

PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department  
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<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	12 July 2016	<b>NON-EXEMPT</b>

Application number	P2015/2652/FUL
Application type	Full Planning Application
Ward	Canonbury
Listed building	n/a however there are several in relatively close proximity, including the St Pauls/St Judes Church
Conservation area	Within 50m of Canonbury Conservation Area (CA8)
Development Plan Context	Site Allocation OIS3 (Leroy House) Employment Growth Area (Balls Pond Road)
Licensing Implications	Ancillary café use (A3 use class) sought for part of ground floor
Site Address	Leroy House 434 Essex Road London N1 3QP
Proposal	5 storey side extension, 6 storey Balls Pond Road entrance projection and roof level extensions to the existing building with external terraces to provide office, workshop and studio spaces (use class B1) with an ancillary cafe; refurbishment of existing building; internal cycle parking; and associated hard and soft landscaping including tree planting on Essex Road and pavement improvement works to Dove Road.

Case Officer	Matt Duigan
Applicant	Workspace Group
Agent	Nathaniel Lichfield & Partners

## 1. RECOMMENDATION

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

1. 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 red)



## 3. PHOTOS OF SITE



Image 1: Leroy House (and car park) viewed from Balls Pond Road



**Image 2. Leroy House and associated car park (looking east)**



**Image 3. Leroy House (and associated car park) and 1-19 The Pinnacles (looking east)**



**Image 4. View of Leroy House car park (looking south from Balls Pond Road)**



**Image 5. Western end of Leroy House (looking West from Dove Road)**



**Image 6. Western end of Leroy House (looking West from Balls Pond Road)**

#### **4. SUMMARY**

- 4.1 The scheme involves provision of additional employment space, the majority of which is suitable for small and micro sized enterprises. There is evidence of increasing demand for business workspace (needed to support job growth). This situation is exacerbated by a decrease in supply of office space, as a result of permitted development rights (which allow the conversion of office space to residential uses). The application would help redress this issue.
- 4.2 CIL contributions towards transport and other infrastructure, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area. Employment and training initiatives and work placements would also be secured through a Section 106 agreement.
- 4.3 These benefits must be weighed against the shortcomings of the proposed development. Officers' primary concerns relate to the impacts of the proposed development upon the amenities of neighbouring properties and the visual appearance of the development.
- 4.4 In this case, the benefits of the proposed development (as amended) have been given due consideration, and are considered (in the face of such increased demand business work space) to outweigh the shortcomings of the development (which are not considered such as to represent unacceptable harm). It is recommended that planning permission be granted.

## 5. SITE AND SURROUNDING

- 5.1 The application site is located on the southern side of Balls Pond Road and is bounded by Essex Road to the West, Dove Road to the South and Henshall Street to the East. The site is 2,040sqm in area and accommodates a 5 storey building (Leroy House) which (with the exception of an ancillary car park located at the western end of the block) occupies the majority of the site.
- 5.2 The existing building has brick facades with large glazed elements within metal frames. The doorways and servicing access are all finished in red paint/metal. The building also has a 'tower' element on the Henshall and Essex Road Street elevations.
- 5.3 The car park occupies an area of approximately 393 sqm and provides 19 marked parking spaces, along with motorcycle and bicycle parking. The site has a Public Transport Accessibility Level (PTAL) of 6a (on a scale of 1 to 6 where 1 is the lowest level of PTAL and 6 is the highest).
- 5.4 To the south of Leroy House is Dove Road, and development along the southern side of the road is characterised by residential buildings (3 to 5 storeys in height). The Pinnacles is located at the western end of Dove Road at the intersection with Essex Road. This 4 storey residential flatted development was constructed in the late 1990s and adjoins a residential building to the east, which is a former industrial building now converted (with permission) to flats. The flats in the northern elevation of The Pinnacles currently overlook the car park associated with Leroy House.
- 5.5 To the north of the site is Balls Pond Road, development on the north side of the road is characterised by a mix of residential and commercial uses in historic buildings (mainly 3 storeys in height). This includes 178-190 Balls Pond road, a Grade II listed terrace of dwellings.
- 5.6 To the east of Henshall Street is a 4 storey residential development with car parking/garden areas between this building and Leroy House.
- 5.7 St Paul's Church, a Grade II\* listed building, sits opposite the site to the west (on the west side of Essex Road).
- 5.8 The site is adjacent to the Canonbury Conservation Area (to its north, south and west), an area of the Borough which developed in the late eighteenth and early nineteenth century with a number of twentieth century additions. The Canonbury Conservation Area, first designated in 1969 and extended in 2001, is described in the Council's Design Guidelines document as being predominantly residential in character with local shopping services.
- 5.9 A number of listed buildings are located within the site's immediate locality, namely:
- St Pauls Church (Grade II\* listed) and adjacent Vestry Hall (Grade II listed)
  - 178-190 Balls Pond Road (Grade II listed)
  - K2 telephone kiosk outside All Saints (Aladura) church (Grade II Listed)
  - 6-12 (even) St Paul's Road and attached railings (Grade II Listed)
  - 14-20 (even) St Paul's Road and attached railings (Grade II Listed)
  - 22 and 24 St Paul's Road (Grade II Listed)
- 5.10 There are trees located around the perimeter of the car park at the western end of the site.

## 6. PROPOSAL (IN DETAIL)

6.1 The description of the proposed development is as follows:

*“5 storey side extension, 6 storey Balls Pond Road entrance projection and roof level extensions to the existing building with external terraces to provide office, workshop and studio spaces (use class B1) with an ancillary cafe; refurbishment of existing building; internal cycle parking; and associated hard and soft landscaping including tree planting on Essex Road and pavement improvement works to Dove Road.”*

6.2 In more detail, the following alterations and additions are proposed:

- Erection of a 5 storey side extension over the existing car park, comprising 4 storeys with a setback 5<sup>th</sup> storey, integrated into the northern elevation of the existing building by a glazed link onto Balls Pond Road, marking the building's new entrance;
- Demolition of the 5<sup>th</sup> storey of the existing building and replacing this with of a two storey roof extension, resulting in the building becoming 6 storeys in height (including ground floor);
- The upper level extensions would also have the effect of infilling some of the existing upper level set backs on the southern and eastern elevations;
- An uplift in employment floorspace of 2,413 sqm (GIA) and an additional 47 workspace units for micro, small and micro sized enterprises;
- Refurbishment of the existing building including rearranging the ground floor and improving the communal areas (including circulation cores, kitchens and toilet and shower facilities) on each floor;
- Provision of a communal roof terrace above the extension (which will replace the car park), with setback glass balustrades, soft landscaping and informal seating;
- Provision of a central hub with café and meeting space forming the entrance to the building;
- Internal secure cycle storage for tenants (104 spaces) with shower and changing facilities, and external bicycle stands for visitors;
- An internal refuse store with dedicated access to Dove Road for collection;
- Removal of the existing car parking spaces and trees fronting Essex Road and the provision of a new area of landscaping, comprising paving, tree planting, benches and cycle stands, enhancing the public realm;
- Retention of the internal loading bay and provision of a new on-street loading bay on Dove Road (to replace the existing carpark crossover);
- Improvements to the pavement on the north side of Dove Road, removing a number of obsolete dropped kerbs.

6.3 The development will provide an uplift in business floorspace at the site, as summarised in the table below:

	<b>Existing</b>	<b>Proposed</b>	<b>Net gain</b>
GIA (sqm)	6,408 (sqm)	8,821 (sqm)	2,413 (sqm)
Units	85	132	47

6.4 As the table above shows, the number of units will increase from 85 (existing) to 132 (proposed), a net addition of 47 units.

6.5 The units will range in size from 10sqm to 140sqm, providing in total (throughout the building) 47 additional units when compared to the existing situation.

- 6.6 The proposed range of units (within the entire building) is set out in detail in the table below. Internally, the design also provides further flexibility for units to be further subdivided or merged depending on demand.

Proposed	Unit size (sqm)					Total
	<25	25-50	50-75	75-90	>90	
Ground floor		8	1	2	2	
First floor	2	10	5	2	3	
Second floor	1	11	2	4	3	
Third floor	1	11	2	1	5	
Fourth floor	11	14	4			
Fifth floor	13	12	2			
<b>Total</b>	<b>28</b>	<b>66</b>	<b>16</b>	<b>9</b>	<b>13</b>	<b>132</b>

- 6.7 Overall, the application proposes that 90% of units would be less than 90sqm in size (i.e. of a size suitable for small and micro enterprises). At ground floor level, a workspace café is proposed. Servicing and deliveries would still be undertaken from the loading bay off Dove Road.

- 6.8 The western elevation of the 5 storey extension (i.e. the extension that would be built over the car parking area) would feature chamfered ends, with the upper level being SET BACK.

### Revisions

- 6.9 Image 7 below shows a CGI of the scheme (which responded to the matters raised by the DRP and pre-application advice) as originally submitted with this planning application.



**Image 7: Design as Originally Submitted (with this Planning Application)**

- 6.10 The applicant amended the proposal in September 2015 in response to concerns raised by the Council's Design and Conservation team which related to the prominence of the roof extension on the main building, and suggested a further set



back. There was also concern over the appearance of the glazing proposed in the top floor of the new extension as well as appearance of solar shading projections on the Balls Pond Road frontage.

- 6.11 Further changes were requested and made to the design in October 2015, responding to concerns raised by the Council's Urban Design advisor and Historic England over the design and appearance of the proposal.
- 6.12 Officers also requested reductions in the scale of the proposal to reduce the impacts on the daylight and sunlight received by occupiers of the flats in 1 to 19 The Pinnacles (south of the site). The revised plans and documents were received on 2 June 2016, and the final design is shown Image 8.



**Image 8. Proposed development, viewed from Balls Pond Road (looking east)**

## **7. RELEVANT HISTORY:**

### **Planning Applications:**

- 7.1 The site has a varied planning history, mainly relating to a number of small applications associated with the installation of telecommunications equipment and advertising. Aside from the telecommunication and advert related applications, the site has the following planning history:

**910616** dated 25/11/1991 approved a change of use of one unit (unit 2N) to a cafe.

**921258** dated 18/01/1993 approved an application Change of use to motorcycle repair workshop including the conducting of M.O.T. tests and the sale of accessories.

**940502** dated 01/09/1994 approved an application for a new porch and access ramp to front entrance.

**961157** dated 01/11/1996 approved the change of use of part of the ground floor units GP, GM and GJ to shop (A1) or (A2) purposes.

**990070** dated 03/03/1999 approved permission for the installation of a glazed canopy to front entrance.

**990550** dated 25/10/1999 refused permission for the change of use of part of ground floor to an A3 use.

**P011484** dated 30/10/2001 approved the retention of existing mini-cab control office.

**P120741** dated 24/05/2012 refused permission for the change of use of a ground floor unit (Unit M) within Leroy House from office (B1 use class) to Parent and Child Group and Play Group (D1 use class).

7.2 While the site has varied planning history, it is of limited relevance to the current application.

### **Enforcement**

7.3 None relevant

### **Design Evolution through the Pre-application Process**

7.4 A formal request for pre-application advice was submitted to the Council in October 2014. The applicant met with the Council, including Officers from the Planning, Design and Conservation and highways teams, on 24/11/2014, 30/01/2015 and 27/05/2015 to discuss the proposals and the scheme was evolved as part of the design process to incorporate the feedback.

7.5 The initial proposals (shown in the Computer Generated Images (CGI) 7 and 8) differ significantly from the current scheme and are shown to illustrate how the design has evolved through the pre-application stages in 2014.



**Image 9: Initial design 2014**



**Image 10: Revised design 2014**

7.6 By January 2015 the design had been the subject of further review and is shown in Image 9.



**Image 11: Revised design January 2015 (still at pre-application stage)**

### **Islington Design Review Panel**

7.7 The pre-application scheme shown in Image 11 above was reviewed by the Islington Design Review Panel (DRP) on 13/02/2015. The Panel raised various concerns over the design, which are summarised below, along with commentary provided by the Applicant to explain how in the design was subsequently modified to address the matters raised by the DRP ahead of the submission of the current planning application. Additional comments are made by the planning case officer, where a specific response was not provided by the Applicant.

**DRP Issue:** The Panel argued that, although slightly tired, the building was appropriate for its current use and expressed concerns that the proposed redevelopment of the building failed to take its architectural merits into account and that the character of the building would be lost. The Panel questioned the proposed staining and painting to replace the original appearance of the building in an attempt to homogenise it with the extension.

**Applicant Response:** An analysis of the existing building was undertaken and this informed the revised design approach, which no longer seeks to stain or cover the existing parts of the building. The scheme was revised so that it would seek to renovate and clean the existing brickwork to enhance its original appearance, with the extension to be built from similar bricks, and reflecting horizontal proportions of the existing building.

**DRP Issue:** Panel members queried the dominance of the two storey glazed (upper level) extensions to the existing building, in relation to the original legibility and proportions of the existing building with an articulated bottom, middle and top.

**Applicant Response:** The applicant advised that the glass extension to the existing building was therefore redesigned and to better articulate a rhythm of expressed structural steel frame elements.

The main line of the façade was set back into the building resulting in a lighter weight appearance, which is subservient to the existing building whilst providing human scale.

**Planning Officer Further Comment:** It is acknowledged that the upper level is set back, although set back this reveals external structural detail. The visual impact of the

exposed structural detail is an issue which is considered in greater detail in the Planning Case Officer comments following paragraphs 8.18, as well as paragraphs 11.57 to 11.60 of this report. The panel also queried whether the internal furniture layouts would result in desks looking untidy against the glazing. The comment relates to the upper two storeys. A check of internal layouts shows that there are doors from the business spaces to balconies, which would limit (but not stop) desks being located against the glazing. The upper levels are further from the street (not as easy to see from street level), and it is not considered that there would be unacceptable visual impacts arising from desks located near the façades.

The Panel supported the idea of building on the car park, but argued that in light of the prominence of the site and strong identity of the original building, an extension building of higher architectural quality was required. The Panel noted that the existing entrance elevation, arguable the finest façade, would be lost with the proposed extension. This underscores the need to provide a building of the highest quality on the corner site.

The scheme was further revised by the applicant to achieve a higher architectural quality. It is considered that the scheme as submitted represents a design of a higher quality than that considered by the DRP.

**DRP Issue:** The Panel questioned the attempt to reference the surrounding Georgian architecture in the design of the extension and argued that extending the architectural vocabulary of the original building to the extension would be more appropriate. They suggested that the extension would not need to be in the style of the 1930s building, but that a better architectural dialogue between the old and the new should be found.

**Applicant Response:** The language of the car park extension was revised to reference the horizontal features of the existing building, whilst using the application of solid panels to bring interest and break the rigidity of this facade. The window fenestration on both the car park extension and that above the existing building relates to the rhythm and proportion of the existing windows. The integration between the existing building and new built element over the car park are linked with glazing and a new entrance to the building, and seek to provide the *“better architectural dialogue between the old and the new”*.

**DRP Issue:** The Panel queried the alignment of the building edge along Balls Pond Road and Essex Road and the resulting space between the proposed building and site boundary. The chamfer to the side extension and the corner appeared weak. The Panel considered that the overall impact would not improve the corner of the site.

**Applicant Response:** The applicant advised that further analytical work was carried out to refine the approach to the chamfer and highlight this as an appropriate response which is used in the local context. The window detail was altered to reference the vertical features of the existing building. In particular the framing around the window and the rhythm of the fenestration references the existing window on the east elevation.

**Planning Officer Further Comment:** The further analytical work undertaken by the applicant was set out in detailed study. The study identified that the chamfered approach to corner buildings is a characteristic of the wider area. The study examined sites at Highbury Corner, Dalston Junction, and on Essex Road, where chamfered approaches have been successfully used on various corner sites. The study went on to examine differing types of chamfered corners, and provided an explanation for the approach taken at the site, which adopts a contemporary treatment to the splay.

The DRP Panel members wondered whether other options for siting and building form had been explored. In response it is worth noting that ahead of the DRP there had been meetings in November and December 2014 where various other designs (such as those shown in Images 8 and 9) were explored.

The Panel considered that a more positive solution to dealing with the public realm and architectural juxtaposition with both the 1930's building and church would create a better design. In response, it is worth noting that the setback between the site and Essex Road was increased to allow for the incorporation of landscaping along the Essex Road elevation, and to reduce the visual impact.

The southwestern corner was also chamfered to reduce the visual presence of the car park extension. The 5<sup>th</sup> (top) storey of the extension over the car park was reduced in size and set further from the edges of the building to reduce its prominence (and have less visual impact on the setting of St Pauls Church).

The Panel advised that under building regulations, the windows would likely need to be replaced or improved (which is proposed by the applicant). The Panel raised concerns regarding potential overheating of the glazed roof extension and questioned whether this would need mechanical ventilation. As is discussed in paragraphs 11.147 to 11.159 of this report, mechanical ventilation is proposed, the implications for powering this form part of the energy strategy accompanying the proposal.

7.8 The applicant was provided with the following summary of the Panel's advice:

*"The Panel welcomed the principle of continuing and extending the employment-led use of the building and improving the relationship with the public realm with more active street frontage. Panel members found that the building needed a gentle lift and renovation and that the original characteristics should be retained. They argued that the existing architecture should be respected by the extension. The Panel argued the side and roof extension needed to be of higher architectural quality and that the relationship between the original building and the extension needed to be resolved more appropriately".*

7.9 The Panel supported the principle of building on the car park, and it is acknowledged that the applicant made a number of amendments to the scheme to address the issues raised by the DRP.

## **8. CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 284 adjoining and nearby properties. A site notice was erected near the site and a press advert displayed in the Islington Gazette. The public consultation of the application therefore expired on 13/08/2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 In response to the first round of consultation 8 submissions were received raising objection to the scheme. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- The scheme as currently designed is damaging to the setting of the Grade II\* building, St Paul's church and other listed properties on Balls Pond Road. **(11.28-11.49)**
- It is overdevelopment because too much of the existing open space/car park on the Essex Road frontage will be lost as result of the proposed extension, and thus does nothing in contributing to the public realm. **(11.2-11.4) & (11.73 – 11.79)**
- The loss of the open car park area is unacceptable as it involves the loss of open space, which is valued by residents. **(11.2-11.4) & (11.164)**
- The loss of the open car park area will impact the setting of nearby Heritage Assets. **(11.28-11.49)**
- Some open space and trees should be retained, the car park should be developed as a park or landscaped garden. **(11.2-11.4) & (11.73 – 11.79)**
- The extensions will block light reaching nearby existing residential flats. **(11.80 - 11.143)**
- The plans propose a dark facade to the whole building. This is darker than any of the surrounding buildings and would be an imposing addition to the area. A lighter colour would help reflect light in the area. **(11.64)**
- Construction impacts will be disturbing to local residents. **(11.142 – 11.144)**
- The intensification is excessive and results in too much visual mass, is overly high and out of keeping with the appearance of the area. **(11.19 – 11.27)**

8.3 A very detailed submission was also received from the St Paul's Steiner Project, which in summary raised 2 key concerns, namely:

- That the scheme may be damaging to the setting of the Grade II\* listed St Paul's church (west of the site). **(11.28-11.49)**
- The scheme represents overdevelopment because too much of the existing open space/car park on the Essex Road frontage will be lost as result of the proposed extension, and thus does nothing in contributing to the public realm. . **(11.2-11.4)**

8.4 In addition a petition signed by 33 individuals (existing tenants of Leroy House) was submitted (received 12 August 2015), which in summary raised objection to the scheme on the following basis:

- That the scheme is too large and will detract from the streetscene and appearance of the area. **(11.19 - 11.27)**
- Existing tenants would be displaced during the works **(see Planning Officer Comment below)**.
- The works will disrupt buses. **(8.12)**
- Parking would be lost. **(11.2 - 11.5)**
- There would be overshadowing of nearby properties. **(11.80 -11.143)**
- There would be increased traffic during the construction phase. **(11.142 -11.145)**
- Construction impacts would disrupt existing tenants, interfere with access, deliveries, and client visits. **(11.145)**

PLANNING CASE OFFICER COMMENT: The disruption/displacement of existing tenants as a result of development is not a material planning consideration. The applicant provided the following advice in relation to this concern:

*"In relation to the existing tenants who will be affected by the proposed development, Workspace will be discussing the relocation process directly with individuals, assisting them both in relation to the potential provision of alternative premises within the building and/or the Workspace portfolio during the construction process, and*

*supporting them should they wish to return to the Business Centre when the development is complete. Workspace has considerable experience of managing change through development and regeneration with a commitment to providing regular updates during the planning process and then in relation to the timing of the operational development.*

*In summary, there will be the following options available to tenants and these will be discussed in detail between Workspace and their tenants:*

- The majority of units at Leroy House will be retained and these tenants can therefore remain in the building during the construction process.*
- It is noted that the construction works may prove too disruptive for some tenants even if their units are unaffected (noise, works to communal areas etc.) in which case Workspace will engage with them and where possible seek to relocate them within their property portfolio (over 100 business estates across London, including Screenworks in Islington) with the opportunity to return to Leroy House when the development is complete.*
- In relation to existing tenants whose units will be demolished/altered as part of the proposed development, Workspace will employ a similar strategy to the above, assisting them where possible in relation to the potential provision of alternative premises within the building itself (existing vacant units or those which become vacant if other tenants choose to relocate) and/or the Workspace portfolio during the construction process, supporting them should they wish to return to the Business Centre when the development is complete.”*

PLANNING CASE OFFICER COMMENT: It is of note that the existing building will be refurbished and extended, providing a greater quantum of higher quality floor space. Some level of disruption would be inevitable if the proposed building works are to proceed. There are benefits associated with the scheme, in that it would ensure the building continues to offer useable workspace, which would help ensure the long term viability of the employment space at the site.

Given the applicant's comments set out above, there are options which would be available to existing tenants who may be affected by the proposals (there is not an objection to the scheme in this regard).

8.5 Following revisions to the scheme, including revised plans and analysis of daylight impacts a further round of consultation was undertaken on 2/06/2016. At the time of the writing of this report 1 additional response had been received from the public with regard to the application. Letters were hand delivered to all tenants of the building to ensure occupiers of Leroy House were aware of the final form of the proposals.

8.6 The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- The loss of open space (i.e. the car park) is not appropriate given the lack of open space in Islington. Additional workers in the building will generate a need for more outdoor space. **(11.2-11.4)**
- Additionally there will no longer be parking for disabled persons. **(11.70 – 11.72)**
- The height is excessive and should be reduced. **(11.19 – 11.27)**
- The extensions will obstruct natural light. The facades should be a lighter colour to help reflect light. **(11.64)**

## **Applicant's Consultation**

- 8.7 The applicant undertook a public exhibition on the 6/2/2015 and 9/2/2015, held within Leroy House. The event was well publicised (over 1,000 invitations were sent to nearby occupiers). Boards setting out the proposed scheme were presented at the exhibition and the applicant's team (including Workspace, HLM Architects, NLP and Quatro) were available to answer questions. Attendees were given the opportunity to leave comments (either on the day or via post/email following the exhibition).
- 8.8 The exhibitions were attended by 88 people and 15 feedback forms were received across both days, with three further forms received by post and one by email. The majority of respondents were existing tenants of Leroy House. The majority supported the scheme (63%), whilst 16% were non-committal and 21% objected. Positive comments included the design, the inclusion of a café, the increase in cycle storage space and the general upgrading of facilities. The main concerns related to the impact of construction on tenants, the design and use of grey brickwork, the need for a thermal upgrade, tree impact and affordability of the new work spaces.
- 8.9 The applicant confirmed that all tenants were written to and advised of the revised planning application.

## **External Consultees**

- 8.10 Historic England (6/8/2015): Raised concern over the potential the extensions have to impact on the domestic scale of the surrounding buildings within the conservation area. Additionally, the extension to the west has the potential to reduce the prominence of St Paul's Church tower on the approach from Balls Pond Road. English Heritage consider that a small degree of harm could be caused to the setting of the Grade II\* church and the conservation area, and this should be weighed against the public benefits associated with the development in accordance with Paragraph 134 of the National Planning Policy Framework (NPPF).

- 8.11 The applicant provided the following response to the matters raised by Historic England:

*"Comments have been received from Historic England (HE) dated 6 August 2015. We note that their reference to Leroy House as a 'prominent 1930s office building' is incorrect. As set out in the submitted Heritage and Townscape & Visual Impact Assessment (HTVIA) Leroy House was built in several phases, the original part of which (the eastern section) was built in 1938-39, with substantial extensions (the western section) in 1959-63. It is therefore a product of two separate designs, neither of which is architecturally distinguished.*

*HE also states that the increase in the building's size has the potential to impact on the domestic scale of the surrounding buildings and that the extension to the west has the potential to reduce the prominence of St Paul's tower on the approach from Balls Pond Road. On this basis, HE considers that a "...small degree of harm could be caused to the setting of the Grade II\* church and the conservation area, and this should be weighed against the public benefits associated with the development in accordance with Paragraph 134 of the National Planning Policy Framework".*

*HE also notes that the Council should be satisfied that a high quality of design is achieved, which responds to local character.*

*We do not agree with HE's conclusion that there could be a small degree of harm to the church and the conservation area. As noted by HE, the existing building is*



*substantial and already larger than many of the other buildings in its immediate vicinity. However, it also sits adjacent to five storey buildings to the south and in close proximity to six to ten storey buildings to the east along Dove Road. The proposed additional storey is not out of keeping with this context and will reinforce the importance of this building at the junction of three key roads. The development would introduce a minor change to the urban setting of the church; however, it would replace an unattractive carpark with a high quality new brick and glazed façade which sensitively steps back from the church and from Balls Pond Road.*

*We note that the amendments made to the scheme, to further set back the building's extensions from Balls Pond Road to the north and the church to the west, address the comments from HE. They seek to reduce the prominence of the building's upper levels whilst ensuring the main body of the existing building has been clearly expressed within its remodelled form through visual separation of the new and existing elements. We trust that on this basis the Council is satisfied that the design is of a high quality, which responds well to its surroundings.*

*In addition, whilst the level of harm caused is a matter of subjective assessment and we do not agree with HE's conclusion, we would reiterate that any harm caused should be weighed against the public benefits offered. In this regard, the proposed development offers numerous economic, social and environmental benefits which are set out in detail in the Planning Statement.*

*Significantly, these include an uplift of employment floorspace which will offer a additional units for Small and Medium Sized Enterprises (SMEs), with a qualitative enhancement to the existing accommodation on site. The proposed development will help to meet the need for additional employment floorspace in the borough, particularly managed workspace for SMEs, supporting additional employment in this Employment Growth Area. We trust the Council will agree that these public benefits are substantial and outweigh the small degree of harm referenced by HE."*

PLANNING OFFICER COMMENT: The design of the scheme has been amended since the comments from Historic England were received. The changes include chamfering the southwest corner of the building and introducing a greater set back of the top (5<sup>th</sup>) storey of the extension over the car park. These changes are considered to reduce the amount of built form and prominence of the proposal at its western end.

The application is also supported by a heritage, townscape and visual impact assessment, which specifically considers the effect on heritage assets including St Paul's Church. The report notes that brick facing is proposed on the extension, which would relate to the materials used in the church, and reiterates the fact that the upper level is set back, means that the new extension would be subservient in terms of built form when compared St Paul's church.

The revised design was referred to Historic England in June 2016, who made the following comments:

*"This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again on this application. In returning the application to you without comment, Historic England stresses that it is not expressing any views on the merits of the proposals which are the subject of the application (just on heritage matters)."*

PLANNING OFFICER COMMENT: Historic England has not advised that the concerns are now removed. However, they have not sought to raise further objections to the proposal. The issue is

considered in greater detail at paragraphs 11.28 – 11.49 of this report. In essence any perceived harm is considered to be outweighed by the public benefits associated with the proposal.

- 8.12 Metropolitan Police: *No objection to the proposed loading and drop off arrangements. Requested measures to control access to the lifts, and additionally from the refuse and cycle stores*
- 8.13 Thames Water: *No objection subject to informatives and conditions being imposed on any consent.*
- 8.14 Transport for London: *The swept path analysis shows buses will not be blocked as they drive along Dove Road. No objection.*
- 8.15 London Fire Brigade: *No objection to proposed loading and drop off arrangements.*
- 8.16 London Fire and Emergency Planning Authority: *Strongly recommends that sprinklers are installed within the development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and can reduce risk to life.*

### **Internal Consultees**

- 8.17 Policy Officer:

*“There is very strong policy support for the refurbishment and intensification of this vital B1 use floorspace. The proposal would help deliver a key site allocation which is particularly welcome given the erosion of workspace available to Small and Micro Enterprises (SME’s) that has been caused by the introduction of permitted development rights for change of use to residential since May 2013.*

*The site is allocated as site OIS3 in the Site Allocations to provide*

*“refurbishment / intensification for business space to provide improve quality and quantity of spaces for small/medium sized enterprises.”*

*The proposal fully complies with the allocation and reflects the council’s objectives for securing a significant qualitative and quantitative improvement in this vital SME business space.*

*The site is also in an Employment Growth Area (EGA), as set out in policy DM5.1 in the DMP. DM5.1A addresses proposals for new business floorspace in EGAs, stating that:*

*“Within Town Centres and Employment Growth Areas the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:*

*i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and*

*ii) a mix of complementary uses, including active frontages where appropriate.”*

*The proposal is for a significant uplift in B1 floorspace (GIA) and an increase in the number of available units, both of which are strongly supported. If the case officer considers that the revisions to the design undertaken through pre-application and Design Review have resulted in a building that is acceptable in terms of its height and massing, then the maximisation principle can be said to be satisfied, given the constraints of heritage and site-specific design principles.*

*It is not considered that active frontages are particularly necessary for this particular development, given its location outside of a town centre and the surrounding Local Shopping Areas. Diversity of use comes from the ancillary café, which is welcomed as a means to make the refurbished workspace units more attractive to occupiers and create space where collaboration and interaction by different occupiers may take place.*

*The proposal to build over the existing car parking to accommodate new business floorspace is also strongly supported. Policy DM8.5 applies the council's car-free policy to any redevelopment, effectively re-setting at zero the level of permitted vehicle parking. The proposal is in conformity with this policy and will help the council to achieve one of its key sustainable transport objectives.*

*104 cycle storage spaces are proposed, which would comfortably exceed the requirements.*

### **Conclusion**

*There is strong policy support for this proposal, which would deliver Site Allocation OIS3 and make a significant contribution to much needed floorspace for SMEs, in support of policy DM5.1 and Core Strategy policy CS13."*

8.18 Access Officer: *Following revisions, no objection is raised.*

8.19 Workspace and employment: *The proposal is policy compliant in terms of provision of employment space suitable for SME's.*

8.20 Design and Conservation Officer: *The application was referred to the Council's Heritage and Urban Design advisor who (in summary) provided the following comments:*

*There is a strong objection to the design. The site is within the setting of an important Grade II\* Listed Church and is therefore a sensitive area.*

*The exposed structural detail to top floors remains overly prominent and is an incongruous form, which is considered unsympathetic to the appearance of the existing building and the Balls Pond Road street scene.*

*It was said that these might (subject to assessment of visual representations) be acceptable should the floors be further set back and with them the exposed structural detail.*

*However, the submitted visuals demonstrate that the exposed structural detail to top floors remain overly prominent. In order to be acceptable either both the floors and exposed structural elements would have to be substantially set back or the exposed structural elements omitted.*

*The setback floor atop the new addition (at the western end of the building, over the existing car park) should either be omitted or should reflect the chamfered shape of the lower levels of that part of the building so that it is not overly prominent. Additionally it should also have a 'calmer' and more lightweight appearance achieved through the reduction in solid structure and an increase in glazing.*

PLANNING CASE OFFICER COMMENT: *The Applicant provided the following response to the concern raised:*

*“The extension to create the 5<sup>th</sup> and 6<sup>th</sup> storey levels has been set back from the existing northern façade by a further 350mm to 1.35m, in accordance with Officer comments, to ensure the existing building retains its prominence.*

*The solar shading at the 6<sup>th</sup> storey has been removed from the northern façade to reduce the prominence of this top floor and to increase the visual permeability through the frame and create lightness in the built structure*

*The entrance ‘tower’ has been set back by 1.35m to align with the new extension over the existing car park, as requested. A shadow gap detail is proposed to provide an elegant separation of the two elements where they join.*

*The setback floor to the new addition over the car park has been further set back by an additional 1.5m on the north and south elevations so that this element sits 2.5m back from the building line of the main façade, as noted by Officers.*

*The glass balustrades to the terraces have been set back by 1m to reduce their visibility, noting that they will not be seen in local views due to the building height, their location and the nature of the surrounding streetscape.”*

PLANNING CASE OFFICER COMMENT: At the roof top level, the proposal seeks permission to replace the existing 5<sup>th</sup> storey and to add an additional storey above it. The scheme proposes that the upper level facades will be set back with an exposed structure detail, which also supports balconies to the new workspaces within the top 2 storeys.



**Image 12. Proposed Balls Pond Road frontage**

PLANNING CASE OFFICER COMMENT: The setback responds to concerns raised by officers that the glazed link (between the existing building and new extension) should be set in line the new extension at the western end of the building. The Council’s Urban Design and Conservation officer is concerned with the appearance of the exposed structural detail. While the new 5<sup>th</sup> and 6<sup>th</sup> storey levels could be made to protrude forward so that the exposed structural detail is enclosed within the building envelope, such a change would increase the bulk and massing of the building when viewed from Balls Pond Road (exacerbating the concerns over the height and massing of the proposal), and detract from the visual relationship between the existing building and the new extension at the western end of the site.

The applicant was requested to remove the exposed structural detail from the design. Following a review, the applicant advised that removal of the exposed element would not be possible for structural reasons, providing the following explanation:

*“In the existing scenario there is a step in the facade at fourth floor level and the columns at this location are picked up on transfer beams. This has not been reflected in the proposed structural layout as the existing transfer beam would need to be heavily strengthened due to the additional load from the extra storey and the plant loading on roof level. This would affect the existing floor to ceiling height between 3rd and 4th floor which is to remain unchanged. It would also be visibly intrusive as the existing structure is fully exposed throughout the building and is to remain as such.*

*Added to this, the proposed loads on the foundations have been kept to within 15% of the existing loads in an effort to avoid overloading the existing structure. This will be verified at the next stage once investigations on the existing foundations can be completed on site. If the proposed columns at 4th and 5th move off grid and don't align over the existing columns below then the risk is increased of overloading the existing foundations. In order to reduce the impact of locating the new steel columns on 4th and 5th floor over the existing edge columns at 3rd floor, the glazed façade has been stepped back creating an exoskeleton structure at these two floors.”*

PLANNING CASE OFFICER COMMENT: It is accepted that there are structural issues associated with the creation of the upper levels, which reflect constraints in the way the existing building was originally built. Various options were investigated to try and reduce the visual impact of the exposed structural details, and the least harmful solution (visually) was selected by Council officers (and is shown in Image 12).

The Council's Urban Design advisor had initially raised concern over the appearance of the recessed 5<sup>th</sup> storey atop the extension at the western end of the site, suggesting it be set further back, and its shape be altered to reflect the chamfered corners of the lower levels.

The applicant revised this element of the scheme providing a greater set back at the 5<sup>th</sup> storey of the western extension. While the rectilinear footprint of the top level does not reflect the chamfered corners of the lower levels (as requested by the Council's Design Officer), the increased set back would limit the visibility of this part of the proposal from ground level, and on balance would not cause such harm as to warrant objection.

In summary, there is a need for the structural support and advantages that would be brought forward in terms of providing for job growth through the provision of new business floor space. Various options have been considered and the proposed design solution would be the least harmful from a visual perspective. While the exposed structural is not considered to enhance the appearance of the proposal, nor is it considered to result in any significant harm.

8.21 Energy Conservation Officer: The application was referred to the Council's Energy Conservation Officer, who reviewed the applicant's Sustainability and Energy Report and raised several concerns (in August 2015). Requests for further modelling, analysis, information and amendments were made and the applicant's response was provided in September 2015. Following review of the additional and amended information, further requests for additional modelling, information and amendments were made October 2015. In summary, the Energy Conservation Officer's final advice (provided following the October submission) is provided below:

*The proposal for a full thermal separation between the extension and existing building is supported. The plan to retain an assumed air permeability of 10 m<sup>3</sup>/m<sup>2</sup>/hr is above the Council's guidance, which notes that air permeability should not exceed 5 m<sup>3</sup>/m<sup>2</sup>/hr. This is a shortcoming of the proposal.*

*The applicant's comparison of emissions via the proposed system and a gas-fired system has been fully reviewed. The system COP and EER are both noted and are satisfactory.*

*The applicant has responded to earlier comments by providing further details of the PV system, and the proposed system is supported.*

*In terms of overheating and cooling, the applicant has provided further detail of the overheating analysis, and how the cooling hierarchy has been addressed. It is apparent that there is a requirement for artificial cooling. The applicant should deploy all the approaches proposed in the October 2015 submission and in the original energy statement to the greatest possible degree, in order to minimise the demand on the cooling system.*

*The draft Green Performance Plan (GPP) are appropriate. The GPP will run for at least 2 years, and therefore a GPP coordinator will need to be in place throughout the GPP period.*

*The development is projected to achieve a BREEAM rating of 'Excellent', with a score of 73.74%. This is a reasonable margin of comfort over the 70% requirement, and is supported.*

*It is noted that not all technologies are viable at this site and that the existing building poses challenges and constraints. The applicant proposes a reduction in regulated emissions of 16.0% and in total emissions of 8.8%, compared to a 2013 Building Regulations baseline. This falls short of both the London policy requirement of 35% reduction in regulated emissions and the Islington requirement of 27% reduction on total emissions.*

*Based on the stated emissions an offset payment of £113,187 will be required.*

PLANNING CASE OFFICER COMMENT: Planning obligations and conditions should be imposed on any consent to secure the offset payment of £113,187 as well as adherence to the various proposals (including the BREEAM rating). Additionally a more detailed *Green Performance Plan (GPP)* is required along with a GPP coordinator (which should be secured via a Planning Obligation).

8.22 *Tree Preservation / Landscape Officer: Raises no objection to the proposal, which reflects advice provided by the Tree officer at pre-application stage.*

*Following inspection it was discovered that while the trees at the western end of the site had a landscape value, individually they have serious structural issues that will greatly reduce the long term useful life expectancy. The multiple stems emanating from the restricted rooting area have weakened unions and without heavy pruning are pre-disposed to structural failure as they grow. Therefore replacement rather than retention of trees is required.*

*The space, species and rooting volumes have all been addressed and while the indicative detail supplied is in the spirit of these discussions, further detail is still required to ensure that the trees can be planted at the standard and with the rooting volumes required (to be secured by condition).*

8.23 Waste and recycling: No objection is raised to the proposal.

8.24 Public Protection Division (Noise) and Environmental Health

*The proposal is likely to include new mechanical plant. They have carried out a background noise survey. There is some distance to the nearest residential and with the results of the survey it is advised that plant noise could be controlled by way of conditions on any consent.*

PLANNING CASE OFFICER COMMENT: Conditions and informatives are recommended to address the matters raised.

8.25 Spatial Planning and Transport (Transport Officer):

*The proposal to rationalise the various existing vehicular access Ponds on Dove Road is supported. The proposed removal of redundant vehicle crossovers will improve the pedestrian environment adjacent to the building.*

*The applicant proposes to provide 104 cycle parking spaces, including accessible cycle parking spaces. The majority of the spaces are show within the building with six publically accessible Sheffield stands.*

*Core Strategy Policy CS10 (Sustainable development), Part H, requires car free development.*

*The development would occupy the existing car park and would result in the loss of 18 car parking spaces, including two disability spaces.*

*With the exception of refuse collections, all servicing activity would be undertaken by light to medium sized vehicles. The assessment suggests that the additional floor space and the introduction of an ancillary café would not result in an excessive number of servicing activities.*

*Existing trips for the site are available via the TRICS database and have been used to establish the baseline. The proposed trips have been adjusted to take into account the proposed removal of the existing car park. The assessment concludes that the development will result in 29 and 47 two-way person movements during the AM and PM peaks respectively. The removal of the car park would result in a decrease in vehicular trips, with the most growth in public transport and pedestrian tips.*

PLANNING CASE OFFICER COMMENT: There had been some concern that the proposed servicing and delivery arrangements may have interfered with bus movements or the movement of emergency vehicles. As a result, additional consultation was undertaken and following review of swept path analysis (which showed that Dove Road would not be blocked), no objection was raised from TfL or the emergency services.

8.26 Sustainability Officer: *In terms of biodiversity, the proposal is acceptable. Conditions should be imposed on any consent to secure enhancements, such as artificial nesting boxes.*

8.27 Public Protection Officer: No objection subject to a condition to ensure ventilation systems are acceptable.

## **9. RELEVANT POLICIES**

### **National Guidance**

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

9.2 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.

## **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan (2015), Islington Core Strategy (2011), Development Management Policies (2013), and Site Allocations (2013). The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

## **Site Allocation**

- 9.4 The council has issued a specific site allocation detailing the key parameters and objectives for any redevelopment of the site as part of Islington's Development Plan (contained within Islington's Site Allocations (2013)) as site OIS3 (Leroy House, 436 Essex Road).

- 9.5 This document sets out site specific policy for the main sites in the Borough where development or other change is expected. Site allocation OIS3 identifies the application site as suitable for:

*"Refurbishment/intensification for business space to provide improved quality and quantity of spaces for small/medium sized enterprises."*

- 9.6 The site allocation notes that:

*"Development should be of high quality design given the site's prominent location at the junction of the busy Essex and Balls Pond Roads. Public realm and pedestrian improvements are also encouraged. Active frontages are also desirable."*

*Design considerations and constraints.*

*Any future intensification/redevelopment of the site will need to conserve and enhance the significance of heritage assets, including their settings, including the adjacent Canonbury Conservation Area, Grade II listed buildings on Balls Pond Road, and the Church on the corner of Essex Road/Balls Pond Road."*

## **Designations**

- 9.7 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations (2013)

- Site Allocation OIS3
- Within Employment Growth Area

## **Supplementary Planning Guidance (SPG) / Document (SPD)**

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

## **10. ENVIRONMENTAL IMPACT ASSESSMENT**

- 10.1 The applicant team did not submit a request for an Environmental Impact Assessment (EIA) scoping opinion, however the general characteristics of the site and the proposed development are not considered to fall within Schedule 1 or 2 development as set out in the Environmental Impact Assessment Regulations (2011). In particular, the site is significantly less than 0.5 hectares in size and it is not in a sensitive area as defined by the Regulations (nor is it considered appropriate in this case to bring other, local designations into consideration as allowed for under paragraph 032 (ref: 4-



03220140306) of the NPPG). As such, the proposal is not considered to be EIA development; however no formal decision has been made to this effect.

## 11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Principle of development and land use
- Provision of workspace suitable for small or mirco enterprises
- Design and conservation
- Inclusive design
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Neighbour amenity
- Planning obligations

### **Principle of Development**

11.2 The site is in a location which is highly accessible by public transport, and as such the loss of the car parking area is considered acceptable in principle. Annex 23 to the National Planning Policy Framework (NPPF) notes such land as falling within the definition previously developed land. It is a core planning principle of the NPPF to encourage the effective use of land by reusing land that has been previously developed.

11.3 Concerns have been raised in consultee responses over the loss of the open car park (as open space). Records show the entire site area, including the open space which now forms the car park, was developed for residential and retail uses. The entire site (including the car park area) is previously developed land. The scheme involves the loss of the existing car park. Islington's Core Strategy (2013) policy CS10 seeks to minimise Islington's contribution to climate change by encouraging sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car-free. The loss of existing parking is in keeping with the borough's car free strategy and no objection is raised in principle to the approach.

11.4 The scheme provides an opportunity to develop additional business floor space, refurbish the existing building to provide a better standard of accommodation than currently exists, and to use this accessible site more efficiently, which is consistent with the sites designated allocation. These are benefits of the proposed development which weigh positively in the balance of planning considerations relevant to this application.

11.5 The above in-principle position regarding redevelopment of the site accords with the National Planning Policy Framework's presumption in favour of sustainable development.

### **Land-use**

#### *Employment floorspace and Cafe*

11.6 The provision of office space is particularly important in creating jobs and delivering economic growth. Analysis (set out in the Council's Employment Land Study 2016) shows that there is to be a significant increase in employment (50,500 additional jobs) in the borough through to 2036. To accommodate these jobs there would be a

concomitant requirement of 400,000m<sup>2</sup> of office floorspace. Evidence also shows a loss of employment floorspace across the borough, with the supply of office space being impacted by the significant losses associated with the 'office to residential' permitted development rights introduced in 2013.

- 11.7 The supporting text to London Plan policy 4.2 also identifies a need for significant increases in office floorspace over the life of the plan. At the local level, part B of policy CS13 of Islington's Core Strategy (2011) notes that in relation to existing employment floorspace, development which improves the quality and quantity of existing business provision will be encouraged. The proposal would provide additional employment space (for which there is a demonstrable need) and is considered consistent with the London Plan (2015) and Islington's Core Strategy (2011).
- 11.8 Islington's Local Plan Site Allocations (2013) allocation OIS3 seeks the refurbishment and intensification of the site for business space, to provide improved quality and quantity of spaces for small/medium sized enterprises. The proposals in this application clearly accord with the sites allocation.
- 11.9 Islington's Development Management Policies (2013) policy DM5.1 notes that within Employment Growth Areas the Council will encourage the intensification, renewal and modernisation of business floor space. The policy goes on to seek the maximum amount of business floorspace reasonably possible on applicable sites and for there to be a mix of complementary uses proposed. In this regard it is noted that the proposal involves an uplift of 2,413sqm of space, and apart from a small amount of complementary Café space at the ground floor level, the additional floor area would be dedicated for use as business floor space.
- 11.10 A Café is proposed at ground level and is relatively small in size, and would represent an ancillary and complementary use and is not considered to prejudice the maximisation of business floorspace. There would be synergy between the workspace and the Café, and this is considered to accord with the aims of policy DM5.1 (which allows for such a complementary use).
- 11.11 In terms of maximising business floor space, a larger proposal would clearly be able to accommodate additional business floor space. However, in this case a bigger structure would result in a worsening of neighbour impacts (reducing light) and, by virtue of bulk and scale, have an unacceptable impact on the appearance of existing building, the setting of nearby Grade II listed buildings, the Canonbury Conservation Area and the street scene. Given the sites constraints, the proposed quantum of additional business floorspace is considered to be the maximum reasonably possible at this site.
- 11.12 Islington's Development Management Policies (2013) policy DM5.4 relates to the size and affordability of workspace, and requires major development within Employment Growth Areas to incorporate an amount of affordable work space and/or workspace suitable for micro and small enterprises. The supporting text to the policy indicates that at least 5% of the floor space proposed in major developments should be dedicated as affordable work space and/or workspace suitable for micro and small enterprises. As is highlighted in paragraph 6.5 of this report, the employment floorspace (GIA) provided on site will increase by uplift of 2,413sqm.
- 11.13 Based on the proposed increase in floor space, there would be a requirement for 120sqm of affordable workspace and/or workspace suitable for micro and small enterprises in this proposal. The supporting text to policy DM5.4 states that small/micro workspace is to be considered to be workspace in the B Use Classes managed in 'units' of around 90m<sup>2</sup> or less.

- 11.14 The proposed units in the refurbished and extended building will range in size from 10sqm to 140sqm, providing 50 additional units throughout the building. It should be noted that the additional units would also be less than 90sqm in size. In relation to the additional floor space, apart from the ground floor Café use (246sqm or 10% of the additional space), the remainder (i.e. 2,167sqm or 90%) of the additional space is dedicated for spaces which are (much) less than 90sqm in size. This quantum of work space suitable for small or micro enterprises greatly exceeds the 5% required.
- 11.15 The proposals will ensure continued and enhanced provision of flexible business floorspace with specifications and facilities to meet the needs of a variety of modern businesses, particularly micro, small and medium sized enterprises. These are benefits of the proposed development which weigh positively in the balance of planning considerations relevant to this application.

### **Design, Conservation and Heritage Considerations**

- 11.16 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design and conservation are set out in chapter 7 of the London Plan (2015). Policies CS8, CS9 and CS10 in Islington's Core Strategy (2013), and policies in chapter 2 of Islington's Development Management Policies (2013), are also relevant. Historic England's Historic Environment Good Practice Advice in Planning Note 3 (The Setting of Heritage Assets), the council's Urban Design Guide SPD and Conservation Area Design Guidelines for the adjacent Canonbury Conservation Area, and the Mayor of London's Character and Context SPG are also relevant to the consideration of the current application.
- 11.17 While the site is not within the Canonbury Conservation Area, it is important to highlight that the Conservation Area effectively surrounds the site to the north, south and west. Additionally, to the west (on the opposite side of Essex Road) is the Grade II listed St Pauls Church. Additionally, the K2 telephone kiosk on the footpath to the front of the Church is Grade II listed. Opposite the site to the north (across Balls Pond Road) are a row of terraced dwellings at 178 to 190 Balls Pond Road, which are also of special interest and are Grade II listed.
- 11.18 Islington's Development Management Policies (2013) Policy DM2.1 notes that for proposals to be acceptable there is a requirement that the design respect and respond positively to existing buildings, the streetscape and the wider context, including local architectural language and character and surrounding heritage assets. Policy DM2.3 requires development within the setting of Conservation Areas and listed buildings to be of good quality, and goes further to make it clear that development which is harmful to the significance of Conservation Areas or listed buildings will not be permitted.



**Image 13: St Paul's Church**



**Image 14: 178 – 190 Balls Pond Road**

*Heights and massing*

- 11.19 London Plan (2015) policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan (2015) policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed or as a 'hook' for site planning and design".
- 11.20 At the local level, policy CS9 of Islington's Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies (2013) requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing.
- 11.21 The context of the site should be noted. Buildings on the northern side of Balls Pond Road rise to 3 storeys (some with rooms in the roof). To the west is St Paul's Church, which features a tower at its eastern end (fronting Essex Road) and is set within landscaped grounds. To the south, across Dove Road is 1-19 The Pinnacles, a 4 storey residential flatted block. Adjoining the Pinnacles, and further east along Dove Road is Canonbury Heights, which rises to five storeys, with the upper 2 levels being set back from the lower elevations (such that the 5<sup>th</sup> floor isn't easily visible from Dove Road). East of the site across Henshall Street is the 4 storey development at Queen Elizabeth Court, and a 2 storey (with rooms in the roof) residential development at 231 Balls Pond Road.
- 11.22 Further east of the site (i.e. 90m away) are ten storey residential flatted buildings associated with the Dover Court estate and just over 100m away is the 13 storey Holiday House (on Mildmay Street). While the wider context includes tall buildings, given the immediate context, only a modest increase in scale (over the existing height of Leroy House) would be appropriate for this site.

- 11.23 The existing 3<sup>rd</sup> floor and 4<sup>th</sup> floor levels of Leroy House feature an element which is set in from the southern elevation (the setback portion is located toward the middle of the southern elevation and is approximately 2m deep and extends for approximately 20m of the over 60m length of the building). The 3<sup>rd</sup> floor and 4<sup>th</sup> floor levels also ‘step back’ from the eastern elevation. At the eastern end of Leroy House, the 3<sup>rd</sup> floor is set back approximately 2.5m from the lower elevation and the 4<sup>th</sup> floor by approximately 5m.
- 11.24 The proposal would maintain the set back at the 3<sup>rd</sup> floor level of the eastern elevation, but would otherwise have the effect of infilling the other setbacks (this would increase the mass of the building). The changes to the set back on the southern elevation would be minor when considered against the context of the overall mass of the southern elevation. Given this and the fact that Canonbury Heights, rises to five storeys, it is not considered that the additional massing when viewed from the south would be harmful.
- 11.25 The removal of the 4<sup>th</sup> floor set back at the eastern end of the building along with the addition of another storey would increase the visual bulk and massing of Leroy House, making the building more prominent. Leroy House is surrounded by roads on all sides, and as such the proposed increase in height will not be viewed against an adjoining structure. The separation from nearby buildings is considered to help limit the visual impact of the proposals from the south, east and west.
- 11.26 The proposed additions at the eastern end of the building would be separated from Queen Elizabeth Court by approximately 30m. The separation distance, along with the set back of upper floors at the 3<sup>rd</sup> floor level assist in limiting the visual impact generated by the additional massing at the eastern end of Leroy House when viewed from Dove Road.



**Image 15. Eastern elevation of Leroy House viewed from Dove Road**

- 11.27 In terms of the visual impact of the proposal on the Balls Pond Road streetscene, there is some concern over the proposed additional height, given the lower scale development (2 and 3 storey terraced housing) along Balls Pond Road. While the impact would not be so great as to cause unacceptable harm to the streetscene, the impact from the additional bulk and scale is not positive and is considered to weigh against the scheme in the planning balance.

## *Impacts on heritage assets*

- 11.28 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 11.29 Section 72(1) PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 11.30 The NPPF defines a “heritage asset” as:  
*“A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”.*
- 11.31 The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing). “Significance” is defined within the NPPF as being:  
*“the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset’s physical presence, but also from its setting”.*
- 11.32 Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting). Historic England in their consultation response state that the extension to the west has the potential to reduce the prominence of St Paul’s tower on the approach from Balls Pond Road, and that this would cause a small degree of harm to the setting of the Grade II\* church and the conservation area.
- 11.33 Paragraphs 131 and 132 of the NPPF provide as follows:  
*“131. In determining planning applications, local planning authorities should take account of:*  
  - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - the desirability of new development making a positive contribution to local character and distinctiveness.*  
*132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\**

*registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

- 11.34 Paragraph 133 of the NPPF deals with substantial harm to or total loss of significance of a designated heritage asset. Paragraph 134 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 11.35 Officers have also had regard to the Planning Practice Guidance in respect of conserving and enhancing the historic environment.
- 11.36 At the local level, Islington’s Development Management Policies (2013) policy DM2.3 seeks to prevent new development within the setting of a listed building from causing harm to its significance.
- 11.37 Turning to consider the application of the legislative and policy requirements set out above, the first step is to consider each of the designated heritage assets (referred to hereafter simply as “heritage assets”) which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset.
- 11.38 There is therefore a “strong presumption” against granting planning permission for development which would harm a heritage asset, but this can be outweighed by material considerations powerful enough to do so, such as planning benefits.
- 11.39 The case-law also establishes that even where the harm identified is less than substantial (i.e. falls within paragraph 134 of the NPPF), that harm must still be given considerable importance and weight.
- 11.40 An examination of the reason the terraced dwellings at 178 – 190 Balls Pond Road were historically listed focuses on the appearance of the front (street facing) elevation. While the proposal would have a more dominant visual presence in the overall street scene, the listed buildings are opposite the site across Balls Pond Road. The principle elevations of the listed buildings are viewed by looking in a northerly direction (at the main street facing elevations).
- 11.41 The location of Leroy House is such that the proposal would not interfere with views of 178 to 190 Balls Pond Road and it is not considered the proposal would be harmful to the special interest of these listed buildings.
- 11.42 At the western end of the site, the proposed extension to Leroy house would be part 4, part 5 storeys in height, with the 5<sup>th</sup> floor level being set back from the lower elevations. The extension would feature similar horizontal proportions to the existing building and be joined to it through the use of a glazed link. The building line of the proposed extension relates appropriately (being set back) to the existing building line. The existing and new built form being linked with a new the glazed (full height) entrance.
- 11.43 Since receiving the advice from Historic England, the design of the western extension to Leroy House has been revised by setting the top level back and chamfering the corners of the western elevation. The proposed height (part 4, part 5 storeys) of the western extension to Leroy House provides a transition down from the 6 storey height of the main building, and is considered to mitigate the visual impact when viewed against the 4 storey height of 1-19 The Pinnacles (opposite the site to the south).

11.44 The design approach, which reduces bulk and scale by stepping the height down as the building extends to the west, helps to reduce the impact on the setting of the Grade II listed St Pauls Church. Overall it is considered any harm to the Conservation Area or the Grade II listed St Pauls Church would be less than substantial. The comments from Historic England stated that in their view there would be a '*small degree of harm*'. This is consistent with Officers assessment that any harm would be less than substantial.

*Assessment of harm versus benefits*

11.45 Public benefits are defined within the NPPG. It advises that public benefits:

*"may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature of scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits."*

11.46 Given the definition provided, it is appropriate to consider the public benefits that would flow from this development and which deliver economic, social or environmental progress.

11.47 The Development secures the optimum viable use of the Leroy House, and is consistent with the sites allocation. It would bring forward refurbishment of the existing building, making it more accessible to disabled persons. The refurbished and extended building would be better insulated, incorporate reviewable energy systems and would reduce carbon emissions. The sustainability credentials of the Development would far exceed those of the current building. These benefits are public benefits which would flow directly from the Development.

11.48 Jobs would be created through the construction period and the new and refurbished business floor space would help to meet the space required to support job growth in the borough. The development (if approved) would deliver spaces which are suitable for small and micro sized enterprises, addressing demand for this particular type of work space.

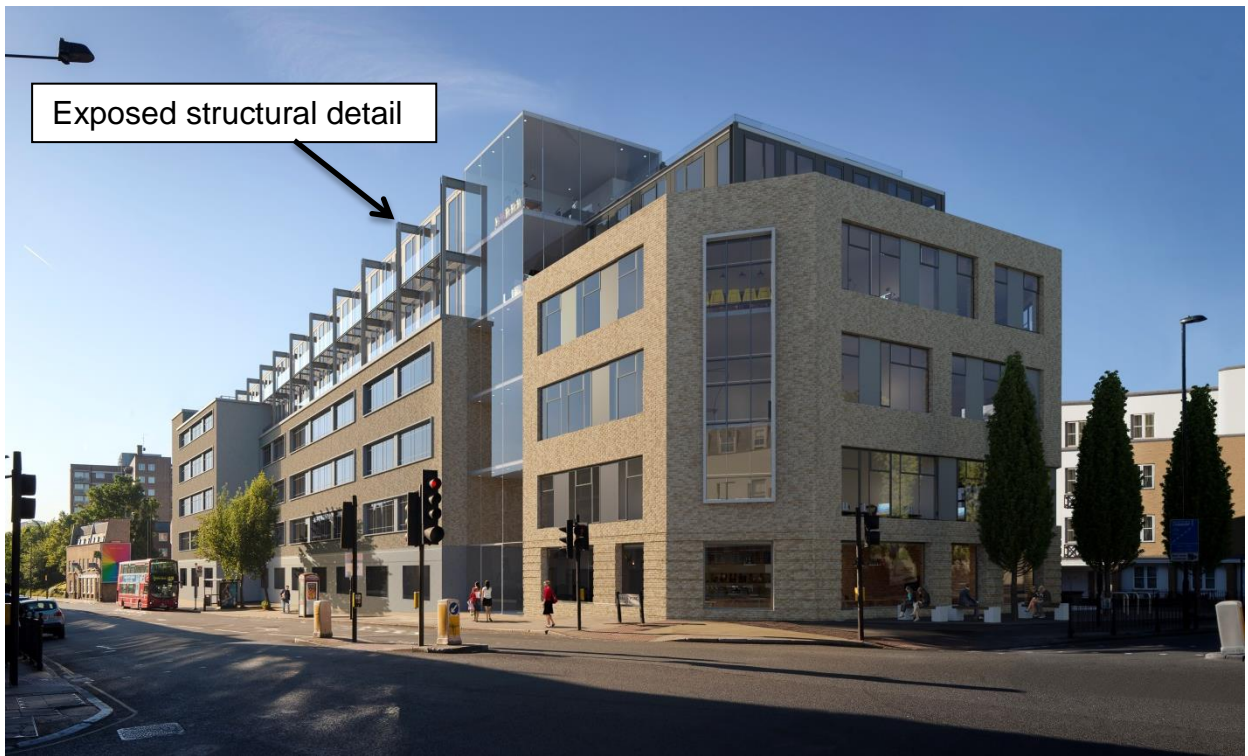
11.49 The planning obligations (to be secured by way of a S106 legal agreement) would also deliver economic benefits that flow from the development and would enhance local labour opportunities. The scheme would bring about public benefits that are considered to be of a scale to be of benefit to the public at large. The proposals would facilitate growth and could provide a catalyst for regeneration to this part of Islington. The benefits of the scheme are considered to outweigh any harm to the setting of nearby listed buildings or the Conservation area.

*Architecture and elevations*

11.50 London Plan (2015) policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should comprise details that complement, not necessarily replicate, the local character.



- 11.51 Other policies are also relevant to architecture, including London Plan policy 7.4 (relating to local character) and Core Strategy policy CS9, which states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. This Core Strategy policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of facades. Finally, part G of policy CS9 notes that high quality contemporary design can respond to relevant challenges as well as traditional architecture, and that innovative design is welcomed.
- 11.52 Policies in chapter 2 of the Development Management Policies document are relevant to architecture and detailed design. In particular, policy DM2.1 states that all forms of development are required to be of high quality.
- 11.53 The design of the proposal responds to pre-application advice provided by the Council, and the Design Review Panel, as well as comments received as part of the public exhibition. The development of the Leroy House site can be understood as three main elements:
- The refurbishment and reconfiguration of the existing Leroy House,
  - An extension to the roof (replacing the existing 4<sup>th</sup> floor and adding an additional storey above),
  - A new build element, extending the building to the west.
- 11.54 Whilst the existing façade of Leroy House is in good condition it is proposed that the façade will be cleaned and renovated.
- 11.55 At the roof top level, the proposal seeks permission to replace the existing 5<sup>th</sup> and to add an additional storey above it. The scheme proposes that the new upper level facades will be set back slightly with an exposed structure detail, which also supports balconies to the new workspaces within the 5<sup>th</sup> and 6<sup>th</sup> (including the ground floor) storey levels.
- 11.56 The setback responds to concerns raised by officers that the glazed link should be set in line the new extension at the western end of the building.
- 11.57 The application was referred to the Council's Urban Design and Conservation officer who raised objection to the appearance of the exposed structural detail, by virtue of its form, which is considered unsympathetic to the appearance of the existing building and the Balls Pond Road streetscene.
- 11.58 While the new upper levels could be made to protrude forward so that the exposed structural detail is enclosed within the building envelope, such a change would increase the bulk and massing of the building when viewed from Balls Pond Road (exacerbating the concerns over the height and massing of the proposal), and detract from the visual relationship between the existing building and the new extension at the western end of the site.



**Image 16. Proposed Balls Pond Road frontage**

- 11.59 The applicant advised that removal of the exposed element would not be possible for structural reasons, providing the following explanation:

*“In the existing scenario there is a step in the facade at fourth floor level and the columns at this location are picked up on transfer beams. This has not been reflected in the proposed structural layout as the existing transfer beam would need to be heavily strengthened due to the additional load from the extra storey and the plant loading on roof level. This would affect the existing floor to ceiling height between 3rd and 4th floor which is to remain unchanged. It would also be visibly intrusive as the existing structure is fully exposed throughout the building and is to remain as such.*

*Added to this, the proposed loads on the foundations have been kept to within 15% of the existing loads in an effort to avoid overloading the existing structure. This will be verified at the next stage once investigations on the existing foundations can be completed on site. If the proposed columns at 4th and 5th move off grid and don't align over the existing columns below then the risk is increased of overloading the existing foundations. In order to reduce the impact of locating the new steel columns on 4th and 5th floor over the existing edge columns at 3rd floor, the glazed façade has been stepped back creating an exoskeleton structure at these two floors.”*

- 11.60 Various options were investigated to try and reduce the visual impact of the exposed structural details, and the least harmful solution (visually) was selected by Council officers (and is shown in Image 16). The Development Management Policies (2013) policy DM2.1 aims to ensure development respects and respond positively to existing buildings and the street scene. Notwithstanding the applicant's advice relating to structural complications, the appearance of the 'exoskeleton structure' weighs against the scheme in the planning balance.

- 11.61 While the scheme also proposes balconies (supported within the visible structural detailing) to the workspace units at 5<sup>th</sup> and 6<sup>th</sup> storey levels on the southern and eastern elevations, these facades are less visible and face streets (Dove Road and Henshall Street) which are not as well used as Balls Pond Road. Because of this,

officers do not consider that the impact would be so great as to warrant objection to the balconies and visible structural detailing on the southern and eastern elevations.

- 11.62 A terrace area is proposed atop the roof of the extension to the western end of the building. The supporting information submitted with the application clarifies that the terrace would be surrounded with a glass balustrade.
- 11.63 Paragraph 2.6.4 of the council's Urban Design Guide states that roof structures that are not an integral part of the building (such as plant) should be located within the building, rather than at roof level. In this case, the majority of the proposed development's plant would be located on the roof, set behind 2.5m high metal louvered/acoustic panelled screen, towards the centre of the roof. The plant area would be set back approximately 7m from the northern and southern elevations. Whilst not within the building, the majority of the plant would therefore be set back from the building edges, behind the screen and not easily visible from street level (limiting visual impact). Subject to a condition being imposed on any consent to ensure all plant and equipment is located in positions which are not easily visible from the street and to ensure the appearance of the screen is acceptable, no objection would be raised (condition 4).
- 11.64 The existing building and the new built element at the western end of the site would be separated by a glazed link. The glazed component has a vertical emphasis and would clearly define the main entrance to the building from Balls Pond Road, and would rise from the ground to the top level (5<sup>th</sup> floor). The window openings on the proposed extension at the western end of the building reference the horizontal expression of the existing building. The ground floor base is defined using a horizontal brick detail which references the existing building. Sections of glass are also proposed at ground floor level of the western extension, which pick up the rhythm and proportion of the ground floor openings of the existing building. The plans indicate that the brick detailing would change above ground floor level. Concerns have been raised in consultation responses that the colour of the building is too dark. While there is no objection to the approach being taken in terms of materials a condition is recommended to ensure the palette and pattern of materials are acceptable (condition3). In addition a condition is recommended to ensure the depth of window reveals are appropriate (condition 5).
- 11.65 The chamfered corners of the extension respond to advice by the Design Review Panel and are considered of benefit to the extension design (and additionally reduce the impact on light to neighbouring occupiers). The detailing of the windows on the chamfered corners of the proposed western extension would have a vertical emphasis and are considered to relate and reflect numerous vertical features of the existing building.
- 11.66 The supporting documentation submitted with the application clarifies that the chamfered corners would feature 'pop out' window and frame. No objection is raised to the approach (which is considered to add visual interest and enhance the appearance of the proposal).
- 11.67 The building line at the northwest corner of the site has been set back to provide an increased area of public realm and sufficiently separates the building from existing street trees on Balls Pond Road to ensure their retention. The design of the proposed extension to the western end of Leroy House would relate appropriately to the existing building and its surrounding context, and subject to conditions (which are recommended) the design and appearance of this element is considered acceptable.

## **Summary: Design, Conservation and Heritage Considerations**

- 11.68 The design of the scheme has evolved following pre-application discussions, including advice from the DRP. There is evidence that the applicant has responded appropriately to the concerns raised by the DRP. Changes have also been made to reduce the prominence of the western extension, lessening the impact on the setting of St Paul's Church. Officers consider that any harm to the setting of St Pauls church would be less than substantial and are considered to be outweighed by the planning benefits the scheme would bring forward. There is not an objection to the proposal in terms of impacts on heritage assets.
- 11.69 There are concerns over the appearance of exposed structural detail on the northern elevation at the 5<sup>th</sup> and 6<sup>th</sup> floor levels. It is acknowledged that there are structural constraints associated with the existing building, and that the applicant has worked to provide various solutions to lessen the visual impact. Given the structural issues, officers consider the current scheme represents the design solution with the least visual impact. The appearance of the scheme is not considered to be so harmful as to warrant refusal of the application. Officers note that the scheme would deliver refurbished and additional employment floor space and other planning benefits which weigh in its favour (and are considered to outweigh the design concerns).

## **Accessibility**

- 11.70 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan (2015) policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policies (2013) Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.
- 11.71 In relation to access, the proposed building will be fully accessible throughout, with step-free access and lift provision to each floor along with accessible toilets, cycle parking and kitchen facilities.
- 11.72 No accessible parking is proposed on-site. This is considered acceptable, given the site's constraints and the fact that a drop off bay is proposed on the north side of Dove Road, and overall the proposal represents a significant improvement in comparison to the existing building (and weigh in favour of the scheme). A contribution of £10,000 is also to be secured through the S106 legal agreement.

## **Landscaping and Trees**

- 11.73 There are existing trees on and adjoining the site. The trees being split into 2 types, 6 x self-seeded sycamore located on the periphery of the car park site and 2 x street trees (1 x Spindle and 1 x Prunus) to the north of the existing building.
- 11.74 The Council's Tree Officer has examined the existing trees, and advised that those located on Balls Pond Road are in the adopted footway and should be retained (i.e. 1 x Spindle and 1 x Prunus). A condition should be imposed on any consent to ensure building works do not adversely impact on the trees to be retained (condition 11).

- 11.75 The applicant is proposing up lighting in the setback between the building and footway and near the façade. It is considered that this approach would enhance the character of the building façade and landscaping along this frontage.



**Image 17: Examples of the proposed up lighting**

- 11.76 The Council's Tree Officer advised that following an assessment of the existing trees located around the periphery of the car park (6 x self-seeded sycamore trees) were found to have defects which limit their long term viability. As such replacement planting is proposed rather than retention. It is noted that the proposed new built form would be set back sufficiently from the western boundary to allow enough room for replacement tree planting. The Council's Tree officer is satisfied with the approach, subject to a condition to ensure the detailed planting and landscaping proposals are appropriate (condition 11).
- 11.77 In addition to replacement trees, the landscaped set back at the western boundary of the site would accommodate block seating and recessed lighting (as is also proposed on the Balls Pond Road frontage). The surfacing is proposed to be a charcoal grey porous resin bound surface to pick up on colours of brick palette and link into building. A number of Sheffield cycle stands are also proposed to be installed within the landscaped set back.
- 11.78 A number of cross overs would be removed as part of the proposal (along Dove Road) and additionally the landscaping proposals would extend to the public footway, as such planning obligations would be required to ensure that the detailed proposals are appropriate and to enable work to be undertaken to the public foot way.
- 11.79 A landscaped terrace is also proposed on the roof of the setback top level of the 5 storey extension to the western end of the building. There is no objection to the proposed landscaping of the roof top (subject to a condition to restrict the use of the terrace late at night).

### **Neighbouring Amenity**

- 11.80 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan (2015) policy 7.6 states that buildings should not cause unacceptable harm to the amenity of

surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing.

- 11.81 Development Management Policies (2013) Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

*Daylight and sunlight*

- 11.82 An updated analysis of the proposed development's impacts upon natural light received by occupants of neighbouring properties is provided in the applicant's Daylight and Sunlight Report (25/06/2015) and Addendum Daylight and Sunlight Report 17/03/2016.

- 11.83 The submitted Daylight and Sunlight report assesses impacts upon the following neighbouring properties:

- St Paul's Church;
- 2 St Paul's Road and 1a Newington Green Road;
- 172 to 200m Balls Pond Road;
- Queen Elizabeth Court.
- 8 to 21 Canonbury Heights;
- 1 to 19 The Pinnacles;

- 11.84 The applicant's chosen methodology follows guidance provided in the Building Research Establishment's "Site Planning for Daylight and Sunlight" (2011), and uses 3 tests to assess natural light impacts, namely the Vertical Sky Component (VSC), Daylight Distribution (DD), and Annual Probable Sunlight Hours (APSH) tests.

- 11.85 When using the BRE guidance to assist in the assessment of daylight and sunlight impacts, paragraph 1.6 of the BRE guidance must be noted. This confirms that:

*"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".*

*Daylight*

- 11.86 With regard to daylight, the BRE guidance notes that there should be no real noticeable loss of daylight provided that the Vertical Sky Component (VSC) as measured at the centre Pond of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value.

11.87 If VSC figures are greater than 27%, enough daylight should still be reaching the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. Reductions of between 20% to 30% (i.e. where 0.8 to 0.7 times the existing VSC levels are retained) are generally considered to be a lesser or minor infringement in urban areas.

11.88 In situations where post-development VSC figures fail to comply with the levels suggested by the BRE, a further test can be carried out to measure the overall amount of daylight in a room. This is the Daylight Distribution (No Sky Line, or NSL) test. BRE guidance state that if the NSL moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit. The 0.8 figure is often expressed as a percentage in NSL analysis, such that a reduction of up to 20% would be acceptable.

#### *Sunlight*

11.89 The BRE guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment (for example north facing windows would not warrant assessment). For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

*“In 1 year the centre Pond of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*

*In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.”*

11.90 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

#### *St Paul's Steiner School*

11.91 This school is within the converted St Paul's Church (west of the site across Essex Road). The daylight and sunlight to the windows facing the proposed development have been analysed. Daylight and sunlight analysis including the Vertical Sky Component (VSC) test shows that all of the windows tested will see little or no modification to their existing values and will remain fully compliant with the guidance given in the BRE guidelines.

11.92 Overshadowing analysis of the amenity space attached to the school was also undertaken. The analysis shows that the proposed development will have no effect on the sunlight amenity of the space attached to the school.

#### *2 St Paul's Road and 1a Newington Green Road*

11.93 This is a 3 storey (with rooms in the roof) building northwest of the application site. Daylight and sunlight analysis including the Vertical Sky Component (VSC) test shows

that all of the windows tested will see little or no modification to their existing values and will remain fully compliant with the guidance given in the BRE guidelines.

*196 – 200 Balls Pond Road*

- 11.94 This is a 3 storey (with rooms in the roof) building to the north of the application site. The Vertical Sky Component (VSC) test shows that of the 30 windows tested 29 will see little or no modification to their existing values and will remain fully compliant with the BRE guidance. Window W2 at ground floor within the 196 Balls Pond Road element of the building will see a minor transgression of the guidance given in the BRE Report but will retain 0.78 times its existing value. This is a minor transgression, and it should be noted that there are other windows which serve the room affected (and the ground floor is not in residential use).
- 11.95 Additionally the Sunlight analysis using the Annual Probable Sunlight Hours (APSH) test shows that following the development, the level of sunlight will remain compliant with the advice given in the BRE guidelines. Daylight Distribution analysis for this building shows that all of the windows will comply with the BRE guidance by maintaining either light penetration to 80% of the room's area or retaining 0.8 times the existing value.

*194 Balls Pond Road*

- 11.96 This is a 3 storey (with rooms in the roof) building which is also located on the north side of Balls Pond Road. The building is in mixed usage with a commercial use at ground floor level and flats above. Analysis was undertaken of the impact of the proposal on the windows serving the residential aspects of the property. VSC, Daylight Distribution and APSH analysis of the residential elements of this building all show full compliance with the BRE guidance.

*192 Balls Pond Road*

- 11.97 The building at 192 Balls Pond Road is a 3 storey mixed use property (commercial usage at ground floor level with residential accommodation at the upper floors) to the north of the application site.
- 11.98 Daylight analysis using the Vertical Sky Component (VSC) test shows that all but one of the windows tested will transgress the BRE Report guidance. However, all windows will retain at least 0.75 times their existing values (i.e. a minor transgression). Daylight Distribution analysis of the rooms shows that all rooms will remain compliant with BRE guidelines. Additionally, the Sunlight analysis using the Annual Probable Sunlight Hours (APSH) test shows that following the development, the level of sunlight will remain compliant with the advice given in the BRE guidelines.

*190 Balls Pond Road*

- 11.99 This is a three storey mixed use building north of the application site. The ground floor is in commercial use with residential accommodation at the upper floors. Sunlight analysis using the VSC test shows that the windows will comply with the BRE guidance (all would retain at least 80% of their existing values).
- 11.100 Daylight Distribution analysis of the rooms within the building show that the second floor rooms will remain compliant with the BRE guidance. However 2 rooms at first floor level would retain in excess of 0.7 times their existing values, which is marginally below the BRE guidance (of 0.8). Sunlight analysis shows that these rooms will comply with the annual amenity guidance and given the retained sunlight levels to



both windows, the impact would be acceptable, and no objection is raised in this regard.

*188, 186, 184 and 182 Balls Pond Road*

11.101 These properties form part of the three storey terrace to the north of the application site. The buildings are in residential use at all floors. Sunlight analysis using the VSC test shows that the majority of windows will comply with the BRE guidance (all would retain at least 80% of their existing values).

11.102 A window at ground floor level for all these properties will transgress the winter sunlight amenity test, but all will comply with the annual amenity guidance. Daylight Distribution analysis shows that while there would be some transgressions, these are minor (rooms will still retain between 0.74 and 0.78 times their existing daylight penetration levels). These transgressions are only slightly below the BRE guidance values (of 0.8) and given the retained annual sunlight levels it is not considered that the occupants will perceive a reduction in sunlight.

*180, 178, 176, 174 and 172 Balls Pond Road*

11.103 These properties form part of the three storey terrace of residential dwelling, again on the northern side of Balls Pond Road. Daylight and sunlight analysis shows that all of the windows tested will see little or no modification to their existing values and all will remain fully compliant with the guidance given in the BRE guidance.

*Queen Elizabeth Court*

11.104 This is a four storey property approximately 30m to the east of the application site. The property provides supported care accommodation. Daylight and sunlight analysis shows that all of the windows will see little or no modification to their existing values and will remain fully compliant with the guidance given in the BRE guidance.

*Canonbury Heights*

11.105 Canonbury Heights is a five storey residential building to the south of Leroy House (across Dove Road). Planning permission (ref: P010654) was granted in 2002 to extend the building by 2 floors and to change the use of the property to become a residential flatted development.

*Canonbury Heights - Ground and mezzanine*

11.106 Sunlight analysis using the VSC test shows that all (but 1) of the windows at ground floor level will comply with the BRE guidance. The window in question would still achieve 0.79 times its existing value (a minor transgression). Examination of daylight distribution confirms that all ground level windows would meet the BRE guidance in terms of daylight distribution. Given this no objection is raised to ground level impacts at Canonbury Heights.

11.107 It should be noted that the conversion of the building at Canonbury Heights to flats (approved in permission ref: P010654) involved creating residential units within the constraints of the existing built form, and for example, some flats feature a mezzanine level, illuminated by windows at ground floor level. Analysis shows that the existing mezzanine areas receive very little natural light in the existing scenario. Sunlight analysis using the VSC test shows that the mezzanine rooms would retain between 0.79 to 0.76 of their former values post development. The area of glazing which

allows light to the mezzanine spaces is so limited it's not possible to calculate daylight distribution.

- 11.108 The mezzanine spaces currently receive little natural light, and while the increase in height and removal of setbacks proposed by the application (on the southern elevation) would not improve light levels to these areas, the existing situation (which was approved in permission ref: P010654) is acknowledged, and in isolation no objection would be raised in terms of the impact to the mezzanine spaces.

*Canonbury Heights - 1<sup>st</sup> floor*

- 11.109 At the first floor level only 4 windows would fail the VSC test; however these rooms would retain between 0.79 to 0.75 of their former values (a minor transgression). A check of daylight distribution indicates that apart from these same 4 windows, all other windows would retain more than 0.8 times their existing value. The 4 rooms which would fail the daylight distribution test would retain between 0.78 and 0.65 times their existing values, which is below the BRE guidance (of 0.8). While there would be a transgression in terms of both VSC and daylight distribution, the departures from the BRE guidance are mostly minor.

- 11.110 Of the rooms affected at the 1<sup>st</sup> floor level, 3 are bedrooms and 1 is a living room/kitchen/diner (LKD). The BRE guidance notes maintaining the light levels to bedrooms are less important than to living areas. It is noted that the LKD would retain a VSC of 0.79 and daylight distribution of 0.78 (and as such is very nearly compliant with the BRE guidance).

*Canonbury Heights - 2<sup>nd</sup> floor*

- 11.111 Sunlight analysis using the VSC test shows that 4 of the windows at the 2<sup>nd</sup> floor level would fail to meet the BRE guidance. These windows would retain between 0.78 to 0.76 of their former values (the reduction would be considered a minor transgression). A check of daylight distribution indicates that the rooms illuminated by these windows would also fail the daylight distribution test, retaining between 0.69 and 0.61 times their existing values, which is below the BRE guidance (of 0.8).

- 11.112 Of the rooms affected on the 2<sup>nd</sup> floor (i.e. those which fail the VSC and daylight distribution tests), 3 are bedrooms and 1 would be a LKD. The LKD would retain a VSC of 0.78 times its former value and daylight distribution of 0.69 times its former value. Again at the 2<sup>nd</sup> floor level, while there would be a detriment, the departures from the BRE guidance are considered mostly minor.

*Canonbury Heights - 3<sup>rd</sup> floor*

- 11.113 At the 3<sup>rd</sup> floor level there would be 5 windows that fail to meet with the BRE guidance in terms of VSC. These windows would retain 0.79 of their existing values (and as such is very nearly compliant with the BRE guidance). Three of the windows provide light to the same LKD, and 1 window provides light to a bedroom.

- 11.114 A check of daylight distribution indicates that the LKD would retain 0.66 times its existing value, and the bedroom 0.57 times its existing value (below the 0.8 recommended by the BRE guidance). While it is acknowledged that only 1 LKD would be affected at the 3<sup>rd</sup> floor level, there would be a detriment to the living conditions of some neighbouring properties.

*Canonbury Heights - 4<sup>th</sup> floor*

11.115 Daylight and sunlight analysis shows that for all of the windows at the 4<sup>th</sup> floor level, there will be little or no modification to their existing values and all will remain fully compliant with the guidance given in the BRE guidance.

*1 - 19 The Pinnacles*

11.116 The 4 storey residential flatted development known as 1 -19 The Pinnacles is located south of the application site (opposite the existing car parking area at the western end of the application site). The Pinnacles has two frontages, facing north towards the application site (across Dove Road) and west towards Essex Road.

11.117 The northern elevation of The Pinnacles receives more light than would normally be expected in a built up area, and this is because of the lack of any buildings on the car park site. The existing daylight received by The Pinnacles is particularly high when compared to that received by the neighbouring Canonbury Heights and 8 Dove Court buildings. Redevelopment of the car park site would be acceptable in principle; however development of the car park site would clearly impact on the amount of light reaching the northern elevation of The Pinnacles.

11.118 The western end of the application site is clearly under-used in its current use as a car park. It will almost certainly be developed in some shape or form, as borne out by the fact that is allocated by virtue of Site Allocation OIS3 for refurbishment/intensification for business space to provide improved quality and quantity of business work spaces for small/micro sized enterprises.

11.119 In developing proposals for development on the car park site, the applicant initially modelled the height and massing that could be achieved on the car park site without transgressing BRE guidelines (in terms of VSC and daylight distribution). The analysis shows that development on the car park site would have to be limited to 2 storeys, with 3<sup>rd</sup> floor set back a significant distance towards the northern (Balls Pond Road) elevation.

11.120 The limited (2 storey) height is considered inappropriate in terms of height and massing given the context of the existing buildings (5 existing storeys proposed at Leroy House and 4 storeys at The Pinnacles, 5 storeys at Canonbury Heights). While the limited height ensures full compliance with BRE guidelines, impacts from development on daylight should not stand in isolation from other planning policy considerations, but should be weighed with other planning objectives. The BRE compliant redevelopment of the car park would not be supported in design terms and could not be said to maximise the business floor space reasonably possible at what is an accessible site.

11.121 Impacts to the loss of light to the northern elevation of The Pinnacles from the proposed development of the car park would be overstated because of the absence of any buildings on the car park site. The amplified impact on light is considered to overly restrict redevelopment of the car park site.



**Image 18. Part 2, part 3 storey (BRE compliant) extension over car park.**

- 11.122 Appendix F of the BRE guidelines gives guidelines on setting alternative target values for daylight and sunlight. The BRE guidelines cite examples where it may be appropriate to set bespoke target values, for example in a situation where an existing building receives more than what would normally be expected as a 'fair share' of light. In this case the northern elevation of The Pinnacles receives more light than would normally be expected due to the absence of any buildings on the car park. In this case, the unique circumstances make the use of alternative targets acceptable in principle.
- 11.123 The BRE guidelines explain that alternative targets can be derived by constructing an imaginary mirror image building on the application site. The VSC and other targets are then set to those of the mirror image building (which should be the same height and size of that which would be impacted). For the avoidance of doubt, the 'mirror image' building is not proposed, and is only used to set the alternative baseline targets for the sunlight and daylight analysis.
- 11.124 Officers accept this approach as being consistent with BRE guidance and it has been applied to other development sites in the borough in recognition of Islington's dense built up nature.



**Image 19: Hypothetical 'mirror image'**

### *1 - 19 The Pinnacles – Ground floor*

- 11.125 The northern elevation of the ground floor of The Pinnacles includes 1 residential flat, with a bedroom and LKD facing the application site (the remainder of the ground floor is taken up mostly by an undercroft car parking area). There is a single window to bedroom, and sunlight analysis using the VSC test shows that the bedroom window would comply with the BRE guidance (the analysis shows no adverse impact) utilising the mirror image baseline. This is compared to the impact if the analysis is undertaken on the basis of the vacant car park, where the window would only retain 0.63 times its existing value.
- 11.126 Similarly in terms of daylight distribution, using the mirror massing baseline, the bedroom window would not be affected, which is compared to the impact if the analysis is undertaken on the basis of the vacant car park, where the window would only retain 0.50 times its existing value.
- 11.127 The difference in the results between the tests (i.e. mirror massing baseline Vs actual existing baseline) reflects the fact that the northern elevation of The Pinnacles receives more light than would normally be expected due to the absence of any buildings on the car park site.
- 11.128 The analysis also examined the impact to the LKD to the ground floor flat, which features four windows in the northern elevation. All the LKD windows pass the VSC and daylight distribution tests using the mirror image base line, and there are only minor transgressions if the analysis is undertaken on the basis of the vacant car park baseline target. It is worth noting that this room features a dual aspect with further windows in the western elevation facing Essex Road. Given the dual aspect nature of this room and the limited number of minor transgressions, no objection is raised.

### *1 - 19 The Pinnacles – 1<sup>st</sup> floor*

- 11.129 At the 1<sup>st</sup> floor level, there are 11 windows which could potentially be impacted. Sunlight analysis using the VSC test shows that only 2 windows would fail to comply with the BRE guidance using the mirror image baseline. These windows would retain at least 0.77 times their value (a minor transgression). Examination of daylight distribution to these 2 windows (utilising the mirror image baseline) shows that they would also fail this test (retaining 0.60 and 0.65 times the mirror baseline value).
- 11.130 This is compared to the impacts against the actual baseline target, where 8 of the windows would fail the VSC test (retaining 0.61 to 0.79 times their existing values). Of these 8 windows, 6 would also fail the daylight distribution utilising the vacant car park baseline targets (retaining between 0.23 to 0.62 times their existing values).
- 11.131 In summary, even when impacts are considered against a mirror image baseline scenario, there would be transgressions from the BRE guidance. At the 1<sup>st</sup> floor level, the rooms which fail the VSC and daylight distribution tests are within single aspect north facing flats, and while most are bedrooms (where the BRE guidance advises compliance is of less importance) 2 of the rooms are LKDs.

### *1 - 19 The Pinnacles – 2<sup>nd</sup> floor*

- 11.132 As with the 1<sup>st</sup> floor there are a further 11 windows at the 2<sup>nd</sup> floor level which could potentially be impacted. Sunlight analysis using the VSC test shows that 3 windows would fail to comply with the BRE guidance utilising the mirror image baseline. These windows would retain at least 0.75 times their value (a minor transgression). Examination of daylight distribution to these 2 windows (utilising the mirror image

baseline) shows that they would also fail this test (retaining between 0.45 and 0.57 times the mirror baseline target value).

11.133 When impacts are considered against the actual baseline (i.e. the vacant car park), 7 of the windows would fail the VSC test (retaining 0.66 to 0.79 times their existing values). Of these 7 windows, 6 would also fail the daylight distribution utilising the vacant car park baseline targets (retaining between 0.26 to 0.64 times their existing values).

11.134 As with the first floor, even when impacts are considered against a mirror image baseline scenario, there would be transgressions from the BRE guidance (particularly in terms of daylight distribution). Concern is raised in this regard given that the flats affected are single aspect and north facing.

*1 - 19 The Pinnacles – 3<sup>rd</sup> floor*

11.135 The 3<sup>rd</sup> floor layout reflects the lower levels, and there would be 11 windows at the 3<sup>rd</sup> floor level which could potentially be impacted by the proposal. Sunlight analysis using the VSC test shows that 4 windows would fail to comply with the BRE guidance utilising the mirror image baseline. These windows would retain at least 0.75 times their value (a minor transgression). Examination of daylight distribution to these 2 windows (utilising the mirror image baseline) shows that they would also fail this test (retaining between 0.36 and 0.54 times the mirror baseline target value).

11.136 When impacts are considered against the actual baseline (i.e. the vacant car park), 7 of the windows would fail the VSC test (retaining 0.72 to 0.77 times their existing values). Of these 7 windows, 6 would also fail the daylight distribution utilising the vacant car park baseline targets (retaining between 0.36 to 0.54 times their existing values). Even when impacts are considered against a mirror image baseline scenario, there would be transgressions from the BRE guidance.

*Further analysis*

11.137 Given the concerns over the impacts to light levels to flats in The Pinnacles, the applicant was requested to test what improvements to light levels reaching flats in The Pinnacles would be achieved by reducing the height of the development over the car park.

11.138 Without the top level and utilising the mirror massing baseline target, there would be 9 windows which fail the VSC test and using the vacant car park baseline targets 23 windows would fail. Analysis shows that the omission of the proposed set back 5<sup>th</sup> floor atop the extension over the car park at the western end of the site would improve the situation such that (utilising the mirror massing scenario) 3 windows would fail the VSC tests, and using the vacant car park baseline targets, 18 would still fail.

Base line target	VSC Failures		Daylight distribution failures	
	With a 5 <sup>th</sup> floor	Without a 5 <sup>th</sup> floor	With a 5 <sup>th</sup> floor	Without a 5 <sup>th</sup> floor
Mirror image	9	3	14	10
Vacant car park	23	18	19	16

11.139 As the table shows, in terms of daylight distribution, with the 5<sup>th</sup> floor and utilising the mirror massing baseline target, there would be 14 windows which fail the VSC test and using the vacant car park baseline targets 19 windows would fail.

- 11.140 The omission of the proposed set back 5<sup>th</sup> floor atop the extension over the car park at the western end of the site would improve the situation such that (utilising the mirror massing scenario) 10 windows would fail the daylight distribution test, and using the vacant car park baseline targets, 16 would still fail.
- 11.141 It is acknowledged that omitting the 5<sup>th</sup> floor would improve the levels of light reaching flats in The Pinnacles. However, in percentage terms, in the majority of instances the VSC improvements brought about by omitting the proposed 5<sup>th</sup> floor are minimal (i.e. less than a 5% improvement). The increased number of windows that would achieve compliance with the BRE guidelines reflects the fact that the VSC transgressions were minor (in percentage terms) to begin with.
- 11.142 Given the pressing need for additional office space, the benefit (i.e. increased light reaching flats in The Pinnacles) from reducing the height of the proposed extension to the western end of Leroy House needs to be weighed against the loss of business floor space that would accompany such as reduction. On balance, officers consider the set back 5<sup>th</sup> floor level is acceptable.

#### *Noise*

- 11.143 London Plan (2015) Policy 7.15 (part Bb) states that development proposals should minimise the existing and potential adverse impacts of noise. The application site is located in an area subject to traffic noise, and a mix of commercial and residential uses are located in close proximity to the site. Although the proposed development would intensify the use of the site, the continued business use is considered appropriate, given the limited noise outbreak normally associated with office uses.
- 11.144 The proposed development includes rooftop plant in relatively close proximity to residential uses. A condition is recommended relating to the provision of appropriate noise control measures (condition 24), to ensure that plant would not lead to unacceptable disturbance to neighbouring occupiers.

#### *Other environmental impacts*

- 11.145 The application is supported by a construction management plan, which provides a good indication of how the applicant proposes to proceed with work (and is acceptable for this stage of the process). Further details would however be needed, and as such a condition (condition 20) is recommended requiring the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) to address noise, dust and other potential environmental impacts. The Section 106 agreement referred to in Appendix A would ensure that construction is carried out in compliance with the Code of Construction Practice. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

#### *Neighbour amenity summary*

- 11.146 The application site's location on Balls Pond Road needs to be acknowledged, in that it is not a site where it is reasonable to expect unusually high levels of amenity. In this context, and given the need to ensure efficient and optimised use of accessible sites, it is considered that some infringements of standards and requirements set out in relevant planning policies and guidance could be accepted.
- 11.147 Such impacts do not necessarily mean that the proposal would conflict with London Plan (2015) Policy 7.6, which refers to unacceptable levels of harm. While there

would be negative impacts, these are not considered to be so bad as to represent an unacceptable level of harm. That said, the adverse impacts weigh negatively in the balance of planning considerations.

### **Sustainability, Energy Efficiency and Renewable Energy**

- 11.148 The NPPF notes that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 11.149 The council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan (2015) energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Carbon dioxide calculations must include unregulated, as well as regulated, emissions, in accordance with Islington's policies.
- 11.150 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations.
- 11.151 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 11.152 The applicant's Energy Statement notes that after establishing the scheme's baseline energy consumption, an Energy Hierarchy (Use Less Energy - 'Be Lean', Supply Energy Efficiently - 'Be Clean' and Use Renewable Energy - 'Be Green') has been applied in considering measures to reduce energy demand and CO2 emissions.
- 11.153 In terms of reducing energy demand ('Be Lean') a range of passive (relating to the building form and fabric) and active (related to the building services strategy and efficiencies) design measures have been identified for the scheme. To address the London Plan (2015) requirement to supply energy efficiently ('Be Clean') various options were investigated (including Community Heating systems, Combined Heat and Power (CHP) and Combined Cooling Heating and Power (CCHP)). The applicant also investigated the use of renewable energy sources ('Be Green') and arrays of solar photo voltaic panels are proposed on the roof of the building.
- 11.154 Overall, the applicant proposes a reduction in regulated emissions of 16.0% and in total emissions of 8.8%, compared to a 2013 Building Regulations baseline. This falls



short of both the London policy requirement of 35% reduction in regulated emissions and the Islington requirement of 27% reduction on total emissions.

- 11.155 The shortfall in carbon reduction is due in part to the various constraints and challenges associated with the existing building. The Council's Energy Officer has considered the applicant's analysis and notes that not all technologies are viable at this site and that the existing building poses challenges and constraints.
- 11.156 Based on the stated emissions an offset payment of £113,187 will be required. Given the sites constraints, subject to planning obligations being secured on any consent to ensure the energy strategy is implemented and offset payment of £113,187 and other matters are delivered, no objection is raised to the scheme.
- 11.157 The applicant proposes various measures in relation to sustainability and relevant planning policies. Conditions securing the approval of a Green Procurement Plan, the development's achievement of BREEAM "Excellent", and relating to water consumption, are recommended (conditions 16). It is also recommended that the applicant be required (via a Section 106 agreement) to sign up to Islington's Code of Construction Practice.
- 11.158 The landscaping plan shows that blue roof systems would be installed at roof top level. This is a system which helps dealing with storm water runoff through water attenuation. There is otherwise little scope for landscaping as part of the proposed development, although some soft planting is proposed at ground level along the western boundary of the site, and recommended condition (11) requires the submission of further details of the landscaping scheme.
- 11.159 Development Management Policy DM6.6 requires major developments to incorporate Sustainable Urban Drainage Systems (SUDS), and must be designed to reduce flow to a "greenfield rate" of run-off (8 litres/second/hectare) where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres per second per hectare. The application is accompanied by a drainage strategy, which provides a good indication of the approach the applicant seeks to take, and is acceptable for this stage of the planning process. However further detail would be required, and as such a condition, requiring details of measures to ensure compliance with the requirements of policy DM6.6 is recommended (condition 12).
- 11.160 Measures to increase the site's currently-limited biodiversity interest, including to the installation of bird and bat boxes, are secured by recommended condition (18). A draft Green Performance Plan (GPP) has been submitted with the application. This is considered to be acceptable as a draft; however more specific performance targets and indicators will need to be established through a full GPP to be secured via a Section 106 agreement. The GPP will run for at least 2 years, and therefore a GPP coordinator will need to be in place throughout the GPP period (also to be secured via a Section 106 legal agreement).

### **Highways and Transportation**

- 11.161 Policies relevant to highways and transportation are set out in section 4 of the NPPF and chapter 6 of the London Plan. Islington's Core Strategy policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Detailed transport policies are set out in chapter 8 of Islington's Development Management Policies.

11.162 Both Essex Road and Balls Pond Road are well served by buses, and the application site has a Public Transport Accessibility Level (PTAL) of 6 (on a scale of 1 to 6, where 1 represents a low level of public transport access and 6 the highest level of access to public transport). Numerous dropped kerbs exist along the Dove Road frontage, and an open car parking area exists at the western end of the site.

*Trip generation, parking and cycle parking*

11.163 The applicant has provided a Transport Assessment, which follows the requirements of the Council's adopted Development Management Policies (2013). With the exception of refuse collections, all servicing activity would be undertaken by light to medium sized vehicles. Existing trips for the site are available via the TRICS database and have been used to establish the baseline.

11.164 The proposed trips have been adjusted to take into account the proposed removal of the existing car park. Paragraph 32 of the NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council's Highway Officer advises that assessment shows that the additional floor space and the introduction of an ancillary café would not result in an excessive number of servicing activities, and that the proposed additional trip generation can be accommodated on the highway network.

11.165 Core Strategy (2013) Policy CS10 and Development Management Policies (2013) Policy DM8.5 seek to achieve car free development. In this case part of the development would be built over the existing car park and while this would result in the loss of 18 car parking spaces, including two disability spaces, given the policy position and high PTAL no objection is raised. The removal of the car park would result in a decrease in vehicular trips, with the most growth in public transport and pedestrian trips.

11.166 The applicant proposes cycle parking will be provided in accordance with standards (104 cycle parking spaces, including accessible cycle parking spaces) in secure cycle stores at ground floor with convenient access from Dove Road. The majority of the spaces are shown within the building with 6 publicly accessible Sheffield stands. The development will also be provided with shower/ changing facilities (end of trip facilities). The proposals are considered appropriate and would not conflict with the standards set out at Appendix 6 of the Development Management Policies, and it is recommended this provision be secured by condition (condition 9).

11.167 In line with Development Management Policies (2013) policy DM8.2, the applicant has submitted a Travel Plan, the contents of which are considered satisfactory. The Travel Plan would encourage the use of more sustainable modes of transport. Adherence to the Travel Plan would need to be a condition of any permission (condition 2).

*Servicing*

11.168 Servicing would be undertaken from Dove Road, and some concern was initially raised to this approach, both in terms of pedestrian safety and in terms of the potential for service delivery vehicles to block the road. The applicant provided additional detail (swept path analysis) which shows that even when servicing is taking place, 2 way traffic (including buses, fire engines and other emergency vehicles) can move along Dove Road. No objection was raised to the servicing arrangements by TfL or emergency services.

11.169 While there is no objection to the servicing arrangements, given the narrow width of Dove Road, it would be important to ensure deliveries are co-ordinated in a sensible way to avoid queuing in Dove Road. The application is accompanied by a servicing

plan, which provides a good indication of the approach the applicant seeks to take, and is acceptable for this stage of the planning process. However further detail would be required, and as such a condition should be imposed on any consent granted to secure a Delivery and Servicing Management Plan (DSMP) (condition 21). It is further recommended that a Demolition and Construction Management and Logistics Plan (DCMLP) be secured by condition (19).

- 11.170 The applicant proposes to rationalise the various existing vehicular access Ponds on Dove Road. The proposed removal of redundant vehicle crossovers will improve the pedestrian environment adjacent to the building. The removal of dropped kerbs should be funded by the applicant and carried out by the council, and this would need to be secured via a S106 legal agreement.
- 11.171 A dropped kerb is proposed to provide access to the cycle parking area from Dove Road. The current kerbside use is residential permit parking. The appropriate arrangements for the alternations to parking and the provision of a dropped kerb should be funded by the applicant and carried out by the council (again this would need to be secured via a S106 legal agreement).

### **Contaminated Land and Air Quality**

- 11.172 The site is and would be mostly covered with buildings or hard surfaced area, limiting access to the ground (thereby limiting access to any contamination that could potentially be present). There would be a small area of landscaping along the western boundary and a condition should be imposed on any consent to ensure any contamination identified in the creation of the landscaped area is appropriately remediated, and to ensure any imported soils are free from contaminants (condition 25).
- 11.173 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition. This would ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.

### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

- 11.174 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.
- 11.175 Islington CIL of £34,196, and Mayoral CIL of £146,078, would be payable in relation to the proposed development.

11.176 Prior to and following the amendment of the proposals, officers advised the applicant that a Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- Compliance with the Code of Employment and Training.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be paid for by the applicant and the work carried out by LBI Highways.
- Facilitation, during the construction phase of the development, of 2 work placements. Each placement to last at least 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. The contractor is expected to pay the going rate for an operative. If these placements are not provided, LBI will request a fee of £10,000.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £2,629
- A contribution of £10,000 towards off site accessible parking bays or other accessible transport.
- Connection to a local energy network if a viable opportunity arises in the future.
- Green Procurement Plan
- Carbon offset payment of £113,187
- Removal of redundant existing dropped kerbs and introduction of a new drop kerb, funded by the applicant and carried out by the council
- Works to the footway and any repair works made necessary by the development
- Development car free.
- Connection of the existing building to a local energy network, if this becomes viable in the future.
- Adherence to the approved Travel Plan (including reporting).
- Delivery of Employment and Training Initiatives to a value of at least £26,290 or a financial contribution in lieu.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

11.177 In terms of the Employment and Training Initiatives, the applicant has agreed to pay a contribution of £26,290, or to deliver an Employment and Training initiative to at least an equal value through a third party called XLP. XLP stands for "The eXceL Project"; a charity (No. 1101095) specialising in urban youth work in London. The aim of XLP is to create positive futures for young people living in the inner city and make a positive impact on poverty and educational failure. The proposal involves 4 projects:

- A Community Bus Project, involving a customized double-decker bus traveling to agreed locations on the Marquees Estate to host 50 drop-in sessions with 1-2-1, small group and team activities (e.g. educational support, mentoring, and support groups). Outside the bus, sports and detached youth work are deployed using the bus as a base. The bus travels to specific areas on estates (particularly where no permanent premises exist) and provides high-quality, long-term, consistent youth provision
- A mentoring scheme for 3 Canonbury Ward residents. Candidates are identified in consultation with local schools, pupil referral units, youth services and the police. Home visits with each of the candidate's families are undertaken to further explain the project, and look for approval for the candidate to participate. Mentors receive training and are matched with a young person. These mentors will commit for a

minimum of 12 months to build and sustain a relationship with a young person and their family and provide a consistent and inspirational role model. Mentors will meet their young person for 2 hours per week for a minimum of thirty 1-2-1 sessions over a 12-month period.

- Providing 6 places on an employment training programme (called access to employment) as well as ongoing 1-2-1 support. Following an informal assessment around skills and qualifications, future goals and aspirations and an individual action plan is drawn up. The candidates then attend a training programme that aims to give the young people the skills to allow them to 'take hold of and create their own opportunities'.
- Provide 4 placements on a summer camp. The young people selected will camp together in tents, cook and eat together, and participate in challenging teambuilding activities.

11.178 The Council's Infrastructure and S106 Officer has worked with the applicant to understand the various proposals and advises that these are highly desirable, and as such any legal agreement would require in the first instance the delivery of the initiatives, and only in the event that the initiatives are unable to be delivered would a financial contribution be required.

11.179 All payments to the council would be index-linked from the date of Committee and would be due upon implementation of the planning permission. The applicant's agent agreed to the drafting of a Section 106 agreement based on the above Heads of Terms.

### **National Planning Policy Framework and Planning Balance**

11.180 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land and provision of business floor space.

11.181 In the final balance of planning considerations, officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF. The central question is whether the harm caused would be outweighed by the benefits that the proposal would bring forward.

11.182 The sunlight/daylight analyses shows that the extensions proposed on the application site would reduce the amount of daylight reaching windows in northern elevation of The Pinnacles. Additionally, there is some concern over the visual appearance of the scheme.

11.183 While the living conditions of some residents would be affected, to a degree, this does not necessarily mean that the proposal would conflict with London Plan (2015) Policy 7.6 which refers to unacceptable harm (the impact is not considered so severe as to be unacceptable). Nor is it considered that the scheme would conflict with Development Management Policies (2013) policy DM2.1 which requires a good standard of amenity to be maintained. Nevertheless, the adverse impact is still something that needs to be weighed in the planning balance.

11.184 The site is clearly under-used (particularly at the western end) in its current use as a car park. The development of this part of the site is considered in keeping with the site's adopted allocation. There is a need to improve job creation in the Borough in order to meet substantial levels of unmet need and stimulate the economy, highlighted by the London Plan (2015) in particular and this means that best use must be made of the site.

- 11.185 Consideration has been given to the nature of the proposal, being business floor space, designed to be suitable for small and micro sized enterprises. The applicant is a specialist provider of this sort of work space, and has successfully delivered and operates these sorts of work spaces elsewhere in the borough and London. Bearing in mind local policy and the NPPF, this weighs in favour of the proposal and overall officers consider that the benefits (including public benefits) of the proposal are sufficient to outweigh the harmful impacts identified.

## **12. SUMMARY AND CONCLUSION**

### **Summary**

- 12.1 The benefits of the proposed development must be noted. These include the re-use of an underused site, the refurbishment of the existing floorspace with a higher quality, more accessible and more flexible employment space. The scheme involves provision of additional employment space, the majority of which is suitable for small and micro sized enterprises. There is evidence of increasing demand for business workspace (needed to support job growth). This situation is exacerbated by a decrease in supply of office space, as a result of permitted development rights (which allow the conversion of office space to residential uses). The application would help redress this issue.
- 12.2 CIL contributions towards transport and other infrastructure, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area. Employment and training initiatives and work placements would also be secured through a Section 106 agreement.
- 12.3 These benefits must be weighed against the shortcomings of the proposed development. Officers' primary concerns relate to the impacts of the proposed development upon the amenities of neighbouring properties and the visual appearance of the development.
- 12.4 The comments made by residents have been considered, as have responses from consultee bodies.
- 12.5 In this case, the benefits of the proposed development (as amended) have been given due consideration, and are considered (in the face of such increased demand business work space) to outweigh the shortcomings of the development (which are not considered such as to represent unacceptable harm). It is recommended that planning permission be granted.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- Compliance with the Code of Employment and Training.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be paid for by the applicant and the work carried out by LBI Highways.
- Facilitation, during the construction phase of the development, of 2 work placements. Each placement to last at least 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. The contractor is expected to pay the going rate for an operative. If these placements are not provided, LBI will request a fee of £10,000.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £2,629
- A contribution of £10,000 towards off site accessible parking bays or other accessible transport.
- Connection to a local energy network if a viable opportunity arises in the future.
- Green Procurement Plan
- Carbon offset payment of £113,187
- Removal of redundant existing dropped kerbs and introduction of a new drop kerb, funded by the applicant and carried out by the council
- Works to the footway and any repair works made necessary by the development
- Development car free.
- Connection of the existing building to a local energy network, if this becomes viable in the future.
- Adherence to the approved Travel Plan (including reporting).
- Delivery of Employment and Training Initiatives to a value of at least £26,290 or a financial contribution in lieu.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

That, should the Section 106 Deed of Planning Obligation not be completed within the Planning Performance Agreement timeframe the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 3 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>
<b>2</b>	<b>Approved plans and documents list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Design and Access Statement (June 2015), Addendum to Design and Access Statement (June 2016), Addendum Daylight/Sunlight Report (June 2016), TTP Consulting Travel Plan (June 2015), Etude Waste Management Strategy 2015, Greenpage BS5839 Tree Survey and Arboricultural Impact Assessment (June 2015), TTP Consulting Transport Assessment (June 2015), TPP Highways Note (30 October 2015) Sustainability and energy report 7100.003.005, email from agent and MTT comments (16 October 2015), Heyne Tillett Steel Surface Water and Drainage Statement (June 2015), Quatro Statement of Community Involvement (June 2015), Nathaniel Lichfield &amp; Partners Planning Statement (June 2015), Nathaniel Lichfield &amp; Partners Heritage, Townscape and Visual Impact Assessment (June 2015), HIA screening, MTT External Lighting Report (June 2015), NOICO Environmental Noise Survey Report (June 2015), Greenpage Ecological Extended Phase 1 Habitat and Protected Species Survey Report (June 2015), MTT MEP Services Description (June 2015), TTP Consulting Delivery and Servicing Plan (June 2015), Knight Build Ltd CMP (June 2015), letter from agent 14150/IR/SH/11474876v1 dated 2 June 2016, 13212/ES(04)001 PA1, 13212/EL(07)001 PA1, 13212/EL(06)001 PA1, 13212/EL(04)006 PA1, 13212/EL(04)005 PA1, 13212/EL(04)004 PA1, 13212/EL(04)003 PA1, 13212/EL(04)002 PA1, 13212/EL(04)001 PA1, 13212/EE(04)003 PA1, 13212/EE(04)002 PA1, 13212/EE(04)001 PA1, 13212/PA(01)001 PA3, 13212/PA(02)001 PA3, 13212/PA(90)002 PA2, 13212/PA(90)004 PA2, 13212/PE(04)001 PA3, 13212/PE(04)002 PA3, 13212/PE(04)003 PA3, 13212/PL(04)010 PA3, 13212/PL(04)011 PA3, 13212/PL(04)012 PA3, 13212/PL(04)013 PA3, 13212/PL(04)014 PA3, 13212/PL(04)015 PA3, 13212/PL(04)007 PA3, 13212/PL(06)001 PA3, 13212/PS(04)001 PA3, 13212/PS(04)002 PA3.</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and samples (Details)</b>
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:</p> <p>a) brickwork, bond and mortar courses;</p> <p>b) cladding panels (including details of the edge and seams/gap treatments, method(s) of fixing, and any profiling);</p>



	<p>d) glazing, windows, doors and balustrades;  e) roofing materials; and  f) any other materials to be used on the exterior of the development.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard and contributes positively to the significance of heritage assets.</p>
<b>4</b>	<b>Roof-level structures (Details)</b>
	<p>CONDITION: Details of any roof-level structures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area.</p>
<b>5</b>	<b>Window and door reveals (Compliance)</b>
	<p>CONDITION: With the exception of the projecting windows at the western elevation of the building, windows and doors shall be set within reveals no less than 200mm deep unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, to ensure sufficient articulation in the elevations.</p>
<b>6</b>	<b>External pipes, cables and CCTV (Details)</b>
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard.</p>
<b>7</b>	<b>Security and general lighting (Details)</b>

	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) as well as measures to control access to the lifts, and additionally from the refuse and cycle stores into the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
<b>8</b>	<b>Piling (Details)</b>
	<p>No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p>
<b>9</b>	<b>Cycle parking (Compliance)</b>
	<p>CONDITION: The bicycle storage areas shown on the approved plans shall be secure and provide for no less than 104 bicycle spaces shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>10</b>	<b>Micro and small enterprises (Compliance)</b>
	<p>CONDITION: The business accommodation suitable for occupation by micro and small enterprises shall be provided strictly in accordance with the details hereby approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises.</p>
<b>11</b>	<b>Landscaping (Details)</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:</p>

	<ul style="list-style-type: none"> <li>• existing and proposed underground services and their relationship to landscaping and tree planting;</li> <li>• proposed trees: their location, species and size at planting</li> <li>• tree pit detail</li> <li>• modular system providing adequate soil volume for the tree planting</li> <li>• hard landscaping: including surface treatment, permeability, drainage, kerbs, edges, unit paving, furniture and lighting.</li> <li>• any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>12</b>	<b>Sustainable urban drainage (Details)</b>
	<p>CONDITION: Prior to any works commencing on site a drainage strategy including full justification for any non-compliance with the requirements of Development Management Policy DM6.6 and London Plan policy 5.13, and confirmation that best endeavours have been made to comply with these policies, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the drainage strategy so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development achieves appropriate surface water run-off rates.</p>
<b>13</b>	<b>Mechanical Ventilation System (Details)</b>
	<p>Details of the mechanical ventilation system(s) for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The mechanical ventilation system(s) shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: To protect the amenity of nearby residential occupiers.</p>
<b>14</b>	<b>Hours of Use (Compliance)</b>
	<p>The ground floor Café and external roof terrace/balcony areas shall not be in used outside the following hours: 07.00 to 23.00, Mondays to Saturdays, 10.00 to 18.00 Sundays, Public or Bank Holidays.</p>

	<p>REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise.</p>
<b>15</b>	<p><b>Deliveries (Compliance)</b></p> <p>There shall be no loading or unloading of vehicles outside the hours of 08.00 and 18.00, Monday to Saturdays, and at no time on Sundays or Bank Holidays.</p> <p>REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise and disturbance associated with servicing and deliveries at the site.</p>
<b>16</b>	<p><b>BREEAM (Compliance)</b></p> <p>CONDITION: All business floorspace within the development hereby approved shall achieve a BREEAM (2011) New Construction Scheme rating of no less than "Excellent".</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>
<b>17</b>	<p><b>Energy/carbon dioxide reduction (Compliance)</b></p> <p>CONDITION: The development shall be undertaken in accordance with the proposed measures relevant to energy as set out in the Sustainability and energy report 7100.003.005, and email from the planning agent and MTT comments (16 October 2015) hereby approved, including installation of solar voltaic panels at roof level, the approved measures shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met.</p>
<b>18</b>	<p><b>Bird and/or Bat Nesting Boxes (Details)</b></p> <p>Details of bird and/or bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works on site.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>19</b>	<p><b>Demolition and Construction Management and Logistics Plan (Details)</b></p> <p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management and Logistics Plan (DCMLP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The DCMLP shall include measures to protect street trees to be retained on the footway of Balls Pond Road. The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>

<b>20</b>	<b>Construction Environmental Management Plan (Details)</b>
	<p>A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality.</p>
<b>21</b>	<b>Delivery and Servicing Management Plan and Waste Management Plan (Details)</b>
	<p>CONDITION: A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
<b>22</b>	<b>Waste storage (Compliance)</b>
	<p>CONDITION: The dedicated refuse/recycling stores, which shall incorporate facilities for the recycling of food/compostable waste hereby approved shall be provided prior to first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided.</p>
<b>23</b>	<b>Air quality – residents’ exposure (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, prior to the commencement of works except in relation to demolition, a report detailing measures to minimise the exposure of the development’s future occupiers to air pollution shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the measures so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure residents’ exposure to pollution is minimised.</p>

<b>24</b>	<b>Plant noise (Compliance and Details)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:2014.</p> <p>A report to demonstrate compliance with the above requirements and prepared by an appropriately experienced and qualified professional shall be submitted to and approved by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the approved details and shall be retained and maintained for the life of the development.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>25</b>	<b>Site contamination (Details)</b>
	<p>CONDITION: If during development contamination not previously identified is found to be present at the site no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>All soils used for landscaping purposes shall be clean and free of contamination.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>

**List of Informatives:**

<b>1</b>	<b>Section 106 Agreement</b>
	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.
<b>2</b>	<b>Definition of ‘Superstructure’ and ‘Practical Completion’</b>
	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.
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to

	<p>pay the London Borough of Islington's Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London 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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The council will then issue a Liability Notice setting out the amount of CIL that is payable.</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. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b> These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
<b>4</b>	<b>Site contamination</b>
	The verification report required under condition 37 shall demonstrate completion of the works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
<b>5</b>	<b>Sustainable Sourcing of Materials</b>
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.
<b>6</b>	<b>Car-free development</b>
	All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
<b>7</b>	<b>Construction works</b>
	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 <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
<b>8</b>	<b>Highway matters</b>
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways".

This relates, to scaffolding, hoarding and so on. All licenses can be acquired through [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk)

Page 59 Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk)

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

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

Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact [highways.maintenance@islington.gov.uk](mailto:highways.maintenance@islington.gov.uk)

Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question. Temporary crossover licenses to be acquired from [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk)

Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place. Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980. Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004. Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing. Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors. Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer. All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact [streetlights@islington.gov.uk](mailto:streetlights@islington.gov.uk)



## 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.

### 2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, 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

1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London	Policy 5.11 Green roofs and development site environs Policy 5.13 Sustainable drainage Policy 5.14 Water quality and wastewater infrastructure
2 London's places Policy 2.2 London and the wider metropolitan area Policy 2.3 Growth areas and co-ordination corridors	6 London's transport Policy 6.3 Assessing effects of development on transport capacity Policy 6.5 Funding Crossrail and other strategically important transport infrastructure Policy 6.7 Better streets and surface transport
3 London's people Policy 3.1 Ensuring equal life chances for all	Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing traffic flow and tackling congestion Policy 6.12 Road network capacity Policy 6.13 Parking
4 London's economy Policy 4.1 Developing London's economy Policy 4.2 Offices Policy 4.3 Mixed use development and offices Policy 4.10 New and emerging economic sectors Policy 4.11 Encouraging a connected economy Policy 4.12 Improving opportunities for all	7 London's living places and spaces Policy 7.2 An inclusive environment Policy 7.3 Designing out crime Policy 7.4 Local character Policy 7.5 Public realm Policy 7.6 Architecture Policy 7.8 Heritage assets and archaeology Policy 7.13 Safety, security and resilience to emergency Policy 7.14 Improving air quality Policy 7.15 Reducing noise and enhancing soundscapes
5 London's response to climate change Policy 5.1 Climate change mitigation Policy 5.2 Minimising carbon dioxide emissions Policy 5.3 Sustainable design and construction Policy 5.4 Retrofitting Policy 5.5 Decentralised energy networks	

Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening

8 Implementation, monitoring and review  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

## **B) Islington Core Strategy 2011**

Strategic Policies  
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)

Policy CS13 (Employment Spaces) Infrastructure and Implementation  
Policy CS18 (Delivery and Infrastructure)  
Policy CS19 (Health Impact Assessments)

## **C) Development Management Policies June 2013**

Design and Heritage  
DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage

DM7.3 Decentralised energy networks  
DM7.4 Sustainable design standards  
DM7.5 Heating and cooling

Employment  
DM5.1 New business floorspace  
DM5.2 Loss of existing business floorspace  
DM5.4 Size and affordability of workspace

Transport  
DM8.2 Managing transport impacts  
DM8.3 Public transport  
DM8.4 Walking and cycling  
DM8.5 Vehicle parking  
DM8.6 Delivery and servicing for new developments

Energy and Environmental Standards  
DM7.1 Sustainable design and construction statements  
DM7.2 Energy efficiency and carbon reduction in minor schemes

Infrastructure  
DM9.1 Infrastructure  
DM9.2 Planning obligations

## **D) Site Allocations June 2013**

Site Allocation OIS3 (Leroy House)

### **Designations**

The site is within a designated Employment Growth Area (Balls Pond Road)

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- Environmental Design
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

- London Plan
- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction Planning for Equality and Diversity in London

## **APPENDIX 3: DESIGN REVIEW PANEL RESPONSE**