

PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE B		
Date:	24 th November 2015	NON-EXEMPT

Application number	P2015/4558/FUL
Application type	Full Application
Ward	Barnsbury
Listed Building	Not Listed
Development Plan Context	Kings Cross and Pentonville Key Area, Chapel Market Conservation Area, Central Activities Zone, Employment Growth Area, Rail Safeguarding Area, Local View from Archway Road, Local View from Archway bridge
Conservation Area	Chapel Market/Penton Street Conservation Area
Licensing Implications Proposal	None
Site Address	1-2A Hermes Street and 116-188 Pentonville Road
Proposal	Expansion of basement area for B1 office space, alterations to existing ground floor office (B1) floor space, demolition of two buildings within the site, conversion of part of first and second floor office floor space to residential (C3) and construction of rear extensions at first, third and fourth floor level to accommodate an additional six (6) residential units with associated amenity, cycle parking, waste storage and photovoltaic panels.

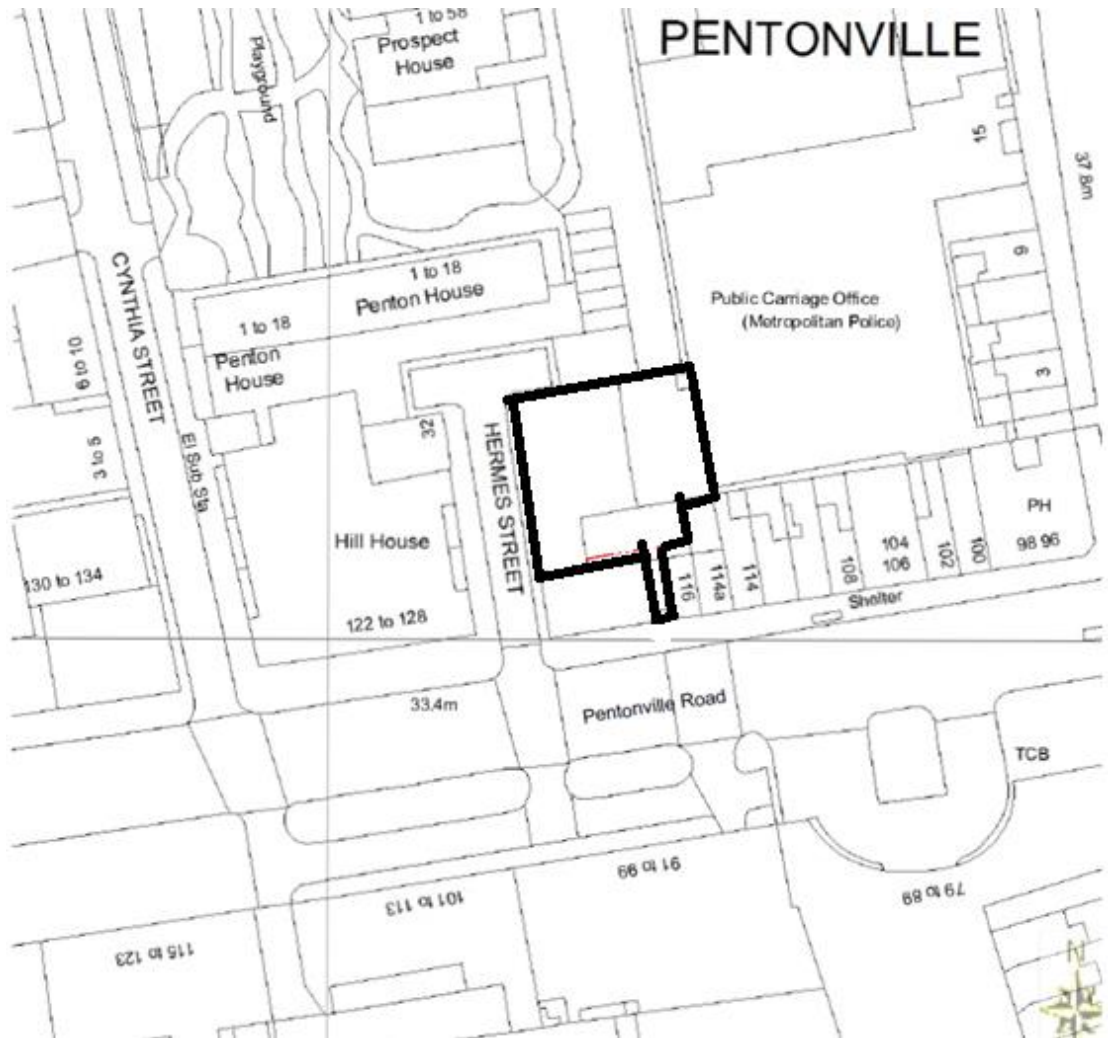
Case Officer	Duncan Ayles
Applicant	Ellora Enterprises and Adria Services Ltd
Agent	DP9

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

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET



Image 1: View of the site from Pentonville Road



Image 2: View of the North side of the Site from Hermes Street



Image 3: Photo showing hill house opposite the site.



Image 4: Photo showing the north side of the site from the Penton House Car Park



Image 5: View of the interior of the site from the first floor of 114a Pentonville Road

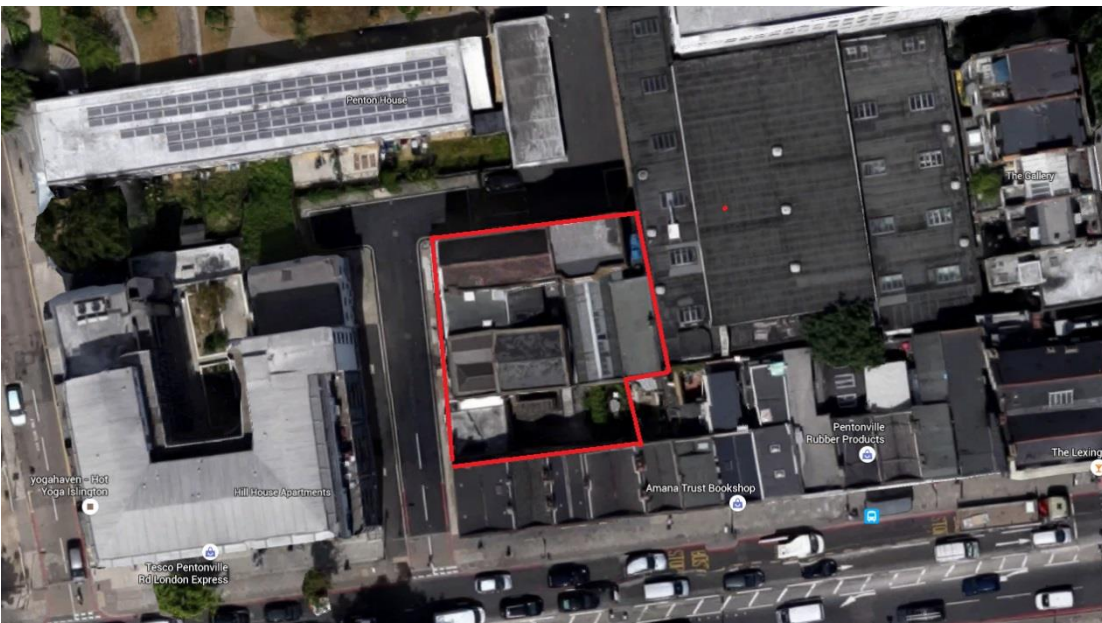


Image 6: Aerial View of the Site, with the site outlined in red

4 SUMMARY

- 4.1 The revised application seeks approval for the conversion and extension of the existing buildings at 1-2A Hermes Street into 6 units of residential accommodation and the creation of 937 square metres of business floor space, including the formation of a basement for office space. The business floorspace will be situated within the basement, ground and first floors, while the residential use will be situated within the second, third and fourth floors.
- 4.2 The application has been revised during the lifetime of the application to address concerns raised in respect of the proposed land use. The application originally proposed 8 residential units and 637 square metres of B1 floorspace. This has been amended by removing the two first floor residential units and replacing them with additional B1 office space.
- 4.3 The application proposes the demolition of two existing buildings within the site and the erection of two new buildings for office space; one lightweight glazed building and one contemporary masonry building. An existing Georgian pastiche building will also be re-clad to give it a contemporary design. The application also proposes the erection of Mansard Roof extensions facing toward Hermes Street and on a Georgian Townhouse building in the north-east corner of the site.
- 4.3 The principle of an office-led mixed use scheme is considered to be acceptable in this location, and the applicants have provided a viability report which demonstrates that the proposal provides the maximum viable office space in accordance with policies CS6 and DM 5.1.
- 4.4 With the exception of flat 4, the flats are dual aspect, and all units benefit from a good standard of outlook, ventilation, size and layout. Three of the four units also include external amenity space. The units are therefore considered to provide a high standard of internal accommodation in accordance with policy DM 3.4. The non-provision of external amenity space within 3 of the eight units, while contrary to DM 3.5, is considered to be justified given the design and amenity constraints to the site and its location within a Conservation Area.
- 4.5 Objections have been received in relation to the amenity impact of the proposed roof extensions, including in through the loss of light, outlook and privacy. The applicant has submitted a daylight report that demonstrates that the loss of daylight is negligible. The relationship between existing and new buildings is such that no adverse loss of privacy will occur. The proposal is therefore in accordance with policy DM 2.1
- 4.6 An objection has also been received from the Council's inclusive design officer, as one of the flats does not contain a bathroom on the same level as the bedroom. This is considered to be a minor area of non-compliance, and the current layout is justified by the constraints to the site, specifically the difficulties in working with the existing buildings.
- 4.7 Concerns have also been raised by local residents in relation to the non-provision of any on-site parking, and the effect that the scheme might have on levels of on street parking within the area. However, the site is located in a highly accessible location by public transport, and the new housing will be car free in accordance with policy DM 8.5.

5 SITE AND SURROUNDING

- 5.1 The application site is located on the eastern side of Hermes Street, which is a short cul-de-sac road off Pentonville Road, between Kings Cross and Angel. The buildings fronting Pentonville Road generally contain retail uses at ground level with residential above. No. 116a Pentonville Road is used for residential purposes only, although the property contains a roller shutter on its front elevation. The western side of Hermes Street, opposite the application site contains a mid-rise residential block Hill House, and an office building. Penton House, a post-war housing block is situated to the north of the application site. The buildings to the east of the application site are used for garage space by the London Carriage Office.
- 5.2 The buildings currently within the site range in date from the late-Georgian period to the 1980s. The buildings have been used for a variety of purposes, most recently as the headquarters for a publishing company including ancillary storage and distribution space. The buildings are currently vacant, and are in a poor state of repair internally to the extent that they are not inhabitable in their current condition. The current lawful use of the site is for a B1 commercial use.

6 Proposal (in Detail)

- 6.1 The proposed development is for the extension and alteration of the buildings to form 6 residential units and to expand and alter B1 office space including at basement level. The application proposes five two-bedroom flats, and one one-bedroom flat.
- 6.2 The applicant proposes to form additional business floor space through the expansions of the basement, ensuring there is no net loss of B1 office space. The proposal includes 299 square metres of B1 floorspace at basement level, 314 square metres of B1 floorspace at ground level and 324 square metres at first floor level, giving a total floor space of 937 square metres of B1 floorspace. New shopfronts will be installed facing toward Hermes Street. The existing space between the main buildings and the Pentonville entrance will be opened up to for a new courtyard space, which will also include cycle and bin storage. Further bin and cycle storage will be provided to the entrance on Hermes Street on the northern side of the site.
- 6.3 The existing buildings on the western side of the site will be extended through the erection on traditional Mansard Roof extension. The Mansard Roof Extensions will be clad in lead, and will include fenestration that matches the windows of the building below. The mansard roof extension proposed for 116a Pentonville Road will be clad in traditional slate. The roof of the scheme will include a number of solar panels toward the centre of the site. A lift over run is also proposed.
- 6.4 The application also proposes to alter the buildings within the site, including through the construction of contemporary, highly glazed buildings. A 1980s Georgian pastiche building will be reclad in brick. The late 18th Century building in the north-east corner of the site will be extended by way of a roof extension and will be altered internally.

- 6.6 The application proposes to demolish a number of poor quality buildings within the centre of the site, and to erect a fully glazed infill building and a new two storey masonry building.
- 6.7 The application has been amended during the lifetime of the application to take account of concerns in relation to the outlook of some of the residential units. Windows on the northern, western and southern elevation which had previously been shown as obscure glazing are now formed from clear glazing. Two flats have also been removed from the scheme, and replaced by additional B1 office space.
- 6.8 The 6 residential units are comprised of 5 two bedroom units and one one-bedroom unit. With the exception of unit 5, all of the units are dual aspect. Unit 5 contains a rooflight that provides an outlook from the bedroom to the property.
- 6.9 The application has been amended during the lifetime of the application following concerns raised by officers. The first amendments made were in response to comments from the Council's inclusive design officers, and related to the internal layout of residential units. The second set of amendments related to the treatment of external windows, which were original shown as part obscure glazed. The windows were altered to be completely clear glazed.
- 6.10 The final set of amendments were made following concerns raised in respect of the land use. Two of the residential units were removed and replaced with additional B1 office space at first floor level. Furthermore, the layout of the office space at basement level was altered, to remove storage previously shown, to address concerns regarding the amount of B1 storage space.

7. RELEVANT HISTORY

Planning Applications:

- 7.1 **P2014/2420/FUL and P2014/4558/FUL:** Two applications for the redevelopment of the site were withdrawn prior to determination.

Enforcement: None

Pre-application Advice:

- 7.3 The current scheme has been subject to extensive pre-application under reference Q2013/0233/SM. Advice was given on a range of issues. Following this the proportion of residential floor space has been reduced and the proportion of business floor space increased.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 191 adjoining and nearby properties on the 18th November 2014. A site notice was also displayed. Two re-consultations were undertaken, firstly after the submission of a daylight and sunlight report, and after the submission of amended plans showing the replacement of obscure glazed windows with standard clear glass windows. The second re-consultation expired on the 3rd June. A final reconsultation was undertaken on

the 28th July, following the alteration of the scheme to remove two of the flats from the scheme at first floor level and to increase the amount of B1 floorspace. One comment was received in response to the last consultation, reiterating previous comments.

8.2 At the time of the writing of this report, 7 objections had been received and 2 letters of support received. The objections can be summarised as follows (with the relevant paragraph numbers that provide responses to those issues indicated in brackets):

- Concerns raised in relation to the amenity impact of the extension in relation to the loss of light , outlook, light spillage, odour and noise pollution (10.19-10.35)
- Increase in off-Street Parking (10.44-10.47)
- Design and Impact on the Conservation Area (10.11-10.18)

The letters of support can be summarised as follows.

- Positive Benefits Including Bringing the Site Back into Use (10.7-10.10)

Internal Consultees

8.3 **Inclusive Design Officer:** My original comment recommended refusal on the grounds that 4 of the units were neither visitable nor adaptable. The revised plans show a real improvement, as all but one of the flats are single storey and none are split level-this is welcome. However, the duplex has no bathroom on the upper floor, where the bedrooms are located. It is essential that the nominally accessible bathroom and main bedroom are located on the same floor.

8.4 I would advise that the residential units are subject to a condition requiring the property to be constructed to category 2 of the National Standard for Housing Design. The split level property should be subject to a condition requiring compliance with category 1 (Flat 5)

8.5 I am concerned that the lift within the commercial premises is undersized-the structural opening is just 1600 x 1500 mm. On the first floor, the nominally accessible WV has an inward opening door-this will not work. The minimum size cubicle is 1500 x 120 mm with an outward opening door.

8.6 **Design and Conservation Officer:** The scheme was the subject of pre-application advice. In general the proposed re-use and refurbishment of the buildings on the site are welcome. They are supported by the CA guidance under section 33.5 which seeks to retain all 18th and 19th century buildings in the area. The refurbishment of the ground floor frontages along Hermes Street and reuse for commercial purposes will reintroduce an active frontage and improve the street scene. Opening up the interior of the courtyard will help to reveal the period property within.

8.7 The guidance for the Conservation Area recognises that the properties in Hermes Street are ones where Mansard roof extensions, using traditional materials, may be permitted. Following negotiation at pre-application stage the scheme was revised to include a more traditional approach to the roof alterations. The scheme as submitted is considered an appropriate form of development for the site. It would appear that the lift overrun and PV cells are

located so as not to be visible from the street. All materials should be conditions for subsequent approval.

- 8.8 **Acoustic Officer:** The main issue is the mixed use nature of the site leading to potential noise transmission between the commercial and residential. A condition is required for the submission of a scheme of sound insulation between the commercial and residential units.
- 8.9 **Planning Policy Officer:** According to the planning statement, the latest proposal would result in no net loss of office floor space. This would remove the requirement for marketing and vacancy evidence to demonstrate a lack of demand. The main issue remaining from the last application was that the amount of floor space proposed was not justified to be maximum reasonable amount in light of the requirement for office mixed use development in this location. The report submitted should be scrutinised to ensure that it is the maximum reasonable floor space possible.
- 8.10 I have no further comments to make based on the amended floor plans. However, the revised FVA will need to be assessed to ensure that the scheme is delivering the maximum amount of floorspace required.
- 8.11 **Internal Viability Officer:** Adams Integra have provided three separate viability appraisals of the scheme. The first report, February 2015, determined that the 8 unit proposal was delivering the maximum amount of employment floor space. However, this report contained an error which led to the office value being underestimated. This error was corrected in August 2015, and the report then showed a surplus of £386,210.
- 8.12 The conclusions of the latest AI report shows that the scheme has a surplus of £163,000. However, it is considered that even with the surplus, taking into account some of the sensitivities in the assumptions, Adams Integra used yields for example; the scheme is delivering the maximum amount of employment floorspace.

The scheme has been discussed with Adams Integra and their conclusions are agreed.

- 8.13 **Refuse and Recycling:** The proposed refuse and recycling arrangements are acceptable.

External Consultees:

Transport for London: This proposal is located on the A501 Pentoville Road which forms part of the Transport for London Road Network (TLRN). TfL is the Highway Authority for the TLRN and therefore concerned about any proposal which may affect the safety or performance of this road. TfL has reviewed the above mentioned application and has the following comments to make: Due the location and size of the site, TfL requires an outline Construction Logistics Plan and a Site Management Plan. Information is required on the allocation of the 23 cycle spaces. The 2015 Further Alterations to the London Plan have now been adopted and the requested information must be in accordance with, and make reference to the cycle parking policy.

Adams Integra: The new appraisals produce a surplus of £163,000. However, if the yield on the commercial element is returned to the previous level of 7% then the appraisal shows a small deficit of £54,200. It is our opinion that this demonstrates that the scheme is delivering the maximum amount of commercial floorspace while remaining viable. The main difference between our appraisal and the applicant's appraisal is in the sales values and the value attributed to the Existing Use Value.

The Council's internal viability team agree with this assessment.

9 RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 The National Planning Practice Guidance 2014 is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.3 On the 28th November 2014, a Ministerial Statement and revision to the Planning Practice Guidance (PPG) were published, which seeks to offer a vacant building credit (VBC) whereby the developer would be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the LPA calculates any affordable housing contribution which would be sought. The applicant has not sought to apply VCB to this scheme.
- 9.4 In considering the relevance of the changes to the PPG in light of the NPPF requirement to meet the full objectively assessed needs for market and affordable housing, the Council is mindful that the NPPF sets out the government's national planning policy.
- 9.5 Furthermore, planning legislation (Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004) provides that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

- 9.3 The Development Plan is comprised of the London Plan 2015 Consolidated with Alterations Since 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle of the development
- Design, Heritage and Impact of the development on the Character and Appearance of the Conservation Area
- Land Use, including proposed mix of residential and business floor space.
- Housing Standards and Quality of Residential Accommodation Proposed
- Amenity Impact
- Inclusive Design
- Highways and Transportation Impacts

Principle of the development Including Proposed Land Use

- 10.2 Core strategy policy CS6 aims to protect existing business floor space from changes of use, and confirms that the King's Cross area will be subject to accommodate significant office-led Mixed Use development, to deliver approximately 3,200 additional jobs over the plan period. The site is also situated within an employment growth area, and policy DM 5.1 requires schemes for the redevelopment of business floorspace to maximise the amount of business floorspace on the site as far as reasonably possible, whilst complying with other relevant planning considerations.
- 10.3 The existing buildings have a B1 use, as it was used as an office with ancillary storage and distribution space. However, the existing buildings are in a poor state of repair and could not be occupied without significant investment. The existing floor area equates to 670 square metres of business floor space. The amended proposal provides 937 square meters of B1 floorspace over the basement, ground and first floors, and 521 square meters of residential floorspace. This equates to 64% B1 to 36% C3 residential.
- 10.4 The applicant has submitted a viability assessment, which has been assessed by the Council's viability surveyors Adams Integra and the Council's Internal Viability Officer. This report aims to demonstrate that the scheme provides the maximum amount of business floor space viable on the site, according with the requirements of policy DM 5.1.
- 10.5 The applicant has provided a viability assessment of the proposal, which found that the scheme is in deficit relative to the site's existing value. Adams Integra have produced three separate appraisals of the scheme in February, August and October 2015. The first report, based on the 8 unit scheme, found that the proposal was delivering the maximum amount of B1 floorspace. However, Adams Integra calculated the office value incorrectly, and when this was amended Adams Integra found the scheme provided a surplus of £386,210.

- 10.6 Adams Integra's final report, based on the 6 unit scheme, concludes that the proposal creates a surplus of £163,000, which supports the view that the scheme is delivering the maximum amount of B1 floorspace. The Council's Internal Viability Office has assessed both the applicant FVA and Adams Integra's report, and has discussed the scheme with Adams Integra. The conclusion is that Adams Integra final report is correct, and the scheme is delivering the maximum amount of viable floor space.
- 10.7 In addition to the viability constraints to additional B1 office space being provided, there are also planning policy constraint which support the view that the site is delivering the maximum amount of B1 floorspace. Policy DM 5.1 A requires all new proposals for the development or change of use of existing B1 floorspace to provide the maximum amount of business floorspace reasonably possible, whilst complying with other relevant planning considerations. DM 5.1 part F (ii) states that mixed use schemes need to provide a full separation of residential and business uses. In the current scheme, this separation is provided as the basement, ground and first floors are comprised wholly of B1 floorspace, with residential units covering the whole of the second, third and fourth floor levels. The replacement of further C3 floorspace with B1 floorspace at second floor level would create a scheme where the uses would not be fully separated, contrary to DM 5.1.
- 10.8 Furthermore, it is considered that the proposed office accommodation is of a far higher quality than the existing accommodation, which is in a poor state of repair. The proposed units are flexible, and are of a range of sizes suitable for small and medium enterprises, in accordance with policy DM 5.1.
- 10.9 Concerns were previously raised by planning policy officers in respect of the quality of the basement accommodation, and whether this can be considered a like for like replacement of the existing B1 floorspace. However, the applicant has confirmed that the basement floorspace will meet the British Council for Offices Guide to Specification, which provides a number of standards in respect of ceiling height, access and and daylighting. Consequently it is considered that the basement floorspace is high quality, and can be considered a replacement of the existing floorspace, especially given that the existing floorspace is not of the highest quality.
- 10.10 The principle of the residential element in this location is considered to be acceptable. Policy CS6 and DM5.1 promote office led mixed use development, which may include residential uses, and in this instance the applicant has demonstrated the residential uses are no greater than is necessary to support the viability of the scheme as a whole. The surrounding area contains a mix of uses including residential floor space.

Design Impact of the development on the Character and Appearance of the existing building and Conservation Area

- 10.11 The application proposes to retain the majority of the buildings on the site, including all of the historic buildings in line with the Conservation Area Design Guidelines. The buildings have been subject to extensive alteration and extension over the years, to the point that little original fabric remains within the buildings. The buildings are not locally or nationally listed, and are not of listable quality.

- 10.12 The most significant piece of historic fabric that is proposed for removal is an internal stair within the oldest Georgian Townhouse. While the loss of this feature is regrettable, it is considered that it is justified, as the retention of this feature would lead to the formation of a very large four bedroom unit. Given the constraints to the site and the lack of any external amenity space available to the unit, the removal of the internal stair case is considered to be justified.
- 10.13 The application includes the erection of a number of traditional mansard roof extensions facing toward Hermes Street. The mansard roof extensions comply with the guidance set out within the Islington Urban Design Guide SPD, and the Conservation Area Design Guidelines confirms that the properties fronting Hermes Street are suitable for traditional roof extensions. These mansard extensions have been designed to articulate the individual buildings and ensure that they are still read as such.
- 10.14 The design of elements of the scheme that face the courtyard is more contemporary. A contemporary infill structure is proposed within the site, which will provide additional business floor space, and the roof extensions are not traditional mansard extension. An existing Georgian pastiche building dating from the 1980s will also be re-clad to give it a more contemporary design. These parts of the proposal will not be visible from public vantage points, and will not therefore give rise to any adverse impact on the character of the Conservation Area. However, the design of these buildings is considered to be innovative and of a high quality.
- 10.15 The application includes a number of solar PV cells on the roof of the scheme. These will not be visible from street level, and consequently will not give rise to any impact on the character and appearance of the Conservation Area. Similarly, the lift overrun, while contrary to policy 2.6.4 of the IUDG, will not be visible from any public vantage points outside of the site.
- 10.16 The scheme proposes to open up a courtyard within the middle of the site, which will provide high quality outdoor space for the commercial uses. Similarly the proposal opens up a space adjacent to the most significant historic buildings within the site, which will improve the setting of this building.
- 10.17 The application proposes to reinstate the historic shop fronts facing toward Hermes Street. This is welcome as it will introduce an active frontage at ground level in accordance with the Islington Urban Design Guide. The appearance of this part of the building in particular would markedly improve, as the existing frontage to Hermes Street is in a poor state of repair and includes external roller shutters and barbed wire.
- 10.18 Taken together the proposal would improve the overall appearance of the buildings within the site, and would improve the character of the Conservation Area. Therefore, the proposal is considered to accord with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2015, policy CS8 (Enhancing Islington's character) of the Islington Core Strategy 2011, and policy DM2.1 (Design) of the Islington Development Management Policies 2013.

Impact of the Proposed Development on the Amenity of Neighbouring Properties

10.19 Policy DM 2.1 aims to protect the amenity of residential properties from overlooking, loss of daylight and sunlight, over dominance, sense of enclosure and outlook. This policy is full in compliance with the NPPF, which seeks to provide a good standard of amenity for all current and future occupiers of the land.

Privacy and Overlooking

10.20 The scheme introduces a number of residential units which face all four sides of the site. However, it is not considered that any part of the scheme gives rise to any significant impact on the privacy of neighbouring buildings.

10.21 The new residential windows introduced onto the western side elevation of the scheme face toward Hill house, a six storey residential building that is located 11 metres away from the site. An office building is also located on the western side of Hermes Street. While it is noted that the separation distance between Hill House and the development is less than the 18 metre separation distance required by policy DM 2.1, this policy also confirms that overlooking across a public highway does not give rise to an unacceptable loss of privacy. Consequently, it is not considered that the amenity of the residential units at Hill House or the adjacent office building on the western side of Hermes Street would be unacceptably harmed through the loss of privacy.

10.22 The application includes a number of additional windows on the north elevation which serve the residential uses. The applicant has submitted a drawing showing the relationship between these windows and Penton House to the north. This confirms that the new windows are located to the east of the residential units at Penton House, and overlook a car park and garage block. Consequently these windows will not give rise to any overlooking or loss of privacy to the units at Penton House.

10.23 The proposal is also not considered to give rise to any overlooking to windows to the south of the application site. The nearest residential units to the south of the application site are at 114 and 114a Pentonville Road. These units are located to the east of the new residential units, and given the oblique angle, it is not considered that any loss of privacy would occur to these properties. The other units at 120 and 116 are either vacant or in an A1 retail use, with no residential use above. However, it is considered reasonable to impose a condition requiring that the glazed building is formed of obscure glazing, and that privacy screens are provided to the residential balconies.

10.24 The buildings to the east of the site are in use as a depot for the London Carriage Office. Overlooking from the new residential uses to these buildings is not considered to give rise to any material harm in planning terms.

10.25 The proposal is therefore considered to be acceptable in relation to privacy and overlooking, and it is not considered necessary to require the use of obscure glazing to any windows within the scheme. The proposal is in accordance with policy DM 2.1 in this respect.

Privacy, Outlook, Daylight, Sunlight and Overshadowing

- 10.26 Following concerns raised by objectors and officers with regard to possible sunlight and daylight impacts, the applicant has supplied a daylight and sunlight report. This has assessed the impact of the proposed development on nearby properties at Hill House, which are the only properties that could be affected through the loss of daylight and sunlight.
- 10.27 The properties to the north of the site within Penton House will not experience any loss of daylight or sunlight, as no roof extensions are proposed to the north-western building within the site. The buildings to the east of the site are used as a depot by the London Carriage Office. The nearest residential unit within the terrace to the south is at 114a Pentonville Road. Given that the alterations to buildings within the south-east part of the site do not significantly increase the height of these buildings; it is considered that no adverse impact will occur to 114a Pentonville Road through the loss of daylight. Furthermore, as no 114a is immediately to the south of the altered buildings, no loss of direct sunlight will occur.
- 10.28 The plans submitted show an increased height of the boundary wall with 114a Pentonville Road, giving the wall an approximate height of 2.5 metres. It is recommended that a condition is imposed to limit the total height of the boundary to 2 metres, to ensure no adverse overshadowing or sense of enclosure, as 2.5 metres is considered to be excessively large for a boundary next to a domestic garden.
- 10.29 The applicant's daylight and sunlight report provides an assessment of the impact in terms of vertical skylight component (vsc). This refers to the amount of daylight that the midpoint of a window on the outside plan will receive, as a percentage relative to a totally unobstructed sky.
- 10.30 18 windows have been tested within Hill House to the west of the application site. In each instance the amount of daylight received is no less than 0.8 times (20%) its previous figure for daylight, a loss of that is within the amount allowed by the BRE guidance. The report also takes account of the possibility for a cumulative loss of light based on the development and the existing residential balconies.
- 10.31 The report has also modelled the daylight impact without the external balconies in place (the figures referred to within 10.30 above relate to the modelling with balconies in place). In this case, the vsc reduction is also no greater than 20%, according with the BRE guidance. The report also addresses the possible impact in terms of loss of sunlight, and confirms that the scheme will not give rise to any overshadowing of amenity errors, including the balcony spaces at Hill House to the west.
- 10.32 The impact of the proposal on the daylight and sunlight received by neighbouring properties is therefore considered to be acceptable, and is in compliance with BRE guidance and policy DM 2.1.
- 10.33 Objections have been received from the properties at Hill House to the west in relation to the amenity impact of the proposed extension in relation to the loss of privacy and outlook. However, the properties are separated by a road, and

the supporting text to policy DM 2.1 confirms that overlooking across a road does not lead to the loss of privacy.

- 10.34 The impact of the proposal on the daylight and sunlight received by neighbouring properties is therefore considered to be acceptable, and within the guidance set out within the BRE guidance. Consequently the proposal is in compliance with policy DM 2.1 in this respect.
- 10.35 Concerns have been raised by neighbours in relation to the location of the proposed bin store. The bins for the commercial floor space are situated within the internal courtyard. The siting of bins does not require planning permission, and bins could be stored within this area in association with the existing lawful use without the benefit of planning permission.

Inclusive Design

- 10.36 The Council's Accessibility Officer previously objected to the scheme on the basis that a number of the units provided did not accord with the requirements of the Inclusive Design SPD and the Lifetime Homes Standard, as a number of the unit contained internal level changes within each flat. Since the application has been submitted, the lifetime homes standard has been revoked and replaced with National Standards for Housing Design, set out within the Building Regulations.
- 10.37 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
 - Deregulation Bill received Royal Assent 26th March 2015
- 10.38 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards
- 10.39 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.40 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as

part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.

- 10.41 Five out of the six units now accord with the category 2 standard within the National Standards for Housing design, and a condition is proposed to secure this. Flat 5 does not meet category 2 standard, as it does not contain a bathroom at the same level as the two bedrooms. As unit 5 is the only non-compliant unit, and because the design of this unit is contained by the existing buildings, the failure to provide a bathroom at the same level as the bedrooms is considered to be acceptable in this instance.
- 10.42 The applicant has also addressed the concerns raised by the inclusive design officer in respect of the commercial floorspace, by confirming that the lift car will comply with the standard required by the Inclusive Design SPD, and by providing the accessible toilet with an outwardly opening door.
- 10.43 Consequently, it is considered that the scheme is acceptable and strikes an appropriate balance between inclusive design and heritage conservation requirements, in accordance with policy DM 2.2 and DM 2.3.

Quality and Mix of Residential Accommodation Proposed

- 10.44 The application has proposed a dwelling mix that includes 5 two bed units and one one-bed unit. This dwelling mix is not strictly in compliance with the guidance set out within table 3.1, as it does not contain sufficient larger three and four bed units. However, the supporting text to policy DM 3.1 confirms that the table is to inform minor schemes only, and that the dwelling mix will also be influenced by factors such as the site's location. Given that the site is located within a dense, urban location, and that design constraints mean that it is not possible to provide external amenity space for all of the units; it is considered that a dwelling mix that provides a greater percentage of small units is acceptable in this instance.
- 10.45 The quality of accommodation proposed is also considered to be acceptable. With the exception of flat 4, all of the flats are dual aspect in accordance with policy DM 3.4. The proposal has also been amended during the application to remove obscure glazing, which had previously been proposed to some habitable room windows, thus making the quality and outlook of the proposed units acceptable.
- 10.46 Flat 5 contains a large roof light on its northern side, which provides the light and ventilation required for this unit. The applicant has provided a section drawing of this unit, which confirms that the roof light will provide a good level of outlook, light and ventilation to the property from the north. The flats also meet the floor area requirements set out within policy DM 3.4. The table below provides a comparison of the floor areas to the space standards within policy DM 3.4

Unit	Number of Bedrooms and Occupants	Size Required Policy DM 3.4	Actual Size
1	2b4p	70	70
2	2b3p	61	64
3	2b4p	70	70
4	1b2p	50	55
5	2b3p	61	67
6	2b3p	61	65

10.47 Only three of the five units proposed contain outdoor amenity space, as required by policy DM 3.5. However, this is considered to be justified by the location of the site within a conservation area, which effectively rules out the erection of balconies on the external elevations of the scheme. In addition, the application does not contain family sized units, and is located close to areas of outdoor amenity space at Joseph Grimaldi Park. The non-compliance with policy DM 3.5 is therefore considered to be acceptable in this instance.

Sustainability, Energy Efficiency and Renewable Energy

10.48 The applicant had committed to construct the scheme to code for sustainable homes level four and BREAM domestic refurbishment rating of excellent. As the code for sustainable homes has now been abolished, it is recommended that a condition is imposed requiring the construction of the scheme to BREAM excellent level. The scheme includes pv Solar cells on its roof, contributing to renewable energy and carbon reduction in accordance with policies 5.1; 5.2; 5.3; and 5.9 of the London Plan 2015 and policy CS10B of the Islington Core Strategy 2015, and Development Management policies 2013 DM7.1, DM7.2 and DM7.4.

Highways and Transportation Impacts

10.49 The application site is located in a highly accessible location, and has a ptal level of 6b. Policy DM 8.5 confirms that all new homes will be car free, and that non-residential uses will be car free unless there is an essential operational requirement.

10.50 An objection has been received which states that the proposed lack of onsite car parking is likely to lead to on street parking in the area. The site is located within a highly accessible location, and has a ptal level of 6b, which is the highest possible level. Consequently it is considered that the vast majority of trips to the proposed office units will be by public transport, and that the offices will not generate any significant increase in on street parking on Hermes Street.

10.51 The six residential units will be car-free, which is secured within the unilateral undertaking, and will also be provided with sufficient bicycle parking to accord with the requirements of the London Plan and policy DM 8.4. It is not considered, therefore, that the new residential units will give rise to any significant increase in on street parking. A condition is recommended to ensure that the new business floor space is also car free.

10.52 Transport for London have requested the submission of a construction logistics and site management plan. This is considered to be justified to ensure no adverse impact on the public highway during construction, and it is recommended that a condition is imposed to secure this prior to the commencement of development.

Planning Obligations, Community Infrastructure Levy and local finance considerations

10.53 The proposal will be subject to Islington's Community Infrastructure Levy. The applicant has agreed to pay the full contribution of £300,000 toward affordable housing required policy CS 12 part 6. This contribution has been reduced from £400,000 as a result of the removal of two residential units from the scheme, and the unilateral undertaking has subsequently been amended.

10.54 DM 7.2 relates to energy efficiency and carbon off setting in minor new building residential developments. As the new residential floorspace is situated within existing buildings on the site, it is not considered that the proposal is a 'new-build' development, and therefore policy DM 7.2 does not apply in this instance.

11. SUMMARY AND CONCLUSION

Summary

11.1 The proposed development redevelops a brownfields site to provide six units of residential accommodation and high quality business floor space suitable for small and medium sized business. The design of the proposal respects the character of the conservation area, and does not give rise to unacceptable adverse impacts on neighbouring properties through the loss of light, outlook or privacy. In addition, while it is noted that the proposal is not wholly in compliance with the Council's policies with respect to inclusive design, this is considered to be justified by the constraints of the site as a heritage asset.

11.2 The applicant has provided viability information that has been assessed by Adams Integra and the Council's internal viability officer, who have concluded that the scheme is providing the maximum amount of B1 floorspace viable.

Conclusion

11.3 It is recommended that planning permission be granted subject to conditions and unilateral undertaking as set out in Appendix 1 – RECOMMENDATION A.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior complete of a unilateral undertaking of a unilateral undertaking in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Direction, Planning and Development/Head of Service-Development Management or in their absence the deputy head of Service:

1. Provision of a contribution of £300,000 toward affordable housing within the borough.

RECOMMENDATION B

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

List of Conditions:

	Commencement (Compliance)
1	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[1315-PL-099J, 1315-PL-100-L, 1315-PL-101K, 1315-PL-102H, 1315-PL-103H, 1315-PL-204C,1315-PL200C, 1315-PL-203E, 1315-E-100,1315-E-099A, 1315-E-102, 1315-E-103A, 1315-E-131, 1315-PL-200E 1315-E-201, 1315-E-202B, 1315-E-200, 1315-PL-104F, 1315-PL-105B, 1315-PL-202D, 1315-PL-054, 1315-PL-201F, 1315-PL-203D, 1315-E-104, 1315-PL-056A, 1315-058A, 1315-PL-059A,1315-PL-051A, 1315-PL-052A, 1315-PL053A, Design and Access Statement, Planning Statement, BREEAM/Sustainability Statement, Inclusive Design/Lifetime Homes Statement, Site Waste Management Plan, Market Report and Evidence, Statement of Historic Significant]</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	Materials
3	<p>MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials;

	<p>e) balustrading treatment (including sections);</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
	Cycle Parking
4	<p>CYCLE PARKING PROVISION (COMPLIANCE): The bicycle storage area(s) hereby approved bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
	Obscure Glazing
5	<p>WINDOWS OBSCURED AND FIXED SHUT / ANGLED AS SHOWN ON PLANS (COMPLIANCE): All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
	Sound Insulation
6	<p>Prior to the commencement of development a scheme for the installation of sound insulation shall be submitted for approval. The proposed development shall then be completed in accordance with the approved details.</p> <p>REASON: To safeguard the amenity of future occupiers of the site.</p>
	Car Free Housing
7	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an 'on street residents parking permit' except:</p> <p>i) In the case of disabled persons, ii) In the case of units designated in this planning permission as 'non car free', Or iii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free.</p>
	BREEAM
8	<p>CONDITION: The development shall achieve a BREEAM [Office/ multi-residential] rating (2008) of no less than 'very good'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
	Boundary Treatment Height
9	Notwithstanding the approved drawings, the height of the boundary wall to rear garden

	<p>of 114a Pentonville Road shall not exceed 2 metres.</p> <p>REASON: To ensure no adverse loss of light or sense of enclosure to this property, and to accord with policy DM 2.1</p>
	Obscure Glazing to Infill Building
10	<p>Notwithstanding the approved drawings, the south elevation of the glazed infill building shown on drawing 1315-PL-201D shall include obscure glazing at first floor level.</p> <p>REASON: To ensure no adverse loss of privacy to neighbouring properties, and to accord with policy DM 2.1.</p>
	Privacy Screening to Residential Units 03 and 06
11	<p>Notwithstanding the approved plans, details of privacy screens on the southern side of the residential balconies of Unit 03 and Unit 06 shall be submitted for approval prior to the commencement of development.</p> <p>The approved privacy screens shall be implanted prior to the first use of the residential units hereby approved and shall be retained as such thereafter.</p> <p>REASON: To ensure no adverse loss of privacy to neighbouring properties, and to accord with policy DM2.1</p>
	Construction Logistics Plan and a Site Management Plan
12	<p>Prior to the commencement of development a detailed construction logistics and site management plan shall be submitted for approval. The development hereby approved shall be constructed in strict accordance with the approved details.</p> <p>REASON: In the interests of highway safety and to ensure no adverse impact on the TLRN in accordance with policy DM 8.2.</p>
	Inclusive Design
13	<p>“Notwithstanding the plans hereby approved, all residential units (except unit 5) which, having no bathroom at the same level as the nominally accessible bedroom, shall be constructed to Category 1) shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 ‘Accessible and adaptable dwellings’ M4 (2).</p> <p>“Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>“The development shall be constructed strictly in accordance with the details so approved.</p> <p>Reason – To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs”</p>

List of Informatives:

	Positive statement
1.	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council’s website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn’t taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p>

	<p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
	<p>CIL Informative (Granted)</p>
2.	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
	<p>Definitions</p>
3.	<p>(Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
	<p>Foundations</p>
4.	<p>The foundations of the new buildings must comply with the National House Building Council's Guidance NHBC Standards 2007, part 4.</p>
	<p>Construction hours</p>
5.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> ○ 8am –6pm Monday to Friday, ○ 8am – 1pm Saturdays; ○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances) </div>

	Section 106 Agreement
6.	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
	Party Walls
7.	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & the Party Wall etc. Act 1996 ("the Act"). Environmental Legislations and the Equality Act.
	Roller Shutters
8	The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

The NPPG is also a material consideration in the determination of this application.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.14 Areas for regeneration

3 London's people

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

6 London's transport

Policy 6.9 Cycling

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

Policy 3.13 Affordable housing thresholds

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

site environs

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 Kings Cross

Policy CS 12 Meeting the Housing Challenge

Policy CS13 Employment Space

Strategic Policies

Policy CS8 (Enhancing Islington's Character)

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.7 Noise and vibration (residential uses)

Employment

DM5.1 New business floor space

DM5.2 Loss of existing business floor space

DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development

DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

Transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

Infrastructure

DM9.2 Planning obligations

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design

Small Sites Contribution

Accessible Housing in Islington

Inclusive Landscape Design

Planning Obligations and S106

Urban Design Guide

London Plan

Accessible London: Achieving and
Inclusive Environment

Housing

Sustainable Design & Construction