

PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division
 Community Wealth Building Department

PLANNING SUB COMMITTEE B		AGENDA ITEM NO:	B2
Date:	1st November 2022	NON-EXEMPT	

Application number	P2022/1599/FUL
Application type	Full Planning Application
Ward	Junction
Listed building	Locally Listed Building Adjacent to Grade II Listed Buildings (No's 2 and 4 Hornsey Lane, (to the north) Opposite Grade II* Listed Building St Joseph RC Church and Grade II Listed Building (Retreat (opposite to south west))
Conservation area	Highgate Hill/Hornsey Lane Conservation Area
Development Plan Context	Business Association Areas (Junction) Cycle Routes (Local) Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	80-90 Highgate Hill London N19 5NQ
Proposal	Partial demolition/reconfiguration of the external terrace relating to the existing public house and the redevelopment of the adjacent hardstanding car park for the construction of five (3 x 3 bed and 2 x 2-bed) self-contained dwellinghouses (C3 use) and associated alterations.

Case Officer	Daniel Jeffries
Applicant	Maddox and Associates Ltd
Agent	Maddox and Associates Ltd

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1;
2. Subject to the prior completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in red)



Image 1 – Site Location Plan

3. PHOTOS OF SITE/STREET

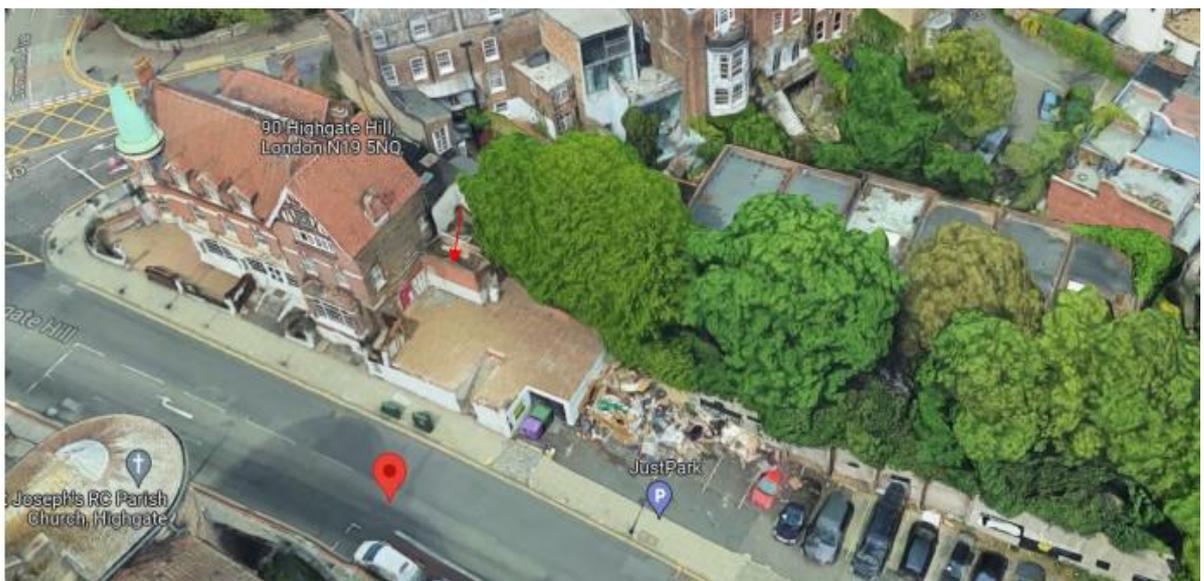


Image 2 - Aerial View of Site



Image 3 – Streetview facing north



Image 4 – Access from Upper Street

SUMMARY

- 3.1 The application seeks planning permission for the partial demolition/reconfiguration of the external terrace relating to the public house and the redevelopment of the adjacent hardstanding car park for the construction of five (3 x 3 bed and 2 x 2-bed) self-contained dwellinghouses (C3 use) and associated alterations.
- 3.2 In land use terms, the proposal would result in the total loss of the existing car park and the partial loss of the existing public house terrace adjacent to the car park. Marketing evidence in accordance with Appendix B of the Development Management Policies (2013) and a servicing statement were submitted in support of the application to demonstrate that the proposal would have an acceptable impact on the long-term viability and function of the pub, overcoming the previous reasons for refusal of the previous planning application (Ref. P2021/3101/FUL) at the site. Following a review of this information, the Council considers that the proposal would not have an unacceptable impact on the viability and function of the pub. Given the proposed introduction of residential units within this area is acceptable, the proposal is acceptable in land use terms and in accordance with policies HC7 of London Plan (2021) and DM4.10 of Development Management Policies (2013).
- 3.3 The proposal is considered to meet the statutory tests of preserving the visual appearance and historic character of the setting of the heritage assets of Highgate Hill/Hornsey Lane Conservation Area, and the listed buildings within the surrounding area. The proposal has been redesigned following the refusal of the previous scheme (Ref. P2021/3101/FUL) reducing the number of houses from 6 to 5, altering the design including the building line and creating a front courtyard. The proposal is considered acceptable in design terms and in keeping with the wider area and is considered to overcome the reasons for refusal of the previous scheme and in accordance with policies D4 and HC1 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management Policies (2013).
- 3.4 The proposed redesign of the scheme is considered to provide an acceptable standard of accommodation for future occupiers and is considered to overcome the relevant reason for refusal of the previous scheme (Ref. P2021/3101/FUL). The proposed housing mix has changed, introducing a greater proportion of 2-bed units. The design changes including to the building line are considered to provide accommodation of adequate size, with acceptable shapes and layouts of rooms which also provide acceptable levels of outlook from habitable rooms, noise, ventilation, privacy, light along with improved and acceptable private amenity space. Whilst it is acknowledged that there are deficiencies in terms of the received daylight/sunlight levels in House 1 in terms of the Lux levels, given the acceptability of the standard of accommodation overall, and the constraints of the site, on balance, the standard of accommodation is considered acceptable. It is therefore considered that the proposal would provide an acceptable standard of accommodation and private amenity space and accord with policies H6 of London Plan (2021) and DM3.4 and DM3.5 of Development Management Policies (2013).
- 3.5 The proposal is not considered to result in any significant amenity issues to the occupiers of neighbouring properties. Whilst it is acknowledged there are transgressions in terms of BRE Guidelines these are not considered to result in unacceptable harm. In addition, the proposal is not considered to result in unacceptable harm in terms noise and the impact of disturbance, overshadowing, overlooking, privacy, sense of enclosure and outlook on neighbouring properties. It is therefore considered to accord with policy DM2.1Ax of Development Management Policies (2013).
- 3.6 The proposal is considered to have an acceptable impact on the local highway network. Transport for London and the Council's Highways Officer have confirmed that the current proposal has overcome previous concerns. Therefore, subject to a number of conditions and matters secured by legal agreement the proposal is considered compliant with policy CS10 of Islington Core Strategy (2011) and policies DM8.2, DM8.4 and DM8.5 of Development Management Policies (2013).

- 3.7 The submitted Arboricultural Impact Assessment is considered to have demonstrated that the proposal would have an acceptable impact on the existing protected trees and the scheme accords with Policy DM6.5 of Development Management Policies (2013).

4. SITE AND SURROUNDING

- 4.1 The application site is located on the eastern side of Highgate Hill, and forms part of the public house called Brendan the Navigator, which is a locally listed building and located on the junction of Highgate Hill and Hornsey Lane on the southern side of Hornsey Lane. The application site comprises the car park and the roof terrace associated with the pub, which are both located to the south of the rear elevation of the pub, which is a large three storey detached building. The surrounding streets consist of terraced residential properties, with a church, (St Joseph's Roman Catholic Church) which is a Grade II listed building along with its retreat, and a school (St Joseph's Catholic Primary School & Nursery) on the opposite side of Highgate Hill.
- 4.2 Apart from the pub itself, the nearest windows to the application site serving a residential property are on Highgate Hill to the south of the site, and to the east of the site. These windows are located towards the rear of the building and face on to the side elevation of the proposed scheme at no. 78 Highgate Hill and to the rear of no's 5-10 Netherleigh Close.
- 4.3 The site is located within the Highgate Hill/Hornsey Lane Conservation Area, and is within the setting of Grade II Listed Buildings (No's 2 and 4 Hornsey Lane, (to the north) and St Joseph's Roman Catholic Church and Retreat (opposite to south west).

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks planning permission for partial demolition/reconfiguration of the external terrace relating to the existing public house and the redevelopment of the adjacent hardstanding car park for the construction of five (3 x 3 bed and 2 x 2-bed) self-contained dwellinghouses (C3 use) and associated alterations.
- 5.2 The application is the resubmission of a previously refused scheme which was refused on 19th January 2022 (Ref. P2021/3101/FUL) for the following development:

Erection of 6 no. three storey self-contained dwellinghouses (C3) (5no. 3-bed units and 1no. 2-bed unit), with associated roof terraces and other alterations (following demolition of the external terrace and removal of the public car park adjacent to the existing public house) and construction of a single storey extension to south elevation to provide additional WC facilities for the premises at 90 Highgate Hill

- 5.3 This full planning application was refused for the following reasons:
- *REASON: The proposed development would result in a poor standard of residential accommodation to future occupiers. This is due to the lack of dual aspect, compromised outlook, enclosure and privacy levels to the main habitable spaces, overprovision and poor standard and mix of 3 bed family sized units and poor quality provision of private amenity space. Therefore, the proposal is contrary to policies DM3.4 and DM3.5 of Development Management Policies (2013).*
 - *REASON: The submitted marketing evidence has failed to demonstrate or justify that the loss of the existing rear external trading area and removal of access to the car park for servicing, would not have not a detrimental impact upon the vitality, function and operation of the public house and the service this provides to the local community. Therefore the proposal is contrary to policy DM4.10 of the Islington Development Management Policies (2013) and Policy HC7 of the London Plan (2021)*
 - *REASON: Due to the constrained nature of the site including the relationship of the rear wall/boundary, the inappropriate siting, footprint, rearward depth, bulk and massing of the proposed development would form an overdominant and discordant*

addition to the streetscene and setting of the adjacent heritage assets which is not outweighed by sufficient public benefits, and is therefore considered unacceptable in design terms. The proposal is contrary to policies D1, D4 and HC1 of London Plan (2021) CS8 and CS9 of Islington Core Strategy (2011), DM2.1 and DM2.3 of Development Management Policies (2013) and Islington Urban Design Guide (2017) and Highgate Hill/Hornsey Lane Conservation Area Design Guidelines.

- 5.4 This revised application includes a number of changes to the refused scheme, including reducing the number of residential units from six to five houses, altering the design of each house, including the building line resulted in a recess for a garden, as well as altering the proposed demolition/reconfiguration of the external terrace. The proposal would now result in the existing single storey toilet block of the pub being demolished and a single storey toilet block being constructed adjacent to the south elevation of the pub but retaining the whole of the terrace, with a repositioned staircase for the fire escape. The host building (pub) has an extant planning permission for these changes (Ref. P2022/0438/FUL) which was approved on 14th April 2022. In addition, the proposal includes the reduction in the size of the roof terrace, retaining a terrace of 41.5sqm for the pub, whereas the refused scheme resulted in the total loss of this amenity area.

6. RELEVANT HISTORY

PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
P2022/1125/FUL	Temporary retention of existing site hoarding.	Under assessment	N/A
P2022/0438/FUL	Demolition of the existing single storey WC block and construction of a single storey extension to south elevation to provide replacement WC facilities and fire escape arrangements including new staircase to street level	Approve with conditions	14/04/2022
P2021/3101/FUL	6 no. Three storey self-contained dwellinghouses (C3) (5no. 3-bed units and 1no. 2-bed unit), with associated roof terraces and other alterations (following demolition of the external terrace and removal of the public car park adjacent to the existing public house) and construction of a single storey extension to south elevation to provide additional WC facilities for the premises at 90 Highgate Hill.	REFUSED	19/01/2022
P2020/3033/COL	Certificate of Lawfulness (Existing) application to confirm that the first and second floors of the property have been continuously used as letting accommodation (C1 use Class) and the ground floor and basement have been continuously used as a public house with ancillary restaurant/dining (Formerly A4 use Class, Now Sui Generis)	Approved	21/12/2020
P2019/1843/FUL	Retrospective application for the retention of and alterations to existing relocated extraction equipment to the rear elevation, and glazed roofs to rear (east) and side (south) elevations. Installation of new door to screen existing unauthorised plant. Erection of new external staircase to existing south elevation terrace from car park. Installation of	Refused	22/10/2019

	aluminium framed glazing enclosing existing terrace.		
P991615	Erection of a single-storey, flat roof, brick extension to enclosed rear yard area	Approved	13/01/2000.
P850263	Alterations to the ground floor fenestration	Approved	25/04/1985

ENFORCEMENT:

Application Number	Development Description	Decision	Decision Date
E/2022/0020	Erection of hoarding to frontage	(under investigation)	
E/2020/0256	Creation of hotel to upper floors	Case Closed	22/12/2020
E/2019/0112	Erection of a flue	Case Closed	12/11/2019
E/2019/000	Use of upper floors as hotel/apart hotel.	Case closed	21/03/2019
E/2018/0226	Demolition of garage and works to forecourt. Untidy Land. and for the following:	Enforcement Notice served and subsequent appeal dismissed	10/01/2019
E/2017/031	Untidy land	Case closed	31/10/2017
E/2016/0406	Material change of use of the land to retail	Case closed	17/11/2016
E/2016/0143	Without planning permission, the erection of a wooden outbuilding	Enforcement Notice served	29/06/2016
E/2015/0274	Without planning permission, the material change of use of the land to a car wash.	Case closed	14/07/2015
E/2015/0085	Unauthorised change of use of carpark to car wash.	Notice served (complied with)	25th Aug 2015 (01/12/2015)
E/2013/0680	Use of car park for log cutting.	Case closed	17/01/2014

PRE-APPLICATION:

6.1 Q2019/3341/MJR - The pre-application proposal put forward for comment was for (officer's description) the following:

- Change of use of the first and second floors of the existing public house (Use Class A4) to 4 residential units (Use Class C3) comprising of 2 X 2-bedroom and 2 X 1-bedroom.
- Demolition of the existing brick terrace adjoining the south of the existing restaurant building along with the adjoining garage unit that sits adjacent to it.
- Redevelopment of the resultant area along with the existing surface level car park for the erection of a three-storey building with 6 residential units comprising 6 X 3-bedroom.
- In total, 10 residential units are created on the site and as such the proposal would be considered a major planning application.

- The Council's response raised a number of concerns including land use in relation to the public house, the design of the proposal, standard of accommodation, the potential impact on trees and amenity issues relating to neighbouring properties.

6.2 Q2021/0374/MIN demolition of the existing brick terrace adjoining the south of the existing public house building along with the adjoining garage unit, to allow for redevelopment of the resultant area along with the existing surface level car park for the erection of a three-storey building with 6 no. self-contained residential units (C3 use) including associated roof terraces.

6.3 Council Officers advised the following:

- In land use terms any application would need to submit marketing evidence/market demand analysis to address the Council's land use policies in order to justify the partial loss of the existing public house. It is advised that this needs to include details of the existing use, how it currently functions, including its licencing agreement, and service and delivery arrangements. Any application which would threaten the long term viability or function of the existing public house would not be supported.
- In design terms there are some significant concerns in relation to the impact on heritage assets. The northern most house however remains positioned too close to the historic public house despite the cut back at 2nd floor level. There are heritage concerns about this boundary and interface between the public house and the proposed terrace, including the setting of the public house and the impacts on the existing historic boundary fabric about which there is insufficient information. The Council's heritage officer therefore considers the gap between the pub and this end terrace as proposed is harmfully close, has expressed concern about impact on the original boundary wall, and does not consider that the scheme in relation to its northern edge as yet sufficiently protects or enhances the setting of heritage assets. Whilst it is acknowledged that the level of harm is considered to be less than substantial and there are public benefits to the scheme, in the form of new residential units, these are not considered to outweigh this level of harm.
- There are significant concerns in relation to the standard of accommodation, whilst it is acknowledged that the proposed units meet the internal space requirements, and attempts to provide dual aspect have been made, the secondary windows are limited in terms of providing dual aspect and outlook. In addition, any application would need to demonstrate all habitable rooms would benefit from acceptable levels of daylight/sunlight. Also there are concerns in relation to the quality and quantum of the private outdoor amenity space. Whilst it is acknowledged that the site is restricted in size, 5 of the 6 units are family sized units (3 or more bedrooms) which the Council prioritises for private outdoor space.
- The proposal should ensure that it demonstrates it would not have a detrimental impact in regards to amenity of the occupiers of neighbouring properties or future occupiers of the proposed dwellings, in terms the loss of daylight/sunlight, outlook, sense of enclosure, noise and privacy. There are concerns in relation to its potential impact given its close proximity to neighbouring properties, as such the Council would expect the submission of a Daylight/Sunlight Report, and you may also wish to submit a noise report assessment.
- The proposal should demonstrate how they provide accessible accommodation, have acceptable fire safety and security measures, and adequate cycle and waste storage. Any application would be required to be accompanied by a Sustainable Design and Construction Statement, and confirmation to agree to small sites affordable housing contributions (or providing a viability assessment for review).

7. CONSULTATION

Public Consultation

7.1 Letters were sent to occupants of 34 adjoining and nearby properties on Highgate Hill, Hornsey Lane, Netherleigh Close and Dartmouth Park Hill on the 26th May 2022 and 22nd

September 2022, and site and press adverts were displayed. The second round of public consultation of the application therefore expired on 7th October 2022. However, it is noted that the letters sent out incorrectly stating that the consultation expired on 16th October 2022. However, the Council accepted this error had taken place and extended the consultation period to this date. In addition, it is the council's practice to continue to consider representations made up until the date of a decision.

- 7.2 At the time of writing this report **17 responses had been received, including 1 letter of support and 16 objections** including from the Better Archway Forum, Highgate Conservation Area Advisory Committee and CAMRA (Campaign for Real Ale). The points raised within the representations are summarised below (*with reference to which sections of this report address those particular concerns in brackets*).

Land use

- Impact on the function and viability of the pub as a result of the loss of existing pub car park and reduction of roof terrace
- Concerns about the submitted marketing evidence
(*Paragraphs 9.2 to 9.37*)

Design

- Visual appearance, including scale, of proposed building and impact on the setting of the heritage assets
(*Paragraphs 9.38 to 9.77*)

Housing Mix and Standard of Accommodation

- Concern in regard to the general standard of accommodation provided
- Lack of dual aspect
- Failure to meet minimum floorspace requirements
- Poor outlook
- Failure to provide good quality private amenity space
(*Paragraphs 9.78 to 9.130*)

Accessibility

- Lack of accessibility measures including for wheelchair users
(*Paragraph 9.131*)

Amenity

- Loss of daylight/sunlight
- Loss of privacy
- Increased sense of enclosure
- Loss of view of sky
- Impact on safety and security on neighbouring properties
- Lack of site visit to assess impact on daylight/sunlight impacts and accuracy of drawings
- Lack of independent daylight/sunlight assessment
(*Paragraphs 9.136 to 9.189*)

Affordable Housing

- Impact Lack of Affordable Housing
(*Paragraphs 9.190 to 9.192*)

Highways

- Impact on public highway (including narrowing of pavement, increased pedestrians, and vehicle movements) and bus stop
- Standard of the cycle storage
(*Paragraphs 9.193 to 9.204*)

Landscaping, Trees and Biodiversity

- Impact on Trees, and associated impact on biodiversity (bats and birds nesting locations) and trees to fall on neighbouring properties

- Lack of bird nesting locations
- Concerns about increase in animals/vermin
(Paragraphs 9.205 to 9.211)

Refuse & Recycling

- Increase in refuse
(Paragraphs 9.217 to 9.220)

Other Matters

- Party Wall issues
- Potential flooding to rear gardens
- Increase disputes with neighbours
- Lack of dimensions on drawings
(Paragraphs 9.221 to 9.225)

External Consultees

- 7.3 Historic England: confirmed that they do not wish to offer any comments.
- 7.4 Transport for London (London Buses): requested further information relating to a number of matters including that the footway and highway are not blocked during the construction phase, vehicles should adhere to existing parking restrictions, ensuring cycle storage adheres to the London Plan requirements, amongst other issues. Following the submission of additional information, TfL confirmed that subject to a condition for a full Construction Logistics Plan they had no objections to the proposal.

Internal Consultees

- 7.5 Ecology Officer: raised no objections to the proposal but recommended that any works to trees are undertaken outside the nesting season for birds and bats.
- 7.6 Tree Officer: confirmed no objections regarding the impact on trees and requested that the details in the submitted Arboricultural Report is followed in full.
- 7.7 Planning Policy (Land use) Officer: confirmed that following the submission of the marketing evidence they do not object to the proposal in land use terms and its impact on the public house.
- 7.8 Inclusive Design Officer: following additional information confirmed that they had no objection.
- 7.9 Environmental Health Pollution (Acoustic) Officer: Confirmed that they had no objection but recommended condition for noise levels for the plant equipment, also that a Construction Management Plan is secured by condition or legal agreement to mitigate the construction impacts, following the guidance of Islington's CoPCS to minimise impacts for nearby receptors, as well as requesting condition for noise mitigation and insulation measures for the use of the roof terraces and within the proposed units for future occupiers.
- 7.10 Highways Officer: confirmed that the application addresses the concerns with the previous scheme in terms of servicing but requests a Construction Management Plan is secured by condition and the removal of the existing crossover.

Design and Conservation Officer: confirmed that the proposal is a *well designed, high quality, residential terrace in the tradition of the wider Highgate context whereby modern terraces have been successfully inserted into Highgate's historic fabric, adding a richness to and a deepening of the patina of the streetscapes. Whilst being visually rich and interesting, given its scale it also manages to achieve the required subservience to the adjacent historical assets whilst being proportionately compatible with the nature and scale of the street onto which it faces. While there is some loss of historic fabric to a segment of the front boundary wall to the locally listed public house to the north, this harm is considered to be outweighed by the benefits of the scheme, including the removal of the unsightly car park, and therefore*

partially offset by such a qualitative response. There will be some loss of views across to parts of St Joseph's Church and Retreat as currently experienced from ground floor and garden levels of the adjacent Netherleigh Close terrace homes. However their levels of sunlight and daylight to both gardens and internal rooms will remain high and the existing tree belt that currently segregates the site from this terrace will remain in situ further mitigating this change in outlook.

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

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

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

8.2 National Planning Policy Framework (NPPF): Paragraph 10 states: 'at the heart of the NPPF is a presumption in favour of sustainable development'.

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

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

8.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

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

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

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

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

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

National Guidance

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

Development Plan

8.10 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Emerging Policies

Draft Islington Local Plan 2019

8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27th June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021. The Council is consulting on the main modifications to the plan from 24 June 2022 to 30 October 2022.

8.12 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that the policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

8.13 Emerging policies that are relevant to this application are set out in below:

- Policy PLAN1: Site appraisal, design principles and process
- Policy H1 Thriving Communities
- Policy H4: Delivering high quality housing
- Policy H5: Private outdoor space
- Policy G4: Biodiversity, landscape design and trees
- Policy G5: Green roofs and vertical greening
- Policy S1: Delivering Sustainable Design
- Policy S2: Sustainable Design and Construction
- Policy S3: Sustainable Design Standards
- Policy S4: Minimising greenhouse gas emissions
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy DH5: Agent-of-change, noise and vibration
- Policy T2 Sustainable Transport Choices
- Policy T5 Delivery, Servicing and Construction
- Policy S1 Delivering Sustainable Design
- Policy S3 Sustainable Design Standards
- Policy T3 Car Free Development Parking

Designations

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

- Locally Listed Building
- Adjacent to Grade II Listed Buildings (No's 2 and 4 Hornsey Lane, (to the north)
- Opposite Grade II* Listed Buildings Joseph RC Church and Grade II Listed Building Retreat
- Highgate Hill/Hornsey Lane Conservation Area
- Cycle Routes (Local)
- Article 4 Direction A1-A2 (Rest of Borough)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Housing mix and Standard of Accommodation
- Accessibility and Fire Safety
- Neighbouring Amenity
- Affordable Housing
- Transport and Highways
- Landscaping, Trees and Biodiversity
- Sustainability
- Refuse and Recycling

Land-Use

- 9.2 The site is within the Highgate Hill/Hornsey Lane Conservation Area, which is characterised by predominately residential development. The application site consists of part of the existing public house (Sui Generis Use) and its associated car park along Highgate Hill. The proposal would therefore result in the partial loss of the existing public house and the surface car parking.
- 9.3 The site slopes steeply down from north to south and comprises a public car park accommodating approximately 15 informal spaces and a single storey brick structure attached to the pub 'Brendan the Navigator' adjacent. Part of this structure is used as an external terrace and has a WC block and a new stepped access for a fire escape for the pub. Along the rear eastern boundary of the site is a retaining wall, between 3.2 and 5.3m in height.



Image 5: Photograph facing north showing existing car park and terrace



Image 6: Site Location showing application site including pub terrace and car park

- 9.4 The introduction of residential dwellings in this location is acceptable, given the site is within a predominately residential (in character) area and the loss of the car park is acceptable. Furthermore, given the Council's car free policies CS10H of Islington Core Strategy (2011) and DM8.5 of Development Management Policies (2013), the loss of car parking is supported. However, it is important to assess the impact on the existing public house. It is also important to address the relevant land use reason for refusal of the previous application at the site (Ref. P2021/3101/FUL) which was assessed using the current policies. The reason for refusal was as follows:

REASON: The submitted marketing evidence has failed to demonstrate or justify that the loss of the existing rear external trading area and removal of access to the car park for servicing, would not have not a detrimental impact upon the vitality, function and operation of the public house and the service this provides to the local community. Therefore the proposal is contrary to policy DM4.10 of the Islington Development Management Policies (2013) and Policy HC7 of the London Plan (2021)

- 9.5 The main differences in land use terms with the current proposal and the refused scheme is that this proposal includes the retention of part of the existing roof terrace (from 75sqm to 41.5 sqm) whilst the refused scheme resulted in the total loss of this area. This proposal also includes the addition of the reconfiguration of this terrace area including the demolition of the existing single storey WC block and construction of a single storey extension to the south elevation to provide replacement WC facilities and fire escape arrangements including new staircase to street level. The demolition of the existing WC block and replacement facilities, and fire escape arrangements including the new staircase was approved within a separate application (Ref. P2022/0438/FUL) in April 2022, which remains extant.
- 9.6 Policy DM4.10A of the Development Management Policies (2013) relating to public houses advises that *the council supports the retention of Public Houses, and opposes their redevelopment, demolition and Change of Use.*
- 9.7 Part B of this policy seeks to ensure that applications for the *Change of Use, redevelopment and/or demolition of a Public House demonstrate that:*
- i. the Public House has been vacant for a continuous period of 2 years or more and continuous marketing evidence has been provided for the vacant 2 year period to demonstrate there is no realistic prospect of the unit being used as a Public House in the foreseeable future;*
 - ii. the proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene;*

- iii. *the proposal does not constitute the loss of a service of particular value to the local community; and*
- iv. *significant features of historic or character value are retained*

9.8 In addition, the Conservation Area Design Guide (CADG) notes in relation to the use of sites as follows:

- *30.3 The Council will operate its land use policies so as to enhance the character and vitality of the area. Planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.*
- *30.4 The predominant character of the Highgate Hill / Hornsey Lane Conservation Area is residential, although permission will not be granted for the over intensification of residential use in conversion schemes. There are institutional and commercial uses along both sides of Highgate Hill which provide local services and are an important contribution to the character of the area.*

9.9 Policy HC7 of the London Plan (2021) Part B and C are also relevant which state the following:

- B. Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.*
- C. Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.*

9.10 The supporting text of this policy the London Plan (2021) advises that (paragraph 7.7.1) that *pubs are a unique and intrinsic part of British culture. Many pubs are steeped in history and are part of London's built, social and cultural heritage. Whether alone, or as part of a cultural mix of activities or venues, pubs are often an integral part of an area's day, evening and night-time culture and economy. An individual pub can also be at the heart of a community's social life, often providing a local meeting place, a venue for entertainment or a focus for social gatherings. More recently, some pubs have started providing library services and parcel collection points as well as food to increase their offer and appeal to a wider clientele.* Paragraph 7.7.6 of the London Plan (2021) advises that *when assessing whether a pub has heritage, cultural, economic or social value, boroughs should take into consideration a broad range of characteristics, including whether the pub:*

- i. is in a Conservation Area*
- ii. is a locally- or statutorily-listed building*
- iii. has a licence for entertainment, events, film, performances, music or sport*
- iv. operates or is closely associated with a sports club or team*
- v. has rooms or areas for hire*
- vi. is making a positive contribution to the night-time economy*
- vii. is making a positive contribution to the local community* h. *is catering for one or more specific group or community.*

9.11 Given the proposal would result in the partial loss of ancillary areas of the existing public house, any application would need to demonstrate that the public house can still continue to function as a public house and it would not impact its long-term viability, to demonstrate compliance with policy DM4.10 and HC7.

9.12 Policy DM4.10 seeks marketing evidence in accordance with Appendix 11 which states that *marketing evidence requires demonstration of an active marketing campaign for a continuous period, whilst the premises were vacant, which has shown to be unsuccessful. The minimum period of vacancy/marketing varies depending on the use, as identified within policies. Marketing must be through a commercial agent at a price that genuinely reflects the market*

value. It must be shown to the council's satisfaction that marketing has been unsuccessful for all relevant floorspace proposed to be lost through redevelopment or Change of Use.

- 9.13 Paragraph 7.7.7 of the London Plan (2021) advises that *to demonstrate authoritative marketing evidence that there is no realistic prospect of a building being used as a pub in the foreseeable future, boroughs should require proof that all reasonable measures have been taken to market the pub to other potential operators. The pub should have been marketed as a pub for at least 24 months at an agreed price following an independent valuation, and in a condition that allows the property to continue functioning as a pub. The business should have been offered for sale locally and London-wide in appropriate publications and through relevant specialised agents.*
- 9.14 The Council's delegated report of the refused application (Ref. P2021/3101/FUL) outlines the Council's concerns with the submitted marketing evidence within the previous scheme regarding the total loss of the roof terrace and the car park (in paragraphs 54 and 57). This is detailed below:

54. Whilst the report appears to address the third bullet point in Appendix 11 of DM Policies (Independent commentary on the current and likely future demand for floorspace within the market area), the report fails to address the first two bullet points with limited reference to existing public house floorspace available in other similar properties within the market area or the rental levels achieved for these properties. Whilst the report identifies other public houses which have no or little external trading or car parks the report fails give any examples of similar premises which have had external car parking and external trading areas and have continued to operate successfully. In addition no details have been provided in terms of what the car park is used for other than parking of cars with no details of the service and delivery arrangements which was identified as a concern in the pre-application proposal. In addition, whilst it is acknowledged that an assessment has been made on the current circumstances there is no assessment on the potential of the loss of this space to future occupiers who may operate differently.

57. Whilst it is acknowledged that a pub can potentially operate without ancillary areas or functions, as noted above and in the London Plan the removal of the external trading area in the form of a beer garden has the potential to limit the operational flexibility of the pub, and make it less attractive to customers, and therefore result in a detrimental impact on the viability of the short, medium to longer term viability function and operation of its use as a public house. The Council considers that the information submitted within this application has failed to demonstrate.

- 9.15 The document titled 'ECONOMIC VIABILITY REPORT' prepared by Fleurets Ltd was submitted in support of this application. The report confirms that it intends to address the Council's land use concerns in the refused application.
- 9.16 The report provides an analysis of the existing use and operation of the existing pub, in terms of the accommodation, the number of patrons, state of repair, the existing premises licence and its current rateable value. It also provides a number of chapters providing the background for the analysis, including the current market conditions and impact of the Covid-19 conditions (Chapter 7.0), the business (Chapter 8.0) and the current economic viability (Chapter 9.0) of the pub.

Loss of car park

- 9.17 Chapter 10.0 of the submitted report provides an analysis of the impact of the proposed changes to the pub. The assessment on the loss of the car park is outlined in paragraphs 10.5 to 10.14 of the marketing report. The report includes several pubs within the surrounding area, located in similar trading positions (i.e not within prime retail centres) as the subject pub and also surrounded by or close to residential properties/areas within North London (Muswell Hill, Manor House, Stoke Newington, Highbury, Wood Green, Archway, Dalston, Kilburn) within Islington and other London Boroughs.

- 9.18 Paragraph 10.9 of the marketing report provides a commentary of pub car parking with the following:

Demised car parking at commercial properties in central London is also something of a rarity. Indeed, for public houses, the density of population across the capital and ease of transport more often than not negates the need for car parking. Pubs in the heart of London centres, such as within retail pitches will have little, if any, need for parking, as trade will be derived from local residents, business workers and visitors to the area. Similarly, even pubs in more secondary locations in London, surrounded by residential properties and within reasonable distance from a source of public transport will also show that car parking is non-essential. The subject property represents such a scenario.

- 9.19 Paragraph (10.13) of the assessment of the marketing report in relation to the loss of the car park states the following:

I do not consider that trade at the subject pub is reliant on drive-to trade and will instead be derived from local residents and visitors who are able to easily access this pub on foot or by public transport. Therefore I do not consider the loss of the car park will have an adverse impact on trading potential.

- 9.20 The report also confirms that there are very few examples within London where a pub has not continued to successfully operate following the loss of a car park, which was identified as being deficient in the original application. Paragraph 10.14 of the marketing report confirms that enquires have been made with two major pub owning companies, which advised that the only example of such a scenario relates to a pub outside of London, being the Wellington public house in Borehamwood, which gained planning consent for residential development in 2018. The report confirms the pub remains open and trading to date.

- 9.21 In addition to the originally submitted marketing report, an addendum to the report was submitted in the form of a letter dated 25th August 2022 by Fleurets Ltd. This letter provides further comparison of existing pubs across North London. It confirms that the review consists of a sample of 70 pubs from across various areas of north London (Archway, Highgate, Hampstead, Crouch End, Finchley, Muswell Hill). It confirms that 9 of these 70 pubs have demised car parking areas, which is just 13%. The table below provided in the submitted details, compares the pub subject with the identified 9 pubs with car parking, in terms of their PTAL (public transport accessibility level) rating, distance from and frequency of public transport options, the number of car parking spaces and distance from the application site.

Name of Pub	Postcode	PTAL Rating	Distance to Underground Station (miles)	No. of bus routes on road	Estimated/Approx. No. of Parking Spaces	Distance from subject property (miles)
Brendan The Navigator	N19 5NQ	6a	0.4	4	See note below	n/a
The Woodman	N6 5UA	5	adjacent	3 plus nightbus	12	0.7
The Old White Lion	N2 0NW	5	adjacent	6 plus nightbus	10	1.7
The Bald Faced Stag	N2 8AB	4	0.1	6 plus nightbus	10	1.9
Tufnell Park Tavern	N7 0EE	3	0.3	1	12	1.2
Famous Royal Oak	N10 3QY	3	1	0	13	1.7
The Clissold Arms	N2 9HR	3	0.5	4	6	2.0
Old Bull & Bush	NW3 7HE	2	0.6	2 plus nightbus	35 - 40	2.0
Spaniards Inn	NW3 7JJ	1b	1	2	30	1.6
The Five Bells	N2 0LZ	1b	0.5	3 plus nightbus	22	2.2

Image 7: Table from submitted marketing evidence showing pubs with car parks

- 9.22 The submitted information identifies that the 3 pubs (Old Bull & Bush, Spaniards Inn and The Five Bells) which all have significantly larger car parks than the rest, have the lowest PTAL

rating, having PTAL rating of 2, 1b and 1b respectively (1 being the lowest and 6 being the highest) and therefore have the weakest public transport connectivity, and would suggest that car parking is more important. Whereas the pub subject to this application has excellent public transport provision (PTAL 6a), with the remaining pubs of this list having less car parking spaces having greater public transport connectivity (PTAL 3 to 5).

- 9.23 Notwithstanding, the above the applicant has noted that the pub has operated without the car park since December 2020, both before and after the applicant acquired this land.
- 9.24 In addition, to the loss of the car parking spaces the Council raised concerns in the assessment of the refused schemes regarding the servicing of the pub, and potential use of the car parking. As such this application includes the document titled 'Servicing Statement' by Paul Mews Associates dated May 2022 which provides a review of current and future servicing arrangements.
- 9.25 The report confirms that *following a site visit in April 2022, the pub was receiving a delivery a short distance further up the hill from the pub. It confirms that this arrangement has been in place for 5 years, where the delivery driver has stopped and loaded from a position on the opposite side of Highgate Hill, in line with the Council's guidance.* The photo below shows the position of this delivery.



Image 8: Photo showing existing servicing arrangements

- 9.26 The report confirms that *there is a section of double yellow line on Highgate Hill opposite the pub providing a loading opportunity for up to 40-minutes. The shared use permit holder and pay by phone bays immediately east of the double yellow lines also provide a safe and legal location for loading.* The following image shows the current stopping/loading regulations at this location:



Image 9: Photo of car parking restrictions in the area

- 9.27 It is confirmed within the report that the roads to the north and west of the pub are within the jurisdiction of the neighbouring borough of Haringey. Haringey Council's website outlines the loading/unloading arrangements throughout the Borough:

"When parking on a yellow line in a CPZ, the hours of restriction for a single yellow line will be the same as the hours of operation of the CPZ, unless there is a separate time plate for the line displaying different hours of operation. There is normally a 'no loading' restriction between 8am-10am and 4pm-6.30pm. During this no vehicles are allowed to park, load or unload during loading restriction hours. When loading and unloading is generally limited to 40 minutes and the activity must be continuous."

- 9.28 The report confirms that the 'Highgate' CPZ on Highgate Hill to the west of the pub operates Monday to Friday from 10am to 12 noon. It concludes that other than this two-hour period Monday to Friday the parking bays to the west of the site also provide a safe and legal kerb side loading opportunity within around 50-metres of the pub.
- 9.29 It is confirmed that there will be no change to the frequency, timing, or location of servicing activity at the pub as result of the proposals. As the currently delivery arrangements are adequately accommodated from the adjoining public highway and are in-keeping with the extant established arrangements for the building and adjacent commercial and residential properties, it is considered acceptable.
- 9.30 The Council's Highways and Planning Policy (Land use) Officers have reviewed the submitted information in relation to the loss of the existing car park and the servicing arrangements and consider that the submitted information addresses the previous schemes reason for refusal in relation to this matter, and it is therefore considered acceptable in this regard.

Loss of terrace

- 9.31 Notwithstanding, the above it is also important to assess the loss of the roof terrace. As noted above whilst the originally refused scheme resulted in the total loss of the roof terrace to the south of the pub, this proposal would result in a partial loss of this area.
- 9.32 The document titled 'ECONOMIC VIABILITY REPORT' prepared by Fleurets Ltd confirms that there would be reduction in the size of the roof terrace from 75sqm to 41.5sqm. In addition to the reduction in size, and as described above, the proposal includes the demolition

of the existing single storey WC block and construction of a single storey extension to south elevation to provide replacement WC facilities and fire escape arrangements including new staircase to street level, which replicates the changes approved within an application (Ref. P2022/0438/FUL) in April 2022.

- 9.33 The report confirms the pub currently benefits from two separate external trade areas, one to the front and one to the rear. The applicant's proposal is to remove part of the rear terrace external trade area. The entirety of the front external trade area remains unaffected and would continue to be able to provide seating for 40 patrons. The report has estimated that the reduced and reconfigured roof terrace subject to this application would allow for its use by 30 patrons, which in addition to the external to the front of the building would allow for a total 70 patrons. This is estimated within the report to represent approximately 64% of the existing external seating capacity.
- 9.34 To assess the impact of the reduction in the roof terrace, the report has provided a list of pubs across London (Chiswick, Wandsworth, Chelsea, Putney, Paddington, Shepherds Bush, Bermondsey, Wood Green, Kilburn, Highgate, Stoke Newington Earlsfield and Crouch End) with similar sized trading areas or smaller (capacity between 10 to 70 patrons), and in some cases no external trade areas.
- 9.35 The author of the report has confirmed that they have been in possession of trading information to inform their assessment, or if not, have formed a professional opinion using Fair Maintainable Trade. In each case, the report confirms that the examples represent viable pubs which are open and trading to this day.
- 9.36 The marketing report concludes that the public house, with a reduced terrace area has the ability to be profitable and remain a viable business.

Conclusion

- 9.37 As noted above, Policies DM4.10 of DM Policies (2013) and HC7 of the London Plan (2021) seeks to retain public houses. It is acknowledged that the proposal would result in the total loss of the car park, and the partial loss of the terrace and its reconfiguration. However, marketing evidence and servicing information for the pub has been provided to demonstrate that these changes would not have a detrimental impact on the function and long term viability of the pub. The servicing statement confirms that the pub has on street servicing, in accordance with local parking restrictions. The marketing evidence which has been carried out in accordance Appendix 11 of DM Policies (2013), providing detailed information in terms of the current operation of the pub and providing comparable examples. Whilst the previous scheme (Ref. P2021/3101/FUL) resulted in the total loss of the existing terrace, this proposal would result in 33.5sqm, and include its reconfiguration including the repositioning of the WC block and fire escape. The marketing evidence acknowledges the reduced and reconfigured terrace would result in existing external seating capacity, with this are restricted to 30 patrons, the external area to the front would remain unaffected, and would result in a total of 70 patrons. The conclusions of the marketing evidence confirms that they consider that the proposal would not prevent the public house having the ability to be profitable and remain a viable business. It is considered that the proposal would not result in a detrimental impact on the function and viability of the use of the existing use of the pub and would be acceptable in land use terms.

Design and Conservation

- 9.38 The site is located within the Highgate Hill/Hornsey Lane Conservation Area, and the pub is a locally listed building. The site is also within close proximity to several listed buildings. This includes no's 2 and 4 Hornsey Lane to the north of the site, and on the opposite side of Highgate Hill is the Grade II* Listed Building, St Joseph RC Church, and the Grade II Listed Building, the Retreat.



Image 10: Map showing existing heritage assets within proximity of the site (Grade II Listed Buildings in green and Grade II* Listed Building in blue)

- 9.39 Therefore, in accordance with Sections 16(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention is required to be paid to the desirability of preserving or enhancing the character and appearance of the setting of these heritage assets.
- 9.40 In terms of the acceptability of the proposal in design terms, the advice found within the Islington Urban Design Guide 2017, the Highgate Hill/Hornsey Lane Conservation Area Design Guidelines should be used in its assessment. This proposal consists of the two storey building, above ground level, and single storey basement level.
- 9.41 London-wide planning policies relevant to design and conservation are set out in Chapter 3 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 9.42 In addition to the above it is also important to consider the reason for refusal relating to design matters of the previous application at the site (Ref. P2021/3101/FUL). The reason for refusal is as follows:

REASON: Due to the constrained nature of the site including the relationship of the rear wall, the inappropriate siting, footprint, rearward depth, bulk and massing of the proposed development would form an overdominant and discordant addition to the streetscene and setting of the adjacent heritage assets which is not outweighed by sufficient public benefits, and is therefore considered unacceptable in design terms. The proposal is contrary to policies D1, D4 and HC1 of London Plan (2021) CS8 and CS9 of Islington Core Strategy (2011), DM2.1 and DM2.3 of Development Management Policies (2013) and Islington Urban Design Guide (2017) and Highgate Hill/Hornsey Lane Conservation Area Design Guidelines.

9.43 The previously refused scheme was for the following development:

Erection of 6 no. three storey self-contained dwellinghouses (C3) (5no. 3-bed units and 1no. 2-bed unit), with associated roof terraces and other alterations (following demolition of the external terrace and removal of the public car park adjacent to the existing public house) and construction of a single storey extension to south elevation to provide additional WC facilities for the premises at 90 Highgate Hill



Image 11: Proposed Front Elevation from refused scheme (Ref. P2021/3101/FUL)

9.44 The concluding paragraphs (89 and 90) of the Council's delegated report are set out below:

89. It is acknowledged that the design of the proposed building, in terms of its materiality and general main front elevation articulation including its fenestration details would be acceptable, and is in keeping with the visual appearance of the wider streetscene. The design offers a modern and contemporary finish that while contrasting with its immediate context does not detract from it. However, it is also important to consider the overall scale of the proposal and its relationship with the neighbouring properties and the shallowness of the site and close boundaries. It is acknowledged that the height of the proposal is similar to that of the adjacent terrace and public house, however, the overall rearward depth, excessive footprint and bulk and form is considered to offer little visual relief or articulation, and appears cramped into the site, failing to adequately address the tightness and constraints of the site as a whole. Therefore, while the principle of introducing contemporary designed buildings to the site is considered to be acceptable, the distinct lack of relief and openness towards the side and rear of the site result in the development appearing overly cramped and dominant within the tight site and would introduce a dominant and poor visual feature to the site as a result of this deficiency. The overall rearward depth, footprint and massing overall are proposed to be excessive and relate poorly to the existing site forming a dominant and cramped form of development in this case.

90. It is considered that the proposal would result in harm to the visual appearance and historic character of the setting of the heritage assets including the locally listed public house and the statutory listed buildings in the surrounding area and the wider Highgate Hill/Hornsey Lane Conservation Area. Whilst it is acknowledged that the proposal would result in less than substantial harm, insufficient public benefits are proposed to outweigh this harm.

9.45 In order to address the Council's design concerns with the previous scheme and this design reason for refusal, there have been a number of changes to the proposal. The main changes include the reduction in the number of units (from 6 to 5 houses), the design of each of the

houses, the retention of part of the existing roof terrace (including the reconfiguration of single storey WC block), and the inclusion of dedicated cycle storage.

Assessment of significance

- 9.46 As noted in the original assessment, the existing single storey garage below the pub terrace, and the long hard surface street facing car park, actively detract from the visual amenity of the Highgate Hill/Hornsey Lane Conservation Area and the significant heritage assets that are in close proximity to the site, particularly the landmark building immediately opposite the site, the Grade II* St Joseph's Church and retreat.



Image 12 and 13: Photographs of existing terrace and car park

- 9.47 As such, and notwithstanding the other material considerations, in design terms and the impact on the setting of these heritage assets, the principle of the proposed development is welcomed subject to achieving high quality design.
- 9.48 Paragraphs 5.141 to 5.144 of the UDG provides advice in relation to side extensions and end of terrace infill. It advises that *Side extensions and end of terrace infill development can have a significant impact on the character of an area and its local distinctiveness. Height, scale, proportions, elevational treatment, materials as well as impact on neighbouring amenity need to be carefully considered.*
- 9.49 Given Highgate Hill is characterised in part by three storey terraced properties, which are located immediately adjacent to the site the advice found within paragraph 5.144 of the UDG is most relevant. It states the following:

Two approaches that can satisfactorily respond to the character of Victorian/Edwardian terraced streets are:

- A building that is designed so that it appears as part of an existing front wall that connects the two terraces, but nevertheless separate from the terraced buildings. The height of the new building should not rise appreciably higher than the existing wall because it will otherwise cease to fit within its context.*
- A full height building that follows the existing scale, proportions, roofline and building line of the adjacent street frontage. The acceptability of this approach will depend on the extent of the gap in the terrace and, where the gap is at the end of a terrace, the significance of the end gap to the character of the area. In practice, land ownership and site constraints often make this solution difficult to achieve. Where a building proposal fails to respond to the scale and proportions of the existing terrace, it is unlikely to be acceptable. This will be the case if its height and width are different from the existing terrace buildings.*

- 9.50 Paragraph 30.7 of the CADG advises that *new development should conform to the height, scale and proportions of existing buildings and should use traditional materials.*

- 9.51 As with the refused scheme, the proposal would result in a row of terraced properties which are three storeys in height. As with the refused scheme, the design includes a row of terraced houses which are a maximum of three storeys in height, which include private amenity area above the two storey element of the buildings. The footprint of the development has been reduced with a greater setback from the south elevation of the pub. However, due to the reduction in the number of houses, the width of each unit has been increased.



Image 14: Proposed Front Elevation

- 9.52 There has been a number of changes to the scale of the development from the refused scheme, the three storey element, has been altered so it is located towards the north of each house, with roof terrace area to the south above the two storey part of the building.
- 9.53 It is considered that Highgate Hill provides a long historic route connecting the centre of London to the north. It is also a heavily trafficked artery lined by some substantial buildings as befits the scale and function of the road. The site originally accommodated a 2 – 4 storey Georgian terrace that was positioned hard up to the pavement edge.
- 9.54 As such, a two to three storey development as proposed is considered acceptable and proportionate in relation to the scale and function of the street and its existing and historic built form. A lower development at, for example, two storeys, could read as a harmfully incongruous element being of too small a scale relative to the larger scale characteristics, including heights, of the street. This consideration and characteristic accords with the advice within Para 5.20 of the Islington's UDG which encourages new development to achieve an appropriate height to width relationship between the building frontage and the street.
- 9.55 A key streetscape objective goes on to state that:
- “Development should maintain an appropriate height to width ratio between the buildings and the street they flank”.* (Ref page 37 of UDG)
- 9.56 The proposal, which includes a part three storey (maximum height of 8.6m above ground floor level) part two storey (maximum height of 7.4m including 1.5m balustrades) is considered to be of an appropriate scale, given the existing and historical context of the site.
- 9.57 Paragraphs 5.34 to 5.40 of the UDG provides advice in terms of the building line. In terms of the building line. It advises (para. 5.34) that *the most successful streets and places are normally well defined by a consistent building line that delivers:*
- *A sense of enclosure.*
 - *Coherent architectural identity and local distinctiveness.*
 - *Occasional gaps that provide light to the rear of the property but that are secured within the private realm.*

9.58 The UDG provides further advice that *in all cases, the building line should avoid creating:*

- *Blank flank walls.*
- *Corners and recesses that offer concealment opportunities.*
- *Set-backs that divorce buildings from their street context.*
- *Projections that draw unwarranted attention, undermine sight lines and narrow the footway.*
- *Gaps that expose land and structures behind that were not designed to have a public frontage.*

9.59 The image below shows the proposed ground floor. The proposal includes a low level boundary wall along the street frontage, which matches the alignment of the front elevation of the adjacent roof terrace and pub. The three storey element of each of the houses would be set back from the wall, with remaining part of this elevation being setback further creating a recessed front garden area to the street frontage. The proposed cycle storage would also align with the front wall, positioned adjacent to the pub roof terrace. The three storey element of each of the houses, would be set forward of the adjacent terrace along Highgate Hill to the south. However, due to the varied building line the recessed part of the front elevation would be setback from these properties.

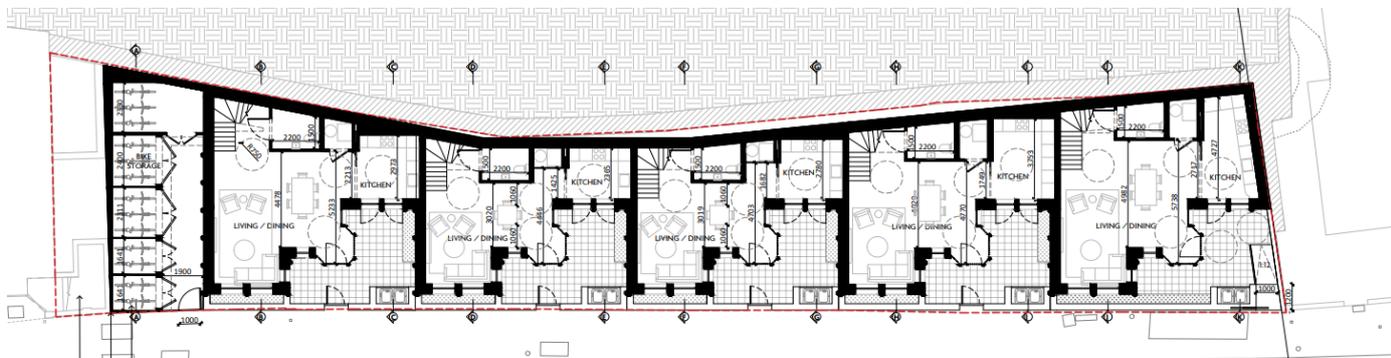


Image 15: Proposed Ground Floor

9.60 The proposed building line is considered to be in keeping with the pattern of development along this section of Highgate Hill. Whilst it is acknowledged the building line would project forward of the adjacent terrace to the south of Highgate Hill, this is only a small part of house, with each of the houses have a recessed area. It is considered that the design of the building line would enable the proposal to integrate with the differing building lines along the streetscene. It is considered that this ensures that each terraced house is stepped back from the pavement edge to create a generous front garden whilst providing a buffer from the pavement. This form and footprint also creates a lively interface with the street edge. The relationship between the host and adjacent buildings is strengthened through the additional of new front boundary walls.

9.61 Paragraphs 5.89 to 5.111 of the UDG provide advice in relation to elevation treatment. It (para. 5.90) advises that *to deliver a successful strategy, consideration needs to be given to a range of detailed design elements including:*

- *Defining the roofline.*
- *Treatment of the ground floor.*
- *Appropriate articulation of fenestration.*
- *Passive design principles such as solar shading.*
- *Choice of materials/detailing*

9.62 Paragraph 5.90 of the UDG advises that *windows are a key component of the façade that help define a building's character and their arrangement is an important element in breaking down the scale of building frontages. Care needs to be taken to ensure that the windows are of an appropriate scale to the façade and that windows in the façade have some relationship*

with each other. Key to this is identifying the appropriate shape, position and size of the windows.



Image 16: Proposed CGI visuals showing proposed development

- 9.63 As shown in the proposed CGI visuals and elevations, the proposed fenestration would have a strong vertical emphasis with floor to ceiling windows. The recessed elevation of the two storey element has a bay window. Whilst it is acknowledged that the fenestration pattern, as well as the overall design, does not replicate the rest of the terrace exactly, the use of bay window references these features of the neighbouring properties.



Image 17: Photograph showing existing streetscene

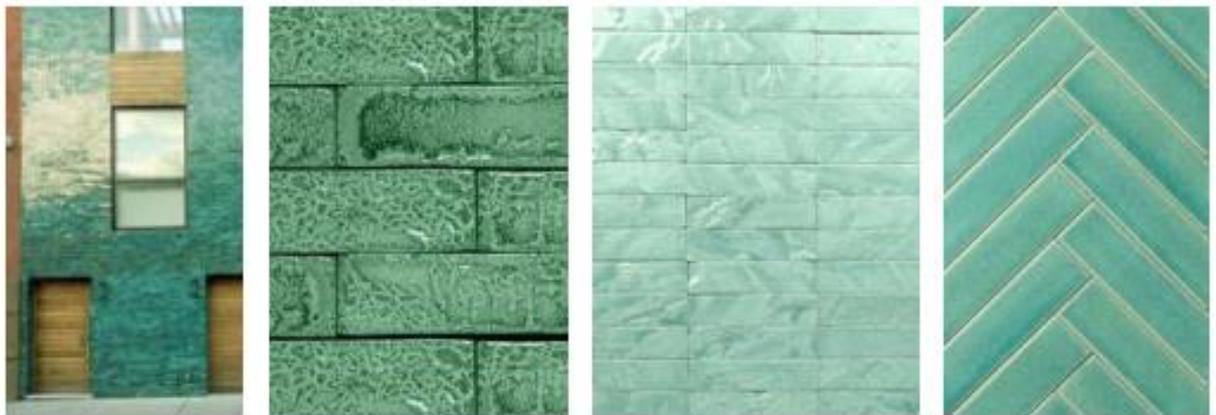
- 9.64 The overall architectural treatment is considered to be of a suitably high standard with a pronounced rhythm and a fine balance of void to solid ratio that, combined with the richness of the materiality, creates a suitably strong but respectful edge to this important street. The design is considered to be a contemporary architectural approach rather a pastiche response. It is considered that this respects and reflects the tradition of the insertion of innovative high quality 20th century terraced housing that is evidenced throughout Highgate.

The addition of a good quality 21st century terrace would add to the richness of the visual appearance and historic character of the area.

- 9.65 The proposed terrace of houses is considered to be designed so as not to compete with the adjacent heritage assets as reflected in its scale, rhythm and configuration. Rather, it presents as a fine residential terraced typology and form – completely distinct from the architecture and form of the pub to the north and the ecclesiastical buildings of St Joseph’s complex to the west.
- 9.66 It is considered that the stepped form and roof line is a successful architectural element which, combined with the vertical rhythms throughout, enables individual homes to be clearly read within an overall terraced composition, echoing the Victorian terraces immediately to its south.
- 9.67 The fenestration patterning and the use of the ‘turrets’ adds to the successful terraced rhythm of the scheme, while also relating to the larger and elaborate terraces to the south.
- 9.68 In terms of materials paragraphs 5.111 to 5.128 of the UDG provides advice. In particular it advises that *the choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular. Any new building should have a harmonious visual relationship with its neighbours; consistency and continuity are important. The proposed palette of materials should not jar, inappropriately draw the eye, or otherwise undermine the local character or distinctiveness of the area.* Whereas the CADG (para. 30.8) advises *any new buildings will be expected to use traditional materials, such as stock brick, red brick and stone dressings, stucco moulded window surrounds, timber windows and doors, and slate or tile roofs.*
- 9.69 The applicant’s supporting documents make reference to combining high quality traditional materials, specifically the dominant use of a red-brown brick, highlighted with horizontal bands of darker brick soldier courses and protruding stretcher courses, which is used for the majority of the proposed houses, with contrasting ceramic cladding for the southeast elevation at second floor facing the roof terrace as well as the bay window, at ground and first. It is considered that such materiality directly references the local vernacular including its rich use and displays of decorative brickwork.



Two-toned brick facade references



Glazed cladding references

Image 18: Proposed materials

- 9.70 In keeping with the clay-based materiality of the bricks, a glazed cladding is proposed to the bay window elements, which is considered offer a 'relief' and contrast from the predominance of brick. This glazing is proposed to be coloured to match the colour of the copper roofs of the adjacent public house and St Joseph's Church opposite. The proposed use of materials and materiality which contribute to the high quality of the design, are considered to add a richness to the character of the terrace and to its sensitive heritage setting. A condition is recommended for the submission of the materials.
- 9.71 As noted above, each of the houses have a roof terrace at second floor level, facing west towards St Joseph's Church and Waterlow Park beyond. Paragraphs 5.171 to 5.173 of the UDG provides advice on roof terraces that *the main considerations should be:*
- *The scale and visual prominence.*
 - *The impact on the established townscape and architectural style.*
 - *The impact on neighbouring properties (overlooking and visual amenity).*
- 9.72 Notwithstanding that they provide private amenity space for future occupiers of the houses, the terraces create sizeable gaps and a pronounced rhythm stepping down the hill, which are considered to successfully animate the streetscape. Whilst further assessment is made in relation to the impact on neighbouring properties, in the Neighbouring Amenity section, it should be noted that to the rear, all roofs have been pitched to minimise overshadowing to the rear neighbours' gardens, which are set significantly higher than the site, and to soften the impact on outlook, they would also include green roofs. Also, a turret has been added to each house adding visual interest and maximising daylighting.

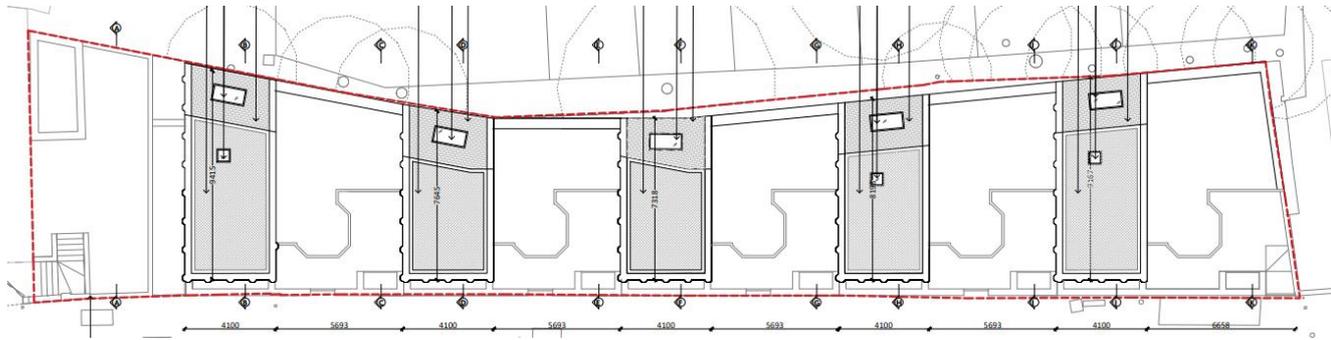


Image 19: Proposed Roof Plan

- 9.73 As with the impact on the amenity of the occupiers of the adjacent properties, the impact on the existing trees, including the three trees subject to Tree Preservation Orders, are assessed later within this report. However, the application includes information that demonstrates that they will be able to be retained and protected and their health and well-being maintained with only relatively minor pruning required to a few of the trees, with only one tree to be removed because it is likely to be unsound. The existing trees are therefore considered to remain as a visual buffer between the existing homes to the rear and the proposed development.
- 9.74 Overall, the proposal is considered to be of a design which would preserve the visual appearance and historic character of the setting for the adjacent heritage assets including the locally listed public house immediately to the north, the Grade II listed buildings facing onto Hornsey Road, and The Grade II* St Joseph's Church and Retreat opposite, as well as the wider Highgate Hill/Hornsey Lane Conservation Area.
- 9.75 As noted in the land use section above, the proposal would result in the reduction and reconfiguring of the existing terrace, including the repositioning of the existing WC block and repositioning of the fire escape stairs. The changes align with the approved changes within application (Ref. P2022/0438/FUL) in April 2022, including the WC block and fire escape changes, which were considered acceptable in design terms. Whilst it is acknowledged that the approved scheme retained the whole of the terrace, the changes proposed within this scheme are considered to be acceptable in design terms.
- 9.76 It is acknowledged that there is some loss of historic fabric to a segment of the front boundary wall to the locally listed public house to the north, as a result of the reduced and reconfigured roof terrace. This harm, which is considered to be less than substantial, is considered to be outweighed by the benefits of the scheme, including the removal of the unsightly car park (and off street parking), and the creation of good quality residential properties repairing an unsightly gap on the east side of Highgate Hill.
- 9.77 As such, the proposal is considered to be compliant with policies D1, D3 and HC1 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management (2013), and the design advice found within the Islington Urban Design Guide (2017) and Highgate Hill/Hornsey Lane Conservation Area Design Guidelines and acceptable in design terms.

Housing Mix and Standard of Accommodation

- 9.78 One of the reasons for refusal of the previous application related to the standard of accommodation with the reason outlined below:

REASON: The proposed development would result in a poor standard of residential accommodation to future occupiers. This is due to the lack of dual aspect, compromised outlook, enclosure and privacy levels to the main habitable spaces, overprovision and poor standard and mix of 3 bed family sized units and poor quality provision of private amenity space. Therefore, the proposal is contrary to policies DM3.4 and DM3.5 of Development Management Policies (2013).

- 9.79 In terms of the housing mix, Policy DM3.1 seeks to ensure developments provide a good mix of housing sizes to ensure the range of housing sizes needed in the borough is provided. The current housing size mix required for all major developments and to inform minor developments is set out in Table 3.1.

Table 3.1 Housing size mix required for each housing tenure

Tenure	1-bed	2-bed	3-bed	4-bed or more	Total
Market	10%	75%	15%	0%	100%
Intermediate	65%	35%	0%	0%	100%
Social Rented	0%	20%	30%	50%	100%

Image 20: Table showing required Housing mix from Development Management Policies (2013)

- 9.80 The proposal would result in 5 no. self-contained residential dwellings, being 3 no. 3 bedroom units (60%) and 2 no. 2 bedroom units (40%). This is in comparison to the refused scheme (Ref. P2021/3101/FUL) which was for 6 no. self-contained residential dwellings, being 5no. 3-bed units (83%) and a 1no. 2-bed unit (17%). This revised proposal, whilst not strictly according with the above mix, would reduce the proportion of 3-bed units, and increase the number and proportion of 2-bed units to be closer to the required mix. However, as noted in the Council's delegated report for the refused application *the acceptability of this housing mix is dependent upon the standard of accommodation, particularly given the constrained site.*
- 9.81 Policy DM3.4 seeks to ensure all new housing developments (including conversions, Changes of Use, Houses in Multiple Occupation, and sheltered housing) are required to provide accommodation that is of adequate size, with acceptable shape and layout of rooms (with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light).
- 9.82 The main concerns with the standard of accommodation in the refused scheme (Ref. P2021/3101/FUL) related to the lack of dual aspect, compromised outlook, enclosure and privacy levels to the main habitable spaces, overprovision and poor standard accommodation and poor quality provision of private amenity space, in addition to the mix of the housing.
- 9.83 Part B of this policy seeks to ensure all new residential developments, conversions and extensions are required to meet or exceed the minimum space standards set out in Table 3.2. Also Table 3.1 of the London Plan 2021 outlines the minimum floorspace requirements. The table below shows how the three storey dwellings compare to these requirements:

Proposed units

House no.	Unit size	Required size (sqm)	Provided size (sqm)	Required storage (sqm)	Provided storage (sqm)
1	3b/6p	108	135	3.0	5
2	2b/4p	83 (two storey)	103	2.5	5
3	2b/4p	83 (two storey)	108	2.5	5
4	3b/4p	90	128	3.0	6
5	3b/6p	108	142	3.0	6

Table 1: Size of units against minimum floorspace requirements

9.84 As shown in the table above, three of the proposed five dwellings, being the 3 bed units, would meet the minimum floorspace standards within Table 3.1 of the London Plan 2021, which is welcomed. Whilst House no's 2 and 3 would exceed the minimum floorspace requirements for 2 bed/4 person units as two storey dwellings, there is no minimum requirement for three storey 2 bed/4 person units, either within the Development Management Policies (2013), London Plan (2021) or National Described Space Standards. Notwithstanding this, a two storey 2 bed / 4 person unit is required to be 83 square metres and the proposal exceeds this. The refused scheme (Ref. P2021/3101/FUL) similarly was in compliance with these requirements, it is therefore important to consider the other elements in the assessment of the standard of accommodation.

Size of rooms

9.85 The proposed layout and size of the rooms is a good indicator on the quality of accommodation. The London Plan Housing SPG considers single bedrooms as 7.5sqm and double bedrooms as 11.5sqm and above. The proposal appears to generally conform to these standards. Any application demonstrates compliance with Table 3.3 below:

Table 3.3 London Housing SPG room standards

Room	Minimum width	Minimum area (m ²)
Main sitting area	2.8 metres in 2-3 person dwellings / 3.2m 4+ occupancy	~
Double / twin bedrooms	2.75 metres in most of the length of the room	12
Single bedrooms	~	8
Living / kitchen / dining	~	23 in 2 person dwellings + 2 per additional occupant

Image 21: showing required room size standards from Development Management Policies (2013)

9.86 The layout of the proposal includes the living/kitchen/dining areas at ground floor and bedrooms on the upper floors. All of the bedrooms and living areas meet the above requirements.

9.87 The layout of each of the flats has been altered in comparison to the refused scheme (Ref. P2021/3101/FUL). This is largely as a result of design changes to the front elevation of the buildings. The main differences relate to the building line and the width of the houses.

9.88 Officers raised concern in the refused scheme in terms of the separation of the entrance to each dwelling and relationship with the internal stair, and separation with the living/dining/kitchen areas, which was considered more akin to a corridor and not considered to significantly contribute to the overall living/kitchen floorspace. The main concerns with the layout of the refused scheme related to House no. 3 located to the central section, which is constrained due to the rear wall.

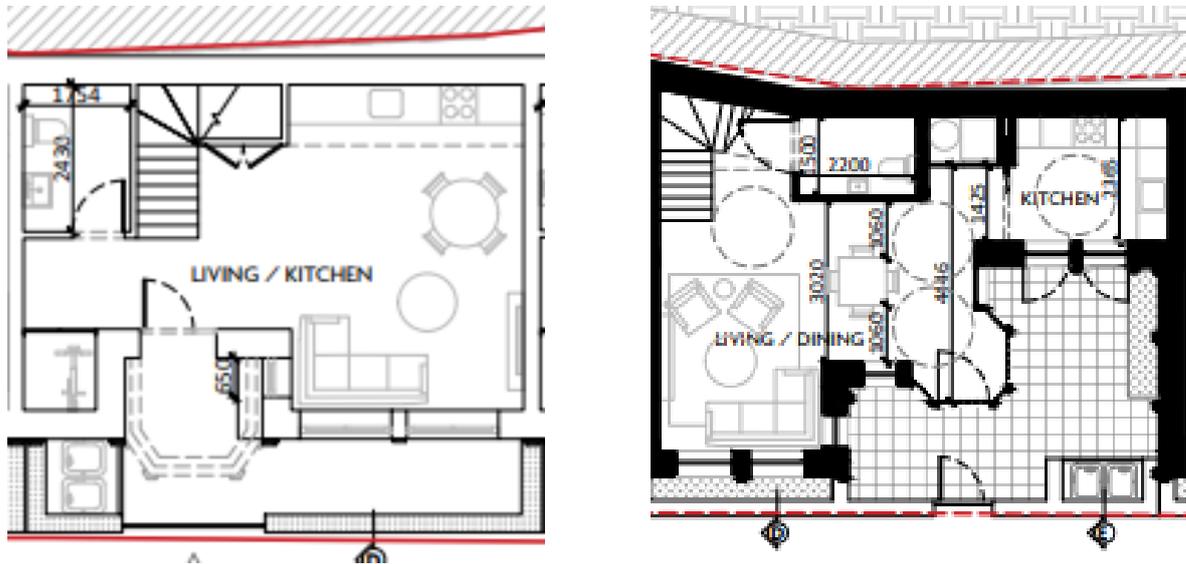


Image 22 and 23: Proposed Ground Floor for House 3 (left) from the refused scheme (Ref. P2021/3101/FUL) and House 2 within this scheme (right)

- 9.89 Due to the reduced number of units (from 6 to 5) the location of House no. 3 in the original scheme is now partially occupied by House no. 2, the comparison of the two layouts is shown above. It is acknowledged that it is difficult to compare the two units from each of these schemes as they are not located in the exact same position and have different layouts. The House no. 3 in the refused scheme was largely rectangular in shape, with a recessed entrance. Whereas House no. 2 in this revised scheme, the ground floor is an 'L-shape' with a projecting bay window with the central section.
- 9.90 While the refused scheme included one room living/kitchen area, the kitchen is in a separate room from a living/dining area. The revised layout no longer includes cycle storage being stored internally. The WC and internal staircase, whilst still located in the north east corner have been switched, with the WC rotated 90 degrees. The layout changes and reduction in the units have resulted in the maximum internal width of House no. 2, within this application, being increased to 9.5m from 8.2m in House no. 3 of the refused scheme. In addition, whilst the shape of the unit results in a recessed area, the depth of the main living area in House no. 2 is 6.2m (when measured from the bottom of the internal staircase), in comparison to 5.3m (when measured from the kitchen units) in House no. 3 in the refused scheme. In addition, the revised layout is considered to provide improved and more useable living areas for future occupiers of this unit. The other houses replicate this situation, in terms of increased width and depth, however, due to the shape of the rear wall they are not as constrained as House no. 2 in this revised proposal.
- 9.91 Part C of Policy DM3.4 seeks to ensure that:
- i) *In new housing development all habitable rooms, kitchens and bathrooms are required to have a minimum floor to ceiling height of 2.6 metres (between finished floor level and finished ceiling level).*
 - ii) *In residential conversions, including extensions, where the original ceiling height is maintained, a lower ceiling height may be acceptable where it can be demonstrated that overall a good standard of daylight, ventilation and useable floorspace can be provided.*
- 9.92 As the proposed new units would be part of a new build development, they are required to have a floor to ceiling height of 2.6m for all habitable rooms, which has been provided for habitable rooms for all 3 floors. It is acknowledged that due to the use of a sloping roof to the rear part of the second floor, there are areas where the floor to ceiling heights do not achieve 2.6m. However, this relates to an internal staircase and is therefore acceptable.

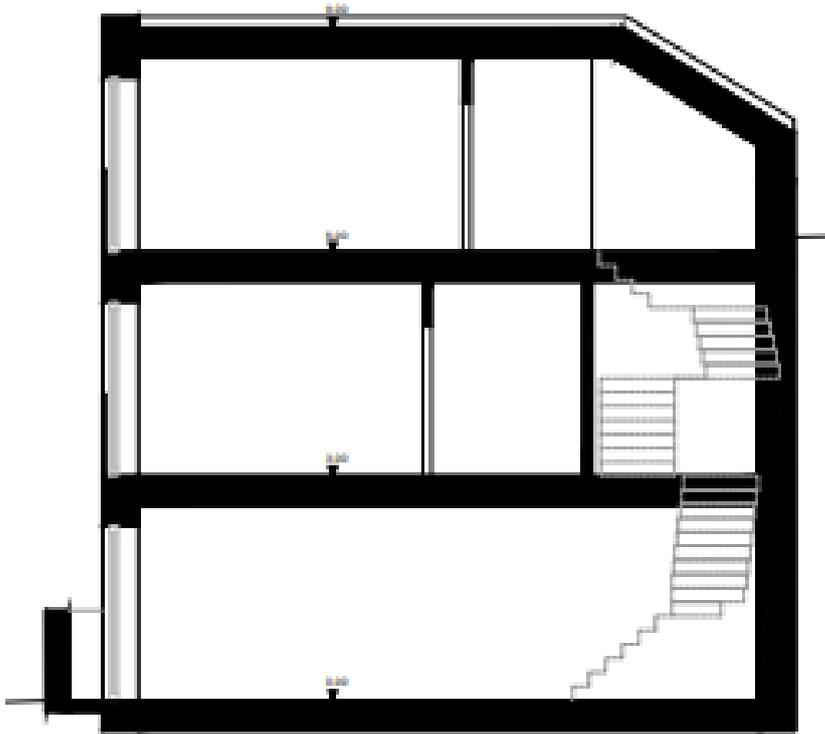


Image 24: Proposed Section

9.93 Parts D and E of this policy requires dual aspect and access to daylight and sunlight. In terms of daylight and sunlight, the previously refused application accompanied with an ADF study to assess the internal daylight/sunlight levels.

Dual aspect

9.94 Concerns were raised regarding the previously refused scheme in relation to the lack of genuine dual aspect. As noted above this amended scheme has been redesigned including a partially recessed front elevation, resulting in a projecting entrance and front courtyard.

9.95 These design changes have allowed for the main living/dining areas at ground floor, and the bedrooms located to the first and second floors to have a second aspect. Whereas some of the side elevation windows on the refused scheme were required to be obscure glazed to prevent overlooking between the units and neighbouring properties, the design changes mean that this would not be required in this instance. The outlook from the windows of the proposed houses is considered to be acceptable.

Internal Daylight and Sunlight

9.96 The BRE Guidelines provide advice in terms of assessing the internal daylight levels within proposed development. Paragraph 2.1.8 of the BRE Guidelines (2011) advises that *Daylight provision in new rooms may be checked using the average daylight factor (ADF). The ADF is a measure of the overall amount of daylight in a space. BS 8206-2 Code of practice for daylighting, recommends an ADF of 5% for a well daylit space and 2% for a partly daylit space. Below 2% the room will look dull and electric lighting is likely to be turned on.*

9.97 The BRE guidelines (2011) / British Standard (BS 8206 Part 2) sets the following recommended ADF levels for habitable room uses:

- 1% Bedroom
- 1.5% Living Room
- 2.0% Kitchens

- 9.98 It confirmed that whilst the majority of the rooms tested meet these minimum values described within the BRE Guidelines (2011) there are two rooms which fail to meet these requirements. This was identified to be the living/kitchen/dining room in House 1, at 1.5%, and House 2, at 1.8%, which as noted above is below 2% requirement for kitchens, which was considered to exacerbate the other concerns with the quality of accommodation.
- 9.99 As the revised proposal has changed the layout and number of dwellings, the document titled 'Internal Daylight Report' by Point 2 dated May 2022 was submitted to assess the ADF levels within the revised proposal. The report confirms that the main living areas within the proposed units, being the living/dining rooms, experience ADF levels of between 1.5% and 2.4%, which either meet or exceed the recommended minimum of 1.5% for living rooms. All of the bedrooms also exceed the minimum ADF levels.
- 9.100 The report confirms that 4 of the 5 kitchens within the proposed development meet the required 2% ADF levels. The only kitchen that doesn't meet the required level is within House no. 1 located to the north of the site, which achieves 1.5%. The main living area within this house, as well as the bedrooms were found to meet the required ADF levels.
- 9.101 Notwithstanding the above, following the publication of the updated BRE Guidelines (2022) which supersedes the 2011 version, the report titled 'Internal Daylight & Sunlight Report' by Point 2 dated August 2022 was submitted in support of the application. This report assessed the levels of daylight/sunlight in the proposed dwellings using the revised methodology.
- 9.102 In the new 2022 revision of the BRE guidelines, it states *for daylight provision in buildings, BS EN 17037 provides two methodologies. One is based on target illuminances from daylight to be achieved over specified fractions of the reference plane (a plane at table top height covering the room) for at least half of the daylight hours in a typical year. The other, alternative, method is based on calculating the daylight factors achieved over specified fractions of the reference plane.* These two methodologies are described as Illuminance method and Daylight factor method.

Illuminance Method

- 9.103 The BRE Guidelines states that *this method involves using climatic data for the location of the site (via the use of an appropriate, typical or average year, weather file within the software) to calculate the illuminance from daylight at each point on an assessment grid on the reference plane at an at least hourly interval for a typical year.*
- 9.104 It confirms that *a target illuminance (ET) should be achieved across at least half of the reference plane in a daylight space for at least half of the daylight hours. Another target illuminance (ETM) should also be achieved across 95% of the reference plane for at least half of the daylight hours; this is the minimum target illuminance to be achieved towards the back of the room.*

Daylight Factor Method

- 9.105 This method involves *the computation of the daylight factor at each calculation point on an assessment grid. The daylight factor is the illuminance at a point on the reference plane in a space, divided by the illuminance on an unobstructed horizontal surface outdoors. The CIE standard overcast sky is used, and the ratio is usually expressed as a percentage.*
- 9.106 Since the calculation uses an overcast sky model, the daylight factor is independent of orientation and location. In order to account for different climatic conditions at different locations, BS EN 17037 gives equivalent daylight factor targets for each capital city in Europe.
- 9.107 This contains advice and guidance on interior daylighting for all buildings across Europe but also has a UK National Annex which provides suggested targets for dwellings in the UK.

- 9.108 BS EN17037 supersedes BS 8206 Part 2 which was based on Average Daylight Factor (“ADF”) and is no longer recommended.
- 9.109 The Daylight factor methodology is based on target illuminances from daylight. This is the Daylight Illuminance (DI) to be achieved over half the area of the room (measured on a reference plane at tabletop level) for at least half of the daylight hours in a typical year. The calculations are based on weather data files which cover different regions of the UK.
- 9.110 The calculations are done for each hour of the day for every day of the year. There are 8760 hours in the year, of which 4380 are daylight hours, and therefore the targets should be achieved for 2190 hours in the year. The methodology uses a more accurate sky model which simulates the movement of the sun throughout the day and accounts for the weather conditions at the time. As a result, CBDM accounts for the presence of sunlight and therefore the orientation of the rooms/windows is accounted for. A south facing room is likely to have access to higher levels of natural light than a north facing room and as a result, a north facing room would typically need larger windows to comply.
- 9.111 The UK National Annex provides illuminance recommendations of:
- 100 Lux in bedrooms;
 - 150 Lux in living rooms; and
 - 200 Lux in kitchens.
- 9.112 These are median illuminances to be achieved over 50% of the assessment grid for at least half of the daylight hours.
- 9.113 The submitted report confirms that the Daylight factor method was used in the assessment and that a total of 23 rooms have been analysed to establish their respective daylight illuminance (Lux level) figures in the ‘as built’ position. This represents all habitable accommodation (living/dining rooms, kitchens, and bedrooms) across the ground, first and second floors within the proposed development.
- 9.114 The results show that 20 of the 23 rooms (87%) will achieve the respective target illuminance value appropriate for the rooms’ usage over at least 50% of the rooms area, with many of the rooms achieving significantly above the required minimum.
- 9.115 The 3 derogations are associated with House 1 (adjacent to the pub) where the living/dining room (room R1/500), kitchen (R2/500) and a first floor bedroom (R2/501) fall below the recommendations.

House 1 – Internal Daylight Assessment				
	Room Number	Room use/ Window Number	Target Lux levels	Achieved Lux levels
Ground Floor	R1	Living/Dining 500	150	110.8
	R2	Kitchen 500	200	111.9
First Floor	R2	Bedroom 501	100	77.6

Table 2: Table showing Internal Daylight Assessment for House 1

9.117 As shown in the table above, at ground floor the main habitable room (the living/dining room) at 111 lux would fail to meet the target of 150 lux, and the kitchen at ground floor would also fail to meet the target lux levels of 200 lux at 111.9 lux. At first floor one of the bedrooms would fail to achieve the target lux levels (100 lux) at 77.6 lux. In order to assess the acceptability of these transgressions it is important to understand the level of illuminance within these rooms which is provided within Appendix 1 of the associated report, which are shown below.

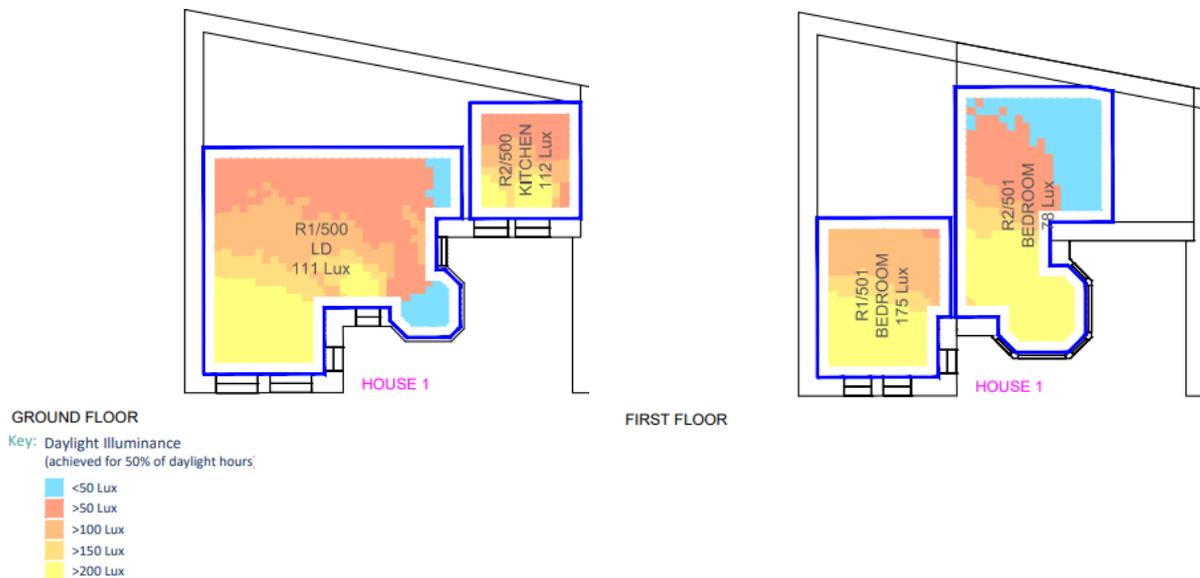


Image 25: Internal Daylight Assessment Map for House 1

9.118 As shown in the image above future occupiers of the ground floor would experience varying lux levels within the living/dining room and kitchen, experiencing 200 lux levels or more adjacent to the bay window for the living/dining room and adjacent to the window in the kitchen. The lux levels would generally reduce towards the rear of these rooms, with the only areas experiencing less than 50 lux being located within the entrance lobby and adjacent to the connecting door between the living room and kitchen.

9.119 The image above shows that illuminance at first floor would result in the smaller bedroom, towards the front achieving the target lux levels, but that the larger bedroom would have areas towards the rear having lux levels below 50 lux. Whilst it is acknowledged that the three rooms within House 1 would not achieve the target levels, the main living/dining room and bedroom is both large and very deep. However, it is considered reasonable daylight would still penetrate to the rear of these room, and some of these areas relate to circulation areas. All three of the rooms would have a significant portion where occupiers would achieve 200 lux or more. Overall, whilst it is acknowledged that these rooms would not fully comply with the current BRE Guidelines (2022), the main living/dining area in House 1 meets the superseded ADF requirements in the BRE Guidelines (2011). Whilst the lack of full compliance with the internal daylight levels in BRE Guidelines (2022) counts against the scheme, on balance, it is considered acceptable.

9.120 Overall, whilst it is acknowledged that there are 3 rooms within House 1 which do not meet the internal daylight levels in BRE Guidelines (2022) the main living/ding area in this house would meet the ADF BRE Guidelines (2011) criteria. In addition, the design changes are considered to overcome the Council's previous concerns in terms of the standard of accommodation, including providing acceptable levels of outlook, dual aspect as well as providing units which meet the internal space requirements.

Private Amenity Space

9.121 Policy DM3.5A seeks to ensure *all new residential development and conversions will be required to provide good quality private outdoor space in the form of gardens, balconies, roof*

terraces and/or glazed ventilated winter gardens. Part C of this policy advises that the minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above).

- 9.122 All of the units would benefit from private outdoor space in the form of a garden at ground floor within a recess front garden, and roof terrace at second floor level. The table below shows how the proposal compares to the minimum requirements:

Proposed units

House no.	Unit size	Required size (sqm)	Provided size (sqm)
1	3b/6p	30	52
2	2b/4p	25	46
3	2b/4p	25	48
4	3b/4p	30	54
5	3b/6p	30	61

Table 3: Table showing private amenity space provision

- 9.123 As shown in the table above, all units in pure quantum terms would provide sufficient private outdoor space, which would be an improvement on the refused scheme. However, when considering the space, inclusive of the ground and second floor, it is also important to consider the quality of the outdoor space, particularly given the busy nature of the public highway of Highgate Hill. Concerns were raised with the quality of the ground floor private amenity space within the refused scheme, due to the close proximity of users of these areas with the public highway and pedestrian the amenity space, which was unlikely to be used nor could it be considered to be truly private.
- 9.124 The previous assessment confirmed that the Council prioritises private outdoor space for family sized units. It was considered that the ground floor amenity space is of paramount importance being directly accessed from the units main living space. In the refused scheme the quality and functionality of these spaces was considered to be compromised being in use as a main access way, storage of bins and facing directly onto a busy road and footpath all of which undermines the quality, privacy and functionality of these spaces for future families. The upper floor terraces in the refused scheme were considered to be less conducive to family use being accessed off bedrooms and not living spaces whilst also facing to the front of the property onto a very busy and heavily trafficked road with noise and pollution issues that further erodes the quality and functionality of these spaces.
- 9.125 This revised scheme has redesigned the entrance to the units so they each have a recessed area at ground floor to each of the units, as well as a roof top terrace. Whilst the main differences, apart from the overall increase in total amount of private amenity space generally, is the improved private amenity space at ground floor. As shown in the table below all of the units would have at least 20 sqm of private amenity space at this level, due to the changes to the front elevation of each house. The quality of this space is considered to be improved in comparison to the refused scheme, with future occupiers being set away from the public highway. Whilst it is acknowledged the size of the ground floor space in itself would not meet the requirements of Policy DM3.5C for the sized units, the 3-bed units would only be a maximum of 10sqm deficient, and the 2-bed units a maximum of 5 sqm deficient.

House no.	Unit size	Ground Floor (sqm)	Roof top (sqm)
1	3b/6p	20	32
2	2b/4p	20	26
3	2b/4p	20	28
4	3b/4p	20	34
5	3b/6p	24	37

Table 4: Table showing location of private amenity space

- 9.126 Notwithstanding the above, the proposed rooftop terrace would meet the minimum requirements for each of the houses. Whilst the proposal would include a bedroom at this level, rather than living areas, which was raised as a concern in the refused scheme, given the improved ground floor provision, as well as the design changes to the proposal, the overall private amenity space for each unit is considered to be significantly improved and acceptable. Therefore, the proposal is considered to meet the requirements of Policy DM3.5 not only in purely quantitative assessments, but in terms of the quality of the space.
- 9.127 Whilst discussed further in the Neighbouring Amenity section, in accordance with Policy D13 of the London Plan (2021) in terms of the Agent-of-Change principle to protect the long term viability of the pub and future occupiers of the proposed houses, the Council's Environmental Health Pollution Officer has recommended that a condition is attached to any approval for an external amenity area noise assessment following the guidelines of ProPG and a scheme to minimise the noise impacts upon the residential 2nd floor terrace areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the superstructure of the development.
- 9.128 The Council's Environment Health Pollution Officer has advised that this assessment should address noise from external sources (principally road traffic and the operation of the pub) along with any proposed ASHPs to service the residential units and show how these noise levels are reduced as low as practicable, including details of a scheme of sound insulation and noise control measures, which should be implemented prior to the first occupation of the proposed houses. In addition, the Council's Environmental Health Officer has recommended conditions relating to details for internal sound insulation and noise mitigation measures to protect future occupiers of the proposed units to be submitted prior to any superstructure commencing and implemented prior to the first occupation to achieve the following internal noise targets:
- Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)
 - Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour
 - Dining rooms (07.00 -23.00 hrs) 40 dB LAeq, 16 hour
- 9.129 The above measures as well as the changes to the refused scheme are considered sufficient to ensure that the proposal would provide an acceptable standard of accommodation for future occupiers of the proposed houses, and the use of the private amenity spaces.

Conclusion

- 9.130 Overall, the proposal represents a significant improvement on the refused scheme. The revised scheme results in a reduction in the number of units (from 6 to 5) resulting in an improved housing mix. Whilst it is acknowledged that there are deficiencies in terms of meeting the target BRE Guidelines (2022) in terms of internal daylight levels, this is restricted to 3 rooms in House 1, and on balance, it is considered that the reduction in number of units in combination with design changes, would provide future occupiers with an acceptable standard of accommodation providing dual aspect, acceptable levels of outlook and private amenity space. It is also considered to overcome the Council's concerns with the previous

scheme in terms of the sense of enclosure and privacy for future occupiers. Therefore, the proposal is considered to be compliant with policies D6 and D13 of London Plan (2021) and policies DM3.4 and DM3.5 of Development Management Policies (2013) and acceptable in this regard.

Accessibility and Fire Safety

- 9.131 Policy DM2.2 seeks to ensure developments demonstrate that they provide for ease of and versatility in use. The Council's Inclusive Design Officer reviewed the proposal and raised several questions and requested some revisions to the internal layout, including improved accessible cycle storage. The layouts provide the potential to expand under-stair storage space to accommodate electric mobility scooters or cycle buggies. In addition, soft spots for potential future passenger lifts have also been incorporated. Following the submission of additional information and revised which addressed these issues the Council's Inclusive Design Officer has confirmed that they have no objections to the proposal.
- 9.132 Policy D12 of the London Plan (2021) seeks to ensure 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 and ensure that they:*
- 1) *identify suitably positioned unobstructed outside space:*
 - a) *for fire appliances to be positioned on*
 - b) *appropriate for use as an evacuation assembly point*
 - 2) *are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*
 - 3) *are constructed in an appropriate way to minimise the risk of fire spread*
 - 4) *provide suitable and convenient means of escape, and associated evacuation strategy for all building users*
 - 5) *develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in.*
- 9.133 The original application included the submission of the document titled 'Fire safety statement' prepared by Salus which confirmed that the fire safety design will follow the principles of Approved Document B Volume 1. The report also included details of the building construction method and products and materials used, the means of escape for all building users and evacuation strategy, passive and active fire safety measures, access and facilities for the fire and rescue service as well as details for the site access for the fire and rescue service.
- 9.134 Following a review of this information by the Council's Building Control Officer a number of questions were raised. Subsequently further information was submitted in the form of the document titled 'Fire Strategy Report' prepared by Magnus Opifex LTD, a Fire Statement and a letter from Salus as an Approved Inspector confirming that the information provided is considered to demonstrate reasonable compliance with the Building Regulations 2010, as amended, and is considered satisfactory subject to the usual design development following planning approval.
- 9.135 The submitted Fire Strategy Report provides further details in terms of addressing the Council's Building Control Officer comments, who was satisfied with the level of information at this stage.

Neighbouring Amenity

- 9.136 Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.

Daylight, Sunlight and Overshadowing

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

BRE Guidance: Daylight to existing buildings

- 9.141 The BRE Guidelines stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either:
- *The VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value;*
 - *The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."* (No Sky Line / Daylight Distribution).
- 9.142 At paragraph 2.2.7 of the BRE Guidelines (2022) it states: "*If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time."*
- 9.143 The BRE Guidelines (2022) state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 9.144 At paragraph 2.2.10 the BRE Guidelines state: "*Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside"*.
- 9.145 Paragraph 2.2.13 states: "*Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight."* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

- 9.146 The BRE Guidelines at Appendix F give advice on setting alternative target values for access to skylight and sunlight. Appendix F states that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”*.
- 9.147 The BRE Guidelines (2022) state in relation to sunlight at paragraph 3.2.13: *“If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected”*.
- 9.148 *This will be the case if the centre of the window:*
- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours during the winter months between 21 September and 21 March and;*
 - *Receives less than 0.8 times its former sunlight hours during either period and;*
 - *Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.*
- 9.149 The BRE Guidelines state at paragraph 3.1.6 in relation to orientation: *“A south-facing window will, in general, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”*
- 9.150 The guidelines go on to state (paragraph 3.2.3): *“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun”*
- 9.151 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Overshadowing

- 9.152 The BRE Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains.
- 9.153 At paragraph 3.3.17 it states: *“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”*

Assessment

- 9.154 The applicant initially submitted report Internal Daylight Report prepared by Point 2 dated May 2022. The report and appendices considers the impacts of the proposed development on the residential neighbours in accordance with the 2011 Building Research Establishment (BRE) guidelines. Following the submission of the application the 2011 Building Research Establishment (BRE) guidelines has been superseded by the 2022 Building Research Establishment (BRE) guidelines.
- 9.155 Whilst the revised BRE Guidelines includes a number of changes, the 2022 version retains the assessment methodology in terms of the daylight/sunlight impact on neighbouring properties as the 2011 version.
- 9.156 In terms of the impact on Netherleigh Close to the rear, as required by the BRE Guidelines, section drawings were submitted showing a section through the proposed units and showing a 25-degree angle from the middle of the windows to the rear elevation. The section drawing drawings show that out of the five dwellings, four would pass this test, with House 2 being the failure (shown below).

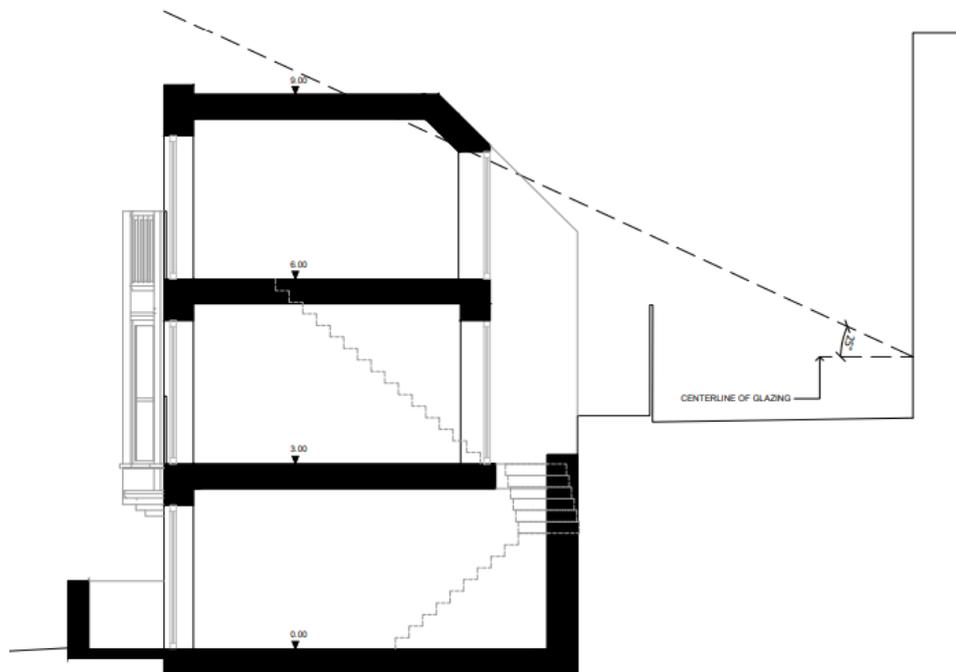


Image 26: Section drawing showing breach of 25-degree angle for House 2

- 9.157 The report confirms that the following properties were assessed:
- 5, 6, 7, 8, 9 & 10 Netherleigh Close
 - 78 Highgate Hill



Image 27: CGI visual from submitted Daylight/Sunlight Report

- 9.158 The report confirms that for no's 5 to 10 Netherleigh Close the applicant was not in possession of floor layouts for these properties, therefore layouts have been assumed from external observation. However, they have identified that for these terraced properties 24 windows serve 18 rooms material for assessment, each property is comprised of 2 ground floor windows serving an assumed reception room and 2 first floor windows assumed to serve 2 bedrooms
- 9.159 For no. 78 Highgate Hill the applicant has used plans obtained from the local authority planning portal to produce the layouts of this property which have been incorporated into our model. The house has been divided into flats; 2 windows approximately 1m from the site boundary are material for assessment. These windows are located on the ground and first floor and serve 2 small galley-type kitchens

Vertical Sky Component (VSC)

5 to 10 Netherleigh Close

- 9.160 The report confirms that all of the 24 windows would meet the BRE Guidelines with a VSC (Vertical Sky Component) higher than 27% or of at least 0.8 of the existing value. It confirms that reductions of VSC would be no greater than 7.18% (window W1/120 – 8 Netherleigh Close).

78 Highgate Hill

- 9.161 The plan of the property (below) identifies the two side facing kitchens, these kitchens are 7.2sqm (ground) and 6.2sqm (first). The DM Policies (2013) glossary defines a habitable room as *any room used or intended to be used for sleeping, cooking, living or eating purposes*. The report confirms that the first floor window would meet BRE Guidelines, but the ground floor window would fail BRE Guidelines in terms of VSC experiencing alterations of 32.89%.

78 Highgate Hill	VSC (Vertical Sky Component)
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	Room Number	Room use/ Window Number	Existing (%)	Proposed (%)	Percentage reduction (%)
Ground Floor	R1/100	Kitchen/ W1/100	23.93	16.06	32.89%

Table 5: Table showing VSC transgression

Daylight Distribution

9.163 Notwithstanding the above, it is also important to consider the impact on the occupiers in terms daylight distribution.

5 to 10 Netherleigh Close

9.164 The report confirms that all of the 24 windows would meet the BRE Guidelines in regard to Daylight Distribution.

78 Highgate Hill

9.165 The proposal would result in transgressions in terms of Daylight Distribution, with 1 of the 2 rooms failing to meet the NSL criteria, being the ground floor kitchen as identified in the table below:

78 Highgate Hill			No Sky Line (Daylight Distribution)		
	Room Number	Room use/ Window Number	Existing (sqft)	Proposed (sqft)	Percentage reduction in DD (%)
Ground Floor	R1/100	Kitchen/ W1/100	58.9	36.3	38.4%

Table 6: Table showing Daylight Distribution transgression

9.167 As noted above the assessment of the above needs to be considered in light of the refused application at the site (Ref. P2021/3101/FUL). Paragraph 128 of the Council's delegated report provided the following assessment:

The report confirms that there are 2 windows associated with 78 Highgate Hill which are material for assessment which are at ground and first floor and serve kitchens. Whilst the impacts on the first floor window is compliant with BRE Guidelines, VSC and NSL transgressions occur to ground floor kitchen window W1/100 serving a kitchen R1/100. The window experiences a reduction in VSC of 38.9%; and daylight distribution (NSL) at 38.2%. Whilst this transgression is regrettable and would be noticeable by occupiers it is not considered to warrant a refusal, given it relates to only one window/room, its restricted size and its use as a kitchen. However, it is considered to count against the scheme.

9.168 The submitted report confirms that the proposal would have a similar impact on the ground floor kitchen as the refused scheme (Ref. P2021/3101/FUL), with a reduced loss of 6% in terms of VSC levels, and increased loss in daylight distribution (NSL) of 0.2% in comparison of the previous scheme.

9.169 Given the similarities with the impact of the refused scheme, but noting an improvement, the same conclusions are still relevant. Therefore, as concluded previously whilst the transgression is regrettable and would be noticeable by occupiers it is not considered to warrant a refusal, given it relates to only one window/room, its restricted size and its use as a kitchen. However, it is considered to count against the scheme.

Sunlight

- 9.170 The report confirms that for the relevant windows assessed the proposal would meet the BRE Guidelines.

Overshadowing

- 9.171 The report confirms that the impacts to the amenity spaces of the 7 neighbouring properties are in accordance with the BRE guidelines. The amenity spaces will enjoy 2 hours of sunlight across 91.7% to 96.5% of the amenity space, thus they will all remain adequately sunlit throughout the year.
- 9.172 The daylight, sunlight and overshadowing analysis within the submitted report indicates that there will not be a significant impact on surrounding properties arising from the proposed development and is acceptable in this regard.

Loss of View and Outlook/Sense of Enclosure

- 9.173 Representations have been received that raise concerns about the loss of a view and loss of outlook, as well as a sense of enclosure. Whilst the loss of a view is not a material planning consideration in the assessment of the application, it is important to consider the potential loss of outlook and sense of enclosure to occupiers of neighbouring properties, particularly no's 5 to 10 Netherleigh Close and no. 78 Highate Hill.
- 9.174 The previously refused proposal was not considered to result in any significant loss of outlook or result in a sense of enclosure for occupiers of neighbouring properties, due to the separation distances from neighbouring properties and difference in levels. This revised scheme has a similar footprint being along the rear boundary wall, with the main changes being towards the front elevation, retaining a similar height being a three storey building.
- 9.175 It is acknowledged that the height of the proposal means that the occupiers of the properties located to the rear of the site, along Netherleigh Close (no's 5-10) are in close proximity to the rear upper floors of the proposed units, being 5m away at its closest point (House 2), and the top of the houses would be visible from the rear garden. However, the majority of the top floor is a roof terrace and the roof of the top floor has a pitch to the rear and incorporates a green roof to soften its appearance. It is considered that the proposal would not represent a loss of outlook or unacceptable sense of enclosure to these properties. The image below shows the CGI visual comparing the existing and proposed view of the proposal of the nearest house (House 2).

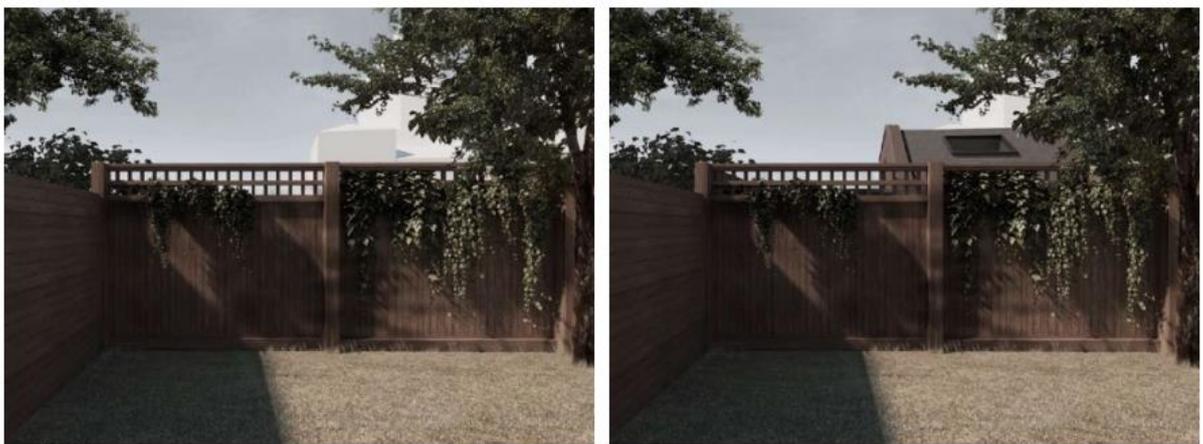


Image 28: CGI visual comparing existing and proposed view from rear garden along Netherleigh Close and showing House 2

- 9.176 The design of the proposal would ensure that there would not be a loss of outlook or unacceptable sense of enclosure to the occupiers of no. 78 Highgate Hill, given the separation distance and limited projection along the shared boundary.

Privacy/Overlooking

- 9.177 Paragraphs 2.14 of the Development Management Policies (2013) states 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.*
- 9.178 The windows to the front elevation would face across a public highway which is not considered to constitute overlooking. Due to the northwest side elevation of the proposed houses having no windows, it is considered that there are no overlooking issues between occupiers of the proposed houses or with the retained terrace at the pub. There is potential overlooking issues with the side elevation windows of the adjacent property to the southeast, no. 78 Highgate Hill, and from the roof top terrace associated with House 6 located adjacent. Therefore, a condition is recommended for details of balustrades along this elevation to prevent unacceptable overlooking.



Image 29: Photograph showing existing bus stop

- 9.179 As noted above, there are several residential properties to the rear of the site, along Netherleigh Close, within close proximity to the site. However, the only openings along this elevation are a single rooflight positioned to the rear roofslope of each of the houses, which is not considered to result in unacceptable overlooking due to the angle and position of the rooflight. It is acknowledged that the proposed roof terraces would be located alongside the roof level addition, and terraces have the potential to result in privacy issues to neighbouring properties. However, the height of the existing boundary treatment to the properties along Netherleigh Close together with the existing trees along this boundary is considered to ensure any views would be obscured. Furthermore, having amenity spaces backing onto one another is a typical residential arrangement within the area.

Noise

- 9.180 The application site includes an existing pub which is subject to a Premises Licence, therefore it is important to consider the noise impact of the proposed development on the existing pub in addition to residential properties.
- 9.181 The application was accompanied by the document titled 'Noise Assessment' which was produced by ALN Acoustic Design to assess the noise impacts of the development taking into the existing Premises Licence.
- 9.182 As noted in the Housing Mix and Standard of Accommodation section above, the Council's Environmental Health Pollution (Acoustic) Officer has reviewed the proposal and this report. In addition to the conditions relating to the submission of details for noise mitigation and noise insulation for future occupiers using the proposed roof terrace as well as the habitable rooms for the proposed units, the Pollution Officer has requested several additional conditions. These include restricting noise levels for the proposed plant equipment, ensuring that when measured or predicted at 1m from the facade of the nearest noise sensitive premises, they do not exceed a rating level of 42dBA.
- 9.183 In addition, the Pollution Officer has considered that given the constraints of the site, including its topography, being on yellow lines and with a bus stop immediately in front, in order to ensure the demolition of the existing structures and the construction of the development would not have a detrimental impact on the amenity of neighbouring properties, a condition is recommended for a Construction and Environmental Management Plan is submitted prior to the commencement of the development, including any demolition works. The Pollution Officer has noted that the application includes the document titled Outline Construction Logistics Plan by Paul Mew Associates which provides some information of the construction phase. However, this document does not have any reference to the Council's code of practice for construction sites, which would need to be followed within any submitted Construction and Environmental Management Plan.

Light Pollution

- 9.184 The proposal is for residential use, and it is not considered to result in any significant light pollution over and above the existing residential and commercial properties in the surrounding area.

Security

- 9.185 Representations have been made in terms of the security impact on the occupiers of neighbouring properties. Whilst it is considered that the introduction of residential units with natural surveillance of the area would improve the security of the area, in comparison to an existing vacant car park, a condition has been recommended for details of how the development achieves secured by design accreditation prior to the commencement of the development.

Conclusion on Amenity

- 9.186 Overall, the development proposed is not considered to adversely affect surrounding occupier's amenity in terms of loss of daylight/sunlight, outlook, sense of enclosure, noise, privacy or having an overbearing effect. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies.
- 9.187 Notwithstanding the above assessment, a number of concerns have been raised from occupiers of neighbouring properties regarding the submitted Daylight/Sunlight report. The concerns relate to the lack of a site visit, the accuracy of the drawings and the lack of an independent report.

- 9.188 The submitted report was carried out in accordance with the methodology required by the BRE Guidelines and is a desk-based assessment, therefore no site visits are required for this assessment. The Council is satisfied that the drawings accompanying the Daylight/Sunlight report are an accurate representation of the proposal and surrounding area.
- 9.189 The submitted Daylight/Sunlight was carried out by Point 2 Surveyors Ltd. The Council is satisfied that the report follows the BRE Guidelines criteria, and therefore an independent report is not required.

Affordable Housing

- 9.190 The Council formally adopted the Affordable Housing Small Sites Contributions SPD on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS12 Part G, which states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough. Copies of the Islington Core Strategy and Affordable Housing Small Sites Contributions SPD are available to view on the Council's website.
- 9.191 The applicant has confirmed their agreement to a contribution of £250,000 (£50,000 for each new residential unit proposed) towards the costs of providing affordable housing units on other sites within the borough.
- 9.192 In the event that the application was approved the Council would secure this payment by legal agreement. The proposal is considered acceptable in this regard.

Transport and Highways

- 9.193 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development with Part A stating the following:

Development 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. In order for developments to be considered acceptable they are required to:

- i. fully mitigate any adverse impacts upon the capacity of transport infrastructure, including pavements and other walking routes, cycle routes, public transport and roads;*
 - ii. have no negative impacts on the safe and efficient operation of transport infrastructure;*
 - iii. maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians, cyclists and public transport users;*
 - iv. provide equal access for all people, including inclusive access for disabled people;*
 - v. adequately address delivery, servicing and drop-off requirements, and*
 - vi. have no significant negative impacts from transport arrangements on the local and wider environment*
- 9.194 In the refused scheme (Ref. P2021/3101/FUL) whilst the Council's Highways Officer raised no objections to the loss of the existing car park, concerns were raised in relation to how the existing public house and proposed houses would be serviced, the cycle storage provision recommended that the development should be 'car free' and recommended that the existing vehicular crossing is removed.
- 9.195 Policy DM8.5A seeks to ensure developments for vehicle parking within the curtilage of existing residential properties will be refused. No provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair-accessible parking. In line with the Core Strategy, all additional homes will be car free. Unless exceptional circumstances can be demonstrated, no parking permits will be issued to occupiers of these new homes.

- 9.196 As such the Council expects that all new development be 'car-free' in accordance with policy CS10H (with the exception of car parking for disabled users). All planning permissions granted for the provision of residential accommodation are conditioned or secured by legal agreement to ensure 'car-free' development. In this instance, a legal agreement ensures the proposal would be 'car free'.
- 9.197 The provision of secure, sheltered and appropriately located cycle parking facilities (for staff, residents and visitors) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. Policy DM8.4 of the DMP seeks cycle parking provision that is greater than TfL requirements. The requirements are set out in Appendix 6 of that document. The minimum number of cycle parking spaces is 1 per bedroom for residential developments. Therefore, in this instance, storage for a minimum of 13 spaces would be required.
- 9.198 The cycle storage provision within the refused scheme included storage internally at ground floor within each of the houses, as well as a cycle storage area between House 1 and the pub. Apart from House 1 which provided storage for 2 cycles, the other 5 houses provided space for 1 cycle, with the main cycle storage area containing 8 wall hung pivoting cycle parking spaces. In addition to the Council Highway Officer, the Inclusive Design Officer also raised concerns with this provision.
- 9.199 This proposal has revised the cycle storage which would now be located only to the area between House 1 and the partially retained first floor pub roof terrace at ground floor level. This provision, which would be accessed from Highgate Hill, would include storage for 13 cycles, with a dedicated area for each house, with the storage for the 2-bed units being located towards the front and the 3-bed units to the rear. The layouts also provide the potential to expand under-stair storage space to accommodate electric mobility scooters or cycle buggies. The Council's Highways and Inclusive Design Officers have raised no objections to this provision. It is therefore recommended that this storage is secured by condition prior to the first occupation of the proposed units to ensure future occupiers would benefit from acceptable cycle storage.

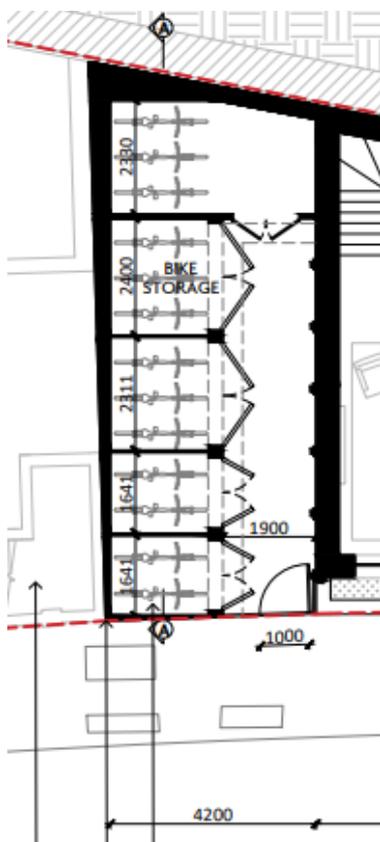
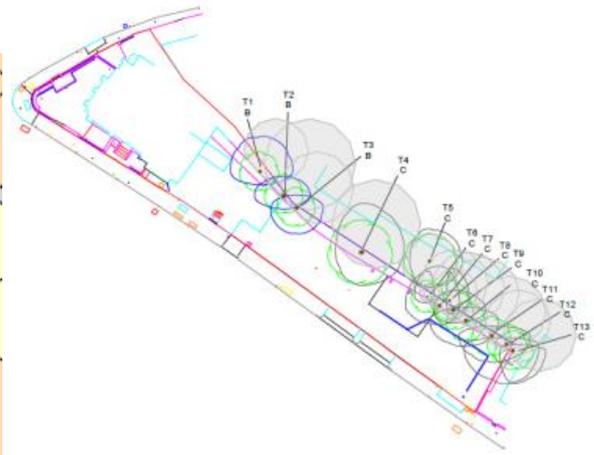


Image 30: Proposed cycle storage

- 9.200 The site is positioned immediately adjacent to an existing bus stop, which would be in front of House 5. As a result, Transport for London were consulted and raised a number of concerns including requesting that the footway and carriageway must not be blocked during the development to ensure the network can run smoothly, including any proposed temporary obstructions during construction. Also, that all vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions (discussed in land use section).
- 9.201 The revised scheme has included a number of further details in the supporting documents to address Transport for London's comments. Transport for London have confirmed that whilst these documents lack detail, the information satisfactorily addresses these comments, subject to a condition requiring full details of the impact on the public highway, the bus stop and pavement. It is therefore considered that the proposal is acceptable in this regard.
- 9.202 In response to the Council's Highways Officers concerns for the refused scheme, due to the lack of information on the servicing of the existing pub and proposed residential units, (explained in the Land Use section), this application includes the document titled 'Servicing Statement' prepared by Paul Mews Associates which details the existing and proposed servicing arrangements. The details of these arrangement is explained with the Land Use section of this report and the Council's Highways Officer is satisfied that the proposal overcomes the objections raised in the refused scheme in this regard.
- 9.203 The Council's Highways Officer requested that as the existing vehicular crossover, which provides access from the car park to the public highway of Highgate Hill, would be redundant following the completion of the development and therefore its removal should be secured in the event the application was approved. This request is secured by way of a legal agreement.
- 9.204 Overall, the proposal is considered to be acceptable in regard to the impact on the local highway network, subject to the recommended conditions and Heads of Terms within the local agreement.

Landscaping, trees and biodiversity

- 9.205 Policy DM6.5B seeks to ensure trees, shrubs and other vegetation of landscape and/or environmental significance must be considered holistically as part of the landscape plan. The following requirements shall be adhered to:
- i. Developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided.
 - ii. Developments within proximity of existing trees are required to provide protection from any damage during development. Where on-site re-provision is not possible, a financial contribution of the full cost of appropriate re-provision will be required. ii. The council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees
- 9.206 There are a number of trees within close proximity to the development, located immediately adjacent to the site, positioned between the rear elevation of the proposal and the rear gardens along Netherleigh Close. This includes three trees subject to Tree Preservation Orders, which are positioned adjacent to the rear boundary of these residential properties. However, all of the trees within proximity to the site are protected given their location within a conservation area.



Images 31 and 32: Plan showing location of trees subject to Tree Preservation Orders (left) and Tree Constraints Plan (right) from Tree Development Report

- 9.207 The report titled 'TREE DEVELOPMENT REPORT (BS5837:2012 ARBORICULTURAL IMPACT ASSESSMENT)' prepared by Connick Tree Consultants was submitted in support of the application. The Council's Tree Officer has reviewed the report and confirmed that the proposal would have an acceptable impact on the existing trees, providing the measures identified within the report are adhered to. A condition has been recommended to ensure these measures are implemented in full.
- 9.208 Concerns have been raised in representations in regard to the impact on trees and subsequent impact on nesting locations for birds including owls. The Council's Ecology Officer has raised no objections to the proposal and does not consider that the proposal would have a detrimental impact in this regard. In addition, the neighbour consultation responses include a request for swift nesting boxes to be incorporated within the approved development. A condition is recommended to install 2 no. nesting boxes within the development.
- 9.209 Part C of Policy DM6.5 seeks to ensure *developments maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. New-build developments, and all major applications, should use all available roof space for green roofs, subject to other planning considerations.* Part D of this policy seeks to ensure that the *design and operation of green roofs must maximise benefits for biodiversity, sustainable drainage and cooling. Green roofs are required to have a varied substrate depth of average 80-150mm, unless it can be demonstrated that this is not reasonably possible.*
- 9.210 The proposal would incorporate a green roof above the second floor part of the development, which is welcomed. A condition is recommended for the details and subsequent implementation of the proposed green roof to accord with the Council's requirements.
- 9.211 In addition, representations have raised objections to the proposal in relation to the potential increase in animals in the area including increased vermin. However, it is considered that the active use of the existing car park would likely result in the reduction, particularly given that acceptable levels of refuse and recycling would be provided..

Sustainability

- 9.212 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification.
- 9.213 The submitted document titled 'Energy Statement' prepared by MWL dated April 2022 was submitted in support of the application which provides an assessment of the proposal in regard to the sustainability measures that can be achieved. It confirms that the Energy

Hierarchy has been addressed incorporating a combination of all the feasible passive measures along with the use of the efficient individual air source heat pump systems. The report confirms that the proposal would achieve a reduction in CO2 emissions of 21.33% over the Part L 2013 of Building Regulations baseline by using the current SAP 2012 carbon factors and a reduction in CO2 emissions of 61.54% by using the new SAP 10 carbon factors

- 9.214 It confirms that this means that the development has complied with the planning target of a reduction in CO2 emissions of at least 19% over the Part L 2013 of Building Regulations baseline (equivalent to the energy performance standards of Code for Sustainable Homes level 4), both with using the current SAP 2012 carbon factors and the new SAP 10 carbon factors.
- 9.215 A condition has been recommended to secure the sustainability measures identified within the submitted report.
- 9.216 In addition, as outlined within the Planning Obligations (Section 106) SPD for minor new-build residential developments (1 to 9 units) the cost of the offset contribution is £1,500 per house. Therefore a £7,500 would be required which would be secured by legal agreement.

Refuse and Recycling

- 9.217 The Islington Street Services document titled 'Recycling and Refuse Storage Requirements' confirms that for residential developments storage capacity should comply with the Code for Sustainable Homes guidance, which is outlined in the table below.

Size of Unit	Total storage capacity required for Refuse and Recycling
One bedroom	200 litres
Two bedroom or more	A further 140 litres for each additional bedroom
Recycling - At least 50% of total storage capacity (calculated using the table above) must be allocated for recycling.	

Image 33: Storage requirements from Islington Street Services document titled 'Recycling and Refuse Storage Requirements'

- 9.218 Therefore, the proposed 2-bed units would require a total storage capacity of 340 litres, with the 3-bed units having capacity of 480 litres, with at least 50% of the total storage allocated for recycling. As noted in the submitted Design and Access Statement confirms that the refuse storage would be provided in the front garden of each house, which would have a capacity for a 240L recycling bin and a 240L refuse bin (total 480 litres) which is welcomed and would comply with the requirements. It confirms that future occupiers would be responsible for bringing waste to the kerb on the Council's allocated collection days, with Highgate Hill benefitting from weekly collections.
- 9.219 To ensure these arrangements are implemented in full, a condition is recommended ensuring details of this provision is provided prior to the first occupation of the proposed houses.
- 9.220 Concerns from occupiers of neighbouring properties that the proposal would result in increased refuse in the area. However, provided these details are implemented in full, it is considered that any increase in refuse in the surrounding area, as a result of the proposal, would have an acceptable impact on the area.

Other Matters

- 9.221 Representations have been received relating to concerns that the proposal would result in increased disputes with occupiers of neighbouring properties, a subsequent disharmony in the community, as well as concerns regarding Party Wall issues. These are not material planning considerations and therefore cannot be taken into consideration in the assessment of the application.

- 9.222 In terms of the concerns of risk of flooding raised by occupiers of the adjacent residential properties. Islington falls within Flood Zone 1 with an annual chance of fluvial flooding of less than 0.1% (1 in 1000). The NPPF requires a site-specific flood risk assessment (FRA) to be provided for sites of 1 hectare or greater in Flood Zone 1; and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding. Surface water flood risk is high in parts of Islington, a FRA is therefore required to be submitted for sites located in Local Flood Risk Zones (areas at greatest risk of surface water flooding)
- 9.223 Given the application site is less than 1 hectare, is not within a Local Flood Risk Zone, nor is the proposed development or results in a change of use to a more vulnerable class may be subject to other sources of flooding. Therefore, it is not considered to meet the requirements of the local validation list or the NPPF and the proposal is not considered result in increased flooding to the area to warrant the refusal of the application.
- 9.224 Representations have also commented that there are no dimensions on the drawings. The Council's local validation list requires drawings to be prepared to a recognised metric scale, with a scale bar, with existing and proposed ground levels shown for any extensions or new buildings, with the extent of the proposed demolition should be clearly hatched and shown on a separate set of drawings.
- 9.225 The submitted drawings are at a scale of 1:100, include a scale bar, and include the dimensions on the drawings of the ground floor level as well as the spot heights of each floor, including the roof, on the elevations. It is therefore considered that the drawings are acceptable and comply with the local validation list.

10.0 SUMMARY AND CONCLUSION

Summary

- 10.1 The principle of providing residential accommodation in this location is acceptable, given that the site is located adjacent to a row of residential properties. The principle of the loss of car parking is also supported. However, it is important to ensure the loss of the existing car park and partial loss of the existing terrace and its reconfiguration would not have detrimental impact on the long-term viability and function of the pub. The Council considers that the additional marketing evidence and servicing statement submitted in support of this application has addressed the land use reason for refusal of the previous scheme (Ref. P2021/3101/FUL) and would have an acceptable impact on the existing pub in land use terms. The proposal is therefore considered to be compliant with the relevant policies HC7 of London Plan (2021) and DM4.10 of Development Management Policies (2013).
- 10.2 The proposal is considered to be an appropriate scale for the site and would have a general design and proposed fenestration which are considered to pay special regard in terms of preserving the visual appearance and historic character of the setting of the heritage assets including the local listed pub, the surrounding listed buildings and Highgate Hill/Hornsey Road Conservation Area. A condition has been recommended for details of the proposed materials to ensure they are appropriate. The proposal is considered compliant with policies D4 and HC1 of the London Plan (2021), policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 and DM2.3 of Development Management Policies (2013) and advice found within the Islington Urban Design Guide (2017) and Highgate Hill/Hornsey Road Conservation Area Design Guidelines.
- 10.3 The proposed design changes are considered to ensure that the proposal would provide an acceptable housing mix, standard of accommodation and private amenity space for future occupiers, including accommodation of adequate size, with acceptable shape and layout of rooms with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light. It is therefore considered compliant with policies H6 of London Plan (2021) and DM3.1, DM3.4 and DM3.5 of Development Management Policies (2013).

- 10.4 The proposal is considered not to unacceptably impact the amenity of the occupiers of neighbouring properties in terms of loss of daylight/sunlight, outlook or privacy. The submitted Daylight/Sunlight report shows transgressions of the BRE Guidelines, in relation to Daylight Distribution levels to 1 room within the building no. 78 Highgate Hill at ground floor. However, it is not considered to warrant the refusal of the application given that it would be an improved situation in comparison to the refused application (Ref. P2021/3101/FUL) (which was not refused regarding its amenity impact), and the one window/room is restricted size and is in use as a kitchen. Conditions have been recommended in terms of sound insulation, noise mitigation and noise levels and the submission of a construction and environmental management plan, to protect the amenity of occupiers of neighbouring properties.
- 10.5 A number of conditions have been recommended in relation to ensuring the proposal would have an acceptable impact in regard to accessibility, trees, refuse/recycling, sustainability measures, and the public highway network, including for cycle storage and to prevent occupiers obtaining car parking permits, secured by a legal agreement, as well as Affordable Housing and carbon offsetting contributions.

Conclusion

- 10.6 The proposal is considered to be acceptable, and it is recommended that the application be approved subject to conditions and Heads of Terms within the legal agreement.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Contribution of £250,000 towards affordable housing within the borough
- Contribution of £7,500 towards carbon off-setting.
- Car Free Development.
- Removal of existing crossover following completion of the development

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

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

RECOMMENDATION B

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

List of Conditions:

1	IMPLEMENTATION PERIOD
	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
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: Energy Statement Rev.1.2 dated 08/04/2022 by MWL Ltd, Fluerets Letters dated 30 th June 2022 and 25 th August 2022, Salus Letter dated 09/09/2022, Fire statement form, FIRE STRATEGY REPORT Rev. 01 by Magnus Opifex Ltd dated 31/08/2022, INTERNAL DAYLIGHT REPORT/Rev.REL12DRAFT1 by Point 2 Ltd dated AUGUST 2022, DAYLIGHT AND SUNLIGHT REPORT VERSION: REL9&10 DRAFT2 by Point 2 Ltd dated May 2022, Design and Access Statement May 2022, ECONOMIC VIABILITY REPORT prepared by FLEURETS LTD dated May 2022, HERITAGE ASSESSMENT ADDENDUM REPORT dated May 2022, Noise Assessment

	<p>Report Reference: 536_R01B prepared by ALN Acoustic Design Ltd dated 5th May 2022, OUTLINE CONSTRUCTION LOGISTICS PLAN prepared by Paul Mew Associates dated May 2022, Planning Statement dated May 2022, Servicing Statement prepared by Paul Mew Associates dated May 2022, TREE DEVELOPMENT REPORT (BS5837:2012 ARBORICULTURAL IMPACT ASSESSMENT) prepared by Connick Tree Consultants 175199/PRO/Rev 3 dated 3rd May 2022,</p> <p>OS Plan, A100/P1, A110/P4, A111/P2, A112/P1, A113/P1, A114/P1, A115/P1, A210/P2, A211/P1, A212/P1, A213/P1, A310/P1, A311/P1, A312/P1, A313/P1, A314/P1, A315/P1, A316/P1, A317/P1, A318/P1, A319/P1, A320/P1, A321/P2 (Proposed Long House Section), A321/P1 (Proposed Pub Sections 1 & 2)</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	MATERIALS (Details):
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) window treatment (including sections and reveals); c) roofing materials; d) cladding; e) screening to pub terrace f) and any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
4	BOUNDARY TREATMENT (Details)
	<p>CONDITION: Notwithstanding the details shown on the hereby approved drawings, prior to the relevant parts commencing the details of the boundary treatment shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the approved development and retained thereafter into perpetuity.</p> <p>REASON: To preserve the visual appearance of the host building and wider area.</p>
5	REFUSE AND RECYCLING (Compliance)
	<p>CONDITION: The approved refuse / recycling enclosures shown on drawing no. A110/P3 and Chapter 4.0 of the Design and Statement dated May 2022 (with capacity for at least 340 litres for the 2-bed units and 480 litres for the 3-bed units) shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed with 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>
7	CYCLE STORAGE (Compliance)
	<p>CONDITION: The cycle storage area shown on drawing no. A110/P3 shall be provided prior to the first occupation of the development for a minimum of 13 no. cycles and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

8	BALUSTRADES (Details)
	<p>CONDITION: Prior to the relevant works commencing details of the balustrades for the approved roof terraces shown on drawing no. A112/P1 shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the hereby approved development.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
9	ENERGY STATEMENT (Compliance)
	<p>CONDITION: Prior to the first occupation the sustainability measures identified within the approved Energy Statement Rev.1.2 Produced by MWL dated 08/04/2022 (including achieving all the feasible passive measures, use of the efficient individual air source heat pump systems, a reduction in CO2 emissions of 21.33% over the Part L 2013 of Building Regulations, a reduction in CO2 emissions of at least 19% over the Part L 2013 of Building Regulations baseline, achieving regulated CO2 savings of 36.4% compared to a notional development) which shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity, unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development.</p>
10	Construction and Environmental Management Plan (Details)
	<p>CONDITION: Notwithstanding the details found within the document titled 'OUTLINE CONSTRUCTION LOGISTICS PLAN' dated May 2022, no excavation or demolition shall take place on site unless and until a revised Construction and Environmental Management Plan is submitted to and approved in writing by the Local Planning Authority. The CMP shall be prepared in accordance with Islington Council's Basement Development SPD (2016). The revised CMP which shall retain the approved information shall provide details in relation to the following matters and any other relevant information:</p> <ul style="list-style-type: none"> a) Full contact details of the site project manager responsible for day-to-day management of the works and dealing with any complaints from local residents and businesses b) Full contact details of the person responsible for community liaison and dealing with any complaints from local residents and businesses if different from the above c) Full contact details including the address where the main contractor accepts receipt of legal documents for the person responsible for the implementation of the CMP. d) The proposed start and end dates for each phase of construction as well as an overall programme timescale. (A Gantt chart with key tasks, durations and milestones) e) Confirmation of any proposed work which must be carried out outside of the standard working hours (such as abnormal loads, railway possessions etc) and how any overruns will be avoided f) Details of any changes to services that are required to be carried out that would be linked to the site during the works (i.e. connections to public utilities and/or statutory undertakers' plant) g) Details of a plan of existing or anticipated construction sites in the local area and please state how your CMP takes into consideration and mitigates the cumulative impacts of construction in the vicinity of the site h) The name of Principal contractor i) Details of other developments in the local area or on the route j) Details of any temporary structures which would overhang the public highway (e.g. scaffolding, gantries, cranes etc.) and details of hoarding requirements or any other occupation of the public highway k) Predictions for noise and vibration levels throughout the proposed works. l) Evidence that staff have been trained on BS 5228:2009+A1:2014 m) Confirmation that a Risk Assessment has been undertaken at planning application stage in line with the GLA policy. The Control of Dust and Emissions During Demolition and Construction 2014 (SPG), the risk level that has been identified, and that the appropriate measures within the GLA mitigation measures checklist have been applied.

	<p>n) Details of how the existing fire access from the rear of the commercial units along Upper Street would be maintained.</p> <p>The approved details shall be implemented in full and retained thereafter during the construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To protect the amenity of future occupiers and the local highway network.</p>
11	FIRE SAFETY (COMPLIANCE)
	<p>CONDITION: The hereby approved development shall in every aspect adhere to the submitted document titled 'FIRE STRATEGY REPORT' Rev. 01 by Magnus Opifex Ltd and Fire statement form and retained thereafter into perpetuity unless otherwise agreed in writing.</p> <p>REASON: To ensure safety of future occupiers of the development.</p>
12	BIRD BOXES
	<p>CONDITION: The hereby approved development shall include a minimum of 2 nesting bird boxes, which shall be retained thereafter into perpetuity.</p> <p>REASON: To increase biodiversity.</p>
13	EXTERNAL AMENITY NOISE ASSESSMENT (Details)
	<p>CONDITION: Prior to the relevant works commencing of the hereby approved external amenity area noise assessment to minimise the noise impacts upon the residential 2nd floor terrace areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall address noise from external sources (principally road traffic and the operation of the pub) along with any proposed ASHPs to service the residential units and to demonstrate how these noise levels shall be reduced as low as practicable. The scheme of sound insulation and noise control measures shall be implemented strictly in accordance with the details so approved prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the amenity of occupiers of neighbouring properties.</p>
14	NOISE LEVELS
	<p>CONDITION: The design and installation of the Air Source Heat Pump shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall not exceed a rating level of 42dBA. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within the Microgeneration Certification Scheme Planning Standards.</p> <p>REASON: To protect the amenity of occupiers of neighbouring properties.</p>
15	SOUND INSULATION AND NOISE CONTROL (Details)
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour Dining rooms (07.00 -23.00 hrs) 40 dB LAeq, 16 hour</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>

	REASON: To protect the amenity of future occupiers of the approved development
16	RESTRICTION OF PD RIGHTS (Compliance)
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modifications), no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved shall be carried out or constructed without express permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse.</p>
17	ACCESSIBILITY MEASURES
	<p>CONDITION: For the hereby approved development the accessibility measures shown on the approved drawings (A110/P3, A111/P1, A112) shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure accessible accommodation.</p>
18	TREE PROTECTION MEASURES
	<p>CONDITION: For the hereby approved development the tree protection measures identified with the report titled 'TREE DEVELOPMENT REPORT (BS5837:2012 ARBORICULTURAL IMPACT ASSESSMENT)' prepared by Connick Tree Consultants shall be implemented in full and retained throughout the construction period unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure the existing trees are protected during the construction phase of the development.</p>
19	BIODIVERSITY (GREEN/BROWN) ROOF (Details)
	<p>CONDITION: Details of the biodiversity (green/brown) roofs shown on drawing no. A113/P1 shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roofs shall be:</p> <ol style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan A113/P1 hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
20	SECURE BY DESIGN (DETAILS)
	<p>CONDITION: Prior to commencement of the development approved, details of how the development achieves Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interests of safety and security.</p>
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List of Informatives:

1	Car-Free Development –
	Car-Free Development. All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
2	Section 106
	INFORMATIVE: (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.
3	Superstructure
	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.
4	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. 5 Roof top plant The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application
5	Construction works
	Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficult in carrying out construction works other than within the hours stated above.
6	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 .
7	Nesting Birds and Bats
	Any tree works would need to be undertaken outside of bird and bat nesting season otherwise thorough checks for nests would need to be carried out.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

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

- Policy D1 London's form, character and capacity for growth
- Policy D4 Delivering good design
- Policy D5 Inclusive Design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D8 Public realm
- Policy D12 Fire safety
- Policy D13 Agent of change
- Policy D14 Noise
- Policy H2 Small sites
- Policy H4 Delivering affordable housing
- Policy HC1 Heritage conservation and growth
- Policy T5 Cycling
- Policy T6 Car parking

B) Islington Core Strategy 2011

- Policy CS8 – Enhancing Islington's character
- Policy CS9 – Protecting and enhancing Islington's built and historic environment
- Policy CS10 – Sustainable Design
- Policy CS11 – Waste
- Policy CS12 – Meeting the housing challenge
- Policy CS15 - Open Space and Green Infrastructure

C) Development Management Policies June 2013

Policy DM2.1 Design	Policy DM6.5 Landscaping, trees and biodiversity
Policy DM2.2 Inclusive Design	Policy DM7.1 Sustainable design standards
Policy DM2.3 Heritage	Policy DM8.2 Managing transport impacts
Policy DM3.4 Housing standards	Policy DM8.4 Walking and cycling
Policy DM3.5 Private outdoor space	Policy DM8.5 Vehicle parking
Policy DM3.7 Noise and vibration (residential uses)	Policy DM9.2 Planning obligations
Policy DM4.10 Public Houses	

E) Site Allocations June 2013

Not Allocated

3. Designations

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

- Highgate Hill/Hornsey Lane Conservation Area
- Locally Listed Building
- Adjacent to Grade II Listed Buildings (No's 2 and 4 Hornsey Lane, (to the north))
- Opposite Grade II* Listed Building St Joseph RC Church and Grade II Listed Building (Retreat (opposite to south west))
- Cycle Routes (Local)
- Article 4 Direction A1-A2 (Rest of Borough)

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

The following SPGs and/or SPDs are relevant:

<u>Islington Local Development Plan</u>	<u>London Plan</u>
- Environmental Design	- Accessible London: Achieving and Inclusive Environment
- Urban Design Guide 2017	- Housing
- Inclusive Design (2014)	- Sustainable Design & Construction
- Planning Obligations	- Planning for Equality and Diversity in London