



Appeal Decision

Site visit made on 13 February 2025

by **S Wilkinson BA, BPI, Dip LA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/V5570/W/24/3349970

139-149 FONTHILL ROAD, LONDON, N4 3HF

- 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 POLAR ROMAX LTD against the decision of the Council of the London Borough of Islington.
 - The application Ref is P/2023/2412/FUL.
 - The development proposed is refurbishment and extension of the building to include basement works, the erection of a single storey fourth floor extension and the replacement of rear buildings' saw tooth roof with a flat roof to provide Class E floorspace and 4 no. residential dwellings (Use Class C3) and creation of roof terraces. Demolition of existing chimney and rebuilding and enlargement of existing chimney and reinstating the missing Cupola. Alterations to the front elevation including new shopfronts and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the refurbishment and extension of the building to include basement works, the erection of a single storey fourth floor extension and the replacement of rear buildings' saw tooth roof with a flat roof to provide Class E floorspace and 4 no. residential dwellings (Use Class C3) and creation of roof terraces. Demolition of existing chimney and rebuilding and enlargement of existing chimney and reinstating the missing Cupola. Alterations to the front elevation including new shopfronts and associated works at 139-149 Fonthill Road, London, N4 3HF in accordance with the terms of the application, Ref P/2023/2412/FUL, and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development included in the banner heading is taken from the Council's decision letter and not the application form. This is a succinct description and adds clarity on what is proposed.
3. The appeal was accompanied by a Unilateral Undertaking (UU) dated 24 January 2025 in respect of contributions for carbon offsetting. I address this later in this decision.
4. A series of revisions to the proposed internal layouts of the upper floors were submitted with the appeal. Given that these are changes to the amenities within the scheme I find that no party would have been prejudiced by these changes.
5. The appeal site has a recent planning history with a permission in 2020 which for the purposes of this decision is referred to as the 'lapsed permission'¹ against which comparisons are drawn with the scheme before me. However, this permission has

¹ 2019/2563/FUL

since expired and the Development Plan now comprises the London Plan (LP) 2021 and the LB Islington Local Plan (ILP) Strategic and Development management Policies 2023, Site Allocations with a series of Area Action Plans. The previous permission has formed the basis of site allocation FP10 included in the adopted Site Allocations. This is a material consideration in the determination of this appeal.

Main Issues

6. The main issues are:

- The effect of the proposal on the retail function, character and vitality and viability of the Finsbury Park Town Centre and the function of the Specialist Shopping Area (SSA)
- Whether or not the proposed use and design of the upper floors is consistent with the site's location in the SSA
- Whether or not the scheme achieves inclusive design, and
- Whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Retail function and character

7. The appeal site forms part of a primary retail frontage within the Finsbury Park shopping area, a District Town Centre designated by the ILP. Within this Fonthill Road is a SSA. The area has long supported the garment industry which now includes a legacy of shops and businesses catering for the retail fashion industry.
8. This retail function is protected by LP Policy SD7 which requires that development should be consistent with the designation of shopping centres through the provision of a range of unit types and uses. Local policies ILP SP6, R1, R2, R3 and R7 require that development should protect retail uses to maintain the vitality and viability of town centres and in particular the SSA. The policies seek to prevent the loss of retail floorspace to uses within Class E² and to ensure that the percentage of retail uses should not fall below 75 percent of the total number of retail uses in the SSA. Furthermore, policy R7 seeks to secure a future for garment manufacturing in the area.
9. The appeal site comprises a broad range of uses across four floors, some of which do not fall within Class E or contribute to the retail function of the SSA e.g. storage for recording artists located at the rear of the site. The site visit demonstrated that there was interconnectivity between each building in the basement and parts of the upper floors. However, apart from No 139 there is no direct connectivity between each of the existing ground floor retail units and the basement. Its restricted headroom, multiple dwarf walls and narrow passageways limit its utility as ancillary space.

² Class E of the Town and Country Planning (Use Classes) Order, England 1987. The uses in this Class are broadly described as commercial, business and service

10. A covered shopping mall extends to the rear of the ground floor retail units. The upper floors appear not to have been in use for retail (Class E(a)) and appear to have been used for self contained offices for many years.
11. I recognise that there are discrepancies between the evidence of the main parties on the amount of existing retail floorspace but it would appear from my visit that retail including ancillary uses for the units is located entirely on the ground floor with none in the basement or first floor.
12. Both parties accept that there would be a loss of retail floorspace of between 66-208sm. However, whilst the Council has referred to floorspace figures from the VOA to justify the larger figure in this range it is unclear which areas of the basement or first floor are identified in retail use. In contrast the appellants evidence is more detailed and is to be preferred on this point.
13. The appeal scheme would involve a partial deepening of the basement under buildings A and B to create sufficient floor-ceiling heights to allow the creation of ancillary retail storage and would include toilets and cycle storage. Each of the existing retail units would be reduced in depth and the excess space would be merged with part of the existing mall to create additional self contained retail units.
14. The appeal scheme would not result in a loss of retail frontage. Whilst the new units to the rear of those existing would not benefit from a street frontage they would be self contained and accessed by an extended 'mall'. The fact that this does not return to the street would not detract from the retail offer of this part of the site. Although these units would have a secondary frontage and rely on street advertising to attract custom, this would not undermine their function which is consistent with the designation of the District Centre and SSA.
15. The appellants evidence³ is instructive on identifying trends in market conditions which they state are leading to smaller retail units; this is consistent with the appeal scheme. In contrast whilst the existing retail units along Fonthill Road would be reduced in depth limiting the areas currently used for display, no argument has been presented to demonstrate that the retail of fashion clothing merits such large units as present. The scheme identifies basement storage areas serving these units. The reduction in depth of the existing retail units would not undermine the SSA.
16. The ancillary basement space included in the scheme provides an opportunity to accommodate cycle parking to meet adopted standards.
17. I acknowledge that the appeal scheme would involve the loss of some ancillary retail space but this has to be balanced against the modernisation of existing units and the creation of additional ones. These measures would serve to enhance the site's retail offer consistent with its location in the SSA and would not adversely impact on the area's viability and vitality. For the above reasons I conclude that the appeal scheme does not conflict with policies LP SD7 and ILP SP6, R1, R2, R3.

Proposed use of the upper floors

18. The upper floors of the appeal site, apart from the first floor of No.139 Fonthill Road are currently vacant. According to the Council's records the total amount of existing office floorspace is 660 sqm of Class E(c)(ii), professional services and 793sqm of

³ Strettons Report

Eg(i)⁴, offices to carry out administrative functions. The appeal scheme would include 1526sqm of Class E (c)(ii) at basement to fourth floors and 77sqm of Class E(g)(i) floorspace at first floor level. In total the appeal scheme would deliver an additional 150sqm of commercial floorspace when compared to existing.

19. The essential thrust of the Council's policies is to ensure that the use of the upper floors complements the SSA. Policies SP6D and SP7D seek to resist the loss of light industrial Class B2 and or B8 uses and in particular to prevent their loss to residential use. The Article 4 Direction is consistent with this.
20. Whilst the appeal site does not lie in a preferred location for offices as defined by policy B2 there is a presumption that the loss of offices should be resisted throughout the Borough in order to ease pressure within the Central Activities Zone.
21. The adopted site allocation requires the provision of business space defined as office, research and development, light industrial as well as B2 industrial, storage and distribution together with sui-generis uses.
22. Whilst the appeal scheme is smaller than that included in the site allocation the Council acknowledge that it would still include around 260sm more business space than existing.
23. The inclusion of Class E use on the upper floors would be contrary to adopted policies SP6 and R7. However, this has to be set in the context of the appellant's evidence of comparable properties which demonstrates the difficulties of securing tenants for the existing floorspace within the appeal site⁵. This evidence, uncontested by the Council, confirms that this picture is also representative of the local area. In the absence of contrasting information from the Council the appellant's evidence is to be preferred.
24. Class E use would allow a broad range of uses which although in conflict with policy could complement the existing centre. It is my understanding that the lapsed permission included Class E use demonstrating that there is not an objection in principle from the Council for this use class on this site.
25. Whilst the Council identify that the amenities of some of the proposed units would be of low quality with insufficient toilets and kitchenettes the proposed layout would allow for additional provision tailored to tenants needs. I acknowledge that several of the proposed spaces would have light levels below the recommended lux levels, but for commercial space artificial lighting would be an appropriate solution.
26. I conclude that whilst the proposed use of the upper floors conflicts with policies SP6, R7 and Policy B2F and G(ii) the marketing evidence is a material consideration which reduces the weight I accord to the conflict with these policies. Whilst not all aspects of the internal layout would meet the requirements of policy B2G(iii) the layout is broadly consistent with this policy.

Inclusive design

27. Policy B2G(i) requires that there should be full separation of business and residential floorspace and policy B2G(iii) requires that this floorspace should incorporate the highest standards of inclusive design in context.

⁴ Table2 of LBI SoC

⁵ Final comments 4 November 2024

28. The appeal scheme involves the creation of an access shared between the occupiers of the four flats and the commercial floors. However, the risk of 'tail-gating' could be mitigated through the scheme achieving Secured by Design Accreditation as suggested by the Council's Crime Prevention Officers; this could be addressed through the submission of details to address a planning condition.
29. Whilst the circulation space for people with mobility difficulties around the lift well and the proposed access within the commercial space to toilets and mobility scooters store and lift landings is restricted I accept that these matters could be addressed through the submission of further details as required by a planning condition.
30. In conclusion whilst parts of the internal layout would conflict with Policy B2G(i) and (iii) these matters could be resolved through the submission of further details to comply with the suggested planning conditions.

Site optimisation and financial contributions to affordable housing

31. The Council's third and fourth reasons for refusal concern whether the proposed scheme optimises the development potential of the site allowing the generation of financial contributions for affordable housing. This is supported by policy ILP H2 part B. This is an important consideration for the Council given the levels of housing need across London and in particular for the borough where opportunities for development are highly constrained.
32. Policy LP D3 requires proposals to optimise both the density and scale of development around transport hubs. Finsbury Park is a major transport interchange which serves national rail, underground and bus services. The ILP policies PLAN1 and DH1 require that development capacity is fully realised to secure the necessary business use to support contributions to affordable housing in such locations.
33. The Council acknowledge that the amount of floorspace included in the site allocation (FP10) reflects the lapsed permission. This differs from the appeal scheme in that it included a greater amount of commercial floorspace (Classes E and B8, storage) contained in an extension to the rear. This permission would presently generate a negative residual valuation of -£4,222,281 and includes a contribution to off-site affordable housing as required by ILP policy H3 part K.
34. This compares to the negative residual valuation of around -£2,298,225 for the appeal scheme. The difference arises from the reduced construction costs involved in this appeal scheme but this figure does not include contributions to affordable housing; this conflicts with ILP H3 part K.
35. The Council does not provide an alternative viability study but instead challenges the appellant's appraisal on the potential income generated by the uplift in residential values which it states have occurred since 2020 and that the appellant has not applied a lower profit margin to the scheme as it did for the lapsed permission to improve its viability.
36. Policy ILP H2 part H identifies that viability information will only be accepted in exceptional circumstances which includes where there has been a significant shift in macro-economic circumstances. I accept that viability studies are a snap shot in time and that the findings of the appellant's appraisal have not been independently verified. However, they cite the changed economic position of the UK since 2020

resulting from the pandemic, the conflicts in Ukraine and the Middle East. These events have resulted in the destabilisation of the commercial rental sector, a weakened economy with higher interest rates and higher construction costs. Whilst the appeal scheme may not comply with ILP policy H3 part Hb and c, the financial appraisal is compelling and accords with ILP policy H2 part Ha.

37. In contrast the Council has not justified its comments with reference to comparable residential sales. In this instance the appellant's figures are to be preferred.
38. Whilst I note the draft Mayoral guidance on how cost assumptions impact on deliverability, in this case even if the £200,000 contribution to affordable housing was accounted for in the financial appraisal for the appeal scheme there would be less of a deficit when compared to the lapsed permission. It would not have any less chance of being delivered when compared to the lapsed permission.
39. For this reason, I conclude that whilst the appeal scheme conflicts with policies LP D3 and ILP policies H3 and DH1 the viability evidence is a material consideration which reduces the weight I accord to this conflict. The Council has not provided evidence to justify their assertions on residential land values. In respect of policy PLAN1 there is no evidence to demonstrate that the appeal scheme conflicts with this policy.

Legal Agreement

40. The appeal is accompanied by a Unilateral Undertaking which includes obligations required to address carbon offsetting.
41. I am satisfied that these contributions are required by ILP policies DM41 and ST1. I conclude that the Undertaking includes the provision of infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. To conclude, I am satisfied that this obligation falls within the provisions of Regulation 122(2) of the CIL Regulations and Paragraph 58 of the Framework.

Planning balance and conclusions

42. Whilst there would be no loss of retail frontage the loss of a limited area of retail floorspace has to be balanced against the considerable benefits which the scheme could bring to this site through increased investment in new and improved retail units. The specialist retail function of Fonthill Road SSA would not be adversely impacted.
43. Whilst the dominance of Class E use within the scheme conflicts with policy when this is balanced against most recent marketing evidence from comparable sites it is clear that the scheme could not support B1 or B2 uses. Other matters relating to the internal layout of the proposed scheme can be addressed through suitably worded planning conditions.
44. The appeal scheme is not consistent with the site's adopted allocation FP10. I acknowledge that this would not include contributions to address affordable housing. However, the appeal scheme has to be considered in the context of the market evidence which reflects the exigencies of a property market which has changed considerably since 2020. This scheme would maintain the retail offer of the SSA.

45. For these reasons on balance the material considerations outweigh the conflicts with adopted policies. Planning permission is granted subject to the conditions included in the schedule and the completed Unilateral Undertaking dated 24 January 2024.

Conditions

46. I have considered the suggested conditions and the advice included in both the Framework and the Government's Planning Practice Guidance. I have amended a number to make them more concise, precise and enforceable.
47. For reasons of certainty, I have imposed planning conditions regarding the plans on which the decision has been made and the time during which the scheme should be implemented. One of the critical elements of the whole scheme is the operation of the basement which, in its existing state, does not serve an ancillary function to the existing uses. For this reason, I have included a condition requiring details to be submitted on its structural integrity in relation to the whole building.
48. Consistent with the Development Plan and the site's excellent PTAL rating, I have imposed conditions requiring that residential units are 'car free' and that the site includes long and short stay cycle storage.
49. To protect residential amenity of future occupiers and those neighbouring the site I have imposed a number of conditions. These impose restrictions on loading times, and as a pre commencement condition details are required of a Construction Logistics Plan with specific reference to the Council's Code of Practice for Construction sites. For the same reason I have imposed conditions requiring details to control plant noise, sound insulation and noise control measures generated by commercial occupiers.
50. Given the juxtaposition of the site with other buildings I have imposed a condition requiring that windows in the south east elevation of the proposed extensions at first, second and third floors are completed in obscure glazing. For the same reason I have imposed a condition requiring that flat roofs included in the scheme are not used for recreation or for sitting out purposes. For the same reason and because of the exigencies of the proposed layout I have included a condition requiring the permitted scheme to adhere to the principle of 'Secured by Design'.
51. To protect the character and appearance of the area and given that No. 149 Fonthill Road is locally listed, conditions are imposed requiring full details of the facing materials including the proposed brick and details of the window reveals. Another condition requires full details of the design of the proposed cupola above No.149 Fonthill Road.
52. To support the development's resilience and adaptation to climate change I have imposed a condition requiring the submission of a Dynamic Thermal Overheating Model to determine that the business floorspace and residential units would not be at risk of overheating. For the same reason, I have included a condition requiring the imposition of solar photovoltaic panels, green roofs, the submission of an energy efficiency statement and that the permitted scheme achieves BREEAM excellent rating for energy. These measures would fall within the ambit of a Green Performance Plan required by a further condition required to demonstrate that performance objectives in respect of energy efficiency are being met.

53. Given the essential thrust of adopted policy to maintain the retail offer of the SSA, I have imposed a condition restricting the use of all the ground floor units to Class E(a) retail/showroom floorspace.
54. Although restrictions on permitted development rights are not normally appropriate, to be consistent with adopted policies I have imposed a condition requiring that permitted development rights to prevent a change of use of the upper floors from Class E use to residential use is restricted. To maintain the attractiveness of the retail offer of the site I have imposed a condition requiring the submission of way finding signage designed to deliver a retail offer for the units located to the rear of Nos139-149 Fonthill Road.
55. Whilst I accept the Council's policy intentions underpinning its desire to control the application of glazing or vinyl graphics it is unclear how this could effectively be enforced and for this reason, I have not included this as a condition.
56. Other condition requires details of waste management and refuse storage to protect the living conditions of existing and future commercial and residential occupiers.
57. I have imposed several conditions ensuring that the internal layout is fit for purpose. These include conditions requiring a full separation of different uses within the building and that the internal layout meets standards for inclusive design,
58. Finally, I do not consider that a landscaping scheme is necessary as suggested by condition 29, as originally drafted given the relationship of the appeal scheme to its site which negates the opportunities for landscaping. However, I recognise the potential of the site to support urban wilding and have imposed a condition requiring the location of bird and bat boxes.
59. Finally, a condition is imposed requiring details of water management on the site to reduce the potential of surface water flooding.

S Wilkinson

INSPECTOR

Schedule of Conditions

1. Commencement

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

2. Approved Plans and Documents

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

Basement Structural Method Statement (BSG Consultancy, August 2023); Transport Statement & Local Level Travel Plan (Paul Mew Associates, October 2023); Planning Statement (SIAW, October 2023); Design and Access, Heritage Statement (SIAW, August 2023); Demolition Statement (NRG Consulting, August 2023); Heritage Addendum (SIAW, August 2023); Health Impact Assessment (SIAW, October 2023); Outline Construction Logistics Plan (Paul Mew Associates, July 2023); Financial Viability Appraisal (S106 Management, 12/07/2023); Sustainable Design and Construction Statement (The PES, 31/10/2023); Noise Impact Assessment Rev.C (Syntegra Consulting, 31/10/2023); Daylight and Sunlight Assessment (Syntegra, July 2023); Contaminated Land Risk Assessment (STM Environmental, 10/07/2023); Waste Management Plan (SIAW, 02/11/2023); Photographs (SIAW, August 2023); Materials Schedule (SIAW, 01/02/2021); Area Schedules (SIAW, received 11/12/2023); Location Map (SIAW, 07/08/2023); Site Plan (SIAW, 24/07/2023); A-101 - Existing Basement Layout (SIAW, received 11/12/2023); A-102 - Existing Ground Floor Layout (SIAW, 19/06/2023); A-103 - Existing First Floor Layout (SIAW, received 11/12/2023); A-104 - Existing Second Floor Layout (SIAW, received 11/12/2023); A-105 - Existing Third Floor Layout (SIAW, received 11/12/2023); A-106 - Existing Roof Layout (SIAW, 19/06/2023); A-107 - Existing Section A-A (SIAW, 21/06/2023); A-108 - Existing Section B-B (SIAW, 21/06/2023); A-109 - Existing Section D-D (SIAW, 21/06/2023); A-110 - Existing South West Elevation (SIAW, 20/06/2023); A-111 - Existing South East Elevation (SIAW, 20/06/2023); A-112 - Existing North East Elevation (SIAW, 20/06/2023); A-113 - Existing North West Elevation (SIAW, 03/08/2023); A-301 - Proposed Lower Ground Floor (SIAW, 06/06/2023); A-302 - Proposed Ground Floor (SIAW, 06/06/2023); A-303 - Proposed First Floor Plan (SIAW, 06/06/2023); A-304 - Proposed Second Floor Plan (SIAW, 06/06/2023); A-305 - Proposed Third Floor Plan (SIAW, 06/06/2023); A-306 - Proposed Fourth Floor Plan (SIAW, 06/06/2023); A-307 - Proposed Roof Plan (SIAW, 06/06/2023); A-381 - Details of New Windows (SIAW, 03/12/2020); A-383 - Details of New External Doors and Balconies (SIAW, 27/07/2023); A-701 - Proposed South West Elevation (06/06/2023); A-702 - Proposed North East Elevation (SIAW, 06/06/2023); A-703 - Proposed South East Elevation (SIAW, 06/06/2023); A-704 - Proposed North West Elevation (SIAW, 06/06/2023); A-726 - Refuse and Recycle Details (SIAW, 26/07/2023); A-727 - Cycle and Mobility Details (SIAW, 04/08/2023); A-728 - Balcony Details (SIAW, 27/07/2023); A-736 - Roof Details (SIAW, 26/07/2023); A-746 -

Details Shopfront Rev.A (SIAW, 10/05/2021); A-747 - Details of Illumination (SIAW, 14/12/2020); A-748 - Details of External Materials (SIAW, 27/07/2023); A-749 - Details of Solar Panels (SIAW, 26/02/2021); A-775 - Cupola Details Rev.A (SIAW, 15/04/2021); A-801 - Proposed Section A-A (SIAW, 06/06/2023); A-802 - Proposed Section B-B (SIAW, 06/06/2023); A-803 - Proposed Section C-C (SIAW, 03/08/2023); A-804 - Proposed Section D-D (SIAW, 06/06/2023); A-805 - Proposed Section E-E (SIAW, 02/08/2023); TH20 - Brick Panel (SIAW, 21/04/2021).

3. Car Free Development

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

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

4 Cycle Storage Details

Notwithstanding the hereby approved plans, details of short stay and dedicated long stay secure bicycle storage, including accessible provision, automated doors to cycle stores and appropriate end of trip facilities for all building staff, as well as mobility scooter parking and charging for each use will be submitted to and approved in writing by the Local Authority prior to any superstructure works.

Transport facilities across the development shall be implemented strictly in accordance with the details approved and shall be maintained as such thereafter.

5. Servicing

Deliveries, collections, unloading, loading for the commercial units shall only be between the following hours:

Monday to Saturday - (08:00 - 20:00)
Sundays/Bank Holidays - not at all"

6. Materials

Details of all facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The details and samples shall include:

- a) Roofing materials;
- b) Doors and balustrades;
- c) Shopfronts;
- d) Exterior lighting/illumination;
- e) Any other materials to be used on the exterior of the development.

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.

7. Materials - Brickwork

Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the local planning authority before the relevant parts of the approved works are commenced and the sample panel shall be retained on site until the work is completed in accordance with the panels to approved. All new facing brickwork shall match the brickwork to the adjacent building.

8. Details - Cupola

Detailed drawings to a scale of 1:20 of the proposed reconstructed cupola and tower together with samples of the materials to be used for the cupola and tower, shall be submitted to and approved in writing by the local planning authority prior to the commencement of any superstructure works of the development, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained.

9. Details - windows

Detailed drawings to a scale of 1:20 of the proposed windows, including the depth of their reveals, shall be submitted to and approved in writing by the local planning authority prior to the commencement of any superstructure works of the development, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained.

10. Thermal Modelling

Prior to commencement of superstructure works a Dynamic Thermal Overheating Model to demonstrate the need for active cooling within the business floorspace and to demonstrate that the residential areas of the proposed development are not at risk of overheating, whilst accounting for future summer temperatures lasting until 2050 should be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.

11. Plant Noise

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 facade 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.

12. Sound Insulation

A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)
Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour
Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour

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

13. Sound Insulation

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

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

14 Waste management strategy

Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:

- a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);
- b) a waste management plan.

The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development and shall be maintained as such thereafter.

15. Construction Logistics Plan

No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London).

The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.

The CMP must refer to the new LBI Code of Practice for Construction Sites.

The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.

16. Obscure Glazing

Windows located on the south east elevation of the proposed extensions at first, second and third floors, with office units facing towards the rear of the residential properties on Seven Sisters Road, shall be obscure glazed and fixed shut for the lifetime of the development.

17. Waste

Details of the refuse storage (including demonstration that sufficient capacity is provided) for the residential and all commercial uses shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved.

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

18. Flat roofs

Any flat roof area shown on the plans hereby approved, shall not be used as an amenity or sitting out spaces of any kind whatsoever and shall not be used

other than for essential maintenance or repair, or escape in case of emergency, except the area indicated as roof terrace for flat 1.

19. Solar Photovoltaic Panels

Prior to the commencement of superstructure works on site, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:

- Location;
- Area of panels; and
- Design (including elevation plans).

The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.

20. Minimum Class (E(a)) floorspace

All ground floor Fonthill Road facing units and at least 804 sqm overall shall be in use as Class (E(a)) (Retail/showroom) and for no other purpose (including any other purpose within Class E of the Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 and subsequent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification for so long as the development exists.

21. Restriction of PD Rights

Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place.

22. Lifts

All lifts hereby approved shall be installed and operational prior to the first occupation of the floorspace hereby approved. The lifts should be maintained throughout the lifetime of the development.

23. Secured by Design

Prior to occupation of the development hereby approved, details of how both the residential and commercial uses of the development achieve the respective Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

24. Energy

All residential floorspace within the development hereby approved shall achieve a four-star rating under the BRE Home Quality Mark and all business floorspace shall achieve a final (post-construction stage) certified rating of Excellent as part of a fully fitted assessment within BREEAM New Construction 2018, and demonstrate reasonable endeavours to achieve an Outstanding rating.

The commercial floorspace within the development hereby approved shall achieve a BREEAM Excellent rating.

A 'verification stage' certification at post-occupancy stage for both uses must also be achieved and evidence submitted to the Local Planning Authority.

25. Energy

The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.

26. Basement

The development shall be constructed in accordance with the approved Structural Method Statement (dated August 2023, unless otherwise agreed in writing). The certifying professional that endorsed the Structural Method Statement (or a suitably qualified Chartered Civil Engineer (MICE) or a Chartered Structural Engineer (MIStruct.E) with relevant experience shall be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with Council's Basement Development SPD.

27. Wayfinding signage

Notwithstanding the plans hereby approved, details of all communal entrances and wayfinding signage shall be submitted and approved in writing by the Local Planning Authority prior to practical completion of the development and shall be maintained as such thereafter. These details shall include scaled external elevation drawings, manifestation of any glass facades and doors, details, dimensions and tonal contrast of wayfinding signage.

A contrast of 30 LRV points shall be provided between the background and any fonts within the façade and wayfinding signage.

The communal entrances and signage across the development shall be implemented strictly in accordance with the details approved and shall be maintained as such thereafter.

28. Green Performance Plan

A full Green Performance Plan shall be submitted and approved in writing by the Local Planning Authority within six months of occupation of a major development and include:

- updated targets
- full details of the arrangements for management, monitoring and reporting of the plan
- arrangements for addressing performance in the event that green objectives are not met.

A final report on implementing the GPP shall be submitted and approved in writing by the Local Planning Authority following completion of two years of monitoring.

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

29. Green Roofs

Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been reasonably maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:

- a) substrate base depth;
- b) laid out in accordance with plans hereby approved; and
- c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity (green/brown) roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

30. Full separation of uses

CONDITION: Notwithstanding the plans hereby approved, full separation of commercial and residential uses will be achieved within the development and layouts will be submitted to and approved in writing by the Local Planning Authority prior to commencement of relevant works. Full separation shall be achieved within all floors, with no overlap between servicing routes, routes to the cycle storage or waste facilities overlapping between residential and commercial uses.

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

31. Inclusive Design of the commercial floorspace

Notwithstanding the plans hereby approved, further details regarding the inclusive design of the commercial part of the development shall be submitted and approved in writing by the Local Planning Authority prior to practical completion of the development. These plans shall evidence the following design details:

- a. All principal entrances to the development are of minimum width of 1000mm and are operated with manual opening power of 30N or less, or are push button operated. Locations of push buttons will be submitted and approved.
- b. Details of circulation and evacuation routes, fully separated from residential cores, including evacuation lifts provision, refuges, dimensions of all lifts and unobstructed lift landings, and stair cores risers, goings, landings, contrasting nosings and handrails compliant with London Plan Policy D5 as well as Part B, Part M and Part K of Building Regulations.
- c. Details of all corridor widths along access routes with frequent 1500mm turning circles and 1800mm passing points, as well as no pinch points narrower than 1200mm to accommodate building users using mobility aids.
- d. Wheelchair accessible toilet provision within each floor, not requiring building users to travel beyond 40m horizontally.
- e. Kitchenette provision for all units, including a sink and hob installed.
- f. Details of heating of specific units in place.
- g. Building maintenance staff facilities, including sanitary facilities, a kitchenette, a breakout/lunch area, and appropriate storage.
- h. Step-free access across all communal entrances.

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

32. Inclusive Design of the residential floorspace

Notwithstanding the plans hereby approved, further details regarding the inclusive design of the residential part of the development shall be submitted and approved in writing by the Local Planning Authority prior to practical completion of the development. These plans shall evidence the following design details:

- a. Access route and circulation details, including 1000mm clear opening of the communal entrance, and lobby compliant with Part M4(2) standards.
- b. Details of a well-lit entrance and audiovisual intercoms providing links to and remote control from all flats.
- c. Details of circulation and evacuation routes, fully separated from commercial cores, including evacuation lifts provision, refuges, dimensions of all lifts and unobstructed lift landings, and stair cores risers, goings, landings, contrasting nosings and handrails compliant with London Plan Policy D5 as well as Part B, Part M and Part K of Building Regulations.
- d. Detailed layouts proposed compliant with the Part M4(2) standards, including furniture layouts within all habitable rooms.
- e. Bathroom layouts compliant with Part M4(2) standards, including re fittings relevant locations.
- f. Details of external amenity, including materials used and details of guarding.
- g. Step-free access across all communal entrances.

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

33. Bird and bat boxes

Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.

The details shall include the exact location, specification and design of the habitats. 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.

34. Drainage

A Flood Risk Assessment & SuDS Strategy outlining measures to achieve a QBAR greenfield rate (0.7 l/s) shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works above ground hereby approved. The final strategy and measures shall be installed/operational prior to the first occupation of the development, and maintained as such thereafter.

35. Energy Efficiency

A revised Energy Strategy shall be submitted prior to the commencement of works above ground hereby demonstrating how the development will achieve a reduction of 27% in total (regulated and unregulated) emissions against Part L 2013 baseline.

The measures identified in the approved strategy shall be installed and operational prior to the first occupation of the development.

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

END OF SCHEDULE