

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Community Wealth Building Directorate
PO Box 333
Town Hall
LONDON N1 2UD

PLANNING SUB - COMMITTEE	AGENDA ITEM NO: B2
Date: 19 April 2022	

Application number	P2021/3255/FUL
Application type	Full Planning Application
Site Address	William Martin Court, 65 Margery Street, London, WC1X 0JH
Ward	Clerkenwell
Listed building	Adj. 25-37 Wilmington Square - Grade II
Conservation area	New River Conservation Area (CA02) Adj. Rosebery Avenue Conservation Area (CA34)
Development Plan Context	Central Activities Zone Local view from Dartmouth Park Hill – LV7 Protected vistas - Kenwood viewing gazebo to St Pauls Cathedral Article 4 Direction A1-A2 (Rest of Borough) Article 4 Direction B1(c) to C3 (CAZ)
Licensing Implications	None
Proposal	Change of use of existing staff hostel (sui generis) to temporary living accommodation for Maltese nationals receiving medical treatment in the UK and their families (sui generis).

Case Officer	Tom Broomhall
Applicant	Puttinu Cares
Agent	Peter Twemlow - DP9

3. PHOTOS OF SITE AND SURROUNDINGS



Image 1 - Aerial view



Image 2 – Aerial View of front elevation



Image 3 – Aerial View of rear elevation



Image 4 – View from corner of Margery Street and Wilmington Street



Image 5 – View from corner of Margery Street and Yardley Street



Image 6 – View existing main entrance from Margery Street



Image 7 – Views of outdoor amenity space at the rear of the site

4. SUMMARY

- 4.1 The planning application seeks permission for the change of use of the existing staff hostel (sui generis) to temporary living accommodation for Maltese nationals receiving medical treatment in the UK and their families (sui generis).
- 4.2 The principle of the proposed change of use from sui generis hostel for hotel staff, to sui generis temporary living accommodation for Maltese nationals receiving medical treatment in the UK and their families, is on balance, considered acceptable. Officers note that the proposed change of use resulting in the loss of a hostel, does not address the policy requirement to provide accommodation to meet an acute need identified by the Council's Housing Department, which may include social rented housing. However, the benefits of the proposed use, including the relief of pressure on Great Ormond Street Hospital ('GOSH') accommodation for families of paediatric patients, when combined with the conditions and planning obligations attached to the grant of consent, have demonstrated an exceptional case relating to the unique circumstances of the proposal. The use of a planning obligation to restrict occupation of the property to those covered under the Puttinu Cares programme ensures the proposal is acceptable in land use terms.
- 4.3 The site is located within the designated Central Activities Zone (CAZ) and New River Conservation Area (CA02).
- 4.4 The proposed development is not considered to have an unacceptable impact on nearby residential properties or the area in terms of loss of privacy, overlooking, or noise impacts, subject to the imposition of appropriate planning conditions. Conditions

are recommended to prevent use of the flat roofs for amenity purposes and to restrict the time period for use of the external amenity space at the rear of the site.

- 4.5 The proposals include the replacement of the existing uPVC windows with aluminium windows which is considered to be acceptable and complies with the relevant design, conservation and heritage policy objectives.
- 4.6 The proposal would also include energy and sustainability measures in proportion to the scale of the proposals, to comply sufficiently with the Development Plan requirements, to ensure that the proposal would maximise energy efficiency and the sustainable design of the site where feasible.
- 4.7 The application has been referred to the Planning Committee because the application is a Major development. The Council's Planning Committee have referred the application to the Planning Sub-Committee for a determination.
- 4.8 Overall, whilst the proposed change of use would not provide accommodation to meet an acute need identified by the Council's Housing Department, the submission has demonstrated exceptional circumstances due to the unique nature of the use and the benefits of the use, and through the use of appropriate planning obligations restricting occupation of the site. The application is recommended for approval subject to appropriate conditions and planning obligations set out in Appendix 1 of this report.

5. SITE AND SURROUNDINGS

- 5.1 The site is an existing hostel providing residential accommodation for hotel staff (sui generis) for employees of Imperial Hotels, located on the south eastern side of Margery Street and is bounded by Wilmington Street to the east, Yardley Street to the west and the rear gardens of residential properties on Wilmington Square to the south. The Site contains a three-storey building with a basement car park accessed from Yardley Street.
- 5.2 The Site was historically owned by London Borough of Islington (hereafter 'LBI'). Following construction of the building in the 1960s, it was used for several decades as a care home for the elderly (Class C2). In 2004, LBI determined that the building was no longer suitable for a care home use and approved its closure. The freehold of the Site was purchased by Notting Hill Housing Trust, who let the building to St Mungo's on a 5-year lease. St Mungo's operated the building as a homeless shelter from 2009 until 2013, though did so without the benefit of planning permission.
- 5.3 It is understood that the site was purchased by Imperial Hotels in 2013 and converted to staff accommodation with 43 bedrooms and communal shower/toilet facilities. Retrospective planning permission was granted for this use in 2017 ref: P2016/2405/FUL. It is understood that the building has been vacant since December 2020.
- 5.4 The site is located within the Central Activities Zone (CAZ) and is in the New River Conservation Area (CA02).
- 5.5 The site is a standalone building but is surrounded by a mixture of residential uses, including Grade II Listed residential properties at the rear of the site at 25-37 Wilmington Square and, residential properties at St Helena House and Earlom House on the opposite side of Margery Street to the north of the site. A further residential

Grade II Listed building is located adjacent to the site at 1-96 Charles Rowan House to the north east of the site on the opposite side of Wilmington street.

5.6 The site has a Public Transport Accessibility Level (PTAL) rating of 5 (on a scale of 1 to 6 where 1 representing the lowest levels of accessibility to public transport and 6 the highest). There are a number of nearby underground and rail stations including Kings Cross and St Pancras Station, Russell Square and Angel stations.

6. PROPOSAL (IN DETAIL)

6.1 The proposals are for the change of use of an existing hostel providing residential accommodation for hotel staff to temporary living accommodation run by a Maltese charity Puttinu Cares, for the families of Maltese nationals, whilst their family member, being predominantly children, receive treatment at hospital in London including at Great Ormond Street Hospital. The need for this arrangement is due to a bi-lateral agreement between the UK and Maltese Governments for patients from Malta to receive NHS care in the UK including at Great Ormond Street Hospital and Moorfields Eye Hospital. No on-site medical care is to be provided as part of the proposals.

6.2 A copy of the Bilateral Agreement between the UK and Maltese Governments has been included within the application submission.

6.3 Puttinu was established in 2002 and is a children's cancer support charity based in Msida, Malta. The charity's work in Malta is wide-ranging and includes providing bespoke support to the families of children with cancer, activities such as advocacy, education and campaigning, and seeking to improve the environment in which children are treated (for example, funding the refurbishment of children's hospital wards). More recently, the charity's work has expanded to include working with adults suffering from cancer and other serious illness.

6.4 Puttinu aims to alleviate some of this burden by providing free accommodation for the families of patients undergoing treatment in London within oncology departments, and usually at GOSH, Moorfields Eye Hospital or the National Hospital for Neurology.

6.5 Puttinu will employ three staff members on site, their role will be purely administrative and limited to on-site management of the building, providing residents with practical help (for example assisting with directions and transport bookings), and liaison with the charity's HQ in Malta. The length of stay of each family will vary between days, weeks or months.

6.6 The proposal presents internal layout changes to the existing accommodation, to create 23 self-contained flats and studios each of which have their own bathrooms and kitchens. Alongside these new units, a front reception/lobby would be created, along with an ancillary laundry and back-of-house service space. An existing external amenity space to the rear of the site at ground floor would continue to be used in this way by Puttinu and users of the apartments. Each of the proposed apartments is designed to have a maximum occupancy of 4 persons, though the average occupancy is expected to be 2 or 3. The average length of stay in an apartment (and in the UK) will be between 3 and 6 weeks. However in some circumstances occupation may be longer including up to 1 year and in rare cases the length of stay may extend beyond a year.

- 6.7 The proposals include minor external alterations through the replacement of uPVC windows with aluminum windows and the creation of two automatic 1sqm roof vent hatches in the building's main roof which are understood to facility the proposed fire safety strategy. No changes are proposed to the existing built form.
- 6.8 The works also include provision of 5 oversized Sheffield cycle stands, providing 10 cycle spaces, inclusive of non-standard cycles and ambulant disabled cyclists.
- 6.9 It is proposed to add a green roof to the existing flat roof at first floor level toward the rear of the site.
- 6.10 Bin storage and refuse collection is located at basement level. The proposal would be car free.

Revisions:

- 6.11 During the course of the application the scheme has seen minor amendments in response to consultation responses. Additional information has been submitted including a letter from Colliers International providing further details as to the marketing of the property and a letter from DP9 on behalf of Puttinu Cares responding to the Council's pre-application advice letter.
- 6.12 The proposed replacement uPVC windows have been revised to aluminium windows in response to the Council's Design and Conservation Officer's comments.
- 6.13 Internal layouts have been amended to address the Council's Inclusive Design Officer's comments.
- 6.14 A revised Fire Statement has been provided including minor internal changes to address Fire Safety matters, to ensure compliance with London Plan policy D12.



Image 8 - Proposed Front and Rear Elevations

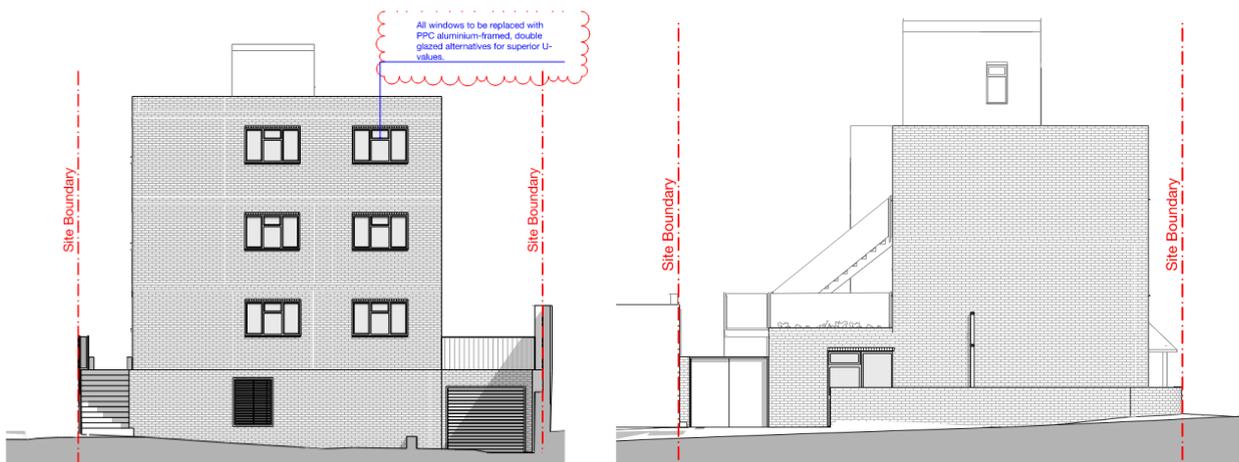


Image 9 - Yardley Street and Wilmington Street Elevations

7. RELEVANT HISTORY

7.1 The following history is considered most relevant to the application site.

Planning Permission

7.2 Application ref: 962057

Conversion of existing work centre on the ground floor into a three bedroom residential unit, erection of ground floor conservatory and alterations to elevations.

At: William Martin Court, 65 Margery Street, London, WC1X 0JH

Decision: Approve with conditions

7.3 Application ref: P2014/0898/FUL

Demolition of existing conservatory and construction of extension above existing ground floor roof on the south-east rear elevation at first and second floors; internal reconfiguration to create an additional bathroom on the 2nd floor; enclosure of entire balcony with a new structure which will also incorporate the existing open balcony to provide additional kitchen facilities on the second floor.

At: William Martin Court, 65 Margery Street, London WC1X 0JH

Decision: Refusal of permission

REASON: The proposed rear first and second floor extension to the south eastern section of the building, by virtue of its excessive bulk, massing and rear projection towards the rear of No's 25-27 Wilmington Square would form an overdominant and discordant feature when viewed from the private realm, resulting in an unacceptable sense of enclosure/loss of outlook to adjoining residential properties. The proposal is hereby considered contrary to policy DM2.1 of the Islington Development Management Policies June 2013.

REASON: The proposed works by virtue of the scale, design and materials of the rear extensions would fail to preserve or enhance the character and appearance of the New River Conservation Area, which is contrary to paragraph 134 of Policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policy 7.8 (sustaining and enhancing the significance of heritage assets) of the London Plan 2011, policy CS9 (protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011 and policies DM2.1 (Design) and DM2.3 (Heritage) of Islington's Development Management Policies (June 2013).

7.4 Application ref: P2016/2405/FUL for:

Use of premises as a hostel providing residential accommodation for hotel staff (Sui Generis).

At: William Martin Court, 65 Margery Street, London, WC1X 0JH

Decision: Approve with conditions

CONDITION: The occupation of the development hereby permitted shall be limited to persons employed by Imperial London Hotels Limited at their central London hotels.

REASON: To ensure that the adequacy of the accommodation, parking, accessibility and servicing arrangements are assessed and established as being appropriate for a different hotel operator.

Pre-application

- 7.5 In July 2021, the applicant submitted a pre-application advice request (ref Q2021/2227/MJR) for the Change of use of existing hostel providing residential accommodation for hotel staff (Sui Generis) to temporary living accommodation for the families of Maltese Nationals receiving medical treatment in the UK.
- 7.6 The Council's Pre-application advice has been provided to the applicant in November 2021. This advised the following:
- *Advice was provided that the proposals result in the loss of an existing hostel, albeit in sui generis use and further information was required to justify the loss of the hostel. Should the loss of the hostel be accepted, officers advised that there are significant policy implications due the requirement for accommodation to meet an acute need identified by the Council's housing department, which may include social rented housing.*
 - *Advice was provided that the physical layout of the proposed accommodation could be considered to be akin to self-contained residential units (C3). The differences in the nature of the use and tenure were also noted. Officers noted that the standard of the units would be unlikely to be policy compliant and any significant redevelopment of the site is likely to be constrained by the close proximity to the residential units at the rear of the site. Furthermore, officers noted that a mixed-use development of the site would be unlikely to be achievable.*
 - *Officers commented that further information should be provided including demonstrating how the proposals would relieve the pressure on GOSH for other families, and any other benefits that would justify the departure from the council's affordable housing policy.*
 - *Officers considered that at the pre-application stage insufficient benefits had been demonstrated to support the proposal. Subsequently it was advised that further information/justification would be required to address the land use policy issues which have been raised.*

8. CONSULTATION

Public Consultation

- 8.1 The application has been publicly consulted on 9 December 2021. Site and press notices have also been issued. The consultation process expired on 2 January 2022. Letters were sent to 363 properties on the surrounding neighbouring properties on Margery Street, Fernsbury Street, Wilmington Square, Attneave Street, Easton Street and Naoroji Street.
- 8.2 At the time of the writing of this report 1 response had been received from the public with regard to the application, commenting on the application rather than raising any objection. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Suggests that since the back windows facing 25 Wilmington Square are blacked out and covered over, that they, and any other windows in the same condition, be

replaced with matching brickwork; (**Officer response:** *It is proposed to attach a condition (11) on any grant of consent requiring the 2no. windows at first and second floors at the north eastern end of the rear elevation to be obscurely glazed and fixed shut.*)

- Asks that no bright lights that shine into the houses behind, and especially the bedrooms, be added; (**Officer response:** *The applicant has confirmed that no external lighting is proposed at this stage and the applicant is aware that approval would be required for the same.*)
- Asks that waste collection is carefully planned. This has not always been effective while the building has been occupied by guardians; (**Officer response:** *It is proposed to attach a condition (16) on any grant of consent to ensure the refuse and recycling collection takes place as per the submitted arrangements whereby it is limited to the basement car park.*)
- Suggest that the staircase be lit by timed lights to minimise carbon consumption and light pollution; (**Officer response:** *The applicant has confirmed that low-energy LED lights and electrical fittings will be integrated throughout the building along with motion sensors and timers (including in the stairwells).*)
- Subject to the above comments is otherwise supportive of the application.

External Consultees

8.3 **Fire Brigade:** No response received.

8.4 **Thames Water:** No objection subject to informatives regarding waste and water. Requested conditions relating to construction works and piling. However the proposed works are limited to internal reconfiguration and minor external changes relating to window replacement, roofing and roof hatches. Therefore as the proposals do not involve construction or piling, it is not reasonable to apply these conditions.

8.5 **Health and Safety Executive:** Response received. No objection.

Internal Consultees

8.6 **Planning Policy Team:** In relation to the initial application submission, raised concerns over the loss of the existing hostel use due to the marketing details submitted, the need for the scale of the accommodation provided by the proposed use, and the potential for use as temporary visitor accommodation if there are vacant rooms.

During the course of the application, additional information has been submitted responding to these concerns, including the marketing and responses that were received, the scale of the demand for the proposed use, which confirmed that the site would not exceed the current demand, only reduce the pressure on other forms of accommodation.

It is proposed to attach a legal agreement including a planning obligation restricting occupation to those families/guardians/carers connected with the Puttinu Cares programme.

The additional information submitted and the use of a planning obligation are considered to address the concerns raised by the Planning Policy Team and allow the proposal to be acceptable in land use terms.

- 8.7 **Inclusive Design Officer:** No objection to the revised proposals subject to condition (7) securing the layouts of the accessible shower rooms and W/Cs as revised.
- 8.8 **Design and Conservation Officer:** No objection to the proposals following revisions to the material of the proposed replacement windows from uPVC to aluminium provided the replacement window is justified in terms of the impacts on energy and sustainability. Details are secured by condition (3).
- 8.9 **Energy Officer:** No objection to the proposal. There is nothing in the proposed works that will increase energy consumption or carbon emissions. The replacement of the single-glazed windows, internal wall insulation and LEDs with appropriate sensors will help to reduce the energy consumption and carbon emissions.

In the Sustainable Design and Construction Statement (within the D&A) it states that an assessment will be made to check if the existing boilers should be upgraded to more efficient models at a later date. This is welcomed and officers recommend that the assessment is carried out as early in the design process as possible.

- 8.10 **Sustainability Officer:** No objection to the proposals following the applicant's responses relating to, Urban Greening, the extent of green roof and provision of bird and bat boxes subject to conditions (5 and 6).
- 8.11 **Highways Officer:** No objection however requested details of swept paths for servicing vehicles and the space to be able to access the internal disabled bays. This information has subsequently been provided during the course of the application. Officers consider that the swept paths indicate that the delivery vehicles shown, can access and egress the car park in an acceptable manner. These details are secured through condition 9.

9 RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & 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.)
 - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or

historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;

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

9.2 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

9.3 Since March 2014 Planning Practice Guidance for England has been published online.

9.4 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.

9.5 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.

9.6 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.

9.7 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.

Development Plan

- 9.8 The Development Plan is comprised of the London Plan 2021 (LP), Islington Core Strategy 2011 (ICS) and Development Management Policies 2013 (IDMP). The policies of the Development Plan that are considered relevant to this application are listed at **Appendix 2** in this report.

Emerging Policies

Draft Islington Local Plan

- 9.9 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. The Examination in Public took place in September and October 2021.
- 9.10 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).
- 9.11 Emerging policies that are relevant to this application are set out below in **Appendix 2**:

Designations

- 9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:
- New River Conservation Area (CA02)
 - Central Activities Zone
 - Article 4(2) New River Conservation Area
 - Article 4 Direction B1(c) to C3
 - Article 4 Direction A1-A2 (Rest of Borough)
 - Heathrow Safeguarding Area
 - Local view from Dartmouth Park Hill - LV7
 - Mayors Protected Vistas - Kenwood viewing gazebo to St Paul's Cathedral - LLAA5

- Local Cycle Routes

9.13 The relevant SPGs and/or SPDs are listed in **Appendix 2**.

10. ASSESSMENT

10.1 The main issues for consideration are:

- Principle of Development
- Land Use
- Design, Conservation and Heritage
- Amenity of Temporary Living Accommodation
- Accessibility and Inclusive Design
- Neighbouring Amenity
- Biodiversity, Landscaping and Trees
- Energy and Sustainability
- Highways and Transportation
- Planning Obligations
- Planning Balance Assessment

Principle of Development

10.2 The existing use of the building was consented in 2017 (ref: P2016/2405/FUL) for the *Use of premises as a hostel providing residential accommodation for hotel staff (Sui Generis)*. This is considered the existing lawful use of the site as for a hostel providing residential accommodation for hotel staff (sui generis), with a condition limiting occupation to persons employed by Imperial London Hotels Limited at their central London hotels.

10.3 The proposed change of use would create living accommodation for temporary use by the families and guardians of Maltese nationals receiving medical treatment at hospitals in the UK, run by the Maltese charity Puttinu Cares.

Land use

NPPF (July 2021):

10.4 Paragraph 61 sets the scope for identifying local housing need, using strategic policies, informed by a local housing need assessment:

61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

London Plan (2021):

10.5 Policy H8 *Loss of existing housing and estate redevelopment* states:

B Loss of hostels, staff accommodation and shared and supported accommodation that meet an identified housing need should be satisfactorily re-provided to an equivalent or better standard.

10.6 Paragraph 4.9.1 states:

Given the pressure for housing and competition for land in London for a variety of uses, it is important to ensure that new homes meet an identified need and are not left vacant long-term (over six months).

10.7 Policy H12 *Supported and specialised accommodation* states:

A The delivery, retention and refurbishment of supported and specialised housing which meets an identified need should be supported. The form this takes will vary, and it should be designed to satisfy the requirements of the specific use or group it is intended for, whilst providing options within the accommodation offer for the diversity of London's population, including disabled Londoners (see Policy D7 Accessible housing) within a wider inclusive community setting. Boroughs should undertake assessments of the need for short-term, medium-term and permanent supported and specialised accommodation within their borough.

10.8 Paragraph 4.12.1 states:

In undertaking assessments of the need for supported and specialised accommodation, existing accommodation options available within boroughs should be audited identifying any shortages in capacity or potential extra capacity within schemes, as well as accommodation in need of refurbishment. Boroughs should then use this information to plan to meet identified need, working with relevant authorities, such as children's and adult services, the NHS and relevant charities. For some groups, need may be best assessed and met on a multi-borough or pan-London basis.

10.9 Paragraph 4.12.2 states:

Supported and specialised accommodation can include accommodation that incorporates support for a particular group, sometimes until they are ready to move on. This could potentially be in a hostel setting and is likely to include some communal facilities, but it does not include visitor accommodation.

10.10 At the local level, the Council's adopted local plan documents continue to comprise of the Development Management Policies and Core Strategy documents.

Islington Core Strategy (2011):

10.11 Policy CS12 *Meeting the housing challenge* requires Islington to meet its housing challenge, to provide more high quality, inclusive and affordable homes by:

G. Providing affordable housing by:

- requiring that 50% of additional housing to be built in the borough over the plan period to be affordable.

- requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site.
- seeking the maximum reasonable amount of affordable housing, especially social rented housing, from private residential and mixed-use schemes over the threshold set above, taking account of the overall borough wide strategic target.

Development Management Policies (2013):

10.12 Policy DM3.9 *Houses in Multiple Occupation, hostels and student accommodation*, part F resists the loss of hostels unless:

- i) adequate replacement accommodation will be provided for the particular group; or*
- ii) it can be demonstrated that the accommodation is no longer needed for the particular group; or*
- iii) it can be demonstrated that the existing accommodation is unsatisfactory for modern standards and/or not fit for purpose for its current use.*

10.13 Policy DM3.9 Part G. sets out:

Where the loss of a hostel is acceptable, development should provide accommodation to meet an acute need identified by the council's housing department, which may include social rented housing.

10.14 As such, at this time, Development Management Policy DM3.9 continues to operate as the key development plan policy relating to hostels. However, the Council's emerging Local Plan has recently gone through Examination in Public with the Inspector's letter expected in Spring 2022. Any application submission will shortly have to give significant weight to the Council's emerging local plan policies.

Emerging Local Plan: Strategic and Development Management Policies

10.15 Policy H9: Supported Housing states:

A. The Council will support the provision of new supported housing where:

- (i) it meets an identified need, including larger-than-local need;*
- (ii) it is suitable for the intended occupiers in terms of the standard of facilities and the level of independence, and provides the necessary level of supervision, management and care/support. Regard must be had to Policy H4 and any best practice standards that the Council considers relevant and which are related to the specific type of accommodation and the people/groups it is targeted to; and*
- (iii) there is easy access to public transport, shops, services and community facilities appropriate to the needs of the intended occupiers.*

B. The Council will resist the loss of supported housing unless:

- (i) adequate replacement accommodation of the same quality and quantity will be provided for the particular group;*
- (ii) it can be demonstrated that the accommodation is no longer needed for the particular group or other relevant groups in need of supported housing; or*
- (iii) it can be demonstrated that the accommodation is not fit for purpose for its current use or other relevant types of supported housing.*

- 10.16 Paragraph 3.119 of the *Local Plan Strategic and DM Policies DPD proposed submission regulation 19 (September 2019)* as the supporting text to policy H9, identifies that the wide range of supported housing types may also include accommodation referred to as hostels (which may or may not have an element of care, but are distinct from visitor accommodation hostels) as follows:

The purpose of supported housing is to enable people with specific needs to live as independently as possible within their community, with a real focus on social inclusion. Provision of a wide range of supported housing types is likely to be necessary over the plan period, including permanent, long term and shorter term accommodation which meets temporary need. This can include foyer accommodation for young people, refuges, and long-term accommodation for people with ongoing support needs. The wide range of supported housing types may also include accommodation referred to as hostels (which may or may not have an element of care, but are distinct from visitor accommodation hostels). In planning use class terms, supported housing may be considered Sui Generis, C2 or C3 and would usually be considered exempt from (or be provided instead of) affordable housing requirements.

- 10.17 Paragraph 3.121 identifies a range of people/groups that would constitute supported housing, as follows:

Islington will consider supported housing to be any housing scheme where housing, support and (where relevant) care services are provided (or are capable of being provided) as an integrated package. Some schemes are long-term, designed for people who need ongoing support to live independently. Other, semi-independent living options are designed to help people develop the emotional and practical skills needed to move into more mainstream housing and provide varying levels of support. Support can include help with health needs, including mental health, drug and alcohol use, managing benefits and debt, developing daily living skills and accessing education, training and employment. Supported housing provision may be necessary for a range of people/groups including:

- *people with Mental Health Problems*
- *people with Learning Disabilities*
- *people with a Physical or Sensory Disability*
- *single Homeless with Support Needs*
- *people with Alcohol Problems*
- *people with Drug Problems*
- *offenders or People at risk of Offending*
- *mentally Disordered Offenders*
- *young People at Risk*
- *young People leaving Care*
- *women at Risk of Domestic Violence*
- *people with HIV/AIDS*
- *homeless Families with Support Needs*
- *refugees*
- *teenage Parents*
- *rough Sleepers*

- 10.18 Emerging Local Plan Policy H3 (A) *Genuinely affordable housing*, requires:

A minimum of 50% of the total net additional conventional housing built in the borough over the plan period must be genuinely affordable. Affordable housing tenures which are not considered to be genuinely affordable will be resisted and will not be counted towards the level of affordable housing provision on individual schemes.

Land Use Assessment

Loss of Existing Hostel

- 10.19 The existing lawful use of the site (consent P2016/2405/FUL) is for a *hostel providing residential accommodation for hotel staff (sui generis)*, with a condition limiting occupation to persons employed by Imperial London Hotels Limited at their central London hotels. The existing consent requires the occupants of the hostel to be employees of Imperial London Hotels, working at their central London hotels, but does not require Imperial London to have to run the hostel. It is understood that the site has been vacant since December 2020.

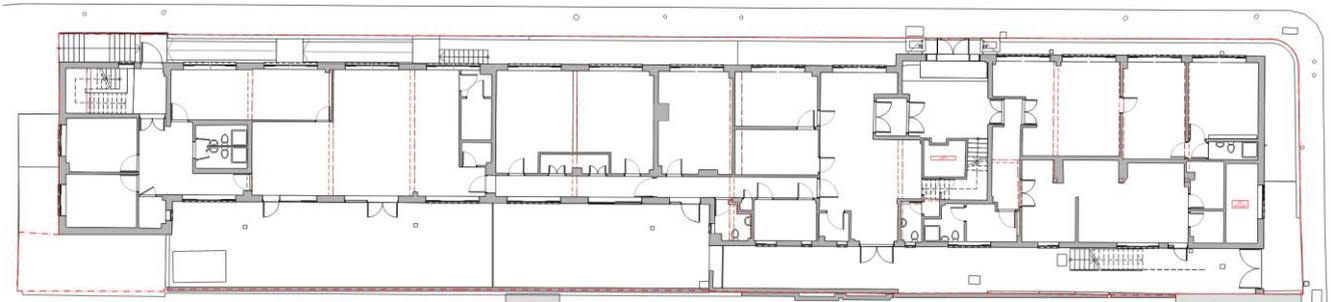


Image 10 – Existing Ground Floor Layout

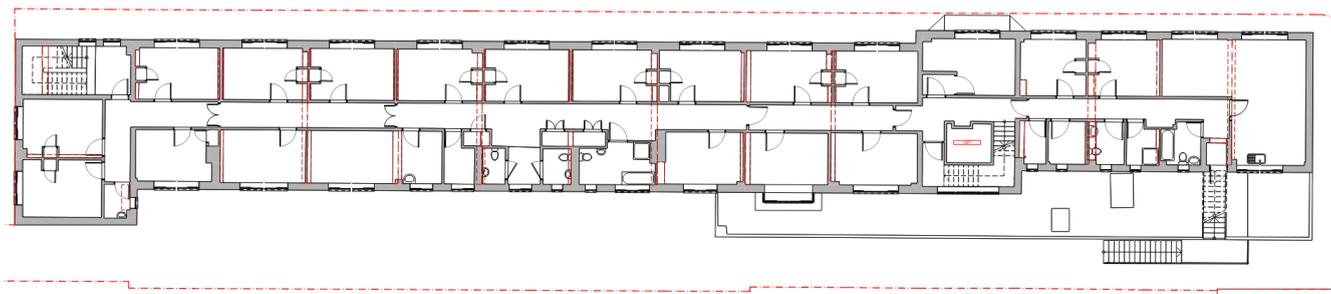


Image 11 – Existing First Floor Layout

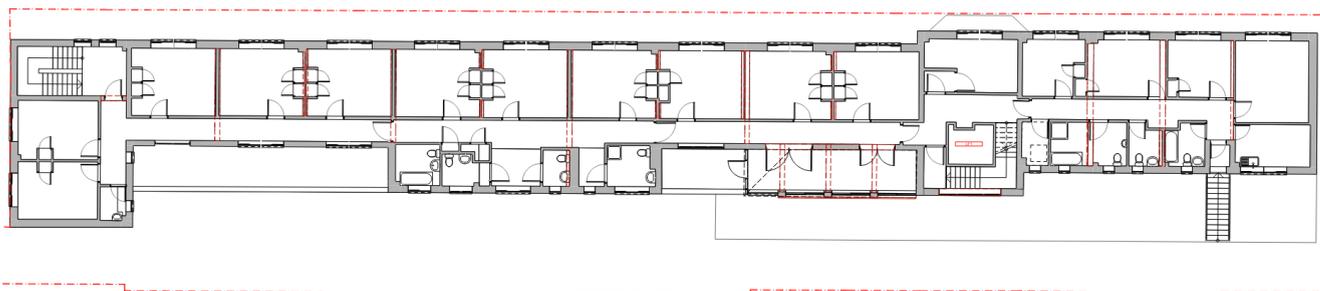


Image 12 – Existing Second Floor Layout

10.20 Consent P2016/2405/FUL followed 2 withdrawn applications in 2014 and 2015. In recommending the scheme for approval to Committee Members, officers gave consideration to a number of factors in consenting the sui generis hostel use for hotel staff including policy compliance through the care home use being re-provided off-site in a new purpose built nursing home. The application submitted in 2016 formed a retrospective application to regularise the unauthorised use which had been taking place since 2013. In making an assessment officers required the submission of a viability assessment. This showed it wasn't viable to provide the required contributions. Officers also gave weight to the improvements to the building's energy and sustainability performance and the choice of live-in accommodation as part of the employment contract whilst reference was made to the London Plan Housing SPG para 3.5.1 which noted the need for non-conventional housing schemes to demonstrate how they meet identified housing needs.

10.21 Development Management Policy DM3.9 part F (ii) resists the loss of hostels for the particular group unless the need is met elsewhere or it can be demonstrated that the accommodation is no longer needed for the particular group.

10.22 On this basis, the onus is on the applicant to provide evidence to demonstrate that there is no demand for residential accommodation for hotel staff.

10.23 The initial application submission included letters from the following:

- Letter from Imperial London Hotels, stating that it is no longer financially viable to provide hostel accommodation for staff and that this has been exacerbated by the pandemic due to the closure of hotels for a prolonged period of time.
- Letter from Colliers International and marketing information confirming that the site has been vacant since December 2020, and that the property has been marketed as one of eight former staff hostels in the Bloomsbury area, all used as accommodation for staff employed by Imperial London Hotels. The other properties are not located within Islington. The property has been marketed to owners of hotels and/or hostels in London but no details of individuals have been provided. The property has been advertised as follows:

Each one of the properties has until recently been used as accommodation for staff employed within their central London hotel business, but are now surplus to requirements. Except for William Martin Court, the buildings are now in need of investment and improvement but provide a wonderful blank canvass for purchasers to model to their own requirements (subject to any necessary consents). Therefore, officers note that the property has not been marketed as hostel accommodation.

- Letter from President of Malta confirming that Puttinu Cares Foundation is a voluntary organisation, and that due to more patients in need of treatment in hospitals in Central London, housing families in central London closer to hospitals, saves on travel costs and time for patients and close relatives.
- Letter from Prime Minister of Malta confirming that Puttinu Cares had an offer accepted for the property on 21 May 2021, and that the property would provide free accommodation for the families of patients who travel from Malta to central London for hospital treatment.

- Letter from the High Commissioner for the Republic of Malta confirming that a 'Reciprocal Health Agreement' provides and facilitates specialised treatment for Maltese patients in the UK. The letter comments that due to increased demand for accommodation and to be closer to London hospitals, Puttinu Cares decided to purchase the property.
- Letter from the Archbishop of Malta confirming the bilateral agreements between Malta and the UK in healthcare. The letter comments that the property would provide free accommodation for the families of patients who travel from Malta to central London for hospital treatment.
- Letter of support for Puttinu from Great Ormond Street Hospital, confirming that GOSH has limited parent accommodation and patient hotel provision and is looking to address this, and as such, the proposal would alleviate some of the demand on existing accommodation.

10.24 The initially submitted information indicates that the property has been marketed to owners of hotels and/or hostels in London, plus general property investors and developers.

10.25 Based on the initial submission, officers expressed concern that the information submitted hasn't demonstrated that the need for the accommodation for the employees of Imperial London Hotels or any other hotel has fallen away and that there would be nothing to prevent another organisation from running the hostel for the employees of a hotel chain.

10.26 In response further comments have been provided by the applicant as follows:

- *"We agree that the wording of the condition is such that the permission would technically allow another organisation to run the hostel, but this would be extremely unlikely to happen in reality. The hostel for ILH staff was provided as part of their contract of employment and was offered at subsidised rents; it is difficult to see what motivation any organisation not connected with ILH would have for providing such a specific service.*
- *There is no demand for staff accommodation in this location from any hotel operator, particularly in the current economic climate. By 'reserving' the property for such a specific use, the Council would effectively be allowing the property to stand empty, which is in itself contrary to policy at all levels which seeks to optimise the use of land and bring vacant buildings back into use.*
- *The delegated report for the initial application to use the property as a staff hostel (Ref: P2016/2405/FUL) barely addresses the issue of need, relying solely on a single reference to accommodation for hotel staff in the Mayor's Housing SPG. There is no mention of any Islington-specific need for hotel staff accommodation, and indeed there is none indicated in the evidence base documents for the new Local Plan currently under examination.*
- *Although our client is a different type of occupier and requires a greater element of self-containment than that provided by the ILH hostel, the way the property will be used on a day-to-day basis and the fact that it seeks to address the needs of a specific group of people means that it is essentially fulfilling the function of a hostel. The 'loss' of the hostel should therefore be viewed in terms of its replacement with another socially beneficial sui generis use for which a need has been identified."*

- *“It is extremely unlikely that any other operator would step in to provide accommodation for their staff, as it is a commercially unviable proposal when considered independent of any employment contract. Notwithstanding this, and notwithstanding the fact that COVID makes it challenging to present a complete picture, they have confirmed that:

 - *There are currently fewer staff employed by their hotels, as 4 out of 7 are not operating. Of those that are operating, they are doing so with a bare minimum of staff and where they need to be on-site, they are housed at the hotel itself.*
 - *Pre-Brexit, non-UK workers made up 25% of the hospitality workforce. This is expected to drop considerably since many migrant workers have now returned to their home countries. The majority of candidates for new positions are expected to be UK-based and will therefore already have accommodation.*
 - *Although the level of staff pay has not changed per se, the Government has recently changed the tax rules in relation to the arrangement formerly provided by Imperial, meaning that it is not viable for them to provide accommodation for their staff. Imperial’s employees could previously choose whether to accept a minimum salary plus accommodation, or a higher salary without accommodation. The announcement of the tax changes means that the former option is far less attractive to both Imperial and their staff and it was expected that fewer staff members would accept the accommodation offer as a result.”**

10.27 Despite receipt of these additional comments, officers continued to express concern regarding the loss of the hostel use. As a result, during the course of the application, further documents have been submitted including a letter from Colliers International Property Advisers UK dated 17 February 2022 and a letter prepared by DP9 on behalf of Puttinu Cares dated 7 February 2022 in response to the Council’s pre-application advice letter of November 2021.

10.28 The letter from Colliers International states that it is unusual for a London hotel operator to provide off-site accommodation for staff and that as a result it is not possible to provide evidence that the property was specifically marketed to parties who might have been interested in it for hotel staff accommodation, as such parties are non-existent.

10.29 The letter from Colliers International does provide details of the marketing which took place, including detailing that 266 parties were sent details in December 2020, around 60 were existing London hotel operators and six were commercial hostel operators. The bulk of the remainder were parties looking to acquire hotel type property in London for the first time or general property investors/developers. The promotional activities also generated in excess of 70 additional requests for sales particulars. 42 parties made an appointment to view this property specifically. None of these parties expressed requirement for hotel staff accommodation or any other form of staff accommodation. Five of these parties were hotel operators wanting to use the property as traditional visitor accommodation, and two were operators of backpacker type hostels and three are categorised as primarily residential developers (only one of which showed any further interest following the viewing) and one was a boarding school. The remainder were mainly general property investors/developers not specific to any particular sector.

- 10.30 Colliers reiterated that the marketing particulars for the building set out very clearly that the building is consented only as a staff hostel and being offered for sale on that basis and that that only unconditional offers (i.e. those not subject to planning consent) will be considered.
- 10.31 It is accepted that given the unique sui-generis nature of the existing hotel staff hostel, a market demand analysis cannot accurately be provided.
- 10.32 The response document from DP9 dated 7 February 2022 notes:

“The existing consent was granted subject to a condition restricting use of the hostel to staff of Imperial London Hotels only and therefore the ‘group’ referred to in this policy is staff of Imperial London alone.”

- 10.33 Officers consider that the further responses demonstrate that no further information can reasonably be provided to demonstrate the lack of demand for the existing sui generis hostel use for hotel staff. Therefore officers accept the lack of demand for the consented sui generis hostel use has been sufficiently demonstrated, in the circumstances, as to demonstrate compliance with the requirements of policy DM3.9 part F(ii) that the accommodation is no longer needed for the particular group.

Proposed Use

Temporary Living Accommodation

- 10.34 The proposal would comprise internal reconfiguration of the site to create 23 units, each with its own bathroom and kitchen facilities. There would be communal laundry rooms on the first and second floors. The layouts are shown in the images below.

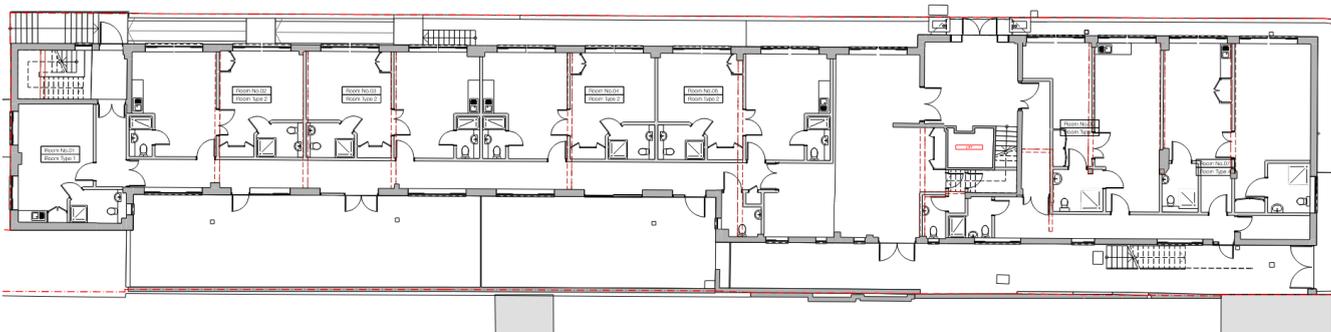


Image 13 – Proposed Ground Floor Plan

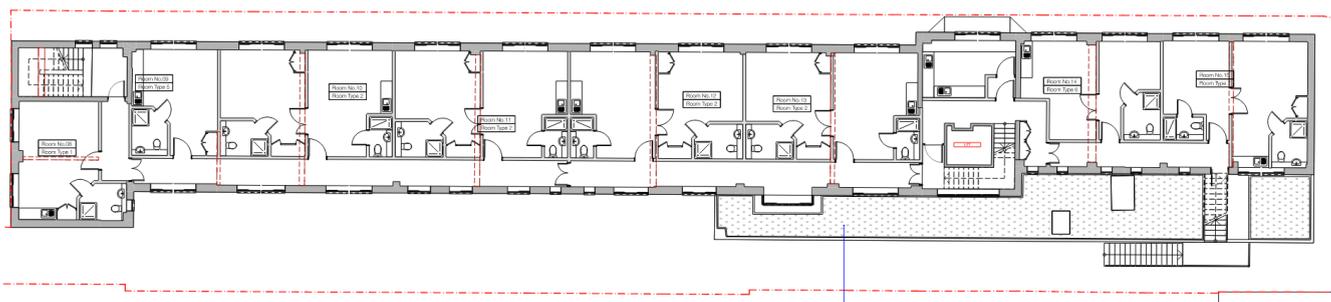


Image 14 – Proposed First Floor Plan

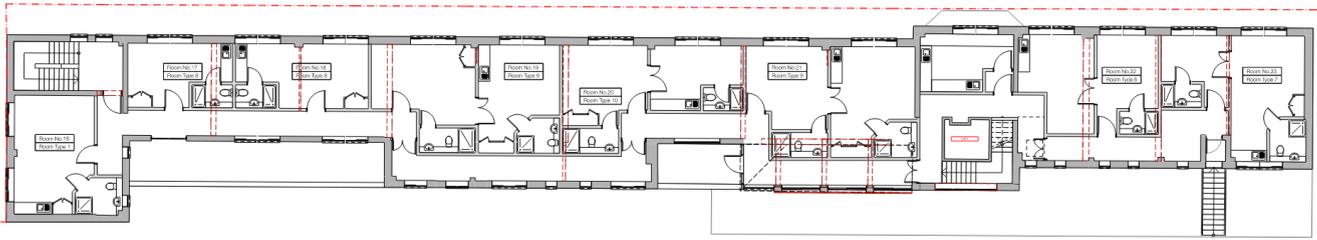


Image 15 – Proposed Second Floor Plan

- 10.35 The proposed layouts as shown on the above plans have very specific characteristics. The accommodation is: (1) offered to a specific group in specific circumstances only; (2) it can be for prolonged periods but may be for short periods. All those using the accommodation will be temporary residents and their occupation will only last so long as their family member is receiving medical care in Central London Hospitals under the Puttinu Cares programme.
- 10.36 It is understood that residents would not pay any financial contribution to stay at the property as requiring the payment of any form of contribution would fall outside of the charity's legal aims and objectives. The applicant states that residents would not be required to sign a contract setting out a fixed length of occupation. When patients are discharged from hospital, they will be assisted by Puttinu to vacate the property (along with any family members) and return to Malta. Residents would sign a basic agreement that covers their terms of occupation, such as what rules they are expected to abide by, what they must do if accidental damage is caused to the property etc. The details of these arrangements would be set out in a Operational Management Plan. Puttinu has stated that any unoccupied units would not be privately rented.
- 10.37 Puttinu state that there is an existing (and urgent) demand as over 60-90 patients travel from Malta for treatment every month. On this basis it is understood that all 23 units would become fully occupied almost immediately.
- 10.38 The units are not offered on a commercial basis, the nature of the use is neither visitor accommodation nor is it an entirely self-contained C3 use due to the unique nature of its use. Therefore the proposed use is considered to be a sui generis use defined as temporary living accommodation for use by the families of Maltese Nationals receiving medical treatment at hospitals in the UK, run by the charity Puttinu Cares.

Assessment of Proposed Use

- 10.39 As officers now consider the loss of the existing hostel justified under adopted Development Management policy DM3.9 part F as outlined in the earlier part of this land use assessment, part G of the policy now applies. The policy states:

“Where the loss of a hostel is acceptable, development should provide accommodation to meet an acute need identified by the council's housing department, which may include social rented housing.”

Requirement to meet an acute need identified by the Council's housing department

- 10.40 As identified above, officers consider that the use constitutes sui generis temporary living accommodation. As the Borough's acute need is for conventional social rented housing, the proposed use does not meet an identified need in line with the NPPF, i.e. it does not meet a local housing need as set out in the draft Local plan evidence base – the Islington Strategic Housing Market Assessment. Therefore, to ensure full policy compliance the applicant would need to contact the Council's Housing Team to identify the acute need. Officers are not aware of any discussions between the applicant and the Council's Housing department.
- 10.41 Paragraph 3.121 of the draft Local Plan DPD - *Strategic and Development Management Policies September 2019 - Regulation 19 submission*, identifies a range of people/groups that would constitute supported housing. However, the proposed occupiers do not meet any of the categories listed. The accommodation would offer limited support services to occupiers and the communal facilities are largely limited to a laundry room and some outside shared amenity space at the rear of the site.
- 10.42 The applicant contends that the proposals meet an important identified need, and that the use would be appropriate in this predominantly residential location. In considering this, officers note the requirements of London Plan policy H12 *Supported and specialised accommodation*, part A requires the delivery, retention and refurbishment of supported and specialised housing which meets an identified need should be supported. Officers also note the contents of supporting paragraph 4.12.1 which requires boroughs to '*undertake assessments of the need for supported and specialised accommodation, existing accommodation options available within boroughs should be audited identifying any shortages in capacity or potential extra capacity within schemes, as well as accommodation in need of refurbishment. Boroughs should then use this information to plan to meet identified need, working with relevant authorities, such as children's and adult services, the NHS and relevant charities. For some groups, need may be best assessed and met on a multi-borough or pan-London basis.*'
- 10.43 It is accepted that the proposed use does not meet a local housing need as set out in the draft Local Plan evidence base – the Islington Strategic Housing Market Assessment.
- 10.44 Part A of policy H9: *Supported Housing*, of the draft Local Plan refers to the Council supporting the provision of new supported housing where it meets an identified need, including larger-than-local need. Supporting paragraph 3.121 lists the groups of supported housing with an identified need. Officers consider that this policy does not apply, as the proposed use is not included in any of the groups listed.
- 10.45 Therefore, the provision of 50 percent on-site affordable housing would be required for a fully policy compliant provision to meet the identified housing need. However, it should be noted that the site context is such that conventional housing would be unlikely to be supported on the site and the units proposed, with single aspect and little communal private outdoor amenity space would be unlikely to meet Islington and London Plan housing standards. On this basis, the proposed use would not be non-

compliant with policy DM3.9 (G) and therefore it would not be considered to be reasonable to reasonably expect the delivery of 50% affordable units on site.

Information submitted

10.46 In seeking to demonstrate the degree of policy compliance and the further benefits that are supported by the proposals, in discussions with officers, the applicant has provided the following details:

- *“There is an acute need for this type of accommodation and the use of William Martin Court for this purpose as it would relieve the burden on the already-stretched family accommodation at GOSH and other North London hospitals;*
- *The proposal would enable the charity to stop placing families in private rental properties, providing better long-term financial security for the charity and enabling more effective day-to-day management of the charity’s functions;*
- *The location of Maltese families all in one place in a building directly managed by Puttinu fulfils the charity’s aims more effectively in that it facilitates a feeling of community, enables the provision of on-site support and reduces commuting time for families already experiencing a great deal of stress and anxiety.*

Need/reducing pressure on other forms of accommodation

As set out in previous correspondence, the primary reason for seeking accommodation in Islington and surrounding area is its proximity to Great Ormond Street Hospital. The paediatric department at the hospital in Msida has historic links with GOSH and around 130 Maltese children receive treatment there each year. As set out in previous emails, GOSH do provide a limited amount of accommodation for parents, managed either directly by GOSH or via the Sick Children’s Trust. However, this is not enough to meet demand. Puttinu Cares estimates that only a small proportion of Maltese families who are referred to the charity end up being placed in hospital-managed accommodation (in general this will only be families who have children in intensive care). The remaining families are either:

- *placed in an apartment in the charity’s building in Sutton, which means a commute to Camden/Islington-based hospitals of between 1-2 hours;*
- *placed in private rented accommodation, which has substantial resource implications for the charity;*
- *if the family’s needs cannot be met, they are turned away and forced to find their own accommodation in hotels or short-let accommodation. Our client estimates that this happens to approximately 30% of families that approach them for help.*

The property at William Martin Court would provide for 23 families at one time, meaning that:

- *There would be 23 fewer families competing for a coveted spot at GOSH accommodation (or other hospitals), freeing up accommodation for the relatives of other patients, most of whom are UK-based; and*
- *There would be fewer families staying in private rented accommodation, thereby freeing up this stock for Islington residents or other Londoners.*

The London Plan provides that the networks and facilities that support London’s role as a centre of medical excellence should be supported. Policy H12 also gives support to specialised accommodation which, as set out in the supporting text, ‘can include

accommodation that incorporates support for a particular group, sometimes until they are ready to move on'. The definition of what constitutes 'specialised accommodation' is not closed and we contend that it can apply to this very specific need for a very specific group of people. As demonstrated in our submission (particularly the supporting letters from the Maltese government and GOSH), this is a need which demonstrably exists and, furthermore, is not properly served by the private rental market or conventional visitor accommodation. As the use is so specific and so poorly understood, it is not provided for in local development plans and, coupled with the fact that most planning policies in London seek to protect residential and employment land, finding sites to meet this need is extremely difficult. Puttinu have been searching for a suitable property now for approximately 5 years.

In summary, the use may not constitute a locally specified need, but it does meet a wider need and it helps GOSH (and other hospitals) meet their objectives as internationally renowned centres of medical excellence, which is a material planning consideration which can be given considerable weight. Officers may wish to refer to the planning permission given to Puttinu Cares by the London Borough of Merton in 2011 (Ref: B/2011/64707), which recognised the use as a unique form of temporary accommodation which met a very specific need associated with the Royal Marsden Hospital, ultimately granting Puttinu Cares a personal consent.

Long-term financial benefits/rationalisation

The charity currently owns 20 flats in Sutton which were intended to cater solely for patients receiving treatment at the Royal Marsden but now also accommodate patients receiving treatment at other London hospitals, including GOSH. In addition to this, Puttinu Cares also rent a number of private properties to house patients who are unable to secure a place in hospital accommodation. This poses several challenges:

- Privately renting accommodation results in a prohibitively high 'cost per family' scenario;
- Long term, it is far more sustainable for the charity to invest in an asset and directly manage that asset for charitable purposes, rather than spending charitable donations on the private rental market;
- It is a considerable administrative burden for the charity to spend time looking for and securing accommodation which meets a particular family's needs, particularly in terms of location;
- Arranging privately rented accommodation can take months, making this option unsuitable for families of patients requiring urgent treatment.

The charity's ultimate aim is to get to a position where it no longer needs to rely on privately rented accommodation. This will significantly reduce the amount of administration required and enable resources to be redirected towards its other charitable work in Malta and the UK.

Charitable aims

Puttinu Cares exists primarily to alleviate the pain and suffering of Maltese children diagnosed with cancer and their families. In this proposal, the charity sees an opportunity to fulfil those aims more effectively. In addition to the stress that families experience from the moment their child is diagnosed, if their child requires specialist treatment in the UK they must travel to an unfamiliar country, away from their usual

support network. The charity believes that parents should not have to cope with additional worries, such as where they are going to sleep, how they are going to manage 3-4 hours of travel each day and whether long commutes on public transport will be putting their immunocompromised child at risk (something which has become an even greater concern following the COVID-19 pandemic). The proposed use at 65 Margery Street would enable families to stay in a building where on-site support is provided, where day-to-day premises management is taken care of, and which is only a 15-20 minute walk or short bus ride from the hospital where their child is staying. This has significant impacts for the wellbeing of families who are already in a very challenging situation.”

Level of Demand for Temporary Living Accommodation

10.47 The applicant's submission sets out the following:

“The primary reason for seeking accommodation in Islington is its proximity to four specific hospitals. These are Great Ormond Street Hospital, the National Hospital for Neurology and University College London Hospital (all located within a few minutes' walk of each other in Bloomsbury, within the London Borough of Camden) and Moorfields Eye Hospital (located on City Road, within Islington). Of the 786 Maltese patients who travelled to the UK for treatment in 2019, 314 (40%) were under the care of these four hospitals. Of those, 122 (39%) were children receiving treatment at GOSH. These statistics are reflective of a typical year prior to the pandemic, with up to 130 Maltese children receiving treatment at GOSH every year.”

10.48 The applicant has provided the following further comments:

“Analysing 2019 – which as stated is representative of a typical year leading up to 2019, the 314 who are receiving treatment is equivalent to 314 families. Each family will comprise the person undergoing treatment, and then typically 2 but sometimes 1 parent(s), close family member(s) or carer(s). So, assuming a crude average of 1.75 parents / family members / carers per person undergoing treatment, then 314 families is equivalent to 864 Maltese nationals.”

10.49 Officers' note that based on the above additional information, the demand for the accommodation is significantly in excess of the proposed 23 units. This information is considered to address Planning Policy comments relating to the potential for use of the rooms as visitor accommodation.

Unique circumstances of the proposed use

10.50 Whilst the proposed use does not meet an identified need, or larger-than-local need as defined by the adopted policy, officers note the unique nature of the proposed use and the benefits of the proposals as outlined by the applicant and the unique merits of the use, which could not be recognised by any adopted policy.

10.51 Officers consider there are clear merits on an international level and there is a need for the use which is therefore beneficial in planning terms although not expressly recognised in planning policy terms. The Bilateral Agreement between the UK and Maltese Governments which allows Maltese nationals to receive medical treatment in the UK, is a material consideration to which officers attach weight in the planning

balance. The benefits of the proposals enable convenient and quick access for patients and their parents/guardians to the central London hospitals including GOSH which provide the medical treatment, and this medical treatment is the subject of the Bilateral Agreement.

- 10.52 Officers have also given consideration to the planning benefits provided by the applicant to date, and further material considerations which are considered below.

Planning Benefits/Material Considerations

- 10.53 Great Ormond Street Hospital (GOSH) currently provides a limited number of 'Family Accommodation Units' in the vicinity of Great Ormond Street Hospital for the families of children receiving treatment at the hospital, most of which are on-site in small shared units, or off-site in properties managed by the hospital (more info at this link: <https://www.gosh.nhs.uk/your-hospital-visit/patient-and-family-accommodation/>). As confirmed by a letter of support from Great Ormond Street Hospital, their supply is extremely limited and they are unable to cater for every parent.
- 10.54 It is understood that Puttinu have been working with Great Ormond Street Hospital for many years to help place Maltese patients in their accommodation. This site would be the first port of call for any Maltese patient receiving treatment at GOSH, meaning that the Great Ormond Street accommodation would be freed up for other families.
- 10.55 It is understood that Puttinu Cares also rent a number of private properties to house patients who are unable to secure a place in hospital accommodation. As a result the proposals would avoid the need for these families to be placed in the private rental sector, relieving pressure on the housing market and reducing the need for visitor accommodation.
- 10.56 Therefore the benefits of reducing pressure on other forms of accommodation including relieving pressure on the limited family accommodation at GOSH are identifiable benefits, as well as the benefits to the charity.
- 10.57 Officers note the proposal will provide the following local planning benefits, albeit somewhat limited:
- Increased local spend (information on local facilities and services will be provided to occupants of the building);
 - The employment of local people (or a local company) in cleaning and maintenance roles; and
 - Energy enhancements to the building;
 - Overall improvements to the buildings operation/up keep;
- 10.58 Although Great Ormond Street Hospital is where the majority of patients will go, it is not solely this hospital – Puttinu also assists patients receiving treatment at the Moorfields Eye Hospital, which is within Islington (although shortly to move to Camden). It is understood that a similar situation exists here, where on-site accommodation is provided by a charity, but is extremely limited.
- 10.59 The applicants assert that whilst the use may not constitute an identified local need, it does meet a wider need in helping Great Ormond Street Hospital and Moorfields meet

their objectives as providers of NHS care to overseas patients. Following the analysis of the development plan policies, outlined above, officers consider that this is a material planning consideration that should be given weight in the planning balance.

Lack of suitability for affordable housing

- 10.60 The applicant has urged the Council to consider the likelihood of alternative uses coming forward at this site. Officers note that the site is physically constrained due to the close relationship to the residential units at the rear of the site, and as such the conversion to conventional residential use would have to give significant consideration to the amenity impacts. There are also heritage and townscape implications associated with any new build development which would also limit the scale of redevelopment. Officers note the issues that would arise if a mixed use scheme was presented which sought to achieve policy compliance through the provision of on-site affordable housing units and temporary accommodation for the proposed use. Officers note that such a scheme would be highly unlikely to be viable for the applicants as a charity, to be able to include as part of any proposals.
- 10.61 It is noted that prior to the grant of consent P2016/2405/FUL which made the existing use lawful, officers sought an affordable housing contribution. However, the Council accepted that the applicant's viability evidence demonstrated it was unviable to provide any off-site contribution. No viability evidence has been provided with the current submission.
- 10.62 The applicant suggests that the building would be left vacant if the proposed use did not come forward, and this would be contrary to the core principles of the NPPF, London-wide and local policy. The applicant also suggests that there is an opportunity for an important need to be met without impact on residential or employment land. The applicant suggests that this is a material consideration which should be given significant weight. Officers acknowledge that these matters are material considerations that should be given some weight in the assessment of the application.

Use of Legal Agreement to restrict occupation

- 10.63 To secure the occupation of the site is restricted solely to those eligible persons connected with the Puttinu Cares programme, the approval of the proposal use would include the provision of a legal agreement including a planning obligation. It is intended for predominant use by children but does not preclude treatment from adults as part of the charitable programme provided by Puttinu Cares.
- 10.64 The terms of the planning obligation would restrict occupation of the property to patients receiving medical treatment and their family, as part of a programme operated by the Puttinu Cares Foundation (Company No: 10180584) (but for clarity not being treated at the site) and the parents/relatives/guardians/carers of those patients receiving medical treatment at one of the specified hospitals listed (or at a private facility following referral from one of the specified hospitals) and no other individuals.
- 10.65 The Heads of Terms are listed in **Appendix 1**.

Land Use Conclusion

- 10.66 In conclusion, the unique circumstances of the proposed sui generis use as temporary living accommodation solely for use by Puttinu Cares secured through a legal agreement, ensures that despite not providing accommodation that meets an acute need identified by the council's housing department, as required by DM3.9 part G, the proposal would not raise a conflict with the aims of the policy, that could act as an undesirable precedent elsewhere in the borough.
- 10.67 It is considered that in addressing a need for accommodation to support an internal agreement for the provision of medical care, that the proposal would reduce pressure on accommodation at London based medical facilities and free up accommodation for conventional residential use, the proposal would provide considerable benefit. It is therefore considered that subject to the recommended planning obligation to restrict the occupancy and use of the building, which would prevent any unacceptable change of use without planning permission in the future, the proposal would be acceptable in land use terms, subject to compliance with other Development Plan policies.

Design, Conservation and Heritage

Policy context

- 10.68 Paragraph 126 of the NPPF (July 2021) highlights 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.
- 10.69 Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 10.70 Paragraph 133 goes on further to state that in assessing applications, local planning authorities should have regard to the outcome of tools and processes for assessing and improving the design of development, including any recommendations made by design review panels.
- 10.71 Paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 10.72 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.73 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.74 Paragraph 203 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.
- 10.75 Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 10.76 In terms of conservation area and heritage asset, the Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (section 72); it also requires the decision maker to have special regard to preserve or enhance the significance of heritage assets through the planning process (section 66).
- 10.77 PPG paragraph 013 Reference ID: 18a-013-20190723 states:
[...When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change...]

London Plan

- 10.78 LP Policy D3 states that development must make the best use of land by following a design-led approach that optimises the capacity of sites, to ensure that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. It further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 10.79 In terms of design and heritage considerations, LP Policy D3 part D states that development proposals should:
- 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.

- 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;
- 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.

10.80 Policy D4 stipulates the importance of design scrutiny of development proposals starting from pre-application stage. It states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising analytical tools, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.

10.81 Policy HC1 (C) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Local Plan

10.82 ICS Policy CS9 (Protecting and enhancing Islington's built and historic environment) requires the borough's unique character to be protected by preserving the historic urban fabric, and new buildings should be sympathetic in scale and appearance and to be complementary to the local identity.

10.83 IDMP Policy DM2.1 (Design) requires all forms of development to be of a high quality design, 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.

10.84 IDMP Policy DM2.3 (Heritage) requires developments to conserve and enhance the borough's heritage assets, in a manner appropriate to their significance.

Emerging Local Plan

10.85 Emerging SDMP Policy PLAN1 (A) requires all forms of development 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. Part B of the policy requires development to be contextual, connected, inclusive, sustainable.

10.86 Policy DH1 (A) states that Islington supports innovative approaches to development as a means to increasing development capacity to meet identified needs, while simultaneously addressing any adverse heritage impacts and protecting and enhancing the unique character of the borough. In this context, an innovative approach

is one that contributes to the delivery of the Local Plan objectives, including making the borough an inclusive and resilient place by ensuring the design of buildings meets contemporary standards, the needs of all users and mitigates against the impacts of climate change. Part D of the policy states that the Council will conserve or enhance Islington's heritage assets – both designated and non-designated - and their settings in a manner appropriate to their significance, including listed buildings, conservation areas, scheduled monuments, Archaeological Priority Areas, historic green spaces, locally listed buildings and locally significant shopfronts.

- 10.87 Policy DH2 of the of the SDMP part B, states that development within conservation areas and their settings – including alterations to existing buildings and new development - must conserve and enhance the significance of the area, and must be of a high quality contextual design.

Context

Assessment of significance

- 10.88 The site is within the New River Conservation Area and adjacent to the GII listed Charles Rowan Court to the east of the site and 25-37 Wilmington Square to the south, and so forms part of their setting.

New River Conservation Area

- 10.89 The New River Conservation Area is one of the largest in Islington. Paragraph 2.2 of New River (CA02) Conservation Area Design Guidelines identifies that in the view of the author, the Area is of “outstanding importance”. The area has a degree of consistency of scale, materials, design and detailing which contributes to its character and appearance. The character of the area is predominantly residential derived from its mix of residential building typologies from the late eighteenth century to the present day. The area has a largely homogenous urban structure, scale and quality of architecture which contribute to it's the consistency and the quality of its character and appearance. While parts of the Conservation Area may be very different to one another (for example, New River Head itself, and the surrounding New River Head Estate), each part of the Conservation Area possesses internal homogeneity. Inevitably though, there are isolated buildings that make a lesser contribution or detract from its character and appearance. 65 Margery Street, with its austere façades, uPVC windows and complex relationship to the street is one such building.

25-37 Wilmington Square

- 10.90 A GII listed group of 13 houses built during 1829-1831, by John Wilson, builder for Lord Compton and the Northampton Spa Fields Estate. Their significance lies in its fabric as well as the strength of its relationship with Wilmington Square and its buildings and the predominantly residential townscape, all of which demonstrates the evolution of Islington. This ensures that its setting makes a positive contribution, providing as it does a context within which the building's development can be appreciated.

Charles Rowan House

- 10.91 A GII listed complex of former flats for married policemen, now council flats, on a steeply sloping site bounded by roads on all four sides. Built 1928-1930 by G. Mackenzie Trench architect and surveyor for the Metropolitan Police Authority. Its significance lies in its fabric as well as the strength of its relationship with Wilmington Square and the predominantly residential townscape, all of which demonstrates the evolution of Islington. This ensures that its setting makes a positive contribution, providing as it does a context within which the building's development can be appreciated.

Proposal

- 10.92 The majority of the proposed works relate to internal reconfiguration within the existing building to facilitate the proposed change of use to temporary living accommodation. The proposed external works comprise of upgrading the existing UPVC window and door units with aluminium units and the creation of 2no. roof hatches to aid implementation of the Fire Strategy.

Design Assessment of proposals

- 10.93 The proposal is to refurbish and reconfigure the existing William Martin Court on Margery Street from its current use as accommodation for hotel staff into accommodation for the families of Maltese citizens receiving medical treatment in the UK. The proposal mirrors the pre-application proposal in so much as the scheme involves minimal alteration to the external appearance of the building.
- 10.94 The external works are for the installation of 2no. 1sqm roof vent hatches in the main flat rooftop to facilitate the proposed fire safety strategy, installation of a sedum matt at roof level and replacement of the existing uPVC windows and doors across the building.
- 10.95 The principle of roof hatches was accepted under the pre-app as they would not be visible from the public realm as they would be low-profile and hidden behind the existing parapet of the building.
- 10.96 The installation of sedum matting to the roof would not affect the character of the building, would not be visible from the public realm and would not have an adverse impact on private views within the conservation area, and so the proposed roof material is considered acceptable in design and heritage terms.
- 10.97 Under the pre-app it was advised that a change in ownership and works to refurbish the building represent an opportunity to improve the existing building's relationship with its surroundings by softening its austere design and appearance. It was suggested that one method of doing so would be upgrading the existing UPVC window and door units and by this it was not intended that they be replaced like-for-like as proposed, rather that they be replaced with higher quality units in a more appropriate material such as aluminium or timber.
- 10.98 During the course of the application the proposed replacement windows have been revised to aluminium windows. The Design and Conservation officer has suggested

that the detail of the proposed windows should be negotiated as part of the determination process so as to ensure a more high-quality and sustainable alternative to the proposed and existing uPVC units. The proposed replacement aluminium units are of an appropriate design which would be more in keeping with the character and appearance of the conservation area, which would be a benefit of the proposals.

- 10.99 The Council's Energy Officer has commented that there is nothing in the proposed works that will increase energy consumption or carbon emissions. The replacement of the single-glazed windows, internal wall insulation and LEDs with appropriate sensors will help to reduce the energy consumption and carbon emissions. Therefore the replacement windows are accepted.

Impact on heritage assets

- 10.100 The proposals external alterations would largely maintain the existing appearance of the building and so would not have an adverse impact on the character and appearance of the conservation area or the setting or significance of the adjacent listed buildings, including those at 25-37 Wilmington Square and 1-96 Charles Rowan House.

Design and Heritage Summary

- 10.101 It is considered that the proposed minor external alterations would have an acceptable appearance and materiality.
- 10.102 The material details and samples of the proposed replacement windows would need to be submitted to and agreed by the council prior to the commencement of the relevant works. This would be secured by planning condition **(3)**.
- 10.103 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as well as special regard to the desirability of preserving the setting of the nearby listed buildings and features of special architectural or historic interest which it possesses.
- 10.104 Overall, it is considered that the proposed external alterations would have an acceptable impact in terms of design and appearance, as well as their impact towards the setting to the heritage assets nearby, and in accordance with the relevant planning policies including the NPPF, London Plan Policies D3 and D4, Islington Core Strategy Policies CS9, Development Management Policies DM2.1 and DM2.3 the Urban Design Guide SPD and the Conservation Area Design Guidance for New River. The same could be said with respect of the emerging Local Plan policies relevant to Design, Conservation and Heritage.

Amenity Standard of Temporary Living Accommodation

- 10.105 The proposals result in 23 units of temporary living accommodation which are largely single aspect. Each unit would have its own kitchenette facilities and bathroom or shower room. Communal laundry facilities are proposed on the first and second floors and communal outdoor amenity space is provided in the ground floor yard at the rear of the site.
- 10.106 The proposed units are considered to provide an appropriate standard of amenity given the temporary nature of the use, with consideration given to the level of privacy and overall standard of living accommodation afforded to each unit. The alterations to the layout, ensure privacy to the proposed units, in relation to neighbouring properties is maximised given the central and urban location.

Inclusive Design

- 10.107 The new London Plan 2021 policy GG1 requires that development must support and promote the creation of a London where all Londoners, including children and young people, older people, disabled people, and people with young children, as well as people with other protected characteristics, can move around with ease and enjoy the opportunities the city provides. Further, it supports and promote the creation of an inclusive London where all Londoners can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.
- 10.108 The Inclusive Design principles are set out in LP policy D5 which states that development proposals should achieve the highest standards of accessible and inclusive design. It should:
- 1) be designed taking into account London's diverse population
 - 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
 - 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
 - 4) be able to be entered, used and exited safely, easily and with dignity for all
 - 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 10.109 Locally, Islington's Development Management Policy DM2.2 requires all new developments to demonstrate that they:
- i) provide for ease of and versatility in use;
 - ii) deliver safe, legible and logical environments;
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone, and
 - iv) bring together the design and management of a development from the outset and over its lifetime

10.110 The Council's Inclusive Design SPD further sets out detailed guidelines for the appropriate design and layout of existing proposed new buildings.

10.111 During the course of the application the scheme has been revised in response to Inclusive Design officer comments including the following key Inclusive Design considerations:

Wheelchair accessible bed spaces

- Revising the layouts to deliver 2 accessible units to M4(3) standard and ensuring these units have a 1200mm x 1200mm manoeuvring space to both sides of the bed, 1000mm clear access zone to the foot and to both sides of the bed, one bathroom upholding standards as required by Diagram 3.11 of ADM Volume 1.
- Revising room type 3 to ensure a wheelchair user only has to open one door to access the shared bathroom.
- Rooms with accessible bed spaces must feature like for like facilities as the remaining rooms. These facilities must be fully accessible (eg- adjustable worktops and space for wheelchair under counter where sink and drainer is located) it has been confirmed that Puttinu Cares intends for all the facilities to be fully accessible.

Circulations

- Requested a lift between the basement and the ground floor as it would not be safe or convenient for a wheelchair user, or their companion to exit the car park then have to make their way to the grade level entrance at the front of the building. It is understood that an evacuation lift is proposed in order to comply with Fire Safety requirements.
- The basement floor has also allocated space for charging point for mobility scooters, located adjacent to the cycle store spaces.
- Request the removal of a set double leafed doors from the main entrance hall as two sets seem to be unnecessary and also for the communal kitchens on the first and second floors. A revised Ground Floor plan has been received with a double doorset removed.

Accessible Cycle Parking

10.112 Whilst the proposed use would sui generis, consideration has been given to the adopted LBI policy requirement: 1 space per 80sqm GIA. Major developments, minor developments creating new residential and/or commercial units, and extensions of 100sqm or greater shall provide at least one accessible cycle parking space designated for an accessible bicycle (such as a tricycle), where the rider has priority use. In major schemes an additional accessible cycle parking space shall be provided for every 25 cycle parking spaces (or part thereof) and at least 1 space shall be provided as a minimum.

10.113 The applicant responded that due to site constraints, only a limited number of adaptable cycle spaces can be provided and a balance needs to be struck between adaptable and standard bays provided. It is considered that 4 accessible spaces will be sufficient for this site. This has been accepted by the Inclusive Design Officer, given the nature of the proposals and site constraints and the other Inclusive Design benefits that the scheme delivers.

10.114 Overall, it is considered that the proposed development would comply with the relevant policies in delivering an inclusive environment that is safe, convenient and inclusive for all future users.

Neighbouring Amenity

10.115 The NPPF para 130f) states that planning decisions should ensure that developments would have a high standard of amenity for existing and future users.

10.116 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed.

10.117 London Plan Policy D3 part D states that development proposals should deliver appropriate outlook, privacy and amenity, the design of the development should also help prevent or mitigate the impacts of noise and poor air quality.

10.118 Development Management Policies DM2.1 and DM6.1 which require all developments to be safe and inclusive and to maintain a good level of amenity, including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

Overlooking

10.119 The supporting text to IDMP Policy DM2.1 states at paragraph 2.14 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 guidance, 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 or little harm.

10.120 Paragraph 2.3.36 of the Mayor of London's Housing SPG states that such minimum distances "can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density". This is noted, and there have indeed been instances where window-to-window distances of less than 18m have been accepted where exceptional circumstances apply, however the Mayor's guidance does not override Islington's Development Management Policies, and there remains a need to ensure that proposed developments maintain adequate levels of privacy for neighbouring residents.

10.121 The proposals result in the change of use of the existing building. No additional built form is proposed. It is proposed to replace the existing uPVC windows with aluminium windows.

- 10.122 In response to comments received in a representation it is proposed to secure the obscure glazing of two windows on the first and second floors on the rear elevation, which face towards the rear of 25 Wilmington Square as these windows have been covered over for a number of years. This has been agreed with the applicant and is secured through condition 11. The replacement of the other windows will not lead to an increase in overlooking on the existing situation and is therefore acceptable.
- 10.123 No external alterations are proposed to the building's elevations and the proposed internal reconfiguration would reduce the existing levels of overlooking towards the adjacent residential properties. The occupants of the proposed use closely resemble residential living accommodation for families on a temporary basis. The nature of this use is not considered to raise amenity impacts on the surrounding residential properties.
- 10.124 The reconfiguration will result in all units facing either onto Margery Street or onto Yardley Street. As a result there is no increase in overlooking to neighbouring properties at the rear and a general reduction in overlooking from the existing situation, as corridors on the upper floors replace habitable rooms.
- 10.125 As a result, the proposals do not raise amenity issues although a draft operational management plan has been submitted detailing the operation and management of the site. This is not considered to raise any adverse impacts on neighbouring occupiers. The details in the operational management plan are secured by condition.
- 10.126 Overall, it is satisfied that the proposal would not unduly affect the neighbours' privacy and the proposed development would not result in unacceptable overlooking towards the adjoining neighbours.

Daylight/Sunlight

- 10.127 The proposals comprise of a change of use and do not include any alterations or increases in built form. Therefore the proposals would not have an adverse impact on daylight or sunlight to the surrounding properties.

Outlook and enclosure

- 10.128 The proposals result in the change of use of the existing building. As no additional built form is proposed, the proposals would not have an adverse impact on the adjoining neighbouring properties in terms of outlook or perceived sense of enclosure, from the existing situation. Therefore the proposals are acceptable in this regard.

Noise and disturbance

- 10.129 The proposed change of use to temporary living accommodation is unlikely to result in a harmful increase in noise and disturbance from the operation of the use, as to adversely impact on the amenities of neighbouring occupiers. However, an Operational Management Plan has been submitted with measures to ensure the control and mitigation of disturbance. This is recommended to be secured by condition.

Construction Impacts

- 10.130 As the proposals result in internal reconfiguration rather than demolition or construction works, the noise and disturbance likely to be generated is not as significant.
- 10.131 The construction works proposed under this application would unavoidably cause some degree of noise and disruptions which would affect neighbouring residents. It is considered that the construction works under this application would need to be carefully managed and controlled to minimise disturbance to the neighbours. As such, a Construction Management Plan is required to be submitted by condition.

Air Quality

- 10.132 IDMP Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being, and states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits.
- 10.133 The proposal would not adversely affect the air quality of the local area, as the proposals would be car free with the exception of the existing disabled parking bays. Whilst some of the trips generated would use private taxis given the nature and scale of the use, this is not considered to result in a harmful impact on air quality in the local area.

Neighbouring amenity summary

- 10.134 Subject to the conditions set out in this report, it is considered that the proposed development would not give rise to unacceptable impacts on neighbouring residential amenity, in accordance with the requirements of policies DM2.1 and DM6.1.

Biodiversity, Landscaping and Trees

- 10.135 LP policy G1 states that development proposals should incorporate appropriate elements of green infrastructures that are integrated into London's wider green infrastructure network. Policy G5 further states that Major development proposals should 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.
- 10.136 ICS policy CS15 and IDMP policy DM6.5 state that the council will seek to maximise opportunities to 'green' the borough through planting, green roofs, and green corridors to encourage and connect green spaces across the borough; development proposals are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits.
- 10.137 The existing building has almost no green coverage and there is some minor greenery in the amenity space at the rear of the site which is to be retained. Therefore, it is judged that the proposal would not adversely affect the existing natural environment.

Urban Greening Factor/Green Roof

- 10.138 The London Plan 2021 has introduced an Urban Greening Factor assessment required by Policy G5 (Urban greening) which states that all major development proposals should 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 to increase the overall urban greening factor of sites. The policy also expects councils to develop their own urban greening factor.
- 10.139 Draft Local Plan policy G1 (Green infrastructure) states that 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.
- 10.140 Policy G1 received minor objections so has limited to moderate weight. An Urban Greening Factor assessment gives a rating to each type of surface on the site, with more biodiverse and permeable surfaces achieving a higher rating than hard landscaping and similar surfaces.
- 10.141 As outline above, currently the building has minimal ecological activity, with existing trees in the yards providing the only source of greening. The proposals include the addition of a green roof on the existing flat roof of the first floor.
- 10.142 Initially the Sustainability officer requested further investigation to improve the Urban Greening Factor score and provide biodiversity benefits including if it is possible for a green roof to be installed under and around the solar panels, including details of how much of the roof they cover. The applicant responded that whilst there is no measured survey for the solar panels, the aerial view shows the extent of the solar panel coverage, and that the solar panels are weighted, and so a green roof cannot be installed beneath them. This response has been accepted by the Sustainability Officer.
- 10.143 The Sustainability Officer noted that a sedum roof is proposed to the ground floor roof. The planting of the green roof should be based on wildflowers with substrate depth between 80 and 150mm, rather than a sedum blanket. The applicant responded that increasing the substrate thickness will require raising the roof and parapet profile, which is currently very low (see below photo). The client does not wish to enlarge the building in any way given its proximity to neighbours, and therefore a sedum roof which can be accommodated without the need to increase the parapet height is preferable. The applicant confirmed that access will be retained to allow for maintenance only. This response has been accepted by the Sustainability Officer subject to condition (5) requiring investigation of the maximum substrate thickness that the roof can accommodate without raising the parapet and that wildflower blankets and sedum blankets tend to both require a depth of around 80mm so it may be that a wildflower blanket is possible.
- 10.144 The Sustainability Officer requested that landscaping works are carried out to improve the rear courtyard including planting with a focus on biodiversity benefits i.e. planting for pollinators and that as this area is located over the basement then then planters

can be used. The applicant has agreed to this. Details of the landscaping strategy are secured through condition 20.

- 10.145 The Sustainability Officer queried if consideration had been given to planting a green wall or hedging however, the applicant confirmed that whilst they have considered both options, the tight relationship of the building with its boundaries and neighbours make this difficult (for example, any substantial hedging at the front would obstruct the ground floor windows, and any substantial green wall at the rear would likely impede upon neighbouring residential gardens). This has been accepted by the Sustainability officer
- 10.146 The Sustainability Officer requested that opportunities for installing bird and bat boxes should be investigated where appropriate and under advice from a suitably qualified ecologist. This should include swift boxes. This is secured by condition (6). The officer's preference would be for Schwegler style swift boxes as these can be used by other birds as well as swifts. This can be secured via condition.
- 10.147 The Sustainability Officer has accepted, the nature of the proposals and the site's physical and heritage constraints prevent the UGF from increasing towards the required 0.3 rating and raises no objections in this regard. Therefore the proposal is not considered to raise conflict with London Plan policy G5.

Energy and Sustainability

- 10.148 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and standards relevant to sustainability are set out throughout the NPPF. Paragraph 152, under section 14. 'Meeting the challenge of climate change, flooding and coastal change', highlights that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 10.149 The NPPF para 157 states that in determining planning applications, LPAs should expect new development to a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.150 LP policy GG6 seeks to make London to become a more efficient and resilient city, in which development must seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050. Proposals must ensure that buildings are designed to adapt to a changing climate, making efficient use of water, reducing impacts from natural hazards like flooding and heatwaves, while mitigating and avoiding contributing to the urban heat island effect.
- 10.151 LP policy SI 2, in support of the strategic objectives set out in Policy GG6 above, stipulates for new developments to aim to be zero carbon with a requirement for a

detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. It requires all major development proposals to contribute towards climate change mitigation by reducing carbon dioxide emissions by 35% through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green). Moreover, where it is clearly demonstrated that the zero carbon figure cannot be achieved then any shortfall should be provided through a cash contribution towards the Council's carbon offset fund.

10.152 In regard to Energy Infrastructure, policy SI 3 part D states that all major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system, which should be selected in accordance with the following heating hierarchy:

- connect to local existing or planned heat networks
- use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
- use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
- use ultra-low NOx gas boilers

10.153 Policy SI 4 'Managing Heat Risk' of the new London Plan requires for development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure; The submitted energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.

10.154 Core Strategy Policy CS10 requires that development proposals are designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.

10.155 IDMP 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 The Council's Energy Officer has reviewed the application submission which is for a change of use, and does not involve the creation of and additional floorspace or new built form. As a result, the degree of compliance with the Council's Energy policies has to be considered in proportion to the scale and nature of the proposals.

10.157 The officer has confirmed that given the nature of the application, as the proposals there is nothing in the proposed works that will increase energy consumption or

carbon emissions. The replacement of the single-glazed windows, internal wall insulation and LEDs with appropriate sensors will help to reduce the energy consumption and carbon emissions.

- 10.158 It is understood that an assessment will be made to check if the existing boilers should be upgraded to more efficient models at a later date. This is welcomed and officers recommend that the assessment is carried out as early in the design process as possible.
- 10.159 Therefore the proposals which relate almost entirely to the change of use of an existing building from one type of living accommodation to another, with minimal external alterations, are acceptable in terms of the Council's energy requirements.

Sustainable Drainage

- 10.160 LP Policy SI 5 states that in order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner. Commercial development proposals should achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent, and incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing.
- 10.161 ICS Policy CS10 requires all development to demonstrate that it is designed to be adapted to climate change, particularly through design which minimises overheating and incorporates sustainable drainage systems. IDMP Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water runoff to a 'greenfield rate', where feasible.

Water management and drainage

- 10.162 The current and emerging Local Plan policies require developments involving major changes of use that are likely to result in an intensification of water use include details to demonstrate that SUDS have been incorporated to reduce surface water runoff rates. It is understood that the potential for an attenuation tank has been investigated at early design stage and it has been concluded that it is not possible to provide this externally as space to the rear is so limited and installing a tank would require a reduction in the amount of external amenity space (and therefore space for planting). The applicant has also looked at providing this internally, but this would compromise the functionality of the internal spaces. The proposed change of use would have no worsening effects on current conditions and the proposed sedum roof would assist in reducing surface water run-off and would therefore represent an improvement on the current situation.
- 10.163 The Sustainability Officer has accepted these comments and has raised no objection in this regard. Given the scale of the proposals, the application and the measures outlined above, are considered to be acceptable in regards to sustainable drainage.

Highways and Transportation

- 10.164 The NPPF para 110 states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up,

given the type of development and its location. Development proposals should also ensure that any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 10.165 The New London Plan Chapter 10 relates to highways and transportation. LP Policy T4 (A) states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Part (B) requires Transport Statements to be submitted with development proposals to ensure that impacts on the capacity of the transport network are fully assessed. Furthermore, part C of the same policy states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.
- 10.166 The IDMP Policy DM8.1 states that the design of the development is required to prioritise the transport needs of pedestrians, public users and cyclists above those of motor vehicles. Further, Policy DM8.2 states that proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated.
- 10.167 The site is well located in relation to public transport and has a Public Transport Accessibility Level (PTAL) of 5 (Very good).

Proposal

- 10.168 The main entrance to the existing building at is accessed from Margery Street with a secondary entrance via an external stair case from Yardley Street. There is a gated entrance into the external amenity space at the rear of the site from Wilmington Street. There is a vehicular access to the basement car park from Yardley Street and an internal staircase can be accessed via the car park.
- 10.169 The position of all access points remain unaltered, with the development being proposed to be car free, with only disabled parking retained on-site. A mobility scooter charging point is to be located in the basement

Accessible Vehicle parking

- 10.170 The proposal retains 3 disabled parking bays for use by blue badge holders only. This is considered acceptable and in line with Islington's policies CS10 and DM8.5, which requires development to be car free.

Travel Plan

- 10.171 It is understood that trip generation analysis has been undertaken which demonstrates that the proposed change of use results in a very minor reduction in total person trips with similar person trips in the peak hours. Due to the location of the Site and the hospitals where residents will receive treatment, it is anticipated that the majority of future travel demand will be undertaken by walking or bus, with some using taxis. An appropriate strategy will be put in place to manage taxi activity, utilising the

basement for taxi pick up, thereby minimising any potential disruption on the public highway.

10.172 The highways officer noted that given the transient nature of the occupiers, and given their likely limited knowledge of public transport facilities some basic travel planning information would be of benefit. Section 7.44 of the Planning Statement advises that a notice board will be provided and this would provide a suitable opportunity to provide a link to digital information on public transport services and a map showing the location of nearby bus stops and stations. The applicant has confirmed that they would provide links to information on public transport and the location of nearby bus stops and stations. It is considered necessary for a Local Level Travel Plan to be secured by way of condition and this is recommended.

Cycling

10.173 In terms of cycling, LP Policy T5 states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. It should also secure appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

10.367 IDMP Policy DM8.4(C) requires the provision of cycle parking in accordance with the minimum standards set out in Appendix 6 of the Development Management Policies document. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. Cycle parking shall include an adequate element of parking suitable for accessible bicycles and tricycles.

10.367 Appendix 6 of the IDMP sets out the cycle parking requirements for each use (the area relates to Gross Internal Area for the purpose of calculations). Given the sui generis use, there are no exact standards in the local plan. It is noted that 1 space per 4 beds is required for a hostel and 1 space per 3 staff in a care home (for staff and visitors).

10.368 The London Plan Table 10.2 sets out that for *sui generis* uses, the cycle parking standards for the '*most relevant other standard*' should be applied. As set out in the Transport Statement submitted with the application, the most relevant standard in cycle parking terms is hotel/visitor accommodation (given that occupants will be staying on a temporary basis and coming from abroad, and are therefore unlikely to have their own bicycles). This would generate the need for only 3 spaces, and the scheme proposes 10 cycle parking spaces in the form of 5 Sheffield stands with 4 spaces able to accommodate enlarged or ambulant disabled cycles. Given the constraints of the site, the nature of the sui generis use as temporary visitor accommodation, the provision of cycle parking is considered to accord with the London Plan policy requirements and is generally acceptable.

10.367 It is considered that overall, the proposal would provide an acceptable level of cycle facilities to support the development and to encourage use of alternative transport modes, which complies with the objectives of LP Policy T5, and IDMP Policy DM8.4.

Servicing and Waste management

- 10.174 IDMP Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.175 Delivery and servicing is proposed to be undertaken on-site within the basement, keeping Yardley Street free of idling vehicles. The number of vehicle trips per day is expected to be a maximum of 5, which is consistent with the staff hostel use.
- 10.176 The swept paths of the delivery van in the basement car park are acceptable, given the constraints of the existing car park. Larger vans/lorries would need to deliver on street but given the use, this is unlikely to be generate a significant number of trips.
- 10.177 The site falls within Zone A of Islington's Controlled Parking Zone (CPZ) which operates. The parking bay located opposite the front of the site on Margery Street and the bay on Yardley Street are both for residents permit holders only, operational between the hours of 08:30 – 18:30 (Monday to Friday) and 08:30 – 13:30 (Saturdays), consistent with the other local parking bays.
- 10.178 The applicant has submitted a Transport Statement (Velocity Transport Planning Ltd, November 2021), in support of the application, to demonstrate that the proposed servicing arrangements and how waste would be managed on site.
- 10.179 The Council's Highways officer reviewed the initial submission and raised no objection, however requested details of swept paths for servicing vehicles and the space to be able to access the internal disabled bays. This information has subsequently been provided during the course of the application.
- 10.180 The swept paths demonstrate that a large car can safely access and egress the accessible parking spaces, and that a light van can access and egress the site for the purposes of servicing.
- 10.181 Officers consider that the swept paths indicate that the delivery vehicles shown, can access and egress the car park in an acceptable manner. These details are secured through condition 9.

Refuse and recycling

- 10.182 Refuse is by a private company using the basement car park and is intend to match the existing arrangements.
- 10.183 No details are provided on the existing arrangements beyond the submission of a basement floor plan. Therefore it is recommended that final details of refuse/recycling storage and collection are to be submitted and agreed by the council prior to

commencement of relevant works (Condition 16), to confirm how waste would be managed on site.

Highways Summary

10.184 Overall, it is considered that the application would have adequate provision for servicing, waste storage, accessibility, cycling, collections and deliveries. The proposal would be acceptable subject to conditions (9 and 15), and would comply with London Plan (2021) Policy T5 and T6, Islington Core Strategy (2011) Policies CS10, CS11 and CS13; Islington Development Management Policies DM8.2, DM8.4, DM8.5 and 8.6.

Fire Safety

10.185 London Plan policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.

10.186 During the course of the application a revised Fire Statement Ref: FE0766 dated 7th April 2022 Revision B has been submitted. The Fire Statement has been prepared by CHPK Fire Engineering (CHPKFE), consulting engineers, with details of the qualifications demonstrating their suitability as a qualified person, a member of the Institute of Fire Engineers, and their thirty years' experience of fire engineering.

10.187 The submitted Fire Statement document states the following:
"The building has been assessed in accordance with the guidance of Approved Document B – Volume 2. Where deviations have been identified from the prescriptive guidance, these have been assessed using fire engineering principles. All fire engineering solutions have been developed following the general methodology of BS 7974:2019."

10.188 The submitted information is specific and relevant to the proposal.

<p>London Plan policy D12(b) requires all major development proposals should be submitted with a Fire Statement which details how the development proposal will function in terms of:</p>	<p>Response:</p>
<p>1. The building's construction: methods, products and materials used, including manufacturers' details</p>	<p>The existing structure is understood to be a reinforced concrete frame with RC floor slabs. The elevations are faced with brickwork. There are no proposals to amend this existing condition.</p> <p>Any new or uncovered existing structural steelwork will be enclosed with 2no. Layers of 12.5mm fire board.</p>

	<p>The internal walls are expected to be composed of light gauge steel frame studs, infilled with mineral wool insulation, with 2no. layers of 12.5mm fire board mechanically fixed to each side (assumed British Gypsum Fireline). This will achieve a minimum fire rating of 60 minutes. Fire stop strips to be installed where partition studs meet concrete slab at ceiling and floors</p> <p>It is envisaged that suspended ceilings will be required to much of the premises, and as such a 60min fire rated suspended ceiling will be specified, such as the Promat Supalux system. Where new services are to pass through walls or floors, intumescent collars, wraps and sealants will be specified where necessary - Envirograf Wraps or Envirograf WPCS, for example. Where existing services are redundant and removed, openings will be infilled with intumescent seals such as Envirobrick.</p> <p>Where fixtures and fittings such as lighting penetrate the fire barrier, fire hoods will be specified and installed as required.</p> <p>All doors will be fire-rated, with intumescent and smoke seals as appropriate, using standard, certified products, including replacement of existing doors where necessary. There are no internal glazed partitions proposed.</p>
<p>2. The means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach</p>	<p>Means of escape for able and mobility impaired persons will meet the functional requirements of the Building Regulations B1 (Means of warning and escape). This building will adopt a simultaneous evacuation strategy throughout. Upon activation of the alarm all occupants will begin to vacate the building via the protected corridor and escape stairs. (See section 4.7 for more detail). The provisions provided will also be agreed with the approving authority</p>

	<p>ahead of submission of the Detailed Fire Strategy to London Fire Brigade.</p>
<p>3. Features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans</p>	<p>An L1 fire detection and alarm system designed and installed in accordance with BS 5839-6 is proposed throughout the premises. Elements of structure will be provided with 60-minutes fire resisting construction and fire suppression has been proposed in the inner bedroom of the sleeping accommodation. These active and passive fire safety measures put in place in accordance with guidance will meet the functional requirements of the Building Regulations B1, B2, B3 and Regulation 38.</p>
<p>4. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these</p>	<p>Open-plan bedrooms are provided, and an automatic sprinkler system will be installed in accordance with BS 9251 or BS 8458. An engineered approach will be developed as the design progresses to demonstrate the open plan kitchen does not affect means of egress.</p> <p>Dry risers are not proposed in the design of this building as the building is less than 11m in height and the fire service have access to more than 15% of the building perimeter.</p> <p>An automatic openable vent (AOV) of 1.5m² will be installed in the dead-end corridors as a compensatory measure for the fire compartmentation in the building. The stairs will be installed with an AOV of 1m² at the head of stair. A continuously ventilated lobby will be provided between the laundry room and the stairwell.</p> <p>The fire safety systems proposed will be designed and installed in accordance with relevant British Standards and manufacturer's specification. This package will form part of the information supplied at handover in terms of Regulation 38 of Building Regulations.</p>
<p>5. How provision will be made within the curtilage of the site to enable fire</p>	<p>The site is served by Margery Street, Yardley Street, and Wilmington Street, all of which are public roads. The fire</p>

<p>appliances to gain access to the building</p>	<p>service hardstand points are all within the required distance to the entrances and the entrances are not located at a distance greater than 60m from one another. The proposed vehicle access complies with the requirements set out in guidance to meet the functional requirements of the Building Regulations B5 (Access and Facilities for Fire Service).</p>
<p>6. Ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.</p>	<p>Any potential future modifications will need to meet the Building Regulations applicable at that time. A risk register will be produced to outline potential Building Regulations changes. Future proposed changes will be required to comply with all applicable Part B requirements and be submitting to the approving authority and Fire Service.</p>

- 10.189 The Fire Statement notes that the London Plan Policy D5 (Inclusive Design) requires as a minimum at least one lift per core (or more subject to capacity assessments) to be a suitably sized fire evacuation lift. The fire evacuation lift needs to be suitable for occupant evacuation and allow people who require level access from the building. The fire evacuation lifts will be constructed and designed to include the suitable and necessary controls.
- 10.190 In response to the requirements of policy D5, the Fire Statement confirms that an evacuation lift will be provided under the policy requirement D5 (inclusivity of Design) from The London Plan. An evacuation lift is a passenger or goods lift that has been designed to be used as a means of escape for physically impaired occupants under fire conditions.
- 10.191 The Fire Statement also notes that as the building is proposed to adopt a simultaneous evacuation strategy, a suitable evacuation point will need to be allocated. The position and identification of this area will be the responsibility of the Responsible Person (as defined by the Regulatory Reform (Fire Safety) Order 2005). The Fire Statement recommends that this muster point is within Wilmington Square and the route to the evacuation point is highlighted in the Fire Statement.
- 10.192 Officers have reviewed the revised Fire Statement and consulted with the Council's Building Control Officer.
- 10.193 It is noted that the document seeks to respond directly to the requirements of London Plan Policy D12 and the approach outlined in the Fire Statement is generally acceptable. However officers consider that a revised Fire Statement is required to ensure the document fully addresses all of the requirements of London plan Policy D12.
- 10.194 Therefore it is proposed that any permission should be subject to a condition (**10**) requiring the submission and approval of a revised Fire Statement prior to

commencement of development to address a small number of outstanding matters. The revised Fire Statement shall include details and drawings addressing the following:

- Evacuation Lift Management;
- Details addressing the provision of suitable access and equipment for firefighting which is appropriate for the size and use of the development;
- Identification of the refuge Locations;
- Cross corridors
- A revised lobby approach to the laundry rooms;
- Details of outward opening doors to avoid potential collision

Planning Obligations

- 10.195 There is a 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.
- 10.196 The proposed development would be subject to section 106 obligations. Further details of planning obligations are set out in the relevant sections of this report, and as a full list in Appendix 1.
- 10.197 In order for the development to mitigate its own direct impacts, and to be acceptable in planning terms the following heads of terms are recommended, secured by a separate s.106 agreement for each application. The contributions outlined below relate solely to application P2021/3255/FUL:
- The occupation of the site is limited solely to patients receiving medical treatment and their family, as part of a programme operated by the Puttinu Cares Foundation (Company No: 10180584) (but for clarity not being treated at the site) and the parents/relatives/guardians/carers of those patients receiving medical treatment at one of the specified hospitals listed below (or at a private facility following referral from one of the specified hospitals) and no other individuals; Specified hospitals:
 1. Great Ormond Street Hospital
 2. Kings College
 3. Moorefields
 4. UCLH
 5. St. Bartholomew's Hospital
 6. National Hospital
 7. Royal London
 8. Royal Free
 9. Royal Marsden Fulham
 10. Charing Cross
 - Rooms which are not occupied by the identified occupants as outlined above, cannot be occupied by any other occupants at any time, including no occupation by anyone who isn't part of the identified treatment system or defined above.

- There shall be clear and precise logging of all the occupants of the site, on an ongoing basis, through such necessary processes as log books and recording of NHS numbers, to demonstrate that the site is continually occupied, solely by the identified occupants, for the purposes of ensuring that it can be demonstrated to Planning Enforcement, should the need arise, who is occupying the rooms at any one time, and to demonstrate that the use remains in compliance with the legal agreement and relevant planning conditions.
- Where the use of the site by Puttinu Cares for the use defined within this legal agreement, and as hereby permitted ceases to take place, the use of the site shall revert to that permitted under planning permission ref: P2016/2405/FUL and the applicant shall ensure any sales/marketing particulars clearly identify the lawful use of the premises.
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 agreement.

CIL

10.198 The proposals do not result in the creation of any net additional floorspace, and therefore do not necessitate the payment of CIL.

Planning Balance Assessment

- 10.199 Paragraph 47 of the NPPF dictates that "*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 10.200 There is a degree of conflict with policy DM3.9 part G which requires that where the loss of a hostel is acceptable, development should provide accommodation to meet an acute need identified by the council's housing department, which may include social rented housing. However, the proposed change of use does not propose social rented housing.
- 10.201 The lack of compliance with DM3.9 part G has been carefully examined and whilst the proposed change of use doesn't meet the requirements of DM3.9 part G) however the Local Plan doesn't envisage the proposed use as it is an especially unique use which falls outside any use class.
- 10.202 The need for this arrangement is due to a bi-lateral agreement between the UK and Maltese Governments a for patients to receive NHS care in the UK including at Great Ormond Street Hospital and Moorfields Eye Hospital.
- 10.203 In addition the Local Plan does not recognise the merits of the proposed use, however there are clear merits on a larger than local level and on an international level, and there is a need for the use which is therefore beneficial in planning terms although not recognised in planning policy terms.
- 10.204 However the terms of the Bilateral Agreement between the UK and Mata is a material consideration to which officers attach considerable weight in the planning balance. The benefits of the proposals meet an identified need in relieving pressure on hospital

accommodation and enable convenient and quick access for patients within Puttinu Care's Programme and their parents/guardians to the central London hospitals including GOSH which provide the medical treatment, and this medical treatment is the subject of the Bilateral Agreement.

- 10.205 The scheme would also reasonably comply with policies relating to design, conservation, heritage, energy, sustainability, accessibility and transportation.
- 10.206 In summary, officers consider that the aforementioned benefits, the unique nature of the use, and the use of planning obligations to restrict occupation, outweighs the lack of compliance with the requirements of the adopted policy DM3.9, in the overall planning balance.

11. CONCLUSION

- 11.1 As set out in the above assessment, the proposal has been assessed against the adopted Development Plan, the emerging Local Development Plan and the comments made by a resident and consultees.
- 11.2 The submission has demonstrated exceptional circumstances due to the unique nature of the use and considerable benefits of the use have been demonstrated that are considered to weigh in favour of the proposal, subject to the conditions and obligations recommended to be secured.
- 11.3 The proposed improvement to the appearance of the building is also considered to be acceptable in relation to the streetscene and the surrounding conservation area. In terms of energy, the proposed development would provide improvements to the existing building in energy terms. The proposal would also have acceptable impacts on highways, provides sustainability measures and demonstrates compliance with inclusive design subject to conditions.
- 11.4 It is recommended that planning permission is granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations in relation to application P2021/3255/FUL 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:

- The occupation of the site is limited solely to patients receiving medical treatment and their family, as part of a programme operated by the Puttinu Cares Foundation (Company No: 10180584) (but for clarity not being treated at the site) and the parents/relatives/guardians/carers of those patients receiving medical treatment at one of the specified hospitals listed below (or at a private facility following referral from one of the specified hospitals) and no other individuals; Specified hospitals:

11. Great Ormond Street Hospital
12. Kings College
13. Moorefields
14. UCLH
15. St. Bartholomew's Hospital
16. National Hospital
17. Royal London
18. Royal Free
19. Royal Marsden Fulham
20. Charing Cross

- Rooms which are not occupied by the identified occupants as outlined above, cannot be occupied by any other occupants at any time, including no occupation by anyone who isn't part of the identified treatment system or defined above.
- There shall be clear and precise logging of all the occupants of the site, on an ongoing basis, through such necessary processes as log books and recording of NHS numbers, to demonstrate that the site is continually occupied, solely by the identified occupants, for the purposes of ensuring that it can be demonstrated to Planning Enforcement, should the need arise, who is occupying the rooms at any one time, and to demonstrate that the use remains in compliance with the legal agreement and relevant planning conditions.
- Where the use of the site by Puttinu Cares for the use defined within this legal agreement, and as hereby permitted ceases to take place, the use of the site shall revert to that permitted under planning permission ref: P2016/2405/FUL and the applicant shall ensure any sales/marketing particulars clearly identify the lawful use of the premises.
- The Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106 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 2 weeks from the date of the Planning committee meeting when a resolution to approve the application is reached (or a future date as agreed by officers and the applicant), 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 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 (compliance) CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list (compliance) CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents: Site Location Plan - 2137/EX/001; Existing - Lower Ground Floor Plan - 2137/EX/002; Existing - Ground Floor Plan - 2137/EX/003; Existing - First Floor Plan - 2137/EX/004; Existing - Second Floor Plan - 2137/EX/005; Existing - Roof Plan - 2137/EX/006; Existing – Sections - 2137/EX/007; Existing - Front and Rear Elevations - 2137/EX/008; Existing - Side Elevations - 2137/EX/009; Proposed - Lower Ground Floor Plan - 2137/P/100 RevA; Proposed - Ground Floor Plan - 2137/P/101 RevC; Proposed - First Floor Plan - 2137/P/102 RevB; Proposed - Second Floor Plan - 2137/P/103 RevB; Proposed - Roof Plan - 2137/P/104; Proposed – Sections - 2137/P/105; Proposed - Front and Rear Elevations - 2137/P/106 RevA; Proposed - Side Elevations - 2137/P/107 RevA; Proposed Indicative Room Types 1 - 2137/P/108 RevD; Proposed Indicative Room Types 2 - 2137/P/109 RevB; Proposed - Ground Floor Accessibility Plan - 2137/P/110 RevD; Proposed - First Floor Accessibility Plan - 2137/P/111 RevC; Proposed - Second Floor Accessibility Plan - 2137/P/112 RevC; Letter from DP9 dated 2 November 2021 ref: PT/REN/DP5779; Operational Management Plan Version 1 (Draft) October 2021; Health Impact Assessment; Letter from Imperial London Hotels dated 10 May 2021; Letter from Keystone Law dated 19 October 2021 ref: PUT6/3/YPW; Letter from President of Malta dated 6 th April 2021; Letter from Colliers dated 15 September 2021 ref: CH/jd; Planning Statement dated November 2021; Puttinu Cares leaflet; Testimonial - Malcolm Custo; Testimonial - Jeanelle Curmi; Transport Statement dated November 2021 Version 1.0; Bilateral Agreement - Malta and UK; 21-133-T-001 RevA; 21-133-T-002 RevA; Letter from DP9 on behalf of Puttinu Cares dated 7 th February 2022; Letter from Colliers dated 17 February 2022 ref: CH/jd; Design and Access Statement RevB; Schedule of Accessible Accommodation RevA; Fire Statement Ref: FE0766 dated 7 th April 2022 Revision B; REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	Replacement Windows (Details)

	<p>CONDITION: Details and samples of the proposed aluminium windows shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of relevant works. The details shall include:</p> <ul style="list-style-type: none"> - Colour of the units; - Details of spacer bars; - Section details; <p>The works shall be carried in accordance with the details so approved, prior to first occupation of the use hereby approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Cycle Parking (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved and shown on drawings 2137/P/100 RevA, shall be covered, secure and comprise of no less than:</p> <ul style="list-style-type: none"> - 10no. Secure cycle spaces and mobility scooter charging point. <p>The secure bicycle spaces shall be provided prior to the first occupation of the development hereby approved 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>
5	Green roofs (Details)
	<p>CONDITION: Notwithstanding the approved plans, details of the proposed green roof at first floor level shall be submitted to and approved by the Local Planning Authority prior to first occupation of the use hereby approved. The proposed green roof shall be designed, installed and maintained in a manner that meets the following criteria:</p> <ol style="list-style-type: none"> a) green roofs shall be biodiversity based with extensive substrate base; b) laid out in accordance with plans hereby approved; and c) planted/seeded with a mix of species within the first planting season following first occupation (the seed mix shall be focused on wildflower planting, and shall investigate the feasibility of a wildflower blanket). <p>The green roofs hereby shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to improve the green infrastructure on site and help boost biodiversity and minimise run-off.</p>
6	Bird and Bat Nesting Boxes (Details)
	<p>CONDITION: Notwithstanding the approved plans, prior to first occupation of the use hereby approved, details of bird and bat boxes shall be submitted and approved by the Local Planning Authority.</p>

	<p>The details approved shall be installed prior to the first occupation of the building, 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>
7	Accessible Showers/WC's (Compliance)
	<p>CONDITION: For the hereby approved development, the accessible shower rooms and WC's shall be implemented in accordance with the layouts shown on drawing no's 2137/P/110 RevB; 2137/P/111 RevB; 2137/P/112 RevB prior to the first occupation of the development.</p> <p>The layouts shall be retained in accordance with the approved drawings for the lifetime of the building.</p> <p>REASON: To provide an accessible environment for future occupiers.</p>
8	No Plumbing or Pipes (Compliance)
	<p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the north-western external elevation of the building hereby approved.</p> <p>REASON: To ensure that such plumbing and pipes would not detract from the appearance of the building, the character and historic significance of the area.</p>
9	Servicing and Delivery (Compliance)
	<p>CONDITION: Deliveries and servicing of the site shall accord with the servicing detail shown on drawing 21-133-T-002 RevA and set out within the Planning Statement, and shall not occur outside of the following times:</p> <p>08.00 - 18.00 Mondays to Fridays, 08.00 - 13.00 Saturdays and not at all on Sundays/Bank/Public Holidays.</p> <p>The development shall be 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: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic, and to prevent adverse impact on the amenity of nearby residential occupiers.</p>
10	Revised Fire Statement (Details)
	<p>CONDITION: Prior to commencement of development a revised Fire Statement shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The revised Fire Statement shall include details and drawings addressing all requirements of London Plan (2021) Policy D12, inclusive, but not limited to the following:</p> <ul style="list-style-type: none"> - Evacuation Lift Management; - Details addressing the provision of suitable access and equipment for firefighting which is appropriate for the size and use of the development; - Identification of the refuge Locations; - Cross corridors - A revised lobby approach to the laundry rooms;

	<p>- Details of outward opening doors to avoid potential collision</p> <p>The development shall be carried out in accordance with the Fire Statement under this condition and shall be maintained as such thereafter.</p> <p>Should any subsequent change(s) be required to secure compliance with the submitted Fire Statement, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority.</p> <p>REASON: To ensure appropriate fire safety measures, in particular adequate access for Fire Brigade appliances.</p>
11	Obscure Glazing (Compliance)
	<p>CONDITION: Of the replacement windows hereby approved, the 2 no. windows located on the rear elevation at first and second floor level at the north eastern end of the elevation, facing towards no. 25 Wilmington Square, shall be obscurely glazed and fixed shut, and retained as such in perpetuity.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
12	Use of Balcony at Second Floor Level (Compliance)
	<p>CONDITION: The use of the existing balcony at second floor level on the rear elevation shall not be used for amenity purposes whatsoever, and shall be accessed for maintenance purposes only. The door will be locked at all times.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
13	Use of flat roof on main roof (Compliance)
	<p>CONDITION: The use of the flat roof on main rooftop shall not be used for amenity purposes whatsoever, and shall be accessed for maintenance purposes only.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
14	Use of ground floor external amenity space (Compliance)
	<p>CONDITION: The use of the external amenity space at the rear of the site at ground floor, shall be restricted to only be used between the hours of 8am and 9pm, and at no other time.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
15	Operational Management Plan
	<p>CONDITION: The proposed use shall operate in accordance with the details outlined in the submitted Operational Management Plan Version 1 (Draft) October 2021, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To prevent any unacceptable impacts on the amenity of nearby residential occupiers and to ensure that the facilities provided are suitable for occupants.</p>
16	Site Waste Management (Details)
	<p>CONDITION: Details of the refuse/recycling storage facilities, locations and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of relevant works.</p>

	<p>The approved details shall be retained and maintained thereafter for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.</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>
17	Restriction on Parking Permits
	<p>CONDITION: No occupiers of the temporary living accommodation hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit.</p> <p>REASON: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area.</p>
18	Retention of disabled parking bays
	<p>CONDITION: The 3no. Disabled parking bays in the basement level will be retained as such, throughout the lifetime of the development.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
19	Retention of Solar Panels
	<p>CONDITION: The existing solar PV panels on the rooftop shall be retained and maintained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure all reasonable measures have been taken to reduce carbon emissions and to ensure the appearance of the development is acceptable.</p>
20	Landscape Strategy (Details)
	<p>CONDITION: Prior to first occupation of the use hereby approved, details of a landscaping strategy, including planting along the front boundary shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
21	Local Travel Plan
	<p>CONDITION: A Local Level Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved and the measures shall be implemented in perpetuity, unless otherwise agreed in writing.</p> <p>REASON: To ensure the development delivers the sustainable transport objectives.</p>
22	Construction Management Plan
	<p>CONDITION: No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been</p>

submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London).

The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.

The CMP must refer to the new LBI Code of Practice for Construction Sites. The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.

REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.

List of Informatives:

1	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>
2	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>
3	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>
4	Construction works
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
5	Highways Requirements
	<p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <u>streetworks@islington.gov.uk</u>. All agreements relating to the above need to be in place prior to works commencing.</p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <u>streetworks@islington.gov.uk</u>. Section 50 license must be agreed prior to any works commencing.</p>

	<p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p>
6	Highways Requirements (2)
	<p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months’ notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>
7	Highways Requirements (3)
	<p>Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO’s) to be borne by developer.</p> <p>All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington’s public lighting at cost to the developer. Contact streetlights@islington.gov.uk</p> <p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p> <p>Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</p>

	Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.
8	Fire Safety
	It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Building Control on 020 7527 5999 or by email on Building Control@islington.gov.uk .
9	Thames Water – Surface Water
	<p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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>

	Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
10	Thames Water – Waste Comments
	<p>The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. 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.</p> <p>Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be 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</p> <p>Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.</p> <p>The proposed development is located within 15m of a strategic water main. Thames Water request that the following condition be added to any planning permission. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason:</p> <p>The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be 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.</p> <p>Should you require further information please contact Thames Water. Email:developer.services@thameswater.co.uk</p> <p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-</p>

	<p><u>development/Working-near-or-diverting-our-pipes</u>. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
11	Fire Statement
	<p>INFORMATIVE: The applicant is advised that the submitted Fire Statement has been assessed in accordance with the criteria of London Plan Policy D12. The applicant must ensure that the development complies with the Building Regulations and associated statutory requirement, as well as any other relevant legislation.</p>

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

1 Planning London's Future - Good Growth

Policy GG1 Building strong and inclusive communities

Policy GG2 Making the best use of land

Policy GG5 Growing a good economy

2 Spatial Development Patterns

Policy SD4 The Central Activities Zone

Policy SD5 Offices, other strategic functions and residential development in CAZ

3 Design

Policy D1 London's form, character and capacity for growth

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivery good design

Policy D5 Inclusive Design

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of Change

Policy D14 Noise

4 Housing

Policy H4 Delivering affordable housing

Policy H8 Loss of existing housing and estate redevelopment

Policy H12 Supported and specialised accommodation

7 Heritage and Culture

Policy HC1 Heritage conservation and growth

Policy HC3 Strategic and Local Views

B) Islington Core Strategy 2011 Spatial strategy

Strategic Policies

Policy CS8 Enhancing Islington's character

Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment

Policy CS10 Sustainable Design

C) Development Management Policies June 2013

8 Green Infrastructure and Natural Environment

Policy G1 Green Infrastructure

Policy G5 Urban Greening

Policy G6 Biodiversity and access to nature

9 Sustainable Infrastructure

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

Policy SI3 Energy Infrastructure

Policy SI4 Managing heat risk

Policy SI5 Water infrastructure

Policy SI7 Reducing waste and support the circular economy

Policy SI12 Flood risk management

Policy SI13 Sustainable drainage

10 Transport

Policy T2 Healthy streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling

Policy T6 Parking

Policy T6.5 Non-residential disabled persons parking

Policy T7 Deliveries, servicing and construction

Policy T9 Funding transport infrastructure through planning

11 Funding the London Plan

Policy DF1 Delivery of the Plan and Planning Obligations

Policy CS11 Waste

Policy CS12 Meeting the housing challenge

Infrastructure and Implementation

Policy CS18 Delivery and Infrastructure

2. Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

3 Housing

Policy DM3.9 (Houses in Multiple Occupation, hostels and student accommodation)

6. Health and open space

DM6.1 Healthy development

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

7. Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

8. 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

9. Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Affordable Housing Small Sites Contributions (October 2012)
- Development Viability (January 2016)
- Environmental Design (October 2012)
- Inclusive Design in Islington (February 2014)
- Islington Urban Design Guide (January 2017)
- Planning Obligations (Section 106) (December 2016)

London Plan

- Affordable Housing & Viability (August 2017)
- Housing (March 2016)
- Central Activities Zone (March 2016)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Character and Context (June 2014)
- London Planning Statement (May 2014)
- Sustainable Design and Construction (April 2014)
- Planning for Equality and Diversity in London (October 2007)

Draft Islington Local Plan Policies

The following policies are considered relevant to the site and this application:

Draft Islington Local Plan Policies

Policy PLAN1 – Site appraisal, design principles and process

Policy SC3 – Health Impact Assessment

Policy S1 – Delivering Sustainable Design

Policy S2 – Sustainable Design and Construction

Policy S3 – Sustainable Design Standards

Policy S4 – Minimising greenhouse gas emissions

Policy S5 – Energy Infrastructure

Policy S6 – Managing heat risk

Policy S7 – Improving Air Quality

Policy S8 – Flood Risk Management

Policy S9 – Integrated Water Management and Sustainable Drainage

Policy S10 – Circular Economy and Adaptive Design

Policy T1 – Enhancing the public realm and sustainable transport

Policy T2 – Sustainable Transport Choices

Policy T3 – Car-free development

Policy T4 – Public realm

Policy T5 – Delivery, servicing and construction

Policy DH1 – Fostering innovation and conserving and enhancing the historic environment

Policy DH2 – Heritage assets

Policy DH5 – Agent of change, noise and vibration

Policy ST1 – Infrastructure Planning and Smarter City Approach

Policy ST2 – Waste

Policy ST3 – Telecommunications, communications and utilities equipment

Policy ST4 – Water and wastewater infrastructure