



ISLINGTON

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 3333
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London
N1 1YA

PLANNING SUB-B COMMITTEE

Date: 4th June 2013

AGENDA ITEM NO:

B2

Application number	P121884
Application type	Dwellings Minor
Ward	Highbury East
Listed building	Christ Church, Highbury (opposite the site, Grade II) Vicarage, 157 Highbury Grove (opposite the site, Grade II) Balloon-making workshop at 56a Highbury Grove (adjacent to the site, Grade II)
Conservation area	Partly located within the Highbury Fields Conservation Area Within 50m of Aberdeen Park Conservation Area
Development Plan Context	Map 5.1 - Employment Growth Area (Emerging Development Management Policies)
Licensing Implications	None
Site Address:	58 Highbury Grove, Islington N5 2AG
Proposal	Conversion of the existing 263sqm floorspace in B1(a) (office) use class within the front coach house to form two no. two bed flats and the demolition of the existing buildings at the rear of the site and the construction of six no. three bedroom / three storey townhouses and a three storey building comprising 683sqm floorspace in B1 use class, off-street (wheelchair user) car parking, two loading bays, hardstanding and landscaping.

Case Officer	Clare Preece
Applicant	Mr Andrew Bolt, Knott Park One LLP
Agent	Mr Glyn Emrys, Emrys 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)



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Source: Drawing No. 1124-0100-AP-001 Rev PL03, received 08/02/2013.

3. PHOTOS OF SITE/STREET



**ACCESS BETWEEN NO'S 56 & 58
Highbury Grove.**



**EXISTING EDGE TREATMENT OF SITE
ALONG MELODY LANE WITH LADBROKE
HOUSE AND 60 Highbury Grove IN
BACKGROUND.**



**EXISTING YARD TO REAR OF THE COACH
HOUSE. BUILDINGS TO BE DEMOLISHED
ARE SITED TO THE LEFT.**



**GATED CONTEMPORARY DEVELOPMENT
IMMEDIATELY TO THE SOUTH (NO'S 6 – 32
MELODY LANE).**

SUMMARY

- 3.1 Full planning permission is sought for the retention and conversion of the existing coach house at 58 Highbury Grove to provide two residential flats; the demolition of existing buildings to the rear of the site would facilitate redevelopment comprising six three bedroom terraced houses and a three storey commercial building in B1 Use Class. The commercial element of the development would fully replace the existing office business floorspace within the coach house, and provide a small (18sqm) uplift in business floorspace. The new business accommodation would be more likely to suit modern business needs, and would offer some flexibility for division into smaller units for use by

micro and small enterprises. In land use terms, the combination of B1 and C3 Use Classes raise no issues.

- 3.2 The buildings to be demolished are not considered to have any historic interest and demolition is not resisted. The layout, scale and massing of the proposed development raises no objection from the Conservation and Design Officer. The architectural approach and materials of the development take their cue from the contemporary development immediately to the south, which is acceptable. The Conservation and Design Officer has confirmed that the development would not harm the special character and appearance of the Highbury Fields Conservation Area and would not have a harmful impact on the setting of the neighbouring Grade II statutory listed building, located immediately to the east of the application site.
- 3.3 The impact of the development on neighbours has been considered. The proposal would have a material impact on the daylight to neighbouring flats within 60 Highbury Grove; however, considering the dense urban location and constraints imposed by the layout of the neighbouring development, it is not considered that permission should be withheld on the basis of this impact. Impacts relating to overlooking and noise have been dealt with through the imposition of relevantly worded conditions.
- 3.4 The quality and sustainability of the resulting scheme is considered to be high. The housing would comply with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (Nov, 2012). The majority of new habitable rooms would receive good lighting levels and a pleasant outlook. Private amenity space is provided in accordance with the Council's requirements. It is proposed that the new build dwellings would be constructed to meet Level 4 of the Code for Sustainable Homes and the two flats converted from the existing coach house would achieve an 'Excellent' rating using BREEM Domestic Refurbishment. It is also proposed that the development would incorporate photovoltaics, green roofs, attenuation tanks and rainwater harvesting for irrigation use in gardens.
- 3.5 The redevelopment of the site would result in the substantial reduction in off-street car parking, from seven parking spaces to one wheelchair user space. Adequate off-street servicing would be provided to the business unit. Whilst it is material that neighbours have raised substantial objection to the application on the basis of pedestrian and cyclist safety, the Spatial Planning and Transport Officer considered that the proposal would have a neutral or reduced number of vehicle trips to the site per day, when compared to the status quo. It is considered that the proposal would provide a high quality development that would not detrimentally harm the amenity or safety of neighbours. Conditions have been included that require further details of the detailed design of the Melody Lane public realm improvements.
- 3.6 In summary, the proposal is considered to be acceptable and to be broadly in accordance with the Development Plan policies.

4. SITE AND SURROUNDING

- 4.1 The application site comprises a linear site of approximately 0.13Ha in area. The site has a short frontage to Highbury Grove to the west, and the substantive boundary along and including the private road known as Melody Lane to the south. Melody Lane is in the ownership of the applicant with the neighbouring residential occupiers and businesses having a right to use the lane.

- 4.2 The site is occupied by a two-storey former coach house at 58 Highbury Grove. To the rear (east) of the coach house are a collection of single-storey buildings raised on a 1m high plinth and typically of brick or concrete construction with corrugated steel roofs. The applicant has advised in the planning application form that the existing use of the site is for 263sqm floorspace in B1(a) (office) Use Class and 402sqm floorspace in B1(c) (light industrial) Use Class. It is considered that the collection of buildings to the rear of the coach house are used as ancillary storage for the B1(a) (Office) and the building business operated by Sir Robert McAlpine and are not currently in a B1(c) (light industrial) Use Class.
- 4.3 Melody Lane provides the only vehicle and pedestrian access to the neighbouring properties to the east and south of the application site. To the east, the Grade II Statutory Listed former balloon-making workshop is used as a taxi mechanic; to the south-east is a self-storage business contained within a 2-storey high building; to the south are 14 three-storey terraced-houses sited in two rows facing east-west, constructed around 2007.
- 4.4 The neighbouring storage building, to the south-east, has forecourt parking for approximately 6 vehicles; the taxi mechanic, to the east, has limited space for parking within the workshop and to the south of the building; the contemporary residential development to the south was granted planning permission for six wheelchair user parking spaces. The applicant has confirmed that the car parking associated with the neighbouring development to the south has been supplemented with the acquisition of part of the rear garden of 56 Highbury Grove to provide five car parking spaces and 1 space acquired from the neighbouring storage business. At the time of the site visit, there were at least 11 vehicles parked within the gated area of the contemporary residential development to the south.
- 4.5 The front coach house is located within the Highbury Fields Conservation Area. The application site is located on the east side of Highbury Grove, opposite Christ Church Highbury, a Grade II Statutory Listed building.
- 4.6 The neighbouring properties to the north (No. 60) and south-west (No. 56), fronting Highbury Grove, are handsome four-storey Victorian villas that have been converted into residential flats. Ladbroke House, which forms part of the London Metropolitan University, is a large-scale four-storey building constructed in the early 20th century. Ladbroke House shares a common boundary with the application site to the east of No. 60 Highbury Grove.
- 4.7 To the north-east, the application site adjoins the Frogmore Industrial Estate. There are existing residential properties adjoining the industrial estate along Kelvin Road.

5. PROPOSAL (IN DETAIL)

- 5.1 Full planning permission is sought for the retention and conversion of the front coach house to provide two no. two-bedroom flats. The proposed two-bedroom (2B4P) ground floor flat would take its entrance from Highbury Grove. The forecourt to the coach house would be landscaped, fenced and gated for use by the occupants of the proposed ground floor flat. The forecourt would also provide refuse / recycling and cycle storage facilities in an existing store located along the northern boundary with 60 Highbury Grove.

- 5.2 The two-bedroom (2B3P) first floor flat would take its entrance from a proposed external stair to the rear of the coach house. This flat would have a small courtyard garden, refuse / recycling and cycle storage facilities to the rear of the coach house. The proposed external stair, courtyard garden, refuse / recycling and cycle storage facilities would be sited in an area that currently accommodates a single-storey extension, which will be demolished.
- 5.3 The remaining single-storey buildings running the length of the application site would be demolished and replaced with a row of six no. three-bedroom (3B/5P), three-storey townhouses and a three-storey building comprising 683sqm in a combination of B1(a) and B1(c) Use Classes.
- 5.4 The six townhouses would be orientated to address Melody Lane, with a forecourt garden formed to the southern side of each dwellinghouse. The rear of the townhouses would provide a relatively small, north-facing courtyard garden of approximately 28sqm; the amenity space for the houses would be supplemented by a first floor, south-facing balcony (6.8sqm) and rooftop terrace (13.5sqm), which would be setback 3.5m from the front elevation. Integral refuse / recycling and cycle storage facilities would be provided within the southern elevation of the townhouses at ground floor level.
- 5.5 The proposed three-storey B1 unit would be located in the north-east corner of the site next to the Grade II statutory listed former balloon-making factory, which is now used as a taxi mechanic. The proposed B1 unit would be orientated to front Melody Lane and would have a forecourt to its southern side providing one loading bay, one dedicated turning bay, one disabled parking bay, refuse / recycling and cycle storage facilities. The proposed B1 unit would continue the front building line established by the townhouses for a short length of 5.5m, before stepping-in 5.5m (to the north) for the substantive length of the unit (forming an 'L' shaped building). The ground floor of the B1 unit would provide a small office of 78sqm and a larger area of light industrial floorspace of 166sqm. Lift access would be provided to the first and second floors, which would comprise 246sqm and 184sqm (respectively) of office floorspace.

Revision 1

- 5.6 Drawing 1124-0200-AP-020 rev PL02 was received 25/10/2012 – the revised plan established the retention of the existing kerb line at the junction of Melody Lane and the adopted highway. It was previously proposed that the kerb radius was re-aligned; however, the Highways officer was concerned that the re-alignment of the kerb radius may interrupt pedestrian visibility.

Revision 2

- 5.7 Following the site visit it was apparent that the collection of buildings to the rear of the coach house are used as ancillary storage for the office and for the storage of building equipment by Sir Robert McAlpine. The description of the proposal was amended to omit reference to the use of the existing buildings falling within a B1(c) (Light Industrial) Use Class. This revision does not materially affect the consideration of the proposal and it was not necessary to re-consult neighbours of the change to the description of the existing use of the buildings.

Revision 3

- 5.8 The applicant amended the red line site plan with replacement drawing 1124-0100-AP-001, received by the Council on 08/02/2013. Neighbours were re-consulted following the receipt of the amended drawing.

Revision 4

- 5.9 Revised drawings: 020/TK01; 020/TK02; 020/TK03; 1124-0200-AP-002 Rev PL02; 1124-SK-034 Rev PO1 and an access and traffic calming report by Gateway TSP were received on 15th March 2013 - the revised plans and report address access and parking issues in response to neighbour objections. The amended plans now show the retention of the gate; revised dimples to prevent parking; speed bumps; and the removal of one turning bay to enable turning access for refuse and emergency vehicles.

Revision 5

- 5.10 Additional drawing also numbered 020/TK03: Refuse vehicle manoeuvring within the site. This swept path diagram has been submitted as additional information and show the manoeuvrability for a refuse truck within the site. Neighbours have been reconsulted for 14 days from 15th May 2013 and any comments received will be reported within the addendum to the committee.

6. RELEVANT HISTORY

PLANNING APPLICATIONS:

- 6.1 871103 – Permission refused 17/02/1988 for the '*Erection of a 4-storey building for use as offices and a storage depot*'.
- 6.2 The following planning applications relating to neighbouring properties are considered to be particularly relevant to the application site and proposal –
- 6.3 58A Highbury Grove P050410 – Permission granted 11/05/2005 for the '*Demolition of existing buildings and erection of nine 3-storey terraced houses and two 2-storey mews houses with associated parking and landscaping (accessed from Melody Lane, also formerly known as Aircool Site to rear of 58 Highbury Grove)*'.
- P051375 – Permission granted 25/01/2006 for the *Erection of four 3-storey terraced houses and one 3-storey detached house*.
- 6.4 60 Highbury Grove P051441- Permission granted 08/08/2005 for the '*Change of use from B1 offices to six self-contained flats (one 3 bedroom, three 2 bedroom flats and two studio flats)*'.
- 6.5 3 Melody Lane P110159 (Full Planning) & P110160 (Listed Building Consent) PENDING for the '*Erection of single storey outbuilding to separate the activities of the taxi workshop. The mechanical works would remain within the existing workshop and the bodyworks including spray painting would be carried out within the new outbuilding. A replacement spray booth would be located within the new outbuilding*'.

Deferred at Planning Committee meeting 15/08/2011.

The reason for deferral was to enable the applicant to consult residents on the design of the outbuilding and to provide additional information including a management plan regarding how parking would be managed within the site, vehicle movement associated with the garage and details of liaison with neighbours.

ENFORCEMENT:

- 6.6 There is no enforcement history.

PRE-APPLICATION ADVICE:

- 6.7 Q110584 – Retention and conversion of the front coach house to provide 2 x 2-bedroom flats, demolition of the other buildings on site, and erection of 6 x 3-bedroom 3-storey houses and a 3-storey building accommodating 639sqm of B1 floorspace.
- 6.8 Advice provided 22/03/2012: Identified that the redevelopment proposals would replace the existing B1 use, as well as introduce a residential use to the site. The location of the 'B1' uses to the rear of the site, adjacent to the taxi workshop at 56a Highbury Grove, and the provision of residential development at the front and centre of the site was considered to be an acceptable arrangement. The applicant was advised that the site includes, and is surrounded by, important heritage assets that may be affected by the redevelopment proposals. The retention of the front coach house was welcomed, and the conversion of the building to form two flats was considered to be acceptable.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 93 adjoining and nearby properties at Kelvin Road, Highbury Grove, Melody Lane and Aberdeen Park on 21/09/2012, 11/02/2013, 15/03/2013 and 15/05/2013. The second, third and fourth rounds of consultation were for a shorter period of 14-days, following the receipt of amended or additional information. A site notice and press advert were displayed on 27/09/2012 and, 15/03/2013. The first round of public consultation of the application expired on 18/10/2012, the second (shorter) round of consultation ended on 25/02/2013, the third (shorter) ended on 8th April 2013 and the fourth (shorter) round of consultation ends on 29th May 2013.. However, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of writing this report a total of 16 members of the public had responded to the notification of the application. The issues raised can be summarised as follows (with the condition of consent and / or paragraph that provides responses to each issue indicated within brackets):

Transport, parking, pedestrian and cyclist safety

- Due consideration should be given to pedestrian and cyclist safety during the demolition and construction periods; (condition 3)
- A segregated pedestrian footpath should be provided along the length of Melody Lane; (9.78)
- The development would result in increased vehicle traffic on Melody Lane and a Transport Assessment should have been submitted with the application; (9.65, 9.68)

- Melody Lane is a private road and the Council cannot take enforcement action against the future residents if they choose to park along the lane; (conditions 11 & 13)
- Pedestrian and cyclist safety when using the lane would be made worse, particularly at the junction with Highbury Grove and the pinch point along the length of the retained coach house; (9.78, 9.79, 9.80)
- The junction of Highbury Grove and Melody Lane is narrow and allows only one vehicle access at a time. Vehicle cues will occur at this access point and will result in highway safety issues on the adjoining Highbury Grove; (9.68)
- Large vehicles, including emergency vehicles, will not be able to turn in the site; (9.69, 9.70, 9.71, 9.76, 9.77)
- Family-sized houses should have car parking; (9.65)
- The forecourt to the proposed townhouses is designed in such a way that car parking could be accommodated; (9.33, conditions 11 & 13)
- The proposal would harm the taxi business at the eastern end of the lane by reducing the opportunity for parking within the Lane, which has been established by historic use; (9.74)
- Turning facilities for taxi-breakdown vehicles would be removed through the redevelopment of the application site; currently the breakdown vehicles use the applicant's site for turning; (9.69)

Layout, arrangement of uses, scale, architecture, materials and drainage

- The area calculations for the existing use of the site are incorrect. The storage sheds to the rear of the coach house are not offices and the proposal would actually result in a substantial increase to the commercial floorspace (and resulting number of employees), in combination with the proposed residential accommodation. Also, the sheds are more likely to fall within a (B8) storage and distribution Use Class, rather than a light industrial (B1c) Use Class; (5.7, 9.27)
- The layout of the development should follow the contemporary development to the south by arranging the new townhouses in two rows with an east-west orientation; (9.13)
- The B1 Use Class building should be sited in a new building at the front of the site, with direct access from Highbury Grove and visitor parking in the existing forecourt; (9.16)
- The scale of the buildings would visually dominate, overshadow and be out of character with Melody Lane; (9.17)
- The townhouses would have a deep footprint and internal lighting levels would be poor; (9.53)
- There would be no natural surveillance of Melody Lane as there are no windows at ground floor level of the townhouses; (9.17)
- The proposed balconies on the front elevation of the townhouses look like a bolted-on afterthought and should instead be recessed; (9.18)

- Melody Lane will feel overdeveloped as a result of the proposals; (9.17, 9.27)
- The proposal does not meet the design standard of the contemporary housing development to the south, nor the surrounding housing in the wider-area; (9.19)
- Foul drainage requirements have not been properly considered; (9.85)
- The protection of the Horse Chestnut tree has not been properly considered and its roots will be impacted upon by the foundations of the new development; (9.34 and condition 10)
- The proposed external materials are too various; (9.20, 9.21, condition 5)
- The rear gardens to the proposed townhouses will be overshadowed and the balconies would be located on a busy Lane, not appropriate for family-sized accommodation; (9.54, 9.55)

Effect of the development on neighbours – daylight, privacy, safety, noise and pre-application consultation

- The development would affect lighting levels to the rear windows of 60 Highbury Grove, Ladbroke House and also to Melody Lane; (9.45-9.47)
- The development would reduce privacy to properties to the south as a result of overlooking; (9.38-9.44)
- The noise from plant and machinery within the development would affect the amenity of neighbouring occupiers within the development to the south; (9.50, 9.51, condition 20)
- The arrangement of the B1 Use Class development to the rear of the site would bring non-residents into the site, resulting in safety concerns; (9.50, 9.51)
- Pre-application consultation with local residents was disorganised and the comments of residents have not been provided in the application. The council should lay down parameters for ongoing consultation as the design is reviewed and developed. (9.86, 9.87, 9.88)

Two letters of objection were received in relation to the fourth revision regarding access and parking who raise the following objections:

- The drawings show that the applicant requires privately owned third party land, outside of the red line to make the manoeuvres described. Without this land, which is outside of the red line defining the application site, the manoeuvres shown cannot take place. (9.76)
- The turning diagrams are dangerous and do not work. (9.77)

Consultation carried out by the agent

Following the fourth revision, the agent acting on behalf of the applicant carried out their own informal consultation regarding the amended plans on access and parking issues. A number of letters were sent back directly to the agent and the Council were copied in. The main issues relate to (with paragraph numbers in brackets where responses are provided)

-This scheme is a poor unsafe and inappropriate design which needs to be reconsidered to address the issues of access and safety as well as the current context of the lane rather than trying to turn it into a mews which it is not. (9.76, 9.77, 9.78).

-How can large vehicles, including the emergency manoeuvre within the lane and do not reverse in front of the residential properties. (9.76)

-The new houses will create more parking as well who will park on the double yellow lines and no one can enforce the parking restrictions on the private road. Even if you Flashpark online facility is installed, who's going to pay for it, monitor and enforce the parking fines? (9.75)

Reconsultation following the swept path diagrams (Revision 5) has been carried out which expires on 29/05/2013. At the time of writing this report no further objections have been received. Any objections received will be reported within an addendum to committee.

External Consultees

- 7.3 Metropolitan Police (Crime Prevention) advised that the layout and design of the development raises no concerns.
- 7.4 Thames Water advised that no objection would be raised to the proposal in relation to water infrastructure in the local area and recommended that an informative be included on the decision to inform the applicant that Thames Water will aim to provide a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres / minute at the point where it leave Thames Water pipes. The applicant is asked to take account of this minimum pressure. Thames Water's comments have been forwarded to the applicant.
- 7.5 English Heritage advised that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Internal Consultees

- 7.6 Access Officer requested that further information be required by condition in relation to proposed lighting, place-making elements and level changes to be incorporated into the detailed design of the shared surface along Melody Lane. It was also considered that the wheelchair user parking space to the rear of the coach house should be omitted and the area landscaped.
- 7.7 Building Control advised that the works would require approval under Building Regulations. Confirmed that table 20 of approved document 5, volume 2 'Buildings other than dwelling houses' recommends that the minimum width of the carriageway for fire vehicle access is 3.1m.
- 7.8 Conservation and Design Officer considered the effect of the scale, bulk and massing of the development on the character and appearance of the conservation area and impact on the setting of the statutory listed buildings. In summary, the officer considered that

the development would not result in any significant harm to the character and appearance of the conservation area and would also not harm the setting of the statutory listed building to the east of the site. The officer considered that the design of the development to be of a suitably high quality and recommended that further details of materials be secured by condition. The officer raised two substantive issues that would require further resolution, notwithstanding the approved plans – the first issue related to the proposal to increase the opening size of two windows within the front, ground floor elevation of the retained coach house; the second issue related to the scale of the rooftop plant to the proposed commercial building, which the officer considered should be reduced. Relevantly worded conditions have been included in the recommendation to secure amended details.

7.9 Energy Conservation Officer did not respond to the consultation request.

7.10 Tree Preservation Officer confirmed that he was in broad agreement with the Arboricultural consultants report, which was submitted with the application. The Officer requested that a condition be included as part of the recommendation for the submission of an Arboricultural method statement (AMS) to BS 5837:2012 'Trees in relation to demolition, design and construction'. The AMS would need to cover:

- The methods of tree protection and include a Tree Protection Plan (TPP).
- Surface treatment removal and installation with details of permeability.
- Details of services and drainage for the development need to be supplied (minimum disturbance within the retained root protection area (RPA)).
- Specifics of any required tree pruning.
- Details of the Arboricultural supervision.
- Proposed changes in levels within the RPA.

7.11 Public Protection Division (Noise Team & Land Contamination) recommended a condition to restrict the servicing and delivery hours of the proposed B1 unit, in the interests of the amenity of future residential occupiers of the townhouses and a condition requiring the submission of a contaminated land investigation.

7.12 Spatial Planning and Transport (Transport Officer) provided detailed comments about the impact arising from the proposed development in the context of the existing situation in Melody Lane and also in the context of the planning proposal for the taxi workshop, immediately to the east (application ref: P110159 (Full Planning) & P110160 (Listed Building Consent)). The summary comment from the Officer was that the proposed development at 58 Highbury Grove, when compared to the status quo, would have a neutral impact or reduction in vehicle trips to the application site. The full comments of the Officer are provided within the relevant section of this report.

7.13 Refuse department raise no objections to the proposal.

8. 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

- 8.1 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

- 8.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002.

Emerging Policy Documents

- A. Islington's Development Management Policies – Submission, June 2012
- B. Finsbury Local Plan – Submission, June 2012
- C. Site Allocations Document – Submission, June 2012

Designations

- 8.3 The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):
- Highbury Fields Conservation Area
 - Within 50m of Aberdeen Park Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

- 9.1 The main issues arising from this proposal relate to:

- Land use;
- Conservation and design;
- Neighbouring amenity;
- Dwelling mix;
- Quality of resulting accommodation;
- Accessibility;
- Sustainability
- Energy efficiency and renewable energy
- Open space, landscaping and trees;
- Highways and transportation;
- Pedestrian and cyclist safety.

Land-use

- 9.2 The site is not subject to any land use designations in Islington's adopted Core Strategy (2011) or UDP proposals map (2002, as amended to illustrate saved policies).

- 9.3 Adopted planning policies including saved UDP policy E4 and Core Strategy policy CS13, along with draft Development Management Policies DM30 and DM31, resist losses and encourage the provision of new business floorspace. Map 5.1 in the draft Development Management Policies proposes that the site forms part of an Employment Growth Area, where – according to draft policy DM30 – the council will encourage the intensification, renewal and modernisation of existing business floorspace. Draft policy DM30 elaborates that proposals for the redevelopment or change of use of existing business floorspace within Employment Growth Areas are required to incorporate the maximum amount of business floorspace reasonably possible on the site, as well as a mix of complementary uses.
- 9.4 The proposal to replace the existing B1 Use Class accommodation within a new three-storey building to provide 683 sqm of B1 Use Class floorspace is considered to be acceptable and in accordance with the abovementioned policies. The accommodation would be more likely to suit modern business needs, and would offer some flexibility for division into smaller units for use by micro and small enterprises, as required by draft policy DM33 in the Development Management Policies.
- 9.5 It is calculated that 35 employees could be accommodated within the proposed development, which represents an uplift of 21 employees in comparison to the potential existing occupancy of the B1(a) office floorspace within the coach house. The occupancy levels have been calculated using the 'Average Occupancy Rates and child Yield' at Appendix 2 of Islington's Planning Obligations (S106) SPD. The proposal would provide improved business accommodation and would be capable of accommodating a greater number of employees. This would accord with draft policy DM30.
- 9.6 The introduction of a residential use to this site is considered to be acceptable. The adjoining uses are predominantly residential; as well as a combination of educational, light industrial, storage and distribution and religious uses. Mixed-use schemes that provide a combination of B1 and C3 Use Classes are considered to be compatible, particularly if the operational hours of use and servicing are such that early-morning and evening use is restricted. A restrictive condition has been included to control the hours of delivery and servicing to between 0800 and 1830 Monday to Friday.
- 9.7 Although draft policy DM30 refers to the desirability of active frontages in mixed-use developments within Employment Growth Areas, given the character of Highbury Grove and the appearance and value of the retained front coach house, it is considered that the proposed arrangement of the residential use at the front and centre of the site and B1 use adjacent to the taxi workshop to the east, industrial units to the north and storage business to the south, is appropriate.
- 9.8 In summary, the proposal to introduce a mixed-use scheme incorporating B1 Use Class and a combination of family and non-family sized residential accommodation is considered to be acceptable and to accord with the policies contained in the development plan.

Design, Conservation and Heritage Considerations

- 9.9 Chapter 7 (Requiring good design) of the NPPF requires good design that achieves high quality and inclusive development. Chapter 12 (Conserving and enhancing the historic

environment) of the NPPF states that new development within the setting of heritage assets should enhance or better reveal the heritage assets significance.

- 9.10 The application site includes, and is surrounded by, important heritage assets which would be affected by the redevelopment proposals. These include:
- The Highbury Fields Conservation Area - the site's frontage building is within the conservation area and the remainder of the site is adjacent to it;
 - Christ Church, Highbury- opposite the site, Grade II Statutory Listed;
 - Vicarage, 157 Highbury Grove - opposite the site, Grade II Statutory Listed;
 - Balloon-making workshop at 56a Highbury Grove- adjoins the site's eastern boundary.
- 9.11 Policy D4 of Islington's UDP requires that new and altered buildings acknowledge the most important elements of the urban context and create a positive and appropriate relationship with surrounding buildings and spaces. Policies D20, D22, D23 and D25 set out the council's approach to 'change of use' and other development in conservation areas. Core Strategy policy CS9 (part B) states that the historic significance of Islington's heritage assets and historic environment will be conserved and enhanced. Draft policy DM1 in the Development Management Policies (Submission, June 2012) states that developments will be required to respect surrounding heritage assets. The Highbury Fields Conservation Area Design Guidelines state that new buildings in the conservation area should conform to the height, scale and proportions of existing buildings in the immediate area.
- 9.12 English Heritage considered that the application should be determined in accordance with the council's specialist conservation advice. The Conservation and Design officer has provided comments broadly in support of the proposed development.
- 9.13 The arrangement of the development along Melody Lane is considered to follow good urban design principles of providing public 'fronts' to the street and private 'backs' that provide small, contained, private-gardens to the proposed townhouses. This arrangement would have the characteristics of a traditional mews development with a well-defined relationship to Melody Lane. Residents have objected to the proposed alignment of the development and consider that the provision of two short terraces facing east-west would be better suited to the local context, particularly in consideration of the arrangement of the contemporary residential development to the south. However, it is considered that the arrangement of two short terraces with their side elevations facing south would leave the lane undefined and would give the development no street frontage; such an arrangement would be considered unacceptable.
- 9.14 The proposed three-storey high terraced townhouses would be of a similar height and scale to the contemporary housing development immediately to the south. The Victorian-era villas fronting Highbury Grove are of a larger scale, suited to their setting along a main distributor road. The Conservation and Design Officer considered that the proposed scale, bulk and massing of the development to be acceptable. It was also considered that the layout and scale of the development has taken account of the setting of the adjoining statutory listed buildings, the setting of the non-designated heritage asset at 60 Highbury Grove and the character of the Highbury Fields and Aberdeen Park Conservation Areas.

- 9.15 The flank elevation of the proposed three-storey townhouse immediately to the rear of the retained coach house would be visible through the gap between 58 and 60 Highbury Grove. Whilst this element of the proposed development would reduce views of the sky beyond, the Conservation and Design Officer considered that the combination of the building setback and the use of a variety of materials in the flank elevation (rendered wall and copper clad upper floor) would be sufficient to ensure this visible element would not appear as a large blank elevation. The 'less than significant' harm caused by the loss of the open view between 58 and 60 Highbury Grove would be outweighed by the benefit of the proposal, including securing the optimal viable use of the site and by significantly improving the existing situation of the unsightly range of outbuildings with architecturally designed family-houses and B1 unit.
- 9.16 Views from Highbury Grove of the statutory listed former balloon-making workshop would be improved as a result of the demolition of the rear extension to the coach house and alignment of the proposed B1 unit with a setback to the north of the proposed terraced-houses. The Conservation and Design Officer requested that further details of the design of the proposed bin and cycle stores serving the B1 unit be submitted for the Council's approval in order to ensure the design and proposed height of the storage facilities do not protrude into the view of the listed building from Highbury Grove. A condition has been included in the recommendation to secure the submission of these details.
- 9.17 Objectors consider that the development would cause a 'canyon' affect to Melody Lane and would overshadow and dominate the Lane. Islington's Urban Design Guide identifies that the borough's Victorian-era terraced streets generally have a height-to-width ratio of between 0.5 to 1 and 0.7 to 1. The proposed terraced-houses would be 9m high (measured to the top of the third floor parapet) and the width between the proposed townhouses and the corresponding flank elevations that enclose Melody Lane is 20m. The height-to-width ratio of the development would be 0.45 to 1. This demonstrates that the height-to-width ratio is in excess of the ratio recommended by Islington's Urban Design Guide, providing a more spacious arrangement than that of the borough's traditional terraced streets. It is not considered that the development would have an overbearing impact on Melody Lane and would continue to receive good levels of light, particularly as the Lane is located to the south of the application site. Melody Lane would also benefit from increased natural surveillance from the proposed entrances to the townhouses and B1 unit directly off the Lane, as well as habitable room windows and balconies that have an outlook to the south. It is of relevance that the Police Design Officer has reviewed the proposal and has not raised any concern with the layout or detailed design of the proposal.
- 9.18 Each townhouse would have a south-facing balcony at first floor level, with access from the open plan living / kitchen / dining room. The balcony is an integral element of the design of the townhouses, with a depth of 3m, of which 1.2m is recessed behind the front elevation. It is not considered, as suggested by objectors, that the design of the balcony is an afterthought, nor would the balconies be 'bolted-on' to the southern elevation of the townhouses.
- 9.19 The architectural approach to the design of the new development is considered to be appropriate to the surrounding context. It is not necessary that new development is a pastiche of existing development, although, an acknowledgement of the modern housing development to the south of the application site has clearly influenced the design. The Conservation and Design Officer considered that the design of the townhouses reflects the verticality of the adjacent contemporary dwellings and the wider

historic context and would also allow the different character and horizontal proportions of the neighbouring listed building to remain clearly apparent.

- 9.20 The external finishes of the townhouses include a combination of brick at ground and first floors and pre-oxidised copper rainscreen paneling at second floor. The flank and rear elevation would be a light-coloured insulated render, which would assist to brighten the rear gardens. The balustrade / privacy screen to the roof deck and the first floor balcony would be constructed in a pre-oxidised copper. The Conservation and Design Officer considered that the screens to the rooftop terraces provide interest to the roofline whilst allowing a greater amenity to the townhouses. A similar palette of materials would be incorporated into the proposed B1 unit. The palette of materials would reflect those used in the contemporary housing development to the south. In contrast, the coach house would have a slate roof and rendered external walls to match the existing.
- 9.21 The Conservation and Design Officer noted that window and door recesses are shown on the drawings but that detailed cross-sections have not been submitted. To ensure the detailing is sufficiently well-considered, a condition requiring the submission of further information about these elements is included in the recommendation.
- 9.22 The proposal to retain and convert the existing coach house to provide two flats was thought to be positive by the Conservation and Design Officer. Although not listed or locally listed, the 19th century coach house currently makes a positive contribution to the character and appearance of the Highbury Fields Conservation Area. It is an important link with, and reminder of, the history of the conservation area and its retention and viable reuse is welcomed. The alterations to the west elevation of the coach house, which addresses Highbury Grove, are considered to be broadly acceptable apart from the enlargement of two ground floor windows to provide two sets of double doors. The applicant has advised that this aspect of the proposal would reinstate the original coach house openings, although no historical evidence of this has been submitted with the application. The Conservation and Design Officer has objected to this aspect of the proposal and a condition has been included that requires the existing opening size to be retained.
- 9.23 The proposed demolition of the existing mono-pitch roof within the north-east elevation of the coach house to form the access deck to the first floor flat is considered to be acceptable. The location of the external stair providing access to the first floor flat is such that it would only be partially visible from Melody Lane. The utilitarian design of the external stair is considered to respect the architectural character of the coach house and the provision of the staircase would not be considered to detract from the appearance of the retained building, in accordance with policy D11 of the Islington UDP.
- 9.24 Paragraphs 5.24 and 5.25 of the Highbury Fields CA Design Guidelines states that dustbins and meter enclosures should be discreetly located as to be invisible from the street and that such development proposals will only be permitted where it can be shown that the development would preserve or enhance the character of the conservation area. It is proposed that the coach house forecourt would provide the main amenity area for the ground floor flat. The forecourt is currently black tarmac and accommodates three parking spaces and is partly enclosed by a (approx.) 2m high masonry wall. Paragraph 5.28 states that new railings or boundary walls should be to a pattern and colour suitable for the street. Boundary walls are typically traditional black-painted cast-iron railings set in stone or brick copings, which is considered to be the most appropriate finish, particularly in consideration of the need to provide pedestrian visibility splays at the junction between Melody Lane and Highbury Grove. A solid

masonry wall would be both out of character with the conservation area and would also prevent visibility when leaving the site. Details of the boundary treatments are required by condition.

- 9.25 In summary, whilst it is noted that a significant number of design related objections were received from neighbours, it is considered that the layout, scale and architectural design of the proposed development is acceptable for the reasons set-out above.

Density

- 9.26 Core Strategy policy CS12 (part D) states that residential developments should follow and not exceed the density ranges within Table 3.2 of the London Plan 2011 and comply with the relevant housing quality standards. Planning permission is sought for 1 x 2B3P (3hr) and 1 x 2B4P (4 hr) flats converted from the existing coach house and the construction of 6 x 3B5P (5hr) houses, providing a total of 8 units with 37 habitable rooms. The average dwelling would have 4.6 habitable rooms. Table 3.2 of the London Plan recommends a density range of between 200-450 hr/ha and 45-120 u/ha, for a site with a PTAL of 3 in an urban area with an average of 3.8-4.6 hr / unit.
- 9.27 It is calculated that the proposal would have a density of 89 u / ha and 413 hr / ha; both calculations sit comfortably within the London Plan density matrix. The calculation is based on a reduced site area of 0.0895ha, which excludes the area of the site to be occupied by the B1 Use Class unit.
- 9.28 The average occupancy rates of the development have been calculated by using the yield rates at Appendix 2 of Islington's Planning Obligations (S106) SPD. The residential occupancy of the development would be 21 residents of the two flats and six houses, and 35 staff occupying the commercial unit. This is substantially less than the occupancy rates based on the number and size of bedrooms, which would give a yield of 43 residents (based on 1 x 2B3P + 1 x 2B4P + (6 x 3B6P)).

Accessibility

- 9.29 Core Strategy policy CS12(H) requires that all new housing shall comply with flexible homes standards, with at least 10% wheelchair housing provided as part of new developments. The *Accessible Housing in Islington* SPD provides the most relevant guidance for the assessment of the inclusive design principles to be achieved by all new development within the borough. London Plan policy 7.2 recommends that new development is fully accessible and inclusive.
- 9.30 The development has been designed broadly in accordance with this guidance. It is of particular note that there is no requirement for wheelchair accessible housing to be provided by this development. Although the applicant's are commended for designing the ground floor flat in the existing coach house to meet the wheelchair accessible requirements, it is considered that the accompanying wheelchair user parking space to the rear of the unit should be omitted from the development proposal. This is particularly important given the pedestrian and cyclist safety concerns raised by existing occupiers of the neighbouring residential development and the proposed location of the parking space to the rear of the unit. Given the location of the parking space, the wheelchair

user would need to travel around to the front of the property to gain access into the flat. The rear access into the ground floor unit is located above finished floor level requiring a small flight of five stairs.

- 9.31 A relevantly worded condition has been included as part of the recommendation requiring that the wheelchair accessible parking space is omitted and the area is landscaped. The details of the landscaping and other public realm works mainly comprising the shared surface treatment of Melody Lane have been secured by separate planning conditions.

Landscaping and Trees

- 9.32 Policy Env6 of Islington's UDP requires that the Council have regard to existing trees in all new development proposals and where appropriate will require their retention, or if this is not appropriate, their replacement in a suitable location. Core Strategy policy CS15 (part F) requires that new development maximises opportunities to 'green' the borough through planting and green roofs.
- 9.33 The proposal would substantially increase the amount of soft landscaping within the site. The landscaping strategy incorporates the planting of 10 structural trees along Melody Lane, within the forecourt to the proposed townhouses. The trees would assist with softening the appearance of the development and would provide shading to the southern elevation of the houses and office building during summer, reducing the risk of overheating. The trees would also encumber opportunistic car parking within the forecourt to houses. Trees would need to be spaced to allow large vehicles to turn and further details of the landscaping proposals are required by condition.
- 9.34 A mature horse-chestnut tree is located to the southern side of Melody Lane, approximately 10m from the building line of the proposed townhouses. The Council's Tree Officer has reviewed the applicant's Arboricultural assessment and has advised that the development would not have a harmful impact on the existing tree. A condition has been included to ensure the tree is protected throughout the demolition and construction period.

Neighbouring Amenity

- 9.35 The application site adjoins residential, educational, commercial and light industrial uses. The property at 60 Highbury Grove, immediately to the north of the application site, has been converted to form six self-contained flats (planning ref: P051441, dated 08/08/2005). 56 Highbury Grove, to the south, has also been converted into four flats. In addition, the contemporary development to the south provides 14 terraced houses in an east-west orientation, with the flank elevation of the end-of-terrace properties located on the southern side of Melody Lane.
- 9.36 Policies H3, D3 and D4 of the Unitary Development Plan 2002 and draft policies DM1, DM11, DM13 and DM15 of Islington's Development Management Policies (Submission, June 2012) require that new development proposals consider impacts from noise, vibration, overlooking, privacy, overshadowing, over-dominance, sense of enclosure and outlook.

- 9.37 A number of issues have been raised by residents occupying the modern housing development to the south in relation to noise, safety, overlooking, over-dominance and overshadowing as a result of the proposed development.
- 9.38 Privacy and Overlooking: The separation distance between the proposed habitable room windows and balconies of the proposed townhouses and the adjacent flank elevations and gardens of the houses to the south is 20m, which exceeds the recommended separation distance of 18m (paragraph 1.4.2 of the adopted Planning Standard Guidance).
- 9.39 The separation distance between the proposed projecting balconies and habitable room windows within the proposed development and the habitable room windows in the rear elevation of 56 Highbury Grove would be approximately 10m at an oblique angle. The mature Horse Chestnut tree and proposed structural tree planting along Melody Lane, to the southern side of the development, would assist in screening this oblique view between the townhouses and 56 Highbury Grove. It is not considered that the relationship between the existing and proposed residential developments would give rise to an unacceptable loss of privacy by the occupiers of 56 Highbury Grove.
- 9.40 The separation distance between the closest first floor balcony serving the first (western-most) townhouse and the rear elevation of the coach house, which would contain habitable room windows, would be 9m. It is considered that the incorporation of a visual screen to the western side of the balcony serving the relevant townhouse would restrict overlooking of the rear elevation of the coach house and may also assist in restricting the view to the rear elevation of 56 Highbury Grove. A condition has been included as part of the recommendation requiring the installation of a visual screen.
- 9.41 The separation distance between the closest roof deck serving the western-most townhouse and the rear elevation of 60 Highbury Grove would be 8.5m. The roof terraces have been designed with a privacy screen varying in height between 1m – 1.9m, which would reduce any mutual overlooking between the existing and proposed residential units. Crucially, the height of the privacy screen along the western side of the roof deck would be between 1.5m – 1.7m and it is not considered that the use of the roof deck would result in the loss of privacy by the occupants of 60 Highbury Grove.
- 9.42 A separation distance of 14m would be provided between the roof deck and existing openings within the southern elevation of Ladbroke House, which is currently occupied by London Metropolitan University and not in residential use.
- 9.43 The parapet wall located on the northern boundary between the coach house and 60 Highbury Grove would be increased to 1.6m above finished floor level in order to prevent mutual overlooking between the proposed entrance deck and north-facing windows serving the proposed first floor flat and an existing communal corridor window and toilet window serving the neighbouring property. The windows within the neighbouring property would continue to receive natural light and ventilation from the external passage within their own site.
- 9.44 In summary, where the separation distance between new and existing habitable room windows would be less than 18m, acceptable design solutions will be employed to prevent mutual overlooking and unacceptable loss of privacy by residential occupiers.
- 9.45 Daylight / Sunlight: The application submission includes a daylight / sunlight assessment of the closest habitable room windows within the neighbouring properties at 56 and 60

Highbury Grove and Ladbroke House. The assessment indicates that the proposed development would materially affect two windows within the neighbouring residential property at 60 Highbury Grove.

- 9.46 The relevant windows are located in the rear, east-facing elevation at lower ground and ground floor levels of 60 Highbury Grove. Upon reviewing the 2005 planning drawings for the conversion of the property to form six self-contained flats, it would appear that both windows serve living and dining rooms. The daylight / sunlight assessment identifies that neither window currently receives daylight in accordance with the BRE Guidelines. In cases where a window has a Vertical Sky Component (VSC) of less than 27%, the guidelines define no maximum allowable reduction. However, it is commonly accepted that a reduction in the region of 20% should be deemed not unreasonable, particularly in dense urban developments. In this case, the reduction to the existing VSC of the two windows would be between 22% and 24%. The proposal would also reduce the summer and winter Annual Probable Sunlight Hours (APSH) of both windows, however only the window in the lower-ground floor would see a reduction below the BRE guidelines. The ground floor level window would receive APSH in accordance with the BRE guidelines.
- 9.47 In considering the impact on daylight and sunlight to the two windows within the neighbouring property, it is concluded that the development is of an acceptable scale, height and massing; that the site is located within a dense urban location where full compliance with BRE guidelines would severely limit development opportunities; and that the relative loss of VSC as a result of the development is only marginally more than what is broadly deemed to be not unreasonable. For these reasons, and on balance, it is considered that the development proposal is acceptable.
- 9.48 Noise: The demolition and construction periods are generally responsible for the most disruptive impacts affecting residential amenity. A condition requiring the submission of a Construction Logistics Plan has been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction.
- 9.49 Neighbours have objected to the proposed inclusion of air source heat pumps serving the dwellings and VRV heating and cooling system serving the commercial unit due to the potential for noise from their operation. It is unlikely that the incorporation of the proposed plant would give rise to unacceptable impacts that could not be adequately mitigated. A relevantly worded condition has been included to mitigate any potential noise impact.
- 9.50 The potential for disturbance to residential amenity from the occupiers of the B1 Use Class unit has been raised by objectors to the application. It is not unusual for mixed use developments to include a proportion of B1 Use Class and residential accommodation, and such uses are considered to be compatible. It is not considered that the residential occupiers of the proposed development and / or the residential occupiers of the development immediately to the south of the application site would be disturbed to an unacceptable level by the comings and goings, on foot or by bicycle, of the commercial occupiers of the proposed B1 unit, of which it has been calculated would comprise up to a maximum of 35 employees; nor is it considered that the operation of the B1 unit would harm residential amenity. It is well established that the Lane provides a mix of uses and this would continue following the development.

- 9.51 A restrictive condition has been included as part of the recommendation to regulate the time of deliveries to the site, which are considered to be potentially the most disruptive activities, in the interests of preserving residential amenity.

Quality of Resulting Residential Accommodation

- 9.52 The NPPF acknowledges the importance of planning positively for high quality and inclusive design for all development. The London Plan (2011) recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality. The development of the Council's own housing design standards for accessible homes which set minimum internal dimensions. All of the proposed units would meet or exceed the minimum internal space standards for the proposed occupancy levels.
- 9.53 The applicant's daylight and sunlight assessment confirms that the living rooms / kitchens / dining rooms of the development would achieve Average Daylight Factor (ADF) values of greater than the BRE guidelines of 2% to all units except the 2B/3P first floor flat in the retained coach house. The kitchen and dining room of the first floor flat would have an ADF of 1.88%, despite the relevant rooms having access to two relatively large, west-facing windows with high head height (that would provide deep penetration of direct light onto both the kitchen and dining work surfaces). Although it is acknowledged that this unit would not fully meet the BRE guidelines, it is considered that the future occupiers would have a relatively good level of natural light and pleasant outlook to the west towards Christ Church, Highbury. The daylight and sunlight assessment also indicates that all bedrooms within the development would be capable of meeting or exceeding the BRE guidelines for ADF to bedrooms. In summary, it is considered that all proposed residential units would benefit from acceptable levels of natural light and an outlook that is pleasant and suitable to the residential accommodation.
- 9.54 Private amenity space has been provided for each residential unit, broadly in accordance with draft policy DM13. The townhouses would have small private gardens of approximately 26sqm located on the northern side of the dwellings. The orientation of the gardens is not ideal in terms of lighting levels, but would nonetheless be usable during warmer months. The private gardens are supplemented by south-facing balconies of 6.8sqm and south-facing roof terrace of 13.5sqm. Small forecourt gardens with a depth of 2m are also located to the southern side of the townhouses and would accommodate a structural tree and hard landscaping. It is not considered that the use of the south-facing balconies would be unpleasant due to their proximity to Melody Lane, which is a private Lane servicing a relatively small number of adjoining residential properties, a taxi workshop, storage business and proposed B1 unit.
- 9.55 The ground floor flat in the retained coach house would have a large west-facing forecourt garden of approximately 80sqm; a raised east-facing rear terrace of 14sqm; as well as the area indicated as providing the disabled parking space which would be omitted and landscaped. The first floor flat would have an entrance deck and balcony of 18sqm with an east orientation.

Dwelling Mix

- 9.56 The proposed dwelling mix is 1 x 2B3P and 1 x 2B4P flats, and 6 x 3B6P terraced houses. This mix is considered to be acceptable and would provide non-family and family accommodation.

Affordable Housing and Financial Viability

- 9.57 The proposal is a minor application for eight residential dwellings, which is below the affordable housing threshold of ten units (policies 3.13 of the London Plan and CS12G of Islington's Core Strategy). In consideration of the designation of the site within an Employment Growth Area in the Development Management Policies (Submission, June 2012), it is considered that the development proposal should include a mix of uses and should seek to increase the amount of employment floorspace re-provided within the site. Given this, as well as the other conservation considerations around the scale and potential quantum of development suitable within the site context, it is considered that the provision of two flats in the existing coach house and a terrace of six houses to the rear of the site is the maximum capacity of residential development for this site. It is not considered that the applicant is trying to avoid the affordable housing threshold of 10 units. In summary, it is considered that the current application has struck the right balance between maximising the use of the site to provide good quality housing and the re-provision of B1 Use Class floorspace.
- 9.58 As the application was submitted prior to the adoption of Islington's Affordable Housing Small Sites Contributions SPD, the application would not trigger a contribution towards affordable housing.

Sustainability, Energy Efficiency and Renewable Energy

- 9.59 The redevelopment of this Brownfield site for a more intensive mixed-use scheme is inherently sustainable. The commitment to achieved Level 4 of the Code for Sustainable Homes (CfSH) for the new residential properties would accord with the requirements of policy 5.1 of the London Plan 2011 and policies DM41B and DM43B of the emerging Development Management Policies (Submission, June 2012). The applicant has also made a commitment that the properties in the converted coach house will achieve a BREEAM domestic refurbishment 'Excellent' rating. A condition has been included to ensure that the CfSH and BREEAM commitments are implemented.
- 9.60 The applicant's Energy Strategy recommends that the proposed commercial building would have energy efficient lighting; a ventilation heat recovery system (60%); and high efficiency VRV heating and cooling system. The resulting strategy exceeds Part L 2010 CO2 emissions criteria by passive design and energy efficient improvements alone.
- 9.61 The Energy Strategy also incorporates low and zero carbon technologies. The most viable option for this minor development scheme was found to be 3.7sqm photovoltaic array to each townhouse and flat, and 27sqm photovoltaic array to the office building. The renewable energy technologies would achieve an annual CO2 emissions saving (regulated + unregulated) of 55.2 tonnes. The cumulative annual CO2 emissions savings of the Be Lean, Be Clean and Be Green measures is 40.2% (regulated) and 24.3% (regulated + unregulated) above Part L 2010.
- 9.62 The proposal is considered to broadly comply with the requirements of policies 5.1, 5.2, 5.3 and 5.9 of the London Plan 20122 and policy CS10B of the Islington Core Strategy 2011, and draft Development Management Policies (Submission, June 2012) DM41 and DM43.

Highways and Transportation

- 9.63 The site has a Public Transport Accessibility Level (PTAL) of 3 (moderate). The site is well located in relation to public transport – bus routes 4, 19 and 236 can be accessed from Highbury Grove. Drayton Park station is located approximately 700m from the site. Highbury & Islington station is approximately 920m to the south-west of the site.
- 9.64 There is currently parking for seven vehicles within the forecourt of the coach house and the depot to the rear of the site. Melody Lane is a private road with its only access from Highbury Grove (A1201). The access is formed from a gap between 56 and 58 Highbury Grove, which is 3.077m wide at its pinch point. There is an existing gate at the entrance to the site, which is only closed at night and on weekends. A segregated footpath is not accommodated along Melody Lane as there is insufficient room for a vehicle and (minimum) 1.2m footway. As the coach house is being retained as part of the development proposal, the width of Melody Lane would remain substantially as existing. Melody Lane is currently marked as ‘no parking’ along the whole length of the lane and residents and other business users only have a right of access along the lane, with no rights to parking.
- 9.65 Islington’s Core Strategy policy CS10 seeks to minimise the borough’s contribution to climate change and ensure that new development is sustainable. Sub point (h) of this policy promotes sustainable transport choices by requiring that new development maximises opportunities for walking, cycling, public transport use and also requiring that new development is car-free. The only flexibility that is provided in the Core Strategy is for car parking required to meet the needs of disabled people. Draft policy DM50 of the Development Management Policies recommends that provision for off-street delivery and servicing should be provided for developments over 200sqm gross floor area and that vehicles can enter and leave the site in forward gear. Draft policy DM46 requires that development proposals meet the transport needs of the development and address transport impacts in a sustainable manner. Appendix 5 of the draft Development Management Policies sets a threshold for the submission of a Transport Assessment / Travel Plan at equal or more than 2,5000sqm for B1 / B2 / B8 Use Class and equal or more than 50 residents in C3 Use Class or where a transport impact is expected from the development. As the development would not meet the above threshold and would be substantially car free, a Transport Assessment was not required using Islington’s local validation requirements and the national validation requirements.
- 9.66 The proposal incorporates two wheelchair accessible parking spaces and two off-street loading bays. In considering the proposed car parking provision within the development, the Access Officer requested that the wheelchair accessible parking bay to the rear of the coach house be removed. A condition requiring the omission of the car parking space for the ground floor flat and the landscaping of this area has been included in the recommendation.
- 9.67 The neighbouring residents of the development immediately south of the application site have raised substantial objection to the planning application on the basis of the perceived impact on the safety of pedestrians and cyclists using Melody Lane resulting from the operation of the development.
- 9.68 The Spatial Planning and Transport Officer is aware of resident concerns. The comments provided by the Officer are provided, below:

Context

Melody Lane is a privately owned and managed road that connects to Highbury Grove. A number of sites access this lane, including a residential development to the south (6-32 Melody Lane), a taxi workshop to the east and storage units.

In terms of the existing car parking arrangement (as shown on plan):

- *The taxi workshop uses its building and surrounding open area to park up to 20 vehicles.*
- *The residential development at 6-32 Melody Lane has six on-site car parking spaces for occupants.*
- *Five parking spaces are directly accessed from Melody Lane – I understand that the residents of 6-32 Melody Lane have an arrangement to use some or all of these spaces.*
- *A fenced-off parking area at the rear of the lane (of approximately nine spaces), which I understand is used by the taxi workshop.*

However, as seen on site and from reports from residents, the parking arrangement for Melody Lane is very different. Taxis from the workshop have been seen overflowing from its site onto Melody Lane. The residential car parking area at 6-32 Melody Lane has also been occupied above the number of designated car parking spaces (about double the six designated spaces). Therefore, Melody Lane appears to be more intensively used by both the taxi workshop and residential development. As Melody Lane is also used by pedestrians (with no protected route), the combination of the numbers of vehicles and driver behaviour has created concerns amongst residents about pedestrian/vehicle conflict.

Expected number of vehicles for 58 Highbury Grove and 3 Melody Lane

I have considered below the expected number of vehicles that use Melody Lane for each site currently at planning.

1. *58 Highbury Grove (proposed office and residential units)*

 - a. *Melody Lane currently provides access to a parking area for a row of storage units. Although there are seven designated spaces, there is ample space and unrestricted access, therefore additional vehicles would be able to park on the site as well.*
 - b. *We estimate that the proposed office and residential units will result in a neutral impact or reduction in vehicles. For the office use, although we have been unable to derive more exact figures from TRAVL, we estimate that the small office unit will generate approximately two servicing vehicles per day, and one vehicle movement per day (for the accessible car parking space). As the proposed six residential units are car-free, we expect that deliveries will take place from time to time (say a few a week). We consider that the level of traffic for this proposed development is low compared to the taxi workshop and the existing residential development.*

2. *3 Melody Lane (taxi workshop)*

 - a. *The survey carried out as part of an Access Management Plan for this site, shows an average of 15 taxis and 2 servicing vehicles per day. However, the*

survey table shows that on one day, this increased to 24 taxis and 2 servicing vehicles. We understand that the taxi drivers have access to the security code for the front gate, and have unrestricted access to the site, therefore it is possible that the numbers of taxis will exceed the number of parking spaces available, causing an overspill into Melody Lane, and exacerbating the issue of taxi driver behaviour reported by residents.

- b. Although the taxi workshop has existed for a number of years, the proposed new building on the site would likely worsen the problem of unmanaged and unrestricted taxis parking on Melody Lane.*
- c. We have provided feedback on the Access Management Plan submitted by the applicant. The main concern we raised about the plan, was that there were no measures in place to ensure that the number of taxis visiting the site would not exceed the number of parking spaces for the site (up to 20 for overnight parking). We recommended that the plan included a regular review to monitor the number of taxis visiting the site and driver behaviour, and conditions being placed on any planning consent to help control the number of taxis per day.*

Other recommendations

Given the changing nature of Melody Lane and two proposals currently at planning, it is considered that design measures (taking into account the findings of a safety audit) would help to control the number of vehicles accessing the site, prevent unauthorised car parking (for example along or within the front gardens of the proposed resident units), and make the area safer for pedestrians. I understand that a condition is recommended that requires further details of the landscaping treatments that would help to prevent parking along Melody Lane.

Amended plans have been received showing the retention of the gate, raised dimples to prevent parking, speed bumps and the removal of one turning bay to enable turning access for refuse and emergency vehicles. A management scheme will be secured through a S106 agreement with the intention to keep Melody lane free of parked cars. This is discussed in more detail below.

- 9.69 Servicing: The Transport Officer has confirmed that the off-street servicing arrangements are acceptable. Islington's Street Environment Manager has also confirmed that the existing refuse vehicle that collects waste from Melody Lane will continue to access and turn within the site. In response to concerns raised regarding the turning of servicing trucks and emergency vehicles, the applicant has submitted drawing no; 1124-0200-AP-002, which now shows the removal of one of the loading bays with the replacement of a dedicated turning space located in the forecourt of the new B1 unit, away from the residential entrances. This is considered to be acceptable and the swept path analysis diagrams, also submitted show a range of emergency vehicles manoeuvring within the lane, in addition to plan 020 TK- 03 showing a refuse truck manoeuvring with the site making use of the dedicated turning area.
- 9.70 It is also considered likely that a fire truck (7900 x 2500) could manoeuvre within Melody Lane, although it is a material consideration that the Council's Building Control Officer has advised that table 20 of approved document 5, volume 2 'Buildings other than dwelling houses' recommends that the minimum width of the carriageway for fire vehicle access is 3.1m and that this is not met by the existing or proposed site access. The

applicant has advised that they will install a dry-riser within the development site as part of the proposal in order to comply with the relevant part of the Building Regulations. Islington's Building Control Service did not certify the contemporary development to the south of the application site, which it is thought should also have a dry riser for fire fighting purposes in consideration of the historic and existing access constraints from Highbury Grove.

- 9.71 A condition has been included as part of the recommendation requiring that the loading bay, the dedicated turning bay and parking and vehicular access facilities are made available for their intended use and appropriately line-marked prior to the first occupation of the commercial unit.
- 9.72 Car Parking: As set out already in this report, the Access Officer has recommended that the disabled parking space to the rear of the coach house be omitted. A condition has been included as part of the recommendation to secure this. Consequently, there would be one wheelchair accessible car parking space provided for the B1 unit.
- 9.73 This level of provision is considered reasonable for a business of the scale proposed (i.e. 683sqm floorspace / 35 employees); it is expected that one wheelchair space is provided for every 1000sqm floorspace for commercial developments (Islington's Planning Obligations (S106) SPD).
- 9.74 An objection to the application has been raised in relation to the impact of the development on the operation of the taxi mechanic business located immediately to the east. Specifically, the objectors cite the impact of the development on the car parking available to the taxi business, as Melody Lane is currently used for overspill parking. The applicant has advised that the taxi mechanic is not authorised to use Melody Lane for parking. Furthermore, it is noted that the taxi business has a current planning application for a spray booth (P110159) and that the Design and Access Statement that accompanies the application advises that the majority of visitors to the taxi mechanic business would be accommodated within their site. There would be no planning policy basis to refuse planning permission for the redevelopment of 58 Highbury Grove due to the potential impact on the unauthorised parking associated with the taxi mechanic business.
- 9.75 To overcome objectors concerns regarding parking along Melody Lane, the applicant has stated that they will put in place signs to publicise the no parking regime and will also draw double yellow lines to reinforce the no parking policy. The S106 agreement will also ensure that the development will be "car free". Accordingly, parking permits will not be issued to occupiers of the residential or office/light industrial elements of the development and there will be no parking in Melody lane at any time. Furthermore, a parking management scheme will also be secured through the S106 agreement with the intention to keep Melody Lane free of parked vehicles. The management scheme will also include provisions requiring signage that publicises its requirements and an enforcement strategy for dealing with any breaches of the scheme.
- 9.76 Concern has been raised from an objector regarding manoeuvrability of refuse trucks and fire vehicles outside of the red line. The refuse truck currently collects refuse from Melody Lane from existing residents and this will not change as part of the proposed application. The current situation is that the refuse trucks turn within Melody Lane. The proposed application will be an improvement as the refuse trucks will now have a dedicated bay to turn within.

- 9.77 Swept path diagrams have been submitted, showing that the refuse truck and fire truck can easily manoeuvre within the site using the dedicated loading bay. Furthermore Council's refuse team and transport planning officer raise no objections to the proposal .
- 9.78 Pedestrian and Cycle Access: A significant level of objection to the proposed development has been raised by residents of the development immediately to the south of the site in relation to the impact of the development on pedestrian and cyclist safety. The width of Melody Lane is such that a segregated pedestrian footpath could not be accommodated as part of the development. The proposed scheme incorporates alterations to Melody Lane comprising the resurfacing of the lane from tarmac to paving. It is likely that this measure would have a positive effect on driver behaviour through signalling the change from the public highway (Highbury Grove) to a private shared surface where pedestrians and cyclists have priority. The Access Officer has requested details of the proposed lighting, place-making elements and level changes to be incorporated into the detailed design of the shared surface along Melody Lane. Whilst the details of the Melody Lane public realm strategy are required by condition, the project architect has indicated that they are considering a number of measures, including a raised table and signage, in the interest of improving pedestrian and cyclist safety along Melody Lane. Amended plan 1124-SK-034 shows speed tables/speed bumps to be installed in several locations to control vehicular speed. Pedestrian and vehicular paths will be differentiated by using different textures and raised dimples on the ground whilst keeping the paving at the same level. An independent safety audit by Gateway TSP was also submitted with the amended plans which confirms that the proposals to reduce vehicular speed are suitable and no particular concerns have been identified by the Council's Transport Officer.
- 9.79 It is also beneficial to pedestrian and cyclist safety that the existing rear extension to the coach house would be demolished as part of the redevelopment proposals. The rear extension has a depth of 9m and is located along the same building line as the coach house, so its removal would considerably reduce the length of the lane that has a reduced width.
- 9.80 Overall, it is considered that the development would be capable of improving pedestrian and cyclist safety when compared to the existing situation. Subject to the completion of the public realm improvements to Melody Lane, it is considered that both residents and employees of the adjoining businesses would be provided with safer access, in accordance with the objectives of policies T45, T46, T47, T49 and T52 of the Islington UDP 2002.
- 9.81 Cycle parking: The proposal incorporates secure and covered cycle parking for eight cycles for use by occupiers of the B1 Use Class unit. This level of provision meets the requirements contained at Table 6.1 of the emerging Development Management Policies (Submission, June 2012). This sets the requirement for new development in a B1 Use Class at 1 cycle parking space per 250sqm floorspace and 1 cycle parking space per bedroom for residential dwellings (C3 Use Class).
- 9.82 Each of the townhouses would have a storage facility to accommodate six bicycles and the flats would each have a storage facility for four bicycles. Such provision would exceed the requirements.

- 9.83 Space for eight bicycles has been indicated within an enclosed, secure, storage area in the forecourt to the B1 Use Class unit. This exceeds Islington's requirements, which is welcomed particularly in view of the Core Strategy requirement to restrain car parking and encouragement of sustainable transport methods within the Borough.

Contaminated Land

- 9.84 The Public Protection Officer has requested that a condition be included requiring the submission of a contaminated land investigation. A relevantly worded condition is included to secure the submission of this report, which shall need to include recommendations for any necessary remediation prior to the first occupation of the townhouses.

Foul Drainage

- 9.85 The provision of adequate foul drainage is an issue dealt with under the Building Regulations. It is considered that adequate provision for this relatively small-scale proposal could be provided as part of the development. Thames Water advised that they have no objection to the planning proposal in relation to its likely impact to both sewage infrastructure and water infrastructure.

Pre-Application consultation

- 9.86 Under Section 122 of the Localism Act 2011, developers proposing to submit an application for planning permission are required to carry-out pre application consultation when the proposed development is of a description specified in a development order. Although no such order has been published by the Department for Communities and Local Government (and therefore the pre application consultation is not yet mandatory), the applicant has provided details of their pre application consultation within the Design and Access Statement.
- 9.87 Residents of the housing development to the south of the application site have requested that they are included in on-going consultation about the proposals. Whilst there is no Planning requirement for this, it would be advisable that the applicant continued a dialogue with neighbours, particularly as the demolition and construction periods would be likely to cause disruption to the access arrangements to the site.
- 9.88 Prior to the submission of the final set of plans relating to access and parking the applicant consulted the neighbouring residents and business users on access arrangement options which were:

Option 1. Entrance gate to be kept, with access control shared between existing and new users, and to be controlled via fob and any visitors being buzzed in when the gate is closed.

1.1 gate opening hours to be kept as existing; or

1.2 gate permanently shut

Option 2. gate removed and automatic rising bollard installed instead. This will block the entry of cars whilst allowing for pedestrian and cyclist access. Residents will have fobs to gain access when bollard is raised but any visitors will need to be buzzed in.

1.3 opening hours to be maintained as per existing gate; or

1.4 Bollard permanently raised.

Option 3. Automatic rising bollard installed outside of the gate, with the gate retained for additional out of hours security.

1.5 Opening hours to be maintained as per existing gate; or

1.6 Gate permanently closed and bollards permanently raised.

Planning Obligations, Community Infrastructure Levy and local finance considerations

9.89 The recommendation includes a list of heads of terms to be included in a S106 Agreement. These matters include contributions towards employment and training for local residents; transport and public realm improvements; public open space improvements; sport and recreation facilities; play facilities; the repair and reinstatement of the footways and highways adjoining the development; compliance with the Code of Employment and Training and compliance with the Code of Construction Practice. The development is also liable for the Mayor's CIL charge, which has been calculated as £51,210. This will be confirmed in the Liability Notice.

National Planning Policy Framework and Final balancing Exercise

9.90 The proposal is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing. An identified requirement to do this is to identify a supply of specific deliverable sites. Consideration to the proposal has been given with respect to section 12 of the NPPF which relates to conserving and enhancing the historic environment. It is not considered that the development causes substantial harm to the grade II listed buildings in the vicinity of the site, nor would the proposed development have a harmful effect on the special character and appearance of the Highbury Fields or Aberdeen Park Conservation Areas.

10. CONCLUSION

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1. A contribution of £50,402 towards transport and public realm improvements within the vicinity of the site.
2. A contribution of £43,299 towards public open space improvement works within the vicinity of this site.
3. A contribution of £20,060 towards sport and recreation facilities within the vicinity of the site.
4. A contribution of £12,892 towards play facilities within the vicinity of the site.
5. A contribution of £22,298 towards community facilities within the vicinity of the site.
6. 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.
7. Compliance with the Code of Employment and Training.
8. Compliance with the attached code of employment practice.
9. Payment of a commuted sum of £2,450 towards employment and training for local residents.
- 10 (a) The development to be "car free". Accordingly, parking permits will not be issued to occupiers of the residential or office/light industrial elements of the development and they will be required not to park in Melody lane at any time.
(b) Not to occupy the development until a parking management scheme intended to keep Melody Lane free of parked vehicles has been submitted to and approved by the Council. The scheme shall include provisions requiring signage that publicises its requirements and an enforcement strategy for dealing with any breaches of the scheme.
- 11 The owners/occupiers of the houses shall not park in or otherwise obstruct Melody Lane.
- 12 Signage that publicises the requirement of no parking along Melody Lane shall be put in place prior to the first occupation of the development and the details of the location, design and content of the signage and a management strategy for dealing with any breaches shall be submitted to the Local Planning Authority for written approval within six months of the commencement of the superstructure works. The approved management strategy shall be enforced and complied with at all times.
- 13 Compliance with the Code of Local Procurement.

14 Compliance with the Code of Construction Practice, including a monitoring fee of £818 and submission of site specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.

15. Other as necessary

All payments are due on implementation of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 officer.

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 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.

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-B Committee on 16 April 2013;
- 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 proposal to replace the B1 Use Class floorspace within the redevelopment proposal would address the objectives of extant policies E4 of Islington's UDP and CS13 of the Islington Core Strategy, along with draft policy DM30 and DM31 of the Development Management Policies. The new business floorspace would be more likely to suit modern business needs and would offer some flexibility for division into smaller units for use by micro or small enterprises, as required by draft policy DM33 in the Development Management Policies;
- The introduction of a residential use to the site is acceptable. The development would provide a combination of family and non family sized accommodation. The residential accommodation would be accessible and would fully meet the internal space standards and private amenity space required by the London Plan and

emerging Development Management Policies. The internal daylighting and outlook from the new dwellings would be acceptable;

- The retention and conversion of the existing coach house for a viable use was welcomed by the Conservation and Design Officer. In addition, the layout, scale and massing of the new development would follow good urban design principles; would be in close conformity to the scale of development in the local context; would take account of the setting of the designated and non designated heritage assets adjoining the site and would positively contribute to the character and appearance of the Highbury Fields and Aberdeen Park Conservation Areas, in accordance with the relevant objectives of the NPPF, policies D4, D20, D22, D23 and D25 of the Islington UDP (2002); policies CS8 and CS9 of the Islington Core Strategy; and the Highbury Fields Conservation Area Design Guidelines;
- The new residential properties would be constructed to Code for Sustainable Homes Level 4 and the properties in the converted coach house would achieve a BREEAM domestic refurbishment rating of 'Excellent'. The B1 unit would exceed Part L 2010 C02 emissions criteria by passive design and energy efficiency measures. The proposal is considered to comply with the objectives of policies 5.1, 5.2, 5.3 and 5.9 of the London Plan (2011); policy CS10 of the Islington Core Strategy and draft policies DM41 and DM43 of the Development Management Policies;
- The existing horse chestnut tree would be retained and protected and additional greening of Melody Lane and the wider-site would be provided through the planting of structural trees and other landscaping (including green roofs), in accordance with policy Env6 of the Islington UDP (2002); policy CS15 of the Islington Core Strategy; and policy 7.21 of the London Plan (2011);
- The impact of the development on neighbours has been considered in accordance with policies H3, D3 and D4 of the Islington UDP and draft policies DM1, DM11, DM13 and DM15 of Islington's (emerging) Development Management Policies. It was not considered that the development would give rise to an unacceptable loss of privacy by existing residents. The impact on daylight and sunlight of habitable room windows in 60 Highbury Grove as a result of the proposal was identified and it was concluded that the development is of an acceptable scale, height and massing; that the site is located within a dense urban location where full compliance with BRE guidelines would severely limit development opportunities; and that the relative loss of VSC as a result of the development is only marginally more than what is broadly deemed to be not unreasonable. For these reasons, and on balance, it was considered that the development proposal was acceptable;
- The off-street parking and servicing arrangements are considered to be acceptable. The public realm scheme to Melody Lane would improve pedestrian and cyclist safety. Cycle parking, refuse and recycling storage is provided as an integral part of the proposal.

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

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

1124-0100-AP-001 PL03; 1124-0100-AP-002; 1124-0100-AP-003 PL01; 1124-0100-AP-04 PL01; 1124-0100-AP-005 PL01; 1124-0100-AP-006 PL01; 1124-0100-AP-007 PL02; 1124-0100-AP-008 PL01; 1124-0100-AP-009; 1124-0100-AP-010 PL01; 1124-0100-AP-011 PL01; 1124-0100-AP-016 PL01; 1124-0150-AP-010 PL01; 1124-0150-AP-011 PL01; 1124-0170-AP-001 PL01; 1124-0170-AP-002 PL01; 1124-0700-AP-003 PL01; 1124-0170-AP-004 PL01; 1124-0170-AP-005 PL01; 1124-0170-AP-006; 1124-0200-AP-002 PL02; 1124-0200-AP-003 PL01; 1124-0200-AP-004 PL01; 1124-0200-AP-005 PL01; 1124-0200-AP-006 PL01; 1124-0200-AP-009 PL01; 1124-0200-AP-010 PL01; 1124-0200-AP-011 PL02; 1124-0200-AP-012 PL01; 1124-0200-AP-015 PL01; 1124-0200-AP-016 PL01; 1124-0200-AP-017 PL01; 1124-0200-AP-018 PL01; 1124-0200-AP-020 PL02; 1124-0200-AP-021 PL01; 1124-0400-AP-001 PL01; 1124-0400-AP-002 PL01; 1124-0400-AP-003 PL02; 1124-0400-AP-004 PL02; 1124-0400-AP-005 PL01; 1124-0400-AP-006 PL01; 1124-0400-AP-007 PL01; 1124-0400-AP-008 PL01; 1124-0600-AP-001 PL01; 1124-0600-AP-002 PL01; 1124-0600-AP-003 PL01; 1124-0700-AP-003 PL01; 1124-0200-AP-013 PL01; 1124-SK-034; 020/TK01; 020/TK02; 020/TK03; 020/TK03 refuse vehicle maneuvering within the site

Design and Access Statement (including Heritage Statement) ref: 1124 12.04 REP 005 DAS-REV PL02; Tree Survey Report ref: 1124 12.04 REP 005_Tree Survey Rev PL01; Energy Strategy, dated 16/08/2012 Rev 1.0; Code for Sustainable Homes Prediction, dated 07/08/2012 Rev 0.2; BREEAM Domestic Refurbishment 2012 Prediction, dated 07/08/2012 Rev 0.2; Sustainability Design and Construction Statement, dated 16/08/2012 Rev 1.0; SUDS Strategy, dated 14/08/2012 Rev 1.0; Ecological Assessment, dated 22/08/2012 Rev 1.1; Internal Daylighting Assessment Rev D, dated 18/09/2012; Daylight / Sunlight Report ref: 1124 12.04 REP 005_Daylight-Sunlight Rev PL01.

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

3 Construction and Demolition Logistics Plan (Details)

CONDITION: A report assessing the planned demolition and construction vehicle routes and access to the site including addressing pedestrian and cyclist safety and environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

The report shall assess and take into account the impacts during the demolition and construction phases of the development on nearby residential amenity, other occupiers including the business users located along Melody Lane together with means of mitigating any identified impacts.

The document should pay reference to Islington's Code of Construction Practice, the GLA's Best Practice Guidance on control of dust from construction sites, BS5228:2009 and any other relevant guidance.

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

REASON: In order to secure highway safety and free flow of traffic on Highbury Grove and local residential amenity and mitigate the impacts of the development in accordance with policies: 6.3 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.

4 Melody Lane Public Realm Scheme (Details)

CONDITION: Prior to any superstructure works commencing on site, a public realm scheme for the works to Melody Lane shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include the following details:

- a) Stage 1 and Stage 2 Road Safety Audit;
- b) topographical survey: including earthworks, ground finishes, levels, drainage and fall in drain types;
- c) ground surfaces, kerbs, edges, ridge and flexible pavings and unit paving;
- d) external lighting (including the location and full specification of: all lamps; light levels/spill; lamps and support structures);
- e) pedestrian visibility splays of 1.5m x 1.5m at the egress / ingress to the site;
- f) swept path analysis and tracking diagram;
- g) any other features forming part of the scheme; and
- h) work phasing plan.

The detailed design of the Melody Lane public realm scheme shall be informed by the Stage 1 and Stage 2 Road Safety Audit. The design shall specifically address any conflicts between vehicles, pedestrians and cyclists.

The Melody Lane public realm scheme shall be completed in accordance with the work phasing plan and in any case before the first occupation of the approved townhouses sited along Melody Lane.

Within 6 months of the completion of the development, a Stage 3 Road Safety Audit shall be submitted to the Local Planning Authority for written approval.

Reason: To ensure the public realm improvements to Melody Lane are designed to be safe for all users, including people who are visually impaired or disabled and to ensure that the surface is constructed using materials that are of a high-quality specification that make a positive contribution to the townscape and Highbury Fields Conservation Area, in accordance with policies 6.9, 6.10, 7.2 and 7.5 of the London Plan 2011; policies CS8 and CS9 of the Islington's Core Strategy 2011; and policies T45, T46, T47, T49, T52 and T55 of the Islington Unitary Development Plan 2002 and Islington's adopted Streetbook SPD (2012).

5 Materials and Samples (Details)

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) Window and door treatment (including sections and reveals, minimum reveal depth of 195mm to be provided);
- b) roofing materials;
- c) balcony design and balustrading treatment (including sections)
- d) metal cladding
- e) any other materials to be used
- f) a sample panel of proposed brickwork showing the colour, texture, facebond and pointing shall be provided on site.

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 and 7.6; of the London Plan 2011, policies: D4 and D5 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS10F of the Islington Core Strategy 2011.

6 No. 58 Highbury Grove – retention of ground floor openings (Compliance)

CONDITION: Notwithstanding the approved drawings, the window opening size at ground floor level within the front elevation of No. 58 Highbury Grove shall remain unaltered.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with policies 7 and 12 of the National Planning Policy Framework 2012 and policy CS9 of the Islington Core Strategy 2011.

7 Visual Screen (Details)

CONDITION: Notwithstanding the approved plans, a visual screen shall be incorporated into the western side of the first floor projecting balcony of the approved townhouse identified as H01 on approved drawing 1124-0200-AP-003 Rev PL01, the details of which shall be submitted to and approved in writing by the Local Planning Authority within six months of the commencement of superstructure works on the relevant part of the development.

The visual screen shall be installed prior to the first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To prevent undue overlooking (oblique, backwards or otherwise) between the resulting dwellings identified as H01, the converted coach house and 56 Highbury Grove and also to ensure that the resulting visual screen is acceptable in terms of its appearance in accordance with policies: D3; D4 and H3 of the Islington Unitary Development Plan 2002.

8 Rooftop Enclosures (Details)

CONDITION: Notwithstanding the approved drawings, details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The

details shall include the location, height above roof level, specifications and cladding and shall relate to:

- a) roof deck balustrades;
- b) roof-top plant;
- c) ancillary enclosures/structure; and
- d) lift overrun

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 good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene, conservation areas and setting of the neighbouring statutory listed building, in accordance with policies: 5.3; 7.4 and 7.6 of the London Plan 2011, policy: D4 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS12F of the Islington Core Strategy 2011.

9 Bin & Bicycle Store Details (B1 Unit & Ground Floor Flat) (Details)

CONDITION: Notwithstanding the approved drawings, detailed drawings of the bin and bicycle store serving the ground floor flat located within the retain coach house and the approved office/light industrial building shall be submitted to the Local Planning Authority for written approval within six months of the commencement of the superstructure works.

REASON: In the interest of good design and also to ensure that the Authority may be satisfied that the storage facilities do not have a harmful impact on the appearance of the Highbury Fields Conservation Area and the setting of the neighbouring statutory listed building and do not project into the view of the statutory listed building as viewed from Highbury Grove, in accordance with policies: 5.3; 7.4 and 7.6 of the London Plan 2011, policy: D4 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS12F of the Islington Core Strategy 2011.

10 Tree Protection

CONDITION: No development shall commence unless and until an Arboricultural Method Statement (AMS) to BS 5837:2012 'Trees in relation to demolition, design and construction details of the retention and adequate protection of all trees and tree root systems within, bordering and adjacent to the site' has been submitted to and approved in writing by the Local Planning Authority. The AMS shall cover the following:

- a) The methods of tree protection and including a Tree Protection Plan (TPP);
- b) Surface treatment removal and installation with details of permeability;
- c) Details of services and drainage for the development (minimum disturbance within the retained root protection area (RPA));
- d) Specifics of required tree pruning;
- e) Details of the arboricultural supervision;
- f) Changes in levels within the RPA

The details shall include a site plan identifying all trees to be retained and removed

including the location of Root Protection Area (RPA) and Construction Exclusion Zone (CEZ) and the erection of protective hoarding. Tree protecting fencing shall consist of a rigid 2.4 metre OSB, exterior grade ply high sterling board hoarding or weld mesh. Protection/retention shall be in accordance with BS 5837:2012. Heras fencing in concrete, rubber or similar foot plates is not acceptable as a form of tree root protection.

The tree retention and protection shall be carried out strictly in accordance with the details so approved, installed/carried out prior to works commencing on site unless otherwise agreed in writing, and shall be maintained for the duration of the works.

REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance 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.

11 Melody Lane Parking Restrictions (Details)

CONDITION: There shall be no parking in or any other obstruction of that part of Melody Lane that falls within the application site. Signage that publicises this requirement shall be put in place prior to the first occupation of the development and the details of the location, design and content of the signage and a management strategy for dealing with any breaches shall be submitted to the Local Planning Authority for written approval within six months of the commencement of the superstructure works. The approved management strategy shall be enforced and complied with at all times.

REASON: To ensure the development remains car free (apart from the approved disabled parking space and the use of the two loading bays associated with the B1 Use Class building), in the interests of achieving sustainable development in accordance with policy CS10 of Islington's Core Strategy 2011; in the interests of providing a safe environment for pedestrians and cyclist and to ensure there is adequate manoeuvring space for servicing vehicles, particularly refuse servicing, in accordance with approved drawings ref: 1124-0200-AP-012 PL01 and 1124-0200-AP-013 PL01 and policies T18, T19, T45, T46, T47, T48, T49, T52 and T55 of the Islington Unitary Development Plan 2002.

12 Vehicle Servicing Facilities (Compliance)

CONDITION: The B1 Use Class shall not commence until the servicing bay for loading / unloading, and the dedicated turning bay as shown on approved drawing drawing no; 1124-0200-AP-002, have been constructed, made available for their intended use and appropriately line-marked and/or signs erected. Those servicing facilities shall be maintained as such thereafter and retained for the purposes so approved and shall be specifically used for servicing and not for car parking.

REASON: The vehicle servicing facilities are considered to form an essential element of the development, without which the scheme may have a harmful impact on residential amenity, the free-flow and safety of traffic on the public highway and Melody Lane, as well as the essential servicing (by reason of manoeuvring areas) of the development. Securing the vehicle servicing facilities and requiring that the servicing bays are not used for parking ensures compliance with policies: 6.9; 6.10; 6.11; 6.12; 6.13 and 7.5 of the London Plan 2011 and policies: Env5; Env6; Env9;

Env10; D3; D6; D7; D8; T45; T46; T47 and T55 of the Islington Unitary Development Plan 2002 and the Streetbook SPD (2012).

13 Landscaping (Details)

CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

- a) an updated Access Statement detailing routes through the landscape and the facilities it provides;
- b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;
- c) existing and proposed underground services and their relationship to both hard and soft landscaping;
- d) proposed trees: their location, species and size;
- e) soft plantings: including grass and turf areas, shrub and herbaceous areas;
- f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;
- g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges (and specifically taking account of the requirement to provide a visibility splay at the egress / ingress to the site);
- h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces;
- i) landscaping interventions to prevent unauthorised car parking within the forecourt area to townhouses and the B1 Use Class unit and in Melody Lane; and
- j) any other landscaping feature(s) forming part of the scheme including boundary treatment between the town house forecourts and the lane.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained, and also to ensure that the shared surface along the length of Melody Lane provides a safe and inclusive environment that prioritises use by pedestrians and cyclists and in accordance with policies: 7.2, 7.5 of the London Plan 2011, policies: D3; D6 and D8 of the Islington Unitary Development Plan 2002 and policy CS15B and C of the Islington Core Strategy 2011.

14 Tree Pits and Tree Pit Details (Details)

CONDITION: Details of all tree pits; their locations, dimensions and depths in relation to ground levels, underground services, car-parking bays and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

The tree pits shall be carried out strictly in accordance with the details so approved, provided/installed prior to the commencement of the superstructure works (unless otherwise agreed in writing by the LPA), and shall be maintained as such thereafter.

REASON: To secure the appropriate provision of street-trees and to ensure that the life of the trees would not unduly be constrained in accordance with policies: 5.3 and 7.21 of the London Plan 2011, policies: Env6; Env7; Env10; D6 and T47 of the Islington Unitary Development Plan 2002 and policy CS15A, B and F of the Islington Core Strategy 2011 and the Islington Tree Policy (updated 2011).

15 Code for Sustainable Homes (Compliance)

CONDITION: The development shall achieve a Code of Sustainable Homes rating of no less than 'Level 4', in accordance with the approved Sustainability Design and Construction Statement and Code for Sustainable Homes Prediction, prepared by Hilson Moran.

REASON: To address 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.

16 BREEAM (Compliance)

CONDITION: The development shall achieve a BREEAM Domestic Refurbishment 2012 'Excellent' rating, in accordance with the approved 'BREEAM Domestic Refurbishment 2012 Prediction' report (Project No: 14154/BREEAM Prediction, dated 07/08/2012, revision 0.2, prepared by Hilson Moran).

REASON: To address 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.

17 Green / Brown Biodiversity Roofs (Compliance)

CONDITION: The biodiversity (green/brown) roof(s) shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plan SK(PL)04 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 specified 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.

18 Land Contamination (Details)

CONDITION: Prior to the commencement of development the following assessment shall be submitted to and approved in writing by the Local Planning Authority

- a) A land contamination investigation.

Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:

- b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.

The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.

REASON: To protect occupiers and the environment from contamination risk in accordance with London Plan 2011 Policy 5.21.

19 Sound Insulation (Compliance)

CONDITION: The scheme for sound insulation and noise control measures shall be implemented prior to the first occupation of the development and shall be maintained as such thereafter. The scheme for sound insulation and measures shall achieve the following internal noise targets (in line with BS 8233:1999):

- Bedrooms (23.00-07.00 hrs) 30 dB L_{Aeq} , and 45 dB L_{max} (fast)
- Living Rooms (07.00-23.00 hrs) 30 dB L_{Aeq} ,
- Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB L_{Aeq}

REASON: To secure an appropriate internal residential environment in accordance with PPG24, policy 7.15 of the London Plan 2011, policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.

20 Fixed Plant (Compliance)

CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq} Tr$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level $L_{AF90} T_{bg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.

REASON: To ensure that the operation of fixed plant does not impact on residential amenity in accordance with policy 7.15 of the London Plan 2011, policies: D3;

Env17 and H3 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011 and policy DM15 of the emerging Development Management Policies (Submission) 2012

21 Accessible Homes Standards (Compliance)

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 4B.5 of the London Plan 2008, 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.

22 Disabled Parking Space (Compliance)

CONDITION: Notwithstanding the approved plans, the one disabled parking space to the rear of the retained coach house shall be omitted and the area shall be landscaped, the details of which are required by separate condition.

The one disabled parking space serving the B1 Use Class building shown on drawing no. 1124-0200-AP-002 PL01 hereby approved shall be provided prior to the first occupation of the building and the disabled parking bay shall be appropriately line-marked and thereafter kept available for the parking of vehicles at all times.

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 ensuring the provision of an appropriate number and standard of disabled parking spaces in accordance with policy T19 of the Islington Unitary Development Plan 2002.

23 Servicing Hours of Use (Compliance)

CONDITION: All service vehicle deliveries / collections / visits to and from the B1 Use Class units hereby approved must not take place outside hours of:

- 0800 and 1830 Monday to Friday;
- 1000 and 1700 on Saturday, and
- no delivery or servicing on Sunday or public holidays.

REASON: To ensure that resulting servicing arrangements of the commercial development does not adversely impact on existing and future residential amenity in accordance with policies: 6.7 and 6.13 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.

24 Removal of Permitted Development Rights – Houses (Compliance)

CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved shall be carried out or constructed without express planning permission.

REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme. The removal of Permitted Development rights would ensure compliance with policy D3 of the Islington Unitary Development Plan 2002.

List of Informatives:

- 1 Positive Statement
To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.

A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF. The LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant or have been dealt with by condition.

This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages.
- 2 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.
- 3 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.
- 4 Community Infrastructure Levy (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 at cil@islington.gov.uk. 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. The above forms can be found on the planning portal at:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

5 Sustainable Sourcing of Materials

Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.

6 Thames Water

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.

7 Highways requirements

Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing.

Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.

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

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

Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to

planning case officer for development in question.

Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.

Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.

All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk

Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.

Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980

Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover entrances.

Overhang licenses are required for projections over the public highway. No projection should be below 2.4m in height in accordance with Section

178, Highways Act 1980.

Compliance with Section 179, Highways Act 1980. "Control of construction of cellars etc under street".

Compliance with Section 177 Highways Act 1980. "Restriction on construction of buildings over highways".

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.9 Inner London

Policy 2.18 Green infrastructure: the network of open and green spaces

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.7 Large residential developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

housing
Policy 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds
Policy 3.14 Existing housing
Policy 3.15 Coordination of housing development and investment
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.17 Health and social care facilities
Policy 3.18 Education facilities
Policy 3.19 Sports facilities

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices
Policy 4.4 Managing industrial land and premises
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.4 Retrofitting
Policy 5.5 Decentralised energy networks

Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking

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 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.18 Protecting local open space and addressing local deficiency
Policy 7.19 Biodiversity and access to nature
Policy 7.20 Geological conservation
Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for London

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 CS11 (Waste)

Policy CS13 (Employment Spaces)
Policy CS15 (Open Space and Green Infrastructure)
Policy CS16 (Play Space)
Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS12 (Meeting the Housing Challenge)

Policy CS19 (Health Impact Assessments)
Policy CS20 (Partnership Working)

C) Islington Unitary Development Plan (2002)

Environment Policies:

Env4 (Improvement Works)
Env5 & 6 (Protecting Trees)
Env9 & 10 (Street Furniture, Paving and the Streetscene)
Env12 (Community Safety)
Env16 & 17(Protection of Amenity)
Env24 (New Wildlife Habitats)
Env37 (Waste and Recycling)

Economic Regeneration Policies:

E1 & 2 (Business Development)
E3 (Mixed Use in Business Schemes)
E13 (Protection of Premises for Small Firms and Opportunities for Business Start-Ups)

Conservation and Design Policies:

D3 (Site Planning)
D4 (Designing in Context)
D5 (Townscape)
D6 & 7 (Landscape and Public Facilities)
D8 (Boundary Walls, Paving and Street Furniture)
D17 (Local Views)
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)
T32 (On-Street Servicing)
T34 (Cycle Parking)
T45 (Land Use Planning)
T46 (Design Issues)
T47 (Streetscape)
T49 (Meeting the Needs of People with Mobility Problems)
T52 (Facilities for Cyclists)
T55 (New Development)

Implementation Policies:

Imp5 (Mixed Use)
Imp6 (Efficient Use)
Imp13 (Community Benefits)

3. Emerging Policy Documents

A) Islington's Development Management Policies – Submission, June 2012

B) Finsbury Local Plan – Submission, June 2012

C) Site Allocations Document – Submission, June 2012

As part of the independent examination of the draft Development Management Policies, Site Allocations and Finsbury Local Plan Development Plan Documents, a series of hearings took place between 10 and 13 December 2012. As a result of the hearings process, a number of modifications need to be made to the three documents. The council is consulting on these proposed modifications between 21 January and 4 March 2013.

Any comments received in response to this consultation will be considered by the Planning Inspector overseeing the independent examination. The Inspector will later issue a report (likely to be in mid -March 2013) setting out whether the documents can be adopted by the council – and what changes are needed to make the documents ‘sound’.

These documents whilst not adopted, give an indication of the Council’s approach to sustainable development proposals for the next 15 years, a spatial approach to the Bunhill and Clerkenwell areas as well as particular site allocations. The emerging policies are a material planning consideration.

Design and Heritage

DM1 Design

DM2 Inclusive Design

DM3 Heritage

Employment

DM30 New business floorspace

Health and open space

DM38 Landscaping, trees and biodiversity

DM39 Flood prevention

Energy and Environmental Standards

DM40 Sustainable design and construction statements

DM42 Decentralised energy networks

DM43 Sustainable design standards

DM44 Heating and cooling

Transport

DM45 Movement hierarchy

DM46 Managing transport impacts

DM47 Public transport

DM48 Walking and cycling

DM49 Vehicle parking

DM50 Delivery and servicing for new developments

Infrastructure

DM51 Infrastructure

DM52 Planning obligations

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
- Inclusive Landscape Design
- Planning Standards Guidelines
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Shaping Neighbourhoods – Play and Informal Recreation SPG
- Planning for Equality and Diversity in London