



PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO:	B1
Date:	04 April 2022	NON-EXEMPT	

Application number	P2022/0547/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Unlisted
Conservation area	N/A
Development Plan Context	Central Activities Zone Kings Cross & Pentonville Road Key Area Employment Growth Area Article 4 Direction – A1 (Retail) to A2 (Professional and Financial Services) Article 4 Direction – B1c (Light Industrial) to C3 (Residential) CrossRail 2 Safeguarding Zone London Underground Zone of Interest (Tunnels)
Licensing Implications	N/A
Site Address	158-160 Pentonville Road, London, Islington, N1 9JL
Proposal	Demolition of the existing building and erection of a part 4, part 5 storey building, with single basement level, comprising 487 sqm of office use (Class E(g)(i)) at the ground and basement levels and 9 residential units on the upper levels

Case Officer	Harriet Beattie
Applicant	c/o Agent
Agent	Centro Planning Consultancy

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)

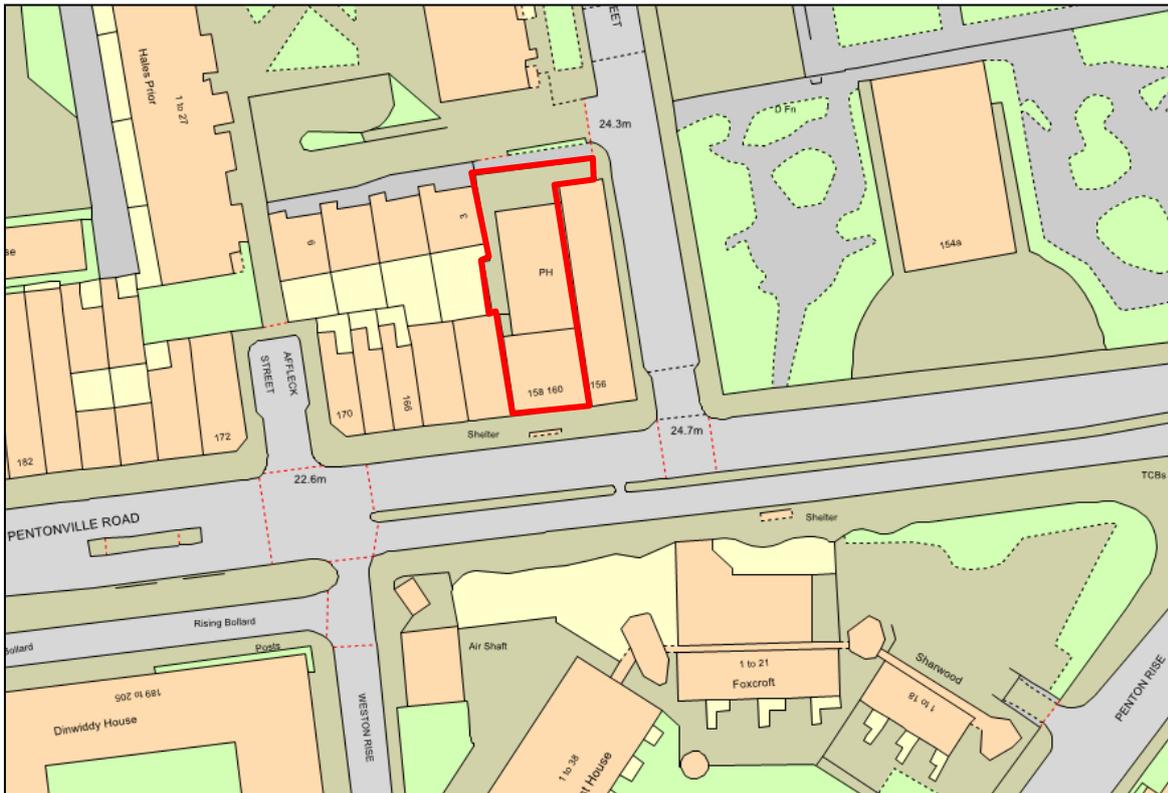


Figure 1: Site plan

3. PHOTOS OF SITE/STREET



Figure 2: Aerial view from the south

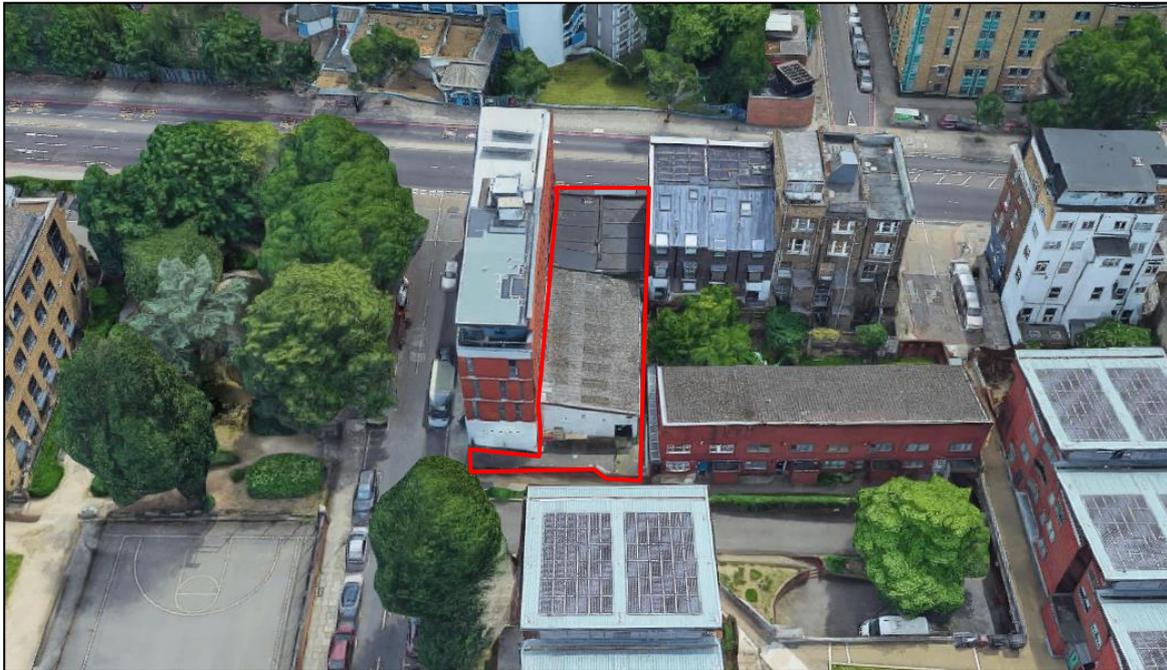


Figure 3: Aerial view from the north-



Figure 4: Photograph of the front elevation of the building from Pentonville Road



Figure 5: Photograph showing the access from Cumming Street



Figure 6: Photograph of the rear of the site

4. SUMMARY

- 4.1 The application seeks permission for the demolition of the existing single storey building and the erection of a part four, part five storey building and a basement to provide 487sqm office floorspace (Use Class E(g)(i)) and 9 residential units.
- 4.2 The nine residential units will consist of 4 x one bedroom, 4 x two bedroom and 1 x three bedroom units.
- 4.3 The proposal would not include on-site affordable housing, however, the requisite small sites financial contribution of £450,000 for provision of affordable housing is secured via a S106 agreement.
- 4.4 The main considerations of the application are the principle of the development in terms of land use, design and appearance, impact upon neighbouring residential amenity and transport and highways implications.
- 4.5 The site has been subject to land use change, with the building last being occupied by the Rhythms of Life Homeless Charity. The charity had used the site to store food that had been donated before being distributed. The occupier was served a Hygiene Emergency Prohibition Order on 29th October 2021 that prohibited the continued use of the site to store food due to environmental health concerns. As a result of this order, the use of the site by Rhythms of Life ended their occupation of the site. The site is understood to be currently vacant. This report provides clarity regarding the lawful use of the site, and assesses the impact of the loss of the lawful use and the principle of the proposed land use.
- 4.6 It is clear that the site was used at an earlier time as an educational use. Development Plan policies seek to retain educational and community uses. The principle of the loss of the social infrastructure use is considered acceptable in this case and the development to provide 487sqm GIA of office (Use Class E(g)(i)) floorspace for the borough within the Kings Cross Key Area, Employment Growth Area and Central Activities Zone is strongly supported.
- 4.7 The site is currently occupied by a single storey building which represents under-development of the site. The proposal, which will deliver a part four, part five storey development, represents an effective and appropriate redevelopment of the site.
- 4.8 The proposed development is considered to be acceptable in regards to its height, bulk, scale, massing, design and external finish within the established townscape along Pentonville Road and would not cause detriment to heritage assets.
- 4.9 Although there is some reduction to daylight and sunlight receipt to neighbouring properties, these represent minimal transgressions, which are not considered to represent a reason for refusal given the limited reductions, the site's central London location and surrounding urban context.
- 4.10 Due consideration has been given to the proposal's impact on outlook, privacy, potential for noise and disturbance. Overall, neighbouring amenity is not considered to be unduly harmed by the development.
- 4.11 The site has the best public transport accessibility level (PTAL) of 6b due to its proximity to Kings Cross and Angel stations, and bus routes along Pentonville Road. The proposal would be a car-free development as it does not seek on-site parking provision. As such, no significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of

sustainable transport behaviour and potential impacts during the demolition and construction period.

4.12 All other matters relevant to planning are considered to be acceptable.

4.13 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions and a legal agreement.

5. SITE AND SURROUNDING

5.1 The application site is located on the north side of Pentonville Road, west of the junction with Cumming Street, within the Barnsbury ward.

5.2 The site is currently occupied by a 236 sqm single storey mid-terrace property (including a part lower ground level), which runs north through to a rear servicing yard located off a spur of Cumming Street. The building comprises a commercial frontage onto Pentonville Road with a flat roof at the front of the site and a mono-pitched roof section, sloping down from east to west, towards the rear of the site.

5.3 The site is flanked to the east by Lambros House (156 Pentonville Road), a five storey block, at the junction of Pentonville Road and Cumming Street, comprising commercial units at ground floor level (currently occupied by Pong restaurant) and residential at the upper floors.

5.4 The western boundary of the site is flanked by 162 Pentonville Road, a four storey block, which comprises a commercial unit at ground floor and residential at the upper levels, and the rear garden boundary and side elevation of 3 Cumming Street, which is a two-storey end of terrace residential property.

5.5 To the rear of the site, on the other side of the service road, is the side elevation of residential block of flats, 1-45 Manneby Prior.

5.6 Contextually, the surrounding area provides a variety of building forms, styles, appearance and ages. The site does not lie within a conservation area and is not listed. The site does, however, form part of a terraced parade which includes a locally listed property, 166 to 170 Pentonville Road, which lies to the west of the site.

5.7 In terms of the local policy context, the site is located within the Kings Cross and Pentonville Road Key Area, the Central Activities Zone (CAZ), Northdown Street Employment Growth Area, and the Cross Rail 2 Safeguarding Area.

5.8 Within the draft Local Plan the site is identified as being located within a Northdown Street Priority Location.

Internal

5.9 The building is split across two levels across the site. Internally the single storey shopfront fronting Pentonville Road accommodates two small offices, at 38sqm and 49sqm respectively, whilst ancillary space for kitchen space at 7.4sqm and a further office at 9.2sqm further within the building. To the rear, the warehouse structure comprises 116.4sqm at Lower Ground, and 15.89sqm mezzanine space, and totals 132.29sqm. The single storey warehouse element was constructed in the 1970s and its ground floor includes a part lower Ground Level.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission for the demolition of the existing building and erection of a part 4, part 5 storey building. This will include a single basement level with a floor area of 270sqm.
- 6.2 The proposal will deliver 487 sqm of office use (Class E(g)(i)) at the ground and basement levels. The proposal will also deliver 9 residential units comprising 4 x one beds, 4 x two beds and 1 x three beds on the upper levels.
- 6.3 Separate cycle and bin stores are provided for the residential and commercial units on the ground level.
- 6.4 The proposal will have a lightwell on the eastern boundary with No. 162 Pentonville Road and 3 Cumming Street which will provide natural light to the basement level office space.
- 6.5 The proposal will have separate commercial and residential entrances off Pentonville Road.
- 6.6 Figures 7 and 8 show views of the proposed building within the existing terrace.



Figure 7: View of front elevation from Pentonville Road



Revisions

- 6.7 Over the course of the application a number of revisions to both plans and documents have been undertaken. These include:
- Floorplans amended to re-size undersized bedrooms in Units 3 and 6
 - Floorplans amended to add policy compliant levels of storage to Units 7 and 8
 - Daylight and Sunlight Assessment updated to include details of overshadowing levels to garden/amenity areas
 - Visuals of the proposal updated to show winter gardens, in compliance with drawings and design and access statement
 - Noise Assessment updated to remove reference to balconies, which are instead winter gardens.
 - Cycle stores amended to respond to TfL consultation response to ensure this is in compliance with London Plan Policy T5

7. RELEVANT HISTORY:

- 7.1 The subject site has a number of planning applications as follows:

P071117 – Change of use from D1 (non-residential institution) to Sui Generis (Vehicle hire/leasing – Refused 26/06/2007, subsequent Appeal dismissed 05/11/2007.

Two reasons for refusal including: “The proposal would result in a loss of floor space in education use. No evidence has been provided that would indicate that the site is no longer suitable for continued education use and as such the proposal would be contrary to Policy Ed2 of the Islington UDP 2002. Educational sites will be safeguarded and their loss will generally be resisted”.

P022441 – Creation of restaurant/bar (basement & ground floors) and 14 residential apartments (1st, 2nd, 3rd & 4th floors) – Application Withdrawn 25/11/2002.

982364 – Change of use from warehouse and ancillary offices to D1 use (educational) – Approved with Conditions 28/01/1999.

001277 – Erection of a single storey warehouse, including vehicle access way onto Cumming Street. 1770sqft. Lightweight asbestos roof and brickwall construction. Approved with Conditions 14/06/1979.

P2019/2290/FUL - Demolition of existing single storey building and erection of part one storey, part four storey (plus basement) office development (use class B1(a)) with associated works. (Departure from Development Plan) – Planning Committee resolved to grant approval subject to conditions and legal agreement on 23/04/2020

P2021/2220/FUL - Demolition of the existing single storey building and erection of a part 4, part 5 storey building, with single basement level, comprising 474 sqm of office use (Class E(g)(i)) at the ground and basement levels and 9 residential units to the upper levels – application subject to an appeal for non-determination – Appeal Pending (ref: APP/V5570/W/22/3290677)

PRE-APPLICATION ADVICE:

- 7.2 Pre-application advice was sought for development of the site (reference: Q2018/4165/MJR) in late 2018.
- 7.3 It was outlined that the existing use of the site was unclear, with the site's planning history suggesting that the existing premises has a D1 use and further evidence may be required to justify the loss of the existing D1 use.
- 7.4 Officers noted that business floorspace is encouraged in the CAZ and concerns were raised in relation to the design of the scheme.
- 7.5 Before the application subject of this report was submitted the applicant's team met with Council officers including the Inclusive Design Officer to discuss amendments to the previous application (planning ref: P2021/2220/FUL) which would need to be made before the proposal is formally re-submitted.
- 7.6 The amendments which were made to the proposal before the application was formally submitted includes:
- Improvements to the design of elevations
 - Improvements to design of winter gardens to make a positive contribution to the appearance of the elevations
 - Improvements to the access arrangements – particularly to the cycle and refuse stores which were shown to be convoluted on the previous floorplans
 - Improvements to the layout of the office floorspace, including layout of W/C facilities to improve circulation and efficiency of use.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 355 adjoining and nearby properties on 1st March 2022. A site notice and press advert were displayed on 3rd March 2022. The statutory time period for consultation is 21 days, however, the London Borough of Islington consultation provides for 3 additional days to account for the timing of Site Notice display and Press Notices. Such, the statutory timeframe for the consultation period expired on 24th March 2022 but the noted timeframe for response expires on 27th March 2022. Notwithstanding this, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 Any representations received after the publication of the Committee Report will be given due consideration, will be provided to Members prior to the Committee Meeting and a verbal update will be provided as part of the Officers presentation.
- 8.3 At the time of the writing of this report no responses had been received from the public with regard to the application.

External Consultees

8.4 Metropolitan Police Secure by Design Officer: Range of security measures required including use of airlock lobby, use of self-closing and self-locking bins, spyholes for front doors, specification standards for communal doors and windows. Condition to be attached requiring proposal to meet Secure by Design Silver Certification.

Case Officer response: *Consultation response noted and shared with applicant. Secure by Design condition attached as requested – see condition 18.*

8.5 Thames Water: No objection subject to condition securing the protection of Thames Water Assets

Case Officer response: *condition attached as requested - see condition 8*

8.6 Transport for London – Crossrail: No objections raised subject to attachment of condition requiring design and method statement for foundation and underground works

Case Officer response: *condition attached as requested – see condition 5*

8.7 Transport for London: The Site is on A501 Pentonville Road, which forms part of the Transport for London Road Network (TLRN). TFL provided guidelines for development including that the footway and carriageway must not be blocked during the construction phase, that skips cannot be kept on the footway or carriageway and that construction vehicles can only stop at permitted locations within permitted time limits. The hoarding must not interfere with the bus stop. Construction vehicles must only enter and leave in forward gear. Detailed cycle drawings were requested.

Case officer response: *the applicant has revised the basement and ground floor plan to amend the cycle store to ensure this complies with London Cycling Design Standards and London Plan Policy T5. The plans now show an access aisle width of 2500mm behind the lowered frame, which is in accordance with the requirements of section 8.2.6 of the LCDS. Spaces equipped with Sheffield stands are 2M wide and access aisles behind these spaces are a minimum of 1800mm as per figure 8.1 of the LCDS. Commercial visitor spaces are shown outside to ensure that internal access is only for employees. These spaces are shown with a generous separation to allow for easy access. Employee cycle storage provision is designed in accordance with the requirements of Chapter 8 of the LCDS. Commercial storage incorporates a space for a tricycle and a mobility scooter charging point.*

Internal Consultees

8.8 Access Officer - No objections raised.

8.9 Conservation and Design Officer – No objections raised. The scheme has been considerably refined since its earlier iterations. The designs are now such that the development is considered to positively contribute to its setting and appropriately enrich the streetscape to both Pentonville Road to the front and Cumming Street to the rear. The height bulk and mass are considered compatible within the terrace and the realignment of the rear building line particularly advantageous to the wider context. The materials are of a good quality and will complement the architecture and the building's broader setting. The elevational treatment is considered acceptable with robust structuring principles of the front elevation whereby the development will effectively read as a 'pair of buildings' with a well-ordered and rhythmic façade. As such there are no design objections.

- 8.10 Energy Conservation Officer – The key target which would be applied in this case is that the residential element should achieve a 19% reduction in regulated emissions, against a Part L 2013 baseline. This target is being met. As the residential element is below 10 units, the carbon offset contribution will be applied to the residential element only and based on a fixed fee of £1,000 per flat, so £9,000 in total.
- 8.11 Public Protection Division (Air Quality) – Raises concerns about air quality for proposed residential units. The submitted air quality report notes that concentrations of NO₂ clearly exceed the AQO of 40 µg/m³ across the proposed development frontage at the first residential floor and is still highly margin at 2nd floor.

Case Officer response: *Applicant will be utilising winter gardens instead of balconies for the properties facing onto Pentonville Road. This will protect these amenity spaces from air pollution.*

- 8.12 Public Protection Division (Noise Team) and (Land Contamination) - No objections raised subject to the recommended conditions securing a demolition and construction plan, restrictions on plant noise and sound insulation (see conditions 3, 8 and 9).
- 8.13 Spatial Planning and Transport (Transport Officer) – Highways have no objections and the proposed cycle parking improvements and accessibility is welcome.

Case Officer response: *condition securing cycle parking delivery is attached – condition 13.*

- 8.14 Building Control – assessed submitted Fire Strategy and fire mark-up plans against London Plan Policy D12. Requested additional information regarding the separation of the amenity area from the exit route serving the commercial use and how the evacuation lift will be operated. Following receipt of further information Building Control have confirmed they have no further comments on the Fire Statement.

Case Officer response: *The applicant has confirmed that in order to separate the exit route from the amenity area, the applicant proposes a smoke curtain and automatic smoke suppression measures to the rear of the building. This would separate the cycle parking and mobility scooter charging point from the exit route. The applicant believes that this provision could be controlled via condition. The evacuation lift for the residential component would be driver-assisted, which is in line with the GLA's guidance sheet for Policy D5(B5).*

Condition 23 is recommended regarding the requirement for an updated Fire Strategy – condition 23

Condition 25 requires that the development shall be constructed in accordance with the approved 'Structural Method Assessment – Revision P2 – Dated: May 2021 – prepared by: ads consultancy' unless otherwise agreed in writing.

- 8.17 Sustainability Officer - It is proposed that surface water discharge will be reduced to a greenfield runoff rate which is welcomed. Confirmation of attenuation storage requested. Confirmation of whether blue roof attenuation is to be provided is sought. Exploration of ground floor attenuation recommended. Urban Greening Factor Assessment requested along with details of green screen. The recommendations in the Preliminary Ecological Appraisal should be followed. Green Roof condition to be attached.

Following receipt of amended details the Sustainability Officer has confirmed that they are generally satisfied with the information the applicant has provided. Minimising the attenuation requiring pumping is welcomed. Sustainability Officers raise no objections

subject to the attachment of drainage and green roof conditions. These have been attached as requested (see conditions 4 and 16)

Case Officer response: *The applicant has confirmed that the detail design will provide a detailed hydraulic model and attenuation will be allocated accordingly. Blue roof attenuation can be provided within the green roof areas and under the solar panels if roof loading accommodates it. Urban Greening Factor information was provided.*

9. RELEVANT POLICIES

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.);

9.2 National Planning Policy Framework (NPPF) 2021, Paragraph 11(c) states: *“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...”*

9.3 At paragraph 8 the NPPF states: that sustainable development has three objectives: economic, social and environmental role. Further, at paragraph 9, the NPPF states that: *“these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”*

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

9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

National Guidance

9.9 The National Planning Policy Framework (July 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 (March 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 policy: draft Islington Local Plan 2019

9.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place between 13 September to 5 October 2021.

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 below in Appendix 2. The emerging policies are considered to be consistent with the current policies.

Designations

9.14 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:

- Central Activities Zone (CAZ)
- Kings Cross & Pentonville Road Key Area (Core Strategy policy CS9)
- Employment Growth Area (Northdown Street EGA)
- Article 4 Direction – B1a (office) to C3 (residential)

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;
- Affordable Housing;
- Quality of Accommodation;
- Dwelling Mix
- Design & Appearance;
- Accessibility and Inclusive Design;
- Neighbouring Amenity;
- Transport and Highways;
- Energy and Sustainability;
- Waste Management;
- Biodiversity
- Air Quality
- Planning Obligations, CIL and local finance considerations.

Land-use

10.2 There are three key areas of assessment: the principle of the loss of the existing use, training, and the principle of the proposed uses: residential and office.

10.3 These are addressed in the sections below.

Loss of the existing use

10.4 To assess whether the loss of the existing use is policy compliant, first the existing use of the site must be established. A recent permission explored in significant detail this issue and reference is made to this below.

10.5 The application site was last occupied by Rhythms of Life, a homeless charity. Google street view imagery indicates that this use moved into the site between April 2018 and July 2019. As a result of a Hygiene Emergency Prohibition Order, the use of the site by Rhythms of Life ended their occupation of the site. The site is understood to be currently vacant.

- 10.6 Prior to this, the site was used up to 2007 by an educational operator, teaching make-up and beauty application. Since 2007, a beauty company (Murad) occupied the site, and vacated the premises in 2017. There is evidence that Murad used the site as a distribution centre and office. The Applicant has provided business rate entries from the Valuation Office Agency (VOA) for the previous application on this site dating back to 2010 (April) indicating 'Workshop and premises' use.
- 10.7 The Planning Committee resolved to grant planning permission on 23.04.2020 for application P2019/2290/FUL. This application proposed '*Demolition of existing single storey building and erection of part one storey, part four storey (plus basement) office development (use class B1(a)) with associated works*'.
- 10.8 This application involved the loss of all social infrastructure on site.
- 10.9 Office use on the site was previously found to be appropriate and the resolution by the Planning Committee to grant permission for the replacement of an education use (albeit vacant for a number of years) with CAZ appropriate office space under planning reference P2019/2290/FUL is afforded considerable weight in the consideration of this application. It should be noted that the S106 Legal Agreement for application ref: P2019/2290/FUL is still awaiting completion.
- 10.10 The character and land use of the immediate locality has not changed significantly since Members resolved to approve the previous application. It was previously noted that an office use could represent a more neighbourly use in this location.
- 10.11 However, since the resolution to grant the an amended NPPF (July 2021) and the London Plan (March 2021) have both been adopted, and the draft Islington Local Plan has been subject to Examination in Public.
- 10.12 As such, officers have assessed the loss of the last lawful use, which is considered to be educational (use class F1(a)) against the updated policy context.
- 10.13 Islington Development Management Policy DM4.12 places emphasis on the retention of existing social infrastructure. This policy states that: *the Council will not permit any loss or reduction in social infrastructure uses unless:*

i) a replacement facility is provided on site which would, in the council's view, meet the need of the local population for the specific use; or

ii) the specific use is no longer required on site. In such circumstances, the applicant must provide evidence demonstrating:

a) that the proposal would not lead to a shortfall in provision for the specific use within the local catchment;

b) that there is either no demand for another suitable social infrastructure use on site, or that the site/premises is no longer appropriate for social infrastructure uses; and

c) any replacement/relocated facilities for the specific use provide a level of accessibility and standard of provision at least equal to that of the existing facility.

- 10.14 Draft Local Plan Policy SC1: Social and Community Infrastructure states

The Council will not permit any loss of social and community infrastructure uses unless:

- (i) a replacement facility is provided on-site. Any facility must be of at least equivalent quality, quantity and accessibility to that of the existing facility, and must be*

consistent with Part G. It must, in the Council's view, ensure that the needs of the local population will continue to be met to at least the same level as the existing use; or

- (ii) the existing use or another social and community infrastructure use is not required on site, demonstrated through: a. provision of marketing and vacancy evidence to assess continued demand for the existing use and all other suitable social and community infrastructure uses that could be accommodated on site. Evidence must be provided for a period of at least 12 months, in line with Appendix 1; and b. provision of a Community Needs Assessment detailing why the site cannot support social and community infrastructure uses and why the existing use is no longer required on-site as well as demonstrating that the needs of service users have been considered before making recommendations/submitting proposals involving replacement or relocation or consolidation of services; or*
- (iii) The proposal involves the loss/reduction/relocation of social and community infrastructure uses as part of a rationalisation of a recognised public sector body's estates programme. The applicant will be required to provide a Community Needs Assessment demonstrating details of rationalisation, including that they have considered the needs of service users as part of any rationalisation strategy.*

10.15 The proposal does not provide a replacement training facility, nor does it provide sufficient evidence that the loss of this facility would lead to a shortfall, that there is no demand or any details of a potential replacement. As such, the proposal fails to adequately address the criteria for the loss of a training facility. However, as with application P2019/2290/FUL which is subject to a resolution to approve, and which resulted in the loss of existing social infrastructure, there are specific circumstances regarding the quality of the existing facility which need to be addressed and are relevant in justifying its loss.

10.16 The accessibility and standard of provision on the site is poor. This is due to the age of the structures on site, the level change across the site, and their design – intended to support uses other than social infrastructure (education and training). The 87sqm of space which could conceivably accommodate social infrastructure uses has poor level access to WCs and kitchen areas which are not step-free, which would be contrary to adopted policies.

10.17 Officers are satisfied that the existing structures are not appropriate for social infrastructure uses, having only been used for this purpose for short duration in relation to a specific historic planning consent from 1999. The use prior to 1999 was more akin to storage and distribution with ancillary office space, and the design of the structures on site was to support employment and other commercial uses, not social infrastructure.

10.18 It should be noted that the site has not been used for training, having been used (albeit without planning consent) by Rhythms of Life. The previous education and training use delivered training to those in the beauty industry. It did not provide a flexible community or education facility and was used only by those in this niche industry and, as such, did not benefit the broad demographics that other flexible community uses can. Local Policies promote flexible community uses which maximise shared uses, something the former training facility failed to do.

10.19 The site lies within CAZ, which prioritises office floorspace. The role of the CAZ is identified in London Plan and local policies as critical in maintaining and enhancing London's vibrant centre and one of the world's most attractive and competitive business locations. The proposal will deliver CAZ compliant uses and will make a positive contribution to the functionality of the CAZ.

- 10.20 The London Plan seeks to locate community uses in designated Town Centres, which the application site does not fall within.
- 10.21 As highlighted above, it should be noted that the loss of the training facility to be replaced by office floorspace was previously considered acceptable by the Planning Committee under application P2019/2290/FUL. Although there have been some changes to policy context since the previous resolution to grant, no changes to the Development Plan have been made which would alter the planning assessment of the loss of the training facility.
- 10.22 For the reasons outlined above, the loss of the already vacated training facility is considered acceptable as the proposal will replace this with office floorspace, which is a priority for the CAZ.

Principle of Office Floorspace

- 10.23 The proposal seeks to deliver 487sqm of office floorspace within the ground floor and the basement.
- 10.24 The NPPF 2021 outlines the overarching objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity. Chapter 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.25 London Plan Policy SD4 seeks to enhance and promote the unique international, national and London wide roles of the (CAZ), based on an agglomeration and rich mix of strategic functions and local uses. The nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.
- 10.26 London Plan Policy SD5 states that Offices and other CAZ strategic functions are to be given greater weight relative to new residential development in all other areas of the CAZ. This policy goes on to state that residential or mixed-use development proposals should not lead to a net loss of office floorspace in any part of the CAZ.
- 10.27 London Plan Policy E1 states that improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development.
- 10.28 London Plan Policy E2 states that development of B Use Class business uses should ensure that the space is fit for purpose having regard to the type and use of the space.
- 10.29 London Plan Policy E3 sets out the circumstances where planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose.
- 10.30 Islington Core Strategy Policy CS6 is a spatial strategy for the King's Cross key area that outlines the specific spatial policies for managing growth and change for this key area within the Borough. Part A of the policy indicates that York Way and Pentonville Road will be the principal locations for office-led mixed use development which intensifies the use of land in order to meet the wider employment growth in the borough. Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and accommodation for small enterprises will be particularly encouraged.

- 10.31 Core Strategy Policy CS13 seeks to provide employment space for businesses in the borough. Part A of this policy relates to new employment floorspace and encourages new business floorspace within the CAZ and town centres where access to public transport is greatest, require new business floorspace to be flexible to meet future business needs and require a range of unit types and sizes (including those suitable for SMEs).
- 10.32 Development Management Policy DM5.1 states that within the CAZ, major development proposals with a net increase in office floorspace should also incorporate housing.
- 10.33 Policy DM5.4 requires that within Employment Growth Areas, major development proposals for employment space must incorporate an appropriate amount of affordable workspace.
- 10.34 Draft Local Plan Policy SP2 identifies the role of the CAZ, CAZ fringe and Kings Cross Priority Employment Location (PEL). This policy identifies that within these location existing business uses will be safeguarded and proposals for the intensification, renewal and modernisation of existing business floorspace is encouraged. Proposals for new business floorspace are required to maximise the provision of business floorspace. A broad range of business floorspace typologies are suitable within the Spatial Strategy Area, including Grade A offices, hybrid space, and co-working space.
- 10.35 Draft Local Plan Policy B1 states that in line with inclusive economy objectives, the Council will seek to cultivate a diverse and vibrant economic base through requiring development to provide a range of workspace types and unit sizes, which are affordable for a range of occupiers, including established and emerging enterprises, and SMEs. This policy identifies that new business floorspace will be focused in the CAZ and PELs.
- 10.36 Draft Local Plan Policy B2 states that new business floorspace will be directed to CAZ and Priority Employment Locations (PELs).
- 10.37 The application site lies in both the CAZ and a Priority Employment Location and the proposal would result in a net gain in office floorspace. While residential floorspace is proposed, this is in accordance with policy DM5.1 that requires the provision of residential floorspace. It is considered that the provision of office floorspace across the lower floors and residential above is acceptable in this case. The provision of Affordable Workspace in this case is not required as the commercial floorspace does not exceed 1000sqm.

Principle of Residential Floorspace

- 10.38 The London Plan supports the building of more homes through Policy GG4, which promotes the delivery of genuinely affordable homes and the creation of mixed and inclusive communities, with good quality homes that meet high standards. Policy GG2 requires development proposals to make the best use of land by enabling development on brownfield land well-connected by public transport and by applying a design-led approach to determine the optimum development capacity of sites.
- 10.39 The London Plan also supports increasing housing supply and optimising housing potential through Policy H1, which states that the potential for housing delivery on all suitable and available brownfield sites should be optimised.
- 10.40 Islington's Core Strategy (adopted 2011) supports the provision of high quality, inclusive and affordable homes, seeking to meet and exceed the borough housing targets (set by the Mayor of London). Whilst this policy (CS12) refers to following and not exceeding the densities level set in the London Plan, these measures have since been deleted from the current London Plan. Additionally, policy CS15 looks to provide inclusive spaces for

residents and visitors and create a greener borough by creating new open spaces particularly in those areas that currently have little or no open space locally.

- 10.41 Development Management Policies (2013) has a number of policies which are relevant to housing, community uses and open and green spaces. Housing policies seek to ensure that new housing is of good quality, with residential space and design standard so that Islington can deliver an appropriate mix of housing sizes that meet an identified need, at high density whilst also delivering sustainable development.
- 10.42 Part E of Policy DM5.1 states that Within the Central Activities Zone (CAZ) major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with London Plan Policy 4.3 (now superseded). Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for the provision of housing off-site.
- 10.43 The Draft Local Plan Policy H1 states that high quality new homes are integral to achieving the aim of making the most efficient use of land and improving quality of life of residents. Furthermore, this policy states that Islington is committed to meeting and exceeding the boroughs minimum housing delivery target as set out in the London Plan.
- 10.44 The principle of a residential use on this site is therefore supported in policy terms and is considered acceptable in land use terms.

Affordable Housing

- 10.45 Islington's Core Strategy Policy CS12 - Meeting the housing challenge – states in part G that to provide affordable housing 50% of additional housing to be built in the Borough over the plan period should be affordable. All sites capable of delivering 10 or more units gross should provide affordable homes on site. Schemes below this threshold should provide a financial contribution towards affordable housing provision elsewhere in the Borough.
- 10.46 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (the SPD) supports the implementation of the Core Strategy. The SPD confirms that all minor residential developments resulting in the creation of one or more additional residential units(s) are required to provide a commuted sum towards the cost of affordable housing on other sites in the Borough. The requirement applies not only to new build but also conversions of existing buildings resulting in the creation of new units and the subdivision of residential properties resulting in net additional units. Based on a study of the level of financial contribution that would be viable, the required contribution is £50,000 per additional (net) unit, which would accumulate to £450,000 for the nine units proposed.
- 10.47 The applicant has agreed to contribute the full sum of £450,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This has been secured through a S106 legal agreement.

Quality of Accommodation

- 10.48 London Plan Policy D6 requires housing development to be of high-quality design and provide adequately-sized rooms (in accordance with Table 3.1 in the London Plan) with comfortable and functional layouts, which are fit for purpose and meet the needs of Londoners without differentiating between tenures. The policy also requires qualitative aspects of a development to be addressed to ensure successful sustainable housing. Moreover, housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.

- 10.49 Finally, the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 10.50 Islington's Core Strategy policy CS12 advises that to help achieve a good quality of life for Islington residents, residential space and design standards will be significantly increased and enhanced from their current levels. Development Management Policy DM3.4 sets out the detail of these housing standards. Policy DM3.4 (part D (i)) states that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated.

Space Standards

- 10.51 Standard 24 of the Mayoral Housing SPG, policy D6 of the London Plan (2019) and table 3.2 of the Islington Development Management Policies describe minimum standards of private internal space for new developments.
- 10.52 The originally submitted plans showed two units with undersized bedrooms and Units 7 and 8 had no labelled storage. The plans were amended to resize the bedrooms so they were compliant with the space standards, and Units 7 and 8 were relabelled to show a compliant level of storage space. All proposed units provide a compliant level of internal floor area including sufficiently sized bedrooms and storage areas.

Private Amenity Space

- 10.53 Policy D6 (Housing quality and standards) states that in relation to private outside space: 'Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m'.
- 10.54 This minimum private open space requirement is also reflected in standards 26 & 27 of the London Housing SPG; Development Management Policies DPD Policy DM3.5; and Draft Local Plan Policy H5.
- 10.55 All residential units will have access to private amenity space in the form of winter gardens on the front elevation and balconies on the rear elevation. Winter Gardens are used on the front elevation as this elevation faces onto Pentonville Road which is a busy highway and therefore subject to greater noise and disturbance.
- 10.56 It is noted that although the majority of units benefit from sufficient private outdoor amenity space, the proposed 3 bedroom unit has a total area of 12sqm private amenity space. Although this complies with the national space standards, which has requirement of 5sqm for a 1-2 person dwelling and additional 1sqm per occupant, it will not comply with local policy DM3.5 Private Outdoor Space.
- 10.57 Policy DM3.5 requires a minimum of 30m² for family housing (three bedroom residential units and above). Although this is a shortcoming of the application, officers do note the narrowness of the site plot and its location of a busy road. The restricted size of the site limits the ability to deliver larger amenity areas without compromising the development potential of the site and the busy frontage makes it difficult to deliver high quality amenity space at ground floor level. It is also noted that the back of the site lies only metres from Joseph Grimaldi Park. This park benefits from open space and play equipment, making it ideal for use by families. It should also be noted that, although the proposal doesn't comply with local policy DM3.5, the draft Local Plan standard for private outdoor space as outlined

in Policy H5 reflects the national space and Housing SPG standard which the proposal does comply with.

Other quality considerations

10.58 With the exception of Units 2 and 5, all units will be either dual or triple aspect. Although these two units will be single aspect, they incorporate large window openings, a southern aspect and due to there is no opportunity for the amalgamation of these units to provide an appropriately sized unit with dual aspect. The units are appropriately stacked, with similar uses above each other, avoiding noise and disturbances to bedrooms. In advance of the application being submitted, the applicant liaised with Inclusive Design Officers to respond to suggested amendments to the layout. This included relocating the lift to avoid disturbance to the bedrooms of proposed residential uses.

Dwelling Mix

10.59 The NPPF speaks of the importance of ensuring that the size and type of new housing meets local need. London Plan Policy H10 states that schemes should generally consist of a range of unit sizes, having regard to local evidence of need, the requirement to deliver mixed and inclusive neighbourhoods, the need to deliver a range of unit types at different price points across London, the mix of uses in the scheme, the range of tenures in the scheme, the nature and location of the site, the aim to optimise housing potential on sites, the ability of new development to reduce pressure on conversion, sub-division and amalgamation of existing stock and the need for additional family housing and the role of one and two bed units in freeing up existing family housing.

10.60 Islington Core Strategy Policy CS 12 Meeting the housing challenge Islington will meet its housing challenge, to provide more high quality, inclusive and affordable homes by:

Requiring a range of unit sizes within each housing proposal to meet needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing, and resisting the loss of existing units that are appropriate for the accommodation of families.

10.61 Islington's Local Plan: Development Management Policies 2013 - Policy DM3.1 Mix of housing sizes states that:

A. All sites should provide a good mix of housing sizes.

B. To ensure the range of housing sizes needed in the borough is provided, the housing mix required on all residential developments will be based on Islington's Local Housing Needs Assessment, and the requirements of any updated housing needs surveys and/or assessments prepared by or on behalf of the council.

10.62 The proposal will deliver four x 1 bedroom units, four x 2 bedroom units and one x 3 bedroom unit.

10.63 These are market units, and local policy identifies 2 bedroom units as being most in need for market properties. The proposal will provide 4 units of this size. The proposal will provide a good range of sizes and, as such, the unit mix is supported.

Design and Appearance

10.64 Quality of design lies at the heart of the planning system and is stressed at Chapter 12 of the NPPF (Achieving well-designed places). It states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places

in which to live and work and helps make development acceptable to communities. The NPPF requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Further it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10.65 Chapter 12 of the NPPF states that Local Planning Authorities should have access to, and make appropriate use of, tools and processes for assessing and improving the design of development.

10.66 These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. It is advised that Local Planning Authorities have regard to the outcome of these processes and recommendations made by the design review panels in assessing applications.

10.67 The London Plan, through Chapter 3 (Design) sets out its support for high quality architecture and public realm, which responds to local context by delivering buildings that are positioned and of a scale, appearance and shape that response to the identify and character of the locality.

10.68 London Plan Policy D3 states that development proposals should;

Form and layout

1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions

2) encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area

3) be street-based with clearly defined public and private environments

4) facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users

Experience

5) achieve safe, secure and inclusive environments

6) provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest

7) deliver appropriate outlook, privacy and amenity

8) provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity

9) help prevent or mitigate the impacts of noise and poor air quality

10) achieve indoor and outdoor environments that are comfortable and inviting for people to use Quality and character

11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character

12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well

13) aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy

14) provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water.

10.69 At the local level, policy CS9 of Islington's Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity.

10.70 Development Management (2013) Policy DM2.1: Design states all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10.71 The site is not located within or adjacent to a Conservation Area nor are there any statutory listed building on or adjacent. Nos.166-170 Pentonville Road are locally listed.

10.72 Draft Local Plan Policy (2019) PLAN1: Site appraisal, design principles and process states that all forms of development are required to be of a high quality and make a positive contribution to local character, legibility and distinctiveness, based upon an up-to-date understanding and evaluation of the defining characteristics of an area. This policy outlines the high quality design expectations which proposals will need to meet.

Height and Massing

10.73 The proposal seeks to add an additional floor to that of the scheme previously resolved to be granted (planning reference: P2019/2290/FUL) to the front element of the site, facing onto Pentonville Road. This has been carefully designed and, given the steeply sloping nature of the street, responded to with a stepped terrace form, this new build element will read as being of an appropriate, and remaining lower than the end of terrace property at 176 Pentonville Road.

10.74 The applicant has now provided imagery with the application documentation demonstrating the resulting visual impact. This demonstrates that this is a successful insertion of additional height and mass in this location.

10.75 The proportions of the courtyard element, located between the front and rear building elements, are now appropriate with sufficient distances between homes to create an acceptable residential environment and privacy as well as enabling acceptable levels of sunlight and daylight penetration. The designs are now considered to accord with the

guidance within the Council's Urban Design Guide SPD which stresses the importance of achieving the right relationship between the buildings and the streets, as well as the spaces they flank – para 5.68.

10.76 The design guide states, in para 5.69, that new development should:

- complement and relate to the prevailing townscape
- have regard to the land uses either side of the street and their sensitivity in relation to overlooking and overshadowing
- avoid creating overlooking or overshadowing problems for neighbouring properties.

10.77 Alterations to the roof lines are recognised as being highly sensitive and as such Islington's UDG stresses the need for caution when considering alterations and states, in para 5.86, that changes will be considered unacceptable if they:

- adversely impacts on views and on typography
- adversely impacts on the character of open space or the public realm
- adversely impacts on the architectural integrity and quality of the existing or neighbouring buildings
- would be out of scale with its neighbours

10.78 The scheme design is now considered to be in compliance with this detailed guidance.

Basement Development

10.79 The basement proposed is considered to be proportionate to the site and is of a similar size to the existing basement, in compliance with draft Local Plan Policy DH4. Neither the basement nor the proposed lightwell will either compromise the architectural quality of the proposal or the character or amenity of the area. By reason of distance and the quality of the proposal, it will not have an impact on the nearby locally listed building.

Materiality

10.80 The proposal uses the following materials: London Stock multi-brick, stone cladding, profiled terracotta spandrels to the front elevation, decorative metal Juliette and balcony railings to the rear and courtyard elevations, and powder coated aluminium framed glazing.

10.81 The proposed materials palette is considered to be suitably robust and in keeping with the character of the area. To ensure the materiality of the proposal is of the highest quality a condition is attached requiring samples of the materials to be submitted to and approved in writing by the Local Planning Authority (see condition 6).

Impact on heritage assets

10.82 To the west of the site is locally listed building, 166 to 170 Pentonville Road.

10.83 Special regard was given to the Register of Locally Listed Buildings and Locally Significant Shopfronts (April 2010). This document identifies this building as being part of a pair of four storey late Victorian tenements, symmetrically placed astride Affleck Street, with yellow stock brick with red brick arches and spandrel panels. The ground floor has a modern shop front and heavy rendered cornice to front and side street elevations.

- 10.84 The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.85 Noting the separation of the site to the locally listed building of 20 metres to the west of the site and the appropriate scale, high quality design and materiality of the development, it would not detrimentally harm the significance of this locally listed heritage asset.

Design conclusion

- 10.86 The design, as proposed in this application, demonstrates a significant improvement to that presented under previous application P2021/2220/FUL and is considered appropriate to the application's setting.

Accessibility and Inclusive Design

- 10.87 London Plan Policy D7: Accessible housing requires that proposals provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:
- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
 - 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- 10.88 Policy DM2.2 of the Islington Development Management Policies requires all development to demonstrate that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime.
- 10.89 To achieve this the proposal should be designed in accordance with Islington's Inclusive Design in Islington (2014) SPD.
- 10.90 A lift to the central core of the building allows for level access to all of the floors for wheelchair users, whilst both entrances to the building at ground floor are level access. The dimensions of the lift are considered accessible.
- 10.91 As part of the assessment of the application, the Council's Accessibility Officer was consulted and raised no objection.

Neighbouring Amenity

- 10.92 Chapter 12 of the NPPF details that new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. With specific regard to daylight and sunlight, the NPPF states that 'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.
- 10.93 London Plan Policy D1 states that development design should deliver appropriate outlook, privacy and amenity. London Plan Policy D6 states that the design of development should

provide sufficient daylight and sunlight for new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outdoor space. London Plan Policy D13 seeks to reduce, manage and mitigate noise to improve health and quality of life.

Daylight and sunlight: assessment guidelines

- 10.94 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.95 The starting point must be an assessment against the BRE guidelines and from there a real understanding of impacts can be understood. Knowing very clearly what the actual impacts are in the first instance is consistent with the judgement made in 'Rainbird vs Tower Hamlets [2018]'.
- 10.96 Once the transgressions against the BRE guidelines are highlighted, consideration of other matters can take place.
- 10.97 The 'Effective Use of Land' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate is an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.
- 10.98 Whilst BRE guidelines are intended for use in adjoining dwellings, paragraph 2.2.2 (of the BRE guidelines) confirms that they may also be applied to existing non-domestic buildings where occupants have a reasonable expectation of daylight.

Daylight Guidance

- 10.99 The BRE Guidelines stipulate that... "*the diffuse daylighting of the existing building may be adversely affected if either:*
- *the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value.*
 - *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."* (No Sky Line / Daylight Distribution)."

- 10.100 At paragraph 2.2.7 of the BRE Guidelines it states:

"If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time."

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

10.102 At paragraph 2.2.8 the BRE Guidelines state:

“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.

10.103 Paragraph 2.2.11 states:

“Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”

The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

Sunlight Guidance

10.104 The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

“If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

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

10.105 The BRE Guidelines state at paragraph 3.16 in relation to orientation:

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

10.106 The guidelines go on to state (paragraph 3.2.3):

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

10.107 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Overshadowing Guidance

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

10.109 At paragraph 3.3.17 it states:

“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”

Daylight and Sunlight: Assessment

10.110 The applicant submitted alongside the application a daylight and sunlight assessment prepared by GL Hearn, titled: Update – Daylight and Sunlight Report – dated: 11th February 2022. This report considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines. This report was found to have omitted some key details regarding the assessment, including providing no details about overshadowing levels of neighbouring gardens and amenity spaces. As such, at the request of officers, a revised Daylight and Sunlight Assessment was submitted.

10.111 The following properties were assessed:

- 162-164, 166, 168, 172, 176, 180 Pentonville Road
- 3, 5, 7 and 9 Cumming Street,
- 1-27 Hales Prior, Calshot Street
- Foxcroft House, Penton Rise

10.112 The table below identifies where the proposal will contravene BRE guidelines

Daylight – proposed scheme		Vertical Sky Component			No Skyline (Daylight Distribution)			
Room/ Window	Room Use	Existing (%)	Proposed (%)	Reduction (%)	Room (sq m)	Previous (sq m)	Proposed (sq m)	Reduction (%)
164 C Pentonville Road								
Lower Ground R1/W1	Kitchen/ Dinner	4.72	4.17	12%	25.35	3.64	2.51	31%
Lower Ground R1/W2		3.78	2.35	38%				

Ground R1 / W1	Living Room	10.09	7.09	30%	14.99	12.00	8.28	31%
Unit 2 162 Pentonville Road								
First Floor R1 / W1	LKD	29.21	25.73	12%	9.8	9.33	8.22	12%
First Floor R1 / W2		15.53	15.53	0				
First Floor R1 / W3		8.81	5.88	33%				
3 Cumming Street								
Ground R1 / W1	Living Room	18.32	15.33	16%	26.19	19.30	15.51	30%
Ground R1 / W2		18.61	16.54	11%				
First Floor R1 / W1	Bedroom	16.31	13.61	15%	12.87	9.55	7.31	23%
First Floor R2 / W2	Bedroom	16.46	14.56	12%	12.87	9.10	6.90	24%

- 10.113 164C Pentonville Road: This property lies to the west of the site. This property is a single aspect maisonette, located to the rear of Pentonville Road. Window W2 serving room R1, Lower Ground (kitchen/dinner) experiences a loss of 38%. Window W1 serving the living room experiences a loss of 30%. The windows servicing this unit open onto a small courtyard area within a rear lightwell to the building. This arrangement is already restricting to daylight, with low levels meaning any change to the level of light received is proportionally larger in assessment terms.
- 10.114 162 Pentonville Road adjoins the western boundary of the site. Although this window experiences impact, this is less than compared to the previous scheme that is subject to a resolution to grant (planning reference: P2019/2290/FUL). Although the extent of the reduction to VSC is notable, the daylight distribution to this room would remain in accordance with the BRE Guidelines. Given this and the dense urban local built form and the currently undeveloped nature of the site, on balance, this impact is considered acceptable.
- 10.115 3 Cumming Street: This is the two storey dwellinghouse which lies on the western boundary of the application site. Daylight distribution shows that three rooms would have transgressions. Two of the rooms are bedrooms, where the BRE notes there is less requirement for light. Although the living room will experience a reduction of 30%, which is a notable reduction, on balance given the dense urban form of the local area and underdeveloped nature of the site, this level of impact is considered acceptable on balance. Furthermore, the reductions to VSC to these rooms are within allowances of the BRE Guidelines.
- 10.116 In conclusion, for the reasons noted above and that the level of transgression to this limited number of rooms/windows is not significant, it is considered to be acceptable in this case. The site is currently undeveloped, being occupied by a single storey building when the adjoining buildings fronting Pentonville Road range from 4 to 5 storeys. To deliver an acceptable level of development on site there will be impact on daylight and sunlight.

Impacts to Sunlight

- 10.117 The submitted report and addendum, following the revised proposal, indicates that no neighbouring windows would fail BRE guidance criteria for sunlight.

Overshadowing

- 10.118 The submitted report and addendum for 21st March indicates that all neighbouring amenity space would comply with BRE guidance criteria with the exception of two neighbouring properties, Nos. 3 and 5 Cumming Street. The impact on these two properties when modelled on 21st March are assessed below:
- 10.119 3 Cumming Street adjoins the western boundary of the application site. This property has a rear garden area of 70.55 sqm and currently receives sunlight to 16% (11.23sqm) of this garden space on 21st March. As such, the garden significantly fails BRE Guidance criteria as existing and as such, any change to this already low figure is disproportionately high. The proposed development would reduce the sunlight the garden receives on 21st March to 1% (0.81sqm), a reduction of 93%. Although the proposal will result in a significant loss of sunlight to this neighbouring garden, it is considered that any reasonable development of this currently low level site would have similar impacts and that the existing low levels are as a result of the existing back to back layout of these units.
- 10.120 5 Cumming Street lies to the west of the application site, and is separated from the application site by 3 Cumming Street. This property has a garden with an area of 61.4 sqm. The garden currently receives sunlight to 5% of the garden (3.06sqm). As such, the garden significantly fails BRE Guidance criteria as existing. The proposed development would reduce the sunlight the garden receives on 21st March to 2% (1.12 sqm), representing a loss of 63%. Although the proposal will result in a significant loss of sunlight to this neighbouring garden, it is considered that any reasonable development of this currently low level site would have similar impacts and that the existing low levels are as a result of the existing back to back layout of these units.
- 10.121 The impact of the proposal on these two garden areas is notable and the proposal will have a negative impact. It is important, however, to note that the extent of the loss of sunlight to these gardens is so marked due to the existing significant level of overshadowing they receive from buildings of up to 4-5 storeys on Pentonville Road. Due consideration must be given to the dense, urban character of the site. Also, the existing site is significantly under-developed, and delivering a form and height of building which is comparable with the built form of adjoining Pentonville Road properties will lead to impacts to the gardens of 3 and 5 Cumming Street. Therefore, on balance, while the impact of the proposal on overshadowing levels to these two gardens is acknowledged to be harmful and a notable negative of the proposal, on balance this does not outweigh the benefits of effectively redeveloping the site to provide much needed additional office space within the CAZ and 9 residential units.

Outlook/Overbearing Impact

- 10.122 There are no windows in the side elevation of the block of flats which will directly adjoin the eastern boundary of the site, No. 156 Pentonville Road. The main front and rear elevations are in line with those of No. 156 Pentonville Road. As such, the impact to this block in terms of loss of outlook will purely be from the projecting balconies on the rear elevation. As the balconies on the front elevation are recessed, there will be no loss of outlook from these. The balconies on the rear elevation will directly adjoin the rear western boundary of No. 156. By reason of the balconies modest projection and the fact that the windows serving the rear elevation of the flatted properties of No. 156 are set off the boundary, the impact of these projecting balconies in terms of outlook is considered to be acceptable.
- 10.123 In regard to the neighbouring properties to the west, the proposal will be in line with the front elevations of adjoining properties No. 162 Pentonville Road and 3 Cumming Street. There will, however, be an increase in height on site which would be noticeable from the

south and north, and neighbouring properties to the west (particularly adjoining properties No. 162 Pentonville Road and 3 Cumming Street). However, residential properties to the west do not directly face the proposed building, which reduces the degree of impact. Views towards the application site from all properties to the west would be oblique.

- 10.124 The proposed building will be visible from the rear gardens and rear windows of 3 - 9 Cumming Street and unobscured rear windows between 162-164 Pentonville Road. Whilst the increase in height and mass to the subject site would be noticeable from the rear gardens, rear windows within these properties would retain adequate outlook as they do not directly face the site. Given the set-back of the proposed building within the centre of the site, it is not considered to unduly worsen the sense of enclosure to the rear of neighbouring properties. It should be noted that a building of up to four storeys was resolved to be granted by the Planning Committee at this site under application - P2019/2290/FUL. Although this most recent proposal does present an additional storey, this additional massing is considered minor when compared to the previously approved 4 storey built form.
- 10.125 The proposal is therefore not considered to give rise to unacceptable loss of outlook from an increased sense of enclosure. Any loss of outlook is largely driven by the urban context of the site and the currently under-development of the application site. The proposed lightwell on the western boundary will provide some relief to the adjoining properties.
- 10.126 On balance, although there will be some loss of outlook and overbearing impact to the neighbouring properties on the western boundary, the extent of this impact, coupled with the urban context of the site and the benefits of the proposal, means that this impact is not unacceptable.

Privacy

- 10.127 The aforementioned policies above identify that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this policy, consideration has to be given also to the nature of views between windows of the development and neighbouring habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm.
- 10.128 The windows in the front elevation face onto Pentonville Road. The northern elevation faces onto the side elevation of block of flats Manneby Prior. This neighbouring elevation has only one window at a distance of circa 15 metres, which is effectively over a highway.
- 10.129 The eastern boundary of the site is a solid wall which attaches directly onto the side elevation of the adjoining block of flats. The only part of the development which would impact on privacy levels of this adjoining block is the balconies on the rear elevation. The design of these have undergone significant review from both design and planning officers to ensure that the sides of the balconies are solid enough to maintain an appropriate level of privacy for neighbouring occupiers.
- 10.130 In regard to properties to the west of the site, there are windows of the proposed units which open up into the lightwell. With the exception of the windows serving the stairwell and corridors, the windows will be looking north or south in the direction of the opposing wall of the development. As such, these windows will not result in direct overlooking. To safeguard neighbouring privacy, a condition is attached requiring that the windows in the side elevation are obscure glazed (see condition 14).

10.131 A condition has been attached (condition 15) which prevents flat roofs of the proposed building being used for amenity space. This is to safeguard the privacy of neighbouring properties.

Noise and disturbance

10.132 The proposed development would be unlikely to cause any specific nuisance with regard to noise and disturbance to neighbouring occupiers given the existing lawful use has the potential to generate more noise and disturbance when compared to office use. As part of the assessment of the application, the Council's Environmental Health Team were consulted. A key area of their assessment was whether the proposal could cause any noise and disturbance. It was identified that the proposed roof level plant was a potential source of noise. A condition was attached restricting the noise level of this to safeguard the amenities of future residents and neighbouring properties (see condition 10). In addition to this, a condition was also attached requiring a sound insulation strategy for office and residential uses (see condition 11).

10.133 Furthermore, the site makes use of the two existing entrances to the site for business use, it is not considered that the level of pedestrian activity that these arrangements would generate would give rise to any discernible increase in the level of noise, disturbance, litter or antisocial behaviour for local residents.

10.134 All servicing for the building would be carried out towards the rear onto Cumming Street, alongside the existing servicing location of the adjoining 156 Pentonville Road (Lambros House). This arrangement is considered appropriate.

Impact on Neighbouring Amenity: Conclusion

10.135 The proposal will result in the development of a currently under-developed site. As such, the proposal will deliver a notable increase in massing and building height on site, which will in turn have a greater impact on neighbouring amenities when compared to the existing built form. The level of impact is considered to not present an unacceptable impact.

Transport and Highways

10.136 The NPPF Chapter 9 emphasises the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, and consider the needs of people with disabilities and reduced mobility.

10.137 London Plan Policies T1, T2, T3, T4, T5, T6 and T6.1 seek for all new development to identify opportunities to improve the balance of space given to people to dwell, walk, cycle, and travel on public transport and in essential vehicles, so space is used more efficiently and streets are greener and more pleasant. Adding to this, policies also set out requirements for levels of on-site vehicle parking, cycle parking and for servicing.

10.138 London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are well-connected by public transport, but with provision made for disabled persons parking bays. London Plan Policy T7 states that seeks to ensure that development proposals facilitate safe, clean and efficient deliveries and servicing.

10.139 Development Management Policy DM8.2 requires that proposals meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.

- 10.140 Draft Local Plan Policy T1: Enhancing the public realm and sustainable transportation requires that applicants must provide appropriate information to allow proper assessment of transport impacts and show how these impacts can be addressed. This policy goes on to state that all new development will be car-free, which will contribute to the strategic aim for a modal shift to sustainable transport modes.
- 10.141 The application site has a PTAL of 6b, which is considered 'excellent', due to the numerous bus links along Pentonville Road and proximity to Angel and Kings Cross stations.
- 10.142 The application site is located within a Controlled Parking Zone (CPZ) 'Zone B', which operates weekdays between 08:30 – 18:30 and on Saturdays between 08:30 – 13:30.

Servicing, deliveries and refuse collection

- 10.143 The site as existing has a very narrow vehicular access from Cumming Street. This open area is to be built over as part of the proposed development. The proposed development would continue to be serviced on-street from Cumming Street. One delivery trip per day is predicted for the proposed development (office use).
- 10.144 Servicing and deliveries cannot take place on Pentonville Road due to being part of the TLRN (with double red lines) and the bus stop located to the front of the site.
- 10.145 Concerning the hours of delivery, a condition is recommended (condition 21) requiring details of a finalised Delivery and Servicing Plan, including hours, frequency, location and size of vehicles to be submitted to and approved in writing by the Local Planning Authority.

Vehicle parking

- 10.146 The proposal will be a car-free development, which is secured via the S106. This will restrict future residents, with the exception of blue badge holders, of the proposed residential units from applying for parking permits.
- 10.147 Given the site's constraints in providing for on-site parking, a financial contribution in lieu of wheelchair accessible parking is considered acceptable. This is proposed to be secured via legal agreement.

Cycle Parking

- 10.148 Cycle parking for the office floorspace is required to be provided at a rate of one space per every 80 square metres of new office (B1a) floorspace and needs to be secure, covered, conveniently located and step free. The Draft Local Plan requires that this standard is 1 per 75sqm of office floorspace.
- 10.149 Residential development should provide dedicated long-stay parking space for cycles in accordance with the London Plan and guidance in the London Cycling Design Standards:
- One long-stay space per studio or one bedroom (one-person) dwelling;
 - One and a half long-stay spaces per one bedroom (two-person) dwelling;
 - Two long-stay spaces per two or more bedroom dwelling.
- 10.150 The proposal provides two cycle parking areas within the ground floor of the building. For the residential part of the proposal, 14 cycle parking spaces will be provided in addition to 2 accessible cycle parking spaces. For the office 7 cycle spaces are provided in addition to one accessible space. This meets policy requirements and a condition has been

attached requiring that the cycle store is implemented as approved on the ground floor plan (condition 13).

Local Level Travel Plan

10.151 A local level travel plan and monitoring for this will be secured via condition and S106.

Energy and Sustainability

10.152 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.

10.153 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.

10.154 Islington's Core Strategy policy CS10 (part A) states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity.

10.155 Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.

10.156 Islington's Draft Local Plan Policy: S3 Sustainable Design Standards outlines that all non-residential and mixed-use developments proposing 500sqm or more net additional floorspace are required to achieve a final (post-construction stage) certified rating of Excellent as part of a fully fitted assessment within BREEAM New Construction 2018 (or equivalent scheme), and must make reasonable endeavours to achieve an Outstanding rating. A 'verification stage' certification at post occupancy stage must also be achieved, unless it can be demonstrated that this is not feasible.

10.157 Accompanying this application was a Sustainable Design and Construction Statement prepared by Apex Capital Partners.

10.158 The key target which would be applied in this case is that the residential element should achieve a 19% reduction in regulated emissions, against a Part L 2013 baseline. As part of the assessment of the application, the Council's Sustainability Team were consulted. They confirmed that the required 19% reduction in regulated emissions is being met.

10.159 Furthermore, on reviewing the remainder of the energy statement and the overheating analysis, Sustainability Officers raised no objections to the proposal.

10.160 Due regard has been given to Islington's Planning Obligations (S106) SPD (2016). This outlines the carbon offset formula used to determine carbon offsetting contributions. The SPD gives an alternative definition for major developments as delivering either at least 10 residential units or 1000sqm of commercial floorspace.

- 10.161 Although the proposal is a major as defined by Town and Country Planning (Development Management Procedure) (England) Order 2015 which defines majors as having a floor area of 1000sqm, in terms of identifying the appropriate carbon contribution this proposal is not a major as defined by this part of the SPD.
- 10.162 As such, the carbon offset contribution will be applied to the residential element only and based on a fixed fee of £1,000 per flat, so £9,000 in total. This is secured via S106.
- 10.163 The proposal will deliver two areas of photovoltaic panels on the roof, totalling 54sqm. A condition has been attached which requires that these are implemented as demonstrated on the approved roof plan (condition 20).
- 10.164 A condition has been attached requiring that prior to occupation of the relevant building evidence shall be submitted to the Local Planning Authority for approval in writing to show that the development will achieve a BREEAM rating of Excellent (condition 19).
- 10.165 Subject to the conditions and S106, the proposal will comply with sustainable development objectives as required by the Development Plan.

Waste Management

- 10.166 Sufficient Waste storage facilities should be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states that, for major developments, details of refuse and recycling collection must be submitted, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores. Draft Local Plan policy ST2: Waste states that development proposals must provide waste and recycling facilities which: (i) fit current and future collection practices and targets; (ii) are accessible to all; (iii) are designed to provide convenient access for all people, helping to support people to recycle; and (iv) provide high quality storage and collection systems in line with Council guidance.
- 10.167 A refuse and recycling storage area is proposed to the rear of the building. It would be located within an 'open-air gated courtyard' which can be accessed from the rear of the building and also from Cumming Street to allow for easy access for waste collectors.
- 10.168 The location and provision for refuse and recycling is considered acceptable and it should be in place prior to occupation of the development, as secured via condition 12.

Biodiversity

- 10.169 Chapter 15 of the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 10.170 London Plan Policy G6: Biodiversity and Access to Nature states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. Policy G6 goes on to state that proposals which reduce deficiencies in access to nature should be considered positively.
- 10.171 Core Strategy Policy CS15: Open Space and Green Infrastructure outlines the requirement to protecting and enhance biodiversity across the borough and addressing deficiencies in access to nature.

- 10.172 Policy DM6.5: Landscaping, trees and biodiversity states that developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.
- 10.173 The application was accompanied by the Preliminary Ecology Appraisal prepared by Apex Capital Partners Limited – dated February 2022.
- 10.174 This report identifies that introduced shrubs, buildings and hardstanding were the habitats are found on the application site. The site lies within a highly urbanised area of Central London. To the east of the site is Joseph Grimaldi Park, a small area of greenspace with trees. It is understood that nesting birds could make use of the flat roof and introduced shrubs on site.
- 10.175 The report sets out key recommendations for protecting and preserving biodiversity on site. In regards of nesting birds, if clearance works are required to the introduced shrubs, then they should be performed either before early March or after late August in order to avoid the main bird nesting season; and if, clearance works are deemed necessary during the nesting period an experienced ecologist will be required to check the Site habitats immediately prior to works commencing to confirm that no nesting birds will be affected.
- 10.176 In terms of bats, the detailed lighting design on site should be designed to be functional and directional and in line with current guidance.
- 10.177 Whilst no invasive species were identified during the survey, any contractors involved in clearance activities should remain vigilant. If suspected invasive species are found, these will be examined by a suitably qualified botanist, and if confirmed as invasive, their location will be mapped and they will be suitably disposed of to prevent their spread away from the site.
- 10.178 A condition has been attached which requires that the recommendations of this report are carried out to ensure any on-site biodiversity is protected (condition 16).

Protection of Trees

- 10.179 It is noted that there is a tree in the garden of No. 3 Cumming Street. This tree is not subject to a Tree Preservation Order, but has biodiversity and amenity value and should be protected. A condition (number 24) has therefore been attached requiring that a scheme for the protection of retained trees should be submitted to and approved by the Local Planning Authority.

Proposed biodiversity/greening measures

- 10.180 The proposal will include a tiered lightwell to the boundary where it is proposed to install a tiered green wall system. Given the orientation this is likely to be planted with hardy ferns and other low light tolerant species
- 10.181 The applicant also proposes a green roof. The Council Sustainability Officers recommend that blue roof attenuation can be provided within the green roof areas and under the solar panels if roof loading accommodates it. This will also have the potential to improve the UGF score.

10.182 A condition is attached requiring that details of this green/blue roof and the green wall are submitted to and approved by the Local Planning Authority alongside their maintenance plan. This is to ensure that these features are of good quality, will make a meaningful contribution to on-site biodiversity and greening and will be maintained in the future.

Urban Greening Factor

10.183 London Plan Policy G5 Urban Greening sets out the expectation for major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments.

10.184 The UGF should be based on the factors set out in Table 8.2 of the London Plan, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).

10.185 Draft Local Plan Policy G1 Green Infrastructure requires that Islington major developments are required to conduct an Urban Greening Factor (UGF) assessment in accordance with the methodology in the London Plan. Schemes must achieve an UGF score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development.

10.186 The proposal is able to achieve a UGF score of 0.178. This is below the target of 0.4. Although this is a failing of the proposal, officers do consider that due regard must be given to the site's constraints, which limit the ability to add more greenery on the site. At present, the site has no ecological value, so the greening measures proposed – a green roof, tree planting and a green wall – represent a notable enhancement in this regard.

Air Quality

10.187 Chapter 15: Conserving and Enhancing the Natural Environment requires that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

10.188 In accordance with Islington's Development Management Policies (2013) Policy DM6.1, developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.

10.189 Draft Local Plan (2019) Policy S1: Delivering Sustainable Design states that all new development must be designed, constructed and operated to limit contribution to air pollution and to improve air quality as far as possible, as well as reducing exposure to poor air quality, especially among vulnerable people.

10.190 The whole of the borough of Islington has been designated by the council as an Air Quality Management Area.

10.191 It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Demolition and Construction Management Plan (DCMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition 3. This would help ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality. Further, emissions from non-road mobile machinery would also need to be addressed in submissions made pursuant to condition.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.192 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 10.193 A Section 106 legal agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:
- Affordable Housing: A contribution of £450,000.00 towards the provision of affordable housing elsewhere in the borough
 - Construction Management Plan and Monitoring: in adherence to the Council's Code of Practice for Construction Sites, the provision of a Construction Management Plan, and a monitoring contribution of £2800 (calculated at 9 residential units x £200, and 487sqm of office floorspace – rounded to 500sqm – calculated at 5 x £200)
 - Highways Reinstatement: agreement from the developer to cover the cost of reinstating any highway damaged by the developer during the construction works
 - Carbon Offset: SPD formula seeks a contribution of £1000 per residential unit – total contribution required is £9000
 - Green Performance Plan: to be submitted and approved prior to the proposed use being occupied
 - Accessible Parking Bay: there will be an uplift of 29 on-site workers, which generates a requirement for one disabled bay. A contribution will be provided in lieu of the disabled bay required.
 - Car free development
 - Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.
 - Local Level Travel Plan - Monitoring and annual review of the Travel Plan associated with proposal payable on completion of the legal agreement.
- 10.194 All payments to the Council would be index-linked from the date of Committee and would be due upon implementation of the planning permission.

11. SUMMARY AND CONCLUSION

- 11.1 The proposal would deliver high quality office accommodation in an area of high demand whilst enhancing the street scene and the character of the area. The proposal is considered acceptable in planning terms and it is recommended that planning permission be granted subject to conditions and completion of a legal agreement securing relevant planning obligations.

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Affordable Housing: A contribution of £450,000.00 towards the provision of affordable housing elsewhere in the borough
- Construction Management Plan and Monitoring: in adherence to the Council's Code of Practice for Construction Sites, the provision of a Construction Management Plan, and a monitoring contribution of £2800 (calculated at 9 residential units x £200, and 487sqm of office floorspace – rounded to 500sqm – calculated at 5 x £200)
- Highways Reinstatement: agreement from the developer to cover the cost of reinstating any highway damaged by the developer during the construction works
- Carbon Offset: SPD formula seeks a contribution of £1000 per residential unit – total contribution required is £9000
- Green Performance Plan: to be submitted and approved prior to the proposed use being occupied
- Accessible Parking Bay: there will be an uplift of 29 on-site workers, which generates a requirement for one disabled bay. A contribution will be provided in lieu of the disabled bay required.
- Car free development
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.
- Local Level Travel Plan - Monitoring and annual review of the Travel Plan associated with proposal payable on completion of the legal agreement.

If the Committee resolve to grant, resolution will include provision to provide flexibility to officers to negotiate and finalise s106 on behalf of the Committee.

That, should the Section 106 Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made valid or within the agreed extension of time, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<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 and documents list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p><u>Plans:</u></p> <p>Proposed Basement & Ground Floor – drawing number: 4962/PA/10C – dated: 17/03/2022</p> <p>Proposed Upper Floors – drawing number: 4962/PA/11C – dated: 15.03.2022 – submitted: 23.03.2022</p> <p>Proposed Roof Plan – drawing number: 4962/PA/12B – dated: 24.02.2022</p> <p>Proposed Residential Layouts Unit 01, 02, 04, 05, 07, 08 – drawing number: 4962/PA/13A – dated: 24.02.2022</p> <p>Proposed Residential Layouts Unit 03, 06, 09 – drawing number: 4962/PA/14B – dated: 24.02.22</p> <p>Proposed Materials – drawing number: 4962/PA/31A – dated: 22.02.2022</p> <p>Proposed Elevations – drawing number: 4962/PA/20A – dated: 22.02.2022</p> <p>Proposed Section AA and West Elevation – drawing number: 4962/PA/22 – dated: 11.02.2022</p> <p>Proposed Section BB, Section CC and Section DD – drawing number: 4962/PA/21 – dated: 11.02.2022</p> <p>Existing and Proposed Street Elevation – drawing number: 4962/PA/30 – dated: 11.02.2022</p> <p><u>Documents:</u></p> <p>158-160 Pentonville Road Fire Statement – dated: 25.02.2022 – prepared by: Marshall Fire</p> <p>Fire Strategy Comments – dated: 25.02.2022 – prepared by: Marshall Fire</p> <p>Air Quality Assessment – dated: 7th May 2021 – prepared by: Apex Capital Partners Ltd</p> <p>Construction Management Plan – Version: 2.0 – dated: 10.02.22 – prepared by: entram</p> <p>Construction Waste Management Plan – Version: 2.0 – dated: 10.02.22 – prepared by: entram</p> <p>Daylight and sunlight</p> <p>Design and Access Statement -</p> <p>Flood Risk Assessment & Drainage Strategy Report – document number: C2164-R1-REV-A - dated: July 2019 – prepared by: Nimbus Engineering Consultants</p> <p>FRA & Drainage Report Supplementary Statement – dated: 11.02.22 – prepared by: Apex Capital Partners Ltd</p>

	<p>Planning Noise Assessment – Acoustics Report A1721 R01b – dated: 24.03.22 – prepared by: ion acoustics</p> <p>Office Market Assessment & Economic Regeneration Statement Version 2 – dated: July 2021 – prepared by: Savills</p> <p>Overheating Assessment – BRUKL Output Document – Pentonville Offices – dated: 05.05.21</p> <p>Technical Note: Cycle Parking Design & Management Plan - Version: B – dated: 11.02.22</p> <p>Planning Obligations Statement – dated: February 2022 – prepared by: Centro Planning Consultancy</p> <p>Planning Statement – dated: February 2022 – prepared by: Centro Planning Consultancy</p> <p>Preliminary Ecological Appraisal – dated: February 2022 – prepared by: Apex Capital Partners</p> <p>Phase 1 Desk Study – dated: June 2021 – prepared by: Apex Capital Partners Limited</p> <p>Structural Method Assessment – Revision P2 – Dated: May 2021 – prepared by: ads consultancy</p> <p>Sustainable Design and Construction Statement – dated: 7th May 2021 – prepared by: Apex Capital Partners Limited</p> <p>Transport Statement – Version: D - dated: February 2022 – prepared by: Apex Capital Partners Ltd</p> <p>Utilities and Foul Sewerage Statement – Revision: P2 – dated: May 2021 – prepared by: XCO2 for Apex Capital Partners Ltd</p> <p>Urban Greening Factor Calculator – submitted: 23.03.2022 – prepared by: Centro Planning Consultancy</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	Demolition and Construction Management Plan
	<p>CONDITION: Prior to commencement of works a Demolition, Construction Management Plan (DCMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The DCMP should be in accordance with the Council's Code of Practice for Construction Sites and shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;

- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 09.30-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for neighbouring sites on Pentonville Road and Cumming Street at all times, including emergency service vehicles;
- m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;
- o) 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) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

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 demolition and development shall thereafter be carried out in accordance with the details and measures approved in the DCMP.

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.

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. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.

4	Detailed Drainage Design
	CONDITION: Prior to commencement of works, details of surface drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on an assessment of the potential for disposing of surface water by means of sustainable drainage system in accordance with the principles as

	<p>set out in London Plan Policies SI 13. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme would achieve at least a 50% attenuation of the undeveloped site's surface water run off at peak times. The drainage system shall be installed/operational prior to the first occupation of each phase of the development. The details submitted should also include a management and maintenance programme. 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. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission</p>
5	Design and Method Statement for Underground/Foundation Works
	<p>CONDITION: The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) have been submitted to and approved in writing by the local planning authority which:</p> <ul style="list-style-type: none"> • provide details for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), • accommodate the location of the existing London Underground structures and tunnels-provide Ground Movement Assessment • accommodate ground movement arising from the construction thereof - provide details of load change on our assets • and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. <p>The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p> <p>Reason: To ensure that the development does not impact on existing London Underground transport infrastructure. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.</p>
6	Samples of Materials
	<p>CONDITION: No above ground works shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This will include the preparation of a sample brick panel on site.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the finished appearance of the development will respect the character and visual amenities of the local area.</p>
7	Architectural Details

	<p>CONDITION: No above ground works shall commence unless and until detailed specifications including drawings (plan/section/elevation) at a minimum scale of 1:20 of the following details have been submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> a) Winter gardens and balconies including privacy screens, concertinas, balustrading and soffits b) Parapets c) Rainwater pipes, gutters d) Windows including sills and lintels e) Doors including individual, communal and refuse store entrances. <p>Reason: High quality and well-considered detailing is fundamental to the success of the development and must be considered and approved by the Local Planning Authority prior to above ground works occurring</p>
8	Impact on Thames Water Assets
	<p>CONDITION: No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.</p> <p>Reason: The proposed works will be in close proximity to an underground strategic water main, utility infrastructure. The works have the potential to impact on local underground water utility infrastructure.</p>
9	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 style="padding-left: 40px;">Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>Reason: To ensure that an appropriate standard of accommodation is provided.</p>
10	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq,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 LAf90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014+A1:2019.</p>

	Reason: To ensure that an appropriate standard of accommodation is provided.
11	Sound insulation strategy – office and residential uses
	<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. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>Reason: To ensure that an appropriate standard of accommodation is provided.</p>
12	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plan - Proposed Basement & Ground Floor – drawing number: 4962/PA/10B – dated: 15/03/2022 - shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>Reason: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
13	Cycle Storage (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on approved plan Proposed Basement & Ground Floor – drawing number: 4962/PA/10B – dated: 15/03/2022 - and maintained as such thereafter.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
14	Obscured Glazing (Compliance)
	<p>CONDITION: The hereby approved development shall not be occupied until all glazing to the west elevation at first floor and above, have been obscure glazed and either fixed shut or with 150mm opening restrictors. The development shall be maintained as such thereafter.</p> <p>Reason: To safeguard the amenities of the adjoining residential units.</p>
15	No use of flat roofs (Compliance)
	<p>CONDITION: The flat roofs of the development hereby approved shall not be used as amenity spaces and shall not be accessed other than for maintenance.</p> <p>Reason: To ensure that the amenity of residents is not adversely affected.</p>
16	Green/Blue Roof Details and Maintenance Plan
	<p>CONDITION: Details of the biodiversity (green/blue) roofs as shown on plan 'Proposed Roof Plan – drawing number: 4962/PA/12B – dated: 24.02.2022' shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The biodiversity (green) roofs shall be:</p>

	<p>a) biodiversity based with extensive substrate base (depth 80-150mm); and</p> <p>b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>Details of the irrigation and maintenance regime for the proposed green roofs and green wall shall be submitted to and approved in writing by the local planning authority before any works thereby affected are begun.</p> <p>The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
17	Biodiversity mitigation (compliance)
	<p>CONDITION: The proposal hereby approved shall comply with the biodiversity mitigation measures as outlined in approved document Preliminary Ecology Appraisal prepared by Apex Capital Partners Limited – dated February 2022.</p> <p>Reason: In the interests of preserving on-site biodiversity.</p>
18	Secure by Design
	<p>CONDITION: Prior to carrying out above ground works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full 'Secured by Design' Accreditation. The development shall only be carried out in accordance with the approved details.</p> <p>Prior to the first occupation of each building or part of a building or use, 'Secured by Design' certification shall be obtained for such building or part of such building or use.</p> <p>Reason: In the interest of creating safer, sustainable communities.</p>
19	BREEAM Excellent
	<p>CONDITION: (a) Prior to occupation of the relevant building evidence shall be submitted to the Local Planning Authority for approval in writing to show that the development is on track to receive a BREEAM rating of Excellent.</p> <p>(b) Within 6 months of first occupation of the relevant building, certification shall be submitted to the Local Planning Authority for approval in writing confirming that the development achieves a minimum BREEAM assessment rating of 'Excellent'.</p> <p>Reason: In the interest of energy efficiency and sustainability.</p>
20	Photovoltaic Panel Installation

	<p>CONDITION: The proposed photovoltaic roof panels shall be installed as shown on approved plan Proposed Roof Plan – drawing number: 4962/PA/12B – dated: 24.02.2022 and retained hereafter.</p> <p>Reason: In the interest of energy efficiency and sustainability.</p>
21	Delivery and Servicing Plan
	<p>CONDITION:A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>Reason: In order to secure highway safety and free flow of traffic, local residential amenity and to mitigate the impacts of the development.</p>
22	Travel Plan – Residential and Class E(g)(i)
	<p>CONDITION: Prior to occupation of the development hereby approved, a local level travel plan shall be submitted to and approved in writing by the Local Planning Authority. This travel plan should address both the residential and non-residential components of the scheme. The Travel Plan shall assess the transport impact on the surrounding area and consider sustainable modes of transport. The recommendations identified within the updated Travel Plan shall be implemented in full and retained thereafter, apart from with written consent of the Local Planning Authority.</p> <p>Reason: To ensure there would not be a detrimental transport impact on the surrounding area and sustainable travel is encouraged.</p>
23	Fire Strategy
	<p>CONDITION: Prior to above ground works, a Fire Escape Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with London Fire Brigade Emergency Planning Authority and Building Control.</p> <p>The works shall be undertaken in accordance with the details of the Fire Escape Strategy hereby approved.</p> <p>Reason: In the interests of fire safety of the building.</p>
24	Tree Protection
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and basement excavation work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <p>a. Location and installation of services/ utilities/ drainage.</p>

	<p>b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.</p> <p>c. Details of construction within the RPA or that may impact on the retained trees.</p> <p>d. a full specification for the installation of boundary treatment works.</p> <p>e. a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</p> <p>f. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</p> <p>g. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.</p> <p>h. a specification for scaffolding and ground protection within tree protection zones.</p> <p>i. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.</p> <p>j. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</p> <p>k. Boundary treatments within the RPA</p> <p>l. Methodology and detailed assessment of root pruning</p> <p>m. Reporting of inspection and supervision</p> <p>n. Methods to improve the rooting environment for retained and proposed trees and landscaping</p> <p>o. Veteran and ancient tree protection and management</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>
25	Basement Excavation (compliance)
	<p>CONDITION: The development shall be constructed in accordance with the approved 'Structural Method Assessment – Revision P2 – Dated: May 2021 – prepared by: ads consultancy' unless otherwise agreed in writing.</p> <p>The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.</p> <p>Reason: To ensure that structural stability has been evaluated by a suitably qualified and experienced professional.</p>

List of Informatives:

1	Working with the applicant
	<p>In dealing with this application, Islington Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the relevant constituent parts of the Local Plan and London Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.</p>
2	S106
	<p>SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
3	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
4	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
5	Car-Free Development
	<p>INFORMATIVE: (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.</p>
6	Groundwater Risk Permit

	<p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
7	<p>Working near Thames Water Assets</p> <p>The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p>
8	<p>Roller Shutters</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

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 (July 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 - Spatial Development Strategy for Greater London (March 2021)

- Policy GG1 Building strong and inclusive communities
- Policy GG2 Making the best use of land
- Policy GG3 Creating a healthy city
- Policy GG4 Delivering the homes Londoners need
- Policy GG5 Growing a good economy
- Policy GG6 Increasing efficiency and resilience
- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D8 Public realm
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H4 Delivering affordable housing
- Policy H5 Threshold approach to applications
- Policy H6 Affordable housing tenure
- Policy H10 Housing size mix
- Policy S4 Play and informal recreation
- Policy E1 Offices
- Policy E7 Industrial intensification, co-location and substitution
- Policy E11 Skills and opportunities for all
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G4 Open space
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy S1 Improving air quality
- Policy S12 Minimising greenhouse gas emissions

Policy S13 Energy infrastructure
 Policy S14 Managing heat risk
 Policy S15 Water infrastructure
 Policy S17 Reducing waste and supporting the circular economy
 Policy S112 Flood risk management
 Policy S113 Sustainable drainage
 Policy T1 Strategic approach to transport
 Policy T2 Healthy streets
 Policy T3 Transport capacity, connectivity and safeguarding
 Policy T4 Assessing and mitigating transport impacts
 Policy T5 Cycling
 Policy T6 Car parking
 Policy T6.1 Residential parking
 Policy T7 Deliveries, servicing and construction
 Policy T8 Funding transport infrastructure through planning

B) Islington Core Strategy 2011

Spatial Strategy	Policy CS13 (Employment Spaces)
Policy CS2 (Finsbury Park)	Policy CS14 (Retail and Services)
Policy CS3 (Nag's Head and Upper Holloway Road)	Policy CS15 (Open Space and Green Infrastructure)
Policy CS4 (Highbury Corner and Holloway Road)	Policy CS16 (Play Space)
Policy CS5 (Angel and Upper Street)	Policy CS17 (Sports and Recreation Provision)
Policy CS6 (King's Cross)	Infrastructure and Implementation
Policy CS7 (Bunhill and Clerkenwell)	Policy CS18 (Delivery and Infrastructure)
Policy CS8 (Enhancing Islington's Character)	Policy CS19 (Health Impact Assessments)
Strategic Policies	Policy CS20 (Partnership Working)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)	
Policy CS10 (Sustainable Design)	
Policy CS11 (Waste)	
Policy CS12 (Meeting the Housing Challenge)	

C) Development Management Policies June 2013

Design and Heritage

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

Housing

- DM3.1 Mix of housing sizes
- DM3.2 Existing housing
- DM3.4 Housing standards
- DM3.5 Private outdoor space
- DM3.7 Noise and vibration (residential uses)

Employment

- DM5.1 New business floorspace
- DM5.2 Loss of existing business floorspace
- DM5.4 Size and affordability of workspace

Health and open space

- DM6.1 Healthy development
- DM6.2 New and improved public open space
- DM6.3 Protecting open space
- DM6.4 Sport and recreation
- DM6.5 Landscaping, trees and biodiversity
- DM6.6 Flood prevention

Energy and Environmental Standards

- DM7.1 Sustainable design and construction statements
- DM7.2 Energy efficiency and carbon reduction in minor schemes
- DM7.3 Decentralised energy networks
- DM7.4 Sustainable design standards
- DM7.5 Heating and cooling

Transport

- DM8.1 Movement hierarchy
- DM8.2 Managing transport impacts
- DM8.3 Public transport
- DM8.4 Walking and cycling
- DM8.5 Vehicle parking
- DM8.6 Delivery and servicing for new developments

Infrastructure

- DM9.1 Infrastructure
- DM9.2 Planning obligations
- DM9.3 Implementation

Emerging policy: draft Islington Local Plan 2019

1. The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination consultation on pre-hearing modifications took place between 19 March to and 9 May 2021. The Matters and Issues have now been published and hearings took place between 13 September to 5 October 2021.

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).

Emerging policies that are relevant to this application are set out below in Appendix 2. The emerging policies are considered to be consistent with the current policies.

Emerging Islington Local Plan (2019)

Policy PLAN1: Site appraisal, design principles and process

Policy SP2: King's Cross and Pentonville Road

Policy H1: Thriving communities

Policy H2: New and existing conventional housing

Policy H3: Genuinely affordable housing

Policy H4: Delivering high quality housing

Policy H5: Private outdoor space

Policy B1: Delivering business floorspace

Policy B2: New business floorspace

Policy B3: Existing business floorspace

Policy B5: Jobs and training opportunities

Policy G1: Green Infrastructure

Policy G4: Biodiversity, landscape design and trees

Policy G5: Green roofs and vertical greening

Policy S1: Delivering sustainable design

Policy S2: Sustainable design and construction

Policy S3: Sustainable design standards

Policy T1: Enhancing the public realm and sustainable transport

Policy T3: Car-free development

Policy T5: Delivering, servicing and construction

Policy DH4: Basement development

5. 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:

- Central Activities Zone (CAZ)
- Kings Cross & Pentonville Road Key Area (Core Strategy policy CS9)
- Employment Growth Area (Northdown Street EGA)
- Article 4 Direction – B1a (office) to C3 (residential)
- Article 4 Direction – A1 (Retail) to A2 (Professional and Financial Services)
- Article 4 Direction – B1c (Light Industrial) to C3 (Residential)
- CrossRail 2 Safeguarding Zone
- London Underground Zone of Interest (Tunnels)

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Student Bursaries
- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

Register of Locally Listed Buildings and Locally Significant Shopfronts (April 2010)