



**PLANNING SUB-BCOMMITTEE**  
**Date: 4th July 2013**

**AGENDA ITEM NO: B4**  
**NON-EXEMPT**



Application number	P2013/1071/FUL
Application type	Full Planning Application
Ward	St Mary's
Listed building	Grade II* Listed Building
Conservation Area	St Mary Magdalene
Licensing Implications	None
Site Address:	Store A - C, St Mary Magdalene Gardens, Holloway Road, London, N7 8LT
Proposal	Conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3).

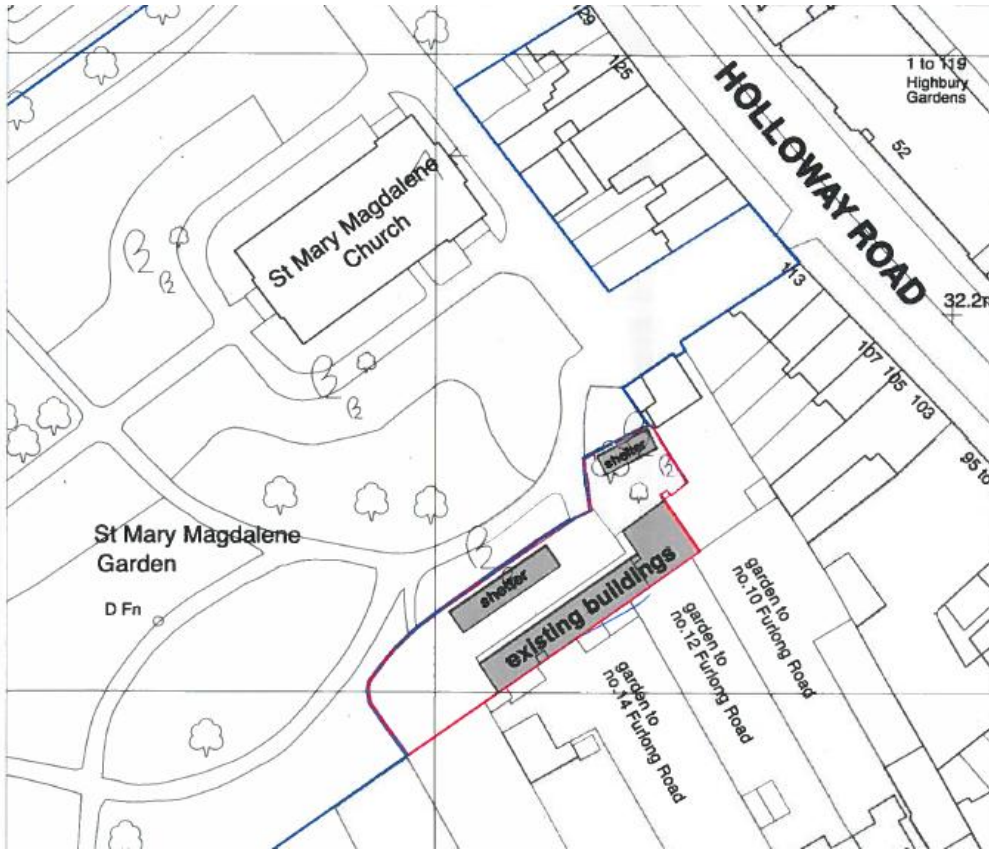
Case Officer	Nathaniel Baker
Applicant	St. Mary Magdalene's Academy & St. Mary Magdalene's Church
Agent	Mr Bob Woodman (DP9)

## 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)**



**3. PHOTOGRAPHS OF SITE**

Coroner's Court:



Mortuary Building:



Site Access:



View from within park:



View from within park:



#### 4. SUMMARY

- 4.1 Full permission is sought for the conversion, extension and alteration of the existing listed buildings within St Mary Magdalene Gardens to provide a school for pupils with Autistic Spectrum Disorder (ASD) and two residential dwellinghouses. The school use

would be located on the west side of the site and would encompass the listed Mortuary buildings and two proposed extensions, providing facilities for up to 36 pupils. The school would form part of the St Mary Magdalene Academy located on Liverpool Road to the west of the site. The two residential units would be located at the eastern end of the site and would comprise of extensions to the Coroner's Court and the Mortuary Building.

- 4.2 The site is currently used by the Council's Parks Department for the storage of vehicles and goods, whilst also forming an informal workshop and storage space. The site also includes two large metal sheds, a high level surrounding fence and the listed buildings. Whilst falling within designated Public Open Space, the site has historically been in separate use to the park and is physically separated. Furthermore, the site is inaccessible to public users of the park and is wholly covered by built form and hardstanding. The change of use to a school, which is encouraged by both the London Plan and Local policy, and the residential use are acceptable.
- 4.3 The proposed extensions would introduce a contemporary design to the site that would not compete with the listed buildings, but would be subordinate to, and compliment the setting of, these important heritage assets through the use of appropriate design features. Together with the re-use of the listed buildings and the heritage benefits, the proposal would represent a high quality design that would not detract from the character and appearance of the conservation area, the setting of the listed buildings or negatively impact upon the amenity and functionality of the open space.
- 4.4 The proposal would achieve a BREEAM rating of 'Excellent' and includes a number of environmental design features such as green roofs and photovoltaic panels. Whilst three trees would be removed, the legal agreement incorporates a contribution for the replacement of these trees and the proposal incorporates tree protection measures for the remainder of the trees on site which are also secured by condition.
- 4.5 The proposed residential properties would be in accordance with internal space standards, whilst providing sufficient outlook and amenity space. With regard to neighbour amenity, the proposed uses are compatible with the surrounding uses and the additional built form would be small in scale and would not detrimentally impact upon the amenity of the neighbouring occupiers.
- 4.6 The proposal would be car free and would provide cycle parking for the residential units. Those using the proposed school building would be pupils at St Mary Magdalene Academy and would be dropped off at the main Academy site on Liverpool Road before walking to the site on a needs basis under supervision. Staff and student cycle parking is available at the Academy building. An access management plan forms part of the requirement of the legal agreement to regulate access to the park for the residential occupiers after it has closed.
- 4.7 Overall it is considered that the proposed use of the site to provide two residential units and a school would be acceptable.

## **5. SITE AND SURROUNDING**

- 5.1 The site is located within the south eastern corner of St Mary Magdalene Gardens and backs onto the rear gardens serving the properties forming the northern side of Furlong Road. Immediately to the east of the site is a two storey dwellinghouse set within the

park grounds and beyond this a four storey terraced row of properties fronting onto Holloway Road.

- 5.2 St Mary Magdalene's Church, a Grade II\* Listed building is set on the east side of the park, to the north of the site and dominates views within the park. The site incorporates a two storey brick building with a pitched slate roof, originally in use as a coroner's court and an adjoined row of single storey buildings with hipped to flat crown roofs which were used as a mortuary. Whilst the site is separated from the park, these buildings are depicted and referenced on the 2<sup>nd</sup> Edition (1894) O.S. Map and formed ancillary buildings to the church and as such form a listed curtilage building. In addition to these buildings there are two open fronted metal shed buildings backing onto the northern edge of the site, large metal fencing surrounding the site and large extents of concrete and paved hardstanding. Whilst, the listed buildings at the site are in a state of disrepair, much of the original fabric still remains and these buildings are currently being used for storage and as workshops associated with the church and the Council's Park's Department. The western end of the site has been separated by a high metal fence creating a separate area currently being used by the Council's Parks Department for the storage of materials and vehicles and accessed via a vehicular access on the western corner of the site. The main access to the site is located at the eastern end, with a broad pedestrian/vehicular access way leading from a gated access off of Holloway Road to this.
- 5.3 The northern boundary of the site is formed by a high metal fence with a number of mature trees and shrubs beyond this. To the south the site boundary is formed by the former Coroner's Court and Mortuary buildings and a high level brick wall at the western most projection of the site.
- 5.4 The site is located within the St Mary Magdalene Conservation Area and also forms part of the Highbury Corner and Holloway Road Key Area. The site also falls within the designated St Mary Magdalene Gardens which constitutes Open Space and is immediately adjacent to the boundary of the St Mary Magdalene Gardens Site of Importance for Nature Conservation (SINC) of Local importance. To the south of the site the properties forming the northern side of Furlong Road are Grade II listed.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The proposal is for the redevelopment of the site to provide a new school annexe to St Mary Magdalene's Academy (SMMA) for up to 36 students with Autistic Spectrum Disorder (ASD) and the provision of two dwellinghouses.
- 6.2 The proposed school would consist of the conversion of part of the Mortuary building, its extension and the erection of a single storey building across the front of the site with a glazed canopy adjoining all of the school buildings. The school would be accessed via a proposed accessway / footpath leading from the pedestrian footway immediately to the north of the site and the existing access on the north west corner of the site would be retained.
- 6.3 The extension to the west of the Mortuary building would have brick elevations, involving the rebuilding of the boundary wall to the rear of the site and would measure 17 metres in width by 5.3 metres in depth and would have a green roof with a parapet surround at a height of 3.1 metres, when measured from the site ground level. The flat roof would also incorporate a dual ridge 'saw-tooth' roof incorporating glazing on the north facing slope and photovoltaic panels on the south facing slope which would measure 15.9

metres in width by 4 metres in depth with the two ridges projecting 0.65 metres above the level of the parapet.

- 6.4 The proposed buildings to the front of the site would be single storey and would have a green roof with a parapet surround at a height of 3.1 metres when measured from inside the site. The buildings would project 26.2 metres across the front of the site, broken by the school entrance with a glazed canopy over and would have a depth of 5.2 metres with a flat roof and a single ridge 'saw-tooth' roof on each side of the canopy. The eastern most extent of this building would form part of the proposed two bedroom dwelling.
- 6.5 A glazed canopy would run from the entrance to the school between the two buildings at the front of the site, south to meet the Mortuary building before projecting across almost the entire width of the resultant school building with a depth of 1.5 metres and set just below the eaves of the Mortuary building.
- 6.6 The proposed extension to the Coroner's Court would be constructed from facing brickwork and would have a green roof with a parapet surround. The proposed extension would measure a maximum of 7.3 metres in width and 8 metres in depth and would have a maximum height of 3.1 metres, with the glazed link at 2.9 metres in height.
- 6.7 The two proposed dwellings would be located at the eastern end of the site and accessed via a gate across the existing access to the site leading to a shared courtyard. The larger of the two properties would consist of the conversion of the Coroner's Court building and the erection of a single storey extension connected via a glazed link, and would provide a three bedroom dwelling. The smaller of the two properties would consist of the conversion of part of the Mortuary buildings with a glazed link to a single storey extension incorporating two bedrooms before being separated to form part of the school.
- 6.8 A shared bin store and two sets of cycle stands would be located within the shared courtyard.
- 6.9 A boundary fence would extend around the north, east and west sides of the site and would have a maximum height of 2.5 metres.
- 6.10 The proposal details a number of works to the Coroner's Court and Mortuary buildings. These include the enlargement and replacement of two windows in both side elevations of the Coroner's Court, the replacement of windows throughout the listed buildings, the repair and replacement of brickwork, roof slates and guttering, the insertion of three rooflights in the flat roofs of the Mortuary buildings and a number of internal works to the properties not fully detailed in the submission.

### **Revision 1**

- 6.11 Amended plans were received on 31<sup>st</sup> May 2013 which detailed:
- The provision of an additional cycle parking space,
  - Alteration of the footprint and layout of the coroners court resulting from the altered glazed link leading directly into the main entrance of the listed building, and
  - Internal alterations to adhere with flexible homes standards.

### **Revision 2**

6.12 Swept Path Analysis plan received on 10<sup>th</sup> June 2013 detailing the access and manoeuvring of a fire appliance to the site.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

7.1 **P2013/1072/LBC** - Listed Building Consent application in connection with the conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3). Under consideration.

### **ENFORCEMENT:**

7.2 A review of the Council's planning enforcement records for this site has revealed the following cases:

E/2013/0398: 'Unauthorised Fencing'. This case was closed on 24/06/2013, as no breach of planning control was found to have occurred, the fence is considered to be Permitted Development, it was temporary and is to be removed imminently.

E11/05984: Unauthorised building works (cycle stands). This case was closed on 14/12/2011, as no breach of planning control was found to have occurred.

E12/06053: Unauthorised Notice Board. This case was closed on 20/03/2012, as no breach of planning control was found to have occurred.

## **8. CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 386 adjoining and nearby properties at Holloway Road, Liverpool Road, Morgan Road, Furlong Road, Madras Place and Fieldway Crescent on 15<sup>th</sup> April 2013. A site notice was placed at the site and the application advertised on 18<sup>th</sup> April 2013 and following public interest a further three site notices were placed in and around the park on 30<sup>th</sup> April 2013. The public consultation of the application therefore expired on 21<sup>st</sup> May 2013, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report responses from 25 addresses (two of which stating it represents the Friends of St Mary Magdalene Gardens) had been received from the public with regard to the application. Of these responses, 20 raised objection and 5 supported the proposal. In addition, two petitions in support of the application have been received, with a total of 186 signatures; these petitions relate to support for the proposal to building a new school for children on the autistic spectrum on this site.

The issues raised can be summarised as follows (with the paragraph numbers that provides response to each issue in brackets):

### **Objections (20 Objections):**

- 8.3 - Some properties were not notified during the applicant's notification. (See Para 8.1)  
- Concern regarding placement of site notices. (See Para 8.1)



- Solar panels have an overly industrial appearance/not appropriate in the conservation area, listed building or the park. (See Para 10.20 - 26)
- The solar panels would glare/reflect light. (See Para 10.38 and 10.39)
- Solar panels are tokenism, their angle and the tree cover would mean that they will not work efficiently. (See Para 10.60, 10.61, 10.62 and 10.63)
- School would be highly visible in views from properties along Furlong Road (See Para 10.37- 10.40)
- How will the wall at the west of the site be rebuilt, will neighbouring plants be damaged and what height will the wall be on the Furlong road side. (See Para 10.21 and 10.22)
- Concern over total number of school users/staff and potential disruption. (See Para 10.9. 10.50 and 10.51)
- The sensory garden would be a playground. (See Para 10.48)
- The proposed buildings would not be in keeping with the listed building, conservation area or setting of the park. (See Para 10.24 and 10.26)
- There should be no loss of park space. (See Para 10.20, 10.21 and 10.22)
- Applicants suggest the site is not park of the park (see Para 10.17 – 10.19)
- The proposal will result in the listed buildings being obscured from the park. (See Para 10.20 - 10.26)
- There is no explanation for the two dwellings. (See Para 10.13, 10.14, 10.15 and 10.26)
- Security concerns for the properties along Furlong Road both during construction and when in use. (See Para 8.15)
- There is no requirement for the school. (See Para 10.8)
- There are more suitable sites available in the locality for the school. (See Para 10.10 and 10.12)
- There are facilities with pupils with ASD within the borough. (See Para 10.8)
- Concern regarding the access/entrance to the park after it has closed. (See Para 10.53)
- Concern regarding vehicles coming to the site, the movement of pupils between school buildings and the existing travel arrangements at the Academy. (See Para 10.49, 10.50, 10.51, 10.52, 10.53 and 10.54)
- No trees/shrubs should be removed. (See Para 10.45, 10.46, 10.47 and 10.48)
- Concern over the lighting within the park. (See Para 10.67)
- The proposal should not disturb wildlife in the gardens (See Para 10.28 and 10.29)
- The construction would cause disruption and potential damage to the park and the environment. (See Para 10.45)
- An Environmental Impact Assessment has not been carried out. (See Para 10.27)
- The site should be used as a museum. (See Para 10.68)
- Have emergency services commented. (See Para 8.16)
- Facility should be housed in St Davis Church permanently (See Para 10.69)
- Two residential properties are considered to be enabling development which will facilitate the further erosion of St Mary Magdalene Gardens / Churchyard (See Para 10.70 and 10.71)
- It is site cramming (See Para 10.35).

**Support (5 support):**

- 8.4
- Support for the use of the building for pupils with ASD.
  - No objection provided the external areas and façade of the Coroner's Court are retained and the new structures blend with the original buildings. (See Para 10.21)
  - The proposal will not negatively impact upon the gardens and will enhance the boundary of the gardens. (See Para 10.21)

- The proposal is sympathetic and would convert a run-down listed building into an attractive addition.
- The educational needs of 36 autistic pupils outweigh the loss of 3 trees.
- The school would provide a much needed resource in the Borough. (See Para10.8)
- The trees to be removed are viewed as weeds and three trees were removed from the park last year as general maintenance.
- The oldest trees are in the middle of the park.
- The school use presents a good opportunity for children to engage with helping to maintain the gardens which is a mandate of Greenspace.
  - There should be a budget in place to ensure that any planting removed will be put back again. (See Para 10.46)
- Vehicle traffic in the park will be reduced from the parks use.

### **Internal Consultees**

#### 8.5 Access and Inclusive Design:

Access to the site is complicated. There is pedestrian access through the park from both Liverpool Road and Holloway Road.

The latter is a red route and so provides no parking or drop off facility. There are, however, on street parking options on Liverpool Road.

It seems that children attending the SEN facility and who must be dropped by car will be dropped at the main school building and that they will then be accompanied by staff to the annexe. This is a better solution than their being dropped at the annexe because:

- If children have a learning or behavioural disability, such that they must be accompanied to school, then it will be necessary (a) to be able to drive them to the school gates and (b) to leave the car for a period during which the child is accompanied into the building.
- If the child has a mobility impairment (a) a facility for taxis or dial-a-ride to pull up activate their ramps or lift will be required within 100m of the school gates and (b) for those with ambulant disabilities a drop off point no more than 50m from the school gates should be provided.

However, the journey between the two school sites is difficult, involving crossing a busy road and is around 100 metres in distance. This will be challenging for those children with cognitive impairments and problematic for any child with an ambulant disability and/or those who use a mobility aid. Consideration might be given to the use of an electric shuttle vehicle.

For the residents of, and visitors to, the residential properties, our SPD requires that travel distances between drop-off and/or a bus stop and the dwelling entrances are no more than 75 metres. Vehicular access via Holloway Road would be useful and could perhaps be managed by means of a drop-down bollard, remotely controlled by the resident.

Housing:

The facility to provide vehicular drop off at the gate of the residential development has been described but no swept path is provided to show how the vehicle would manoeuvre to leave the site in a forward gear.

The two storey house has all essential facilities at ground floor level and so does not require provision for a through floor lift or stair lift. However, the ground floor bathroom should conform to flexible home standards.

The bathroom in the single storey unit is also deficient. There should be one bedroom with 0.75 metres clear space on both sides of the bed and at the foot, in the same bedroom there should also be a 1.5 metre wheelchair turning circle.

The plans should also detail discreet hoist routes between the accessible bedroom and bathroom, preferably via a knock-out panel in an intervening wall.

## School

Concern is raised regarding the amount of floor to ceiling glazing that can be disorientating for people with visual impairments and hazardous for those with cognitive impairments. At the very least surface manifestation that is visible in all light and weather conditions should be provided at 1400-1600mm affl and 850-1000mm affl.

Concern is also raised regarding the circulation routes, which are external and whilst protected by an overhanging canopy are otherwise exposed to the elements. This is likely to adversely affect some disabled people whose impairment causes them to experience low temperatures disproportionately. Also, the outward opening WC door is unhelpful, presenting a hazard along a key circulation route.

It is advised that the school building consider the inclusion of a Changing Places WC within the annexe. They are particularly useful for multiply disabled young adults who require assistance using the WC and/or a changing facility.

Further comments following receipt of revised plans:

### 8.6 Children Services:

Autistic Spectrum Disorder (ASD) represents a very wide continuum of need from very high-functioning children to those with very severe learning and behaviour difficulties. Whilst we have a local special school that caters well for those children with more severe needs, we currently have no dedicated local specialist provision for children / young people with higher functioning ASD. It is our experience that these young people often attend a mainstream primary school, but at secondary age a significant proportion either chose to attend specialist out borough provision, or at Year 9 seek alternative provision to mainstream school as curriculum and personal organisation demands become more challenging. In terms of objectives, our SEN strategy (and statutory responsibility) requires that we ensure a continuum of provision to meet the continuum of need within our resident child population, and that we comply as far as possible with parents wishes express wished (through the needs assessment that underpins the strategy) to keep provision as local as possible so that young people can continue to benefit from other local services as well as reducing the need to travel longer distances.

We believe there is local and regional demand for high quality specialist provision to meet this area of need.

#### 8.7 Conservation and Design:

The development will enable a group of currently disused curtilage listed buildings to be sensitively reused and will result in both public and heritage benefits, in accordance with national and local planning policy.

The buildings are located within the grounds of the Grade II\* St. Mary Magdalene Church and were built c.1874 as the Coroners Court and mortuary buildings, ancillary to the church. They were purpose built by T Linfield at a total cost of £640 and comprised a Coroners Court, a mortuary of infectious diseases, a general mortuary, 2 waiting rooms and a post-mortem room. All of the buildings remain much of their external character. Internally, some panelling and tiling survives in the Coroners Court and one of the mortuary buildings, otherwise they are utilitarian in form.

The buildings are built of yellow stock brick with natural slate covered roofs and are typical of the utilitarian light industrial pattern book architecture of the Victorian period, similar to hospital and railway buildings. All of the historic buildings are significant; the shed/garage structures proposed for demolition are not significant. The special interest of the buildings is derived from their surviving historic fabric, architectural design which is utilitarian and typical of the period, for their group value and historic association with the church. The buildings have been unoccupied for many years but appear largely structurally sound.

The proposals are for the conversion of the existing buildings to part school/ part residential use, for the erection of new buildings of modern design as replacements to the existing shed/garage structures and the addition of a new block linked to the Coroners Court.

The original proposals submitted have been revised to improve the design and siting of the glazed link between the former Coroners Court and the new detached residential block. The new residential block is single storey and is sited to ensure views of the Coroners Court remain visible from the churchyard. The glazed link between the listed building and the new block shall be conditioned to ensure this is fully glazed to limit the visual impact on the appearance and setting of the listed buildings. The surround to the original Coroners Court entrance will be restored. The former Coroners Court building retains original wainscot panelling and cornices internally, which will be protected by condition. A mezzanine already exists internally and it is proposed to improve the existing situation by replacing it with fully glazed panelling and a lightweight staircase. The original chimneybreast will remain visual apparent.

The use of the mortuary buildings allows the internal layouts to remain virtually unaltered in terms of subdivision. The proposals also seek to retain the roof timbers exposed but further details are required in terms of retaining these and satisfying Building Regulations.

The installation of a glazed canopy within the courtyard to provide weather protection for the children is acceptable in principle but will be subject to detailed design and detailing.

The new school buildings proposed along the north western edge of the site are single storey, of modern design and will improve the setting of the curtilage listed buildings. Whilst this will provide a more solid edge to the development site, the perforated brickwork and the main entrance to the school will break the solidity of the wall and the proposed modern style of fencing surrounding the site will improve the setting of the church and the curtilage listed buildings.

Whilst the development proposals will result in a greater degree of development within the setting of the Grade II\* listed church, the sensitive reuse of the buildings, which have been unoccupied for some time, is a heritage and public benefit which accords with the NPPF in achieving sustainable development.

## 8.8 Environmental Health

Details have not been provided but internal acoustic standards within the proposed school and classrooms should be covered by the DoE document "Acoustic Performance Standards for the Priority Schools Building Programme", the recent replacement for BB93 to comply with Building Regulations. With the specific use and pupil requirements it is particularly important that the design takes the acoustics of the learning environment fully into account.

The other issue relates to the new dwellings alongside the school. Details have not been provided as to how the noise from the school use will be mitigated for future occupiers of the dwellings. The applicant will need to demonstrate this with the proposed glazing and sound insulation, the party wall between the two and use of outside spaces. A condition is proposed for details of a scheme of sound insulation between the two uses to be submitted to and approved in writing by the Local Planning Authority for

The plans do not detail any external building services plant. A condition controlling operating hours of the school too should be added.

## 8.9 Climate Change – Energy Efficiency:

The commitment to achieve BREEAM 'Excellent' rating for the non-residential component of the development is supported. The residential component of the scheme achieves BREEAM Domestic Refurbishment 'Excellent' rating which is also supported. A condition should be added to ensure this.

Mechanical ventilation system is proposed for the school component. The air tightness in the new build component needs to be targeted at 3.0m<sup>3</sup>/hr/m<sup>2</sup> in order to offset the electrical demand of the mechanical ventilation (currently stated to be targeted at 6.0). *Amended details received on 29<sup>th</sup> May 2013 to address this.*

How does the building perform in warmer temperatures? It is unclear whether or not any mechanical cooling is proposed. *Amended details received on 29<sup>th</sup> May 2013 to address this.*

The site is located within an area identified as a future DEN network. The SD&C Statement states that the applicant is willing to connect to such a network in the future. A condition should be added to connect to DEN in future.

The BREEAM certificate suggests a water consumption range of 107-117L/person/day. Policy CS10 requires a maximum water efficiency of 95L/person/day. *Amended details received on 29<sup>th</sup> May 2013 to address this.*

The inclusion of a green roof on the north eastern roof structure is supported. The green roof will presumably extend underneath the PV panels located on this surface (providing efficiency gains). The green roof should also be conditioned to be a biodiversity varied substrate with details to be submitted to Council.

The green roof and landscaped area are supported in terms of biodiversity. The green roof is to be a biodiversity based varied substrate NOT a sedum roof. This enables biodiversity benefits to be had, as well as better retention of water etc. I do not agree with the applicants statement that the green roof under the PV panels would be an issue. It has been demonstrated that PV panels perform as well as, or better with green roof underneath, as green roofs create a microclimate that enhances the operating efficiency of PV panels. The inclusion of bird and bat boxes should be strongly considered. These can be dealt with by way of condition.

The proposed use a permeable paving is supported, however it is unclear in which locations the permeable paving is to be. A condition should be added ensuring location of permeable paving.

#### 8.10 Greenspace (Public Open Space) and Tree and Landscape Officer (combined comments):

Following the submission of the Arboricultural report (St Mary Magdalene churchyard/old coroners court, Holloway (2), March 2013), I have no tree or landscape reasons for the refusal of the application.

The applicant has followed pre-application advice, the majority of the concerns raised have been addressed and the remainder may be conditioned.

Greenspace has expressed concerns over the access to the site through the open space which they wish to be addressed.

The post development pressure for pruning over the residential unit will have an impact on the management of the tree and a cost implication for the council. This could take the form of a contribution in the legal agreement for future pruning of the tree.

Details on the mitigating replanting for the trees indicated for removal have not been submitted. The tree service would expect to receive the CAVAT value for the council managed trees that are proposed for removal. This contribution would then be used for replanting trees within St Mary Magdalene churchyard or if suitable sites do not exist within the churchyard then the adjoining streets. If this cannot be agreed through a legal agreement then the following should be adhered to:

All tree works to council managed trees are to be carried out by council contractors following agreement with the Tree Service Manager (James Chambers).

The issue of excavations for underground services/utilities has yet to be addressed. Inappropriate excavation within the root protection area (RPA) of retained trees poses a serious risk to the health of the trees. We expect the service runs, drainage etc. to avoid

the RPAs of the trees. Where this is proven to be unavoidable then we would expect solutions to be provided that minimise any disturbance. I understand that investigations into the current services and greater detail on the proposed requirements are to be submitted.

There have been a large number of tree issues to overcome on this site and to ensure that the solutions are taken on board I would suggest a condition that the development is carried out in accordance with the recommendations in the submitted arboricultural report and include the requirement for arboricultural supervision during the construction.

#### 8.11 Highways and Traffic Engineering:

##### Site context

The site has a frontage to Holloway Road, which is part of the Transport for London Road Network, therefore Transport for London should be consulted on the application.

The site is well served by public transport and has a PTAL rating of 6a (the second highest rating).

##### Drop-off / pick-up

The Transport Statement notes that some students may be dropped off at school by private car. Further detail is required on the expected (or future predicted) number of students that will be dropped-off and picked-up by vehicles (including any larger wheelchair accessible vehicles), and the location that this will likely occur. Further assessment may be needed on the feasibility of putting more formal drop-off / pick-up facilities on street in the vicinity of the site. Transport for London and the Council's Access and School Safety teams may have additional requirements in relation to this matter.

##### Car parking

The proposal is car free, which is supported and is consistent with Policy CS10, Part H of the Core Strategy.

##### Cycle parking

The application proposes one two-bedroom dwelling and one three-bedroom dwelling – therefore five cycle parking spaces are required in line with Appendix 6 of the emerging Development Management Policies. The plans show four spaces (two for each flat) provided within the garden/courtyard areas. An additional space is required for the three-bedroom dwelling. Further detail is also required to show that the cycle parking is covered.

Cycle parking is required to be provided for the school, at a rate of one space per seven staff, plus one space per ten students, in accordance with Appendix 6 of the emerging Development Management Policies. This should be secure, covered and adequately covered, as well as generously spaced for different types of cycles.

##### Servicing, deliveries and refuse collection

Only limited details have been provided with regards to servicing/deliveries. Further information is required, including the expected number and location of vehicles. The applicant has specified that servicing will likely take place on Holloway Road – Transport for London should comment on the servicing arrangement here.

## Highways

Standard highways comments should be adhered to.

### 8.12 Planning Policy:

UDP Policies should be afforded weight depending on their consistency with the NPPF. All emerging policies have a degree of weight as material considerations in the decision-making process. However, prior to receipt of the Inspector's Report on the outcome of the Independent Examination (expected in June 2013) the following relevant policies DM12, DM36 and DM38 should be considered to have relatively limited weight. Adopted SPDs are a material consideration.

The key issue from a Local Plan policy perspective for this proposal is that it falls within the proposed St Mary Magdalene Gardens designated open space and is directly adjacent to the Site of Importance for Nature Conservation (SINC) of Local Importance by the same name.

## Open space

Core Strategy Policy CS15 is clear that all existing local open spaces should be protected. Policy DM36 takes a similarly strong stance i.e. that development is not permitted on any public open space. UDP policy R9 highlights that only in very exceptional circumstances will permission be given for change of use from open space to another land use and that if such permission is given an equivalent amount of open space should be provided.

The strong emphasis of these policies to protect open space stems from the fact that Islington has a low proportion of open space (the second lowest in the country), increasing pressures on the spaces that do exist and identified areas of existing and future open space deficiency. None of the existing open spaces in the borough can be considered to be surplus to requirements. Circumstances under which the loss of open space can be justified will therefore be exceptional and will need to be considered on a case-by-case basis.

The proposal site is largely separated from the main open space by fencing/vegetation, with two access points via the main open space. It is currently predominantly occupied by one/two storey buildings (used for storage/workshop space for the parks department) and hardstanding.

In its current form the proposal site is not publicly accessible and offers little contribution to the quality of the open space and its function. As the proposals are largely within this segregated site, despite the increase in built footprint, they are unlikely to lead to an overall loss in the functional use of the publicly accessible open space. Within this context policy DM36 part B can be considered relevant: that development proposals within the immediate vicinity of the public open space must not impact negatively on the amenity, ecological value and functionality of the open space.



The proposals likely to have the following impacts:

- A visual impact: the proposal site is currently largely separated by vegetation and is discrete. The new proposals would be much more prominent in their visual impact with clear buildings frontages onto the open space.
- There will be an increased footfall associated with the school (it is estimated there will be 36 pupils and 13 members of staff). Whilst the increased footfall will add vitality, it will also place increase pressure on the open space.
- Access to the site would be changed. There are currently two entrances to the site from the open space, while the proposal introduces a third. As well as pedestrian residential access and school entrance to the north of the site from the main park, there is also a proposed vehicular school access. From the proposed floor plans it is apparent that each access point involves some alteration to the paths/landscaping approaching the site i.e. within the main open space. The transport statement suggests most trips will be made by pedestrians and delivery and service vehicles will only be required on an occasional basis resulting in a net reduction in vehicular movements. It is not clear however how vehicular access and servicing/delivery to the school will work with regard to the safety of park users – will it be restricted to certain times? What size of vehicles are they likely to be? How easily can they manoeuvre and turn? Can they enter and exit the site in forward gear in line with policy DM50? UDP policy R11 highlights that open spaces should be convenient/safe to use therefore appropriate access to the site is important.

The impact of the proposals on the open space does not appear to have been taken into account – there are no planned improvements to maximise the quality and functionality of the space which is important given the limited opportunities for new open space that exist within the borough. The proposals are also likely to have an ecological impact as mentioned below.

### Biodiversity

The proposal site is directly adjacent to the boundary of the St Mary Magdalene Gardens SINC of Local Importance.

Policy CS15 highlights that SINC's should be protected in line with their hierarchical importance. Policy DM36 provides further detail, emphasising that SINC's of local importance will be strongly protected. The Environmental Design SPD suggests that ecological surveys are appropriate on sites adjacent to open space/SINC's. DM38 also seeks for developments to protect and enhance biodiversity value, including connectivity between habitats. The supporting text to DM38 highlights that developments that impact on identified biodiversity habits will be required to mitigate these as far as possible and provide appropriate mitigation and compensation, where appropriate.

Whilst the proposal site is adjacent to the SINC, it does appear to involve some alterations to the SINC to provide pedestrian and vehicular access. Currently, apart from the entrance gates, the site is largely screened from view by shrubbery, vegetation and trees. The proposals seemingly involve a change to the SINC boundary with the removal of much of the existing vegetation. The planning statement suggests that additional planning, green roofs and a reduction in hardsurfacing accords with the borough's green infrastructure policies. Whilst this may be an improvement on the proposal site, there will clearly be an impact on the adjoining SINC – this is not

something that appears to have been addressed in the documentation or mitigated within the proposal. It would be useful to get comments from the borough's biodiversity officer.

DM38 is clear that loss/damage to trees will only be permitted where there are overriding planning benefits and suitably re-provided. Saved UDP policy ENV6 takes a similar approach in requiring the retention of trees, where appropriate, or if not their replacement in a suitable location. The planning statement suggests that there will be tree protection, however the Design and Access statement suggests there will be a loss of three trees – there is no mention of if these are to be replaced.

Other issues:

Conservation and Design: As the proposals involve listed buildings within a conservation area. It will be important that a sensitive design approach is taken in line with Core Strategy, UDP and Development Management Policies. Detailed comments on this issue will be provided by Design and Conservation colleagues.

Residential accommodation: this should meet the standards set out in the emerging Development Management Policies document. There does not appear to be a breakdown of the floorspace for each unit.

Conclusion:

The proposal site does not positively contribute to the wider open space in its current form. Although the proposals would be largely contained from the main open space there are likely to be some impacts on the St Mary Magdalene Gardens open space/SINC in terms of visual impact of the buildings, new/amended access points, and the loss of existing trees and vegetation adjoining site. There is a lack of detail as to how the impacts on the open space/SINC might be mitigated; what, if any, improvements might be made to the open space/SINC as a result of the proposals as well as how the new access arrangements would work, particularly the new vehicular access to the school.

## **External Consultees**

### 8.13 Transport for London (TfL)

The site fronts onto the A1 Holloway Road, part of the Transport for London Road Network.

A trip generation exercise has not been undertaken. However, considering the scale of development TfL can confirm that this development will not have a detrimental impact on the local public transport network. Notwithstanding this, considering the proximity of the site to the TLRN, further detail on the number of vehicular trips would have been expected.

No car parking is proposed which is supported considering the site's excellent access to local public transport. As a consequence however this could lead to children being dropped off/picked up on the TLRN which is an occurrence TfL would strongly oppose. It is however to TfL's understanding that the intention is for children to be dropped off at the existing St Mary Magdalene Academy School and walk across to the site under staff

supervision. There are no formal crossing facilities at this location to facilitate this movement however considering the small number of pupils expected to occupy the site, TfL is content with this arrangement. It is however expected that the school adopts a stringent monitoring and enforcement program to ensure that children are not picked up/dropped off on the TLRN during restricted hours.

Cycle parking will need to be provided in accordance with the London Plan minimum standards which require 1 space per 10 staff or students and 1 space for the 2 bed apartment and 2 spaces for the 3 bed apartment.

No travel plan has been provided as part of the submission material. The applicant should therefore clarify whether the existing St Mary Magdalene Academy School has an existing travel plan in operation. If so, TfL is content for this to be adopted. If not, then a travel plan should be secured within the Section 106 agreement.

Delivery and servicing vehicles will drop off at the site boundary within the Church Grounds. It is noted that a reduction in trips from existing is expected however due to the proximity of the TLRN it is expected that the Council secure both a Delivery and Servicing Plan (DSP) and a Construction and Logistics Plan (CLP) by condition. Further information of what should be included in these documents can be found from TfL's website.

#### 8.14 English Heritage:

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### 8.15 Crime Prevention Officer

Raises no issues with this proposed development.

#### 8.16 London Fire and Emergency Planning Authority:

The Brigade is not satisfied with the proposal as it is not clear as to how access to the premises will meet the requirements of Section B5 of Approved Document B.

Following the receipt of a Swept Path Analysis plan on 10<sup>th</sup> June 2013 the London Fire and Emergency Planning Authority have confirmed that they are satisfied that there is adequate access to the site.

#### 8.17 Diocese of London

A letter has been received from the Diocese of London providing details of their consultation and confirming that there are no burials in the land affected by the proposed scheme.

## 9. RELEVANT POLICIES

9.1 **Details of all relevant policies and guidance notes are attached in Appendix 3. This report considered the proposal against the following development plan documents.**

## **National Guidance**

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

## **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 of this report.

## **Emerging Local Development Framework Policy Documents**

- 9.4 Islington's Development Management Policies – (Submission) June 2012

The relevant emerging local Development Framework policies to this application are listed in Appendix 2 of this report.

## **Designations**

- 9.5 The site has the following designations under the London Plan 2011, Islington Development Plan:

- St Mary Magdalene Conservation Area
- Article 4(2) St Mary Magdalene
- Grade II\* Listed (curtilage) Building
- Open Space
- Adjacent to SINC

## **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.6 The SPGs and/or SPDs which are considered relevant are listed in Appendix 3.

## **10. ASSESSMENT**

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

- Principle;
- Land Use;
- Design and appearance of building and impact on surrounding conservation area and neighbouring listed building;
- Biodiversity;
- Amenity of Residential Occupiers;
- Neighbour amenity;
- Trees and Landscaping;
- Highways, Transportation and Access;
- Accessibility;
- Energy and Sustainable Design and Construction;
- Affordable Housing.

## **Principle**

- 10.2 With regard to the school use London Plan policy 3.18 supports development proposals which enhance education and skills provision, including new build, expansion of existing facilities or change of use to educational purposes.
- 10.3 London Plan 3.16 supports the provision of high quality social infrastructure in light of local and strategic needs assessment.
- 10.4 The provision of new educational facilities is supported by Development Management policy DM29 which requires new social infrastructure and cultural facilities to
- i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;
  - ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;
  - iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and
  - iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.
- 10.5 Policy Ed3 of the Unitary Development Plan states that proposals for new education establishments or extensions to existing educational establishments will be considered in the light of such factors as:
- i) whether the proposals form part of the wider strategy to improve educational opportunities in the borough;
  - ii) The availability of alternative accommodation;
  - iii) places/demand across the borough has a whole and within accessible distance;
  - iv) internal and external space standards, including access for people with disabilities;
  - v) the amenity of nearby property in terms of such factors as noise, traffic, evening use etc.
- 10.6 The supporting text to this policy sets out that it is important to establish that new buildings/sites are both suitable and acceptable for the proposed use.
- 10.7 The proposed school building would be run and managed in conjunction with the nearby St Mary Magdalene Academy, with staff and pupils sharing facilities at both. The submitted Planning Statement states that at present there are no dedicated education facilities within the borough for pupils with Autistic Spectrum Disorder (ASD) and that these pupils have to attend schools within other boroughs.
- 10.8 Children Services have confirmed that although Islington has a Special School catering for children with more severe needs, the Borough does not currently have a dedicated local specialist provision for children/young people with higher functioning ASD. At secondary school level a significant proportion of pupils with ASD chose to take up specialist out of borough provision. The Council's objectives, SEN (Special Educational Needs) strategy and statutory responsibility requires that there is a continuing provision of such services and that this is provided at a local level to benefit from other local services and reduce the need for longer travel distances. Children Services have

confirmed that there is a local and regional demand for high quality specialist provision to meet the area of need.

- 10.9 The school would provide a dedicated teaching and learning space for a maximum of 36 pupils with ASD, which would enhance education opportunities within the borough, address the borough demand for such a facility, whilst complementing the existing use of St Mary Magdalene Academy. Pupils at the facility would be registered with the Academy and form part of its student base.
- 10.10 With regard to the location of the facility, the site has a PTAL of 6a, with Highbury and Islington railway station in close proximity, a number of major bus routes running along both Holloway Road and Liverpool Road and a strategic cycle route running along Holloway Road. In addition to this, pupils are expected to use the existing arrangements for drop-off at the St Mary Magdalene Academy site. As such, the site is considered to be located in a convenient area within the borough and is accessible by a range of sustainable transport modes.
- 10.11 The proposed use of the school is highly specialised and together with its limited scale it is unlikely and unreasonable to require its use as a shared facility for recreational and community uses.
- 10.12 The applicant has detailed that other properties were considered as part of the application. However, due to the proximity of the site to the Academy, the Academy's association with St Mary Magdalene Church, the re-use of listed buildings and the availability of the site through the church, the site represents appropriate accommodation which is compatible with the use of the park, the church and the Academy and is viable.
- 10.13 The NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. The residential element of the proposal would reach a BREEAM Domestic Refurbishment 'Excellent' rating, would be car free, is located in close proximity to local services and transport links, and incorporates a number of environmental features whilst retaining both existing built form and mature vegetation. As such, the proposal would incorporate many features that could be considered to represent sustainable development, leading to a presumption in favour of the principle of the proposal. Furthermore, one of the Core Planning Principles of the NPPF is to encourage the effective use of land by re-using land that has previously been developed (brownfield land), provided that it is not of high environmental value. Whilst the site is located within designated Open Space, the site itself would constitute brownfield land and would bring the listed buildings back into an effective use that would be in accordance with Borough targets.
- 10.14 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by both UDP policy H3 and Core Strategy policy CS12 both seek to provide more high quality, inclusive and affordable homes within the borough where there is an appropriate mix of unit sizes.
- 10.15 The proposal would provide a two bedroom and a three bedroom dwelling, which would constitute an appropriate mix of unit sizes in accordance with CS12 and Development Management policy DM9. Furthermore, an appropriate contribution towards the provision of off-site affordable housing will be secured by a legal agreement in accordance with the Affordable Housing Small Sites SPD.

10.16 As such, the principle of the development of the site to provide a school building and two dwellings is acceptable in principle subject to the assessment of the proposal in light of all other relevant policy, the site context and any other material planning consideration.

### **Land Use**

10.17 The site falls within the designated 'Public Open Space' of St Mary Magdalene Park, which the Conservation Area Design Guidelines states as an important open space, essential to the character of the area. Core Strategy policy CS15 seeks to protect all existing local open spaces, Development Management Policy DM36 states that development is not permitted on any public open space and UDP policy R9 states that only in exceptional circumstances will permission be given for a change of use from public open space to any other land use.

10.18 Whilst falling within 'Public Open Space', the site has historically been in separate use to the park and is physically separated by boundary fencing. Originally the buildings formed a Coroner's Court and a Mortuary, and in the late 20<sup>th</sup> century to the present the site has been used as storage and workshop space associated with the church and the Council's Park's Department. Furthermore, the site is inaccessible to public users of the park and is wholly covered by built form and hardstanding. The reasons set out above constitute exceptional circumstances whereby the proposed change of use of the site would not represent a loss of accessible Public Open Space.

10.19 With regard to the openness of the park, the proposed extensions would all be at single storey height, the boundary fencing would be at a similar height to the existing fencing and introduce a uniform design, the site would continue to be screened by the row of mature trees on the northern boundary, the three trees to be removed would be replaced within or near to the park, the listed buildings would be brought into full use and views of these would still be afforded from the park, it would introduce soft landscaping, protect the majority of the existing trees and would incorporate a number of environmental design features. For these reasons and those set out in the design section above, the proposal would not detract from the openness of the park or negatively impact upon the amenity, ecological value and functionality of the space, in accordance with Development Management Policy DM36.

### **Design, Conservation and Listed Building Considerations**

10.20 The proposed extension running along the northern edge of the site would replace an existing metal shed building in a similar location and would align with the western edge of the listed Mortuary building. Whilst this building would then form the northern site boundary and would introduce a brick wall at a height of 3.1 metres, this elevation would be visually broken up by the recessed school entrance with a glazed canopy over, entrance gates and brick window detailing, whilst the trees to the north of the boundary would provide a high level of screening to this building. This extension would link to the Mortuary building via a glazed canopy which then runs along the full length of the internal courtyard elevation of the school.

10.21 The extension to the Mortuary building would project from the west elevation of the listed building up to the site boundary and consists of the demolition and rebuilding to a higher level of a high rear wall on the south boundary, the use of floor to ceiling height glazing in the north elevation and a 'saw-tooth' ridge projection over the green roof providing photovoltaic panels and rooflights. The parapet roof surround would project out from the eaves height of the listed buildings and when taken with its predominantly

glazed nature and the replacement of an existing high wall, the proposed extension would appear as a subordinate contemporary addition to the listed building. The glazed canopies should be constructed using seamless glazing, and will be secured by condition, ensuring the subordinate design of the extension. A further glazed link between the residential element of the extension and listed building is detailed to have an obscurely glazed east elevation. Whilst this would be beneficial to the privacy of the occupiers, it would add to the visual bulk of the link and detract from the setting of the listed building. As such, a condition will be added to ensure this retains its open glazed design.

- 10.22 The works to the Mortuary building consists of the repair of facing brick work, the roofs and other small scale refurbishment works, the removal of light fixings and signage and the replacement of windows and doors where required to ensure the buildings are brought back into full use. Rooflights would be introduced to the sunken flat crown over the three lower level roofs, providing natural lighting to these spaces and opening the historic vaulted ceilings. The proposed works to the listed Mortuary building would enhance the appearance of these buildings, reinstating original features and bringing them back into a permanent use.
- 10.23 With regard to the Coroner's Court building, again this would be refurbished and brought back into a permanent use, restoring four original sash window openings in the side elevations. The proposed extension to this building would be similar to the two larger extensions, incorporating brick elevations and a green roof behind a parapet. The proposed extension to the Coroner's Court would be set forward and partially to the side of the listed building with a glazed link leading into the original doorway. This allows for views of the listed building to be maintained through the existing site access and for the front elevation of the listed building to be read as originally intended.
- 10.24 The proposed extensions and use of the site would ensure that the listed buildings are brought back into permanent use and are refurbished to an appropriate level, both retaining and restoring important original features. The proposed extensions would introduce a contemporary design to the site that would not compete with the listed buildings, but would be subordinate to and compliment the setting of these important heritage assets through the use of appropriate design features.
- 10.25 The proposed fencing would largely replace the existing high level utilitarian designed metal fencing. Although it would not be as open as existing, the proposed fencing would incorporate a semi-transparent design, ensuring a good level of security whilst also reducing its massing. The proposed fencing and planting within the site would clearly delineate the two uses of the site, introduce a level of uniformity to the site that is currently lacking and due to its semi-transparent design allow glimpses into the site.
- 10.26 Concern has been raised with regard to the openness of the park, the impact on the conservation area and that views of the listed buildings would be restricted. Although introducing extensive additional built form across the site, the proposed additions to the site would all be set at a low level, would incorporate design features to break up the building frontage onto the park and represents a high quality design. In addition to this, the proposal would provide a number of heritage benefits, which are set out above, and would be partially screened by the extensive vegetation and mature trees around the site. As such, whilst the proposal would undoubtedly reduce some views of the listed buildings, for the reasons set out above, the proposal would not enhance the character and appearance of the conservation area and would not negatively impact upon the amenity or functionality of St Mary Magdalene Park.



## **Biodiversity**

- 10.27 Concern has been raised that the application does not include the submission of an Environmental Impact Assessment (EIA) or a screening opinion. The proposed development would not fall within Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2008 and as such there is no requirement for the applicant to provide an EIA as part of the application. Notwithstanding this, an assessment of the proposal has been made with regard to the Council's environmental policies.
- 10.28 The site sits directly adjacent to the boundary of the St Mary Magdalene Gardens SINC which is of Local Importance and would involve the removal of two shed buildings and three trees. Due to the loss of these buildings and trees and the proximity of the site to a SINC, it is considered necessary to include a condition requiring an ecological watching brief during construction and the provision of bird/bat boxes on the site.
- 10.29 Whilst concern has been raised regarding the loss of vegetation, the three trees to be removed would be replaced within or close to the park, whilst the existing shrubs to the front of the site do not fall within the site and should therefore be retained. The site itself would incorporate a biodiversity based roof over the proposed extensions and a greater extent of soft landscaping. Together with the condition suggested above, the proposal would enhance the biodiversity of the site in accordance with Development Management policy DM38.

## **Amenity of Residential Occupiers**

- 10.30 Table 3.2 of policy DM12 of the development management document stipulates the minimum gross internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floorspace standards.

Unit	No. Bedrooms	Expected Occupancy	Floorspace	Minimum Required floorspace	Required Storage
Coroner's Court	3	5	133.6*	96	3
Mortuary Building	2	4	91.9	70	2.5

\*This figure includes the second floor level where there is a head height clearance of 1.9 metres, as detailed on the plans.

- 10.31 Each unit would provide sufficient gross internal floorspace in accordance with the requirements of policy DM12. Furthermore, adequate storage space is detailed on the floor plans.
- 10.32 The proposed dwelling in the mortuary building would provide dual aspect, with two large rooflights serving the living room and kitchen/dining room, and would have a satisfactory outlook from all habitable rooms. This property would have a distinctive layout with the two bedrooms and a bathroom in the extended element and the living space in the listed buildings. Whilst these would be connected via a glazed link, which does not represent the most suitable form of link due to its transparency, by reason of the closed nature of the site and that it would provide a lightweight link to the listed building, it is considered to be acceptable in this case.

- 10.33 With regard to the dwelling in the Coroner's Court building, this too would incorporate a glazed link from the open plan living space to a bedroom and bathroom extension. By reason that it would be set back from the boundary treatment, views into this would not be afforded from outside the site. Whilst the second floor of the property would provide a bedroom with limited head height clearance and with a floor level window opening, this room is likely to form a spare room or an office/storage space. Whilst rooflights would provide a greater outlook, these would not be desirable in the roof of the listed building. Furthermore, the restriction of the use of this room would not be enforceable and as such, it is considered unreasonable to raise objection to the use of the existing roof space as a room.
- 10.34 Development Management policy DM13 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 15 square metres for ground floors units with 1-2 occupants, with an extra 1 square metre per additional occupant. Family units, three bedroom residential units and above, would require a minimum of 30 square metres. Both properties would incorporate private gardens that would far exceed these requirements.
- 10.35 Table 3.2 of the London Plan sets a strategic framework for appropriate densities at different locations and aims to reflect and enhance existing local character by relating the accessibility of an area to appropriate development. Based on this table, an appropriate density for this site, in an urban area with Public Transport Accessibility of 6a, would fall between 200 and 700 habitable rooms per hectare (hr/ha). Whilst the proposed dwellings would have a density of approximately 185 hr/ha, which would not be in accordance with policy 3.4 of the London Plan, due to the location of the site within the setting of the park and the re-use of listed buildings, a lower density is considered to be suited to the site.
- 10.36 Details of noise mitigation between the school use and the two bedroom residential unit have not been submitted. However, the Environmental Health Officer has commented that details of sound insulation between the two uses should be required by condition. Such a condition is considered to be reasonable and would form part of any subsequent permission. The proposed use of the school would be Monday to Friday between the hours of 0700 hrs and 1900 hrs, with no use in the evenings or at weekends, which is compatible with the predominant evening and weekend use of the residential properties.

### **Neighbour Amenity**

- 10.37 The proposal would replace the existing brick boundary wall between the site and No. 18 Furlong Gardens and introduce a single storey flat roof extension leading from the mortuary building up to the western edge of the site. The existing wall is detailed to have a height of between 2.4 metres and 2.6 metres on the plans, and the proposed extension would have a parapet wall between 2.9 metres and 3.1 metres in height. In addition to the increase in height of the boundary wall, the extension would incorporate a dual ridged 'saw-tooth' roof with south facing photovoltaic panels projecting 0.65 metres above the parapet.
- 10.38 Whilst concern has been raised regarding the height of the extension on this boundary and the positioning of the photovoltaic panels with regard to the properties along Furlong Road, the proposed extension would be set at the very end of the rear gardens serving these properties, which measures at least 25 metres away from the nearest rear elevation of a dwelling.

- 10.39 By reason of this significant distance from the neighbouring dwellings, its modest height, its location to the north of the neighbouring properties, that it would be set down from the height of the existing buildings on the site and would replace an existing high wall, the proposed western extension would not be overbearing or visually intrusive. Furthermore, the proposed photovoltaic panels would be set 0.65 metres back from the edge of the parapet roof surround and would pitch away from the neighbouring properties, which would result in them only being apparent in longer views from the neighbouring properties. Concern has also been raised with regard to potential light reflection from these panels into neighbouring gardens and windows. Due to the shallow pitch of these panels, their height above the ground and the extent of mature vegetation within the rear gardens of Furlong Road, it is unlikely that there would be any significant reflection from the panels into the neighbouring properties, and where this did occur it would be for a limited period.
- 10.40 The existing Coroner's Court and Mortuary buildings would be repaired, maintained at the same height and would not introduce any new openings in the rear elevation.
- 10.41 With regard to the property immediately to the east of the site, this has a rear garden that wraps around the east and part of the south of the site. The proposed extension to the Coroner's Court would be set on the eastern boundary with this neighbouring property and would have a parapet roof surround at a height of 3 metres and a timber fence at a height of 2.5 metres, replacing an existing high metal fence and a shed building. Due to its modest height, that it would replace an existing shed of a similar height in closer proximity to the neighbouring property, that it would be set back from this rear elevation and that the boundary tapers as it gets further from the neighbouring property, the proposed extension to the Coroner's Court would not detrimentally impact upon the amenity of the neighbouring occupiers.
- 10.42 The proposal also includes the enlargement of two window openings and the replacement of two windows in the east elevation of the Coroner's Court, which face onto the rear garden serving the neighbouring property. However, the two windows to be enlarged are set 2 metres above finished floor level of the open plan living area and would therefore not result in any overlooking. The two southern most windows in the east elevation would be replaced and would serve a bedroom. Although this bedroom would be afforded views into the neighbouring rear garden, these window openings currently serve a mezzanine level and therefore there would be no additional overlooking to the neighbouring property.
- 10.43 Concern has been raised regarding noise and disturbance from the proposed school building. The proposed use of the school would be Monday to Friday between the hours of 0700 hrs and 1900 hrs, with no use in the evenings or at weekends. This is compatible with the predominant evening and weekend use of the neighbouring residential properties and due to the scale of the school and its intended use, the number of pupils at the site would be limited. In addition to this, the existing use of the park must be taken into consideration, where there is no planning control on the noise and disturbance that could be incurred through the normal use of the park.
- 10.44 As such, the proposed extension and uses of the site are not considered to detrimentally impact upon the amenity of the neighbouring occupiers.

### **Trees and Landscaping**

- 10.45 Immediately to the north of the site are a number of mature trees which fall under the protection afforded by the Conservation Area and are in the management of the Council. The trees are not located within the site boundary but act as a visual screen and clearly delineate the bounds of the site, whilst contributing significantly to the character of the area. The proposal would be set back from the northern boundary and the submitted Arboricultural Assessment and Tree Protection Method Statement sets out an assessment of the trees around the site, protection methods during construction and details of hardstanding and construction methods to minimise any potential impact upon these trees. The details set out in this document have been assessed by the Council's Tree and Landscape Officer and are acceptable subject to a condition ensuring the works are carried out in accordance with the document and that details of excavations for underground services/ utilities be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 10.46 This document also details the removal of three trees on the northern site boundary to allow for a dedicated access to the proposed school, with hardstanding leading from the existing path to the front entrance. Whilst the submitted Arboricultural Assessment details one of these trees to be in 'good' condition, the other two are detailed to be in 'fair' and 'poor' condition. Whilst the loss of trees within the park is resisted by the Conservation Area Design Guidelines, due to the proliferation of trees and their close proximity along this northern boundary, the resultant tree line would remain and would appear almost as well established, whilst continuing to screen the site and contribute to the amenity of the area. Furthermore, the applicant has agreed that as part of the legal agreement a contribution would be provided for the CAVAT value of the trees to be removed, this will then provide for the replanting of trees within St Mary Magdalene churchyard or where appropriate on the adjoining streets.
- 10.47 With regard to the future pruning of the retained trees, whilst these would over sail the site boundary, the responsibility for the management of the trees falls within the control of the Council and access arrangements for such works would need to be arranged as and when necessary. The site is not currently in Council ownership and therefore it is considered unreasonable for the applicant to be required to contribute towards the upkeep of these trees.
- 10.48 The proposed redevelopment of the site would provide a greater amount of soft landscaped area than currently exists and provides a 'sensory garden' within the school grounds. Full details of the hard and soft landscaping will be added via a condition.

### **Highways, Transportation and Access**

- 10.49 The site has a PTAL of 6a, which is 'Excellent' with Highbury and Islington railway station in close proximity, major bus routes running along both Liverpool Road and Holloway Road, and a Strategic Cycle Route running along Holloway Road. The proposal would be car free with no vehicular access or parking provision within the site and would only be accessible via the existing pedestrian routes through the park.
- 10.50 The proposed school building would form part of St Mary Magdalene Academy with the proposed maximum of 36 pupils with ASD attending and forming part of the existing student base at the Academy. The Academy is subject to a Travel Plan forming part of the legal agreement attached to the original planning permission for the school (application ref: P05/1450) and cycle parking for pupils and staff is provided at the existing Academy site. Pupils would therefore be dropped off at the Academy in

accordance with the existing Travel Plan and when using the proposed building would use the pedestrian route through the park.

- 10.51 As the proposal would not result in any additional pupils at the Academy, the existing Travel Plan at St Mary Magdalene Academy is considered to be sufficient. Furthermore, the proposed school building would accommodate a relatively low number of pupils and staff. Concern has been raised regarding the mobility of students and the pedestrian access to the park which is addressed in paragraph 10.56 below. Due to the level of usage at the site, the existing arrangements and facilities at the main Academy building, the site being accessible only via pedestrian routes and there being traffic enforcement measures in place along Holloway Road, the proposed school building would not result in any significant increase in traffic generation.
- 10.52 The proposed dwellings would provide five cycle parking spaces within the enclosed courtyard area in accordance with Development Management policy DM48.
- 10.53 With regard to the residential units, the park is locked to the public overnight and Greenspace have expressed concern regarding access to the site through the open space. The dwelling adjoining the east side of the site is currently accessed through a locked gate from Holloway Road with the occupiers using a key to gain access after the park is closed. Whilst an Access Management Statement has not been submitted with the application, details of an appropriate means of access will be secured through a legal agreement. This would provide residential occupiers pedestrian access into the site after it has closed and would operate on a similar principle to the existing dwelling on the site.
- 10.54 Limited details of servicing/deliveries have been submitted, detailing only that they will drop off at the site boundary on an occasional basis. A conditions will be added to any permission requiring full details of servicing/deliveries be submitted to and approved in writing by the Local Planning Authority and a further condition detailing the appropriate hours for such servicing will be added.
- 10.55 The plans detail a shared refuse/recycling store serving both dwellings and that refuse would be collected weekly via Holloway Road in the same way as the existing dwelling in the park. The Design and Access Statement sets out that recycling from the school building would be carried over to the Academy building and that refuse would be placed out daily on Holloway Road as it is for the church and the other commercial uses in the area.
- 10.56 The London Fire and Emergency Planning Authority are not satisfied that the proposal would provide appropriate access to meet their requirements. The applicant has submitted a Swept Path Analysis plan detailing the access route and a clear swept path for a fire engine to access the site, turn around and egress the site in a forward gear. These details have been considered by the London Fire and Emergency Planning Authority and are considered to be sufficient.

### **Accessibility**

- 10.57 Concern has been raised by the Inclusive Design Officer with regard to the distance of the school building from the Academy and vehicular access for both the residential units and the school use. Whilst it is suggested that an electric shuttle vehicle could be used for pupils with ambulant disability, this is something that could be addressed by the school on a needs basis. With regard to vehicular access to the site, the proposal is car

free and as such no cars should enter or egress the site. However, some access may be required from Holloway Road for disabled vehicles, but this will be managed through an agreed Access Management Plan which will form part of the legal agreement. Following the Access Officer's comments the plans have been revised to incorporate the required turning spaces and W.C facilities.

- 10.58 Both proposed dwellings incorporate all essential facilities at ground floor level in accordance with the Flexible Home Standards. The plans have been amended to detail a discreet hoist route between the accessible bedroom and bathroom in the Coroner's Court building and also to detail appropriate manoeuvring space within both dwellings.
- 10.59 With regard to the school use, concern has been raised regarding the extent of glazing in the classrooms and the covered external circulation spaces. The applicant has detailed that some window manifestations would be used to define glazed areas and due to its intended use, pupils at the school building would be highly supervised and the open design allows for the design and setting of the listed building to be retained.

### **Energy and Sustainable Design and Construction**

- 10.60 The proposed school building would achieve a BREEAM 'Excellent' rating and the proposed dwellings would achieve a BREEAM Domestic Refurbishment 'Excellent' rating. The site would include the provision of photovoltaic panels, green roofs, mechanical ventilation, permeable surfaces and water saving measures. Furthermore, the applicant has agreed to the contribution for carbon offsetting, which will form part of the legal agreement.
- 10.61 The site is located within a Decentralised Energy Network (DEN) and as such a condition will be added to any subsequent permission to ensure measures are in place to allow for future connection to any neighbouring heating and cooling network or DEN.
- 10.62 The applicant has detailed the use of a sedum roof, which is not in accordance with the Islington Green Roof and Wall Good Practise Guide. The green roof should be a biodiversity based varied substrate roof, which would allow biodiversity benefits and better retention of water. Notwithstanding the submitted details, a condition will be added to any subsequent permission ensuring an appropriate green roof is used.
- 10.63 The proposed development would incorporate a number of environmental design features, as set out above, whilst only being accessible via sustainable means of transport, retaining a high level of vegetation and introducing a greater extent of soft landscaping. The sustainable design features at the site, together with the environmental standards achieved in the refurbished buildings and provision for bio-diversity would ensure that the site realises a suitable environmental standard in accordance with the aims of the Core Strategy and Development Management plans.
- 10.64 Subject to the conditions detailed above and those set out in the Climate Change – Energy Efficiency Officer's comments, the proposal is considered to be acceptable.

### **Affordable Housing**

- 10.65 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required

to provide a financial contribution towards affordable housing provision elsewhere in the borough.

- 10.66 The proposal would introduce two additional units and the applicant has confirmed that the full contribution will be made. This will be secured through a legal agreement.

### **Other issues raised**

- 10.67 The issue of lighting within the park has been raised by a member of the public. With regard to this the proposed residential units would be located in close proximity to the existing residential property in the park, which is served by a street light. Together with the lighting within the proposed units, this is considered to be suitable for the proposed residential use. Furthermore, there are no proposed changes to the lighting within the park which is suitable for pedestrian access to the school use of the site.
- 10.68 A further issue raised in responses received as part of the application regard the potential use of the Coroner's Court as a museum for the park. In order for the Coroner's Court building to be used as a museum a planning application would need to be submitted and assessed by the Local Planning Authority.
- 10.69 A further issued was raised with regards to housing the ASD unit within St David's Church, Westbourne Road on a permanent basis. However, this would not require planning permission as it would fall within the same use class, and therefore is not under consideration as part of this application.
- 10.70 The issue of the proposed residential units being enabling development and a precursor for further development within the churchyard has been raised. The proposed residential units are considered to be enabling development, however whilst the site is located within designated Open Space, the site itself would constitute brownfield land given that the site includes two large metal sheds, a high level surrounding fence and the listed buildings and is currently used by the Council's Parks Department for the storage of vehicles and goods, whilst also forming an informal workshop and storage space. In addition the site has historically been in separate use to the park and is physically separated. Furthermore, the site is inaccessible to public users of the park and is wholly covered by built form and hardstanding. As such, the change of use to a school, which is encouraged by both the London Plan and Local policy, and the residential use are acceptable whether or not the development is considered to be enabling.
- 10.71 The principle of the proposal has been considered as a whole, including the ASD unit. Should any further planning applications be submitted for development within the St Mary Magdalene Gardens and the Churchyard then they would be assessed on their own merits.

### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

- 10.72 The recommendation includes a list of heads of terms to be included in a S106 Agreement. These matters include contributions towards affordable housing small sites, tree planting and carbon offsetting, the repair and reinstatement of the footways and highways adjoining the development; compliance with the Code of Employment and Training and compliance with the requirement for an access management plan to be put in place. The development is also liable for the Mayor's CIL charge, which will be confirmed in the Liability Notice.

## **National Planning Policy Framework**

10.73 The scheme complies with the provisions of the NPPF and local policy, and is in accordance with statutory and material considerations

### **11. SUMMARY AND CONCLUSION**

#### **Summary**

11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Unitary Development Plan and associated Supplementary Planning Documents, and should be approved accordingly.

#### **Conclusion**

11.2 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 £100 000 towards affordable housing within the Borough.
2. A contribution of £3000 towards carbon offsetting.
3. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
4. Compliance with the Code of Employment and Training.
5. The payment of the CAVAT value for the three trees removed. The cost is to be confirmed by the Tree and Landscape and Parks Department and paid for by the applicant.
6. Not to occupy the residential units within the development until an access management scheme for the residential properties 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.

All payments are due on practical completion 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 6 weeks from the date of the decision of the application, 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 4th July 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 principle of the change of use to provide a D1 school use and two dwellings would be in accordance with policies 3.4, 3.16 and 3.18 of the London Plan, CS12 of the Core Strategy, Unitary Development Plan policy Ed3 and Development Management policies DM9 and DM29;
- The introduction of a residential use to the site is acceptable. The development would provide a combination of family and nonfamily 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 change of use and refurbishment and extension of the listed buildings was welcomed by the Conservation and Design Officer. In addition the proposal is considered to preserve the character and appearance of the listed building and conservation area, whilst not detracting from the openness of St Mary Magdalene Gardens. The proposal is considered consistent with policies D3 (Site Planning), D4 (Designing in Context), D11 (Alterations and Extensions) and D24 (Materials) of the Islington Unitary Development Plan 2002, policies CS5, CS8 and CS9 of the Islington Core Strategy 2011, emerging policy DM1 (Design), and DM3 (Heritage) of the Development Management Policies Document Submission Version 2012 and the guidance contained in the Islington Urban Design Guide 2006.
- The new residential properties would be constructed to Code for Sustainable Homes Level 4 and the properties in the school building would achieve a BREEAM rating of 'Excellent'. 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 DM40, DM41 and DM44 of the Development Management Policies;
- The majority of the existing trees close to the site would be retained with only three trees proposed to be removed. The loss of these trees would be offset through a contribution to tree planting secured through a legal agreement and the provision of other landscaping 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 or overshadowing to existing residents and would not be overbearing or visually intrusive to the neighbouring occupiers. On balance, it was considered that the development proposal was acceptable;
- 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:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>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).</p>
<b>2</b>	<b>Approved Plans List</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>E001, E002, E100, E101, E102, E110, E111, E112, E113, E114, E115, E120, E121, P002, P110, P100 Rev A, P101 Rev A, P102 Rev A, P111 Rev A, P112 Rev A, P113 Rev A, P114 Rev A, P115 Rev A, P120 Rev A, P121 Rev A, P122 Rev A, P123 Rev A, Swept Path Analysis (001), Design and Access Statement, Planning Statement, Transport Statement, Arboricultural Assessment and Tree Protection Method Statement, Structural Stage D Report issue 1, Sustainability Statement, BRUKL Output Document and BREEAM Domestic Refurbishment 2012 Pre-Assessment Estimator.</p> <p>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.</p>
<b>3</b>	<b>Materials (details)</b>
	<p>CONDITION: Notwithstanding the approved plans, 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:</p> <ul style="list-style-type: none"><li>- Bricks</li><li>- timber fencing</li><li>- gates</li><li>- glazing for glazed links</li><li>- glazing for glazed courtyard canopy</li><li>- The new internal doors at ground floor level within the former Coroner's Court.</li><li>- All new external doors. No permission is granted for the removal of any historic doors.</li></ul> <p>The development shall be carried out strictly in accordance with the details so approved and retained for the life of the development.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. In order to safeguard the special architectural</p>

	or historic interest of the heritage asset in accordance with policy 12 of the National Planning Policy Framework 2012, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.
<b>4</b>	<b>Glazed links</b>
	<p>CONDITION: Notwithstanding the approved plans, all of the glazed links shall be constructed of frameless glazing and further detailed drawings of the fully glazed links shall be submitted to and approved in writing by the Council prior to any works commencing.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. In order to safeguard the special architectural or historic interest of the heritage asset in accordance with policy 12 of the National Planning Policy Framework 2012, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
<b>5</b>	<b>Glazed Canopies</b>
	<p>CONDITION: Notwithstanding the approved plans, detailed drawings of the proposed glazed canopies, including the frames and posts, shall be submitted to and approved in writing by the Council prior to any works commencing.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. In order to safeguard the special architectural or historic interest of the heritage asset in accordance with policy 12 of the National Planning Policy Framework 2012, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
<b>6</b>	<b>Granite Sets</b>
	<p>CONDITION: Notwithstanding the approved plans, no granite sets within the courtyard shall be removed or relocated until full details of the landscape design have been submitted and approved under condition 16.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. In order to safeguard the special architectural or historic interest of the heritage asset in accordance with policy 12 of the National Planning Policy Framework 2012, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
<b>7</b>	<b>Window Details</b>
	<p>CONDITION: Notwithstanding the approved plans, all new sash windows shall accurately replicate, in terms of material, profile and detailing, the original windows surviving to the group of buildings. They shall be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be and no greater than 12mm (4mm glass : 4mm gas : 4mm glass) in total thickness. No Trickle vents or metallic / perforated spacer bars are permitted.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. In order to safeguard the special architectural or historic interest of the heritage asset in accordance with policy 12 of the National Planning Policy Framework 2012, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>

8	<p><b>Brick Slips</b></p>
	<p>CONDITION: Notwithstanding the approved plans, no consent is granted for the use of brick slips to construct the new residential block attached to the former Coroners Court. A sample panel of proposed brickwork showing the colour, texture, facebond and pointing shall be provided on site and approved in writing by the Local Planning Authority prior to the relevant part of the works are commenced.</p> <p>The approved sample panel shall be retained on site until the works have been completed.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. In order to safeguard the special architectural or historic interest of the heritage asset in accordance with policy 12 of the National Planning Policy Framework 2012, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
9	<p><b>Use of School</b></p>
	<p>CONDITION: The D1 use school building hereby approved shall only be used as a Special Educational Needs (SEN) unit in conjunction with the use of St Mary Magdalene Academy and shall not be used in any other use within the Use Class D1 (non-residential institutions) of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: It is considered that any other operation of the site in this location may have impacts, which should be the subject of public consultation and a full planning application. The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 and would ensure compliance with policy D3 of the Islington Unitary Development Plan 2002.</p>
10	<p><b>Timing of Development</b></p>
	<p>CONDITION: The construction works to enable the D1 use hereby approved shall be completed and the school brought into use within one year of the first occupation of the residential units hereby approved.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the site and to safeguard the character and appearance of the conservation area and the setting of the listed buildings 7.4, 7.5, 7.6 and 7.8 of the London plan (2011), policy D3, D4, D5, D, D7, D8, D17, D22 and D24 of the Islington Unitary Development Plan 2002, policy DM1 and DM3 of the Development Management Policies (Submission 2012) and policy CS8 and CS9 of the Islington Core Strategy 2011.</p>
11	<p><b>Hours of Operation</b></p>
	<p>CONDITION: The D1 School operation shall only operate between the hours of 0700 hrs and 1900 hrs Monday to Friday and not at all on Saturday, Sunday and Bank Holidays.</p> <p>REASON: In the interest of protecting neighbouring residential amenity in accordance with policies CS2 and CS14 of Islington Core Strategy, policy DM15 of the Development Management document and policies Env 16 &amp; 17 of the Islington</p>

	Unitary Development Plan 2002.
<b>12</b>	<b>Restriction of Permitted Development</b>
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no works under Schedule 2, Part 1 of the above Order shall be carried out to the dwellinghouses hereby approved without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouses 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.</p>
<b>13</b>	<b>Construction Method Statement</b>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation in accordance with policies: 6.7; 6.13; 6.14; 7.14 and 5.18 of the London Plan 2011 and policies: D3; Env17; T15; T21 and T55 of the Islington UDP 2002.</p>
<b>14</b>	<b>Sound Insulation</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed educational use and residential use of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the operation of the school building does not impact on</p>

	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.
<b>15</b>	<b>Delivery and Servicing Plan</b>
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic 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.</p>
<b>16</b>	<b>Hours of Servicing</b>
	<p>CONDITION: All service vehicle deliveries/collections/visits to and from the school building hereby approved must not take place outside hours of:</p> <p>0700hrs to 1900hrs Monday to Friday.</p> <p>REASON: To ensure that resulting servicing arrangements do 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</p>
<b>17</b>	<b>Refuse/Recycling Store and Cycle Parking</b>
	<p>CONDITION: Notwithstanding the approved drawings, detailed drawings of the bin and bicycle store serving the residential properties shall be submitted to the Local Planning Authority for written approval within six months of the commencement of the superstructure works.</p> <p>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 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 St Mary Magdalene Gardens, 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.</p>
<b>18</b>	<b>Landscaping</b>
	<p>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:</p> <p>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</p>

	<p>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</p> <p>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</p> <p>d) proposed trees: their location, species and size;</p> <p>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</p> <p>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>i) any other landscaping feature(s) forming part of the scheme.</p> <p>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.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 7.2 and 7.21 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.</p>
<b>19</b>	<b>Arboricultural Report</b>
	<p>CONDITION: The tree retention and protection method, as detailed in the 'Arboricultural Assessment and Tree Protection Method Statement' hereby approved shall be carried out strictly in accordance with the details so approved, installed/carried out prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>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 and the Islington Tree Policy (updated 2011).</p>
<b>20</b>	<b>Tree Works</b>
	<p>CONDITION: All tree work shall be carried out in accordance with British Standard BS3998 – Recommendations for Tree Work. In addition:</p>



	<p>a) No fires shall be lit within [10] metres of the nearest point of the canopy of any retained tree. No equipment, machinery or structure shall be attached to or supported by a retained tree.</p> <p>b) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.</p> <p>c) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities 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 and the Islington Tree Policy (updated 2011).</p>
<b>21</b>	<b>Underground Servicing and Drainage</b>
	<p>CONDITION: Details of all underground services and drainage at the site shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. This shall include details of methods to avoid Root Protection Areas of the trees on and around the site.</p> <p>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 and the Islington Tree Policy (updated 2011).</p>
<b>22</b>	<b>Sustainability</b>
	<p>CONDITION: The development shall achieve a BREEAM Schools (2008) rating of no less than 'Excellent' and Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development in accordance with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10 of the Islington Core Strategy 2011.</p>
<b>23</b>	<b>Decentralised Energy Network</b>
	<p>CONDITION: Details of how the communal boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network or decentralised energy network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The agreed scheme shall be installed prior to the first occupation of the development hereby approved. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system in accordance with policies 5.5 and 5.6 of the London Plan 2011, policy CS10 of Islington's Core Strategy and Policy DM 42 of the emerging Development Management Policies (Submission version June 2012).</p>

24	<p><b>Sustainable Urban Drainage</b></p>
	<p>CONDITION: Details of surface drainage works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of sustainable drainage system in accordance with the principles as set out in Appendix F of PPS25 and London Plan policies: 5.13 and 5.15. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve at least a 50% attenuation of the undeveloped site's surface water run off at peak times. The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water in accordance with PPG25, policies: 5.13 and 5.15 of the London Plan 2011, policy Env39 of the Islington Unitary Development Plan 2002 and policies: CS10C and E and CS15G of the Islington Core Strategy 2011.</p>
25	<p><b>Biodiversity Roof</b></p> <p>CONDITION: Notwithstanding the submitted plans, details of the biodiversity (green/brown) roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roofs shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan P101 Rev A and P102 Rev A hereby approved; and</li> <li>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>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.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>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.</p>
26	<p><b>Ecological Watching Brief</b></p>
	<p>CONDITION: An ecological watching brief shall be carried out for the duration of the construction phase of the development to ensure that no accidental harm or disturbance occurs to any bats which may be roosting or using the site.</p>

	<p>REASON: A watching brief is necessary to ensure no harm occurs to bats. The adherence to a watching brief would ensure compliance with policies: 5.3 and 7.19 of the London Plan 2011, policy CS10D of the Islington Core Strategy 2011, and policy Env24 of the Islington UDP 2002.</p>
<b>27</b>	<p><b>Bird and Bat Nests</b></p> <p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 5.3 and 7.19 of the London Plan 2011, policy: Env24 of the Islington Unitary Development Plan 2002 and policy CS15D and F of the Islington Core Strategy 2011.</p>

## LIST OF INFORMATIVES

<b>1</b>	<p><b>Positive Statement</b></p> <p>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.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>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.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<p><b>Section 106 Agreement</b></p> <p>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.</p>
<b>3</b>	<p><b>Definition of 'superstructure' and 'practical completion'</b></p> <p>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.</p>
<b>4</b>	<p><b>Community Infrastructure Levy (CIL)</b></p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to</p>

	<p>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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>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: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>
<b>5</b>	<b>Sustainable Sourcing of Materials</b>
	<p>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.</p>
<b>6</b>	<b>Car free Development</b>
	<p>All new developments are car free in accordance with policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
<b>7</b>	<b>Highways</b>
	<ul style="list-style-type: none"> <li>- 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</li> </ul> <p>All agreements relating to the above need to be in place prior to workscommencing.</p> <ul style="list-style-type: none"> <li>- 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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing.</li> <li>- Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</li> <li>-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 <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</li> </ul> <p>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 <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a></p> <p>Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p>

- Temporary crossover licenses to be acquired from [streetworks@islington.gov.uk](mailto: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](mailto: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

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

- developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable 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 3.15 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
  
- 4 London's economy
- Policy 4.1 Developing London's economy
- Policy 4.3 Mixed use development and offices
- 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 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 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- 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 CS4 (Highbury Corner and

Policy CS13 (Employment Spaces)

Policy CS15 (Open Space and Green

Holloway Road)  
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 CS12 (Meeting the Housing  
Challenge)

Infrastructure)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)  
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)

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)

Recreation and Leisure:

R9 (Change of Use)

Education:

Ed3 (Sites and Buildings)  
Ed5 (Improvements to Schools)  
Ed10 & 11 (Distribution of Education  
Services)

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**

Following the submission to the Secretary of State on 16/08/2012, the draft development plan document listed below is currently subject to Independent Examination:

- Development Management Policies (Submission) June 2012



Hearings pertaining to the Independent Examination were held between 10 and 12 December 2012. Following these hearings, the council has proposed amendments to certain emerging policies/allocations which aim to resolve objections raised by representors. Key policies/allocations proposed to be amended and/or which are subject to unresolved objections are:

Development Management Policies:

**Policy DM3** (Heritage)

**Policy DM28** (Hotels and visitor accommodation)

**Policy DM29** (Social and strategic infrastructure and cultural facilities)

**Policy DM31** (Loss of existing business floorspace)

All emerging policies and allocations in the abovementioned document have a degree of weight as material considerations in the decision-making process. However, prior to receipt of the Inspector's Report on the outcome of the Independent Examination, the policies listed above should be considered to have relatively limited weight. Other emerging policies and allocations contained within these draft documents carry more significant weight.

The draft adoption version of the Finsbury Local Plan is scheduled for adoption by the council on 27/06/2013. Although not yet part of the borough's statutory development plan, the Inspector's report into the examination of the plan, issued on 30/04/2013, confirms that it is a 'sound' plan, subject to a limited number of modifications (which are reflected in the 'draft adoption' version). All policies in the 'draft adoption' version of the plan therefore carry significant weight in the decision-making process.

## **Islington's Development Management Policies (Submission) June 2012**

### **Design and Heritage**

**DM1** Design

**DM2** Inclusive Design

**DM3** Heritage

### **Health and open space**

**DM38** Landscaping, trees and biodiversity

**DM39** Flood prevention

### **Energy and Environmental Standards**

**DM40** Sustainable design and construction statements

**DM41** Energy efficiency and Carbon Reduction in Minor Schemes

**DM44** Heating and Cooling

### **Housing:**

**DM9** Mix of Housing Sizes

**DM12** Housing Space Standards

**DM13** Private Outdoor Space

**DM15** Noise

### **Shops, Culture and Services:**

**DM29** Social and Strategic Infrastructure and Cultural Facilities

**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

#### **4. Designations**

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

- St Mary Magdalene Conservation Area
- Article 4(2) St Mary Magdalene
- Grade II\* Listed (curtilage) Building
- Adjacent to Open Space
- Adjacent to SINC

#### **5. 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
- Environmental Design
- Inclusive Landscape Design
- Planning Standards Guidelines
- Planning Obligations and S106
- Urban Design Guide
- Affordable Housing Small Sites SPD

##### **London Plan**

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London