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## Appeal Decision

Inquiry Held on 4-7 and 18-19 June 2019

Site visit made on 19 June 2019

**by David Nicholson RIBA IHBC**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> August 2019

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### Appeal Ref: APP/V5570/W/18/3203871

### Land at 10-18 Regent's Wharf, All Saints Street, Islington, London N1 9RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (T&CPA) against a refusal to grant planning permission.
  - The appeal is made by Regent's Wharf Property Unit Trust against the decision of the Council of the London Borough of Islington.
  - The application Ref P2016/4805/FUL, dated 1 December 2016, was refused by notice dated 25 January 2018.
  - The development proposed is: Redevelopment of the site at Regent's Wharf including the refurbishment and extension of 10-12 Regent's Wharf (including part one/part two storey roof extension) to provide additional Class B1 business floorspace with ancillary flexible Class A1/A3 (retail/restaurant) and flexible Class A1/B1/D1 (retail/business/non-residential institutions) floorspace at ground floor level; demolition of 14, 16 and 18 Regent's Wharf and erection of a part 5 and part 6 storey building with rooftop plant enclosure providing Class B1(a) office floorspace and flexible Class A1/A3/B1/D1/D2 (retail/restaurant & café/business/non-residential institutions/assembly & leisure) floorspace at ground floor; and associated hard and soft landscaping.<sup>1</sup>
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. A planning obligation under section 106 of the T&CPA (s106) was agreed between the site Owner and the Council. I deal with its contents below.
3. I have reached my Decision based on the revised submissions<sup>2</sup> as did the Council. The extent of the scheme was confirmed and detailed in documents submitted at the Inquiry which set out the distances from adjoining buildings and their relative heights<sup>3</sup>.
4. The Inquiry sat for 6 days. I held an accompanied site visit on the last day and carried out an unaccompanied visit before the Inquiry opened.

### Main Issues

5. From the evidence before me, the written representations, and my inspections of the appeal site and its surroundings, I consider that the main issues are:

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<sup>1</sup> As amended – see Statement of Common Ground (SoCG) dated 3 June 2019 §1.2

<sup>2</sup> Dated October 2017

<sup>3</sup> Inquiry Document (ID) ID5 and ID13

- the effect of the proposals on the living conditions of nearby residents with particular regard to loss of daylight and sunlight, loss of outlook, and sense of enclosure, by reason of their layout, height, massing and proximity to nearby residential properties;
- the effect of the development on the non-designated heritage assets (locally listed buildings) at Nos.10 and 12 Regent's Wharf;
- whether the scheme would preserve or enhance the character or appearance of the Regent's Canal West Conservation Area as a result of development within it and its setting;
- whether the public benefits of the scheme would outweigh any or all of the harm that might arise from the first three issues.

## Reasons

### *Background*

6. The appeal site lies between All Saints Street and Regent's Canal with a commercial building at the east end and residential flats at Ice Wharf North and South to the west. There are more flats along All Saints Street and to the north of the canal. It is a highly accessible location with the highest possible public transport accessibility level of 6b. The complex of existing buildings is 4-6 storeys high providing around 9,000m<sup>2</sup> gross internal area (GIA) of office floor space with an ancillary canteen area. The buildings surround three sides of a central, private courtyard, which is open as it faces Ice Wharf South, is accessed from All Saints Street, and used for parking, servicing and deliveries.
7. No.10 Regent's Wharf extends from All Saints Street through to the canal while No.12 stands alongside the water. These buildings have been altered with new windows, glass and metal infills within the courtyard, and refurbishment of the internal layout in the 1980s to provide interconnected office floor space. Nos.14, 16 and 18 are all purpose-built office buildings, dating from the late 1980s. No.18 adjoins the canal while Nos.14 and 16 sit side by side along All Saints Street.
8. The footprint of the proposed development would be roughly the same along the canal, and around the east side to All Saints Street, but the courtyard would be reduced in area and enclosed facing Ice Wharf South. The scheme would provide just over 11,000m<sup>2</sup> GIA of offices with around 1,200m<sup>2</sup> GIA for flexible uses and about 1,500m<sup>2</sup> for plant. The accommodation would be arranged in three connected blocks. Building A would stretch from All Saints Street to the canal and replace Nos.14, 16 and 18. Building B would be the refurbished canalside structures while C (north and south) would be the remaining buildings facing the eastern boundary and fronting All Saints Street.
9. Building A would provide over 8,000m<sup>2</sup> GIA of purpose-built offices<sup>4</sup>; B would contain a ground floor restaurant<sup>5</sup>, to replace the canteen, and retain just over 2,000m<sup>2</sup> GIA of offices plus a mezzanine; and C would house office and flexible space at the ground floor and refurbish the upper floors offices with a fifth-floor extension. The parapet and roof to No.12 would be raised to provide a double height space and taller windows.

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<sup>4</sup> With a flexible ground floor to All Saints Street

<sup>5</sup> Or retail

### *Living conditions*

10. It was common ground that the proposals would reduce daylight reaching the windows to a number of surrounding properties. It was agreed between the main parties, but not necessarily local residents, that the most relevant properties were those facing the site in Ice Wharf South, Ice Wharf North, and All Saints Street. Both the primary daylight methodologies<sup>6</sup> were applied and it was agreed that any property which fails either test merits further analysis. It was accepted that the mirror massing approach<sup>7</sup>, and consideration of windows below balconies, were also relevant. The Appellant acknowledged that daylight would be noticeably reduced in a significant number of flats resulting in low levels of natural daylight within the rooms concerned. I saw inside a number of those flats which would be affected.
11. I acknowledge that there would be unwelcome impacts on flats in Treaty Street but, given that these are separated by the canal, and that the increase in the heights of the buildings facing the canal would not be considerable, I give limited weight to the reductions in daylight. Similar considerations apply to Ice Wharf North where the footprint of the proposed building would not change and the increased height would not be excessive and would be stepped back.
12. To All Saints Street, including the corner flat to Killick Street, there would be appreciable reductions in daylight and the north facing rooms to the ground and first floor flats in particular would be left rather gloomy. On the other hand, the plans show<sup>8</sup> that the rooms facing the street are generally bedrooms, kitchens or kitchen/dining rooms while the living rooms predominantly face into the development and away from the street. Although any reduced daylight is regrettable, the expectation of daylight into bedrooms is not the same as for other habitable rooms, and in many kitchens electric lighting is likely to be used anyway. I therefore give only a reduced weight to the harm to living conditions in the All Saints Street flats.
13. Many of the flats in Ice Wharf South have combined living/kitchen/dining (KLD) rooms with double aspect windows such that they would retain views either to the canal or to All Saints Street. While there would be some undesirable loss of daylight in these KLD rooms, the good outlook from at least one of the windows would mean that the overall effect on living conditions would not be unacceptable. There would be less impact on the flats on higher floors.
14. One of the flats most affected by reduced daylight would be Ice Wharf South No.313. This flat has a single aspect to all its rooms which currently face towards the appeal site. Similar considerations apply to the flats above this but to a lesser extent. As with many of the flats, it has a combined KLD room and two bedrooms. The bedrooms both face onto another wall in the same development, with one bedroom looking out at a chamfer and the other facing directly onto a blank wall very close to it. The proposals would reduce the daylight a little more, and make a bad situation slightly worse, but as these bedrooms are likely to need electric lighting for most of the time that they are in active use, I find that the reduction in daylight would be of little practical consequence.

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<sup>6</sup> VSC (vertical sky component) and NSL (no sky line) as outlined in the BRE (formerly the Building Research Establishment) Guidelines – Core Document (CD) F3

<sup>7</sup> Ibid at F5 p62 and Fig F3 p64

<sup>8</sup> Ingram Appendix 08

15. The KLD to No.313 is 'L-shaped' with the kitchen part tucked away from the window. Given that kitchens tend to require the brightest light, I judge from my site visit that this area already has electric lights on when in use. At the moment, the large window to the living and dining area is partially shaded by an overhanging balcony but faces out onto the open courtyard with a relatively long view to the far side. The length of this view would be reduced by the new building which would enclose the courtyard and come closer to the KLD window. Although the upper floors to Building A would be set back on this side, there would be an appreciable loss of daylight.
16. On the other hand, there would still be an outlook of over 20m to the opposite building<sup>9</sup>. This compares favourably with other flats facing the site, where the existing separating distances would remain at around 6-10m, albeit often in double aspect rooms. Consequently, I assess that the outlook would remain reasonable and that there would not be an unacceptable sense of enclosure. The KLD window would also look onto a newly built elevation rather than an area used for parking, servicing and deliveries. Subject to conditions, the finished surfaces could be light-coloured or reflective, to maximise the daylight that would bounce off, and provide a more attractive outlook than parked cars and a servicing area. Taken in the round, considering the existing daylight constraints, the outlook and sense of enclosure, I find that the living conditions as a whole in flat No.313 would be within the bounds of acceptability. As the flats above would be affected less, their circumstances would also be at least adequate. Indeed, I found all the flats that I saw in Ice Wharf South to be pleasant, attractive and desirable and I consider that they would remain so.
17. I have noted concerns regarding reductions in sunlight but, for similar reasons, I concur with the Council's evidence that the primary impact would be on daylight. This also applies to the school and the canal towpath. I have studied the effects of mirror massing, and the argument that the Ice Wharf flats are *taking more than their fair share of light*<sup>10</sup>. This provides modest support to my conclusion that loss of daylight alone should not prevent the development proceeding. Nevertheless, harm to living conditions as a result of the loss of daylight is still a matter for the overall planning balance. I have considered the possible mental health implications<sup>11</sup> but find that my conclusions would not amount to discrimination under the Public Sector Equality Duty.
18. Taken in the round, I conclude that the scheme would accord with London Plan Policy 7.6B.d which states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. It would not conflict with Local Plan Development Management (LDM) Policies, June 2013 which, at Policy DM2.1xi), requires proposals to not unduly prejudice the satisfactory operation of adjoining land, and refers to the BRE Guide as guidance<sup>12</sup>.

*Locally listed buildings (or non-designated heritage assets under the NPPF)*

19. Nos.10-12 Regent's Wharf comprise a milling complex dating from the 1890s. They were built for J Thorley Cattle Foods. No.10a faces All Saints Street while 10c and 12 adjoin the canal. There was a dispute of fact as to whether the

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<sup>9</sup> ID5

<sup>10</sup> CD F3 - BRE at F5 p62

<sup>11</sup> ID10c

<sup>12</sup> CD E3 p5 §2.13

buildings 10a and b are included in the local list but they were rightly treated as non-designated assets in both parties' evidence.

20. It was common ground that Nos.10 and 12 are examples of industrial archaeology, a feature which overlaps with their architectural and historic interest when assessing their significance. The canalside elevations are characterised by bold brickwork, rising almost directly out of the water, which lends a vertical emphasis of strong character in an imposing form and design. Both buildings have been altered: No.10 once contained grain silos but now has windows above the ground floor where none existed originally; No.12 has lost its original pitched roof to one which is nearly flat. Be that as it may, I saw that despite the extent of changes, the significance of both buildings comes from more than moderate archaeological, architectural, and historic interest. The façade to No.10a, facing All Saints Street also has some interest as this was the public entrance to the buildings and it retains the faint shadow of company lettering which makes sense of the lighter brick of the parapet.
21. There was much disagreement over the age of the dormers to No.10. It was accepted that these were probably replaced like-for-like in the 1980s but not whether the previous dormers were original or rather later. The balance of the evidence suggests to me that even if they were not part of the original design, they may have been part of the original building or inserted relatively soon afterwards<sup>13</sup>. From the evidence at the Inquiry, I consider that they are likely to reflect a design that is at least a century old. While unusually domestic in appearance for an industrial structure, they make sense in the context of a building housing grain silos and with no other upper floor windows, those seen today having been inserted much later.
22. The refurbishment and extension of Nos.10-12 Regent's Wharf would include part one/part two storey roof extensions. For No.10, the lower part of the pitched roof to the canal would remain but the rear would be extended to a further storey to accommodate a mezzanine floor. The existing dormer windows would be replaced with rectilinear, metal-clad dormers of a similar width but much greater height and area of glazing. At No.12, the wall would be extended upwards, to match, with greatly increased height to the top row of windows to provide daylight to a double-height space inside.
23. I acknowledge that, where necessary, both architectural approaches can be valid even if it is unusual to find them side by side. In the case of No.10, the new dormers would be obviously contemporary insertions which would follow the pattern of the present dormers and other windows. If the current dormers were newly inserted in the 1980s, rather than being like-for-like replacements, there would be a greater justification for permitting those proposed. However, as historic features associated with the early use of the building to house silos, both the loss of the existing dormers and the rather bold design of the replacements would detract from the historic significance of the building, even if the quality of the architectural replacements would make the design acceptable in this regard.
24. I have noted the radical alterations I saw to the roof at the Coal Drops Yard development, but also that this was justified by enabling a new use for vacant buildings whereas No.10 is already occupied as an office.

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<sup>13</sup> And, following oral evidence, this was the position fairly adopted in the Appellant's closing §60 and footnote 52

25. I accept that, with exceptional care controlled by conditions, the extension in height to No.12 could closely match such that it would almost blend seamlessly with the original. Although rare, historic buildings do occasionally depart from the usual pattern of reducing window heights and this of itself should not prevent the extension. However, the increased height and extended windows would alter the historic elevation and so harm the integrity of the locally listed building in a way that would not be immediately apparent. In conservation parlance, it is hard to accept that this should be construed as an honest modern intervention as it would blur its historical development. Again, as the building is in use as an office, the extension would not be necessary to prevent it lying vacant.
26. Whether locally listed or otherwise, the loss of the light-coloured brick parapet to No.10a, with its shadow letters, would add marginally to the harm to the other non-designated heritage assets.
27. On this issue I find that the proposals would harm the significance of these non-designated heritage assets. The extent of harm would be significant and, to accord with policy in paragraph 197 of the National Planning Policy Framework (NPPF§197), it should be taken into account in determining the weight to be given to this and to reaching a balanced judgement. A similar approach is required by LDM Policy DM2.3E, which does not generally permit proposals that unjustifiably harm the significance of a non-designated heritage asset. Overall, I give moderate weight to this harm.

### *Conservation Area*

#### EXISTING CHARACTER AND SIGNIFICANCE

28. It was common ground that the Regent's Canal was the first industrial transport network constructed to serve wide areas of the country. It is of considerable historic interest through its association with John Nash, and as a remarkable early 19th century engineering and infrastructure undertaking.
29. The Regent's Canal West Conservation Area is characterised primarily by the canal itself which accounts for a large proportion of its area and provides much of its historic interest. As industrial buildings associated with the use of the canal, Nos.10c and 12 add to this historic interest. The architectural interest derives mainly from the bridges and canalside features with very few buildings. These include a short stretch alongside the canal featuring Nos.10 (including a, b and c) and 12 but not the 1980s offices or the Ice Wharf blocks.
30. I found that the way that the Conservation Area is experienced includes the water but also the boats on it and the historic structures and buildings surrounding it. As the Conservation Area only includes those buildings immediately abutting the water, and not all of those, I find that these are of particular importance to its architectural interest.

#### EFFECT OF PROPOSALS

31. While the extent of harm to the locally listed buildings should only attract moderate weight, on account of the policy framework for such assets, the buildings are also major contributors to the character and appearance of the Conservation Area. The physical harm to the buildings themselves would be the same but the perception within the context of the few buildings in the

Conservation Area, and the weight to be given it as a designated heritage asset, with its legal and policy protections, are quite different.

32. In particular, the changes to the canalside elevations, to which I give some weight as harm to non-designated heritage assets, would affect key aspects of the archaeological, architectural, and historic character of the Conservation Area and harm its significance. Although the elevations would still be imposing, and make a powerful architectural statement rising up from the canal, this feature is not the buildings' only contribution to heritage interest. These façades have already been eroded by previous changes and would be further diminished. While I assess this harm as less than substantial under NPPF§196, to accord with NPPF§193, great weight should still be given to the asset's conservation particularly as the buildings are important contributors to its special interest.
33. I have noted the developments within the Regent Quarter and how, in general, its historic buildings have been retained, refurbished and extended. However, while these do show what can be achieved, they were also the result of a forcibly argued public campaign against more egregious proposals<sup>14</sup> and each planning balance must be made on its own merits. Moreover, to my mind one of merits of the Regent Quarter is the degree of permeability which would be unimproved in the appeal site proposals before me.

#### CONCLUSIONS ON THE CONSERVATION AREA

34. The scheme would harm the character and appearance of the Conservation Area and its significance as a designated heritage asset. It is therefore necessary, under NPPF§196, to balance this harm against the public benefits of the proposal.
35. The proposals would in any event be contrary to London Plan Policy 7.8D which expects development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. They would conflict with Policy CS9 of the Islington Core Strategy which requires, amongst other things, that the borough's unique character will be protected by preserving the historic urban fabric; and that the historic significance of Islington's unique heritage assets and historic environment should be conserved and enhanced whether designated or not.
36. The scheme would fail to accord with LDM Policy DM2.3Bi which requires alterations to existing buildings in conservation areas to conserve or enhance their significance. In addition, Policy DM2.3Bi does not permit harm to the significance of a conservation area unless there is a clear and convincing justification. This is another matter which requires a balanced judgement.

#### *Benefits*

37. Under the current development plan, the site is within a designated Employment Growth Area, where LDM Policy DM5.1A is to *encourage the intensification, renewal and modernisation of existing business floorspace*. Policy DM5.1Ai) goes on to require *the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations*.

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<sup>14</sup> ID16 pp125-127

38. The scheme would provide a substantial increase in office floorspace (over 2,000m<sup>2</sup> GIA) and, for the new Building A in particular, this would be more flexible and efficient, and meet higher standards with greater floor to ceiling heights. It would gain support from LDM Policy DM5.1A. For Buildings B and C, there would be relatively modest increases in floor areas, a new mezzanine and a double height space.
39. There would be a mix of uses along all Saints Street and around the two new publicly accessible courtyards and a restaurant. The glass and metal infills within the courtyard area would be removed. Amenity space would be provided for office occupiers and there would be affordable workspace as required by LDM Policy DM5.4. The redevelopment would be at a highly accessible location, it would be more energy-efficient than the existing buildings, and car-free. These factors merit some weight in its favour.
40. The Appellant argued that the new buildings would be more pleasing to the eye than the existing 1980s buildings, and improve the quality of the townscape generally. However, noting that the modern buildings were deemed worthy of positive comment in Pevsner's *Buildings of England* in 1998, I find that the existing buildings are not without some merit. Consequently, any benefit here to the character and appearance of the area, or to the setting of the Conservation Area, from the replacement offices would be modest.
41. Broadly speaking, the scheme demonstrates significant design skill in attempting to maximise additional floorspace, as required by policy, while limiting the harm to neighbouring residents and to the Conservation Area. The Mayor of London expressed his *strong support for this well-designed scheme*. On the other hand, the bulk of the additional floor areas, and the improvements in floor to ceiling heights, would be within the redeveloped offices rather than the older buildings. The benefits associated with the extensions and alterations to the historic canalside buildings would be rather limited, compared with the benefits of the scheme as a whole, and quite minor set against the harm to the Conservation Area through the replacement dormers and the canalside wall extension. This reduces the weight I give to the design qualities of the scheme as a whole.

#### *Planning obligation and conditions*

42. The various financial contributions and other s106 obligations were supported by a CIL Compliance Statement and would be repaid in the event that they were not spent. For these reasons, I find that these would meet the relevant tests in the CIL Regulations and NPPF§56. The suggested conditions would accord with NPPF§55 but, while they would mitigate against a number of potential harms, they would not alter the overall balance.

#### *Overall planning balance*

43. For the above reasons, the extensions and alterations to Nos.10 and 12, alongside the canal, would cause significant harm to the character and appearance of the Conservation Area. On this point, I find that the public benefits of the scheme would not outweigh the harm under NPPF§196. On balance, the scheme would be contrary to Policy DM2.3Bi.
44. Further harm would be caused to the locally listed buildings. While the harm would be significant, as undesignated heritage assets without statutory

support, the weight to this harm should be reduced. Again, the balances under NPPF§197 and LDM Policy DM2.3E go against the appeal.

45. There would be harm to the living conditions of some local residents, especially through loss of daylight. While these concerns add to overall harm, they would not amount to unacceptable or undue prejudice and so there would be no breach of London Plan Policy 7.6B.d or LDM Policy DM2.1xi). Taken in isolation, neither the harm to living conditions, nor that to the locally listed buildings in themselves, would be sufficient to outweigh the benefits.
46. Even if considered on its own, and without the harm through the loss of the dormer windows, the harm to the Conservation Area would outweigh the benefits and for this reason alone the appeal should fail.
47. Taken as a whole, I find that the benefits, including all those listed above, would not outweigh the harm to the Conservation Area and other harm. On the balance of the relevant policies, the proposals would conflict with the development plan as a whole.

#### *Conclusions*

48. For the reasons given above, and having regard to all other matters raised, including overshadowing, privacy, overlooking, noise, light pollution, road safety, parking, servicing, deliveries and refuse collection, I conclude that the appeal should be dismissed.

*David Nicholson*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Sarah Sackman of Counsel She called	instructed by Director of Law, LB Islington
Ian Absolon BSc	Avison Young
Alexander Bowring BA MSt	Design and Conservation Officer, LB Islington
John Kaimakamis BAS MSc	Principle Planning Officer, LB Islington

### FOR THE APPELLANT:

Christopher Katkowski QC assisted by Leon Glenister of Counsel	instructed by Hannah Quarterman, Hogan Lovells international LLP, London
He called	
Ewan Graham BA RIBA	Hawkins Brown
Peter Stewart MA RIBA	Peter Stewart Consultancy
Ignus Froneman BArch ACIfA IHBC	Heritage Collective
Gordon Ingram MRICS	GIA
Chris Goddard BA BPL MRTPI MRICS	DP9

### INTERESTED PERSONS:

Hilary Norris	Local resident
Peter Hackman	Local resident
Garry & Christine Burgess	Local residents
Martin Samuel	Local resident
Dr Fiona Strawbridge	Local resident
Emma Smith	Local resident
Malcolm Tucker	Greater London Industrial Archaeology Society
Andrew Clayton	Islington Society
Lisa Tang	Local resident
Ben Merrifield	Local resident
Dr Ian Williams	Local resident
Charles Manson	Local resident and co-ordinator

### INQUIRY DOCUMENTS (ID)

ID 1	Errata sheet for Gordon Ingram
ID 2	Architectural introduction
ID 3	Introductory presentation to Inquiry
ID 4	Gordon Ingram context document
ID 5	Drawings showing distances between existing and proposed buildings
ID 6	Footprint overlays
ID 7	Compliant and unacceptable daylight assessments Schedule (see also ID21)
ID 8	Appellant's Opening Submissions
ID 9	Opening Statement on behalf of the Local Planning Authority
ID 10a	Submission by Peter Hackman
ID 10b	Submission by Garry & Christine Burgess
ID 10c	Script for Martin Samuel
ID 10d	Daylight/Sunlight/Overshadowing Statement from Hilary Norris
ID 10e	Letter from Jill M McLaughlin, Chair Islington Futures
ID 10f	Statement by Dr Fiona Strawbridge
ID 10g	Evidence of Malcolm Tucker MA CEng MICE for Greater London Industrial Archaeology Society

ID 10h	Heritage Statement from Hilary Norris
ID 10i	Statement by Andrew Clayton of the Islington Society
ID 10j	Statement by Dr Ian Williams
ID 10k	Email from Lisa Harmey
ID 10l	Objection from Lisa Tang, Philip Wain and Fenton Tang Wain
ID 10m	Statement of Ben Merrifield
ID 10n	Noise Statement from Hilary Norris
ID 10o	Statement by Charles Manson including effects on the Jubilee Greenway public towpath
ID 10p	Speech by Emma Smith
ID 11	Note on architect of Thorley's Cattle Food Mill
ID 12	Speaking notes of Ignus Froneman
ID 13	Drawings showing heights of existing and proposed buildings
ID 14	Summary and Officers' Report for Coal Drops Yard
ID 15	Email from Historic England dated 16 May 2019
ID 16	King's Cross: A Sense of Place. Angela Inglis with Nigel Buckner
ID 17	Lists of various suggested conditions from the LPA and residents including Emma Smith
ID 18	The Regents Network comments
ID 19	Justification for trip generation assessment
ID 20	Note from Gordon Ingram
ID 21	Summary of flats with windows unacceptable to Mr Absolon
ID 22	Summary Statement on behalf of the residents close to Regents Wharf
ID 23	Closing submissions for the Local Planning Authority
ID 24	Email from Ben Johnson dated 19 June 2019 with B1a Use class figures
ID 25	Appellant's Closing Submissions

#### CORE DOCUMENTS (CD)

CD A1	Covering Letter prepared by DP9 (1 December 2016)
CD A2	Planning Application Form (Ref: P2016/4805/FUL) prepared by DP9 (1 December 2016)
CD A3	Daylight and Sunlight Report (Ref: 9771-bm-16-1124-(Day/Sun Report)), prepared by GIA (24 November 2016)
CD A4	Noise Impact Assessment (Ref: AS8635.161122.NIA.1.4), prepared by Clarke Saunders Associates (25 November 2016)
CD A5	Delivery and Servicing Plan (Ref: 16-071-004), prepared by Odyssey Markides (28 November 2016)
CD A6	Ecology Report (Ref: JSL2617_873), prepared by RPS (28 November 2016)
CD A7	Health Impact Screening Assessment, prepared by DP9 Ltd (28 November 2016)
CD A8	Heritage and Townscape Assessment Version 3, prepared by Heritage Collective (28 November 2016)
CD A9	Historic Environment Assessment (Ref: NGR-530557-183453), prepared by MOLA (28 November 2016)
CD A10	Planning and Retail Statement, prepared by DP9 (28 November 2016)
CD A11	Site Investigation Preliminary Risk Assessment (Ref: 28468-R01-02), prepared by RSK (28 November 2016)
CD A12	Transport Statement (Ref: 16-071-002B), prepared by Odyssey Markides (28 Nov 2016)
CD A13	Statement of Community Involvement, prepared by Four Communications (28 Nov 2016)
CD A14	Construction Management and Site Waste Management plans (Ref: 8/1396) prepared by Clancy Consulting (28 November 2016)
CD A15	Sustainable Design and Construction Statement (Ref: 3840-RegentsWf-Rep-SustDesConstrState-Plan-SEJ-11-16), prepared by Watkins Payne (November 2016)
CD A16	Energy Strategy (Ref: 3840-RegentsWharf-Rep-EnergStrat-Plan-AC-11-16), prepared by Watkins Payne (November 2016)
CD A17	Design and Access Statement Revision C, prepared by Hawkins Brown (December 2016)
CD A18	Revised Daylight and Sunlight Report (April 2017) including cover letter prepared by GIA (16 May 2017)
CD A19	Heritage & Townscape Statement Addendum (Ref: 2558), prepared by Heritage Collective (April 2017)
CD A20	Noise Impact Assessment (Ref: AS8635.161122.NIA.1.5), prepared by Clarke Saunders Associates (April 2017)
CD A21	Overheating Risk Analysis Report (Ref: 3840-RegentsWf-Rep-Overheat-SH-04-17), prepared by Watkins Payne (April 2017)
CD A22	Design and Access Statement Revision B, prepared by Hawkins Brown (May 2017)
CD A23	Sustainable Design and Construction Statement (Ref: 3840-RegentsWf-Rep-SustDesConstrState-Plan-SEJ-05-17), prepared by Watkins Payne (May 2017)

- CD A24 Energy Strategy (Ref: 3840-RegentsWharf-Rep-EnergStrat-Plan-Iss-4-AC-SH-05-17), prepared by Watkins Payne (May 2017)
- CD A25 Overshadowing Assessment (Ref: IS03-9771), prepared by GIA (23 October 2017)
- CD A26 Daylight and Sunlight Report (Ref: 9771), prepared by GIA (26 October 2017)
- CD A27 Light Pollution Assessment (Ref IS02-9771), prepared by GIA (26 October 2017)
- CD A28 Noise Impact Assessment (Ref: AS8635.171024.NIA.1.6), prepared by Clarke Saunders Associates (25 October 2017)
- CD A29 Overheating Risk Analysis Report (Ref: 3840-RegentsWf-Rep-Overheat-SH-10-17), prepared by Watkins Payne (October 2017)
- CD A30 Energy Strategy (Ref: 3840-RegentsWharf-Rep=EnergStrat-Plan-Iss-6-MW-10-17), prepared by Watkins Payne (October 2017)
- CD A31 Heritage and Townscape Addendum (Ref:2558), prepared by Heritage Collective (Oct 2017)
- CD A32 Design and Access Statement Revision C, prepared by Hawkins Brown (October 2017)
- CD A33 **Existing Drawings**

1. Existing Ground Floor Plan (RWG-HBA-00-00-DR-A-PL00-0101)
2. Existing First Floor Plan (RWG-HBA-00-01-DR-A-PL00-0102)
3. Existing Second Floor Plan (RWG-HBA-00-02-DR-A-PL00-0103)
4. Existing Third Floor Plan (RWG-HBA-00-03-DR-A-PL00-0104)
5. Existing Fourth Floor Plan (RWG-HBA-00-04-DR-A-PL00-0105)
6. Existing Basement Plan (RWG-HBA-00-B1-DR-A-PL00-0100)
7. Existing Roof Plan (RWG-HBA-00-RF-DR-A-PL00-0106)
8. Location Plan (RWG-HBA-00-XX-DR-A-PL00-0001)
9. Existing Site Plan (RWG-HBA-00-00-DR-A-PL00-0010)
10. Existing Elevation All Saints Street (RWG-HBA-00-XX-DR-A-PL00-0200)
11. Existing Elevation Canalside (RWG-HBA-00-XX-DR-A-PL00-0201)
12. Existing Elevation Western Courtyard (RWG-HBA-00-XX-DR-A-PL00-0202)
13. Existing Elevation Eastern Courtyard (RWG-HBA-00-XX-DR-A-PL00-0203)
14. Existing Elevation Internal Courtyard North (RWG-HBA-00-XX-DR-A-PL00-0204)
15. Existing Elevation Internal Courtyard South (RWG-HBA-00-XX-DR-A-PL00-0205)
16. Existing Elevation Internal Elevation West (RWG-HBA-00-XX-DR-A-PL00-0206)
17. Existing Section AA (RWG-HBA-00-ZZ-DR-A-PL00-0300)
18. Existing Section BB (RWG-HBA-00-ZZ-DR-A-PL00-0301)
19. Existing Section CC (RWG-HBA-00-ZZ-DR-A-PL00-0302)

**Demolition Plans**

20. Strip-out Drawing Ground Floor Plan (RWG-HBA-00-00-DR-A-PL01-0101)
21. Strip-out Drawing First Floor Plan (RWG-HBA-00-01-DR-A-PL01-0102)
22. Strip-out Drawing Second Floor Plan (RWG-HBA-00-02-DR-A-PL01-0103)
23. Strip-out Drawing Third Floor Plan (RWG-HBA-00-03-DR-A-PL01-0104)
24. Strip-out Drawing Fourth Floor Plan (RWG-HBA-00-04-DR-A-PL01-0105)
25. Strip-out Drawing Basement Plan (RWG-HBA-00-B1-DR-A-PL01-0100)
26. Strip-out Drawing Roof Plan (RWG-HBA-00-RF-DR-A-PL01-0106)
27. Strip-out Drawing All Saints Street Elevation (RWG-HBA-00-XX-DR-A-PL01-0200)
28. Strip-out Drawing Canalside Elevation (RWG-HBA-00-XX-DR-A-PL01-0201)
29. Strip-out Drawing Western Courtyard Elevation (RWG-HBA-00-XX-DR-A-PL01-0202)
30. Strip-out Drawing Eastern Courtyard Elevation (RWG-HBA-00-XX-DR-A-PL01-0203)
31. Strip-out Drawing Internal Courtyard North Elevation (RWG-HBA-00-XX-DR-A-PL01-0204)
32. Strip-out Drawing Internal Courtyard South Elevation (RWG-HBA-00-XX-DR-A-PL01-0205)
33. Strip-out Drawing Internal Courtyard West Elevation (RWG-HBA-00-XX-DR-A-PL01-0206)

**Proposed Plans**

34. Proposed Ground Floor Plan (RWG-HBA-00-00-DR-A-PL20-0101)
35. Proposed First Floor Plan (RWG-HBA-00-01-DR-A-PL20-0102)
36. Proposed First Floor Plan Affordable Workspace (RWG-HBA-00-01-DR-A-PL20-0102)
37. Proposed Second Floor Plan (RWG-HBA-00-02-DR-A-PL20-0103)
38. Proposed Second Floor Plan Affordable Workspace (RWG-HBA-00-02-DR-A-PL20-0103)
39. Proposed Third Floor Plan (RWG-HBA-00-03-DR-A-PL20-0104)
40. Proposed Third Floor Plan Affordable Workspace (RWG-HBA-00-03-DR-A-PL20-0104)
41. Proposed Fourth Floor Plan (RWG-HBA-00-04-DR-A-PL20-0105)
42. Proposed Fifth Floor Plan (RWG-HBA-00-05-DR-A-PL20-0107)
43. Proposed Roof Plan (RWG-HBA-00-06-DR-A-PL20-0108)
44. Proposed Roof Plan (RWG-HBA-00-07-DR-A-PL20-0109)

45. Proposed Basement Floor Plan (RWG-HBA-00-B1-DR-A-PL20-0100)
46. Proposed Fourth Floor Mezzanine Floor Plan (RWG-HBA-00-M4-DR-A-PL20-0106)
47. Proposed Site Plan (RWG-HBA-00-XX-DR-A-PL20-0010)
48. Proposed Elevation All Saints Street (RWG-HBA-00-XX-DR-A-PL20-0200)
49. Proposed Elevation Canalside (RWG-HBA-00-XX-DR-A-PL20-0201)
50. Proposed Elevation Western Courtyard (RWG-HBA-00-XX-DR-A-PL20-0202)
51. Proposed Elevation Eastern Courtyard (RWG-HBA-00-XX-DR-A-PL20-0203)
52. Detailed Bay Study 01 All Saints St Elevation (RGW-HBA-00-XX-DR-A-PL21-0400)
53. Detailed Bay Study 02 All Saints St Elevation (RGW-HBA-00-XX-DR-A-PL21-0401)
54. Detailed Bay Study 03 Internal Courtyard (RGW-HBA-00-XX-DR-A-PL21-0402)
55. Detailed Bay Study 04 Canalside Elevation (RGW-HBA-00-XX-DR-A-PL21-0403)
56. Detailed Bay Study 05 Canalside Elevation (RGW-HBA-00-XX-DR-A-PL21-0404)
57. Detailed Bay Study 06 Internal Courtyard (RGW-HBA-00-XX-DR-A-PL21-0405)
58. Proposed Section AA (RGW-HBA-00-ZZ-DR-A-PL20-0300)
59. Proposed Section BB (RGW-HBA-00-ZZ-DR-A-PL20-0301)
60. Proposed Section CC (RGW-HBA-00-ZZ-DR-A-PL20-0302)
61. Proposed Section DD (RGW-HBA-00-ZZ-DR-A-PL20-0303)
62. Proposed Section EE (RGW-HBA-00-ZZ-DR-A-PL20-0304)
63. Detailed Illustrative Landscape Plan Fifth Floor (C593-D102)
64. Detailed Illustrative Landscape Plan Ground Floor (C593-D101)
65. Cyclist Access Strategy (16-071-120)

- CD B1 Committee Report (5 December 2017)
- CD B2 Minutes of Committee Meeting (5 December 2017)
- CD B3 Addendum Report to Committee (5 December 2017)
- CD B4 GLA Stage I Report (23 January 2017)
- CD B5 GLA Stage II Report (22 January 2018)
- CD B6 Decision Notice (25 January 2018)
- CD B7 Appellant's Statement of Case (May 2018)
- CD B8 London Borough of Islington's Statement of Case
- 
- CD C1 The National Planning Policy Framework (the "NPPF") (July 2018)
- CD C2 Planning Policy Guidance (the "PPG") (extracts only)
- 
- CD D1 The London Plan (March 2016) (extracts only)
- CD D2 Accessible London: Achieving an Inclusive Environment SPG (April 2004)
- CD D3 The Control of Dust and Emissions During Construction and Demolition (July 2014)
- CD D4 Sustainable Design and Construction SPG (April 2014)
- CD D5 Mayor's Climate Change Adaptation Strategy (October 2011)
- CD D6 Mayor's Climate Change Mitigation and Energy Strategy (October 2011)
- CD D7 Planning for Equality and Diversity in London SPG (October 2007)
- CD D8 The Draft New London Plan (December 2017) (extracts only)
- CD D9 London Planning Statement (May 2014)
- 
- CD E1 Islington's Register of Locally Listed Buildings and Locally Significant Shopfronts (April 2010)
- CD E2 Islington's Core Strategy (February 2011) (extracts only)
- CD E3 Islington's Development Management Policies (June 2013) (extracts only)
- CD E4 Environmental Design SPD (October 2012)
- CD E5 Inclusive Design in Islington SPD (February 2014)
- CD E6 Planning Obligations SPD (November 2013)
- CD E7 Urban Design Guide SPD (December 2006)
- CD E8 Regenerating King's Cross Neighbourhood Framework Document (July 2005)
- CD E9 Basement Development SPD (January 2016)
- CD E10 Islington's Regent's Canal West Conservation Area Design Guidelines (2002)
- CD E11 Streetbook SPD (October 2012)
- CD E12 Draft Islington Strategic and Development Management Policies (November 2018) (extracts only) (Emerging)
- CD E13 Draft Islington Site Allocations (November 2018) (Emerging) (extracts only)
- CD E14 Cally Plan SPD (2014)
- CD E15 Urban Design Guide SPD (January 2017)
- CD E16 Islington's Design and Conservation Guide No.12: Non-Designated Heritage Assets (August 2016)
- CD E17 Islington's Kings Cross Conservation Area Design Guidelines
- CD E18 London Borough of Islington Development Viability SPD (January 2016)
- CD E19 Inclusive Landscape Design SPD (January 2010)

CD F1	HE GPA3 The Setting of Heritage Assets
CD F2	HE GPA2 Managing Significance in Decision-Taking in the Historic Environment
CD F3	BRE Daylight and Sunlight Guidelines (2 <sup>nd</sup> Ed) (2011)
CD F4	HEAN1: Conservation Area Designation, Appraisal and Management (February 2019)
CD F5	Historic England Advice Note 2: Making Changes to Heritage Assets
CD F6	Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (April 2008)
CD F7	Historic England: Conservation Principles, Policies and Guidance (Consultation Draft November 2017)
CD F8	Historic England Good Practice Advice in Planning 2: Managing Significance in Decision-Taking in the Historic Environment
CD G1	Design Review Panel response (16 August 2016)
CD G2	Not used.
CD G3	Design Review Panel response (2 November 2016)
CD G4	Letter from DP9 Ltd to London Borough of Islington addressing consultation responses (30 January 2017)
CD G5	Consultation response from Herrington Consulting Ltd in review of daylight and sunlight assessment (6 February 2017)
CD G6	Responses to the appeal scheme from the Greater London Industrial Archaeology Society (GLIAS) (22 February 2017)
CD G7	Design Review Panel response (28 February 2017)
CD G8	Responses from Regents Network (28 February 2017)
CD G9	Responses from the Islington Society and Islington Archaeology and History Society (3 March 2017)
CD G10	Responses to the application scheme from the Victorian Society (23 March 2017)
CD G11	Herrington Consulting response to revised daylight and sunlight assessment (7 July 2017)
CD G12	Responses to the application scheme from the GLIAS (11 July 2017)
CD G13	Responses to the application scheme from the Victorian Society (11 August 2017)
CD G14	Letter from GIA to London Borough of Islington providing Daylight/Sunlight summary (14 August 2017)
CD G15	Letter from GIA to London Borough of Islington clarifying results (18 August 2017)
CD G16	Email from London Borough of Islington setting out concerns and requesting amendments (18 August 2017)
CD G17	Responses to the appeal scheme from the GLIAS (22 November 2017)
CD G18	Herrington Consulting response to revised daylight and sunlight assessment (14.11.17)
CD G19	Responses from Historic England (30 November 2017)
CD G20	Responses to the appeal scheme from Islington Society and Islington Archaeology and History Society (5 November 2017)
CD G21	Third Party submissions in respect of Appeal
CD G22	Consultation response from Herrington Consulting Ltd in review of Appellant's Statement of Case (1 August 2018)
CD G23	Letter by Regents Network in response to appeal (12 August 2018)
CD H1	Bedford Borough Council v Secretary of State and Nuon UK Ltd [2013] EWHC 2847
CD H2	Palmer v Herefordshire Council and ANR [2016] EWCA Civ 1061
CD H3	East Northamptonshire DC v SSCLG [2014] EWCA Civ 137
CD H4	North Norfolk District Council v SSCLG [2014] EWHC 279
CD H5	Pugh v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin)
CD H6	R (Rainbird) v London Borough of Tower Hamlets [2018] EWHC 657
CD H7	Enterprise House, 21 Buckle Street, London, E1 8NN ref APP/E5900/W/17/3191757
CD H8	R (Guerry) v London Borough of Hammersmith and Fulham and Newco 8915 Limited [2018] EWHC 2899 (Admin)
CD H9	Jones v Mordue [2015] EWCA 1243
CD H10	South Lakeland District Council v Secretary of State for the Environment [1992] 2 AC 141
CD H11	Bath Society v Secretary of State [1991] 1 WLR 1303
CD H12	Bohm v SoSCLG v London Borough of Camden [2017] EWHC 3217
CD H13	East Northamptonshire DC v SoSCLG [2014] EWCA Civ 137
CD H14	R (Lady Hart of Chiltern) v Babergh DC [2014] EWHC 3261(Admin)
CD H15	Forge Field v Sevenoaks DC [2014] EWHC 1895
CD H16	Bangor Wharf, Georgiana Street, London, NW1 0QS ref APP/X5210/W/16/316200
CD H17	Land North of Moor Street, Rainham ref APP/A2280/W/15/3012034