

PLANNING COMMITTEE REPORT

Development Management Services Planning and Development Division Community Wealth Buildings

PLANNING SUB COMMITTEE B			
Date:	5 March 2024	NON-EXEMPT	

Application number	P2023/0315/FUL		
Application type	Full Planning Application		
Ward	Junction		
Listed building	N/A		
Conservation area	N/A		
Development Plan Context	Archway Town Centre Within 50m of St John's Grove Conservation Area Within 100m of TLRN (TfL Road Network) Within 50m of SRN (Strategic Road Network) Junction Business Association Area Rail Land Ownership – TfL Tunnels Rail Land Ownership – TfL Surface London Underground Zone of Interest Strategic Cycle Route		
Licensing Implications	N/A		
Site Address	6th Floor Hill House, 17 Highgate Hill N19 5NA		
Proposal	Creation of 6 self-contained residential units (Class C3) comprising: 3 x 1 bed units and 3 x 2 bed units with associated alterations to existing cycle store and provision of a new cycle store at basement level.		

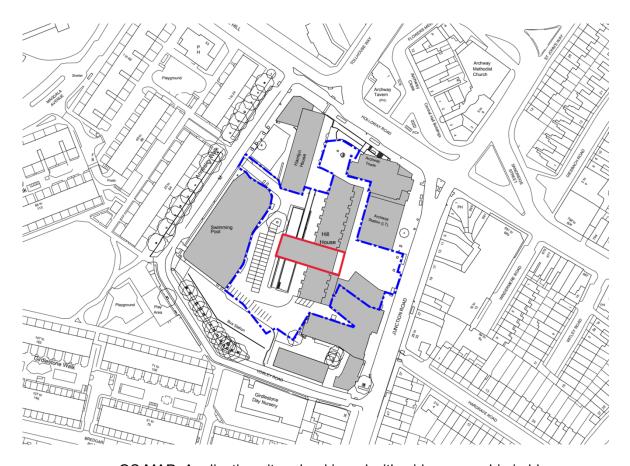
Case Officer	Luke Bates
Applicant	c/o CMA Planning
Agent	CMA Planning

1. RECOMMENDATION

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

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

2. SITE PLAN



OS MAP: Application site edged in red with wider ownership in blue.

3. PHOTOS OF SITE





Image 1. Photos of Hill House from the front of site (including main entrance to Hill House).

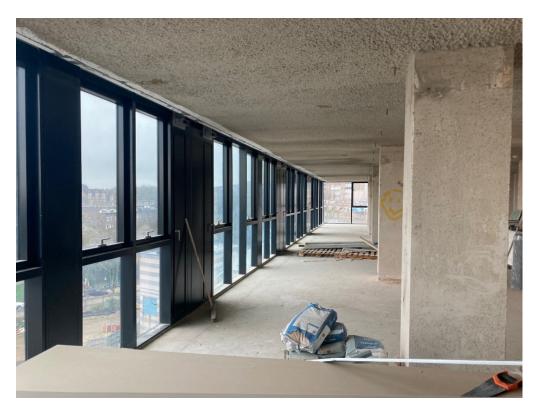




Image 2. Photos inside of the 6th floor of Hill House.

4. SUMMARY

4.1 Planning permission is sought for the change of use of the 6th floor of Hill House, a 15-storey building, from a medical/health service use (Class E(e)) to six self-contained residential flats (3 x 1 beds and 3 x 2 beds) with associated cycle and waste storage to the basement and upper ground floors. No external works are proposed.

- 4.2 The 6th floor previously provided NHS services (defined as social infrastructure under Islington's Strategic and Development Management Policies 'SDMP') and was vacated in 2015. It has remained vacant since 2015 when the NHS service relocated to 62 Brewery Road N7 9NY. Hill House was comprehensively redeveloped in the late 2010s and all upper-level floors are in residential use apart from the 6th floor. The applicant has demonstrated through the provision of a Community Needs Assessment and amendments to Approved Document B of the Building Regulations (which covers fire safety) that the 6th floor can no longer accommodate any non-residential use for fire safety reasons. This finding has also been confirmed by the council's Building Control Officer. It is considered that the applicant has demonstrated sufficient compliance with Policy SC1 of Islington's SDMP (2023) to justify the loss of this social infrastructure use.
- 4.3 The proposed development provides six residential units in an appropriate housing mix with an acceptable standard of accommodation in line with policies H1, H2, H4 and H5 of Islington's SDMP (2023) and policy D6 of the London Plan (2021). There are no external alterations with no resultant impact to the townscape. In addition, there would also be no adverse impacts to residential amenity nor to the character and vibrancy of Archway Town Centre.
- 4.4 The development provides policy compliant cycle parking, would have no adverse highways impacts and there is sufficient capacity in the existing refuse store to accommodate waste associated with the proposed development. The development has also demonstrated that it would sufficiently meet all relevant sustainability objectives of Islington's SDMP and has adequately addressed fire safety at the initial planning and design stage in accordance with Policy D12 of the London Plan (2021).
- 4.5 The applicant has agreed to the pay the full affordable housing contribution of £300,000 (£50,000 per unit) in accordance with Policy H3 part K of Islington's SDMP (2023) and Islington's Affordable Housing Small Sites Contributions SPD (2012).

5. SITE AND SURROUNDINGS

- 5.1 The subject site is a 15-storey building with two 4-storey wings to both flanks located on the western side of Archway Gyratory. The subject building was originally built in the 1970s as a commercial building, but it was comprehensively redeveloped (including re-cladding and a two-storey upward extension to the tower) in the late 2010s. As part of the redevelopment, the building was converted from commercial use to residential (Class C3) apart from the sixth floor and a retained commercial use (Class E) on the ground floor (an M&S supermarket). The building contains 159 flats. The sixth floor, which is currently vacant, is the subject of this application. The lawful use of the sixth floor is for the provision of medical services (Class E(e)), and it was most recently used as an NHS medical centre for ageing and mental health services as consented by planning permission ref. P060155. The residential units within the building as well as the sixth floor, are accessed from the same single stair/lift core from a ground floor entrance/reception on Archway Town Square.
- 5.2 The site occupies a central plot within Archway Town Centre, and it is located immediately adjacent to Archway London Underground Station. Archway is one of Islington's four designated town centres, and contains a mix of commercial, retail, leisure, social/community and residential uses. The site has a Public Transport Accessibility Level of 6b which is the highest possible scoring.
- 5.3 The site is not subject to a statutory or local listing designation, and it is not part of a conservation area. St John's Grove Conservation Area is located in close proximity to the south-east (within 50 metres).

6. PROPOSAL (IN DETAIL)

- Planning permission is sought for the change of the use of the sixth floor of Hill House from a medical use (Class E(e)) to 3 x 1-bedroom flats and 3 x 2-bedroom flats (Class C3). No external alterations to Hill House are proposed. An accessible cycle parking space would be provided within the existing internal cycle store at upper ground floor level and additional cycle store for 12 cycle spaces would be provided at basement level. Refuse and recycling storage would be provided within the existing refuse store.
- 6.2 Amendments received over the course of the application:
 - Cycle parking arrangements revised to provide an additional store at basement level in order to meet policy requirements
 - Elevation drawings provided to confirm no external alterations
 - Flat F was amended to demonstrate that it would meet the wheelchair adaptable standard of part M4(3)(2)(a) of the Building Regulations

7. RELEVANT PLANNING HISTORY:

7.1 There is an extensive planning history at the subject site. The most relevant is listed below. This is divided into sections: (1) applications which relate only to the 6th floor (the subject of this application) and (2) applications which relate to the entire building/other floors of Hill House.

Planning Applications which solely relate to the 6th Floor (which was formerly known as the 5th Floor) of Hill House:

- 7.2 P2021/1540/S73: Change of use of the fifth floor from B1 Offices to D1 use as an interview centre for patients. Section 73 (Minor Material Amendment) to allow for the variation/condition of Condition 3 (use class) of Planning Permission Ref. P060155 approved on 20/03/2006 for 'Change of use of the fifth floor from B1 offices to D1 use as an interview centre for patients' to allow for the following alterations: (a) to allow for unrestricted Class E use. **Refused 21/07/2021 and Appeal Dismissed 17/10/2022.**
 - (1) REASON: The proposal would result in the unjustified loss of social infrastructure floorspace (Class E), which is also within a designated Town Centre and Core Strategy Key Area which would have detrimental impact on the area. No evidence has been provided to demonstrate that the existing use is no longer required, that there would not be a shortfall in the local catchment or provided a replacement facility in the area. The proposed development is therefore contrary to Policy CS1 of the Core Strategy (2011), and Policies DM4.4 and DM4.12 of Development Management Policies (2013).
 - (2) REASON: The application has failed to demonstrate that the use of the host premises as an unrestricted use would have an acceptable impact on the public highway network in terms of servicing and delivery. The proposal is therefore contrary to Islington Core Strategy Policies (2011) CS1, CS8 and DM2.1, DM4.4, DM4.12, DM5.1 and DM8.6 of Development Management Policies (2013).
 - (3) REASON: The application has failed to demonstrate that the use of the host premises as an unrestricted use would have an acceptable impact on the amenity of existing residential occupiers within the host building and wider area. The proposal is therefore contrary to Islington Core Strategy Policies (2011) CS1, CS8 and DM2.1, DM4.4, DM4.12, and DM5.1 of Development Management Policies (2013).

7.3 P060155: Change of use of the fifth floor from B1 Offices to D1 use as an interview centre for patients. **Approved 20/03/2006.**

Planning Applications relating to other floors / the entire building:

- 7.4 P2018/2777/FUL: Formation of plant enclosure at basement level to serve retail unit at ground floor. **Approved 21/03/2019.**
- 7.5 P2017/2823/FUL: Installation of new windows and a projecting balcony at first floor level, at second floor level and at third floor level and enlargement of a previously approved balcony at first floor level by increasing the height of its enclosure. All alterations are to take place on the western (rear) elevation of Hill House. **Approved 04/10/2017**
- 7.6 P2017/2795/PRA: Prior approval application in relation to the change of use of the ground to 4th and 6th to 11th floors (inclusive) from B1(a) office to C3 residential creating 150 residential units. **Approved 11/09/2017**
- 7.7 P2015/3977/FUL: Recladding of existing building; creation of a new residential entrance in eastern facade; erection of a ground floor front extension and reconfiguration of existing retail floorspace; installation of new shops fronts; erection of a wind canopy and landscaping; creation of roof terraces above the plinth; erection of a two storey extension to the tower to create 9 self-contained dwellings and rooftop terraces; and creation of a 2 storey refuse / recycling facilities and cycle store in undercroft of west elevation. **Approved 18/08/2016.**
- 7.8 P2016/1294/PRA: Prior approval application in relation to the change of use of the ground to 4th and 6th to 11th floors (inclusive) from B1(a) office to C3 residential creating 147 residential units. **Approved 06/06/2016.**
- 7.9 P2015/4052/PRA: Prior approval application in relation to the change of use of floors ground to 4 and 6 to 11 from B1(a)office to C3 (residential) creating 147 residential units. **Approved** 17/11/2015.
- 7.10 P2015/2122/FUL: Erection of a single storey building with flat roof to create a 37sqm (GEA) plant room at the southern end of Hill House along with enclosed external area. **Approved 19/10/2015.**
- 7.11 P2015/2908/PRA: Prior Approval application in relation to the following considerations arising from the change of use of ground floor-4 and 6-11 of the building from Class B1(a) office to residential use (C3) use class creating 147 residential units. **Refused 11/09/2015.**

REASON: In accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically the provisions of Class O and Paragraph W, the Local Planning Authority refuses this application as in its opinion, the applicant has provided insufficient precise and unambiguous information to enable the LPA to confirm that the proposed development complies with condition O.2(a) which requires that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to transport and highways impacts of the development. Based on the information provided the LPA cannot confirm if the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

7.12 P2014/3385/FUL: Recladding of existing building, creation of new residential entrance in eastern façade, erection of a ground floor front extension and reconfiguration of existing retail floorspace, installation of new shop fronts, erection of wind canopy and landscaping. **Approved 19/11/2014.**

- 7.13 P2014/1161/PRA: Prior Approval application in relation to the following considerations arising from the change of use of floors 1-4 and 6-12 of the building to residential use (C3) use class creating up to 150 residential units. **Approved 21/05/2014.**
- 7.14 P2014/0332/PRA: Prior Approval application in relation to the following considerations arising from the change of use of the building of floors 1 to 4 and 6 to 12 to residential use (C3) use class creating 141 residential units. **Approved 20/03/2014.**

8. CONSULTATION

Public Consultation

- 8.1 518 letters were sent to adjoining and nearby properties within Hill House, and at Junction Road, Girdlestone Walk, Vorley Road, Hargrave Road, Windermere Road, Navigator Square, Annesley Walk, Holloway Road and Highgate Hill on 9 March 2023. A site notice was also displayed on 9 March 2023. The public consultation expired on 2 April 2023. However, it is the council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of writing this report a total of 14 representations raising objection had been received representing 8 local addresses. The representations received can be summarised as follows (with the paragraphs in brackets indicating where in the report the respective points have been addressed):
- 8.3 <u>Security/anti-social behaviour (paragraph 10.77)</u>
 - Building requires better security.
 - Front of the building has insufficient lighting which encourages anti-social behaviour.
- 8.4 Amenity (paragraph 10.78)
 - Additional dwellings will increase the use of amenities currently used by existing residents affecting their quality of life.
 - Development must propose improvements to existing amenities as no additional amenity is being provided.
- 8.5 Wind assessment (paragraph 10.79)
 - A wind assessment should be carried out as wind speeds are unsafe and mitigation measures need to be applied.
 - The underpass between the post lobby and bins store requires a wind tunnel assessment to ensure that wind speeds are safe.
- 8.6 Accessibility (paragraph 10.52)
 - Level access to bin store should be provided.
- 8.7 <u>Construction impacts (paragraph 10.53)</u>
 - Concerns with impact of construction works on existing residentials.
 - No specification on the duration of construction works.
 - Request a construction management plan to be provided.
- 8.6 Energy (paragraph 10.82)
 - Islington should not allow more heat network developments until they are covered by an energy price cap.
 - Approved Document L (Conservation of Fuel and Power) of the Building Regulations has been updated, the application should not rely on energy information from the original planning application made 8 years ago.

- A thorough review of the energy strategy of the existing building should be carried out and upgrades provided to meet current policy.
- 8.7 Drawing inaccuracy (paragraph 10.80)
 - Ground floor plan is inaccurate and should be updated.
- 8.8 <u>Complaints about developer, freeholder and the management company of Hill House (paragraph 10.81)</u>
 - Developer has not responded to a number of complaints since the building opened in 2018; until these issues are rectified no more dwellings should be added.
 - Dangerous backdoor which has been inappropriate since installed, this was replaced but costs passed onto residents.
 - Boiler unfit for purpose as residents regularly suffer from hot water shortages, developer refused to resolve the issues.
 - Unknown freeholder who refuses to engage with leaseholders.
 - Management company not fit for purpose, cannot cope with current numbers so will not be able to manage an additional 6 units.
 - Application does not clarify the cost impact on current building members as it is expected that communal area fees will be split with the new residents of the 6th floor.

External Consultees

- 8.9 **Health and Safety Executive:** Initially raised fire safety concerns with the development as insufficient information was provided in relation to how the 6th floor interacts with the rest of the building, there was no confirmation that the external wall system meets the requirements of the European standard A2-s1,d0 or better, and no rationale that identifies and justifies omission of sprinkler protection for the existing commercial units in the building. Revised details were submitted following these comments and the HSE raised no objection and confirmed that they were content with the proposed fire safety design insofar as it relates to land use planning matters.
- 8.10 **Transport for London (Spatial Planning):** Raised no objection to the development subject to the following conditions being met:
 - Provision of a minimum of 11 long-stay and 2 short-stay cycle spaces in line with London Plan Policy and that these should be in a secure location and meet the design standards of Chapter 8 of the London Cycle Design Standards
 - Future occupiers to be restricted from obtaining parking permits in the local CPZ (should be secured via a legal agreement)
 - The footway and carriageway on Junction Road should not be blocked during the
 construction of the development. Temporary obstructions during the construction should
 be kept to a minimum and should not encroach on the clear space needed to provide safe
 passage for pedestrians or obstruct the flow of traffic on Junction Road. All vehicles
 should only park/ stop at permitted locations and within the time periods permitted by
 existing on-street restrictions.
- 8.11 **Transport for London (London Underground/DLR Infrastructure Protection):** Confirmed that they have no comment to make on the application.

Internal Consultees

8.12 **Planning Policy:** Confirmed no objection to the loss of the medical facility based on the circumstances of the site and justification put forward by the applicant. It was, however, advised that a Community Needs Assessment in line with Policy SC1 should be provided addressing why

the site can no longer support medical or health services and why in this specific case marketing the site for that use in line with the requirements of Appendix 1 is not possible. In addition, no objection was raised to the principle of introducing residential flats to the 6th floor.

Officer Comment: A Community Needs Assessment was provided.

8.13 **Inclusive Design:** Following revisions, it was confirmed that Flat F met the "wheelchair adaptable" standard of Part M4(3)(2)(a) of the Building Regulations. Additional cycle parking, one accessible cycle parking space, details of the main entrance, and an evacuation plan were also requested.

Officer Comment: Amendments were made to provide policy compliant cycle parking and an accessible cycle parking space was provided. It was also confirmed within the fire safety information provided that the existing lifts can be used by wheelchair users in the event of fire for evacuation purposes.

- 8.14 **Sustainability:** Confirmed that this was a well-considered application re-using the existing built structure, however, more detail was requested regarding Air Quality and BREAAM.
- 8.15 **Environmental Health (Acoustic Officer):** Confirmed that they had no objection to the development as building regulations would address residential-residential separation in terms of noise and sound insulation. However, the acoustic officer advised that they have previously carried out noise surveys in Hill House which confirmed that the building is well insulated form external noise sources when windows are closed. This results in a low background sound level. In order to maintain this low background sound level within the proposed development, it was advised that the sound insulation between the proposed residential units should be of a high standard and a minimum of 5 decibels above Approved Document E standards of the Building Regulations.
- 8.16 **Building Control (for Fire Safety):** Agreed with the applicants finding that in principle the 6th floor of Hill House is no longer suitable for non-residential use following amendments to Approved Document B (fire safety) of the Building Regulations. It was also confirmed that Hill House meets the definition of a "relevant building" and that the Health and Safety Executive need to be consulted. It was confirmed that full justification of safe design will need to be demonstrated as part of a Building Control application.

9. RELEVANT POLICIES

- 9.1 Islington Council (Planning Committee), in determining the planning application has the main following statutory duties to perform:
 - To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
 - As the development is within or adjacent to a conservation area(s), the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area (s72(1)).
- 9.2 National Planning Policy Framework 2023 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development."

- 9.3 The National Planning Policy Framework (2023) seeks to secure positive growth in a way that effectively balances economic, environmental, and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
 - Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to
 the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except
 in the public interest and subject to the conditions provided for by law and by the general
 principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this
 Convention shall be secured without discrimination on any ground such as sex, race, colour,
 language, religion, political or other opinion, national or social origin, association with a national
 minority, property, birth, or other status.
- 9.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 9.10 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving any adjoining listed buildings, their setting and any of their features of special architectural or historic interest.

Development Plan

9.11 The Development Plan is comprised of the London Plan (2021), Islington's Local Plan: Strategic and Development Management Policies (2023), Bunhill and Clerkenwell Area Action Plan (2023), and Site Allocations (2023). The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 9.12 The site has the following designations under the London Plan (2021), Islington's Local Plan: Strategic and Development Management Policies (2023), Bunhill and Clerkenwell Area Action Plan (2023), and Site Allocations (2023):
 - Archway Town Centre
 - Within 50m of St John's Grove Conservation Area
 - Within 100m of TLRN (TfL Road Network
 - Within 50m of SRN (Strategic Road Network)
 - Junction Business Association Area
 - Rail Land Ownership TfL Tunnels
 - Rail Land Ownership TfL Surface
 - London Underground Zone of Interest
 - Strategic Cycle Route

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
 - Land Use
 - Quality of Accommodation & Inclusive Design
 - Design and Conservation
 - Neighbouring Amenity
 - Transport, Highways and Servicing
 - Sustainability
 - Affordable Housing
 - Fire Safety

Land Use

Recent History of Hill House

10.2 The proposed development is for the conversion of the 6th floor from a medical use (Class E(e)) to a residential use (Class C3) with the provision of six self-contained flats. Planning permission was granted in 2006 for this medical use and this floor provided medical services related to ageing and mental health for the Camden & Islington NHS Trust. At the time of the original consent this was a Class D1 use, however, following amendments to the Use Class Order in 2020 this is now a Class E(e) use. According to the applicant, the NHS vacated the site in 2015, and relocated this service to 62 Brewery Road N7 9NY. This floor has been vacant and non-operational since 2015.

- 10.3 The subject floor was originally known as the 5th floor; however, the floors were re-numbered during the redevelopment of the existing building, and it is now known as the 6th floor. Consent was given under Prior Approval to change the use of the ground to 4th, and 6th to 11th floors (as they were then known) to residential use (Class C3). The conversion and redevelopment of the site has been completed and there are now residential uses on all floors above and below the 6th floor.
- 10.4 The 6th floor was omitted from the previous prior approval applications due to a condition (condition no. 3 of planning permission ref. P060155) which explicitly restricted the use of this floor to the provision of medical services only. This condition meant the 6th floor was not eligible to be considered for a change of use to residential under Prior Approval.
- 10.5 An application was refused in 2021 (Ref. P2021/1540/S73) which sought to remove condition 3 and allow for an unfettered Class E use for three reasons: (1) the unjustified loss of social infrastructure (medical services), (2) the applicants failure to demonstrate that an unrestricted Class E use would not have a detrimental impact on the highway, and (3) the applicants failure to demonstrate that there would be not be adverse impact to the amenity of neighbouring residential occupiers within Hill House. The council's decision was appealed to the Planning Inspectorate, and the inspectorate dismissed the appeal, upholding all three reasons for refusal (PINS ref. APP/V5570/W/21/3289911). This application has provided new evidence to justify the loss of the medical use and further information to overcome the council's previous reasons for refusal. This is outlined below.

Loss of Social Infrastructure

10.6 The glossary of Islington's Strategic and Development Management Policies 'SDMP' (Appendix 8) provides a definition of social and community infrastructure which states:

Infrastructure that is available to, and serves the needs of, local communities and others, which is often funded in some way by a grant or investment from a government department, public body and/or the voluntary sector. Social and community facilities comprises a wide variety of facilities/buildings including those which accommodate social services such as... health centres.

- 10.7 The lawful use of the subject floor is for the delivery of health and medical services (Class E(e), and this is classified as social infrastructure. Policy SC1 part E of Islington's SDMP (2023) states the council will not permit any loss of social and infrastructure uses unless:
 - (i) a replacement facility is provided on-site. Any facility must be of at least equivalent quality, quantity and accessibility to that of the existing facility, and must be consistent with Part G. It must, in the Council's view, ensure that the needs of the local population will continue to be met to at least the same level as the existing use; or
 - (ii) the existing use or another social and community infrastructure use is not required on site, demonstrated through:
 - a. provision of marketing and vacancy evidence to assess continued demand for the existing use and all other suitable social and community infrastructure uses that could be accommodated on site. Evidence must be provided for a period of at least 12 months, in line with Appendix 1; and
 - b. provision of a Community Needs Assessment detailing why the site cannot support social and community infrastructure uses and why the existing use is no longer required on-site as well as demonstrating that the needs of service users

have been considered before making recommendations/submitting proposals involving replacement or relocation or consolidation of services; or

- (iii) The proposal involves the loss/reduction/relocation of social and community infrastructure uses as part of a rationalisation of a recognised public sector body's estates programme. The applicant will be required to provide a Community Needs Assessment demonstrating details of rationalisation, including that they have considered the needs of service users as part of any rationalisation strategy.
- 10.8 The proposed development does not provide a replacement social infrastructure facility on site. The submission does not detail whether the development is related to any rationalisation of a recognised public sector body's estates programme. The development therefore needs to be tested against Policy SC1 part E (ii).
- 10.9 Policy SC1 part E (ii) requires (a) marketing and vacancy evidence covering a minimum of a 12-month period and (b) a Community Needs Assessment. The application has not been supported with any marketing evidence to satisfy part (a), but a Community Needs Assessment has been provided. The applicant notes that the 6th floor has been vacant since 2015, and the council holds no evidence to dispute this claim. It is clear that this floor has been vacant for an extended period of time, and in excess of 12 months (the vacancy period from 2015 aligns with the timing of when permissions for the change of use of the ground to 4th floors and 6th to 11th floors and for the redevelopment and extension of the building were first granted). Whilst marketing has not been undertaken, it is recognised that the 6th floor could only be marketed for a medical or health service use, and not for any other social infrastructure use as condition 3 of planning permission ref. P060155 only allows a medical or health service use.
- 10.10 Ordinarily, the lack of robust marketing evidence to satisfy Policy SC1 part E would not be acceptable. The applicant has, however, outlined specific justification for why a genuine test of the market for social infrastructure could not be undertaken in this site-specific instance. A letter authored by a Charted Building Engineer and member of the Institution of Fire Engineers of Fire Dynamics Group (a fire engineering consultancy) has been provided as part of the submitted Planning Statement and Community Needs Assessment which outlines that due to recent amendments to Approved Document B Volume 2 (2019 edition incorporating 2020 and 2022 amendments) of the Building Regulations (which covers fire safety), that it would no longer be possible for the 6th floor to be occupied by a non-residential use for fire safety reasons. Section 3.3 of this document which relates to the vertical means of escape, states that multi-use buildings with a top storey height of 11m require access to at least two staircases. The only exception to this is where it is a "small single-stair building" with a top-storey height of less than 11m. The tower element of Hill House has a single staircase, and the top-storey height is approx. 49.5m so it does not meet the exception test.
- 10.11 Approved Document B Volume 1 (2019 edition incorporating 2020 and 2022 amendments) allows single stair access to residential buildings of any height which are within the documents scope (it is, however, important to note that in July 2023 the Government mandated that all new buildings over 18m in height will require a second staircase from 2026 onwards). In addition, Section 3.77 of Approved Document Volume 1 provides a list of conditions which need to be met to allow staircases to be shared between a flat and other uses in buildings with more than three upper storeys, these are (a) 'the flat is ancillary to the main use of the building' and (b) 'the flat has an independent alternative escape.' The flats within in Hill House are not ancillary to the medical use of the 6th floor, and there are no dedicated alternative escape routes for the upper floors of the tower part of Hill House.
- 10.12 The Council's Building Control Officer has reviewed the submission and agreed with the principle put forward by the applicant in relation to fire safety. Since all of the other floors of the building

are in residential use, a non-residential use cannot continue to operate on the 6th floor in accordance with fire safety regulations as the building has a height of greater than 11m and only a single staircase. These amendments to the building regulations were introduced following the determination of the refused planning application ref. P2021/1540/S73 and therefore the circumstances relating to the continued social infrastructure use of the 6th floor have materially changed. The only viable method to satisfy these building regulation requirements would be to introduce a second staircase, but this is not considered to be realistic or viable given that it would necessitate the removal of existing flats and/or a substantial extension to the building with associated visual and residential amenity implications. On a related point, the Health and Safety Executive has reviewed this application and is content with the proposed fire safety design for the proposed flats insofar as it relates to fire safety for planning purposes (this is detailed in the fire safety section of the report).

- 10.13 The Council's Planning Policy Team has also reviewed the argument put forward to justify the lack of marketing evidence and accepted this finding. The submitted Community Needs Assessment and supporting evidence has satisfactorily demonstrated that the marketing of the 6th floor for a medical use is not possible on fire safety grounds in this site-specific instance. Moreover, both condition 3 of the original consent (Ref. P060155) and the fire safety reasoning would preclude any other social or community infrastructure being provided on the 6th floor. Furthermore, the Community Needs Assessment confirms that the NHS service that was operating from the 6th floor has relocated to 62 Brewery Road N7 9NY and continues to operate within the borough. There has therefore been no overall loss of service provision.
- 10.14 Notwithstanding the above finding, the continued operation of the 6th floor as a medical or health service would likely have implications for the amenity of the residential occupiers of Hill House. Service users would share the same stair and lifts to access the site as the residential occupiers of the building. This could result in undue noise and disturbance associated with comings and goings, as well as safety concerns. When the entire building was in commercial use this was not an issue, however, since the introduction of a residential use to all other floors, which is sensitive use, this could have adverse implications. Moreover, policy B2 of Islington's SDMP requires full separation between commercial and residential floorspace where new mixed-use developments are concerned, and this would not be achieved due to the need to share the existing stair and lifts.
- 10.15 Overall, the application is considered by Officers to satisfactorily demonstrate that a social infrastructure use can no longer be provided of the 6th floor of Hill House. The development is therefore considered to achieve a sufficient degree of compliance with Policy SC1 of Islington's SDMP (2023).

Residential Use and Housing Mix

- 10.16 Policy SP7 of the SDMP, the spatial strategy policy for Archway, states amongst other objectives, that development must support the commercial function of the area, particularly the retail function of the designated town centre. Part H states 'housing will come forward on sites allocated for housing, on upper floors within the town centre as well as windfall sites within the wider area.'
- 10.17 Policy H1 part H outlines that Islington is committed to meeting and exceeding the borough's minimum housing delivery target as set out in the London Plan. Part J states that the size mix of new housing must reflect local need.
- 10.18 Policy H2 part D states that all development proposals must provide a good mix of unit sizes in accordance with the housing size mix priorities of Table 3.2. For market housing, Table 3.2 assigns the highest priority to 2 beds, with a medium priority for 3 beds and a low priority for 1 bed and 4 beds. Studios/bedsits are not a priority housing size. Paragraph 3.33 of the SDMP (the

- supporting text to Policy H2) states that 'one-bedroom units should not be the predominant sized unit across a development proposal overall.'
- 10.19 Hill House has an established residential use (Class C3) given that there are flats located on all the floors below and above the 6th floor. In addition, as previously detailed, the 6th floor cannot be used for any non-residential uses in order to satisfy building regulation fire safety requirements. The residential use of this floor is the only viable alternative. Moreover, the proposed residential use on this upper floor level of Hill House would not detract from the commercial and retail character of the designated town centre in accordance with Policy SP7. The residential use of the 6th floor is therefore acceptable in principle.
- 10.20 The proposed housing mix consists of 3 x 1 bed flats (50%) and 3 x 2 bed flats (50%). The number of one bed units, which are a "low priority" under Table 3.2, comprise 50% of the total, which is a marginally greater provision of one bed units then Table 3.2 ordinarily seeks to achieve within an overall housing mix. However, considering the small site area and practical space constraints of converting an existing floor, the town centre location, the relatively small number of flats proposed and the high standard of accommodation to all the flats (detailed further in proceeding section of this report), and as the one bed flats would not be predominant unit size across the overall development (there is an equal proportion of two beds which are the council's highest priority) the overall mix is considered to be acceptable.

Land Use Conclusion

10.21 Overall, the change of use from a medical or health service use (Class E(e)) to a residential use (Class C3) in the form of six self-contained flats is considered to be acceptable in this site-specific instance. The development achieves a sufficient degree of compliance with policies SP7, SC1, H1 and H2 of Islington's SDMP (2023) and the principle of residential development is acceptable subject to the detailed considerations below.

Quality of Accommodation and Inclusive Design

- 10.22 Policy D6 of the London Plan (2021) states that new housing should be of a high-quality design with comfortable and functional layouts, adequately sized rooms, and provide sufficient daylight and sunlight amenity. All new dwellings must meet the minimum space standards (Gross Internal Areas) outlined in Table 3.1.
- 10.23 Policy H4 of the SDMP requires new housing developments to provide comfortable, functional, adaptable and useable space that has a good standard of amenity for occupiers of all ages. The accommodation needs to be of an acceptable size and layout with due consideration for natural light, outlook, privacy, circulation space, cross ventilation, insulation from noise and vibration and inclusive design principles. Part D requires the relevant minimum space standards of the London Plan to be met or exceeded.

Internal Space Standards

10.24 All the proposed flats would exceed the minimum space standards for their respective permutation as per Table 3.1 of the London Plan. This is confirmed within the table below:

Flat no.	Dwelling Permutation	Required GIA	Actual GIA	Required Storage	Actual Storage
Flat A	1 bed, 2 persons, one-storey	50m ²	56m ²	1.5m ²	2m ²
Flat B	2 bed, 3 persons, one-storey	61m ²	74m ²	2m ²	3.2m ²
Flat C	2 bed, 4 persons, one-storey	70m ²	91m ²	2m ²	4m ²
Flat D	2 bed, 3 persons, one-storey	61m ²	72m ²	2m ²	2.8m ²
Flat E	1 bed, 2 persons, one-storey	50m ²	59m ²	1.5m ²	2m ²
Flat F	1 bed, 2 persons, one-storey	50m ²	64m²	1.5m ²	2.5m ²

Internal Floor to Ceiling Heights

- 10.25 Islington has a locally specific internal floor to ceiling height standard of 2.6m for habitable rooms, kitchens and bathrooms as outlined with Policy H4 part F. This is greater than the London Plan standard of 2.5m. Policy H4 part F also provides provision for a lower ceiling height in conversion schemes where the original ceiling height is being maintained and where it is demonstrated that there would be an overall good standard of daylight penetration, outlook, natural ventilation and usable floorspace.
- 10.26 A dropped partition board ceiling is to be installed onto the existing ceiling which would result in an internal floor to ceiling height of 2.52m for 100% of the floorspace of each of the proposed flats. This would be marginally below Islington's 2.6m standard, but it would meet the London Plan standard. Moreover, as this is a conversion scheme and as all the proposed flats would exceed minimum floorspace standards and be of a good quality in terms of daylight penetration and natural ventilation (with openable windows and purge ventilation), the ceiling height is considered to be acceptable to Officers, and it demonstrates a sufficient degree of compliance with Policy H4 part F.

Access to daylight/sunlight and outlook

- 10.27 Policy H4 part I of the SDMP states that 'all new residential units should be dual aspect, unless provision of dual aspect is demonstrated to be impossible or unfavourable.' If it is satisfactorily demonstrated that a dual aspect unit is impossible or unfavourable, then single-aspect units must:
 - (i) Provide a good level of daylight for each habitable room, and optimise opportunity for direct sunlight;
 - (ii) Ensure that the aspect is not predominately north-facing and does not face onto main roads or other significant sources of air pollution and/or noise and vibration, which would preclude opening windows;
 - (iii) Provide a good level of natural ventilation throughout the dwelling via passive/non-mechanical design measures; and
 - (iv) Ensure that future occupiers have a good level of privacy and do not experience adverse impacts from overlooking
- 10.28 Flats A, B, D and E would all be dual aspect units as they are corner units and would have sufficient access to natural light and outlook thereby complying with Policy H4. Flats C and F which occupy the central part of the building would be single aspect units. Flat F would be south

facing and would benefit from the existing floor to ceiling height windows to the bedroom and open plan kitchen/living/dining room. Flat F would have unobstructed outlook, and given its orientation and open layout, it would receive sufficient natural light and satisfactorily meet the policy tests of single aspect units of Policy H4 part I.

10.29 The windows of Flat C would be on the north-facing elevation although they are floor to ceiling height (with openable elements), and occupiers would have an open plan layout to their kitchen/living/dining room, open aspect and unobstructed outlook. Apart from the single aspect layout, this unit would otherwise be of a reasonably good quality as it has two beds in a spacious layout (exceeding space standards), and provides sufficient privacy and outlook, and it does not directly face Junction Road or any main road (in terms noise and air pollution impacts). Given this arrangement, the single aspect layout is considered to be acceptable to Officers. Flat C therefore demonstrates a sufficient degree of compliance with Policy H4 part I.

Sound Insulation

10.30 The Council's Acoustic Officer has reviewed the submission and confirmed that they have carried out noise surveys at Hill House. When windows are closed the building is well-insulated from external noise so there is a very low background sound level. In order to maintain this low sound baseline and ensure that the each of the proposed residential units are sufficiently protected from the passage of sound from the adjoining residential unit(s), they have recommended that the sound insulation between the proposed residential units should be a minimum of 5 decibels above Building Regulation Approved Document E standards. A condition is recommended to secure this in order to provide an appropriate auditory environment to future occupiers (condition no. 10).

Private Outdoor Amenity Space

- 10.31 Policy H5 of the SDMP requires all new residential development and conversions to provide good quality private outdoor amenity space (gardens or balconies), with due consideration for shape, location, daylight and sunlight, noise, enclosure, overlooking, privacy and security. Part D outlines the minimum standards which is 5m² of private outdoor amenity space on upper 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.
- 10.32 Policy H5 part F states that communal provision of amenity space in lieu of private outdoor space to each individual unit will only be acceptable for non-family units, where (i) the provision of private outdoor space would have adverse impacts in terms of noise and overlooking, (ii) the provision of communal floorspace would lead to a higher quality scheme overall, (iii) the level of communal space is commensurate with the scale of the development, and (iv) access to communal space is not restricted.
- 10.33 None of the proposed flats would have access to any dedicated private amenity space although the submission confirms that residents would have access to the existing communal rooftop terrace at 4th floor level (on the northern wing of the building), although it is noted that this roof terrace does not have level access (there is a step). The supporting text to Policy H2 outlines that two-bedroom units are considered to be "family homes." The lack of dedicated private amenity space, and as the development includes three family sized units with their only on-site external amenity space being a communal terrace, is therefore an area of non-compliance with policy that needs to be weighed up in the overall planning balance.
- 10.34 The lack of dedicated private outdoor amenity space is unfortunate, however, given that this is a conversion scheme of an existing upper floor level, the only viable method of providing dedicated private outdoor amenity space is likely to be the affixing of balconies to the external building elevations at 6th floor level. This would have adverse visual and neighbouring amenity

implications. Given this context, the town centre location, the high quality of internal accommodation, and as future occupiers would have access to the existing communal 4th floor roof terrace which is of a relatively substantial size and considering both Girdlestone Park and Archway Park are within close walking distance (the parks are located a distance of approx. 150m and approx. 200m away respectively) the lack of private outdoor amenity space is considered by Officers to be acceptable in the overall planning balance.

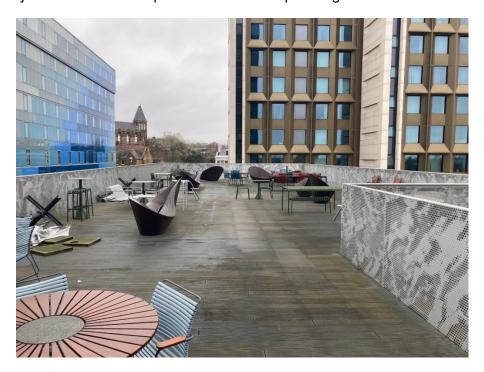


Image 3. Photo of existing communal roof terrace at 4th floor level.

Inclusive Design

- 10.35 Policy PLAN1 requires all development to meet the highest standards of inclusive design. Policy H4 part B requires 90% of dwellings in a new development to be built to Category M4(2) 'Accessible and Adaptable' standard and the remaining 10% to 'Wheelchair Adaptable M4(3)(2)(a).
- 10.36 Revised floorplans were provided to demonstrate that Flat F would meet the M4(3)(2)(a) standard and the other five flats would meet M4(2). The Council's Inclusive Design Officer reviewed the submission and confirmed that this requirement had been met. A condition is recommended to secure this (condition no. 5). The Council's Inclusive Design Officer also requested further detail on the provision of cycle parking (including an accessible space for non-standard cycles), the entrance to confirm level access, and confirmation if one of the lifts was an evacuation lift. The scheme has been amended to provided policy compliant cycle parking (including an accessible space) and Officers have visited the site and can confirm that there is step-free access from street to the 6th floor of Hill House. The fire safety documentation submitted also confirms that the lifts would be operable for evacuation purposes in the event of fire.
- 10.37 Overall, the proposed development is considered to provide an acceptable standard of accommodation in line with policy D6 of the London Plan (2021), and policies H4 and H5 of Islington's SDMP (2023)

Design and Conservation

- 10.38 Policy PLAN1 of Islington's Strategic and Development Management Policies (2023), amongst other objectives, aims to achieve development that represents a high quality of design that is sustainable and inclusive and that positively contributes to local character, legibility and distinctiveness.
- 10.39 Policy DH1 supports innovative approaches to development whilst simultaneously addressing any adverse heritage impacts and protecting and enhancing the unique character of the borough. Part E states that the council will conserve or enhance the borough's heritage assets and their settings in a manner that is appropriate to their significance.
- 10.40 Policy DH2 requires developments within conservation areas and their settings to be of a high-quality contextual design and to conserve or enhance their significance.
- 10.41 No external alterations to the building are proposed so there would be no material change to its appearance. There would therefore be no impact to the street scene, local townscape or to the significance of the setting of the St John's Conservation Area. The development complies with policies PLAN1, DH1 and DH2 of Islington's SDMP (2023) from design and conservation perspective.

Neighbouring Amenity

- 10.42 Policy PLAN1 Part B(i) of Islington's SDMP (2023) states that developments must be "contextual" and provide a good level of amenity with due consideration of noise and the impact of disturbance, hours of operation, vibration, pollution (such as air, light and noise), fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, overdominance, sense of enclosure and outlook.
- 10.43 The proposed development is not considered to result in any adverse harm to the amenities of neighbouring occupiers including those within Hill House and adjacent and surrounding buildings. The proposed development does not propose any alterations to the external appearance of the building and consequently, there would be no material impact to the quality of daylight, sunlight and outlook that is currently enjoyed by any of the surrounding neighbours. Furthermore, the existing building contains multiple windows in all elevations (including on the 6th floor). The introduction of residential flats to the 6th floor with no associated changes to the external elevations would therefore not introduce any undue overlooking opportunities beyond the views that are already achievable from the 6th floor as well as the other floors of Hill House. In light of this finding, no neighbours within surrounding buildings would experience a perceptible loss of privacy.
- 10.44 The proposed development would introduce residential flats into a town centre location and into a building complex which already contains 159 flats. The proposed development would increase the level of occupancy through a further six flats, however, it is not considered to result in any undue noise and disturbance impact through this occupation and associated comings and goings. Moreover, the sound insulation of the separating floors between the existing flats on the 5th and 7th floors, and the proposed flats on the 6th floor will be covered by building regulations.
- 10.45 Overall, for the reasons outlined, the development is not considered to result in any adverse impact to neighbouring amenity. The development therefore achieves a satisfactory degree of compliance with Policy PLAN1 part B of Islington's SDMP (2023).

Transport, Highways and Servicing

10.46 The subject site has an excellent Public Transport Accessibility Level of 6b which is the highest possible scoring (the scale is from 1 to 6b with 6b being the highest). It is located immediately adjacent to Archway London Underground Station and is served by nearby bus stops/routes on Junction Road, Holloway Road, Archway Road and St John's Way. This section of Junction Road is part of the Strategic Road Network.

<u>Car-Free Development</u>

- 10.47 Policy T3 of the SDMP requires all new development to be car free. In Islington, car-free development means that no parking provision will be allowed on site and future occupiers will have no ability to obtain car parking permits unless exceptional circumstances can be demonstrated (e.g., Blue Badge holders).
- 10.48 Hill House has a basement level car park, but this is not available to residents of Hill House for the storing of cars. The car park is used by the adjacent Premier Inn Hotel and adjacent premises. The proposed development does not propose any on-site vehicle parking and the submitted planning statement confirms that the development would be car free. It is recommended that the car-free nature of the development (the exclusion of future occupiers from obtaining parking permits) is secured as part of a legal agreement in the event of this application being approved.

Cycling

- 10.49 Policy T2 part E requires all new developments to incentivise cycling with measures including the provision of secure and well-located cycle parking with adequate circulation space and that caters for both standard and non-standard cycles. Appendix 4 outlines the minimum standards which for Class C3 residential dwellings is 1.5 spaces per 2-person, 1 bedroom dwelling and 2 spaces for all larger dwellings. Transport for London has been consulted on the development and requested that a total of 13 cycle spaces is provided (11 long stay and 2 short stay).
- 10.50 The proposed development would provide a total of 13 cycle spaces. 1 accessible space would be provided within the existing cycle store in the upper ground floor level of Hill House. There is level access to this store for cycles from Archway Road. Due to space constraints, it is not possible to accommodate further spaces within this store and therefore a separate cycle store dedicated for the occupiers of the proposed flats is proposed within the existing basement car park. There is an existing vacant room at basement level, and this area would be converted into a cycle store (this would have level access via an existing ramp). This would provide a total of 12 spaces (3 x Sheffield stands and 3 x double stacking "josta style" racks). The quantum and quality of cycle parking is policy compliant. A condition is recommended to ensure that the cycle parking is provided prior to first occupation of the proposed development and retained thereafter into perpetuity (condition no. 3).

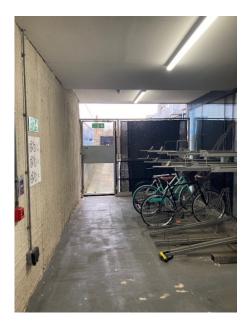




Image 4. Photos of existing cycle store.



Image 5. Additional cycle store to be constructed behind this wall / proposed cycle store plan.

Waste Management

- 10.51 There is an existing refuse/recycling store at the ground floor level of the building used by the existing residential occupiers of Hill House (see photos below). There is sufficient capacity to accommodate additional bins to cater for the likely volume waste from the occupiers of the proposed development. Precise details are recommended to be secured via condition (condition no. 4).
- 10.52 There is a single step between the ground floor reception and the entrance to the refuse store (persons need to step off the kerb). The applicant has agreed to drop the kerb adjacent to the reception to provide step-free access to the refuse store. This improved accessibility would cater for future occupiers of the proposed development and also be of a small benefit to existing residents of Hill House as the existing refuse/recycling store is used by all residents. This is recommended to be secured via condition (condition no. 4).



Image 6. Photos of existing refuse/recycling store.

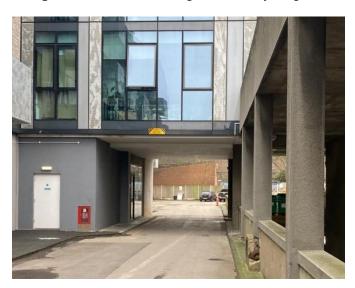


Image 7. Photo of rear servicing yard. The ground floor reception is on the left and the refuse/recycling store on the right.

Construction Management

- 10.53 This a minor development and the construction works associated with the development would be internal and limited to the 6th floor of Hill House as well as the basement and upper ground floor to provide the requisite cycle parking provision. A Construction Management Plan is recommended to mitigate the impact of the construction on the highway, neighbouring amenity and local environment (condition no. 9). In addition, an informative is recommended in line with TfL comments to ensure that the footway and carriageway of Junction Road is not blocked during construction works, temporary obstructions to be kept to a minimum and not to obstruct the safe passage of pedestrians, and for all vehicles associated with the construction works to only park / stop at permitted locations and in accordance with existing on-street restrictions.
- 10.54 Overall, subject to conditions and a legal agreement to secure the development as car free, the development would have an acceptable impact upon the highway and provide policy compliant cycle and waste storage. The development would therefore accord with policies T2, T3 and T5 of Islington's SDMP (2023).

Sustainability

- 10.55 The NPPF (2023) requires local planning authorities to support the transition to low carbon futures by supporting energy efficiency improvements to existing buildings and expecting new developments to reduce greenhouse gas emissions and minimise energy consumption through design, layout and building orientation.
- 10.56 Policy S2 of Islington's SDMP requires all development proposals to be supported with a Sustainable Design and Construction Statement (SDCS) that addresses all of relevant sustainability objectives of the SDMP. Part C outlines that the SDCS submitted by all minor changes of use must demonstrate that all relevant sustainable design requirements have been considered. The level of information provided in the statement must be proportionate to these requirements.
- 10.57 An SDCS has been provided which proportionately meets the relevant sustainability objectives. The detailed policy criteria are addressed in the below sections.

Energy Strategy and Operational Sustainability

- 10.58 Policy S3 part A requires minor residential developments involving refurbishment or extension to achieve a final (post refurbishment) certified rating of Excellent under BREEAM Domestic Refurbishment 2014 (or equivalent scheme) and must make reasonable endeavours to achieve an Outstanding rating.
- 10.59 Policy S4 requires all development proposals to demonstrate how greenhouse gas emissions will be reduced in accordance with the energy hierarchy: "be lean", "be clean", "be green" and "be seen." Policy S5, amongst other objectives, prioritises low carbon heating systems. Policy S6 requires developments to demonstrate how the proposed design will reduce the potential for overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.
- 10.60 No external alterations are proposed, and the development will benefit from the façade system installed as part of the redevelopment of Hill House. The glazing has a high thermal performance, and all the proposed flats would have openable windows and purge ventilation providing natural ventilation. The flats would connect to the existing centralised Combined Heat and Power system (CHP) that serves Hill House and utilise a Mechanical Heat Ventilation Recovery (MHVR) System with variable refrigerant flow. The development is considered to sufficiently minimise heat risk in accordance with Policy S6 as far as practicable given the constraints of the existing building.
- 10.61 The SDCS outlines that the development has been designed to reduce emissions using the energy hierarchy approach and achieves a total of a 9% reduction in unregulated carbon emissions (against the notional dwelling as specified within the GLA's Energy Assessment Guidance). A condition is recommended to secure the requisite certified BREEAM rating (condition no. 7).

Adaptive Design Strategy

- 10.62 Policy S10, amongst other objectives, requires development proposals to follow circular economy principles including the provision flexible, adaptable and long-lasting developments, the use of reused and recycled content in construction materials, the minimisation of construction waste, and the use of local suppliers where feasible. Part C requires a minimum of 10% of the total value of materials used in minor developments to derive from recycled and re-used content.
- 10.63 The proposed development demonstrates circular economy principles as it re-uses a mid-floor of an existing building to provide new housing. The existing substructure, superstructure, façade and building services will all be retained. The embodied carbon emissions associated with the

development will therefore only arise from the internal fit-out of the sixth floor. The SDCS confirms that the development would use recycled and reused materials to meet the 10% value of Policy S10 part C.

Landscape Design Strategy

10.64 The submitted SDCS confirms that no landscaping changes are proposed as part of the development. As this is a conversion scheme of a mid-floor of an existing building with no associated external alterations, it is accepted by Officers that a landscape design strategy is not required in this site-specific instance.

Integrated Water Management and Sustainable Drainage

- 10.65 Policy S8 requires developments to mitigate the potential for flood risk. Policy S9 requires all developments to adopt an integrated approach to water management which considers sustainable drainage, water efficiency, water quality and biodiversity. All new residential development should achieve a maximum mains water use of 105 litres per person per day (plus 5 litres for outside use).
- 10.66 The site is located within a Critical Drainage Area; however, the development relates to the change of use of a mid-floor of an existing building, and it does not meet any of the triggers of Policy S8 part A requiring the submission of a site-specific Flood Risk Assessment. Moreover, as this is the conversion scheme of an existing mid-floor with no external alterations it is not possible to deliver any sustainable drainage measures as part of this scheme. The SDCS confirms that mains water use will be minimised through the use of low flow and efficient fixtures and fittings. A condition (condition no. 6) is recommended to ensure that the development achieves a maximum water use of 105 litres per person per day (plus 5 litres for outside use) in line with Policy S9.

Air Quality

- 10.67 Policy S7 requires all developments to mitigate or prevent adverse impacts on air quality. Part B states that 'major developments, minor new build developments, and larger minor extensions must be at least Air Quality Neutral through provision of on-site measures.' Part C states that 'minor developments not covered by Part B are encouraged to be at least Air Quality Neutral through on-site measures, where feasible.'
- 10.68 The development does not propose any external work and will utilise an existing on-site CHP system that serves Hill House. The submitted SDCS confirms that the development will not meet the Building Regulations Benchmark for air quality, but the constraints of the site are appreciated as this relates to a conversion of an existing mid-floor and uses the existing building services.
- 10.69 Overall, the outlined sustainability measures a proportionate to the scale of a development which concerns the change of use of a mid-floor of an existing building. The development therefore accords with requires sustainability objectives of Islington's SDMP (2023).

Affordable Housing

10.70 Policy H3 part K of Islington's SDMP (2023) states that development proposals delivering fewer than 10 residential units (gross) for the private market are required to provide a financial contribution to fund the delivery of affordable housing off-site. For sites north of Pentonville Road/City Road (which includes Highgate Hill), the required contribution is £50,000 per net additional unit. This is applicable to both new build development and conversion schemes. Islington's Small Sites Affordable Housing SPD (2012) supports the implementation of Policy H3 and confirms this requirement. The policy framework also includes provision to take account of site-specific circumstances if supported and justified by viability evidence.

10.71 The proposed development provides an uplift of six residential units for the private market triggering the liability for payment of an affordable housing contribution of £300,000 (£50,000 per unit) in accordance with Policy H3 and the Small Sites Affordable Housing SPD (2012). A signed agreement to pay the requisite affordable housing contribution has been submitted as part of this application. In the event that this application is approved the council will secure the payment of the affordable housing contribution as part of a legal agreement.

Fire Safety

- 10.72 Policy D12 of the London Plan (2021) requires developments to consider fire safety from the outset of the design process to ensure that the highest fire safety standards can be achieved. Part A requires a Planning Fire Safety Strategy to be submitted for all development proposals. This should cover matters including but not limited to means of escape, access for fire service personnel and firefighting appliances, building materials, measures to reduce risk to life (e.g., fire alarms and sprinkler systems), etc.
- 10.73 The proposed development is not a major development; however, Hill House meets the definition of a "relevant building" under planning gateway one as it contains more than two dwellings, and the height exceeds 18m. This triggered the statutory requirement for the Health and Safety Executive (HSE) to be consulted on the proposed development in relation to fire safety matters.
- 10.74 A Planning Fire Safety Strategy and a Gateway One Fire Statement Form (both authored by a Fire Safety Engineer), and a Fire Safety Review document which includes the RIBA Stage 4 Fire Strategy Report dated September 2017 for the original redevelopment of Hill House has been provided. The submitted information has been reviewed by the HSE and following the submission of additional details to address initial concerns raised by the HSE (namely to understand how the 6th floor interacts with the rest of the building), they have confirmed that they are content with the proposed fire safety design insofar as it relates to land use planning considerations.
- 10.75 Overall, based on the fire safety information provided for planning purposes, the development is considered to have adequately addressed fire safety at the initial planning and design stage. The proposal therefore accords with Policy D12 of the London Plan (2021).

Other Matters

- 10.76 Within the representations received concerns have been raised regarding the building requiring better security and how insufficient lighting encourages anti-social behaviour; the lack of improvements to existing amenities; the ground floor plan being inaccurate; that there should be no development without an energy price cap; and that the energy strategy for the entire building should be updated, as well as a number of complaints about the freeholder and management company and a request for a wind tunnel assessment.
- 10.77 It is considered that the change of use of the 6th floor of Hill House to a residential use would not result in an increase in perceived or actual anti-social behaviour to the front of the site. It would bring a currently vacant mid-floor back into use and the use is compatible with the residential use of the remainder of the building and there would be no external alterations to the building.
- 10.78 Future occupiers would have access to the existing 4th floor roof terrace as well as the existing refuse store, cycle store (for an accessible cycle) and a new internal cycle store. This arrangement has been found acceptable. The improvements to existing amenities would be limited to the provision of additional cycle and waste capacity and the provision of level access to the refuse/recycling store from the ground floor reception. This would not harm the amenity of any neighbouring residents within Hill House and there is no evidence to suggest that the building cannot accommodate the additional occupiers.

- 10.79 Hill House is an existing tall building, but as the development does not propose any external alterations such as increased height, it would not result in any material change to the local microclimate. The development does not trigger the requirement for a wind tunnel assessment.
- 10.80 There have been claims that the submitted ground floor plan is inaccurate, but it is not explicitly specified what is inaccurate. Officers have visited the site and do not consider the submitted plans to be inaccurate.
- 10.81 Issues related to repair works to the existing building, the relationship between the management company, freeholder and residents, and any changes to property management fees are not material planning considerations; these are private matters.
- 10.82 Energy prices are not a material planning consideration, and a Sustainable Design and Construction Statement has been provided which demonstrates sufficient compliance with the sustainability policies of Islington's SDMP.

11. SUMMARY AND CONCLUSION

Conclusion

- 11.1 The principle of the loss of the health/medical service (Class E(e)) use of the 6th floor of Hill House is considered to be acceptable as the site has been vacant since 2015 and the circumstances of the site have materially changed since this service was last operational. All other floors of Hill House are in residential use following the comprehensive redevelopment of the site, and due to amendments to fire safety regulations, the 6th floor could no longer continue to host any non-commercial use for fire safety reasons. Moreover, the continued operation of a health/medical service could have implications for neighbouring residential amenity. The applicant has demonstrated compliance with Policy SC1 of Islington's SDMP (2023) through the submission of a Community Needs Assessment and supporting statements and it has been confirmed that the NHS service that last operated at the site relocated to 62 Brewery Road N7 9NY so there has been no net loss of service provision within the borough.
- 11.2 The proposed use of the 6th floor as six residential flats (Class C3) and the unit mix proposed is considered acceptable. The proposed new flats would provide an acceptable standard of accommodation for future occupiers in relation to unit size and layout, and access to daylight, sunlight, outlook and privacy. It is the opinion of Officers that the lack of private outdoor amenity space is justifiable in this instance in light of the constraints of converting a mid-floor of an existing building, as future occupiers would have access to the existing 4th floor communal roof terrace, the close proximity of Girdlestone and Archway Parks and the otherwise high quality of internal accommodation. The development also provides policy compliant cycle parking and there is sufficient capacity within the existing refuse/recycling store to accommodate these units. The development therefore broadly meets policies H1, H2, H4, H5 and T2 of Islington's SDMP and Policy D6 of the London Plan (2021).
- 11.3 All development works would be internal and there would no material impact to the external appearance of Hill House or to the townscape. The residential use of the 6th floor would also not detract from the character, viability, vibrancy and vitality of the designated Archway Town Centre. Moreover, there would be no undue impact to neighbouring residential amenity including the existing occupiers of Hill House and occupiers of surrounding buildings. This accords with policies PLAN1 and SP7 of Islington's SDMP (2023).
- 11.4 Subject to the recommended conditions and a legal agreement relating to car-free development, the transportation/highways, waste and fire safety considerations have been found acceptable. Conditions have also been recommended to secure a well-designed sustainable development in relation to water use and carbon reductions. The development is therefore considered to be in

- accordance with Policy D12 of the London Plan (2021) and policies S1, S2, S3, S3, S5, S6, S7, S8, S9, S10, T2 and T3 of Islington's SDMP (2023).
- 11.5 The applicant has agreed to pay the full required affordable housing contribution of £300,000 in line with Policy H3 of the SDMP (2023) and the Affordable Housing Small Sites Contributions SPD (2012). If this application is approved this will be secured as part of legal agreement as set out in Appendix 1.
- 11.6 Overall, the proposed development is considered to comply with the relevant policies of the National Planning Policy Framework (2023), the London Plan (2021), Islington's Strategic and Development Management Policies (2023), Supplementary Planning Documents and Supplementary Planning Guidance.

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 £300,000 (three-hundred thousand pounds) towards affordable housing in the borough
- Car Free 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, should the Section 106 Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made valid or within the agreed extension of time, the Service Director, Planning and Development / Head of Service — Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY, should this application be refused (including refusals on the direction of The Secretary of State) 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, and that there is delegated to each of the following: the Head of Development Management, the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

1. Commencement (Compliance)

CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

2. Approved Plans & Documents (Compliance)

CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan; P13 Ground Floor Block Plan; P14 Proposed Basement Plan; Upper Ground Bicycle Store Capacity & Layout – additional cycle storage for 6th floor (unnumbered); P.02 Rev A Proposed 6th Floor Plan; P11 Sixth Floor – Proposed Elevations; P12 Sixth Floor - Existing / Proposed Section; Supporting Statement (including Design and Access Statement) Revision A dated January 2023; Planning Statement Revision A dated January 2023; Community Needs Assessment dated January 2024; Sustainable Design and Construction Statement dated November 2023; Fire Safety Planning Statement dated 31 May 2023; Fire Statement Form; Fire Statement Letter Response on Gateway 1 Planning Statement dated 3 September 2023.

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

3. Cycle Parking (Details)

CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the site. The storage shall be covered, secure and provide for no less than 13 cycle spaces.

The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, 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.

4. Refuse / Recycling (Details)

CONDITION: Details of refuse/recycling store(s) including the provision of level access to the refuse/recycling store(s) from the ground floor reception shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

The refuse/recycling store(s) and level access shall be provided strictly in accordance with the details so approved, provided/erected prior to the occupation of the development, and 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.

5. Accessible Homes Standard (Compliance)

CONDITION: The dwelling annotated as "Flat F" on the plans hereby approved shall be constructed to be meet Building Regulation requirement M4(3)(a). All other dwellings hereby approved shall be constructed to be Part M4(2) Building Regulations compliant.

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

6. Water Efficiency (Details)

CONDITION: The dwelling(s) hereby approved shall achieve a maximum mains water use of 105 litres per person per day (excluding an allowance of 5 litres for external use) in accordance with the Optional Requirement of the Building Regulations. Prior to first occupation, evidence to demonstrate that the internal water consumption of the development will not exceed 105l/p/day must be submitted to the local planning authority and approved in writing, unless otherwise agreed in writing by the local planning authority. Measures integrated shall be retained for the lifetime of the development.

REASON: In the interests of water efficiency, climate change and sustainable development.

7. BREEAM Post Completion Certificate (Details)

CONDITION: Within 3 MONTHS of completion of the development hereby approved, a post completion certificate shall be submitted to the Local Planning Authority and approved in writing to achieve a final (post-refurbishment) certified rating of Excellent under BREEAM Domestic Refurbishment 2014 (or equivalent scheme).

REASON: To ensure the development achieves the highest feasible level of the relevant sustainable design standard in order to ensure high standards of sustainable design and contribute to the council's overarching sustainability objectives.

8. Sustainable Design and Construction (Compliance)

CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall be strictly undertaken in accordance with the hereby approved Sustainable Design and Construction Statement by Love Design Studio dated November 2023.

REASON: In the interests of sustainable development.

9. Construction and Environmental Management Plan (Details)

CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP should refer to Islington's Code of Practice for Construction Sites (2018) and include details and arrangements regarding:

- a) The notification of neighbours regarding specific works
- b) 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
- c) 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
- d) Advance notification of any access way, pavement, or road closures
- e) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking, and turning of delivery and construction vehicles and the accommodation of all site operatives, visitors, and construction vehicles during the construction period

- f) Details regarding the planned construction vehicle routes and access to the site
- g) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway
- h) Details of waste storage within the site to prevent debris on the highway and a scheme for recycling/disposing of waste resulting from construction works
- i) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.)
- j) Details of measures taken to prevent noise disturbance to surrounding residents
- k) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site
- I) Details addressing environmental and amenity impacts (including, but not limited to, noise, air quality, smoke and odour, vibration, and TV reception)
- m) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic at all times, including emergency service vehicles
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure
- o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area
- p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.

The report shall assess the impacts during the preparation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

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

REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.

10. Sound Insulation (Compliance)

CONDTION: The sound insulation/separation between each of the residential units hereby approved shall be a minimum of 5 decibels above Building Regulations Approved Document E standards.

REASON: To protect the amenity of future occupiers of the approved development.

List of Informatives

1	Section 106
	The application is acceptable 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	Highways

You are advised that the footway and carriageway on Junction Road should not be blocked during construction of the development. Temporary obstructions during the construction should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Junction Road. All vehicles should only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions. **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. **Air Quality Neutral** You are encouraged to meet Air Quality Neutral standards as outlined in the Air Quality

APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE

Neutral: London Plan Guidance (2023).

National Guidance:

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The National Planning Policy Framework (2023) seeks to secure positive growth in a way that effectively balances economic, environmental, and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan (2021), Islington's Strategic and Development Management Policies (2023), the Bunhill and Clerkenwell Area Action Plan (2023) and Site Allocations (2023). The following policies of the Development Plan are considered relevant to this application:

London Plan (2021)

Policy GG2 (Making the best use of land)

Policy GG3 (Creating a healthy city)

Policy GG4 (Delivering the homes Londoners need)

Policy GG6 (Increasing efficiency and resilience)

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

Policy D2 (Infrastructure requirements for sustainable densities)

Policy D3 (optimising site capacity through the design led approach)

Policy D4 (Delivering good design)

Policy D5 (Inclusive design)

Policy D6 (Housing quality and standards)

Policy D7 (Accessible housing)

Policy D12 (Fire safety)

Policy D13 (Agent of change)

Policy D14 (Noise)

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Policy H1 (Increasing housing supply)
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Policy H10 (Housing size mix)

Policy HC1 (Heritage conservation and growth)

Policy G6 (Biodiversity and access to nature)

Policy SI 1 (Improving air quality)

Policy SI 2 (Minimising greenhouse gas emissions)

Policy SI 4 (Managing heat risk)

Policy SI 7 (Waste capacity and new waste self-sufficiency)

Policy T1 (Strategic approach to transport)

Policy T2 (Healthy streets)

Policy T3 (Transport capacity, connectivity and safeguarding)

Policy T4 (Assessing and mitigating transport impacts)

Policy T5 (Cycling)

Policy T6 (Car parking)

Policy T6.1 (Residential parking)

Policy T7 (Deliveries, servicing and construction)

Islington's Strategic and Development Management Policies (2023)

Policy PLAN1 (Site appraisal, design principles and process)

Policy SP7 (Archway)

Policy DH1 (Fostering innovation and conserving and enhancing the historic environment)

Policy DH2 (Heritage assets)

Policy DH4 (Building heights)

Policy DH5 (Agent-of-change, noise and vibration)

Policy H1 (Thriving communities)

Policy H2 (New and existing conventional housing)

Policy H3 (Genuinely affordable housing)

Policy H4 (Delivering high quality housing)

Policy H5 (Private outdoor space)

Policy SC1 (Social and community infrastructure)

Policy G4 (Biodiversity, landscape design and trees)

Policy G5 (Green roofs and vertical greening)

Policy S1 (Delivering sustainable design)

Policy S2 (Sustainable design and construction)

Policy S3 (Sustainable design standards)

Policy S4 (Minimising greenhouse gas emissions)

Policy S5 (Energy infrastructure)

Policy S6 (Managing heat risk)

Policy S7 (Improving air quality)

Policy S8 (Flood risk management)

Policy S9 (Integrated water management and sustainable drainage)

Policy S10 (Circular economy and adaptive design)

Policy T1 (Enhancing the public realm and sustainable transport)

Policy T2 (Sustainable transport choices)

Policy T3 (Car-free development)

Policy T5 (Delivery, servicing and construction)

Designations:

The site has the following designations under the London Plan (2021), Islington's Local Plan: Strategic and Development Management Policies (2023), Bunhill and Clerkenwell Area Action Plan (2023), and Site Allocations (2023):

- Archway Town Centre
- Within 50m of St John's Grove Conservation Area
- Within 100m of TLRN (TfL Road Network
- Within 50m of SRN (Strategic Road Network)
- Junction Business Association Area
- Rail Land Ownership TfL Tunnels
- Rail Land Ownership TfL Surface
- London Underground Zone of Interest
- Strategic Cycle Route

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington Local Plan

- Environmental Design (2012)
- Inclusive Design in Islington (2014)
- Islington Urban Design Guide (2017)
- Planning Obligations (Section 106) (2016)
- Affordable Housing Small Sites Contributions (2012)
- St John's Grove Conservation Area Design Guidelines (2008)

London Plan

- Accessible London (2014)
- Housing (2016)
- Fire Safety LPG (draft)
- Housing Design Standards LPG (2023)
- Air Quality Neutral LPG (2023)