
Appeal Decision

Site visit made on 11 June 2024

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/V5570/W/23/3335711
25 Ormond Road, Islington, London N19 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Optic Realm against the decision of London Borough of Islington.
 - The application Ref is P2023/1349/FUL.
 - The development proposed is demolition of existing buildings and the construction of a mixed-use scheme comprising commercial floorspace with 9 residential dwellings above with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council adopted the Islington Local Plan Strategic and Development Management Policies September 2023 (LP) after the planning application was determined. I have therefore assessed the appeal on the basis of the adopted development plan policies.

Main Issues

3. The main issues are:
 - whether the proposal would accord with the Council's development plan strategy for the loss of employment floor space;
 - the effect of the proposal on Upper Holloway Railway Cutting Site of Importance for Nature Conservation (SINC) and Grenville Road Gardens SINC; and
 - the effect of the proposed removal of a tree on Grenville Road Gardens SINC.

Reasons

Employment space

4. LP Policy B2 part A states that proposals involving existing business floorspace must prioritise the intensification, renewal and modernisation of this business floorspace throughout the borough and particularly in locations including Priority Employment Locations (PELs). The site is designated as a PEL.
5. The proposal consists of the demolition of existing commercial buildings on the site and the development of a three storey building plus basement. The proposal would include commercial space on the ground and at basement level.

6. The application form states that for use class E the existing gross internal floor area is 272sqm. However, the Appellant's statement of Case states that the existing site provides 292sqm of employment floorspace which is consistent with the Council's figure for existing employment floorspace.
7. LP Policy B2 part Gii seeks the provision of a good level of amenity for occupiers of the business floorspace, including adequate levels of daylight and sunlight. The scheme includes 322sqm of employment floorspace provided over the ground and basement levels. However, the basement level would lack windows and the only source of natural light would be from a window on the north façade of the ground floor over a void in the ceiling of the basement. In addition, whilst the window would be full height, it would be behind metal fins that would reduce the amount of natural light entering the building. Accordingly, the amount of natural light penetrating to the basement would be limited. Moreover, the Internal Daylight Report submitted by the Appellant confirms that the commercial space within the basement fails to meet the recommendations in the BRE Guidelines. The outlook from the space would also be limited.
8. I note the examples of business types that would favour artificial light conditions such as photography studios. However, the lack of windows in the basement would deter other businesses, whereas a need for artificial lighting could be achieved through internal screening such as blinds.
9. The ground floor commercial space would have windows on the north and south elevations. While the Internal Daylight Report has scored the commercial ground floor space as receiving some 73% Annual Daylight Availability, this does not appear to account for trees and vegetation outside the red line boundary which would be outside the control of the appellant. While boundary fencing does not appear to be proposed, there is no certainty that one would not be erected at the adjacent sites, particularly given the gardens and childrens' playground to the south of the site. As such, it is unlikely that the ground floor would benefit from adequate levels of daylight given the close proximity of ground floor windows to the boundary. Therefore, the proposal would conflict with LP Policy B2 part Gii.
10. The ground floor space would consist of a single space with two entrances. Accordingly, I see no reason why the space could not be subdivided to smaller units in line with paragraph 86 of the National Planning Policy Framework. However, the entrances would be accessed via a narrow path between the building and the boundary. As such the access to these units would not be directly from the street and would feel oppressive. In addition, the access to the units would lack a separate delivery access, further reducing the usability of the commercial space.
11. Given my findings above, the business floorspace of the proposal would effectively consist of the ground floor only and would therefore result in a reduction in employment floorspace. However, even if the proposal constituted an uplift in commercial floorspace compared with existing, as the scheme would not provide adequate levels of daylight, it would nonetheless conflict with LP Policy B2.
12. Consequently, the proposal would not accord with the Council's development plan strategy for the loss of employment floor space. It would conflict with LP Policy B2 which seeks, among other things, proposals that maximise the provision of business floorspace and a good level of amenity for occupiers of the

business floorspace. It would also conflict with Policies E2 and E4 of The London Plan The Spatial Development Strategy for Greater London March 2021 (London Plan) which seek, among other things, fit for purpose business uses and a sufficient supply of land to meet demands for industrial functions.

Upper Holloway Railway Cutting SINC and Grenville Road Gardens SINC

13. The site lies adjacent to Grenville Road Gardens SINC to the south and Upper Holloway Railway Cutting SINC to the north. LP Policy G4 states that development should protect SINC's which are areas designated for their importance for wildlife, biodiversity and access to nature. It goes on to set out a mitigation hierarchy to minimise development impacts to SINC's. The Policy also requires that all developments must protect, enhance and contribute to the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting and enhancing connectivity between habitats.
14. An Ecological Impact Assessment (Assessment) was submitted with the appeal which finds that a Construction Environment Management Plan (CEMP) is required to ensure the protection of the non-statutory designated sites during the construction phase.
15. Other findings of the Assessment include to enhance the site, the provision of bat roosting and bird nesting boxes and the inclusion of grass land sowing and native species landscaping. However, no enhancement measures are recommended in relation to designated sites.
16. The Assessment states that the Upper Holloway Railway Cutting SINC is designated due to the presence of woodland, scrub and rough grassland on the verge of a railway. It goes on to say this site forms an important wildlife corridor in the borough.
17. Risks to the Upper Holloway Railway Cutting SINC during construction phase include damage or destruction of habitats due to accidental incursions and improper storage of materials that may result in pollution impacts. A condition requiring a CEMP to be submitted to and agreed with the Council would mitigate any adverse effects on both SINC's during the construction phase.
18. In addition, the Assessment identified the potential for adverse impacts on the SINC due to shading of the newly constructed building post-development. A shading analysis plan was submitted with the Assessment which indicates that that the Upper Holloway Railway Cutting SINC would be will be shaded throughout the majority of the winter solstice and partially shaded during the morning of the spring equinox. The Assessment states that due to the minimal shading on the SINC during spring and summer months, where the majority of plants in the SINC will be growing or flowering it is not considered that the new development will have an adverse effect on the non-statutory designated site.
19. However, no further analysis has been provided such as species types that maybe affected. Moreover, no mitigation measures have been suggested. Therefore, it has not been demonstrated that the proposal would not adversely affect the Upper Holloway Railway Cutting SINC.
20. Analysis of the effect of the proposal on Grenville Road Gardens SINC has not been included in the Assessment except with regard to the removal of a tree. While I recognise that the Assessment pre-dates the designation of this SINC in

the LP, no information relating to the effect of the proposal on the ecology of Grenville Road Gardens SINC was provided with the appeal. In any event, given my findings with respect to the Upper Holloway Railway Cutting SINC, the proposal would nonetheless conflict with LP Policy G4.

21. I acknowledge the carbon off-set contribution secured via the Unilateral Undertaking (UU), as well as the onsite measures including the proposed sedum roof, bat roosting and bird nesting features, and lighting plan. However, there is little substantial evidence to demonstrate how these measures would mitigate harm to the SINC.
22. Consequently, it has not been demonstrated that the proposal would not harm Upper Holloway Railway Cutting SINC and Grenville Road Gardens SINC. Therefore, the proposal would conflict with LP Policies G2 and G4 which together seek to protect open spaces and SINC.
23. LP Policy S9 relates to water management and sustainable drainage and is therefore not directly relevant to this main issue.

Tree

24. An Ash tree near the northern border of the Grenville Road Garden SINC and outside the site is proposed to be removed. While the Appellant considers the tree to be semi-mature, the Council has referred to the tree as being both mature and semi-mature. The health of the tree is also in dispute.
25. As I observed during my site visit, the tree is of a substantial size. Given its position near the northern boundary of the site which lacks other large trees, it provides a degree of screening for the site and is visible from a number of vantage points along Grenville Road and Ormond Road. Accordingly, the tree is of significant amenity value. However, there is no detailed information on how the removal of the tree would affect biodiversity.
26. Two replacement trees of native species are proposed to be planted in the SINC. However, further details such as species, size and position have not been provided to assess whether these would mitigate the harm that would arise from the removal of the Ash tree. A financial contribution towards replacement tree planting has been provided via the UU. However, as it has not been demonstrated that this would mitigate the harm from the removal of the tree, the contribution is not justified. Therefore, it has also not been demonstrated that a condition would mitigate the harm to the SINC.
27. Consequently, it has not been demonstrated that the proposed removal of a tree would protect Grenville Road Gardens SINC. Therefore, the proposal would conflict with LP Policies G2 and G4 which require, among other things, development within the immediate vicinity of public open space to not impact negatively on the amenity and ecological value of the space and to protect SINC. It would also conflict with London Plan Policy G7 which seeks, among other things, to retain existing trees of value.

Other Matters

28. I note the benefits of the scheme including the contribution of 9 dwellings towards the local housing supply and there would be social and economic benefits through the contribution of future occupiers to the local community. In addition, there would be temporary economic benefits during the construction

phase as well as some long-term economic benefits. The submitted UU secures financial contributions towards affordable housing, carbon offset and highways as well as tree replacement as discussed above. The proposal would utilise a brownfield site and I note the accessibility of services and facilities.

29. I attribute modest weight to the above benefits commensurate to the scale of the proposal. Given the harm identified above, these do not alter my overall decision.
30. The site would be at very low risk of flooding and the proposal would be air quality neutral utilising sustainable construction methods. However, these matters carry neutral weight in the planning balance.

Conclusion

31. For the reasons given above the proposal would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR