



Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
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LONDON N1 1YA

PLANNING SUB-COMMITTEE A		
Date:	3 rd March 2015	NON-EXEMPT

Application number	P2014/3815/FUL
Application type	Full Planning
Ward	Junction
Listed building	No
Conservation area	No
Development Plan Context	Archway Core Strategy Key Area, Archway Town Centre, Archway Primary Retail Frontage
Licensing Implications	Require a licences if sale of alcohol or special treatments such as beauty, nail bars etc.
Site Address	798 - 804 Holloway Road, London N19 3JH
Proposal	Demolition of existing buildings and redevelopment of the site to provide a part three, part four storey mixed use building comprising 345sqm A1 retail floorspace at ground floor and no.9 (C3) residential units at first second and third floors (4x 1 beds, 4x 2 beds, 1x 3 bed), with associated amenity space and cycle storage.

Case Officer	Krystyna Williams
Applicant	TBS Brighton Developments Ltd
Agent	Metropolis Planning & Design - Mr Amir Aramfar

1. RECOMMENDATION

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

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

2. SITE PLAN (SITE OUTLINED IN BLACK)



3. PHOTOS OF SITE/STREET



Image 1: Aerial Photograph of the application site.

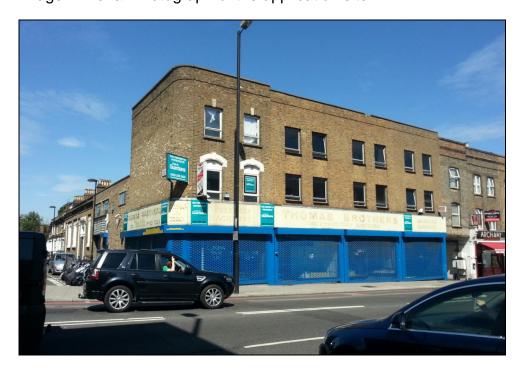


Image 2: Front elevation of the application site fronting onto Holloway Road.



Image 3: Existing side elevation along Giesbach Road.

4. Summary

- 4.1 Full planning permission is sought for the demolition of the existing buildings and redevelopment of the site to provide a part three, part four storey mixed use building comprising 345sqm A1 retail floorspace at ground floor and no.9 (C3) residential units at first, second and third floors (4x1 beds, 4x2 beds, 1x3 bed), with associated amenity space and cycle storage.
- 4.2 The application site comprises a three storey building located in a prominent location at the corner of Holloway Road and Giesbach Road. The buildings encompass four commercial units which at some point have been combined to form one ground floor unit. The upper floors were historically residential with additional ancillary commercial space. The residential element of the building is agreed as its lawful use and subsequently the uplift in residential units at the site is five (total of 9 proposed units). The site is currently vacant except for a caretaker/security personnel who resides on site.
- 4.3 The host building is not locally or statutorily listed, nor is it located within a designated conservation area. The building is not considered to have any historic interest and the principle of demolition is not resisted, subject to the bulk, mass and design, including the detail and materials of the proposed development being of a high quality. The retail use at ground floor is consistent with planning policy, the site being situated within Archway Town Centre and forming part of the Archway Primary Retail Frontage. The uplift in residential units at the site is supported.
- 4.5 The design, layout, scale and massing of the proposed development are generally considered to be acceptable.
- 4.6 In addition to amendments to the external appearance the height has been significantly reduced since the initial pre-application. The height of the

proposed building has been determined in part by the adjoining buildings along Holloway Road but also taking into consideration to adjoining residential use at Giesbach Road. The building volume to the rear of the site, where it adjoins No. 2 Giesbach Road, has been amended in an attempt to improve the relationship with the neighbouring terrace. In addition, the proposed building will be set away from the boundary with No. 2 Giesbach Road at the front elevation and be separated by a courtyard space. This courtyard removes the bulk and height of the proposed building away from the lower lying residential units at Giesbach Road.

- 4.7 The impact of the development on neighbours has been considered in detail. A daylight and sunlight report has been undertaken to fully assess the impact of the proposed development on the daylight and sunlight received by surrounding dwellings. All windows analysed would meet the vertical sky component criteria within the BRE guidelines. The result of the BRE analysis shows that all windows meet the BRE guidelines for sunlight provision and there is no unacceptable loss.
- 4.8 The impact of the development on neighbours has been considered and it is concluded that the proposed development would not unacceptably harm the amenity of adjoining residential properties.
- 4.9 The quality and sustainability of the resulting scheme is acceptable, complying with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (Nov, 2012). The proposed development provides an acceptable mix of unit sizes.
- 4.10 There are two areas available on-street for servicing activity. Holloway Road is a Red Route, however there is a single red line on the site frontage where loading/unloading is permitted for a maximum duration of 20 minutes between 10am and 4pm. There is also a single yellow line on Giesbach Road, outside the site frontage, which is currently has been used by the most recent occupiers for servicing, loading and unloading. This arrangement remains acceptable subject to vehicle size and delivery/servicing times which will be controlled by condition.
- 4.11 Private amenity space is provided in accordance with the Council's requirements. It is proposed that the new build dwellings would be constructed to meet Level 4 of the Code for Sustainable Homes and would be car free.
- 4.12 In summary, the proposal is considered to be acceptable and to be broadly in accordance with the Development Plan policies.

5. SITE AND SURROUNDING

5.1 The application site is located on the north eastern side of Holloway Road in a prominent corner location where Giesbach Street joins Holloway Road. The site comprises buildings that are three storeys in height and extend across four commercial units with frontages onto Holloway Road.

- 5.2 The site is bound by Holloway Road to the southwest, Giesbach Road to the northwest, No.2 Giesbach Road to the northeast, and No.796 Holloway Road to the southeast.
- 5.3 The site lies within the Archway Town Centre, Archway Primary Retail Frontage and the Archway Development Framework Area.
- 5.4 The surrounding area is mixed in character and appearance with a strong prevalence of commercial units, predominantly fast food outlets in the immediate vicinity, at ground floor with residential above along Holloway Road. Giesbach Street and other secondary roads feeding off Holloway Road comprise residential use.
- 5.5 The buildings which it is proposed to demolish are not listed and the site is not located within a Conservation Area.

6. PROPOSAL (IN DETAIL)

- 6.1 Full planning permission is sought for the demolition of the existing buildings and redevelopment of the site to provide a part three, part four storey mixed use building comprising 345sqm A1 retail floorspace at ground floor and no.9 (C3) residential units at first, second and third floors (4x1 beds, 4x2 beds, 1x3 bed), with associated amenity space and cycle storage.
- 6.2 The layout of the building will comprise the following:
 - Bicycle and disability tricycle storage space at basement level;
 - 343sqm retail (Use Class A1) at ground floor
 - 2 x 1 bedroom/2 person units and 2 x 2 bedroom/4 person units located at first floor;
 - 2 x 1 bedroom/2 person units and 2 x 2 bedroom/4 person units at second floor;
 - 1 x 3 bedroom/5 person unit located at third floor.
- 6.3 The ground floor commercial unit will be accessed via Holloway Road and the residential units via a secure, gated courtyard entrance off Giesbach Road via a passageway running alongside No. 2 Giesbach Road. The residential units will have access of a central shared staircase and lift serving all floors. All levels will have level access from street level.
- 6.4 Each of the 9 no. residential units will benefit from private amenity space in the form of balconies and winter gardens at first, second and third floors.
- 6.5 Bin stores for the residential units are located adjacent to the residential access at ground floor level. Cycle and disability tricycle spaces are provided

at basement level with level access via the proposed internal lift serving all floors.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 **P2014/2101/FUL** - Demolition of existing buildings and redevelopment of the site to provide a four storey mixed use building comprising 345sqm A1 retail floor space at ground floor and no.9 (C3) residential units at first second and third floors (4x 1 beds, 4x 2 beds, 1x 3 bed), with associated amenity space and cycle storage. Withdrawn by agent on 05/08/2014.

ENFORCEMENT:

7.2 None

PRE-APPLICATION ADVICE:

- 7.3 **P2014/3220/MIN** a pre-application meeting was held on the 2nd September 2014 during which the proposal was discussed.
- 7.4 This is a revised application following the withdrawal of a previous planning application (ref: P2014/2101/FUL) and a subsequent pre-application meeting. The proposals have been amended since the previous withdrawn application and pre-application. The main amendments were to address the external appearance and detailing of the proposed building. The amendments adequately address the previously raised concerns and the external appearance of the building is considered acceptable subject to conditions.
- 7.5 **P2014/0552/MJR -** Pre-application advice was provided in July 2014 when the proposed scheme was a 6 storey proposal assigned as a major planning application.

8. CONSULTATION

Public Consultation

- 8.1 A total of 54 letters were sent to occupants of adjoining and nearby properties dated 23/10/2014. Letters were sent to No's 1-7 Giesbach Road, 10-13 Windermere Road, 669-689(odds) Holloway Road and 790-804 (evens) Holloway Road, 1 & New Rover College, Elthorne Road. A site notice was displayed and a press advert was published on 30/10/2014.
- 8.2 18 letters of objection have been received from the public with regard to the application. There have also been three letters of support received. The grounds of objection raised are as follows (with the paragraph that provides response to each issue indicated in brackets).
 - Loss of sunlight and daylight (See Paragraphs 10.22 10.24);
 - Overlooking / loss of privacy (See Paragraphs 10.29 10.35);

- Security threats as there will be access to the roof of adjoining residential properties at Giesbach Road (See Paragraph 10.52);
- Disturbance as a result of commercial deliveries (See Paragraph 10.45);
- Detrimental visual impact (See Paragraphs 10.6 10.17);
- Unacceptable form of development in setting of locally listed building and facing the St John's Conservation Area (See Paragraphs 10.15);
- Height of the proposed development (See paragraphs 10.11);
- Overshadowing to existing PV Solar panels at No. 2 Giesbach Road (See Paragraphs 10.27-10.28);
- Disruption and noise during construction works (See Paragraphs 10.53);
- Parking issues presented by a retail unit (See Paragraph 10.46);
- -- Loss of existing building (See paragraph 10.7); and
- 8.3 Better Archway Forum have raised the following objections:
 - Impact adversely on character and appearance of conservation area (See Paragraphs 10.15)
 - Impact on the setting of distant listed and nearby locally listed buildings (See Paragraphs 10.15)
 - Impact adversely on the coherence of Upper Holloway Road (See Paragraph 10.6-10.17)
 - Overlooking of private amenity space (see Paragraphs 10.29 10.35)
 - Loss of retail and no affordable housing (See Paragraphs 10.1-10.5 and 10.48-10.51).
- 8.4 There have also been three letters from members, Councillor Burgess, Councillor Nicholls and Councillor MakarauSchwartz.
- 8.5 In addition to the concerns raised by residents in paragraph 8.2, Councillor Burgess' and Councillor Nicholas' letters of objection raises the following additional concerns:
 - Loss of view of existing butterfly roofline along the terrace (See paragraph 10.16);
 - Additional traffic and construction in the area (See paragraph 10.53).

External Consultees

8.3 TfL – No comments provided.

Internal Consultees

- 8.4 **Design and Conservation:** No objection to the revised scheme subject to conditions.
- 8.5 **Access and Inclusive Design:** Approve subject to conditions.
- 8.6 **Acoustic Officer**: Approve subject to conditions.
- 8.7 **Energy Conservation Officer:** No objection to the proposed development.
- 8.8 **Transport & Highways:** Concerned with the proposed number and size of vehicles to use Giesbach Road. Cycle spaces should be in accordance with DM Policies (1 space per bedroom and one space per 60sqm of retail floorspace). Conditions are recommended to restrict the location for servicing vehicles, vehicle sizes and service times.
- 8.9 **Planning Policy**: No objection to the proposed development.
- 8.10 **Licensing**: The retail on ground floor will require licences if they sell alcohol, provide entertainment or late night food or provide gambling facilities or special treatments such as beauty, nail bars etc.

9.0 RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and the supporting NPPG are material considerations and have been taken into account as part of the assessment of these proposals.

Development Plan

9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, The 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. **ASSESSMENT**

The main issues arising from this proposal relate to:

- Land Use:
- Design and Appearance;
- Neighbouring amenity impacts;
- Quality of resulting accommodation and Dwelling Mix;
- Daylight/Sunlight;
- Highways & Transportation.

Land Use

- 10.1 The site is located within the Archway Core Strategy Key Area, Archway Town Centre and Archway Primary Retail Frontage. The application site is located on the north eastern side of Holloway Road in close proximity to the Archway gyratory and Archway underground station.
- 10.2 The ground floor at the site has most recently operated by 'Thomas Bros', a hardware retail store in A1 use (now vacant). The upper floors are demonstrated to have been historically in residential use (4 no. units). The proposal seeks to retain 345sqm of A1 retail space at ground floor and uplift in residential units above (total of 9 units in total).
- 10.3 The Council seeks to promote main Town Centre uses in a manner which complements and enhances the vitality, viability and character of Town Centres within Islington and neighbouring boroughs. The retail use at ground floor is in accordance with DM4.4 (Promoting Islington's Town Centre).
- 10.4 The site forms part of a primary retail frontage. Islington's Development Management Policies 2013 notes that the greatest concentration of shops (A1 retail use), attract the greatest number of customers and underpin the vitality and viability of the Town Centre. Retail should remain the principal and dominant land use within these areas. The proposal seeks to revitalize the area through the re-use of the vacant ground floor unit as A1 retail floorspace. This is supported as it will maintain a continuous retail frontage in accordance with DM4.5 (Primary and Secondary Frontages).
- 10.5 The upper floors will comprise of 9 no. residential units. The principle of residential use at the site is acceptable. The surrounding area is mixed in use, Giesbach Road being residential and the upper floors along this section of Holloway Road also being in residential use.

Design and Appearance

- 10.6 The Islington Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonises with their setting. New building should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.
- 10.7 The building is not located within a conservation area and there is no policy basis for its retention. The site is not locally or statutorily listed. The demolition of the building is therefore not resisted.
- 10.8 The scheme has been subject to pre-application advice in September 2014. The site is surrounded by buildings along Holloway Road of a generally consistent building height and detailing. The proposal has been revised since the initial submission to amend the external appearance of the proposed building. The front elevation has been amended to comprise a more vertical emphasis in the window design with the intention of retaining the appearance that the building is split into four separate units. The roof addition has been amended to provide a chamfered corner and also now sits comfortably and compliments the three storeys below.
- 10.9 The building is proposed to be finished in grey brick at ground floor level and buff stock brick at upper levels. The roof extension will be glazed to provide a lightweight and contemporary addition. The material palette is generally acceptable however the Design and Conservation Officer has recommended conditions to secure the use of a more contextual blue engineering brick at ground floor and yellow stock brick at upper floors. In addition, all windows should be a dark bronze or dark grey colour.
- 10.10 Consistent fenestration patterns are a part of the character and appearance of the locality. The proposed building, following the submission of amended drawings, is considered to sit comfortably within its context taking influence from the adjoining three storey building along this section of Holloway Road, in accordance with Islington's Plan for Archway, Core Strategy policy CS1.
- 10.11 The proposed three storey building follows the established building line of Holloway Road and is acceptable. The addition of a glazed, contemporary roof addition that is set back from the parapet is acceptable in this prominent corner location where the building height can often be higher than the surroundings. The building line then steps down towards the residential properties along Giesbach Road. This is in part to ensure there is no harmful loss of light, and in part to accommodate a pedestrian courtyard adjoining No. 2 Giesbach Road to facilitate access to the residential element of the proposed scheme. The courtyard also provides a visual gap between the proposed building and the adjoining residential properties along Giesbach Road. The courtyard will include the screened refuse bins and will be secured with a key pad entry system for residents.

- 10.12 A number of winter gardens and balconies are proposed to provide private amenity space to each of the residential units. Details of balustrade and glazing treatment will be secured by condition.
- 10.13 The ground floor of the development will serve the A1 retail unit. The front and side elevation will be predominantly glazed. The glazing will be divided by a number of appropriately placed pilasters. Additional pilasters have been included in the design in order to reduce the horizontality of the ground floor and ensure the appearance of the ground floor unit compliments the existing context along Holloway Road and also ties in with the upper floors at the site. The proposed shopfront is considered to present an acceptable vertical design which aligns with the historic plot widths.
- 10.14 The design of the shopfront openings is intended to allow for signage to be incorporated within the opening either behind the glazing or integral to the glazing system.
- 10.15 Objection has been raised the proposal representing an unacceptable form of development in setting of locally listed building and facing the St John's Conservation Area. There are no listed buildings, locally listed or statutorily listed, within the immediate surrounding and the development would not impact the St John's Grove Conservation Area which is not directly adjoining or opposite the site (located 40 metres west of the site).
- 10.16 Concern has been raised that the proposed development would result in the loss of views of the existing rear butterfly roofline along Holloway Road. The letter of objection makes reference to a planning application at No. 794 Holloway Road (ref: P040161) for the formation of a mansard roof. This application was refused in part due to the property being located within a terrace which none of the properties has a third floor extension visible from Holloway Road. The formation of a new mansard storey on the application premises was considered unsympathetic to the building and the appearance of the wider terrace. In this instance however, the demolition of the application building is not resisted and there is no policy which specifically protects views of the existing butterfly roofline of neighbouring properties.
- 10.17 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013.

Neighbouring Amenity

- 10.18 The application site is located on the north eastern side of Holloway Road. The site is bound by Holloway Road to the southwest, Giesbach Road to the northwest, No.2 Giesbach Road to the northeast, and No.796 Holloway Road to the southeast.
- 10.19 The surrounding area is mixed in character and use with predominately commercial units at ground floor and residential above along Holloway Road and residential use along the surrounding secondary roads such as Giesbach Road. Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy, loss of light, sense of enclosure and outlook.

Sunlight and Daylight

- 10.20 The proposed redevelopment has been designed considering the constraints of the site such as the impact on the surrounding properties in terms of its design and the potential impact on daylight and sunlight. The proposed building height steps down along Giesbach Road to ensure there is no harmful loss of light to surrounding residents.
- 10.21 There have been 18 objections to the proposed development. Concern has been expressed insofar as loss of light to surrounding residential properties in terms of its impact upon habitable room windows. The adjoining neighbour has also raised concerns about the potential upon their PV solar panels. A daylight and sunlight study has been submitted in support of this application. Windows of relevant adjoining residential properties at Giesbach Road and Holloway Road are discussed within the submitted daylight and sunlight report (namely windows SP01 SP05). A series of shadow diagrams have also been submitted by the adjoining neighbour at No. 2 Giesbach Road along with the analysis of the impact upon their PV solar panels.

Daylight

- 10.22 The most sensitive windows were tested against standard BRE guidance and are discussed within the independent daylight and sunlight assessment. Loss of daylight calculations were performed for the windows which have the greatest potential to experience impact. These being the ground floor front bay window at No. 1 Giesbach Road (SP01), a rear window at 796 Holloway Road (SP02), a first floor window at 667-679 Holloway Road (SP03), and a rooflight (SP04) and rear window/door (SP05) at No. 2 Giesbach Road. Both the rooflight and rear window/door at No. 2 Giesbach serve the same, openplan room.
- 10.23 All windows analysed meet the Vertical Sky Component criteria within the BRE guidelines. The BRE guidelines also set out the use of a further assessment, that of Daylight Distribution (assessed using the No Sky-Line test). This however can only be readily applied to windows which directly face the sites of which there are none. That said is it clear to see from simple

geometry that the view of the sky from the skylights in the adjoining properties would continue to be significantly better than an average windows located in any horizontal elevation. In understanding the impact upon the immediate neighbour it is also important to understand that the immediate neighbouring at No.2 Giesbach Road has a combination of windows at the rear of the property, 5 skylight in the north east facing roof slope along with the single rooflight in the south west roof slope facing the site. All of these skylights serve the upper floor of No. 2 Giesbach Road which comprises an open plan kitchen/dining space. Therefore, light penetrating any of these skylights will provide natural daylight to the open plan, upper floor space at this property. Further, this open plan space is served by a door/windows to the rear facing elevation providing additional daylight. Under these circumstances the proposed scheme does not result in an unacceptable loss of daylight to surrounding properties.

Sunlight

- 10.24 The BRE test for Sunlight provision to existing properties is only considered for windows that face within 90 degrees of due south. The guidelines seek an annual sunlight probability of 370 hours (25% of total ASP) of which 75 hours (5%) are in winter months. Sunlight provision to windows at No. 796 Holloway Road (SP02) and opposite at 677-697 Holloway Road (SP03) is not an issue since they face northwards and these subsequently did not need to be tested. The windows at No. 2 Giesbach Road (SP04 and SP05) and the window at No. 1 Giesbach Road (SP01) were tested.
- 10.25 The Daylight and Sunlight report concludes that each of the tested windows, SP01, SP04 & SP05, achieve more than the suggested annual sunlight probability values (ASP >25 %(5%WM). Subsequently, the result of the BRE analysis shows that all windows meet the BRE guidelines for sunlight provision and there is no unacceptable loss.
- 10.26 The adjoining neighbour has submitted a series of shadow diagrams illustrating how the sunlight currently moves across the roof slope and compares the shadows cast currently and the potential patterns if the development was approved. However, on the basis of the submitted daylight and sunlight report, there would be no sound reason to refuse the scheme on this basis as the result of the BRE analysis shows that all windows meet the BRE guidelines for sunlight provision and there is no unacceptable loss.

Impact upon PV Solar Panels

10.27 Insofar as any potential overshadowing to existing PV Solar panels at No. 2 Giesbach Road, Development Management Policy DM2.1 requires that for a development proposal to be acceptable it is required to 'not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole' (Part A xi). Section 2.16 of the supporting text of the policy goes on to state that considerations include those that do not relate to amenity, such as impacts on renewable or low carbon energy supply i.e. by detrimentally overshadowing solar panels.

10.28 This issue must be viewed on balance and take into account the development potential of the site. Policy DM2.1 xi states that the development of one site should not unduly prejudice the satisfactory development of adjoining land. This however applies both ways across a boundary and the placing of PV solar panels in close proximity to a shared boundary should not prejudice the satisfactory development of an adjoining site. It is important to consider the wider public benefits that the scheme brings forward i.e. provision of housing, improvements in design and provision of A1 retail floorspace at ground floor. On consideration there does not appear to be a more suitable location for the PV solar panels on the rooftop at No. 2 Giesbach Road due to the existing rooflights on both roof pitches. On balance however, it is considered that the location of the PV solar panels in situ should not be reason to prejudice the redevelopment of the adjoining site.

Privacy, Overlooking and outlook

- 10.29 The front elevation of the development, which is south westerly facing, fronts onto Holloway Road. The buildings opposite are located on the opposite side of Holloway Road and there is no loss of privacy/overlooking concerns to this frontage.
- 10.30 The south easterly, side elevation of the proposed building will face onto the rear elevations of No's 796-792 Holloway Road. The proposed drawings show windows at the application site on this SE elevation at first, second and third floors serving bedrooms, bathrooms, a living room and a hallway. However, there are no windows in the rear elevations of the properties along this section of Holloway Road which face the application site, and subsequently there would not be any increased overlooking or loss of privacy to existing or future occupiers.
- 10.31 There are no buildings directly opposite the north western elevation of the application site, and therefore there will be no privacy/overlooking issues to this elevation.
- 10.32 There are proposed windows on the north eastern elevation of the proposed building serving living rooms at first and second floor. There is one rooflight at adjoining residential property, No. 2 Giesbach Road, however this is located adjacent the blank elevation wall of the proposal and subsequently there would not be any loss of privacy or overlooking to this rooflight. There is a balcony proposed at second floor level. Again, this is set further forward than the existing rooflight at No. 2 Giesbach Road and would therefore not afford views of the rooflight to lead to overlooking.
- 10.33 Amended third floor plans have been submitted to omit the north eastern section of roof terrace to overcome potential overlooking from the terrace to neighbouring residential properties, namely No. 2 Giesbach Road.
- 10.34 Objection has also been raised that the proposed development results in a loss of outlook to residential properties at Giesbach Road. The proposal has been amended following the previous withdrawn scheme, so that the rear building

line aligns with the rear elevation of No. 2 Giesbach Road. This amendment has been undertaken in an attempt to overcome adjoining residents concerns regarding outlook and sense of enclosure. In addition, there is a courtyard stretching 8 metres along the boundary with No. 2 Giesbach Road. The proposed building abuts the shared boundary for a distance of 9.8 metres with a height of 1.8 metre higher than the highest part of the roof at No. 2 Giesbach Road (and 2.8 metres above the front parapet at No. 2 Giesbach Road). This proposed courtyard not only acts to reduce the overall bulk of the building when viewed from Giesbach Road, it also reduces perceived sense of enclosure to occupiers of No. 2 and No.4 Giesbach Road.

10.35 There is not considered to be any adverse material impact on residential amenity in terms of loss of light, loss of privacy, sense of enclosure or overlooking to the neighbouring habitable rooms windows as a result of the proposed development.

Noise

10.36 The Pollution team have requested a number of conditions should permission be granted. The demolition and construction periods are generally responsible for the most disruptive impacts affecting residential amenity and this issue has been raised by an objector. A condition requiring the submission of a Construction & Demolition Logistics Plan including hours of work has been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction. A condition is recommended to ensure appropriate sound insulation is installed to the lift shaft to secure an appropriate future residential environment.

Quality of Resulting Residential Accommodation and Dwelling Mix

- 10.37 The National Planning Policy Framework acknowledges the importance of planning positively for high quality and inclusive design for all development, and requires the boroughs to deliver a wide choice of quality homes. The London Plan (2011) recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality.
- 10.38 Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the Borough, including maximising the proportion of family accommodation. Development Management Policy DM3.1 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. The size mix of 4 x 1 beds, 4 x 2 beds, and 1 x 3 bedroom units is acceptable.
- 10.39 The proposed residential units all exceed the required internal space standards and are therefore in compliance with local and national standards: the one bedroom units measuring between 50sqm and 52.8sqm, the two bedroom units measuring 74.9sqm and 77.2sqm and the three bedroom unit measuring 103sqm.

- 10.40 Each of the proposed units offers dual aspect living arrangements, hence achieving the maximum amount of natural light and ventilation through the building. In summary, it is considered that all proposed residential units would benefit from acceptable levels of natural light and outlook that is acceptable and suitable to the residential accommodation. This is in accordance with policy DM3.4 (Housing Standards).
- 10.41 Outdoor amenity space has been provided for each of the units in the form of either winter gardens or balconies/roof terraces. Given the urban location of the application site, the proposed amenity space is considered acceptable. Islington's Development Management Policy DM3.5 requires private amenity space on upper floors to be a minimum of 5sqm. The proposed amenity space is in accordance with the requirements of policy DM3.5 (Private Amenity Space) of the Islington Development Management Policies.
- 10.42 Each floor of the proposed building will have level access from the street. There is access to a central lift which serves basement, ground, first, second and third floors. This is all supported by the Council's Inclusive Design and Access Officer.
- 10.43 The commitment to achieve Level 4 of the Code for Sustainable Homes (CfSH) for the new residential properties would accord with the requirements of policy 5.1 of the London Plan 2011 and policies DM7.2B and DM7.4B of the Development Management Policies June 2013). It is recommended that this commitment is secured by way of condition.

Highways and Transportation

- 10.44 The development would be car free, as required by Core Strategy Policy CS10 and as per a condition to the application, which restricts future of occupiers of both the office space and residential units, from obtaining a resident's permit. This will ensure adequate provision of spaces for existing users.
- 10.45 Concern has been expressed regarding the number and size of vehicles using Giesbach Road. The servicing note states that the majority of deliveries would be accommodated on this residential cul-de-sac, and vehicles would include large refuse vehicles, small articulated vehicles (10.7 metres long), and a 7.5 tonne box van. It is considered this approach would have an unacceptable impact upon the amenity of the residents of Giesbach Road. It is therefore recommended that no vehicles larger than 'transit size' are to use Giesbach Road. All vehicles above this size/weight are to use the loading bay provided on Holloway Road (to the south of the site by approx. 15m). It should be noted that loading is only permitted for 20 minutes between the hours of 10am-4pm (TfL time restriction). The submission of a revised deliveries and servicing plan outlining arrangements shall be conditioned to safeguard surrounding residential amenity.
- 10.46 Objection has been raised about increased parking as a result of a retail unit at the site. There is no designated parking proposed as part of this application and users of the retail unit would use existing parking spaces and/or public

- transport. This would be consistent with the users of surrounding retail units in this area.
- 10.47 Cycle storage is provided at basement level. In order to comply with the requirements set out in Appendix 6 of the Development Management Policies, 17 cycle spaces are required (1 space per bedroom and 1 space per 60sqm of retail space).

Affordable Housing and Financial Viability

- 10.48 The proposal is a minor application for nine residential dwellings, which is below the affordable housing threshold of ten units (policies 3.13 of the London Plan and CS12G of Islington's Core Strategy).
- 10.49 The applicant has agreed to pay the full affordable housing and small sites contribution of £250,000 (£50,000 per new unit) for the uplift at five residential units at the site.
- 10.50 The applicant has agreed to the small sites contributions policy in regard to both the off site affordable housing provision and the environmental off-set contribution of £5,000 (£1,000 per unit) and the unilateral agreement has been signed.
- 10.51 If granted planning permission, the development would be subject to the requirement of a Mayoral and Islington CIL payment that would be payable on commencement of the development.

Other issues

- 10.52 Objection has been raised that the proposed development would give rise to security threats as there will be access to the roof of adjoining residential properties at Giesbach Road. This has been considered and it is not considered that the proposed development would pose a security threat.
- 10.53 Objection has also been raised regarding the proposed development exacerbating the already high level of construction traffic and works within the Archway area. This would not be a material consideration in the determination of a planning application, although the Council does control hours of building works to safeguard surrounding residential amenity. An informative to this effect is included below.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.
- 11.12 The proposal is considered to present significant design improvements, providing a new development which is in keeping with the surrounding area and provides much needed residential units and the re-provision of retail

floorspace at ground floor with primary frontage onto Holloway Road. The proposal will revitalise the site and provide vibrancy to the area, all of which are seen as public benefits which outweigh any harm to the efficiency of the PV panels at No. 2 Giesbach Road. Accordingly the development is considered to be sustainable development in terms of the NPPF and is therefore recommended for approval subject to conditions and a Section 106 agreement.

Conclusion

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

APPENDIX 1 - RECOMMENDATIONS

RECOMMENDATION A

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

A CONTRIBUTION OF £250,000 TOWARDS AFFORDABLE HOUSING WITHIN THE BOROUGH.

A CONTRIBUTION OF £5,000 TOWARDS CARBON OFFSETTING.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	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:

Location Map; Dwg No's: 1338-D1099-rev00; 1338-D1100-rev00; 1338-D1101-rev00; 1338-D1102-rev00; 1338-D1700-rev00; 1338-D1701-rev00; 1338-D1703-rev00; 1338-D1703-rev00; 1338-D1703-rev00; 1338-D1099-rev00; 1338-D100-rev01; 1338-D101-rev01; 1338-D102-rev01; 1338-D103-rev02; 1338-D104-rev01; 1338-D103-rev01; 1338-D103-rev00; 1338-D104-rev01; 1338-D103-rev00; 1338-D104-rev01; 1338-D103-rev01; 1338-D

REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.

3 Construction Environmental Management Plan

A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In order to safeguard local residential amenity and mitigate the impacts of the development.

4 Materials and Samples

MATERIALS (DETAILS): 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:

- a) solid brickwork (including brick panels and mortar courses)
- b) window treatment (including sections and reveals);
- c) ceramic tiles to front and rear elevations;
- d) balustrading treatment (including sections);
- e) balcony/winter garden screening;
- f) timber deck to residential courtyard;
- g) stone band detail;
- h) opaque glazed panel to rooftop extension;
- i) grey metal cladding to rooftop extension;
- j) grey painted metal entrance gates;

k) any other materials to be used.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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.

5 Car Free Housing

CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:

- (1) In the case of disabled persons;
- (2) In the case of units designated in this planning permission as "non car free"; or
- (3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.

REASON: In the interests of sustainability and in accordance with the Council's policy of car free housing.

6 Code for Sustainable Homes

CONDITION: The development shall achieve a Code of Sustainable Homes rating of no less than 'Level 4'.

REASON: In the interest of addressing climate change and to secure sustainable development.

7 Accessible Homes Standards (Compliance)

CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.

REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.

8 Cycle Parking Provision (Compliance)

CONDITION: The bicycle storage area(s) shown on drawing No. 1338-D7099-rev02 hereby approved, shall be secure and provide for no less than 17 bicycle spaces and disability tricycle space shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

9 Waste Management

CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 1338-D7100-rev01 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.

10 Sound Insulation and Noise Control Measures

CONDITION: A scheme for sound insulation and noise control measures shall be implemented prior to the first occupation to ensure the following internal noise targets (in line with BS 8233:1999):

- Bedrooms (23.00-07.00 hrs) 30 dB L_{Aeq} , and 45 dB $L_{max (fast)}$
- Living Rooms (07.00-23.00 hrs) 35 dB L_{Aeq},
- Kitchens, bathrooms, WC compartments and utility rooms (07.00 -23.00 hrs) 45 dB L_{Aeq}

The sound insulation and noise control measures 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.

REASON: To secure an appropriate internal residential environment.

11 Design and Insulation of new plant

CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq\ Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90\ Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.

REASON: To secure an appropriate internal residential environment.

12 Sound Insulation

CONDITION: Full particulars and details of a scheme for sound insulation between the proposed retail and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To secure an appropriate internal residential environment.

13 **List Installation** LIFTS: The lift serving all floors of the proposed development hereby approved shall be installed and operational prior to the first occupation of the residential dwellings hereby approved. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: To ensure that adequate access is provided to the residential units at all floors. 14 Lift Shaft Insulation LIFT SHAFT INSULATION (COMPLIANCE): Prior to the first occupation of the residential accommodation hereby approved sound insulation shall be installed to the lift shaft sufficient to ensure that the noise level within the dwellings does not exceed NR25(Leq) 23:00 - 07:00 (bedrooms) and NR30 (Leq. 1hr) 07:00 - 23:00 (living rooms) and a level of +5NR on those levels for the hours of 07:00 - 23:00. REASON: To secure an appropriate future residential environment. 15 Delivery and servicing plan Condition: A Delivery and Servicing plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. No vehicles larger than transit size are to use Giesbach Road. All vehicles above this size/weight are to use the loading bay provided on Holloway Road (to the south of the site by approx. 15m). It should be noted that loading is only permitted between the hours of 10am-4pm. REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity. 16 **Hours of Operation** HOURS OF OPERATION (COMPLIANCE): The ground and basement floor unit hereby approved shall not operate outside the hours of: 07:30 - 23:00 (Monday - Friday) 09:00 - 23:00 (Saturday) 09:30 - 22:00 (Sundays and Bank Holidays) REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity. 17 Deliveries, collections and loading CONDITION: Deliveries, collections, unloading, loading along Giesbach Road associated with the ground floor use shall only be between the following hours: Monday to Saturday - (08:00 - 20:00) Sundays/Bank Holidays - not at all REASON: To ensure that the resulting servicing arrangements are satisfactory in

terms of their impact on highway safety and the free-flow of traffic.

List of Informatives:

1 Positive statement

To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. The LPA acted in a proactive manner offering suggested improvements to the scheme during the pre-application and planning application stages to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant or have been dealt with by condition. This resulted in a scheme those accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages.

2 CIL

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.

Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at

http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.

3 Hours of Construction

No building work shall be carried out at the site outside the following hours:

- 8am 6pm, Monday to Friday;
- 8am 1pm, Saturday; and
- no audible building works to be carried out on Sunday or public holidays

4 Sustainable Sourcing of Materials

Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.

4 Section 106

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.

5 Thames Water

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.

6 Highways Requirements

Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing.

Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.

Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.

Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.

Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.

Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.

Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.

All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk

Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.

Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980

Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover entrances.

Overhang licenses are required for projections over the public highway. No projection should be below 2.4m in height in accordance with Section178, Highways Act 1980.

Compliance with Section 179, Highways Act 1980. "Control of construction of cellars etc under street".

Compliance with Section 177 Highways Act 1980. "Restriction on construction of buildings over highways".

7 Definitions

DEFINITIONS: (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.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2012 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. <u>Development Plan</u>

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

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy
Policy 1.1 Delivering the strategic vision and objectives for London

5 London's response to climate change Policy 5.3 Sustainable design and construction 7 London's living places and spaces
Policy 7.1 Building London's
neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and
archaeology

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

Strategic Policies
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

C) Development Management Policies June 2013

Design and Heritage

Energy and Environmental Standards

DM2.1 Design DM2.2 Inclusive Design DM7.4 Sustainable design standards

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

The following SPGs and/or SPDs are relevant:

London Plan

- Sustainable Design & Construction