islington's Development Management Policies requires new development to respect and respond positively to existing buildings, and Policy DM2.3 provides that new developments within the borough's conservation areas and their settings are required to be of a high quality contextual design so that they conserve or enhance the conservation area. The Urban Design Guide SPD (2017) details how urban design principles should be applied to ensure that new developments successful contributes to making the borough a better place.
- 10.38 The application site contains neither listed nor locally listed buildings nor is it located within a Conservation Area. It does however lie within the setting of the locally listed 217 Blackstock Road (former fire station) and that of the Grade II listed East Stand of the former Highbury Stadium which is located at the western end of Elwood Street.

- 10.39 The proposed design has been considerably modified since the most recently refused and pre-application submissions.
- 10.40 The applicant submitted amended plans following concerns raised by officers regarding the height, depth, and overall scale and massing of the proposals and how the proposal relates to the local context, in particular the existing Gunners Public House, which contributes positively to its streetscene setting.
- 10.41 The main improvements to the proposal following the amendments relate to the reduction of a floor level and increased setback from the street from first level upwards of the new building to the rear of the public house resulting in a subservient modern addition whilst retaining the terraced form at the junction of Blackstock Road and Elwood Street. This reduction in building height has also resulted in the lowering of the parapet height of the new build where the initial submission was significantly taller than the historic public house. The amended scheme also results in the creation of an improved mansard that better relates to the traditional mansard proposed above the public house.
- 10.42 Enhancements have been made to the ground floor shopfronts within the new build element of the scheme, which now incorporates stall risers and improved detailing. Finally, balconies above first floor level along Elwood Street have been removed and those remaining incorporate more appropriately designed steel balustrades.



Image 6: Proposed Front Elevation (Initial submission)



Image 7: Amended Proposed Front Elevation (current)



Image 8: Proposed Side Elevation (Initial Submission)



Image 9: Amended Proposed Side Elevation (current)

Bulk, Height and Massing

10.43 With respect to other roof structures (page 66), the Urban Design guidance states in paragraph 5.192 *“Roof structures that are not an integral part of the building should normally be avoided, particularly if they are visible from the public realm or would undermine residential amenity. If space for plant machinery is required, this should be accommodated within the building envelope*

10.44 In addition, paragraph 5.86 states:

“Even where there are existing variations in building heights, an alteration to the existing roofline is likely to be unacceptable where:

- *It adversely impacts on views and landmarks.*
- *It impacts adversely on the topography of the street*
- *It impacts adversely on the character of an open space or the public realm*
- *The existing street/frontages and roof profile have historical and/or architectural importance and/or contribute to an area’s individual character. This will include listed buildings, conservation areas and sometimes other buildings that do not have this status.*
- *The alteration to a façade or roofline impacts adversely upon the architectural integrity and quality of the existing or neighbouring buildings*
- *A change to the roofline or façade would be out of scale with its neighbours and undermines the rhythm of the street frontage”.*

10.45 It continues in paragraph 5.87: - *“Rooflines should normally respond to the articulation of the rest of the façade”*. In addition, in paragraph 5.89, it comments: - *“The way in which building*

elevations are treated can contribute to an appropriate sense of rhythm, scale and proportion. The elevation must work in terms of its relationship to its neighbours, to the public realm and its own architectural integrity. The internal (functional) and the external design requirements must be reconciled”.

- 10.46 The recent pre-application submission report noted that a traditional mansard extension may be acceptable in principle. The following conclusion was made within the pre-application report with regard to the erection of a roof extension above the existing public house:

A traditional design of modest mansard roof might be possible on the Gunners. It should be in accordance with the Islington Design Guide’s advice on the form of roof with appropriate angles and traditional dormer windows which are narrower than the windows below with which they should be aligned. The mansard should be clad in natural slate with lead dressings and the chimney stacks should be retained. There should be no terraces and the rainwater should be directed to the rear and should not drain down the principal elevations

- 10.47 The provision of a mansard roof extension to the public house is therefore considered acceptable. It is considered that the amended scheme successfully responds to the guidance set out within the Islington Urban Design Guide and overcomes any previous concerns raised with regards to its detailing and position of dormer windows.

Extensions to the rear of the public house

- 10.48 Significant concerns have been raised by officers with regard to this element of the proposals during the numerous pre-application submissions that have been received, as well as part of the refusal of P2020/1245/FUL. As part of the refusal of P2020/1245/FUL it was considered by officers that the *‘proposed three storey plus basement extension is neither an effective nor a sufficiently subservient extension in relation the host building, nor is it of a suitably high quality of design to read or to function as an independent element. The ground floor and basement use is (largely) integral to the host building uses (the pub) and the entrance to the 3 flats proposed above the pub are shown to be via this new build flank element. These factors strongly suggest the need for a degree of design subservience, including height bulk and mass, given the combined functions between the pub and the new build. Because of the corner location this extension building would have a relatively high visibility so its ‘disruption’ would be real and apparent.*



Image 10: P2020/1245/FUL Front Elevation (refused scheme)

- 10.49 The recent refusal failed to be neither ‘of its host’ nor sufficiently well designed or appropriately and independently configured to read or function as a standalone ‘terrace’. Coupled with its almost full site coverage, both in terms of its width and depth, it appeared as an overdevelopment that resulted in a poor design quality that would have diminished the host building and the quality, including legibility of the wider streetscape. Its junction at 2nd

floor level with the host building was particularly insensitive with the flank extension assuming dominance due to its building line, height and mass.

- 10.50 The proposals initially submitted with the application represented an improvement in comparison to the previously refused scheme, but failed to appear subservient to the host public house and the detailed design of the main front elevation of the property was lacking. As noted above, the scheme was amended during the assessment of the application, incorporating a reduction in height and setback from first floor upwards. The reduction in overall scale has resulted in a significant improvement in streetscape presence of the new build element, resulting in a much improved built form that is more appropriately subservient to the public house. The parapet heights of the new build now sit lower than the public house, which also adds to its subservience, and the mansard has been amended to have a more traditional design, which is considered to be more appropriate in this setting. Whilst it is acknowledged that the proposed mansard roofs are higher than normally expected to accommodate and screen private amenity spaces at roof level, it is considered that they are suitably scaled and would not appear visually dominant when viewed from surrounding public views. In addition, the proposed mansard above the rear new build extension reduces its overall bulk and massing, allowing for a more successful transition between the public house as a corner building, to the new build element.



Image 11 - CGI view from Blackstock Road/Elwood Street junction



Image 12 – CGI view from Blackstock Road

- 10.51 The proposed new building to Ellwood Street is considered to be an improvement in terms of its height, bulk and massing in comparison to previous revisions. As noted above, it has been reconfigured and reduced in both height and mass since the previous refusal and is now proposed to be a two storey extension, with a mansard roof comprising the 3rd floor, to the host building.
- 10.52 These changes result in an improved visual impact with regard to the streetscene in comparison to previous iterations and appears as a suitably ancillary extension to the public house which clearly retains its visual prominence as a result. The depth of the new building on the site has been pulled back from both the front and the rear, at all levels, when compared to the refused scheme and the proposals are therefore considered to be acceptable in bulk and massing terms on balance.
- 10.53 In terms of streetscape considerations, the UDG goes on to state (pg 37) that:
- “Building heights should be considered in terms of their proportion and in relation to the size of the space they define and/or enclose” ... and that “development should normally retain or repair the existing roofline”*
- 10.54 The guide makes reference, in paras 5.99 – 5.100, to “the importance of achieving a coherent interface between new and existing properties”.
- 10.55 The current proposals present a smaller scheme with a reduced bulk, height and massing when compared to the previous refusal. The mansard roof form to the Elwood Street frontage also reduces the impact of the proposal, being a suitably recessive element.



Image 13: Proposed Aerial CGI

- 10.56 The design contravenes the Council’s design policies and guidance including the Key Urban Structuring guidance within the UDG. This states, on page 25, that: “Development should address the qualities of the traditional building hierarchy and respect the established order and local character. It also states (pg 37) that “Building heights should be considered in terms of their proportion and in relation to the size of the space they define and/or enclose” ... and that “development should normally retain or repair the existing roofline”. The amended scheme has a simple elevational treatment with a clearly defined ground floor comprising two standardised shopfronts with a central residential entrance. While the residential entrance may have benefitted from a different architectural treatment to those of the entrances to the two commercial units, and so signify and reflect the change in function, it is not considered so harmful as to warrant a refusal.
- 10.57 The elevational treatment of the upper floor is considered acceptable with a simple background architectural language that does not compete with that of the host building. The first floor frontage comprises sets of double doors opening onto balconies. They capitalise on the south facing aspect, which would enhance the quality of the residential amenity.
- 10.58 Para’s 5.101 – 104 of the IUDG advises on the importance of carefully integrating balconies into the design of the building so that they positively contribute to the order of the whole (street) frontage and do not compromise amenity of accessibility of the accommodation. This has now been reflected in the designs including the removal of the glass balustrading and its replacement with decorative metalwork.
- 10.59 Between the sets of doors is an anamorphic football motif. This references the long standing association of the host building (the public house) and therefore the site in general, with the Arsenal Football Club.
- 10.60 The top floor comprises a mansard roof form. This is appropriately recessed and creates an ancillary as opposed to domineering element as viewed in the context of the broader streetscape and roofscape.
- 10.61 The rear elevation is suitably subservient with simple casement windows to first floor and dormer windows to the mansard roof.

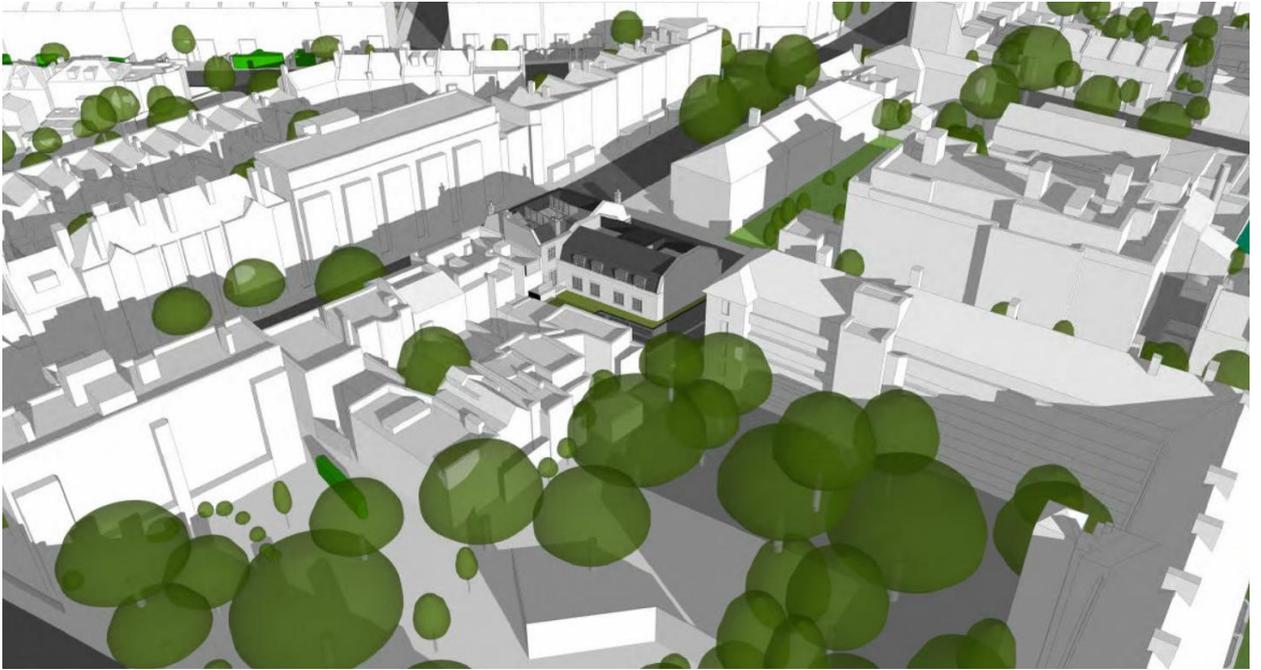


Image 14: CGI Showing Proposed Rear Elevation in Context

- 10.62 The materials palette has been clearly specified and is considered acceptable. It comprises London Stock brickwork to match the existing public house brickwork, with painted (white) hardwood timber fenestration, natural slate roof tiles, reconstituted stone capping and a Staffordshire blue brick to the ground floor. This palette accords with Para 5.112 of the IUDG which states that the choice of materials must take account of the proposal's context and ensure that the new materials are sympathetic with the local vernacular, achieving a harmonious relationship with its neighbours.

Impact on Heritage Assets

- 10.63 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 Conservation Area. The application site is not situated within a conservation area nor does it contain any statutory listed buildings. The host building fronts onto Blackstock Road and lies within the vicinity of the former Fire Station at 217 Blackstock Road. However, the proposed changes including the introduction of a mansard roof are not considered to detract from the setting or the character of this locally listed building.
- 10.64 The return of the site fronts onto Ellwood Street. This runs from Blackstock Road to the east to Avenell Road to the west. The Grade II former Highbury Stadium, now converted and extended into a residential complex, is located to the western edge of that part of Avenell Road and can be viewed from Ellwood Street. Therefore changes to Ellwood Street could impact on the setting of the former stadium.
- 10.65 The proposed scheme, which is significantly lower and smaller than the host building, with a recessed mansard roof, together with the quiet architectural language and traditional materials palette, ensures that it will not harm the setting or the character of the listed former stadium complex.
- 10.66 As such there is no harmful impact arising on heritage assets.

Conclusion Design and Character

- 10.67 The proposal has addressed the earlier design concerns that were evident in the 2020 refused scheme.

- 10.68 The changes to the host building have now been more appropriately designed and are considered acceptable on balance.
- 10.69 The redesign of the return building to Elwood Street, with its simple background architectural language and recessed form, is also considered acceptable. This element appropriately reads as an ancillary extension to the host building, complementing and not competing with it.
- 10.70 The materiality of the proposal to the Ellwood Street edge, with its London Stock brick and slate tiled mansard roof, sits comfortably within this mixed urban neighbourhood. The height, bulk and massing is also a compatible contextual fit.
- 10.71 As such, the proposals are considered acceptable in Design and Character terms.

Neighbouring Amenity

- 10.72 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D14 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.
- 10.73 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.74 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

Overlooking and Loss of Privacy

- 10.75 Paragraph 2.14 of the Development Management Policies 2013 states that ‘there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.’
- 10.76 It is understood that the east side facing windows at the adjacent Twyford House serve bedrooms. The proposal does not include any new windows on the western flank elevation of the new building and would therefore not result in any overlooking from this elevation.
- 10.77 The northern elevation of the proposed new building contains north facing windows. The scheme initially also included balconies on this elevation, however these were removed due to officer concerns with regard to the extent of visual clutter and overlooking from the rear elevation of the new build. It is noted that the building line is slightly angled away from Blackstock Road, meaning overlooking from the proposed windows to the rear facing windows of properties along Blackstock Road would be somewhat limited by the angle and therefore no objections would be raised in this regard. In addition to the oblique angle from the proposed rear facing windows, it is considered that there is also sufficient separation distance between the proposed development and the neighbouring properties within the Blackstock Road terrace, with the nearest window being over 5m away, reducing the potential for undue levels of overlooking.



Image 15: Existing rear yard showing neighbouring windows

- 10.78 No objections are raised regarding the installation of windows and terraces to the Elwood Street elevation in terms of loss of privacy.

Outlook and Enclosure

- 10.79 It is acknowledged that properties along Blackstock Road have been substantially extended and altered at the rear. No.204a and 204b Blackstock Road appear to contain residential units above ground floor. The proposed rear facing windows at first floor and second floor would be situated within close proximity to the rear facing windows at No.204a and 204 b Blackstock Road. The previous application was refused on the basis that the proposed development would unreasonably compromise outlook from these windows. The current proposals incorporate a significant reduction in scale, including a modest setback from the northern site boundary and the removal of residential balconies within close proximity to the shared boundary with No.204a and 204b. It is considered that sufficient separation between the new build element and No.204a and b Blackstock Road has been afforded by the amended scheme, which has included the removal of rear facing balconies. It is not considered that outlook and sense of enclosure will be compromised from that property as a result of the proposed development.
- 10.80 Officers have also previously raised concerns have also been raised previously regarding the loss of outlook and enclosure levels from side facing windows at Twyford House as these serve bedrooms and are the only source of outlook for that particular room. The reductions made to the overall bulk and scale of the proposals are considered sufficient to ensure outlook would not be significantly compromised from the side facing windows at Twyford House. The nearest part of the new building above ground floor level would be over 8m away from these side facing windows which is considered sufficient within an urban context and therefore no objections are raised in this regard. It is therefore not considered that the potential impacts in terms of increased enclosure levels would be significantly harmful enough to warrant refusal of the application overall.

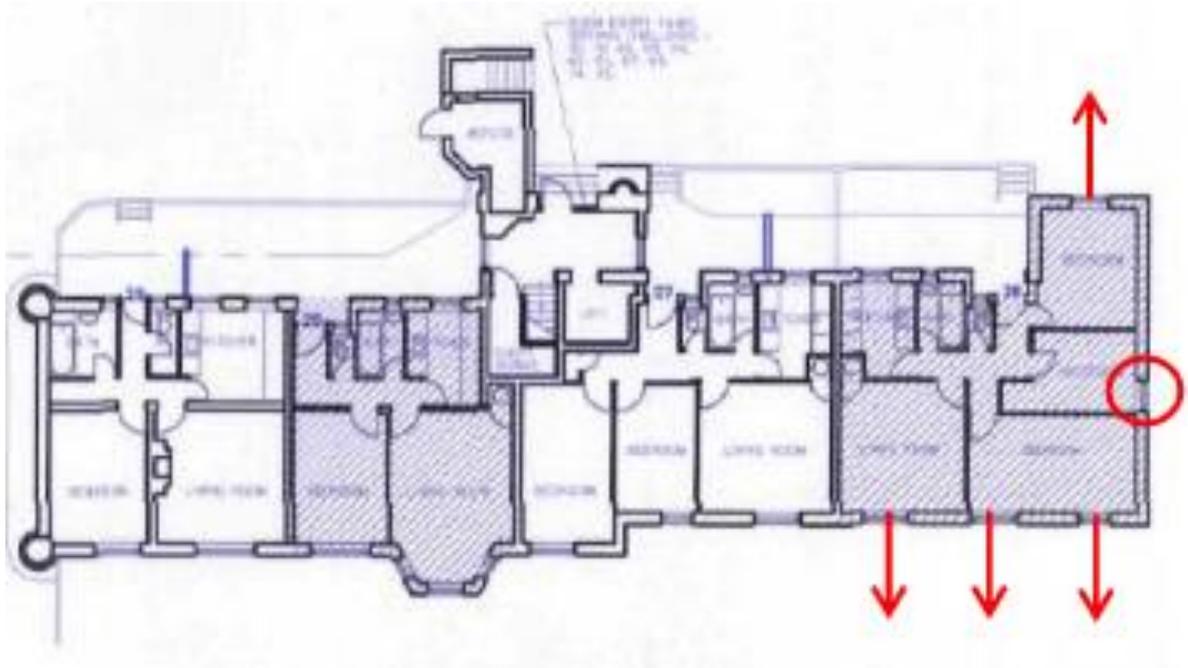


Image 16: Floor Plan showing the Layout of Twyford House (relevant windows circled in red)

10.81 The reductions made to the overall height, massing depth, width and built form would result in improved built form that would not be considered to impact on the amenities of neighbouring occupiers in terms of loss of outlook and increased enclosure levels

Daylight and Sunlight

10.82 The application has been accompanied by a Daylight, Sunlight and Overshadowing Report that has been prepared by Avison Young dated August 2021. The report has undertaken an assessment on potential losses of daylight/sunlight to no's 200, 202, 204, 218 and 219 Blackstock Road and Twyford House (Blackstock Estate). Despite the amendments made to the application during the course of the assessment, the report has been amended in accordance with the most recent set of drawings.

10.83 Daylight: 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); or
- 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.

10.84 The daylight/sunlight assessment indicates that proposals would not result in unacceptable losses of Daylight/Sunlight access to the neighbouring Blackstock Road properties. However, the report does state that the ground and first floor level side facing windows at Twyford House will experience losses in VSC in excess of the levels required by BRE Guidance.

Twyford House

Floor	Room / Window	Room use	Vertical Sky Component			No Sky Line (Daylight Distribution)		
			Existing (%)	Proposed (%)	Percentage reduction in VSC (%)	Existing (%)	Proposed (%)	Percentage reduction in Daylight Distribution
Twyford House								
Ground	R1/W1/70	Bedroom	30.26	20.32	32.85	94.04	57.67	38.68
First	R1/W1/71	Bedroom	34.07	25.35	25.59	94.04	76.93	18.19
Second	R1/W1/72	Bedroom	35.89	30.61	<27	94.04	94.04	0
Third	R1/W1/73	Bedroom	36.85	35.47	<27	94.04	94.04	0
Fourth	R1/W1/74	Bedroom	31.89	31.89	<27	94.04	94.04	0

Table 1 – Daylight Assessment Results for Twyford House

10.85 The daylight assessment details that there would be transgressions against the BRE Guidelines in relation to VSC, with a ground floor window having VSC reduced by 32.85% and 25.59% reductions to a first floor window. Whilst the reduction in VSC to the ground floor window is acknowledged to be in excess of the 20% detailed in BRE guidance, the losses at first floor level are considered to be marginal. The report also confirms that the ground floor bedroom will also experience losses in terms of daylight distribution with the No Sky Line test showing a loss of daylight of 38.68%. Whilst the reduction is acknowledged, it is noted that the first floor bedroom would not experience losses greater than the 20% recommended by BRE Guidance. The ground floor bedroom, however, would be subject to losses in excess of BRE Guidance. The layout shows that the main living areas and primary bedrooms to these units are located such that they receive their skylight from the north and south rather than the proposed development site, and are therefore unaffected by it. Whilst the proposal would result in transgressions against the BRE Guidelines, it is noted in the Guidelines note that bedrooms have less need for light than kitchens and living areas. Given this and that the unit is triple aspect, it is considered that the loss to daylight is acceptable in this case. With regard to the first floor level apartment, it is considered that the minor deviation from BRE Guidance in terms of VSC is outweighed by compliance in other areas, specifically with regards to the No Skyline Test.



Image 17: Twyford House Flank Windows

- 10.86 Sunlight: BRE guidance confirms that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:
- receives less than 25% of annual probable sunlight hours or less than 5% of winter hours; and
 - receives less than 80% of its current sunlight hours during either period; and
 - has a reduction in sunlight over the whole year greater than 4% of annual probable sunlight hours.
- 10.87 An assessment on possible loss of sunlight has been undertaken for properties with windows within 90 degrees due south of the application site. The submitted daylight/sunlight assessment details that all six windows that require assessment in this regard meet the default BRE ASPH recommendations.

Noise

- 10.88 Given the mixed use arrangement of the site and the intensified use of the basement for live events, an Acoustic Report has been prepared ACA Acoustics dated August 2021. The report reflects the latest set of amended drawings subject to this recommendation.
- 10.89 The previous application was refused on the basis that insufficient information had been submitted to demonstrate that the proposals would not result in undue levels of noise and disruption to adjacent residential occupiers. The Council's Acoustic Officer raised extensive concerns and matters for further clarification that were not addressed prior to the determination of P2020/1245/FUL. The Acoustic Officer has been consulted with as part of the current application. No objections have been raised to the proposals subject to conditions (no.s 4 - 10) recommending minimising noise impacts for the new residential units from external sources and from noise and disruption from the ground and basement level bars.

- 10.90 With the substantial basement works, a CMP has also been suggested to look at the potential impacts and proposed mitigation in line with Islington's Code of Practice for Construction Sites. This will also be secured by condition.
- 10.91 In addition to the above, conditions have been recommended restricting the hours of operation of the public house. A copy of the existing license has been reviewed by officers and it has therefore been recommended by condition (no.28) that the public house operates strictly in accordance with the agreed license hours, which are 10:00am to 00:30am 7 days a week. The operating hours of the ground floor commercial unit will also be controlled by condition. The operating hours of 7:00am until 22:00pm Monday to Saturday have been recommended in condition no. 27 below.
- 10.92 With regards to the roof terraces proposed – these will all serve residential units and would therefore not be expected to generate significant levels of noise. In addition, they would be contained behind the proposed mansard, which would limit noise spill to neighbouring residents.

Residential Accommodation

Housing Mix

- 10.93 Policy DM3.1 of the Development Management Policies and policy CS12 of the Core Strategy seek to ensure that a range of dwelling sizes are provided to suit housing needs. The expected mix of dwellings is stated in the Table 3.1 of the Development Management Policies, as shown below:

Tenure	1-bed	2-bed	3-bed	4-bed or more	Total
Market	10%	75%	15%	0%	100%

Table 2: Housing Mix

- 10.94 The proposed development comprises seven flats. The proposed unit mix includes 5 x 2bed units, 1 x 1bed units and 1 x 4bed units. It is considered that the proposed unit mix is broadly consistent with the table referenced above, with 2 bedroom units accounting for 71% of the offering and 1 bed unit accounting for 14.5%. Although a 4 bedroom unit is proposed, it comes as a result of converting the existing ancillary landlords accommodation into a self-contained residential unit. The proposed 4 bedroom unit would be situated in the same location as the existing ancillary accommodation and would contain a near identical footprint. The re-provision of the ancillary residential floorspace as a newly created self-contained dwelling is therefore considered acceptable in this instance.
- 10.95 Therefore, the unit mix is considered acceptable and in accordance with Development Management Policy DM3.1 and Policy CS12 of the Core Strategy.

Standard of Residential Accommodation.

- 10.96 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. A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015.
- 10.97 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which

supports this Policy and gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve.

10.98 The table below provides a summary of the proposed units and their compliance with Policy DM3.4.

No. Bedrooms / Expected Occupancy	Floor Space Provided	Minimum Required	Provided Storage	Required Storage
Flat 1 (2b/3p)	64.4 sqm	61 sqm	Not specified	2 sqm
Flat 2 (2b/4p)	74.3 sqm	70 sqm	Not specified	2.5 sqm
Flat 3 (2b/3p)	61.06 sqm	61 sqm	Not specified	2 sqm
Flat 4 (2b/3p)	62 sqm	61 sqm	Not specified	2 sqm
Flat 5 (4b/6p)	141.2 sqm	99 sqm	Not specified	3.5 sqm
Flat 6 (1b/2p)	50.78 sqm	50 sqm	Not specified	1.5 sqm
Flat 7 (2b/4p)	70.11 sqm	70 sqm	Not specified	2.5 sqm

Table 3: Minimum floor, storage space and amenity space

10.99 The proposed dwellings would all comply with the space standards in both the size of the units and the size of bedrooms. Additionally, the living spaces including kitchen, dining and living space comply with the requirements of Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) and the London Plan (2021) Policy D6. Although not specified on the submitted drawings, the proposed drawings confirm that the units are suitably sized with capacity for a good level of storage. As noted above, the proposals include the creation of a self-contained 4 bedroom unit. Whilst this is a larger sized family home than would generally be expected within a flatted development such as this one, it replaces an existing ancillary landlords accommodation to the public house. The 4 bedroom unit (Flat 7) retains outlook and natural light to the south and east of the property and would be contained at first floor level within the existing public house building. Overall, it is considered that it achieves good access to natural light and outlook and is of a size and layout that can reasonably accommodate a family.

10.100 The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged. The Development Management Policies go further than this, advising that ceiling heights of at least 2.6m provide a greater sense of space and help keep rooms cool in summer months. In this instance, the floor to ceiling heights would be 2.5m, which reduces the overall height and scale of the development when viewed from the public realm. The minor shortfall below 2.6m is therefore considered acceptable in this instance. In addition 2.5m ceiling heights are consistent with London Plan requirements. Therefore, the proposed floor to ceiling heights are considered acceptable.

10.101 Dual aspect flats must be provided in all situations in accordance with policy CS9F of the Core Strategy 2011, and policy DM3.4D of the Development Management Policies 2013, unless exceptional circumstances can be demonstrated. It is considered that the proposed units are broadly consistent with these requirements.

10.102 The proposed flats in the new build element of the proposal, also contain south facing living/dining/kitchens with good quality outlook to Elwood Street. Flat 8 would be limited to single south east and north west facing windows. However, the Daylight/Sunlight Assessment prepared by Avison Young confirms that the living kitchen and dining area within Flat 8 will achieve good access to natural daylight.

10.103 In terms of overlooking, concerns were raised during the previous application regarding the bedroom window to flat 8, which could be overlooked from occupiers within Flat 4, given its proximity to a living/kitchen/dining window which is at a near right angle from the window in question. This arrangement has been improved as part of the current application and no objections are therefore raised in this regard.

- 10.104 A small outdoor terrace is proposed for Flat 5 at first floor level. Concerns had also been raised during the previous application regarding overlooking from habitable room windows to this outdoor terrace. The terrace has been reduced in size and set away from the rear facing window of Flat 2. Notwithstanding this, it is noted that Flat 7 contains a private amenity space at the roof level of the property and therefore there is no need for the small terrace at first floor level. A condition has been attached removing permission for the first floor level outdoor terrace to Flat 7.
- 10.105 Policy DM3.5 identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. Policy DM3.5 also states that the 'minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above)'.
- 10.106 The proposed 4 bedroom unit (Flat 5) includes a 14.5sqm private outdoor terrace at roof level. Whilst this would be below the minimum requirement (30sqm), it is noted that the unit is replacing an existing ancillary residential unit that does not currently contain private outdoor amenity space. The proposals therefore improve the existing situation for this unit and therefore no objections are raised to the shortfall in this instance. All other units have an outdoor terrace in compliance with the minimum requirements. Concerns had been raised as part of the previous application regarding the use of outdoor private amenity spaces concealed behind the mansard roof of the public house. This was on the basis that each terrace would adjoin one another and would therefore require the installation of 1.8m tall privacy screening to reduce the potential for mutual overlooking. Concerns were also raised regarding the enclosed nature of the outdoor amenity spaces at roof level. As part of the current application, Flats 3 and 4 now also contain private outdoor amenity spaces behind the mansard of the new build. Whilst this arrangement is somewhat unfortunate, it is noted that the other matters related to the standard of residential accommodation have been overcome by the current proposals. On balance, it is noted that the roof level outdoor terraces are generously sized with good access to light and reasonable levels of privacy. On this basis, it would not be considered reasonable to recommend refusal on the basis that the outdoor terraces would be suitably sized but enclosed on all sides.

Noise

- 10.107 Given the mixed use arrangement of the site and the intensified use of the basement for live events, an Acoustic Report has been prepared ACA Acoustics dated August 2021. The report reflects the latest set of amended drawings subject to this recommendation.
- 10.108 The previous applications was refused on the basis that insufficient information had been submitted to demonstrate that the proposals would not result in undue levels of noise and disruption to future residential occupiers. No objections have been raised to the proposals subject to conditions recommending minimising noise impacts for the new residential units from external sources and from noise and disruption from the ground and basement level bars.
- 10.109 With the substantial basement works, a CMP has also been suggested to look at the potential impacts and proposed mitigation in line with Islington's Code of Practice for Construction Sites. This will also be secured by condition.
- 10.110 As mentioned in the sections above, conditions have been recommended restricting the hours of operation of the public house to match those controlled by the license at the site. The operating hours of the ground floor commercial unit will also be controlled by condition. The conditions recommended relating to hours of use, together with the operational management plan will ensure that the proposal does not result in unacceptable harm to residential amenity.

- 10.111 In addition, it is acknowledged that there may be some concern regarding patrons smoking and consuming alcohol outdoors and therefore impacting the amenities of residents at Flats 1 and 2 which contain private amenity spaces overlooking Elwood Street. However, it is not considered likely that this would occur to an extent that would be unduly problematic and can be controlled by the relevant licences held by the applicant. In addition, it is noted that outdoor consumption of alcohol is prohibited on matchdays.
- 10.112 As mentioned above, The Agent of Change principle (London Plan Policy D13) places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It is considered that the acoustic information already submitted by the applicants, taken with the controlled operating hours and the need for an Operational Management Plan, will ensure that the proposed uses on site can be reasonably accommodated and noise levels can be suitably accommodated between the commercial and residential occupiers. Officers are therefore satisfied that the Agent of Change principle has been suitably applied in this case

Basement Development

- 10.113 The application includes the excavation of a basement level across the entire site. For all basement development a Structural Method Statement (SMS) must be submitted (in accordance with the SMS requirements in Appendix B) of the Basement SPD in support of any such application, and this must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer. A Structural Report which includes engineering calculations and drawings has been prepared by Martin Redston Associates and signed by B.Sc C.Eng M.I.C.E engineer.
- 10.114 The Basement Development Supplementary Planning Document (SPD) was adopted on 14 January 2016. The Basement Development SPD sets out the relevant guidelines for commercial and mixed use developments in paragraphs 7.1.16 and 7.1.17.
- 10.115 Paragraph 7.1.16 of the SPD sets out:
- 'On commercial and mixed use redevelopment schemes with proposed basements, the extent of basement development should be commensurate to the site context and building design. Sites within commercial areas such as the Central Activities Zone often contain buildings built to boundary. Any basement component of the scheme should be designed to avoid adverse impacts to sensitive sites, building, trees and other structures that may be affected by the construction of the proposed development. Areas of landscaping proposed should be designed as deep soil landscaping with natural drainage and no basement or other impermeable structure underneath.'*
- 10.116 Paragraph 7.1.17 sets out:
- 'In order to ensure consistency and safeguard against potential adverse impacts, commercial and other redevelopment sites must take into account and respond to the issues covered by this guidance and submit the appropriate documentation required in support of any planning application'*
- 10.117 The existing basement is beneath the main public house building only. Whilst significant excavation of the site is proposed. The proposed basement is contained wholly within the enlarged footprint of the proposed development; excluding the proposed Class E unit. A basement of this scale is considered commensurate to the site context.
- 10.118 D1.3 and Paragraph 7.2.2 of the SPD states that '*basements should generally not exceed 1 storey in depth, and not exceed 3m floor to ceiling height*'. The SPD states at paragraph 7.2.3 that "*in limited circumstances, for example a major commercial redevelopment site or a detached residential house with generous distances to adjoining properties, it may be acceptable to have a basement greater than one storey in depth if robustly demonstrated via detailed evidence that there would be no significant impact upon the hydrogeology or the structural stability of buildings, trees and other structures, and the design complies with all*

other relevant guidance in this SPD. As part of that evidence, it is likely that physical site investigations will need to be undertaken such as boreholes to establish robust site specific data”.

- 10.119 The depth of the basement level would be 1 storey, with a floor to ceiling height of 3m and is therefore consistent with paragraph 7.2.2 of the Basement Development SPD.
- 10.120 The application has been supported by a Structural Method Statement. The report is detailed and generally responds to the requirements of Appendix B of the Basement Development SPD. It is also supported by detailed engineering drawings and methodologies for temporary works. It is considered that sufficient information has been submitted to ensure the basement development would be structurally sound. A condition has been recommended requiring that construction works are undertaken in accordance with the SMS and to secure the current structural engineer throughout the entire construction phase of the development.

Accessibility

- 10.121 As a result of the 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 we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.122 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.
- 10.123 Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.124 In respect of the non-residential parts of the proposal, the applicant should have regard to the guidance contained within Section 4 of the Inclusive Design in Islington SPD (2014). The approach to the commercial units should be step-free and the approach to the main entrance should be level or ramped. The Inclusive Design Officer has raised a number of concerns, relating to the cycle store, circulation at ground and basement level within the public house and bathroom doors within the residential units. Although the commercial unit is not shown as being entirely step free, it is noted that it comprises a simple and useable layout. The WC contains sufficient circulation space with outward opening doors allowing it to be wheelchair friendly.
- 10.125 The existing access to the public house is being retained and its historic limitations must therefore be recognised. A wheelchair lift is proposed, which allows access from ground level to basement level within the public house. An accessible WC is also shown at both levels within the public house.
- 10.126 It is considered that the commercial aspects of the proposals generally provide a good level accessibility. However to further safeguard this, an informative will be included to remind the applicant to construct in accordance with the relevant Building Control Regulations.
- 10.127 With regard to the residential elements of the proposal, this detail can be secured by condition, ensuring that all elements of the scheme are compliant with Category 2 of the National Standards for Housing Design as set out within the Building Regulations.
- 10.128 In addition, full details of the commercial and residential bin and cycle storage areas to the rear of the site will be secured by condition.

Highways

Car Free Development

10.129 Islington policy identifies that all new development shall be car free. Policy DM8.5 stipulates that no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair accessible parking. The proposal does not include the provision of off-street car parking which is welcomed. 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. A condition has been recommended to secure this arrangement.

Cycle Storage

10.130 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. The cycle storage provision has been amended during the course of the application and the originally proposed vertical storage is now shown on the plans as being horizontal storage.

10.131 In accordance with Appendix 6, a total of 19 bicycle spaces should be provided. Specifically 15 bicycle spaces should be provided for the residential properties (1 per bedroom), 1 space for the 79sqm of commercial floorspace (1 per 60sqm for A1 and 1 per 250sqm for B1 uses) and 3 spaces for the uplift of 165sqm of public house floorspace (1 per 60sqm).

10.132 The proposed plans show 15 spaces allocated to the residential element of the scheme with an additional 14 allocated to the public house (29 overall). The provision of cycle storage is therefore considered to be consistent with Appendix 6 of the Development Management Policies. Concerns were previously raised regarding the lack of fully segregated storage areas, however the ground floor plan were amended to detail the residential cycle store being behind a secure gate that is accessed via the commercial bin store. Whilst this arrangement is not ideal, it is considered workable and full details will be required to be submitted and approved in writing by the LPA prior to occupation of the development.

Refuse

10.133 Paragraph 2.19 of the DM policies states that waste storage and recycling facilities should be integrated into new developments in locations within the site that are accessible to all. These facilities should meet the requirements of the core strategy and the council's guidance on providing refuse and recycling storage. Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units.

10.134 The proposal is as follows:

- The proposed bin store is located to the rear of the site at ground floor level and is accessed from a gate on Elwood Street or internally from within the new building and public house.
- It is understood that refuse collection associated with the public house will occur daily via Blackstock Road as per the existing arrangement.
- The Delivery and Servicing Plan anticipates that residential refuse will be collected by the council as the storage area is approximately 18m from the public highway (Elwood Street).
- No information has been provided regarding waste collection associated with the A1/B1 use

10.135 Notwithstanding the above, a condition recommending the submission of a Servicing and Delivery Plan (Condition no. 21) is recommended to ensure the proposals do not negatively impact on highway capacity and safety.

10.136 As with the cycle store, the residential bin store is accessed via the commercial bin store area. Whilst it is secured behind a separate gate, it is not considered to be entirely

segregated. Whilst not ideal, a condition has been recommended requiring full details of refuse/recycling storage to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Sustainability

- 10.137 The applicant has submitted an Energy and Sustainability Statement and the proposals include the provision of solar panels on the roof top of the new building and air source heat pumps are also proposed.
- 10.138 Development Management policy DM6.5 requires all new development to protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development and surrounding area. Developments are required to provide green roofs and the greening of vertical surfaces where it can be achieved in a sustainable manner.
- 10.139 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 10.140 The Energy and Sustainability Statement submitted states that the scheme has been designed in accordance with Part L procedures and SAP 10 emission factors in line with the latest GLA planning guidance. This document details how the proposals will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement incorporates the 'Be Lean Be Clean Be Green' approach and describes the use of sustainable building materials and the installation of 1 kWp photovoltaic panels to the flat roof of the main building. This is to ensure sustainable standards of design in the interest of addressing climate change and to secure sustainable development. The use of air source heat pumps (ASHP) are also recommended however their location has not been specified within the documentation submitted with the application. The report specifies a 40% reduction in CO2 emissions across the whole site Part L compliant baseline using SAP 10 emission factors.
- reduced water consumption in apartments by up to 95 litres per person per day by specified water fittings
 - Biodiversity will be enhanced by provision of green roof
 - SUDS in accordance with Part L of building regulations
 - environmental impact of construction materials will be minimised through use of sustainably-sourced, low impact and recycled materials
 - Energy efficient white goods will be used, Low energy external lighting
- 10.141 The proposed development incorporates a large area of green roof, and on site renewable energy. A condition has been recommended to ensure that the green roof contains a substrate base of 80-150mm, and is planted/seeded with a mix of species containing no more than a maximum of 25% sedum.
- 10.142 The sustainability officer raised concerns with regard to separate ASHP systems for the non-residential elements of the development and questions whether one combined communal ASHP system could be provided for the whole scheme. A condition requiring details of the proposed ASHP system to be submitted to and approved by the LPA has been recommended

Landscaping, Trees and Ecology

- 10.143 DM6.5 states that Developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.

10.144 The application is supported by an Arboricultural Report and Tree Conditions Survey by the Mayhew Consultancy Ltd which details Arboricultural site supervision and tree protection measures for the existing street trees which may be impacted by the proposed development. The Arboricultural Officer was consulted with during the course of the application as there are street trees which may be impacted by the proposed development. Comments were secured by the Arboricultural Officer confirming agreement with a condition requiring the submission of a Tree Protection Plan to be approved by the Local Planning Authority.

Affordable Housing/Carbon Offsetting

10.145 Islington's Affordable Housing Small Sites Contribution SPD (2012) states that 'all minor residential developments resulting in the creation of one or more additional residential unit(s) are required to provide a commuted sum of £50,000 per unit, towards the costs of providing affordable housing units on other sites within the borough'. Therefore, the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units, which is applicable in this instance.

10.146 Government planning policy on affordable housing contributions is set out in the National Planning Policy Framework (NPPF as revised 2018), having originally been introduced in a Written Ministerial Statement (WMS) made in Parliament on 28 November 2014 by the Secretary of State for Communities and Local Government. Neither the NPPF nor the WMS has statutory weight; both are material considerations which must be given weight according to the circumstances of a particular application. They do not override the operation of planning statute, namely s38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

10.147 The NPPF (para 63) states that provision of affordable housing should not be sought for residential developments that are not major developments. The Islington Core Strategy requires sites delivering less than 10 residential units to provide a financial contribution towards affordable housing elsewhere in the borough reflecting. Further detail, including the level of contribution, is set out in the Affordable Housing Small Sites Contributions SPD.

10.148 The applicant has agreed to contribute the full sum of £350,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This would be secured through a Unilateral Undertaking had the application been otherwise acceptable on the other key planning grounds in this case.

10.149 The full sum of £7,000 towards the councils carbon offsetting strategy, as required by the Environmental Design SPD and policy CS10 of the Islington Core Strategy 2011 would also be secured. Consequently, the applicant is now required to enter into a Unilateral Undertaking to pay the financial contributions.

Community Infrastructure Levy (CIL)

10.150 The Community Infrastructure Levy will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2019 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing

11. SUMMARY AND CONCLUSION

11.1 The overall design of the proposals are considered to have substantively addressed the reasons for refusal of the previous application and can now be considered acceptable and in accordance with Policy DM2.1 of the Development Management Plan, particularly considering the other benefits that arise from the scheme such as increased housing, payment of planning obligations and the retention of the existing public house. It is concluded that the proposals will appear subordinate to the host public house and will not negatively impact the wider streetscape in visual terms.

- 11.2 The development will not unacceptably impact the amenities of neighbouring residents in terms of residential amenity.
- 11.3 The standard of living accommodation for the newly created residential units comply with the minimum space standards and all achieve dual aspect accommodation with access to external private amenity space.
- 11.4 Sufficient details have been submitted to conclude that the proposals could reasonably be accommodated on site without creating a negative quality of residential accommodation by way of excess noise from the expanded public house. However, to further mitigate the potential impacts on both future and neighbouring residential occupiers, conditions have been recommended requiring compliance with specific noise levels and for further testing and on site investigative works to be submitted to and approved by the LPA.
- 11.5 Objector's concerns with scheme have been noted and the issues raised have been fully addressed in the above assessment with no adverse concerns raised as a result of the development proposed, subject to conditions.
- 11.6 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and material considerations being the National Planning Policy Framework and as such is recommended for approval subject to conditions.
- 11.7 It is recommended that planning permission be granted subject to conditions and section 106 legal agreement head of terms as set out in Appendix 1.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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

The Heads of Terms agreed by the applicant are:

- A financial contribution of £350,000 towards the provision of off-site affordable housing
- A financial contribution of £7,000 towards CO2 offsetting.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement

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

RECOMMENDATION B

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

List of Conditions:

1	Implementation Period The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list The development hereby approved shall be carried out in accordance with the following approved plans: N51EN_EX01; N51EN_EX02; N51EN_EX03; N51EN_EX04; N51EN_EX05; N51EN_EX06; N51EN_EX07; N51EN_EX08; N51EN_EX09; N51EN_PP00 REV Z7; N51EN_PP01 REV Z7 c; N51EN_PP02 REV Z7 a; N51EN_PP03 REV Z7; N51EN_PP04 REV Z7; N51EN_PP06 REV Z7; N51EN_PP07 REV Z7; N51EN_PP08 REV Z7; N51EN_PP09 REV Z7; N51EN_PP10 REV Z7; N51EN_PP11 REV Z7; N51EN_PP12 REV Z7; N51EN_PP13 REV Z7; Noise impact assessment for a proposed mixed-use development dated 9 August 2021; ENERGY & SUSTAINABILITY STATEMENT dated 24 August 2021; Delivery and Servicing Plan dated July 2021; DETAILED DAYLIGHT, SUNLIGHT & OVERSHADOWING REPORT Dated August 2021; Planning Statement dated February 2021; Construction Method Statement including Basement Calculations, temporary works sequencing and basement foundation and structural drawings dated 20 January 2021; Heritage Statement dated

	<p>January 2021; Design and Access Statement dated January 2021; Arboricultural Report dated April 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	<p>Materials (Details):</p> <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 work commencing on site. The details and samples shall include:</p> <p>a) solid brickwork (including brick panels and mortar courses) b) window treatment (including sections and reveals); c) plinth to the front elevation along entire terrace d) roofing materials; e) balustrading treatment (including sections); and f) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Sound Insulation and Noise Control (Details)</p> <p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be 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: In the interest of protecting the amenities of future residential occupiers from undue levels of noise and disruption.</p>
5	<p>Sound Insulation Between Uses (Details)</p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed basement and ground floor bar, A1/B1 unit and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. 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: In the interest of protecting the amenities of future residential occupiers from undue levels of noise and disruption.</p>
6	<p>Sound Insulation Between Uses Report (Details)</p> <p>CONDITION: Following installation of the sound insulation and noise control measures in condition 5, a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the pub operation demonstrate</p>

	<p>compliance with condition 5. The report shall include site measurements. The report shall be submitted to and approved in writing by the Local Planning Authority and any remedial works or additional noise mitigation measures shall be installed before occupation of the residential units hereby permitted and permanently retained thereafter</p> <p>REASON: In the interest of protecting the amenities of future residential occupiers from undue levels of noise and disruption.</p>
7	<p>Installation of Fixed Plant (Compliance)</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: In the interest of protecting the amenities of future and neighbouring residential occupiers from undue levels of noise and disruption.</p>
8	<p>Fixed Plant Report (details)</p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 7. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: In the interest of protecting the amenities of future and neighbouring residential occupiers from undue levels of noise and disruption.</p>
9	<p>Plant Installation (Compliance)</p> <p>CONDITION: All plant and equipment shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply.</p> <p>REASON: In the interest of protecting the amenities of future and neighbouring residential occupiers from undue levels of noise and disruption.</p>
10	<p>Flue/Stack Discharge (Compliance)</p> <p>CONDITION: Notwithstanding the plans hereby approved, the flue/stack shall discharge the extracted air no less than 1.0m above the roof eaves of the building to which it is affixed. The flue shall be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration (carbon filters rated with 0.2-0.4 second residence time) or alternatively fine filtration followed by counteractant/neutralising system to achieve the same level as above.</p> <p>The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>REASON: In the interest of protecting the amenities of future and neighbouring residential occupiers from undue levels of noise and odour disruption.</p>
11	<p>Construction Method Plan (Details)</p> <p>CONDITION: No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p>

	<p>a) identification of construction vehicle routes</p> <p>b) how construction related traffic would turn into and exit the site (including appropriate traffic management)</p> <p>c) the method of demolition and removal of material from the site</p> <p>d) the parking of vehicles of site operatives and visitors</p> <p>e) loading and unloading of plant and materials</p> <p>f) storage of plant and materials used in constructing the development</p> <p>g) the erection and maintenance of security hoarding</p> <p>h) wheel washing facilities where applicable</p> <p>i) measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and</p> <p>j) construction works</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
12	<p>Refuse/Recycling (Details)</p> <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 and are segregated between uses. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
13	<p>Cycle Parking (Details)</p> <p>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 15 cycle spaces for the proposed residential units, 1 space for the Class E unit and 3 additional spaces for the enlarged public house hereby approved. The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
14	<p>Biodiversity Green Roof (Details)</p> <p>CONDITION: The flat roof area above the flat roof of the first floor level on the new building fronting Elwood Street shown on plan no. Dwg N51EN_PP02 REV Z7 a hereby approved shall be used only for the purpose as a biodiversity green roof. Details of the biodiversity green roof at third floor level shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>b) laid out in accordance with plans submitted and hereby approved; and</p> <p>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p>

	<p>The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
15	<p>PV Panels (Details)</p> <p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from public view:</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>
16	<p>Sustainable Design & Construction (Compliance)</p> <p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Energy Statement (Energist London) dated June 2019.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
17	<p>Category 2 Housing (Compliance)</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>
18	<p>Basement Development Monitoring (Compliance)</p> <p>CONDITION: The Chartered Structural Engineer (MI Struct.E) certifying the Structural Method Statement (SMS) dated January 2021 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.</p> <p>REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).</p>

19	<p>Trees 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 l. Methodology and detailed assessment of root pruning m. Reporting of inspection and supervision n. Methods to improve the rooting environment for retained and proposed trees and landscaping o. Veteran and ancient tree protection and management <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
20	<p>Restricted Use (Compliance)</p>
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (Amendment) (England) Regulations 2020, the ground floor level commercial unit shall be used only for the Display or retail sale of goods, other than hot food, Financial services and Professional services (other than health or medical services) and not for any other purpose listed within Use Class E (other than Class E (a) and (c) (i) and (ii)) of the Town and Country Planning (Amendment) (England) Regulations 2020.</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development, in the interests of the use of the building within a local shopping area and the amenity of the adjoining neighbours.</p>
21	<p>Site Servicing and Delivery (Details)</p>
	<p>CONDITION: Details of delivery and servicing of the hereby development shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the units. The</p>

	<p>servicing arrangements shall be operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
22	<p>Car Free Development (Compliance)</p> <p>CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <p>i) In the case of disabled persons; ii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free.</p>
23	<p>Air Source Heat Pumps (Details)</p> <p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Air Source Heat Pumps 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 public view:</p> <ul style="list-style-type: none"> • Location; • Design (including dimensions showing full height and volume); • Manufacturers specifications; <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>
24	<p>Operational Management Plan (Details)</p> <p>CONDITION: Prior to commencement of the development hereby approved, an Operational Management Plan for the public house shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The operational management plan should detail how the development will be managed and controlled to address the following related activities:</p> <ol style="list-style-type: none"> 1. Unloading and loading timings, locations and parking arrangements related to the development. 2. Details of site supervisor/supervision of events contained within the basement level and controls and responsibilities 3. Measures to ensure fire exits and right ways maintained) 4. Details of operating hours of the basement level. 5. Refuse plans, facilities locations and collection arrangements. 6. Litter control measures. 7. Any necessary noise control measures 8. Details of management protocols after hours including prevention measure to ensure patrons do not loiter and cause disruption to neighbouring and future residents <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. No change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity and highways safety and congestion in the surrounding area.</p>

26	Flat Roof Not Used As Amenity Space (Compliance)
	<p>CONDITION: The flat green roof area at first floor level shown on plan no. N51EN_PP02 REV Z7 a hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
27	Hours of Operation – Commercial Unit (Compliance)
	<p>CONDITION: The ground floor Class E unit hereby approved shall not operate outside the hours of:</p> <p style="padding-left: 40px;">7:00am - 22:00pm Monday to Saturday</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
28	Hours of Operation – Public House (Compliance)
	<p>CONDITION: The ground floor and basement floor level Public House (Sui Generis) unit hereby approved shall not operate outside the hours of:</p> <p style="padding-left: 40px;">10:00am – 00:30am (following day) Monday to Sunday</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
29	Fixed Plant (Full Details)
	<p>CONDITION: Notwithstanding the plans and documents hereby approved full details of any fixed plant, including flue extraction and air conditioning units, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.</p> <p>The fixed plant 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 the character and appearance of the property and securing high standard of design that does not impact on the amenities of neighbouring and future residential and commercial occupiers</p>

Informatives

1	CIL
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/cil, and the Islington Council website at www.islington.gov.uk/cil. CIL guidance is available on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy</p>
2	Tree Protection
	<p>The following British Standards should be referred to:</p> <p>a. BS: 3998:2010 Tree work – Recommendations</p>

	b. BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations
3	Construction Works
	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
4	Highways Requirements
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk . All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk . Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk . Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk . Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk
5	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.

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 2021 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 2021 - Spatial Development Strategy for Greater London

Policy GG2 Making best use of land
Policy D3 Optimising site capacity through the design-led approach
Policy D4 Delivery good design
Policy D6 Housing Quality and Standards
Policy D12 Fire safety
Policy D13 Agent of Change
Policy D14 Noise
Policy T3 Transport capacity, connectivity and safeguarding
Policy T7 Deliveries, servicing and construction

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 CS14 Retail and Services
Policy CS18 Delivery and infrastructure

C) Development Management Policies June 2013

Policy DM2.1 Design
Policy DM2.2 Inclusive Design
Policy DM3.1 Mix of housing sizes
Policy DM3.4 Housing standards
Policy DM4.10 Public Houses
Policy DM3.5 Private outdoor space
Policy DM6.5 Landscaping, trees and biodiversity
Policy DM7.1 Sustainable Design and Construction
Policy DM7.2 Energy efficiency and carbon reduction in minor schemes
Policy DM8.4 Walking and Cycling
Policy DM8.5 Vehicle Parking
Policy DM8.6 Service and Delivery
Policy DM9.2 Planning Obligations

D) Draft Islington Local Plan (2019)

Policy B2 New Business Floorspace
Policy R1 Retail, Leisure and Services, Culture and Visitor
Accommodation
Policy R10 Culture and the Nigh Time Economy
Policy R11 Public Houses
Policy G1 Green Infrastructure
Policy G5 Green Roofs
Policy H4 Delivering High Quality Housing
Policy H5 Private Outdoor Space
Policy S1 Delivering Sustainable Design
Policy S2 Sustainable Design and Construction
Policy T3 Car Free Development Parking
Policy T2 Sustainable Transport Choices
Policy T5 Delivery, Servicing and Construction
Policy DH2 Heritage Assets
Policy DH4 Basement Development
Policy DH5 Agent-of-change, noise and vibration
Policy ST2 Waste

E) Site Allocations June 2013

Not Allocated

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Article 4 Direction A1-A2 (Rest of Borough);

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Affordable Housing Small Sites Contributions (2012)
- Basement Development (2016)
- Environmental Design (2012)
- Inclusive Design in Islington (2014)
- Islington Urban Design Guide (2017)

London Plan

- Housing
- Sustainable Design & Construction
- Planning for Equality and Diversity in London