



PLANNING SUB-COMMITTEE
 Date: 4 October 2012

AGENDA ITEM NO: 34

Application number	P121068
Application type	Full Planning Application
Ward	Highbury
Listed building	N/A
Conservation area	Highbury Fields Conservation Area (CA5)
Development Plan Context	Highbury Fields Conservation Area Article 4(2) Designation Within 200m of the Channel Tunnel link
Licensing Implications	N/A
Site Address:	Garages adjacent 11 Corsica Street N5
Proposal	The demolition of nineteen existing lock-up garages and the erection of a new residential building of five storeys including basement and set-back top storey, to provide six 3-bedroom units; private communal garden and re-landscaped public realm.

Case Officer	Ashley Niman
Applicant	Rooted Architecture Ltd
Agent	Scott Architects

1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;
3. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in red)



STREETWISE LICENCE NO. 100047474

3. PHOTOS OF SITE/STREET





4. SUMMARY

- 4.1 The proposal is for the replacement of 19 lock up garages and hard standing, with a residential development over basement ground and three upper floors to provide six three bedroom units.
- 4.2 Consideration will need to be given to the loss of the lock up garages, the suitability of the proposed use and the quality of the subsequent accommodation. The proposal will also need to be considered in terms of the context of the Highbury Fields Conservation Area and the setting of adjacent listed buildings, as well as its overall design, form and scale.
- 4.3 The proposal will need to take into account renewable energy and sustainable design, appropriate transport provisions and the protection of adjacent trees.

5. SITE AND SURROUNDING

- 5.1 The site is located on the west side of Corsica Street, between a single storey red brick sub station to the south and a raised three storey block of modern town houses to the north. To the west the site backs onto the deep (30 metres) gardens of Grade II listed properties in Highbury Place. The site faces an almost completed residential scheme of four storeys for social housing. The site itself is occupied by 19 single storey lock-up garages arranged around the perimeter of the site. The garages are constructed of brickwork, with cement roof tiles and are in poor condition..The majority are empty with

two or three used as storage and two currently used by the contractors for the development opposite at 10 Corsica Street.

- 5.2 The site falls within the Highbury Fields Conservation Area (including Article 4 Direction), characterised by the Field and the predominantly four storey Regency and early Victorian terraces and semi detached houses of Highbury Place, Highbury Terrace and Highbury Hill. Corsica Street itself was probably a service lane for the housing of carriages and later vehicle garaging for the properties fronting Highbury Fields. The street, at its lower end is now characterised primarily by contemporary residential developments of three and four storeys.

6. PROPOSAL (IN DETAIL)

- 6.1 The demolition of nineteen existing lock-up garages and the erection of a new residential building of five storeys (lower ground floor, ground floor, first floor, second floor and set back third floor) including basement and set-back top storey, to provide six 3-bedroom units; private gardens and courtyards to the rear, and re-landscaped public realm.

7. RELEVANT HISTORY:

- 7.1 The site is occupied by 19 lock-up garages, and a concrete area of hard standing, which have been there since at least 1952.

PLANNING APPLICATIONS:

- 7.2 P111301 and P111302. Site adjacent 11 Corsica Street. Demolition of 19 existing garages and erection of a four storey building above lower ground to provide six (3 x bedroom) residential units with associated landscaping, refused 21 December 2011.

- 7.3 There were five reasons for refusal:

- 7.4 **REASON 1:** The proposal would be detrimental to the appearance and character of the Highbury Fields Conservation Area by virtue of its overall design, height and bulk and the high level of excavation and hard landscaping contrary to Islington Unitary Development Plan D22, and H10, Core Strategy policy 9 and the general provisions of PPS5.

- 7.5 **REASON 2:** The development would cause a detrimental effect on neighbouring residential amenity, in particular to 10 Corsica Street, by virtue of loss of light and excessive sense of enclosure such that the proposal contravenes Unitary Development Policy D3 and H3.

- 7.6 **REASON 3:** The proposal would have a detrimental effect on the mature sycamore tree adjoining the site such that an unacceptable damage would occur during excavation and construction. Furthermore, post development pressure to prune would likely further erode the quality of this tree. This would be contrary to Unitary Plan Policy Env 6, Core, Strategy policy 15.

- 7.7 **REASON 4:** The proposal would provide residential floorspace such that more than 10 residential units could be provided. Thus, affordable housing, and also wheelchair housing, should be provided, but the application fails to set out any such provision, contrary to Core Strategy policy 12 and the London Plan policy 3.13 and the general provisions and aims of PPS3.

- 7.8 **REASON 5:** The proposal fails to provide dwellings of acceptable amenity, and in particular make adequate provision for amenity space thus contravening Islington Core Strategy policy 12, Islington Unitary Development Plan policy H3, H7, and H10, and the provisions of the London Plan.
- 7.9 P092489. 10 Corsica Street Erection of a 4 storey flatted block laid out with an 'L' shaped footprint (plus basement levels) to provide 30 residential units with associated landscaping and other works, approved 8 June 2010.

ENFORCEMENT:

- 7.10 No enforcement history.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 103 adjoining and nearby properties at Corsica Street, Highbury Place and Calabria Road on 15 June 2012. A site notice and press advert were displayed on 21 June 2012. The public consultation of the application therefore expired on 12 July 2012, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of eight letters responses had been received from the public with regard to the application. Two of the letters are in support of the proposal. The issues raised by the 6 objections letters can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- 8.3 The proposal is too high and bulky, five storeys instead of three (10.5).
- 8.4 The sycamore tree to the rear could be affected (10.12).
- 8.5 There will be overlooking to neighbours.(10.17),
- 8.6 There will be loss of light for neighbours (10.15/10.16).
- 8.7 The building is too deep (10.5).
- 8.8 The design is not appropriate in the conservation area (10.5/10.6).
- 8.9 There could be structural damage to neighbouring property.
- 8.10 In support, two responses considered it an excellent proposal.

External Consultees

- 8.11 English Heritage raised no objection and stated that the scheme should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 8.12 Metropolitan Police (Crime Prevention) were consulted and stated they had no comments.

Internal Consultees

- 8.13 Access Officer: supportive as overall in accordance with relevant policies.
- 8.14 Conservation and Design Officer: supportive as overall the scheme will enhance the character and appearance of the conservation area.
- 8.15 Energy Conservation Officer: supportive as proposed measures are welcome.
- 8.16 Tree Preservation / Landscape Officer: no tree or landscape objections.
- 8.17 Spatial Planning and Transport (Transport Officer): comments on bicycle provision and highway reinstatement.
- 8.18 Sustainability Officer: supportive as proposed measures are welcome.
- 8.19 Principal Technical Officer (Pollution Projects Team): The soil report and construction management plan are acceptable.
- 8.20 Waste and Recycling Officer: States no issues or concerns regarding refuse/recycling provision.

9. RELEVANT POLICIES

DETAILS OF ALL RELEVANT POLICIES AND GUIDANCE NOTES ARE ATTACHED IN APPENDIX 2. THIS REPORT CONSIDERS THE PROPOSAL AGAINST THE FOLLOWING DEVELOPMENT PLAN DOCUMENTS.

National Guidance

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

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

Emerging Policy Documents

- A. Islington's Development Management Policies – Proposed Submission, October 2011.

Designations

- 9.3 The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):
 - Highbury Fields Conservation Area
 - Article 4(2) Designation

- Within 200m of the Channel Tunnel link

Supplementary Planning Guidance (SPG) / Document (SPD)

9.4 The following SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use principle and intensification of development
- Design and conservation
- Impact on neighbour amenity
- Quality of the accommodation itself
- Trees and landscaping
- Highways and parking

Land-use

10.2 The site is presently occupied by 19 lock up garages and an area of concrete hard standing. It is an under-used space or brownfield site. The predominant surrounding land use is residential, with shops on Calabria Road and offices of Circle33 Housing Association to the south beyond the electricity sub station. The use of the site for housing is entirely appropriate in terms of established neighbours and context, and the local environment is suitable for further residential accommodation. There will be an increase in the active frontage and resulting surveillance along this section of Corsica Street. Almost all the garages are vacant with about five used as storage, some by the contractors for the development at 10 Corsica Street.

10.3 The proposal is in accordance with policies 3.3, 3.4 and 3.8 of the London plan 2011, CS12 of the Core Strategy 2011, Env8 of the UDP 2002 and policies

10.4 The development seeks permission to create 6 residential dwellings and is below the threshold for affordable housing of 10 units. There is no specific policy in the Core Strategy or Unitary Development Plan to require a development of smaller flats over houses and larger maisonettes. The proposal will offer a good standard of accommodation without being excessive in size. The scheme should be seen in a broader context with neighbouring development at 10 Corsica Street where 30 flats are being provided for affordable housing. Were the development to provide a larger number of smaller units, the relatively small footprint would mean that amenity space would be extremely difficult to achieve successfully. It is considered the current application has created the right balance between maximising the use of the site while creating a well designed development which addresses successfully all aspects of the site. It is therefore considered that the proposal addresses to the Reason for Refusal 4 from the previous decision.

10.5 Design, Conservation and Heritage Considerations

10.6 The proposed development site is currently occupied by 19 lock up garages and a hard standing of impervious concrete. These do not make a positive contribution to the character and appearance of the Conservation Area. There is no objection to their demolition.

- 10.7 It is considered that the new proposal is of merit, with an interesting design and will have a positive interface with the street. It has taken account of its context with regard to design, scale and general massing, and in the use of materials. The building respects the traditional building line and parapet height to Corsica Street along this section of the street. The current scheme results from advice given and the additional bedroom at roof level is set back in order to have minimal visual impact. Although objection letters have referred to the development as a five storey development, the building is essentially three storeys above street level, with the third floor (top floor) set back by 4.2 metres from the parapet, and not visible from Corsica Street. The rear elevation has been animated by the creation of projecting wings in order to break up the solid appearance, and two narrower rear extensions rather than one larger central volume, represents a more successful and sensitive massing arrangement. In this respect the scheme has responded to the previous reason (Reason 1) for refusal in regard to height, bulk and design.
- 10.8 In regard to materials, the front will be clad primarily in high quality handmade red brick, reflecting the brickwork elsewhere in the conservation area, especially Calabria Road. The recessed ground floor and rear extensions will be clad in a darker brick reflecting the brickwork of Highbury Terrace, and lower ground floor courtyards and front lightwells in a lighter cream brickwork. The fenestration will be in the form of powder coated aluminium.
- 10.9 The Highbury Place Regency four storey terraced housing to which the application site backs onto is Grade II Listed. The proposed scheme would be just over 40 metres away, which sets it sufficiently far so as not to materially affect the setting of the listed buildings.
- 10.10 Overall the revised scheme is considered to be acceptable and provided the quality of construction and the materials proposed are adhered to it will enhance the character and appearance of the conservation area.
- 10.11 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, D4, D5, D22 and D24 of the UDP 2002 and emerging Development Management policies (2012) DM1 and DM3, and Conservation Area Guidelines for Highbury Fields.

Accessibility

- 10.12 In general the design is in accordance with the requirements of the Lifetime Homes Standards and is acceptable. Although not all living spaces within the development are at ground floor level (a usual requirement of the Accessible Housing in Islington SPD), the entrance halls are generous and there is permanent capacity for the installation of a lift. The scheme generally adheres to other standards what ones?, and conformity with Lifetime Homes Standards and the compromise is considered acceptable.
- 10.13 The proposal is considered to be in accordance with policy 7.2 of the London Plan 2011, policies: H3; H7 and H10 of the Islington Unitary Development Plan 2002, policy CS12H of the Islington Core Strategy 2011 and the Accessible Housing in Islington Supplementary Planning Document 2008.

Landscaping and Trees

- 10.14 There are no trees within the development site. Analysis of the site has concluded that none of the smaller trees adjacent and outside the site will be affected by the development. However construction may affect the sycamore tree close to the boundary, unless adequate protective measures are made. The Tree Officer, following site visits, is satisfied with the current approach including protecting root areas during removal of the garages and how the tree will be protected from structural piling to retaining walls. The current analysis and approach overcomes Reason 3 for refusal in the previous scheme.
- 10.15 The proposal is considered to be compliant with policy 7.21 of the London Plan 2011, policy Env6 of the Islington Unitary Development Plan 2002 and policy CS15A, B and F of the Islington Core Strategy 2011.

Neighbouring Amenity

- 10.16 Policy seeks to protect the amenity of adjacent residents and other occupiers. The proposal has been developed to ensure that light, overlooking, enclosure and privacy implications for adjacent residents, has been kept to a reasonable minimum.
- 10.17 A daylight and sunlight analysis was carried out by XC Energy for the client, using the standard BRE methodology. The only building tested was 10 Corsica Street since this is the only one where the initial 25 degree line test was not passed. 23 windows were tested, with 12 having a greater Vertical Sky Component (VSC) than 27% and nine of the remaining with a VSC greater than 27% or a VSC within 20% of the current VSC value. The two remaining windows have low VSCs because of recessed balconies. If these were removed, the windows passed the VSC test. The block adjacent at 11 Corsica Street did not require testing beyond the 25 degree test since the new development does not breach this.
- 10.18 In regard to sunlight, there are no windows within 90 degrees of due south affected by the development, and so no sunlight assessment is required. An overshadowing assessment of the neighbouring gardens showed that 96.5% of the garden area should expect to receive at least two hours of sunlight on March 1st. This is well in excess of the recommended guidance of 50%.
- 10.19 Turning to privacy and overlooking, the building is set 13.5 metres away from the principal front wall of 10 Corsica Street, across a public highway. Moreover, the windows for the habitable rooms at first and second floor level are angled to face obliquely, so protecting privacy of facing windows. The third floor windows are set back 16.5 metres from the facing building and behind a parapet. To the rear, the furthest projecting bay of the new development will be 40 metres away from the properties at 10 Highbury Place, and the Coach House, Highbury Place and are therefore comfortably in excess of the 18 metres minimum policy requirement. In regard to 11 Corsica Street, the adjacent first floor rear flat roof will be a green roof with no access for residents (this will be conditioned) whilst at second floor, the rear roof terrace will be screened to prevent any possible overlooking.
- 10.20 The bulk and scale of the scheme has been developed to ensure that it is contextual and that the bulk will not lead to any unreasonable sense of enclosure for neighbours. In addition, at the rear, the boundary wall height at ground floor level with the adjacent block at 11 Corsica Street will remain as now, at 3.6 metres. The alterations to the overall design ensure that the current proposal has overcome the concerns raised by the second reason for refusal (Reason 2).

- 10.21 The proposal is considered to be compliant with policy D3 of the UDP 2002 and policy DM1 of the emerging Development Management policies 2012.

Quality of Resulting Residential Accommodation

- 10.22 The proposal will provide six three-bedroom residential units. Four of these will occupy the lower ground floor, ground floor and first floor, and the two upper maisonettes, the second, and set back third floor. The four lower units can be considered to be designed as townhouses as they have their own front doors at ground floor level and have rear gardens and courtyards at lower ground and ground floor levels. With floor areas of either 142 sq. metres or 144sq. metres, the four units each comfortably exceeds London Plan and emerging Development Management policy figures for internal floor areas, equating to 106sq.metres excluding storage. Likewise the two upper maisonettes, each with an internal floor area of 107 sq. metres, comfortably exceed policy floor area requirements.
- 10.23 In terms of outdoor space, the four lower units have outdoor space each totalling 33 sq metres or 40 sq. metres, or in the case of the one unit with the restricted green roof, 26 sq. metres. The two upper units each has 37 sq. metres. Overall these are acceptable outdoor space standards and in general comply with policy, and overcome refusal Reason 5 of the earlier decision.
- 10.24 All six units are dual aspect and all windows will have either an acceptable or a good outlook level, and a good standard of light sources. All habitable rooms exceed London Housing SPG standards. The disposition of the units is appropriate with three each accessed around a separate stair core, and lift access between the ground floor and second floor.
- 10.25 The proposal is considered to be compliant with policies CS9 of the Core Strategy 2011, D3, H3 and H7 of the UDP 2002 and emerging Development Management policy (2012) DM1

Sustainability, Energy Efficiency and Renewable Energy

- 10.26 The reuse of a brownfield site for a more intensive development is inherently sustainable. The commitment to achieve Code for Sustainable Homes Level 4 is welcome and will be secured by condition. The design of the scheme to ensure all units are dual aspect and facing east-west will minimise overheating stress whilst the incorporation of solar PV panels to further reduce CO2 emissions is welcome.
- 10.27 Green and brown roofs at first floor, third floor and upper roof level (totalling an area of approximately 120sq. metres), and gardens accommodating deep rooted planting and small trees are appropriate measures to enhance on site bio-diversity, and are strongly supported. The reduction of overall hard standing and the provision of green and brown roofs will also reduce run-off.
- 10.28 The proposal is considered to be compliant with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011, and emerging Development Management policies (2012) DM41, DM43 and DM38.

Highways and Transportation

- 10.29 In accordance with policy and all new housing developments this is a car free scheme. It is very well located in regard to public transport links (a five minute walk to Highbury Corner) with a PTAL rating of 6b, the highest achievable rating. The proposal makes provision for internal, secure bicycle provision in accordance with emerging Development Management policy on bicycle provision, ie, one bicycle space per bedroom.
- 10.30 There is no public footway to the front of the site, and the S106 agreement will secure the removal of the redundant crossover, and the reinstatement of the footpath. This will not only improve public safety to the front of the site but visually improve the frontage of the site and the quality of the surrounding area generally.
- 10.31 The proposal is in accordance with policies 6.7 and 6.9 of the London Plan 2011, policies: T34 and T52 of the Islington Unitary Development Plan 2002 and policy CS10H of the Islington Core Strategy 2011.

Contaminated Land

- 10.32 The site has been occupied by garages for 60 years and as a result there is the possibility of contaminants on site. A desk top study and ground investigation report was carried out by Elliot Wood Partnership. The investigation showed that no elevated concentrations of contaminants were recorded within the made ground samples tested, and as such no remediation measures are likely to be required. The study has been checked by the Pollution Projects Team and there are no further concerns since the levels are fine for what is being proposed.

Planning Obligations ,Community Infrastructure Levy and local finance considerations

- 10.33 The proposal is subject to a S106 agreement in regard to the reinstatement of the public highway and closing up of a crossover.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made valid, the Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation the proposed development is not acceptable in planning terms. . ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

Heads of terms:

1. The owner shall complete and meet the costs of delivery of the footpath shown on plan (xxxx) to adoptable standard to be completed prior to first occupation in accordance with details approved by the Council.
2. The owner shall enter into a s38 agreement with the Council prior to first implementation, which will include the following details:
 - Details for consultation with and agreement by the Council relating to the decision, costs, bonds and specification of the road. Early meetings should be undertaken with the Council.
 - The owner will undertake all road construction works.
 - The Council will undertake all lighting, signage, cpz, demarcation, monitoring, and any necessary amendments to Traffic Management Orders and administration. The details of the costs associated with these works to be paid for by the applicant.
 - Details of materials to be used which must be in accordance with Islington Council's Streetbook.
 - Notification to Islington Council Highways of proposed start date for works to enable weekly site meetings to inspect works.
 - Details of fees for Council inspection to be based upon cost of scheme/bond.
 - Bond/deposit to be held in a Council account and used in circumstance that schemes are not undertaken.

- Details of the cost to be provided to the Council for commuted maintenance of the road proposed for adoption. The council generally seeks a commuted sum that provides for maintenance over a 25 year period.
 - The owner shall issue designs for the adoptable road for consultation with the Council at least nine months prior to works commencing.
 - The owner shall provide the Council with the exact date of commencing works to enable site visits from start
3. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
4. Council's legal fees in preparing the S106 and officer's fees for the negotiation, monitoring and implementation of the S106.

RECOMMENDATION B

That if members are minded to approve this proposal (subject to conditions and ~Deed of Planning Obligation) officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

This proposal has been approved following consideration of all the relevant policies in the Development Plan (London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002), the National Planning Policy Framework (2012) and other material considerations.

- This decision was made by the Members of the Planning Sub Committee on the 4 October 2012.
- The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress;
- The development proposal offers a well designed and efficient use of the existing site. The proposed development will create useable and valuable residential accommodation and is therefore considered to be acceptable in land use terms. The development complies with policies 3.3 3.4 & 7.5 of the London Plan 2011 and policies 9, 10 & 12 of Islington's Core Strategy 2011.
 - o The bulk, height and scale of the scheme has been developed to ensure that it is contextual and that it will not have any adverse impact on neighbouring residential amenity (ie loss of daylight or sunlight, loss of privacy and unreasonable sense of enclosure for neighbours, overshadowing and outlook0. The proposal is considered to be compliant with policy D3 of the UDP 2002 and policy DM1 of the emerging Development Management policies 2012.
- The proposal provides inclusive and convenient access for all within the development. The development therefore complies with policies 7.2 of the London Plan 2011 and policies Env12 and D3 of the Unitary Development

Plan 2002 which seek to secure appropriate and inclusive designs for developments.

- The resulting residential accommodation is considered to be of good quality and standard of design. The design and appearance of the new residential units subject to compliance with conditions, is considered positive and would enhance the character and appearance of the surrounding Highbury Fields Conservation Area. The scheme is in line with policies 3.5, 3.8 & 7.1 of the London Plan 2011 and policies D3, D4, D20, D24 of the Islington Unitary Development Plan 2002 and policies 9, 10 & 12 of Islington's Core Strategy 2011 which seeks to secure the appropriate overall design of buildings.

The use of a brownfield site for residential use is inherently sustainable, and the incorporation of renewable energy and green/brown roofs is welcome. The proposal is considered to be compliant with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011, and emerging Development Management policies (2012) DM41, DM43 and DM38.

RECOMMENDATION C

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

List of Conditions:

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

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
- 2 Approved plans list
E 04 10 E, E 04010 T, SA1001-A-P-JC-LC REVP4, SA1001-A-S-JC1-AA REVP1, SA1001-A-P-F1-00 REVP2, SA1001-A-P-F13-LG REVP5, SA1001-A-P-F13-00 REVP7, SA1001-A-P-F13-00 REVP5, SA1001-A-P-F13-01 REVP5, SA1001-A-P-F13-02 REVP5, SA1001-A-P-F13-03 REVP4, SA1001-A-P-F13-RF REVP5, SA1001-A-E-F1-01 REVP4, SA1001-A-E-F1-02 REVP3, SA1001-A-E-F1-03 REVP3, SA1001-A-E-F1-04 REVP3, SA1001-A-E-F1-05 REVP3, SA1001-A-S-F1-AA REVP4, SA1001-A-S-F1-DD REVP4, SA1001-A-S-F1-CC REVP4, SA1001-A-SK-49_P1, SA1001-A-SK-50_P1, L266-02 REVA, L266-02 REVB, L266-03 REVA, L266-06 REVA, L266-05 REVA, D/002 REVP4, Design and Access Statement (scott architects May 2012), Energy Statement (XC Energy April 2012), Sustainability Statement (XC Energy April 2012), Daylight and Sunlight Assessment (XC Energy April 2012), Landscape Design Proposals (Clive McDonnell Design May 2012), Construction Management Plan (Scott Architects June 2011), Arboricultural Method Statement (Barrell Tree Consultancy 8 May 2012 ref 10349-AMS-MW)), Desk Study and Ground Investigation Report (Rooted Architecture March 2010)
- 3 Materials
CONDITION: Details and samples of all facing materials shall be submitted to

and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:

- a) Samples of all facing brickwork types, including mortar and pointing.
- b) Render (including colour, texture and method of application);
- c) Window and door treatment (including sections and reveals);
- d) Roofing materials;
- e) Any other materials to be used.

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

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard in accordance with policies: 5.3; 7.4; 7.5 7.7 and 7.6; of the London Plan 2011, policies: D4 and D24 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS10F of the Islington Core Strategy 2011.

4 Water Use

CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.

REASON: To ensure the sustainable use of water in accordance with policy 5.15 of the London Plan 2011, policy Env39 of the Islington Unitary Development Plan 2002 and policy CS10C and G of the Islington Core Strategy 2011.

5 Green/Brown Bio Diversity Roof

CONDITION: The biodiversity (green/brown) roofs shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plan SA1001-A-P-F13-01 REVP5 and SA1001-A-P-F13-03 REVP4 hereby approved; and
- c) planted/seeded with a 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) roof 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 roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 7.19; 5.3; 5.9 and 5.11 of the London Plan 2011, policy Env24 of the Islington Unitary Development Plan 2002 and policy CS10E and G and CS15F and G of the Islington Core Strategy 2011.

6 Cycle Parking Provision (Compliance)

CONDITION: The bicycle storage areas hereby approved, which shall be secure and provide for no less than six bicycle spaces, shall be provided prior

to the first occupation of the development hereby approved and maintained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policies 6.7 and 6.9 of the London Plan 2011, policies: T34 and T52 of the Islington Unitary Development Plan 2002 and policy CS10H of the Islington Core Strategy 2011.

7 Refuse/Recycling Provided (Compliance)

CONDITION: The dedicated refuse / recycling enclosures shown on drawing no. SA1001-A-P-F13-00 REVP5 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to in accordance with policies: 5.15 and 5.16 of the London Plan 2011, policy: D3 of the Islington Unitary Development Plan 2002 and policy CS11B of the Islington Core Strategy 2011.

8 Code of Sustainable Homes

CONDITION: The development shall achieve a Code for Sustainable Homes rating of no less than 'Level 4'.

REASON: In the interest of addressing climate change and to secure sustainable development in accordance with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011

9 Flat roof not used as amenity space (compliant)

CONDITION: The west facing first floor flat roof area shown on plan no. SA1001-A-P-F13-01 REVP5 hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than as a green/brown roof as identified in condition 5.

REASON: To prevent the undue overlooking of neighbouring habitable room windows in accordance with policies: D3 H3 and H7 of the Islington Unitary Development Plan 2002.

10 Screening to rear roof terrace

CONDITION: Detailed drawings and samples of a scheme of screening for the second floor rear roof terraces of the building and shown on plan no. SA1001-A-P-F13-02 REVP5 shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first occupation of the residential units of the hereby approved scheme and maintained to the satisfaction of the Local Planning Authority thereafter

REASON: In order to safeguard the amenity levels of prospective occupiers of the units and adjacent occupiers in accordance with policy D3 of Islington's Unitary Development Plan 2002.

11 Construction Controls

CONDITION: During the demolition and construction on site, the developer shall comply with Islington Council's Code of Construction Practice and the GLA's Best Practice Guidance for the control of dust and emissions from construction and demolition. The developer shall ensure that:

1 The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.

2 The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08.00-18.00 Monday-Fridays, 08.00- 13.00 Saturdays and at no time during Sundays or public holidays.

3 All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.

REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process in accordance with policy D3 of Islington's Unitary Development Plan 2002.

12 Accessible Housing

CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.

REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs, in accordance with policy 7.2 of the London Plan 2011, policies: H3; H7 and H10 of the Islington Unitary Development Plan 2002, policy CS12H of the Islington Core Strategy 2011 and the Accessible Housing in Islington Supplementary Planning Document 2008.

13 Boundary Treatment (Details)

CONDITION: Details of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.

The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.

REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure in accordance with policies: 7.4; 7.3 and 7.6 of the London Plan 2011 and policies: D8 D24; D31 of the Islington Unitary Development Plan 2002.

List of Informatives:

1 S106

SECTION 106 AGREEMENT

You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

2 Superstructure
DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'
A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.

3 Car-Free Development
INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

4 CIL
Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council. This should be received by the Council within the next 21 days. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. Persistent failure to pay CIL liabilities due may result in the Council imposing surcharges, serving a CIL stop notice prohibiting further development on the site and/or taking action to recover the debt due. The above forms can be found on the [Planning Portal](#).

APPENDIX 2 : RELEVANT POLICIES

This appendices list all relevant development plan polices and guidance notes pertinent to the determination of this planning application.

1 National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

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

3 London's people
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice

5 London's response to climate change
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage
Policy 5.15 Water use and supplies
Policy 5.21 Contaminated land

6 London's transport
Policy 6.9 Cycling

7 London's living places and spaces
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.21 Trees and woodlands

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

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

Strategic Policies
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS12 (Meeting the Housing Challenge)

C) Islington Unitary Development Plan (2002)

Environment Policies:

Env5 & 6 (**Protecting Trees**)
Env16 & 17 (**Protection of Amenity**)

Conservation and Design Policies:

D3 (**Site Planning**)
D4 (**Designing in Context**)
D5 (**Townscape**)
D8 (**Boundary Walls, Paving and Street Furniture**)
D20 (**Land Use**)
D22 (**New Development**)
D24 (**Materials**)

Housing Policies:

H3 (**New Housing and Changes of Use to Residential**)
H7 (**Standards and Guidelines**)
H10 (**New Development**)

Sustainable Transport Policies:

T18 (**Parking and Traffic Restraint**)
T34 (**Cycle Parking**)

3. Emerging Policy Documents

A) Islington's Development Management Policies – Proposed Submission, October 2011

Design and Heritage

DM1 Design
DM2 Inclusive Design
DM3 Heritage

DM12 Housing Standards
DM13 Private outdoor space

Health and open space

DM38 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM40 Sustainable design and construction statements

DM43 Sustainable design standards

DM44 Heating and cooling

Transport

DM48 Walking and cycling

DM49 Vehicle parking

Infrastructure

DM52 Planning obligations

5 Designations

The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- Highbury Fields Conservation Area
- Article 4(2) Designation
- Within 200m of the Channel Tunnel link

7. **Supplementary Planning Guidance (SPG) / Document (SPD)**

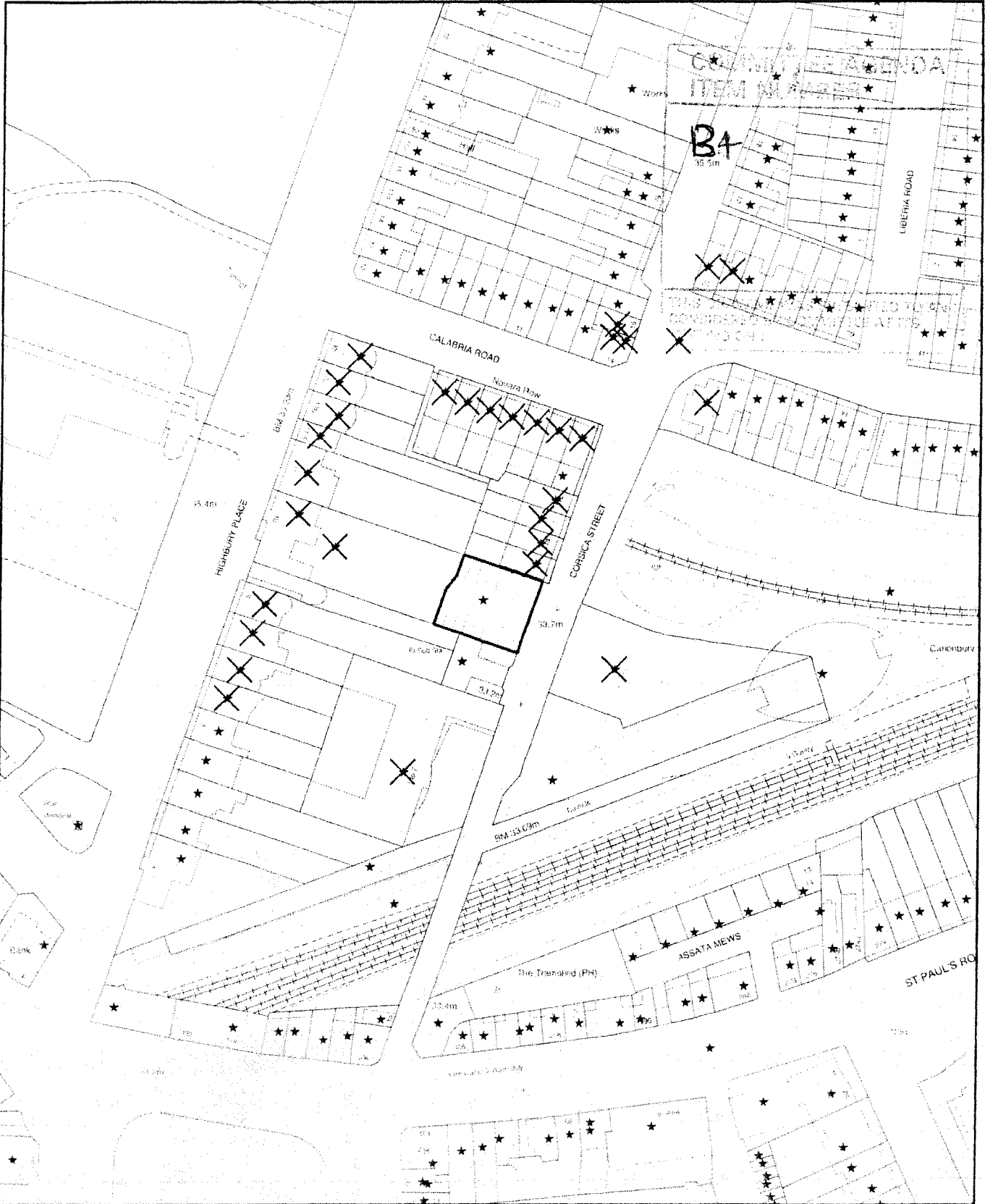
The following SPG's and/or SPD's are relevant:

Islington UDP

- **Accessible Housing in Islington**
- **Car Free Housing**
- **Conservation Area Design Guidelines**
- **Green Construction**
- **Planning Standards Guidelines**
- **Planning Obligations and S106**
- **Urban Design Guide**

London Plan

- **Accessible London: Achieving and Inclusive Environment**
- **Housing**
- **Sustainable Design & Construction**



ISLINGTON

Planning Division

Planning Application Ref No:- P 121068

LOCATION.....

X = Properties consulted



Scale - 1:1250

Time of Plot 11:05

Date of plot: 24/09/2012

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