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| PLANNING SUB COMMITTEE B | | |
| Date: | 1 st March 2022 | NON-EXEMPT |

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|--------------------------|--|
| Application number | P2021/3215/FUL |
| Application type | Full Planning Application |
| Ward | Tollington |
| Listed building | Not Listed |
| Conservation area | Within 50m of the Mercers Road/Tavistock Terrace Conservation Area |
| Development Plan Context | <ul style="list-style-type: none"> - Local Shopping Area Upper Holloway; - Strategic Cycle Route; - Within 100m of TLRN; - Article 4 Direction A1-A2 (Local Shopping Area) - Within 50m of three Conservation Area. |
| Licensing Implications | None |
| Site Address | 634-638 Holloway Road, London, N19 3NU |
| Proposal | Demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class E) at ground floor level as well as refuse and cycle storage. |

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| Case Officer | Owen Griffiths |
| Applicant | Mr Nick Cockburn |
| Agent | Planning Potential - Mr Niall Hanrahan |

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. subject to the prior completion of a Unilateral Undertaking 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 black)

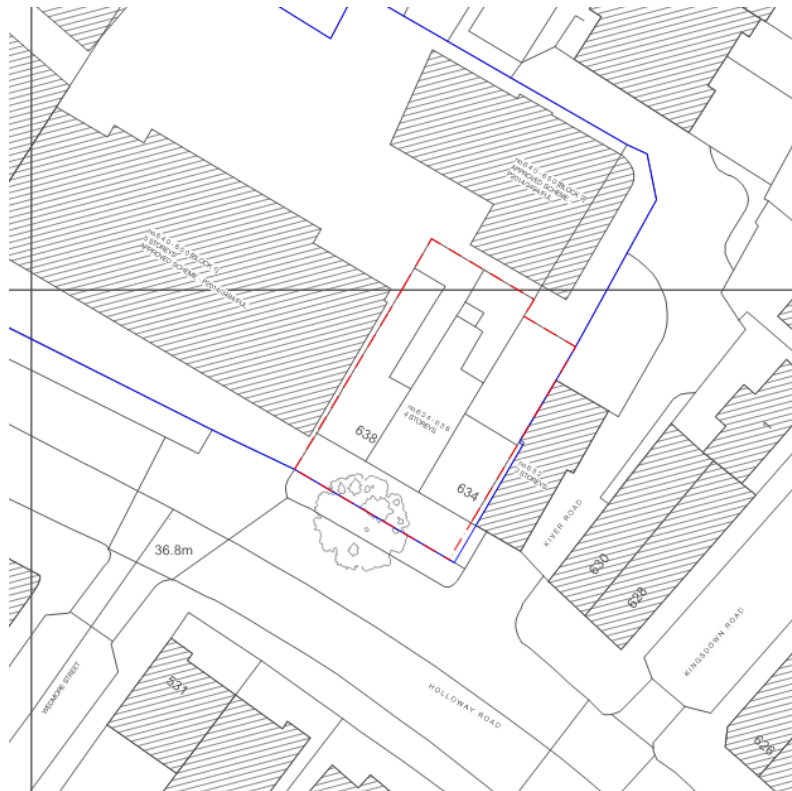


Image 1 – Site Location Plan

**Mercers Road/
Tavistock Terrace (CA24)**

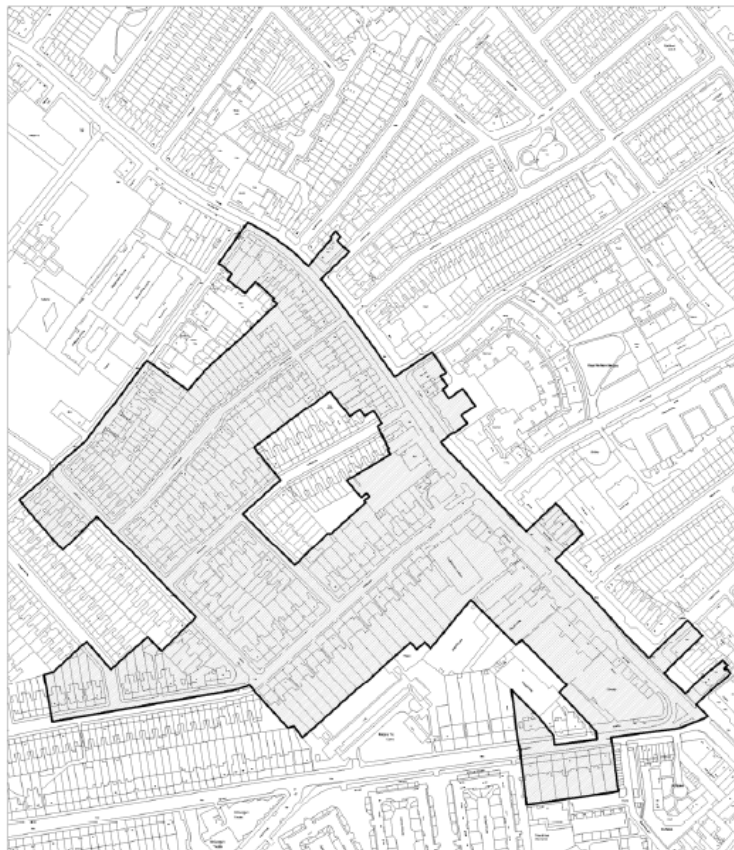


Image 2 – Conservation Area Boundary

3. PHOTOS OF SITE/STREET

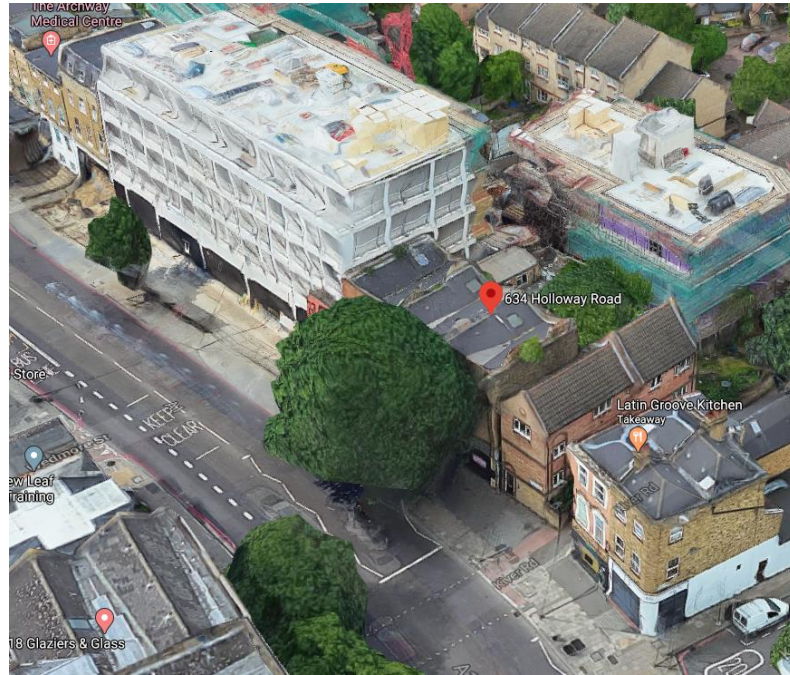


Image 3 - Aerial View of Site



Image 4 – Street Level View from Holloway Road



Image 5 – Rear View



Image 6 - Rear View from Kiver Road

4. SUMMARY

- 4.1 Permission is sought for the demolition of the existing three storey mixed use terraced row of buildings and for the erection of a five storey mixed use building including 7 residential units as well as a commercial office unit on the ground floor.
- 4.2 The application is a resubmission of a previously refused scheme that was also dismissed at appeal by the Planning Inspectorate. The application was previously brought to Planning Sub-Committee B in December 2020 with a recommendation of approval but this was overturned by Members of the Committee and the application was subsequently refused by the Council.
- 4.3 The total height of the new building will be 16.8m and includes a part fifth storey level with an adjoining flat roof terrace area set back from Holloway Road. The remaining units on the lower levels include balconies to the rear.
- 4.4 The application site neighbours a similar development site to the north and east that was granted planning consent in 2014 and is currently under construction nearing completion. The current development matches the neighbouring building in terms of height and building lines to the front and rear.
- 4.5 The overall design of the development has been assessed in terms of its quality, effect on the neighbouring conservation area and effect on neighbouring amenity. It is concluded that the design is of a sufficiently high quality and there is no harm caused to surrounding heritage nor residential amenity.
- 4.6 Conditions are recommended to ensure the development adequately addresses sustainability issues via carbon emission reductions and photovoltaic (PV) panels.

5. SITE AND SURROUNDING

- 5.1 The site has a prominent frontage onto the Holloway Road, a major north south route of metropolitan significance. It is located to its eastern side, just to the north of the junction with Kiver Road.
- 5.2 The site comprises a terrace of 3 x 3 storey Victorian buildings. While these retain some Victorian characteristics including valley roofs, they have been considerably altered, particularly to their front facades. The terrace is boarded up and empty but was previously occupied with commercial uses at ground floor level with residential accommodation on the upper levels.
- 5.3 The site is bounded by a recently developed 5 storey scheme to its north, 640 – 650 Holloway Road, which comprises a commercial retail (A1) ground floor space, Gym (D2) floorspace at basement level and four storeys of residential units at first to fourth floor levels above that face onto Holloway Road. This development site includes the area to the rear of 634-638 which includes a new residential housing block immediately to the east of the current application site.
- 5.4 To the south of the site lies an incongruous, small scale residential building with what is essentially a blank flank façade onto the Holloway Road. This building is not typical of the scale associated with this primary façade to Holloway Road.
- 5.5 The site has a PTAL score of 5, the third highest score possible, and is in close proximity to Upper Holloway Overground Station to the north. Archway Tube Station is further to the north at the end of Holloway Road which is also serviced by numerous bus routes.

- 5.6 Immediately to the front of the site, within the pavement onto Holloway Road, is a Category A tree, a Norwegian Maple, which has a high amenity value.
- 5.7 The broader context contains a mix of uses, building types, and styles. Of significance is the Mercers Road/Tavistock Terrace Conservation Area, the eastern edge of which lies immediately opposite this site, up to the junction with Wedmore Street.
- 5.8 The Conservation Area, while primarily located to the western edge of the Holloway Road and extending deeply westwards to include architecturally fine residential streets, also straddles Holloway Road in four separate locations to include some fine buildings on the eastern edge of the street. This includes the locally listed public house at No. 622 Holloway Road, to the south of the application site.

6. PROPOSAL

- 6.1 The application is a resubmission of a previously refused application that was subsequently dismissed at appeal. The previous application was refused due to the proposed use of an exposed precast concrete frame and the current application has amended this and red brick finish is now proposed. The previous refusal decision notice and the 8th December 2020 Sub-Committee B meeting minutes are included at Appendix 3 and the Inspectors Appeal Decision is included at Appendix 4.
- 6.2 It is proposed to demolish the existing three storey terrace row of buildings at the site and to erect a part four storey and part five storey building comprising of 7 new residential units (1 x 1-bed, 5 x 2-beds and 1 x 3-bed) on the upper floors with commercial office floorspace (Class E) at ground floor level.
- 6.3 Access to the new units will be provided from Holloway Road with residential cycle and refuse storage located at ground floor level. The commercial refuse store is located between the residential entrance to the north and the commercial unit's entrance to the south. Both the residential floorspace and the commercial floorspace have their own separate outdoor space to the rear.
- 6.4 The commercial unit is proposed to be an office unit (Class E). The new Use Class Order 2020 came into effect on 1st September 2020. This has introduced Use Class E which now includes office use (formerly use class B1a) as well as other uses including retail (formerly use class A1), Restaurant (formerly use class A3) and Gym (formerly use class D2). Therefore, it would be possible for the commercial floor space to change to any of the uses within the E Use Class as prescribed in the Use Class Order 2020 without the need to obtain planning permission. However, a condition is advised to limit the future use of the commercial space in the new development

7. RELEVANT HISTORY

PLANNING APPLICATIONS:

| Application Number | Development Description | Decision | Decision Date |
|--------------------|--|----------------------|---|
| P2019/3143/FUL | Demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class E) at ground floor level as well as refuse and cycle storage. | Refused at Committee | 21/12/2020 Dismissed at Appeal 07/09/2021 |
| P2012/0450/FUL | Demolition of existing 3 storey building comprising betting shop and 2 residential flats. Construction of new 4 storey building | Approved | 22/05/2013 |

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| | comprising Class A2 shop and 6 residential flats. Change of use of ground floor from existing betting shop to A2 use and residential. | | |
| P121585 | Demolition of existing building. Construction of a new 4 storey building comprising 7 residential flats. Change of use on ground floor from retail/betting shop to residential. | Refused | 12/09/2012 |
| 831171 | Installation of a new shopfront. (634/636 Holloway Road) | Approved | 11/08/1983 |
| 640-650 Holloway Road | | | |
| P2014/3494/FUL | Demolition of the existing buildings and erection of a five storey building (plus basement) fronting Holloway Road (Block 1) comprising retail space (Class A1) at ground floor, gym (Class D2) at basement level, 20 residential units (Class C3) on the upper floors; four storey building to the rear of 652-660 Holloway Road (Block 2) comprising 11 residential units (Class C3); four storey building to the rear of 634-636 Holloway Road (Block 3) comprising 9 residential units (Class C3); and associated landscaping and play space. | Approved | 20/10/2015 |
| P2019/3546/S73 | The minor material amendments to amend the ground floor layout and consequential amendments to the external elevation at ground floor level. | Approved | 28/04/2020 |

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 148 adjoining and nearby properties on Holloway Road, Kiver Road and Kingsdown Road on the 5th November 2021.
- 8.2 A site notice and press advert were displayed on 11th November 2021. The public consultation of the application therefore expired on 5th December 2021, however it is the council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of writing this report **one objection** and one comment had been received. The corresponding paragraphs where these issues are addressed in the report are provided in brackets after each point.
- 8.4 Objection:
- This building is not in keeping with the character and appearance of the conservation area. (**Paragraph's 10.31 & 10.32**)
 - There have already been new builds that are not in keeping with surrounding buildings, but this is not a reason to support this building. (**Paragraph's 10.12 & 10.13**)
 - The height and design of this building alters this part of the area, the design is modern and imposing, moving away from the residential period design of most the surrounding buildings. (**Paragraphs 10.12 - 10.13 and 10.20**)
 - The part four & part five storey building is much higher than pre-existing buildings at the site and will significantly block sunlight in surrounding gardens. (**Paragraphs**

10.46).

- We do not trust the sunlight impact reports as the previous large-build next door has significantly impacted sunlight, despite the report asserting the contrary. **(Officer Comment: There is no substantive reason or evidence to the contrary to dispute the findings of the Daylight/Sunlight Report)**
- A shorter building needs to be considered, with less modern brutalist design. **(Paragraph's 10.12, 10.21 and 10.22)**

8.5 Comment:

- Islington Swift Society: Request that a significant number of integrated swift nestbox bricks are installed near roof level which would provide an aesthetically acceptable and zero maintenance way to provide a long-term resource to protect this species and improve the local biodiversity, in line with Islington Council's guidance on this issue (Biodiversity Action Plan, and new Local Plan). Biodiverse roof and/ or bat boxes would further enhance biodiversity in line with the Biodiversity Action Plan (bats are recorded at nearby Whittington Park).

External Consultees

8.6 TfL:

- The proposed development is on Holloway Road which forms part of the Transport for London Road Network (TLRN). TfL are the highway authority for the TLRN, and are therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.
- Satisfied with the use of a conditions regarding Construction Management and Delivery / Servicing.

(Conditions 8, 9 and 15)

- Support the requirement of the carriage way and footway along Holloway Road not being blocked and secured via condition.

(Requirement included in Condition 8)

- A S106 contribution for a disabled bay and a car free development is supported.
- The cycle parking indicated complies with the London Plan.
- Surrounding trees must not be harmed during development.

Internal Consultees

8.7 Inclusive Design Officer

- As the development proposes less than 10 units there is no requirement for a wheelchair unit to be provided. If a second lift cannot be provided the accessible unit cannot be considered accessible under Part M Cat 3.
- Cycle parking for staff and visitors for commercial unit are required.
- Safe drop off and on-street parking should be provided for the residential floor space.

- Storage and charging for mobility scooters should be provided should be provided.

8.8 Conservation and Design Officer:

- The proposed alternative material palette complies with Council guidance and accords with the considerations raised by the Planning Inspectorate in the previously dismissed appeal with the removal of pre cast concrete frame and a more traditional brick finish proposed.

8.9 Tree Preservation Officer:

- No objection to the proposed development and the details within the submitted Arboricultural Report and Method Statement are adequate to protect the TFL owned highways tree located at the front of the development which should be made a condition of any approval given.

8.10 Refuse and Recycling:

- Confirmed collections from Holloway Road is acceptable.

8.11 Highways

- No objections subject to a banks person/traffic marshal being present at all times when construction vehicles are entering/leaving the site to ensure that the Health and Safety of the public using the footway/carriageway is not compromised.

8.12 Sustainability

- The development should include a green roof and reduce surface water run off through a SUDS system.
- Details should be provided on how the biodiversity value of the site will be enhanced i.e. through planting, habitat features, bird/bat boxes and swift bricks.
- The development should minimise the environmental impact of construction materials through responsible sourcing and minimising waste during construction.
- The applicant should consider the use of one combined communal ASHP system for the entire development.
- Carbon offset contribution will be £7000 based on the seven flats proposed, as set out in the Environmental Design SPD.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;

- As the development is within close proximity to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

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

9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to:

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

National Guidance

- 9.9 The National Planning Policy Framework 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

- 9.10 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.

Emerging Policies

Draft Islington Local Plan 2019

- 9.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27th June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October.
- 9.12 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).
- 9.13 Emerging policies that are relevant to this application are set out in below:
- Policy H1 Thriving Communities
 - Policy H3 Genuinely Affordable Housing
 - Policy H5 Private Outdoor Space
 - Policy G4 Biodiversity, Landscape Design and Trees
 - Policy S2 Sustainable Design and Construction
 - Policy T2 Sustainable Transport Choices
 - Policy T5 Delivery, Servicing and Construction
 - Policy DH2 Heritage Assets
 - Policy H2 New and existing Conventional Housing
 - Policy H4 Delivering High Quality Housing
 - Policy S1 Delivering Sustainable Design
 - Policy S3 Sustainable Design Standards
 - Policy T3 Car Free Development Parking

- Policy DH1 Fostering Innovation and Conservation and Enhancing the Historic Environment.

Designations

9.14 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:

- Local Shopping Area Upper Holloway;
- Strategic Cycle Route;
- Within 100m of TLRN;
- Article 4 Direction A1-A2 (Local Shopping Area)
- Within 50m of three Conservation Area.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Mix of Residential Units
- Design and Conservation
- Neighbouring Amenity
- Standard of Accommodation
- Inclusive Design
- Highways and Transportation
- Sustainability
- Refuse and Recycling
- Trees
- Planning Obligations and CIL

Land-use

10.2 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy 3.4 (and table 3.2) seeks to maximise the supply of additional homes in line with the London Plan's guidelines on density, having regard to the site's characteristics in terms of urban design, local services and public transport, and neighbour amenity.

10.3 Policy DM4.6 Relates to Local Shopping Areas and it is stated that (Part A) Proposals will only be permitted where an appropriate mix and balance of uses within the Local Shopping Area, which maintains and enhances the retail and service function of the Local Shopping Area, is retained. Part B requires marketing to be conducted to justify any loss of retail as well as ensuring there will not be a harmful break in the continuity of retail frontages and that the replacement use would not have an adverse effect on the vitality, viability and predominantly retail function of the Local Shopping Area.

10.4 The proposed development would provide seven residential units with office floorspace at ground floor level. The existing site has a history of being used for similar purposes with three residential dwellings above commercial units. In 2012 a planning application was approved (Ref: P2012/0450/FUL) to demolish the current building on the site and to provide 6 residential units above commercial A2 (Financial Services) floorspace. As the historic buildings remain on site this permission was not implemented.

- 10.5 There is an existing retail unit at 634 Holloway Road that was last occupied in April 2018 and has an internal floor area of 94sqm. 636-638 Holloway Road was previously occupied as a Bookmakers (Sui Generis use) and has been vacant for 7 years. It is proposed to replace these ground floor uses with office floorspace (114sqm) as well as providing access for the residential units on the upper levels.
- 10.6 No marketing has been provided to justify the loss of the retail floorspace in the local shopping area which is a requirement under DM4.6 Part B (i). However, since Class E came into effect from the 1st September 2020, the ground floor unit could be used for any other use within Class E such as an office, gym or estate agents.
- 10.7 The Town and Country Planning (Use Classes) Regulations were amended on 1st September 2020. The amended Use Class regulations omit the former Use Class B1 and introduces a new Use Class E, which encompasses office use, together with many other town centre uses. The application proposes the introduction of additional office floorspace, with no other uses proposed. The assessment of the proposal is based on the applicant's submission for office use but it would be possible under Class E for the floorspace to be changed to any of the previous uses that are now included under Class E. These include such previous uses as Retail (A1), Professional Services such as an estate agents (A2), Restaurant (A3), Gym (D2), and Medical Centre (D1), Creche (D2) or a light industrial use suitable in a residential area (B1c). There are resultant amenity considerations for all of these uses and this issue will be addressed in the neighbouring amenity section below from paragraph 10.55).
- 10.8 The neighbouring development site at 640-650 Holloway Road (Ref: P2014/3494/FUL) is now complete and the ground floor commercial unit is occupied by the Co-Op supermarket as well as a separate gym to the north. The retail statement submitted in support of the current and previous application is from October 2019. It identifies that the local shopping area has a 27% retail occupancy of ground floor buildings although given this is dated from over two years ago it is concluded to be out of date for the current assessment. However, as the neighbouring site includes a substantial retail unit and due to the inclusion of Class E and the flexibility this brings in terms of commercial high street uses, the new Class E office unit at the site is acceptable. A condition is advised to restrict the Class E uses that can be implemented at the site due to potential amenity impacts that are addressed below from section 10.56. Such a condition was previously recommended as part of the refused application.

Design and Conservation

- 10.9 Paragraph 193 of the NPPF (2019) states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Furthermore, at paragraph 196: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.10 London-wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

- 10.11 The new building at the site will be four storeys in height with an additional partial width setback fifth storey. The building will have a red brick facia material, bronze panelling and aluminium powder coated framed windows. The top floor addition will have the same bronze panelling façade as is found on the lower levels to the elevation facing Holloway Road.

Bulk, Height and Massing

- 10.12 The proposed building has remained unchanged from the previously refused scheme at 4 – 5 storeys. This facilitates an effective transition between the new build 5 storey development to the north and the smaller, domestically scaled, 3 storey end of terrace building immediately to the south. The height is considered to be contextually appropriate.
- 10.13 With regard to the impact and legibility of streetscape, the Council's Urban Design Guide (UDG) states as a key objective 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*'. Given the site fronts the primary movement route of Holloway Road, the height as proposed is considered appropriate. Furthermore, by stepping from 5 storeys down to 4 storeys, this effectively addresses the transition between the neighbouring buildings which are 5 storeys to the north and 3 to the south. The top floor element has been further reduced in perceived massing by being recessed to the front and rear of the building's main facades, as well as set back significantly from the main southern edge of the site. It would read as ancillary to the host building.
- 10.14 A further UDG objective states that '*Development should normally retain and/or repair the existing roofline*'. The proposal takes its cue in terms of roof line from the new build terrace immediately to the north which is a high quality contemporary development.
- 10.15 Fenestration has been effectively added to the southern flank elevation at 4th floor level which helps mitigate the additional height and mass as viewed from the south, looking north. The building is considered to be appropriate in terms of both height and mass relative to its context.

Elevational treatment and materiality

- 10.16 Planning permission was refused for a previous scheme at the site in December 2020 at Planning Sub-Committee B, (P2019/3143/FUL). While the application had been recommended for approval by officers, members objected to the materiality of the design and considered that the 'over reliance' on an expressed concrete frame as an integral part of the architecture was harmful to the setting of the Conservation opposite the site.



Images 7 & 8: Example of Exposed Concrete Frame and Appearance from Previous Refusal

- 10.17 This decision was appealed by the applicant and in October 2021 the Planning Inspectorate dismissed the appeal, (Ref: APP/V5570/W/21/3271749). The Inspector upheld the Council's grounds for refusal as they related to the materiality of the scheme stating that 'the primary facade would clearly depart from the principle brickwork construction seen in most buildings nearby' (Images 9 & 10). The Inspectors Appeal Decision is included at Appendix 4.



Images 9 & 10: Appearance of Refused Scheme in Surrounding Context

- 10.18 The Inspector advised that such a feature was not found along the Holloway Road and would therefore fail to successfully integrate within the surrounding urban form. It was noted that due to the scale and height of the development, this would mean that there would be a significant volume of exposed pre cast concrete frame on display. The appeal decision acknowledged that the proposal has been carefully designed not to simply extend the design on the new building at 640-650 Holloway Road but did not consider that the predominance of such contemporary materials, the exposed concrete frame, was a successful element of the transition.
- 10.19 The current application has addressed the previous reason for refusal and the Inspectors comments by altering the elevational treatment and the proposed materiality of the scheme. The exposed concrete frame has been replaced with brickwork with brick 'piers' replacing the 'frame' (Images 11 and 12). The dominant material of the building has been changed to a rich red brick and this now firmly reads as the primary material. Bronze coloured panelling and bronze coloured powder coated aluminium framed windows remain but are compatible in both colour and materiality with the red brick.
- 10.20 The removal of the exposed concrete frame and its replacement with red brickwork responds appropriately to the Inspectors' concerns with brick being the dominant material to this part of the Holloway Road including the heritage assets adjacent to the western edge of the Holloway Road. As such the materials are considered suitably urban and contextually compatible. They will sit comfortably with the architecture as proposed, and within the sensitive setting of multiple heritage assets.



Images 11 & 12: Example of Brick Facia Material and Appearance for Proposed Scheme

- 10.21 A key UDG objective is for materials to be “of a high quality, be robust, sustainable and appropriate to their context”. With regard to brickwork, the guide states clearly in paragraph 5.124 that the choice of a good quality brick is generally a preferred and acceptable choice of material. It is also the predominant material used in this particular context including within the adjacent Mercers Road / Tavistock Terrace Conservation Area and to the Kingsdown Road locally listed houses.
- 10.22 The proposed materials palette therefore complies with Council guidance and accords with the considerations raised by the Planning Inspectorate as well as Members of Planning Sub-Committee B. Officers note the importance the selection of a high quality finished brick and a sample panel of the final proposed brick finish and mortar course will be secured via condition on materials. Officers will not accept brick slips to be used as a finishing material in this case as it would relate poorly with the existing context in and around the site.

Impacts on Heritage Assets

- 10.23 The site is located in the immediate vicinity of the Mercers Road/Tavistock Terrace Conservation Area as well as with the immediate vicinity of a number of locally listed buildings, both within the Conservation Area boundary, and outside of it. As such considered regard has to be had as to how this proposal would impact on the setting of the Conservation Area and that of these locally listed buildings.
- 10.24 Paragraph 24.7 of the Mercers Road/Tavistock Terrace Conservation Area Guidelines requires that new buildings:
- Respect the scale, massing rhythm and fenestration of adjoining buildings
 - Present lively and richly detailed frontage to adjoining streets
 - Avoid bulky top roof plant visible from the street
 - Uses high quality material
 - Display a vertical emphasis in elevational treatment
 - Suitable boundary treatments
- 10.25 Paragraph 24.8 states that the council considers that high quality modern design which conforms to the above guidance could enhance the character of the area.

- 10.26 Paragraph 24.2 of the Conservation Area Design Guide states that the character of the area comprises largely commercial frontages to Holloway Road with predominantly residential side streets. It includes an attractive range of Victorian buildings and the relatively few buildings that were developed subsequently have 'generally added to the character of the area'.
- 10.27 Paragraph 24.3 of the Conservation Area Design Guide states that planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.
- 10.28 This site is located on the eastern edge of Holloway Road, immediately opposite the north eastern boundary of the conservation area, specifically opposite numbers 529 – 531 Holloway Road. These two buildings are also locally listed, increasing their sensitivity to change. The conservation area while primarily located to the west of the Holloway Road, including much of its western edge and does, on occasion, straddle this busy primary road to capture several important buildings and terraces within its boundary to the eastern side of the Holloway Road. One such building is the Crown Public House at 622 Holloway Road which is within the visible sphere of the application site and thus included within its setting. Therefore, any redevelopment of the site will have an immediate impact on the setting of this heritage asset.
- 10.29 Paragraph 24.8 of the Conservation Area Design Guide states that efforts will be concentrated to ensure that where development does take place, it enhances the character of the area and makes a positive contribution to the streetscene. The buildings within the conservation area have a relatively high degree of architectural uniformity and are instantly recognisable as Victorian given the display of typical characteristics including the rhythmic plot, roof and fenestration patterns, decorative window and door surrounds, pitched and parapet roof lines and forms, and extensive use of London Stock Brick.
- 10.30 The proposed development lies on the eastern side of Holloway Road. This primary road physically separates, and indeed serves, the site from the majority of the conservation area due to the high volume of traffic coupled with the width of the road.
- 10.31 The proposed building, at 4 and 5 storeys high, is compatible with the general storey height ambient of much of the Holloway Road and is not excessively higher than that within the predominantly residential Conservation Area which has a storey height ambient of 3 storeys. Its design is appropriately modern with a well-conceived elevation and an attractive use of good quality contemporary materials. These materials, being predominantly a red brick, with and a bronze coloured panelling and fenestration, create a palette that is complimentary to the dominant London stock typically deployed throughout the adjacent conservation area.
- 10.32 The proposal is considered to have a neutral impact on the setting of the conservation area and is therefore acceptable. In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not considered to cause harm to the character nor the appearance of the neighbouring conservation area for the reasons outlined above.

Locally Listed Buildings

- 10.33 There are multiple locally listed buildings within the vicinity of the site including The Crown pub at 622 Holloway Road with its highly animated fenestration and strong corner presence, the 3 – 4 storey, plus dormers, residential buildings at 1 – 19 Kingsdown Road to the southeast of the site, the residential pair of three storey plus dormer window houses at 529 – 531 Holloway Road, directly opposite the site, and the very uniform three storey residential terrace at 505 – 513 Holloway Road to the south.
- 10.34 The architecture is appropriate and suitably urban as befits this primary road setting. The selection of materials, red brick and bronze coloured panelling and fenestration, will complement those of the locally listed buildings and will not compete with them in terms of architectural style or by being distractingly flamboyant.

- 10.35 The proposal is thereby considered to have a *neutral* impact on the setting of the nearby locally listed buildings.
- 10.36 In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. This special regard concludes that the impact on the listed building is neutral.

Neighbouring Amenity

- 10.37 Policy 7.6 of the London Plan states that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.38 The overall massing and volume of the built form has not changed from the previous scheme that was refused and the same Daylight / Sunlight report has been submitted in support of the current scheme as previously.

Sunlight/Daylight

- 10.39 When assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. The application has been submitted with a daylight and sunlight assessment dated 19th June 2019 and a subsequent updated version, dated 29th October 2020, was provided due to the inclusion of the part fifth floor level.
- 10.40 The assessments were carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Development Management policy DM2.1 identifies that BRE '*provides guidance on sunlight layout planning to achieve good sun lighting and day lighting*'.
- 10.41 Where the guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document emphasizes that the guidance is not mandatory and that the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Daylight

- 10.42 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);&

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.

- 10.43 The daylight results provided confirm that in all but three instances VSC figures do not drop below 27% and that NSL figures do not reduce by more than 20%. Therefore, of the 29 windows that were tested 26 meet the BRE guidance and 3 do not. The three exceptions are at Block 03, 640-650 Holloway Road, a new build development situated to the northeast of the application site. It can be seen from Table 1 that the breaches of the BRE guidance occur at windows W2 (24% reduction) and W3 (26% reduction) to room R1 (Bedroom) at first floor level and to window W4 (25% reduction) to room R2 (Living/Kitchen/Dining Room) at second

floor level (Image 13). In these instances the reductions in Daylight Distribution to room R1 at first floor level is 55% and for room R2 at second floor level is 1%.

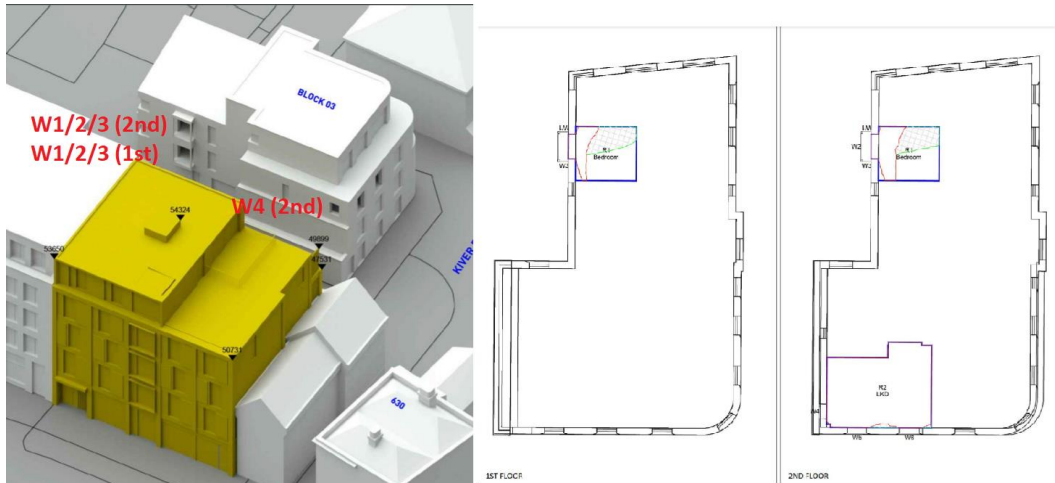


Image 13: Block 03 Window Map and Internal Daylight Distribution Floorplans

Table 1 – Daylight Results

| Address | Window (floor) | Room (use) | VSC (existing) | VSC (proposed) | VSC Reduction (%) | DD Reduction (Room) |
|--|-----------------------|--------------|----------------|----------------|-------------------|---------------------|
| Block 03, 640 - 650 Holloway Road | W1 (1 st) | R1 (Bedroom) | 12.28 | 12.18 | 0 | 55% |
| | W2 (1 st) | R1 (Bedroom) | 19.40 | 14.73 | 24% | |
| | W3 (1 st) | R1 (Bedroom) | 11.35 | 8.45 | 26% | |
| | W1 (2 nd) | R1 (Bedroom) | 15.19 | 15.19 | 0 | 44% |
| | W2 (2 nd) | R1 (Bedroom) | 24.25 | 19.67 | 19% | |
| | W3 (2 nd) | R1 (Bedroom) | 15.46 | 12.70 | 18% | |
| | W4 (2 nd) | R2 (LKD) | 32.50 | 24.36 | 25% | 1% |
| | W5 (2 nd) | R2 (LKD) | 36.67 | 36.53 | 0 | |
| | W6 (2 nd) | R2 (LKD) | 36.91 | 36.85 | 0 | |
| 529 Holloway Road | | | | | | |
| | W4 (Basem't) | R3 (Bedroom) | 25.01 | 22.74 | 9% | 21% |
| 531 Holloway Road | | | | | | |

| | | | | | | |
|--|-----------------|-----------------|-------|-------|-----|-----|
| | W1 (Basem't) | R1 (Bedroom) | 24.26 | 21.89 | 10% | 26% |
| | W2 (Basem't) | R2 (Bedroom) | 22.40 | 20.03 | 11% | 27% |

- 10.44 For Block 03, the reduction seen at room R1 on the first floor in relation to DD is 55% but the VSC figures presented are only marginally below what normally would be permissible (at 24% and 26%). Similarly, for room R1 on the second floor, there is a DD reduction of 44% but VSC reductions are within acceptable limits (19% and 18%). As both of these rooms are secondary bedrooms to two bedroom units and as there are only minor breaches of VSC for room R1 and none for room R2, the overall reductions in DD in these instances are considered to be acceptable. The 25% reduction seen at W4 of room R2 does not raise any adverse concerns as there are three windows to this Living/Kitchen/Dining room and the other two south-east facing windows do not see any notable reductions and the DD reduction is also nominal.
- 10.45 There are two further instances in relation to DD where BRE guideline figures have been transgressed, at 529 and 531 Holloway Road opposite the application site, see Table 1. The DD reduction highlighted at 529 Holloway Road is only 1% above what would normally be considered as not having a perceivable impact and therefore the marginal breach in this instance is considered not to be consequential for the occupants of this property. At 531 Holloway Road, two basement level bedrooms will have DD reductions of 26% and 27%. Given the use and location of these rooms, at subterranean level onto a busy road, the marginal breach of DD figures is concluded to be acceptable in this instance and will not lead to unacceptable light reductions beyond what would be expected in a dense urban environment.
- 10.46 An objector to the scheme has raised concern with the additional height of the development and that this may lead to light being blocked from surrounding gardens. The height of the built form at the development site is being increased from three storey to part four, part five storey and the surrounding gardens at the site are to the rear of properties along Kingsdown Road and Kiver Road. There is sufficient separation distance between the development site and these gardens that overshadowing impacts and reduced sunlight levels are considered to be negligible.
- 10.47 It is concluded that the effect of the development in terms of loss of daylight to surrounding residential premises is acceptable and is in accordance with Policy DM2.1.

Sunlight:

- 10.48 The BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be a noticeable loss of sunlight where:
- *The centre of the window receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual probable sunlight hours between 21st September and 21st March (winter) and*
 - *Receives less than 0.8 times its former sunlight hours during either period and*
 - *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours?*

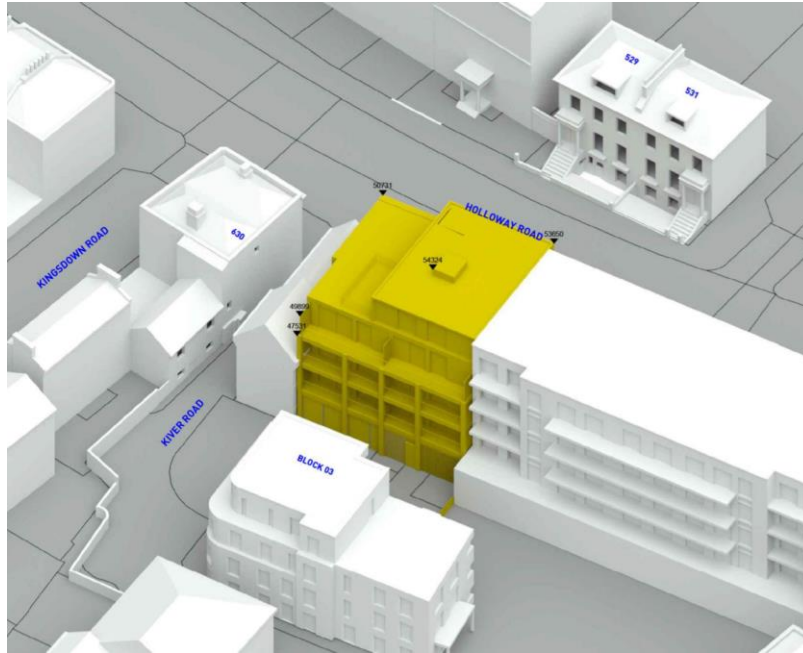


Image 14: Rear of Development Site in Surrounding Context.

- 10.49 The Sunlight results table provided in the Daylight and Sunlight Assessment October 2020 indicates that Window W3 to Room R1 (bedroom) on the first floor of Block 03 will see a 37% reduction in APSH but the other two windows to this room will not be adversely affected and the room as a whole will receive above 25% (31%) of APSH. The Winter Sunlight Hours for both the windows to this room and the room as a whole will also reduce to below 5% which does not comply with the guidance. For the same reason as previously discussed, the reductions in sunlight to this secondary bedroom in a two bedroom unit does not raise significant concerns in terms of reduced levels of sunlight for future occupants. The remainder of the property will benefit from good levels of both daylight and sunlight and the reductions to the bedroom would not result in an unacceptable impact on the amenity of future occupants.
- 10.50 In terms of sunlight and daylight the application is considered to be acceptable and accords with DM2.1

Privacy/Overlooking

- 10.51 The development proposes balconies and terraces to the residential units that face north towards Block 03 of the neighbouring development site. There will be two balconies at first, second and third floor levels as well as a roof terrace to the top floor apartment at fourth floor level. This terrace will not cover the entire flat roof space and will be set back from Holloway Road by 6.8m and from 632 Holloway Road, to the south of the site, by 3.4m. The balconies on the lower levels will face towards Block 03 with a separation distance of 6.6m.
- 10.52 Given the high level nature of the fourth floor terrace and the low separation distance of the lower level balconies, there may be overlooking implications to surrounding properties, mainly to Block 03 to the north east of the site. All the south facing windows to Block 03 are required as part of the planning permission to be obscurely glazed and consequently there will not be any privacy implications from the north facing balconies and windows within the proposed development that face towards Block 03. The fourth floor roof terrace, due to its positioning, being set back from the front and side of the roof space, and separated from the nearest residential premises along Kiver Road, would not result in unacceptable overlooking. Between the application site and the properties to Kiver Road is Block 03 which is four storeys in height. Therefore, this building will block any viewpoints towards Kiver Road from the roof terrace at the development site. It should also be noted that there is an outdoor amenity space to Block 03 at third floor level that faces Kiver Road and Kingsdown Road.



Image 15: External Amenity Space to Block 03

Outlook/Enclosure

- 10.53 The overall height of the new five storey building is 16.8m (not including lift overrun) with the partial four storey element being 13.8m. The height of the current three storey building at the site is 10.3m and therefore the overall height increase is 3.5m to the fourth storey element and 6.5m to the recessed fifth storey. The overall built footprint of development at the site is also being increased so the new rear building line matches with that of the neighbouring development site at 640-650 Holloway Road (Block 01).
- 10.54 Notwithstanding the increased massing and built footprint at the site, there will not be any reductions in outlook for surrounding residents. As has been previously identified, the new housing development to the rear of the site (Block 03) only has opaque windows that face south towards the application site, with the windows to the units in this block primarily facing north and east. Other buildings in the vicinity of the a site will not be affected in relation to outlook due to adequate separation distances and the overall modest increase in massing at the site in comparison to the existing situation.

Noise

- 10.55 The application includes a small amenity area to the rear of the building for the office floorspace. This area is directly below the residential accommodation at the site as well as to block 03 that borders the outdoor area to the north and therefore inappropriate use of this space has the potential to disturb surrounding residents. As outlined above at section 10.7, it would be possible for the office floorspace to be used as any of the uses that now fall under Class E, some of which have the potential to disturb neighbouring residents due to the nature of the use.
- 10.56 To ensure a potential future use in the commercial unit does to cause a neighbouring amenity issue, a condition is recommended that limits the potential Class E uses as no information has been provided as to the impacts of all such uses that now fall within Class E. The condition will not permit a Gym use (Class E (d) – Indoor Sports, recreation or fitness) or a Crèche (Class E (f) - Crèche, day nursery or day centre) as these uses have the potential to have amenity impacts to both surround residential occupiers as well as the future residential occupiers at the site. Further conditions are recommended that restricts the use of the

external commercial amenity area to normal working hours of 9am to 6pm, Monday to Friday and for the operation of the unit itself to between 8am and 10pm.

Conclusion on Amenity

- 10.57 Overall, the development proposed is concluded to not adversely affect surrounding occupier's amenity in terms of sunlight/daylight, privacy or having an overbearing effect. The increased massing of the development is modest when compared to the existing building at the site and represents a part single and part double storey extension over the building height that currently exists. The increased massing to the rear and associated terraces have been assessed and are concluded to not result in negative privacy or outlook implications for surrounding residential occupiers. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies

Standard of Residential Accommodation

Mix of Residential Units

- 10.58 In terms of the mix of residential units proposed on site, Development Management policy DM3.1 is relevant and requires all sites to provide a good mix of housing sizes. Table 3.1 provides further guidance and notes that for market housing the mix should be; 10% 1-beds, 75% 2-beds and 15% 3+bedroom units. The development proposes 7 units; 1 x 1-bed, 5 x 2-beds and 1 x 3 bedroom accommodation. In terms of percentages this equates to 14% 1-beds, 72%-beds and 14% 1-beds which is considered to be an acceptable mix that will support the housing needs of the borough.
- 10.59 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.60 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 which post-dates the determination of the application by the Council. From this date Councils are expected to refer to the NDSS in justifying decisions.
- 10.61 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve. For a 1 bedroom, 2 person flat the minimum requirement is 50sqm GIA with 1.5sqm of storage, for a 2 bedroom, 4 person flat; 70sqm GIA with 2.5sqm of storage and for a three bedroom, 6 person flat; 95sqm GIA with 3.5sqm of storage.
- 10.62 All the units proposed are comfortably above the minimum requirements stipulated under Table 3.2, the NDSS as well as the Mayor's minimum standards for living space. Policy DM3.4 also requires a floor to ceiling height of 2.6m for new residential development which is higher than the 2.3m requirement by the NDSS. The units across the first to third floors will have a 2.7m floor to clinging height and the top level fourth floor unit is 2.45m. While this is below the 2.6m requirement of DM3.4, lower floor to ceiling heights in roof top units of this type are common and are usually a consequence of building design considerations. The top storey should align with the neighbouring development site at 640-650 Holloway Road to provide a consistent and legible townscape. Furthermore, top storeys of this nature should also be of a subservient design with a slightly lower height than the height of the floors below.

As the height is only 15cm below Islington's minimum standard, as well as being 15cm above the national standard, the floor to ceiling height of the top floor unit is deemed acceptable in this instance. As will be addressed below, this unit also provides good levels of internal and external amenity space and overall the slightly lower ceiling height in this unit will not result in substandard living conditions for future occupants.

- 10.63 Policy DM3.5 relates to private outdoor space and requires all new residential developments to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. All the units proposed have access to private outdoor amenity space. The minimum size requirements for outdoor space is 5sqm for a 2 person dwelling with an additional 1sqm for each additional occupant for larger dwellings. Table 2 below provides an areas schedule of the proposed residential accommodation.

Table 2 – Area Schedule of Residential Accommodation

| Unit (floor) | Occupation | Minimum Standard | Internal Area | External Area |
|---------------------|-------------------|-------------------------|----------------------|----------------------|
| A (first) | 4 Persons | 70sqm | 79sqm | 12sqm |
| B (first) | 4 Persons | 70sqm | 90sqm | 12sqm |
| C (second) | 4 Persons | 70sqm | 79sqm | 12sqm |
| D (second) | 4 Persons | 70sqm | 90sqm | 12sqm |
| E (third) | 2 Persons | 50sqm | 63sqm | 7sqm |
| F (third) | 6 Persons | 95sqm | 106sqm | 18sqm |
| G (fourth) | 4 Persons | 70sqm | 80sqm | 19sqm |

- 10.64 In relation to outlook from the proposed new units, there is a separation distance of between 6m and 10m to block 03 and the rear facing balconies to the new units. Block 03 is four storeys in height, one lower than the proposed development and consequently it is not considered that this building will be overbearing to the future residents at the development site nor that the building would adversely affect the outlook from the new units.
- 10.65 All of the units proposed are dual aspect with the bedrooms facing towards Holloway Road and the Living/Kitchen/Dining rooms facing towards the rear and Block 03. Due to the busy nature of Holloway Road, with high levels of traffic throughout a 24 hour period, there are potential noise and air quality implications for the residents of the new units proposed. As a consequence, the windows to Holloway Road will need to be fixed shut and mechanical ventilation has been recommended on this side of the building by the Environmental Health Officer.
- 10.66 The Environmental Health officer has recommended various conditions to control potential noise and air quality issues. In relation to noise, three conditions have been recommended. Condition 4 requires a scheme for sound insulation and noise control measures to be submitted and approved by the council, condition 5 relates to insulation between the office floorspace at ground floor level and the residential floorspace at first floor level and condition 6 controls noise emissions from the building services plant that will be required for the mechanical ventilation. For air quality (condition 7), full details of the ventilation measures to reduce air pollution exposure are required to be submitted and approved by the Local Planning Authority.

- 10.67 For the above reasons it is concluded that the internal layouts of the proposed residential units are concluded to be functional and will provide acceptable living conditions for future occupants. The development is therefore in accordance with Policy D6 of the London Plan 2021, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management as well as the National Space Standard, 2015.

Accessibility

- 10.68 Development Management Policy DM3.4 part A (v) states that 10% of all new housing is required to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The policy goes on to mention that 'the wheelchair accessible units should be provided across all tenures and unit sizes, and integrated within the development'. It is acknowledged that this part of the DM3.4 is more targeted towards major developments providing 10 or more units that will be providing a mixture of tenures (market, affordable, shared ownership etc...) on site and with the current application for 7 units it would not be possible to provide a fully wheelchair accessible unit as there is only one lift core in the building. It would also not be possible to provide a wheelchair unit on the ground floor as it would have to be a north facing single aspect unit due to the ground floor frontage to Holloway Road having to retain a commercial character.
- 10.69 The applicant has addressed accessibility issues and it has been stated that the development will accord with building control parts M and B and adding a further lift would compromise the commercial space and bike store (the commercial space has already been reduced to increase residential cycle parking on site). These issues are accepted and it is concluded that there is not a requirement for a fully wheelchair accessible unit to be provided in this instance. However, the units should be as accessible as possible given that there is a step free access provided via the single lift. To that end, the applicant has outlined on the floorplans how Unit B on the first floor is a Category 3 Accessible unit and that Units A, C, D and E are Category 2 Adaptable units.
- 10.70 Further comments received from the Accessibility Officer relate to the provision of cycle parking. The overall volume of cycle parking is addressed in the next section but it has been highlighted that a store and charging area for mobility scooters should also be provided. The ground floor plan in the resubmitted scheme has shown this to be provided alongside the residential cycle parking area at ground floor level.
- 10.71 In relation to the commercial floorspace, a condition is recommended (Condition 11) that will require this component of the development to meet Part M of the Building Regulations, ensuring the commercial floorspace is sufficiently inclusive for those with mobility difficulties.

Transport and Highways

- 10.72 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner and to adequately address delivery, servicing and drop-off requirements. Policy DM8.5 states that all additional homes will be car free and that applications for vehicle parking within the curtilage of existing residential properties will be refused.
- 10.73 No car parking is proposed as part of the development and the ability of future residents to obtain an on street parking permit will be restricted through the recommended legal agreement. Therefore, in terms of Development Management Policy DM8.5 the application is compliant.
- 10.74 Policy 8.4 of Islington's Development Movement Policies (2013) relates to walking and cycling. New residential development and office development over 100sqm are required to provide cycle parking in accordance with Table 6.1 at Appendix 6 of Islington Development Management Policies 2013. The requirements for residential development is 1 cycle parking space per bedroom provided and for office development the requirement is one space per 80sqm of floorspace.

- 10.75 The development includes residential cycle parking at ground floor level. 8 Sheffield stands are proposed, each providing parking for two bicycles (16 spaces in total). This is above the provision required under Appendix 6 as there are 14 bedrooms proposed. An additional accessible mobility cycle parking space is also indicated on the ground floor plan. Three further Sheffield cycle stands are also proposed in front of the commercial units providing 6 short stay spaces which can be used by the ground floor commercial unit or by those visiting the residential accommodation (Image 16). Overall, the provision of cycle parking is acceptable and accords with Policy DM8.4.
- 10.76 TfL have requested for a disabled car parking bay to be provided due to the provision of office floorspace at the site and compliance with Policy T6.5 (Non-Residential Disabled Persons Parking). Similar comments have been received from the Accessibility Officer. The overall accessibility of the development is accessed from section 10.67 above. As the site primarily fronts Holloway Road, a key strategic road in the borough that is under the authority of TfL, there is no scope for an on-street disabled parking bay to be provided to Holloway Road, nor to the rear of the site as there is insufficient vehicle access. Furthermore, there is a substantial tree in front of the site and to Holloway Road there are zig zag no stopping lines due to a pedestrian crossing to the south of the application site. The Accessibility Officer also noted that there should be safe drop off as well as on street parking but for the same reasons as above this is not possible.
- 10.77 Islington's Planning Obligations SPD (2016) states that a £2,000 per space charge is relevant where an on-site provision of disabled parking is not possible (paragraph 6.26). This will enable the council to install accessible parking bays where required. The financial contribution will be included within the Unilateral Undertaking between the applicant and the council.
- 10.78 The proposals have incorporated sufficient sustainable and accessible transport facilities to meet the transport needs of the building and is in compliance with the relevant transport policies of the London Plan and Islington's Core Strategy and Development Management Policies.
- 10.79 The Environmental Health Officer has highlighted that there may be issues in relation to delivery and servicing, particularly during the construction phase as there are a number of constraints at the site such as a pedestrian crossing with zig zag lines, that the majority of Holloway Road is a red route and as there is a substantial tree outside the site. Due to these constraints and the close proximity of neighbour residential occupiers, a Construction Method Statement (Condition 8) and a Construction Environmental Management Plan (Condition 9) have been recommended.
- 10.80 As no final user is known for the commercial unit, no detail is available in relation to the delivery and servicing arrangement for the unit at this time. Consequently, a Delivery and Servicing Plan condition is recommended, in consultation with TfL who control Holloway Road, to ensure the future use of the unit can be appropriately and safely serviced given the restricted parking and stopping arrangements on Holloway Road.

Trees

- 10.81 The application has been submitted with an Arboricultural Impact Assessment / Method Statement to address the potential impacts upon tree T1 that is immediately outside the application site on the pavement to Holloway Road. While this tree is not a protected tree, it is a TfL owned highways tree and should be retained. The Arboricultural Impact Assessment has been reviewed by the council's Tree Preservation Officer and no objections have been raised. A condition is recommended (Condition 12) for the protection and maintenance of the tree to be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment / Method Statement (condition 12).

Refuse and Recycling

- 10.82 Commercial refuse storage is provided at ground floor level with access doors facing directly onto Holloway Road. The residential refuse store is at ground floor level with access provided from the main entrance lobby. The commercial refuse storage area is 6.7sqm and the plans indicate this can accommodate 3 x 660 litre bins and 1 x 1100 litre bin. The residential store is 10.6sqm and can 2 x 660 litre bins and a 2 x 1100 litre bins.

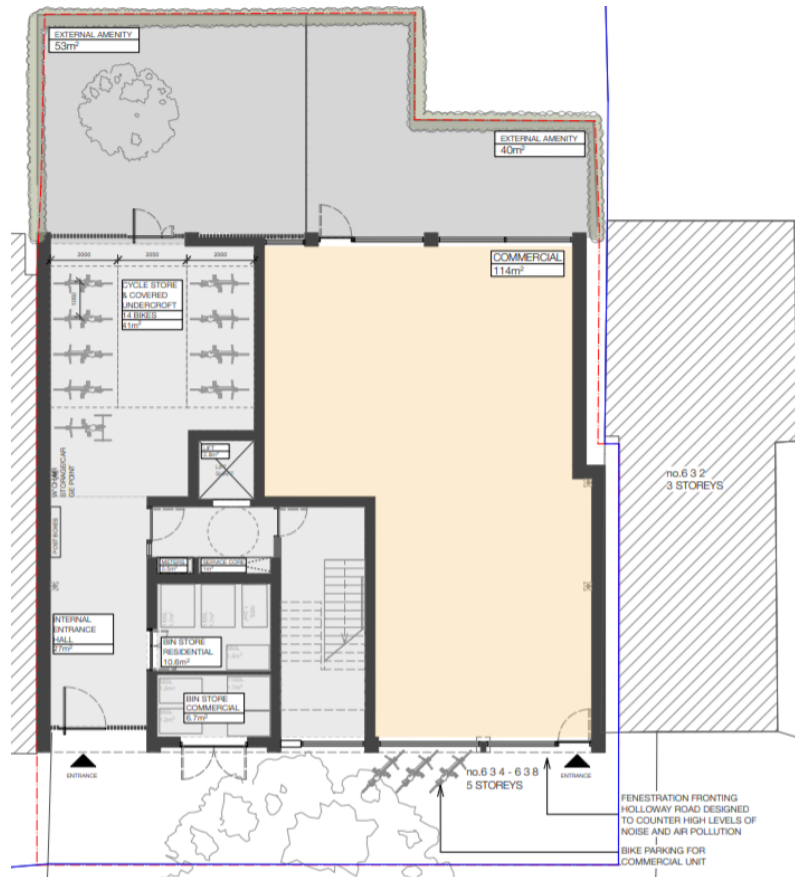


Image 16: Proposed Ground Floor Plan with Cycle Parking & Refuse Areas

- 10.83 Comments were received from the council's Refuse and Recycling Department and it was no issues were raised with regard to collections from Holloway Road as domestic collections are already made along this route. Commercial collections will be dealt with by private operators but as there are already numerous other commercial operations to Holloway Road, the collection of commercial refuse from the proposed refuse store is an acceptable arrangement. Overall, the provision of refuse storage is considered to be satisfactory given the level of occupation and scale of development at the site

Sustainability

- 10.84 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. The application has been submitted with a Sustainable Design and Construction Statement that addresses the sustainability potential of the development. Energy efficient features will be included in the construction such as thermally efficient insulation (Fabric First approach) with u values below those of building regulations. This initiative will achieve a 3.6% reduction in CO₂ per year, equivalent to 570kg CO₂, over the baselines conditions of Part L of Building Regulations.

10.85 Low carbon technologies are also proposed as part of the development such as photovoltaic panels on the flat roof area to the fifth floor unit, mechanical ventilation with heat recovery, gas savers and air source heat pumps. The combined total of reduced carbon emissions as a result of the low carbon technologies incorporated into the development is 37.4% (5,665 kgCO₂) compared to the baseline conditions over a whole year.

10.86 It is concluded that the combined inclusion of thermally efficient building materials and low carbon technologies shows sufficient accordance with the requirements of DM7.2 and that the building will be sufficiently sustainable with a relatively low carbon footprint compared to the baseline situation. A condition has been included (condition 13) to ensure the sustainability features highlighted in the Sustainable Design and Construction Statement are incorporated into the development.

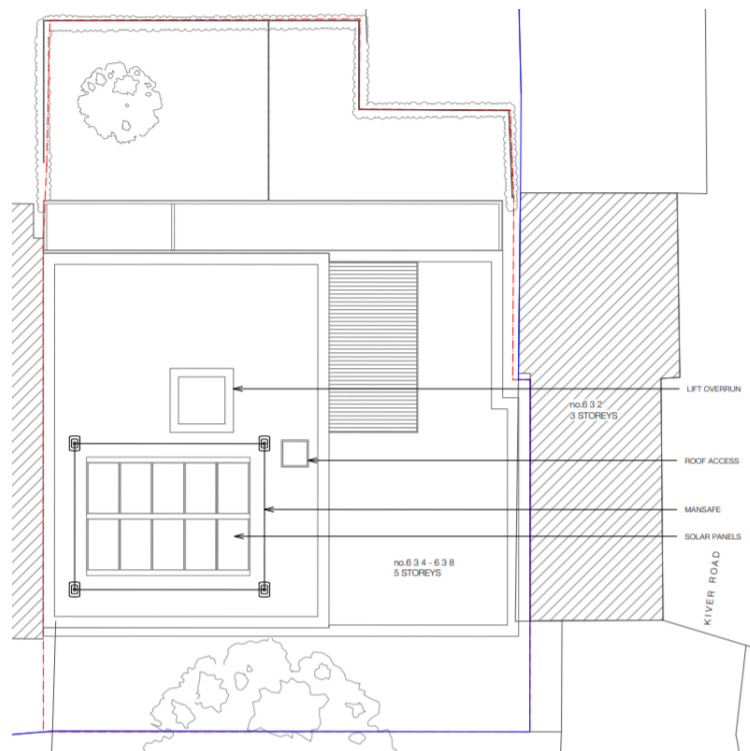


Image 17: Proposed Roof Plan with PV Panels

10.87 Policy DM6.5 states that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. New-build developments should use all available roof space for green roofs, subject to other planning considerations. No detail has been provided as to the inclusion of a green roof at the site but as there will be two flat roof areas it may be possible for one to be installed. It is therefore recommended for a condition to be applied that maximise green/brown roofs at the site (Condition 16).

10.88 A further condition is recommended (Condition 20) for swift boxes to be installed at the site to increase the ecological contribution of the development. Further conditions are recommended that relate to a SUDS system (Condition 21) being installed and for the water efficiency target of 95 liters, per person, per day to be met (Condition 19).

10.89 Overall, it is concluded that the sustainability of the site will sufficiently address the requirements of Policy CS10, DM6.5 and DM7.2 as well as the relevant policies within the London Plan.

Affordable Housing and Carbon Offsetting

- 10.90 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units which do not provide social rented housing on site. Schemes below this threshold will be required to provide a financial contribution towards affordable housing elsewhere. The reasons for this approach are explained in the supporting text and in the Affordable Housing Small Site Contributions SPD which refers in turn to relevant aspects of policy found in the London Plan (2016). The SPD sets out a tested viability requirement for a contribution of £50,000 per new dwelling.
- 10.91 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is outlined in Islington Planning Obligation SPD (2016) which stipulates a flat fee of £1,000 per flat.
- 10.92 The applicant has indicated their agreement to enter into the a legal agreement under Section 106 to make a contribution towards affordable housing in the borough in line with Islington's Affordable Housing – Small Sites SPD (Adopted October 2012).
- 10.93 During the course of the previous appeal the overall sum of the affordable housing contribution was queried by the applicant as they considered there to be existing residential units at the site. The Inspector did not take a view on this issue as untimely the appeal was dismissed on other grounds and the draft UU that was provided by the appellant was concluded to be inadequate. As part of the current application, it has been agreed that there is one existing residential unit at the site, a maisonette above 638 Holloway Road. This unit still has a live council tax record with the other two residential units at 636 and 634 Holloway having their records deleted in April 2007. Therefore, the affordable housing contribution is based on an uplift of 6 residential units due to there being one existing residential unit at the site.
- 10.94 Should the Planning Sub-Committee B resolve to grant the current application a Unilateral Undertaking will be drafted and signed prior to the decision notice being issued and a £300,000 contribution (£50,000 x 6 new units) will be collected by the council for affordable housing in the borough. A £7,000 contribution will also be collected for carbon off-setting as well as a £2,000 contribution for a disabled parking bay. A draft head of terms is provided at Appendix 1.

11. SUMMARY AND CONCLUSION

- 11.1 The overall design of the development has been altered to address the previous reason for refusal and the Planning Inspectors comments in the dismissed appeal decision. The development is now of a high standard of design and accords with DM2.1 and DM2.3.
- 11.2 The effect on neighbouring amenity has been assessed with regards to Daylight/Sunlight, privacy and being overbearing. The development is considered to be acceptable in terms of amenity and will not adversely affect surrounding residents. The ground floor commercial unit has also been assessed for effect on neighbouring amenity and conditions have been recommended to control the use under Class E as well as the hours of operation for both the internal and external commercial areas.

- 11.3 The standard of living accommodation for the new units complies with the minimum space standards and a satisfactory provision of private outdoor amenity space is provided to all units. Conditions have also been included to ensure noise and air pollution issues do not negatively affect future residents. Overall, the quality of accommodation is concluded to be of a high standard.
- 11.4 Sufficient sustainability features have been proposed to reduce the carbon footprint of the development by 40%.
- 11.5 The applicant has indicated their agreement to enter into a Unilateral Undertaking for a £300,000 contribution towards affordable housing, a £7,000 contribution towards carbon offsetting and a £2,000 contribution towards an accessible parking bay.
- 11.6 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the National Planning Policy, the London Plan, the Islington Core Strategy, Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly. The recent planning history of the site, including the appeal history, is a material planning consideration that is afforded significant weight. The single reason for refusing the previous application has been overcome and overall the development is now acceptable.

Conclusion

- 11.7 It is recommended that planning permission be granted subject to conditions and a legal agreement.

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:

- £300,000 Contribution towards off-site affordable housing.
- £7,000 Contribution towards Carbon Offsetting.
- £2,000 Contribution towards an Accessible Parking Bay.
- Restriction on future residential occupants obtaining on street parking permits.

RECOMMENDATION B

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

List of Conditions:

| | |
|----------|---|
| 1 | Implementation Period |
| | <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p> |
| 2 | Approved plans list |
| | <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>1812_P_401_Rev B, 1812_P_411, 1812_P_410_ Rev B, 1812_P_210_Rev B, 1812_P_201_Rev_B, 1812_P_202_Rev_B, 1812_P_203_Rev_B, 1812_P_204_Rev B, 1812_P_220_Rev B, 1812_P_100_Rev B, 1812_P_101_RevB, 1812_P_102_Rev B, Air Quality Assessment Ref: JAR11143 dated 10/07/2019, Design and Access Statement October 2021, Daylight and Sunlight Report Ref: CR/ROL00255 dated 29/10/2020, Arboricultural Impact Assessment / Method Statement Ref: D1934AIA dated 13/06/2019, Planning & Heritage Statement dated 29/10/2021, Retail Assessment October 2019 Ref: 4932, Site Noise Risk Assessment and Acoustic Design Statement Ref: JAE11145 dated 03/07/2019, Sustainable Design and Construction Statement dated 08/07/2018, Note on Abandonment of Use July 2021,</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p> |
| 3 | MATERIALS (DETAILS): |
| | <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <p>a) solid brickwork (including brick panels and mortar courses. The use of brick slips will not be supported)</p> <p>b) render (including colour, texture and method of application);</p> <p>c) window treatment (including sections and reveals);</p> <p>d) roofing materials;</p> <p>e) balustrading treatment (including sections);</p> |

| | |
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| | <p>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 | Noise report – Scheme for sound insulation |
| | <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 $L_{Aeq,8\text{ hour}}$ and 45 dB $L_{max\text{ (fast)}}$ Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16\text{ hour}}$ Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16\text{ hour}}$</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: To protect the living environment of future residents.</p> |
| 5 | Noise report – Scheme for sound insulation between residential/commercial |
| | <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office 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.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the living environment of future residents.</p> |
| 6 | Plant Noise Compliance |
| | <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 $L_{AF90\text{ Tbg}}$. 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 order to protect the amenities of surrounding occupiers.</p> |
| 7 | Air Quality Report |
| | <p>CONDITION: Prior to commencement of the relevant part of the development, full details of ventilation and measures to reduce air pollution exposure for the residential units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To protect the living environment of future residents.</p> |

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| 8 | Construction Method Statement |
| | <p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of:</p> <ul style="list-style-type: none"> a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. the erection and maintenance of security hoarding; e. wheel washing facilities; f. measures to control the emission of dust and dirt during construction; and g. a scheme for recycling/disposing of waste resulting from demolition and construction works. <p>Any response should pay reference to BS5228, the GLA' SPG on control of dust and emissions, LBI code of construction practice and any other relevant guidance.</p> <p>The CMS shall confirm that the footway and carriageway along Holloway Road will not be blocked during the development as not to disrupt bus passengers or pedestrians and that temporary obstruction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Holloway Road.</p> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p> |
| 9 | Construction Environmental Management Plan |
| | <p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP should refer to Islington's Code of Practice for Construction Sites (2018) and include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site; |

| | |
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| | <p>k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)</p> <p>l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles;</p> <p>m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and</p> <p>n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads. The report should contain detailed information on the minimizing of noise, demolition methods and best practice measures in line with Islington's Code of Practice for Construction Sites (2018).</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p> |
| 10 | Cycle Parking Compliance |
| | <p>CONDITION: The bicycle storage area(s) shown on approved plan 1812_P_201_REV_B shall be fitted out in accordance with the approved plan and provide 8 Sheffield cycle stands for 16 bicycles as well as an accessible cycle space with charging point. 3 further Sheffield cycle stands shall be provided in front of the commercial unit. The spaces shall be provided prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p> |
| 11 | Inclusive Design |
| | <p>CONDITION: The ground floor commercial unit hereby approved shall meet the requirements of Part M of Building Regulations including the provision of step-free wheelchair access from street level.</p> <p>REASON: To ensure the commercial unit is fully accessible to those with mobility issues.</p> |
| 12 | Compliance with Arboricultural Report |
| | <p>CONDITION: The schedule of works and maintenance to the tree immediately outside the site to Holloway Road shall be carried out in accordance with the details provided in the Arboricultural Impact Assessment / Method Statement by Alderwood Consulting Ref: D1934AIA and dated 13th June 2019.</p> <p>REASON: In order to protect the tree in close proximity to the site.</p> |

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| 13 | Compliance with Sustainable Design and Construction Statement |
| | <p>CONDITION: The development hereby permitted shall be constructed to achieve a 40% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, using the methods highlighted within the Sustainable Design and Construction Statement by Mesh Energy and dated 8th July 2018.</p> <p>REASON: In the interest of securing sustainable development.</p> |
| 14 | Photovoltaic Panels Details |
| | <p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to: location; area of panels; and design (including section drawings showing the angle of panels in-situ, and elevation plans).</p> <p>The solar photovoltaic panels as approved shall thereafter 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> |
| 15 | Delivery and Servicing Plan |
| | <p>CONDITION: Prior to the first occupation of the ground floor commercial unit hereby approved, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The details shall include such issues as where delivery and servicing vehicles are to stop during loading, loading times and restrictions for delivery vehicles. The delivery and servicing arrangements shall be maintained in accordance with the approved details thereafter.</p> <p>REASON: To ensure the commercial unit can be safely and effectively serviced.</p> |
| 16 | Green/Brown Biodiversity Roofs (Details) |
| | <p>CONDITION: Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to practical completion of the development hereby approved, demonstrating the following:</p> <p>a) how the extent of green/brown roof has been maximised;</p> <p>b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 120 - 150mm); and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.</p> |
| 17 | Use of Commercial Floorspace |
| | <p>CONDITION: The commercial office floorspace at ground floor level hereby approved shall not be used for a Gym or Creche/Nursery or any other use falling within Class E parts (d) and (f) within of the Town and Country Planning (Use Classes) Regulations 2020, without first obtaining planning consent from the Local Planning Authority.</p> |

| | |
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| | REASON: In order to protect the amenities of surrounding residential occupiers. |
| 18 | Hours of Use (Commercial Floorspace) |
| | <p>The ground floor office floorspace hereby approved shall not be used outside of the hours: 0800 to 2200 on all days.</p> <p>The external area to the ground floor office area shall not be used outside of the hours: 0900 – 1800 Monday to Friday.</p> <p>REASON: In order to protect the amenities of surrounding residential occupiers.</p> |
| 19 | Water Efficiency Requirements |
| | <p>CONDITION: The development hereby approved shall achieve a maximum internal water use of 95litres/person/day. The dwelling/s shall not be occupied until this requirement has been complied with.</p> <p>REASON: To ensure the water efficiency of the development.</p> |
| 20 | Bird Boxes |
| | <p>CONDITION: Prior to the commencement of the hereby approved development, details of swift box locations shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information and investigation of the most suitable location and shall include nesting locations and boxes for swifts. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p> |
| 21 | Sustainable Urban Drainage |
| | <p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system. The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p> |

List of Informatives:

| | |
|---|--|
| 1 | Car-Free Development – |
| | Car-Free Development. All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. |

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 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

1 Planning London's Future - Good Growth

Policy GG2 Making best use of land

Policy GG3 Creating a healthy city

Policy GG5 Growing a good economy

3 Design

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivery good design

Policy D13 Agent of Change

Policy D14 Noise

6 Economy

Policy E1 Offices

7 Heritage and Culture

Policy HC1 Heritage conservation and growth

9 Sustainable Infrastructure

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

10 Transport Policy

Policy T2 Healthy streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T5 Cycling

Policy T6.1 Residential Parking

Policy T7 Deliveries, servicing and construction

B) Islington Core Strategy 2011

Spatial Strategy

- Policy CS7 (Bunhill and Clerkenwell)

- Policy CS8 (Enhancing Islington's Character)

- Policy CS13 (Employment Spaces)

Infrastructure and Implementation

- Policy CS18 (Delivery and Infrastructure)

Strategic Policies

- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10 (Sustainable Design)
- Policy CS11 (Waste)
- PolicyCS12 (Meeting the housing challenge)

C) Development Management Policies June 2013

Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage
- DM3.1 Mix of Housing Sizes
- DM3.4 Housing Standards
- DM3.5 Private Outdoor Space

Employment

- DM4.6 Local Shopping Areas
- DM5.1 New business floorspace
- DM5.2 Loss of existing business floorspace

Energy and Environmental Standards

- DM6.5 Landscaping, Trees and Biodiversity
- DM6.6 Flood Prevention
- DM7.1 Sustainable design and construction statements
- DM7.2 Energy efficiency and carbon reduction in minor schemes
- DM7.4 Sustainable design standards

Transport

- DM8.1 Movement hierarchy
- DM8.2 Managing transport impacts
- DM8.4 Walking and cycling
- DM8.5 Vehicle parking

Infrastructure

- DM9.2 Planning obligations

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:

- Local Shopping Area Upper Holloway;
- Strategic Cycle Route;
- Within 100m of TLRN;
- Article 4 Direction A1-A2 (Local Shopping Area)
- Within 50m of three Conservation Area.
- Article 4 direction A1-A2.

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Environmental Design
- Urban Design Guide
- Inclusive Design (2014)
- Planning Obligations

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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

PLANNING DECISION NOTICE

 **ISLINGTON**
Development Management Service
Planning and Development Division
Environment & Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA
Case Officer: Owen Griffiths
T: 020 7527 5844
E: planning@islington.gov.uk

John Pardey Architects
Beck Farm Studio
St Leonards Road
East End
Lymington
SO41 5SR

Issue Date: 21 December 2020
Application No: P2019/3143/FUL

(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Refusal of permission

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, in accordance with the plans submitted and by virtue of the reason(s) given.

| | |
|-----------|---|
| Location: | 634-638 Holloway Road, Islington, London, N19 3NU |
|-----------|---|

| | | | |
|----------------------|---------------------------|-----------------------|------------------|
| Application Type: | Full Planning Application | | |
| Date of Application: | 21 October 2019 | Application Received: | 21 October 2019 |
| Application Valid: | 04 November 2019 | Application Target: | 30 December 2019 |

DEVELOPMENT:

Demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage.

PLAN NOS:

1812_P_100,1812_P_101,1812_P_210,1812_P_220,1812_P_401_Rev_A,1812_P_102_REV_A, 1812_P_201_REV_C,1812_P_202_REV_A,1812_P_203_REV_A,1812_P_204_REV_A,1812_P_411_REV_A,1812_P_410_REV_A, Air Quality Assessment Ref: JAR11143 dated 10/07/2019, Design and Access Statement, Daylight and Sunlight Report Ref: CR/ROL00255 dated 29/10/2020, Arboricultural Impact Assessment / Method Statement Ref: D1934AIA dated 13/06/2019, Planning Statement Ref: 19-4932 dated 09/10/2019, Retail Assessment October 2019 Ref: 4932, Site Noise Risk Assessment and Acoustic Design Statement Ref: JAE11145 dated 03/07/2019, Sustainable Design and Construction Statement dated 08/07/2018.

REASON(S) FOR REFUSAL:

- 1 **REASON:** The proposed design by reason of the appearance and materiality of the primary façade facing Holloway Road and the neighbouring Mercers Road / Tavistock Terrace Conservation Area would form a dominant and discordant type of development in comparison to the surrounding built form as well as the adjoining heritage asset. The development is therefore considered to fail to preserve or enhance the character and appearance of the neighbouring Conservation Area as well as the setting of the Holloway Road, a major thoroughfare through the borough, contrary to CS policy 9 and 8, Development Management Policies DM2.1 and DM2.3, Islington's Urban Design Guidance and the NPPF 2019.

Certified that this document contains a true record of a decision of the Council

Yours faithfully

A handwritten signature in black ink that reads "Karen Sullivan". The signature is written in a cursive style with a horizontal line underneath the name.

**KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER**

London Borough of Islington

Planning Sub Committee B - 8 December 2020

Minutes of the meeting of the Planning Sub Committee B held via Zoom on 8 December 2020 at 7.30 pm.

Present: **Councillors:** Kay (Chair), Klute, Chowdhury and Woolf

Councillor Jenny Kay in the Chair

40 **INTRODUCTIONS (Item A1)**

Councillor Kay welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

41 **APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillor Khondoker. Apologies were also received from Councillor Hyde, a ward councillor.

42 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

None.

43 **DECLARATIONS OF INTEREST (Item A4)**

Councillor Klute declared an interest in Items B1 and B2. He would not take part in the consideration of these items.

44 **ORDER OF BUSINESS (Item A5)**

The order of business would be as per the agenda.

45 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:

That the minutes of the meeting held on 14 July 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

46 **16-33 RHEIDOL MEWS, ISLINGTON, LONDON, N1 8NU (Item B1)**

Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; Refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases and the change of use from a mix of previous uses to Class C3 Residential with the creation of 2 flats and 7 houses.

(Planning Application Number: P2020/1731/FUL)

Councillor Klute, who had declared an interest in this item, did not take part in the consideration of this application.

In the discussion the following points were made:

- Concerns were raised about the daylight/sunlight test, whether this had been published and had taken into account some of the flats being mislabelled as houses. The planning officer stated that the daylight/sunlight test results were published as part of the submission and the windows would have been assessed in the same way whether they were labelled as flats or houses.
- A member queried the nature of marketing and why, if sufficient, it had not been evidenced. The applicant advised that the marketing did not comply with Islington's requirements. The applicant had bought the site in 2018 and although the offices had been marketed, it had not been for two years.

RESOLVED:

That planning permission be refused subject to the reasons set out in Appendix 1 of the officer report.

16-33 RHEIDOL MEWS, ISLINGTON, LONDON, N1 8NU (Item B2)

Partial demolition of No's 16 - 18, 21, 22, and 29-31 and replacement with new buildings; refurbishment of the remaining buildings within Rheidol Mews including installation of replacement windows/doors and demolition of external staircases.

(Planning application number: P2019/1262/FUL)

Councillor Klute, who had declared an interest in this item, did not take part in the consideration of this application.

In the discussion the following main points were made:

- Concerns were raised about the daylight/sunlight test and that BRE guidelines had been breached. The planning officer stated that the BRE guidelines were just guidelines and one window breaching them was not enough to recommend refusal in this case.
- Concerns were raised about a wall for which the planning officer had requested a structural survey. This was listed in the approved plans and drawings list and planning permission was subject to the wall being retained. The applicant confirmed that a structural survey had taken place and the design included the retention of the walls.
- The application was broadly policy compliant.
- The chair asked the applicant to be a better neighbour.

Councillor Woolf proposed that a condition be added to retain the wall. This was seconded by Councillor Chowdhury and carried.

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report and the additional condition outlined above, the wording of which was delegated to officers.

18 **634-638 HOLLOWAY ROAD, ISLINGTON, LONDON, N19 3NU (Item B3)**

Demolition of the existing buildings and erection of a part four storey part five storey building, comprising 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage. (Reconsultation due to amended design and description).

(Planning Application Number: P2019/3143/FUL)

In the discussion the following main points were made:

- The planning officer advised that an additional objection had been received.
- A member queried the £2,000 accessible parking contribution. The planning officer stated that one accessible parking space was required per 33 employees. This bay could not be provided on site and so the standard accessible parking contribution was required.
- A member commented that the overall massing, accommodation and the inclusion of a business unit was acceptable for the location. However he had concerns about the concrete frame design and considered that solid brickwork would be more appropriate.

Councillor Klute proposed a motion to refuse planning permission on design grounds. This was seconded by Councillor Chowdhury and carried.

RESOLVED:

That planning permission be refused on design grounds, the wording of which was delegated to officers.

19 **MOORE COURT, ANDERSON SQUARE, LONDON, N1 2TF (Item B4)**

The construction of two new residential units on the existing flat roof of Moore Court, forming a 4th storey, as well as an additional refuse store and associated cycle parking.

Re-consultation due to: amended design and new description.

(Planning Application Number: P2019/0031/FUL)

In the discussion the following main points were made:

- The planning officer stated that an additional objection had been received. The points raised had been addressed in the officer's report.
- A member raised concern that application was not supported by the inclusive design officer. The planning officer replied that accessibility for wheelchair users could not be created within the constraints of the site.
- The bin store design was considered. The final design would have to be submitted to the local planning authority.



Appeal Decision

Site visit made on 7 September 2021

by **L Page BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th October 2021

Appeal Ref: APP/V5570/W/21/3271749

634-638 Holloway Road, Islington, London N19 3NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Cockburn against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/3143/FUL, dated 18 October 2019, was refused by notice dated 21 December 2020.
 - The development proposed is demolition of the existing buildings and erection of a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development has been taken from the Council's decision notice because it was indicated under the appeal that the description of development had been amended. The appeal has been dealt with accordingly.
3. A unilateral undertaking was submitted during the appeal. Both the Council and the appellant have provided further comments on it and I have taken these into consideration when making my decision.
4. The revised National Planning Policy Framework (the Framework) was published 20 July 2021, and the new London Plan was also adopted 2 March 2021. These have been considered under the appeal accordingly.

Application for Costs

5. An application for costs was made by Mr Nick Cockburn against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Main Issues

6. The main issues are:
 - (a) The effect of the proposal on the character and appearance of the area, including on the setting of designated and non-designated heritage assets; and
 - (b) whether affordable housing planning obligations are necessary and suitably provided.

Reasons

Character and Appearance

7. The site is located at 634-638 Holloway Road, which is part of a prominent frontage along a major north south route of metropolitan significance. Directly to the north west at 640-650 Holloway Road is a new mixed use development comprising a building five storeys in height. It is of noticeable scale along the prominent frontage of Holloway Road.
 8. However, the design of the building, particularly its predominance of brickwork construction, is in keeping with the prevailing local vernacular. For example, it is quite clear from the evidence presented, and from my site visit, that the majority of buildings along Holloway Road and in the immediate vicinity are constructed out of brickwork. Consequently, it does not present itself as a discordant addition to the street scene, even if it is of appreciable scale and prominence.
 9. That said, the new building at 640-650 Holloway Road does include a more contemporary material along its uppermost storey, which may not necessarily be reflective of traditional materials in the immediate vicinity. However, this contemporary material forms a small proportion of the overall building and is clearly subservient to the main structure when taken as a whole. Consequently, the use of a contemporary material in this context adds complimentary interest and does not dominate or detract from the character and appearance of the area, it is sympathetic to it.
 10. Mercers Road and Tavistock Terrace Conservation Area is located directly to the south of the site. Islington's Conservation Area Design Guidelines 2002 describes the character and heritage significance of the area as comprising largely commercial frontages along Holloway Road and predominantly residential side streets. The area includes an attractive range of Victorian buildings mostly developed during the 1850s and 1860s. The relatively few buildings that have been built subsequently have generally added to the character of the area. The boundary takes in the locally listed building at 622 Holloway Road. Whilst other locally listed buildings at 529 and 531 Holloway Road sit directly opposite the site. These locally listed buildings are consistent with the Victorian heritage significance of the locality.
 11. The site itself comprises a terrace of three storey buildings of Victorian architectural design, comprising traditional brickwork construction. The buildings have been through periods of disuse and generally present as vacant and unkempt within the street scene. However, there is no evidence that their condition has deteriorated to the extent where they detract substantively from the character and appearance of the area or the setting of the conservation area.
 12. This is because, aside from deteriorating fenestration detailing and commercial fascia's, the fabric integral to the buildings' construction would appear largely intact. Consequently, in the absence of a building condition survey or similar, it would appear that some minor improvements could bring the buildings into a more kempt state in a relatively short space of time. It follows that any benefits of redeveloping the site in its totality to improve the existing urban fabric would be limited. The more reasonable position based on current evidence is that the buildings currently make a neutral contribution.
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13. The conservation area boundary takes in an appreciable portion of Holloway Road in vicinity of the site. Consequently, the site in conjunction with other Victorian era brickwork buildings located in the immediate vicinity along Holloway Road help inform the setting of the northern periphery of the conservation area, contributing to its Victorian era heritage significance.
14. The proposal would demolish the existing buildings at the site. Erecting a part four storey part five storey building, comprising of 7 residential units (1 x 1-bed, 5 x 2-beds & 1 x 3-bed) on the upper floors and commercial office floorspace (Class B1a) at ground floor level as well as refuse and cycle storage. The building would be of appreciable scale, similar to the building at 640-650 Holloway Road. Consequently, it would be prominent in the street scene in a similar manner. However, its primary façade would clearly depart from the principal brickwork construction of buildings within the locality.
15. This is because it would comprise an exposed precast concrete frame, which is a significant and noticeable departure from the predominance of Victorian brickwork construction seen in most buildings nearby. There does not appear to be an anchor point or inspiration derived from the local context. Indeed, the Council rightly contend that such an exposed precast concrete frame is not a design feature that is found along Holloway Road and it would not integrate successfully within the surrounding urban form.
16. The scale of the building is acceptable in and of itself and given the scale of other buildings along Holloway Road this is self-evident. Furthermore, the proportions of the building and other elements of form do not appear disputed by the Council. However, the scale does mean that there would be a significant volume of exposed precast concrete frame on display. This would amplify the proposal's departure from existing designs.
17. This is not to say that contemporary design detailing, such as the bronze panelling, among other things, is completely inappropriate as a matter of principle. However, based on its current arrangement it is the predominance of contemporary design features that lead to the incongruity in the street scene. As already explained, the building at 640-650 Holloway Road is different by comparison, it is anchored by brickwork reflective of the construction of other buildings in the area and any contemporary materials perform a subservient and secondary role in its character and appearance.
18. It is appreciated that the proposal has been carefully designed not to simply extend the design of the new building at 640-650 Holloway Road. Nonetheless, this would not mitigate the imbalance imposed by the predominance of contemporary materials. Although the appellant contends that brick is the principal material used in the proposal, it is not clear to me that this is actually the case. Notwithstanding any quantitative analysis of material volumes that may exist to demonstrate that this is indeed the case, a visual inspection of the plans leads me to a different conclusion in terms of how it presents itself.
19. In my assessment, the exposed precast concrete frame catches my eye to the extent that it would appear the principal structural component of the building. Furthermore, it is not unreasonable to argue that the bronze panelling carries a similar level of visual weight compared to the brickwork. Clearly this is a subjective matter but whatever the case may be in terms of exact proportions, it is not reasonable to conclude that the brickwork presents itself as the clear principal material in the building's construction.

20. It is not clear how the proposed development would act as an effective transition between the building at 640-650 Holloway Road and the smaller, domestically scaled, three storey end of terrace building immediately behind it. This is mainly because when taking views from Holloway Road, it is not clear that the building immediately behind could be observed or whether there would be a visual link.
21. Altogether, the proposal would be a dominant addition to the street scene and would be incongruous with the prevailing design direction of existing buildings. It would therefore detract from the character and appearance of the area, harming the setting's contribution to the heritage significance of Mercers Road and Tavistock Terrace Conservation Area. Given the footprint of the site relative to the size and extent of the Holloway Road, and the wider extent and setting of the conservation area, the proposal would not generate substantial harm, harm would be less than substantial.
22. Paragraph 199 of the Framework is clear that great weight should be given to a designated heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the Framework is clear that harm can be derived from development within a designated heritage asset's setting. Paragraph 202 of the Framework is clear that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
23. As reasoned later in my decision, there are limited apparent public benefits (evidenced or otherwise) that have been advanced in support of the proposal. Consequently, the balancing exercise required by Paragraph 202 of the Framework, wherein I have given considerable importance and weight to the statutory duty to preserve the heritage significance of the conservation area, would not conclude in the proposal's favour, acting as a material consideration to be weighed against it.
24. Paragraph 203 of the Framework requires a similar balanced judgement in the context of non-designated heritage assets, in this case the settings of 529 and 531 Holloway Road and 622 Holloway Road. Consequently, the relevant parts of the foregoing assessment would lead to the same conclusion, insofar as the settings of these locally listed buildings would be harmed in a similar manner to that of the conservation area, and public benefits of the proposal would not outweigh these harms.
25. Overall, the proposal would harm the character and appearance of the area, including the heritage significance of designated and non-designated heritage assets. It would therefore conflict with Policies CS8 and CS9 of Islington's Core Strategy 2011, Policies DM2.1 and DM2.3 of Islington's Local Plan Development Management Policies 2013, Policies D4 and HC1 of the London Plan 2021 and Paragraphs 202 and 203 of the Framework. Among other things these require new buildings to be sympathetic in scale and appearance and to be complementary to the local identity, whilst conserving and enhancing the historic environment.

Affordable Housing Planning Obligations

26. In accordance with Paragraph 57 of the Framework and pursuant to the Community Infrastructure Levy Regulations 2010, planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, and directly, fairly, and reasonably related in scale and kind to the development.
27. It is clear that the Affordable Housing Small Sites Contributions Supplementary Planning Document 2012 requires a £50,000 contribution per dwelling. Furthermore, it is also clear that the Planning Obligations (Section 106) Supplementary Planning Document: Using planning obligations to achieve sustainable development 2016, requires contributions for net additional dwellings. Consequently, affordable housing contributions are necessary to make the development acceptable in planning terms, something that does not appear in dispute between the parties.
28. The correct figure for net additional dwellings is contested in this case. However, notwithstanding the correct figure and potential abandonment issues, it is clear from the drafting of the planning obligation that the contributions are index linked. The sum of contributions could therefore fluctuate and may not remain consistent with the contribution requirements set out within the relevant supplementary planning document, which would appear fixed.
29. Consequently, even if the correct figure is the one advanced by the appellant, I cannot conclude that the affordable housing planning obligation put forward in support of the development would be fairly and reasonably related in scale and kind in perpetuity. Furthermore, there are a number of other potential errors within the unilateral undertaking which are detailed at Paragraph 2.13 of the Council's response to it. These bring about further questions as to the precision of the document when considered in the round.
30. It has been contended that these are not fatal to legality of the unilateral undertaking, however their cumulative effect generates sufficient doubt in my mind about its precision and effectiveness. This doubt remains despite further representations from the parties on the matter. Ultimately, I need to be completely certain about the precision and effectiveness of the document and given the above I am not.
31. Even if the document was accepted as passing the relevant tests, and it was deemed precise and effective, there is no substantive evidence as to the weight that should be apportioned to the affordable housing contribution and whether this would have outweighed the great weight apportioned to the designated heritage asset's conservation, or other harms to non-designated heritage assets and the character and appearance of the area.
32. Consequently, based on the evidence currently advanced, I would not be able to apportion sufficient weight in favour of the proposal in order to pass the relevant tests under the Framework. Consequently, these harms would weigh against the proposal in the balance, and as reasoned in other matters, the presumption in favour of sustainable development would not apply in this case.

33. Ultimately, I cannot be certain that the unilateral undertaking is precise and effective or that it would meet the relevant tests. Altogether, the proposal would conflict with Policy CS12 of Islington's Core Strategy 2011 and the Affordable Housing Small Sites Contributions Supplementary Planning Document 2012. Among other things, these seek to secure sufficient affordable housing contributions. Consequently, any benefits that may have been derived from affordable housing contributions would carry no weight in this context.

Other Matters

34. There is no evidence in front of me demonstrating that other planning obligations, submitted in addition to affordable housing planning obligations, are benefits that can be advanced in support of the proposal. Consequently, even if matters relating to parking permits are consistent with the appellant's contentions and supported by other appeal decisions, the matters have been treated as mitigation under the appeal and carry neutral weight in this context. Furthermore, as I am dismissing the appeal in relation to the main issues on which the application was refused, these other planning obligations would not be determinative under the appeal. Accordingly, it is not necessary for me to make a finding on them.

35. The Council's planning committee is entitled to take a democratic decision counter to the case officer's recommendation or conservation officer's consultation response. It is clear from the Council's appeal statement that they support the planning committee's decision and seek to uphold the refusal. Consequently, the case officer's recommendation, among other representations from consultees, does not bind their case at appeal stage. In relation to pre-application advice given by the Council, Planning Practice Guidance¹ is clear that such advice is not binding and does not pre-empt the democratic decision making process or a particular outcome.

36. Notwithstanding the Council's five year housing land supply or housing delivery test position, even in the event that Paragraph 11 d) was engaged, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Consequently, there is no presumption in favour of sustainable development in this case.

37. The full details of the planning history of the site are not in front of me to comprehensively assess the relevance to the proposal in this particular case. Furthermore, some of the planning history cited took place around ten years ago. This is an appreciable period of time where material considerations relating to the development plan, national policy and the character and appearance of the area may have been different in any event.

Conclusion

38. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR

¹ Paragraph: 011 Reference ID: 20-011-20140306 Revision date: 06 03 2014
