

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street

PLANNING COMMITTEE REPORT

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| PLANNING SUB- COMMITTEE B | | AGENDA ITEM NO: |
| Date: | 25 November 2013 | EXEMPT |

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| Application number | P122380 |
| Application type | Full Planning Application |
| Ward | St Mary's Ward |
| Listed building | Not Listed |
| Conservation area | St Mary Magdalene |
| Development Plan Context | RS3LS: Channel Tunnel Link within 200m, RS3 CTRL safeguarded area, Surface Interest for RS3 CTRL, Within 50m of Barnsbury CA |
| Licensing Implications | None |
| Site Address | Land adjacent to 16 Arundel Square and part of Starliner Court, 39 Liverpool Road, London, N7 (also known as 17 Arundel Square) |
| Proposal | Erection of a four storey 4 bedroom house (on currently vacant plot). |

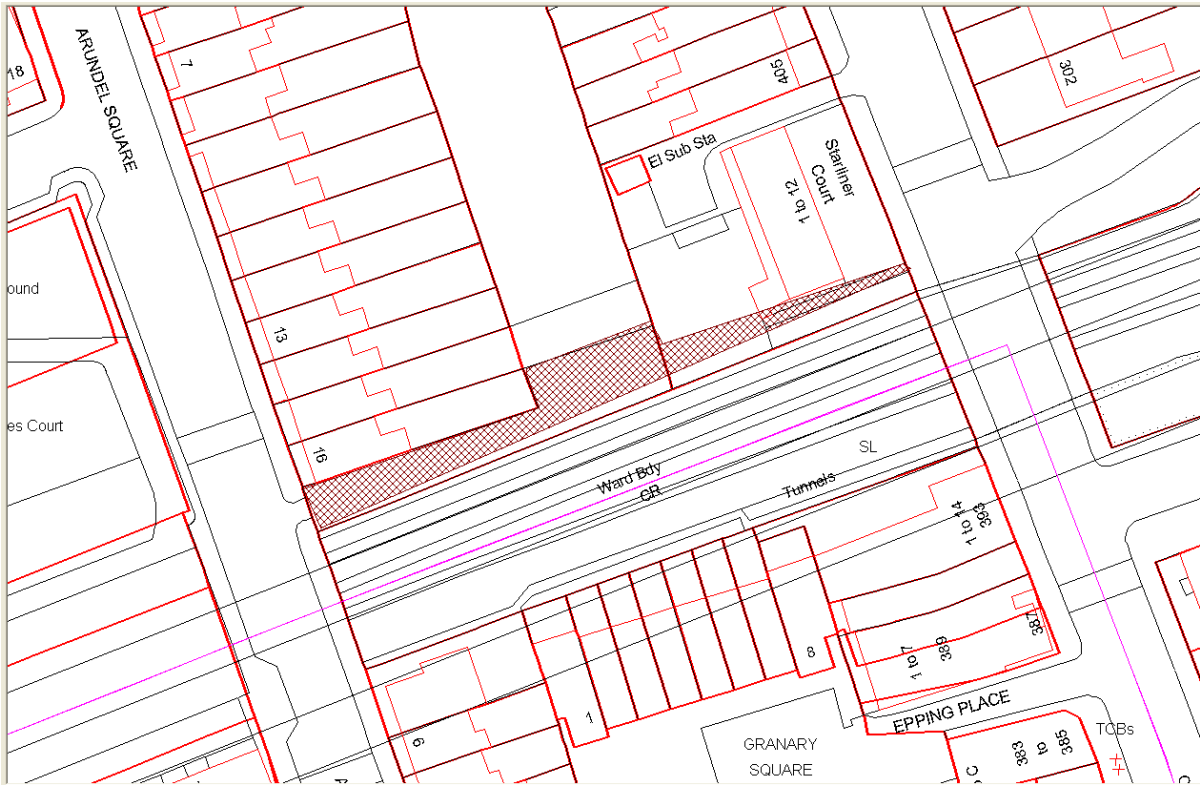
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| Case Officer | Sandra Chivero |
| Applicant | Mr B Thomas Anchor Investments Ltd |
| Agent | Mr J Thomas |

1. RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1;
2. 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



3. PHOTOS OF SITE/STREET

Photos 1 & 2 Application Site



Photos 3 & 4 View of application site from Arundel Place



Photos 5 & 6 View of application site from the rear



4. SUMMARY

- 4.1. It is proposed to erect a four storey, four bed house at the end of the locally listed terrace on a strip of undeveloped land that lies between no. 16 Arundel Square and the railway lines. The principle of a residential use is considered appropriate in this predominantly residential area.
- 4.2. Whilst the constraints of the site restrict a conventionally designed building, the scheme has been revised extensively to respond to the previous concerns raised regarding the proposed infill house that resulted in an incongruous addition to the end of the terrace.
- 4.3. The proposed new house has a cantilever at first floor level along the south facing flank wall. This is to allow for access and safety requirements as imposed on the development by Network Rail. The over hang will be largely concealed by a 2m high parapet wall to the railway bridge.
- 4.4. The front façade adopts the visual language of the adjoining terrace and picks up on specific visual features. The new dwelling therefore echoes the adjoining terrace. Overall, the scale, height, design and materials of the proposed development would be in keeping with the street.
- 4.5. The resulting family house is considered to provide a satisfactory quality of accommodation and would meet the standards set out in the London Plan and Islington's adopted policies. In addition, due to the orientation and positioning in line with the host terrace to the front and rear the new house is considered not to be harmful to the outlook, daylight and sunlight to nearby properties including no. 16 Arundel Square. This is supported by a daylight and sunlight report submitted with the application.

5. SITE AND SURROUNDING

- 5.1. The application site is a vacant plot situated on the eastern side of Arundel Square adjacent to no. 16 Arundel Square. The site backs on to the Starlight building to the rear and adjoins railway lines to the south. The site is not listed but it is situated within the St Mary Magdalene Conservation Area and adjoins a locally listed terrace. The surrounding area is predominantly residential in character.

6. PROPOSAL (in Detail)

- 6.1. The current application is a resubmission of the application that was refused in September 2010 under ref. P101347 for the "Erection of a four storey house residential building to accommodate three 1 x bed flats and one 2 x 2 bed flats." (See section 4 for reasons).
- 6.2. It is now proposed to erect a four bedroom – five storey end of terrace house. The proposed new house has a cantilever at first floor level along the south facing flank wall.

Revision 1

- 6.3. The revised scheme presents flush pointing brickwork, painted/ banded render and metal railings to the front elevation to match the adjoining terrace. The amended design also incorporates a round headed window of matching size and form to those of adjoining houses. It is also proposed to install white etched glass balustrades at front first floor level and metal railings at front second floor level.
- 6.4. The painted metal panel to the refuse store and all but one balustrade have been omitted from to the flank façade. It is also proposed to remove the front boundary wall between no. 16 and 17.

7. RELEVANT HISTORY:

Planning Applications

17 Arundel Square Land Adj. no. 6 Arundel Square

- 7.1. September 2010: Planning Application (Ref. P101347) Refused - Erection of new ground floor plus 4 storey residential building to accommodate three x 1 bed flats and one x 2 bed flat. The reasons for refusal were as follows:

REASON: The proposed building, by reason of its design, scale, form, choice of materials, proportions and plot siting, will significantly alter the character of the area, and thus will be detrimental to the character and appearance of adjacent buildings, the street scene and the wider St Mary Magdalene Conservation Area. The development is therefore contrary to policies D1 (Overall Design), D4 (Designing in Context), D11 (Alterations and Extensions), D22 (New Development) and D24 (Materials) of Islington Council's Unitary Development Plan (2002), the Conservation Area Design Guidelines (2002), and Islington's Urban Design Guide (2006).

REASON: The proposed ground floor flat, by reason of its inadequate width and layout, would result in a sub-standard level of accommodation for occupiers. The development is therefore contrary to policies H3 (New Housing and changes of use to residential) and H10 (New Development) of Islington Council's Unitary Development Plan (2002) and Islington's Planning Standards Guidelines (2002).

REASON: The proposed building, by reason of its size and location fails to respect the existing building lines of the surrounding built form and is therefore considered overdevelopment of the site, contrary to policies D1 (Overall Design), D3 (Site Planning) and D4 (Designing in Context) of Islington Council's Unitary Development Plan (2002), the Conservation Area Design Guidelines (2002), and Islington's Urban Design Guide (2006).

REASON: The proposed single storey rear element, by reason of its location, size, and design, would have an overbearing impact upon adjacent occupiers and would be detrimental to the amenity of neighbouring residents. The proposed development is thus contrary to Policies D3 (Site Planning) of Islington Council's Unitary Development Plan 2002.

Land Adj. no. 6 Arundel Square

- 7.2. July 1997: Planning application (Ref. 970775) Granted for the Erection of a lower ground plus 4-storey building to provide two x 2 bed and two x 1 bed flats and one car parking space (variation to the scheme for two x 4 storey plus lower ground 4 bed houses, approved 15th January, 1997).

Enforcement:

- 7.3. None

Pre-application Advice:

- 7.4. November 2009: Formal pre-application enquiry (Ref. R090328) Submitted for the redevelopment of the site at the Land Rear Of 2-16, Arundel Square to provide housing. *In summary: the principle of a new house at this location was considered acceptable.*

8. CONSULTATION

Public Consultation

- 8.1. Consultation letters were originally sent to neighbouring and adjoining properties on 01 November 2012. Following the submission of amended drawings reconsultation letters were sent to occupants of 200 adjoining and nearby properties at Arundel Place, Granary Square, Starliner Court Liverpool Road, Vanstone Court Blackthorne Avenue, Liverpool Road, Blackthorn Avenue, Arundel Square, on 08 May 2013. A site notice and a press advert were displayed on 16 May 2013. The public reconsultation of the application therefore expired on 06 June 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 a total of 10 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Objections:

- Loss of light and privacy to no. 16 (Para 10.7, 10.8, 10.9)
- Shadowing to garden at no. 16 (Para 10.8)
- Proposal too bulky and prominent (Para 10.3)
- Proposal detrimental to the character of the area and the Georgian Terrace (Para 10.2, 10.3, 10.5)

- 8.3. Other issues:

- Party wall issues – This is not a planning issue.
- Subsidence and movement problems - This is not a planning issue.
- Blockage of flues and vents to all properties at no. 16 - This is not a planning issue.
- Construction phase – This is not a planning issue.

- 8.4. One letter of support was also received in relation to the application on ground it will give Arundel square more definition, and reduce the gaping hole cut through by the railway void.

External Consultees

- 8.5. **English Heritage:** did not raise any concerns
- 8.6. **TFL:** stated that modifications will be required to the retaining wall of the railway to facilitate this development and that no construction or development can take place within 1m of the retaining wall. It is further stated that the Council should secure confirmation from Network Rail that the impact of this development on their infrastructure can be managed and that safe operation of rail service on the adjacent railway lines can be maintained throughout construction and following completion of the development.
- 8.7. **Crime Prevention Officer:** raised concerns regarding the poor surveillance opportunities and the passage way could give anonymity to a potential offender. The proposed bike store in the passageway could also be vulnerable.
- 8.8. **London Fire and Emergency Planning Authority:** commented that the proposal is in compliance with the requirement of Approved Document B regarding fire-fighting access and construction. I-Mapping confirms fire hydrants are located within 60m of the site.
- 8.9. **HS1 and Network Rail:** recommended conditions relating to
- Further consultation and agreement
 - Details to provided
 - Foundation Design
 - Site investigations near HS1 (in tunnel)
 - Excavations
 - Imposed loads
 - Vibration
 - Protective Provision Agreement (PPA)
 - Cost incurred
 - Legal Agreement

Internal Consultees

- 8.10. **Design and Conservation Officer:** acknowledges that inevitably the constraints of the site restrict a conventionally designed building. The scheme has been revised extensively to respond to the concerns and as such is sufficiently improved that a refusal could not be justified. Conditions to control the materials have also been recommended.
- 8.11. **Tree Officer:** stated that the proposal would not impact on nearby trees.
- 8.12. **Policy Officer:** did not raise any objection.
- 8.13. **Acoustic Officer:** notes that the D & A Statement advises that "high performance glazing and window systems are proposed to mitigate against the noise of the trains". However, this is a heavily used freight and passenger line (along with maintenance works) – in order to protect the amenity of the residential occupants, noise control and anti-vibration conditions have been recommended.

- 8.14. It is further commented that under section 5.5, the applicant notes that there is no "indication that there will be any soil contamination". From our CL database there are no previous uses listed for the site so it's difficult to apply a CL condition without some history for a potentially polluting usage, assuming that the new soft landscaping area will be cleared and excavated anyway.

9.0. RELEVANT POLICIES

- 9.1. Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

- 9.2. 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, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.4. The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

The main issues arising from this proposal relate to:

- Principle/Land Use
- Design
- Landscaping and trees
- Effect on Neighbouring Amenity
- Quality of residential accommodation
- Sustainability
- Highways and Transportation

Land-use

- 10.1. The existing fenced vacant land has a negative visual effect on the area. The Council therefore welcomes the development of the site. It is considered that residential use would be appropriate in this predominantly residential area and would accord with policy CS12 of the Core Strategy and preserve the character of the conservation area. The parallel site on the other side of the tracks which was historically vacant is occupied by a similar end of terrace residential development. The principle of residential redevelopment is acceptable and complies with development plan policies.

Design, Conservation and Heritage Considerations

- 10.2. Concerns were previously raised regarding the proposed house resulting in an incongruous addition to the end of an intact locally listed 1850s terrace with a strong symmetry. Ideally, a new house in this location should exactly replicate the existing form and be a continuation of the terrace. However, it is recognised that due to its close proximity to railway lines Network Rail restrict any construction or development taking place within 1m of the retaining wall, which would constrain the provision of a new house to exactly replicate the existing form of the terrace at this location. Whilst inevitably the constraints of the site restrict a conventionally designed building, the scheme has been revised extensively to respond to the concerns raised.
- 10.3. To the front elevation the revised scheme presents flush pointing brickwork and painted/ banded render to the front elevation to match the adjoining terrace. The amended design also incorporates a round headed window of matching size and form to those of adjoining houses. It is also proposed to install white etched glass balustrade at front first floor level and metal railings at front second floor levels. The metal panel to the refuse store and all but one balustrade have been omitted from the flank façade. It is also proposed to remove the front boundary between nos. 16 and 17. This is considered to improve the relationship between the two properties when viewed from the street. The proposed new house has a cantilever at first floor level along the south-facing flank wall. This is an access and safety requirement imposed on the development by Network Rail. From the street level, the overhanging will be largely masked by approximately 2m high parapet wall to the railway bridge. To the front elevation, the ground floor will appear intact as the door to the access way will be designed as a secret one replicating the justification. It is noted that objections have been received concerned with bulk and prominence however, the proposed dwelling is considered to be appropriate in terms of size, scale, height and bulk and respects the existing adjoining terrace and the surrounding area.
- 10.4. The revised proposed railings to the new house are of the same height as the adjoining to the adjoining terrace, with the same rail spacing with a horizontal bar at the same level and with 'spikes' (blunt and undecorated) of the same length as those of the adjoining terrace. The refuse store has been relocated and the flat panel store door omitted.
- 10.5. Overall, the principle of the development on this site is considered acceptable, as it is the continuation of the terrace and the front façade picks up on specific visual features in particular fenestration rhythm, hierarchy and materials. In addition, the form and scale of the development is considered appropriate in this location and responds positively to its surroundings albeit in a contemporary language. The proposal is therefore considered to accord with policies CS8 and CS9 of the Core Strategy; policies DM2.1 and DM2.3 of the Development Management Policies (2013). The proposal is further considered to accord with requirements of the Islington Urban Design Guide (2006) and the Conservation Area Design Guide (2002). The proposal is also considered to preserve character and appearance of the surrounding St Mary Magdalene Conservation Area.

Landscaping and Trees

- 10.6. There are no trees on the application site and the development would be situated sufficiently away from trees and tree roots of neighbouring properties. The proposal is therefore considered not impact on the nearby trees inline with policy DM6.5 of the Development Management Policies (2013).

Neighbouring Amenity

- 10.7. Due to the orientation of the site the proposed new house is considered not to materially affect outlook to nearby properties and would maintain their privacy levels. However, concerns were raised regarding loss of light to the immediate adjacent property at no. 16 Arundel Square. The daylight and sunlight report submitted with the application shows that all the windows to the neighbouring property at no. 16 would meet the BRE Guidelines in respect of the VSC (Vertical Sky Component) and NSL (No Sky Line) form of daylight assessment as all the reductions which occur are within the recommended 20% Margin. In terms of sunlight only one room to no 16 was analysed as the other windows are not located within 90° of due south. The report also shows that there is no impact from the current scheme upon sunlight the levels within to no. 16 and the proposal therefore meets the BRE Guidelines.
- 10.8. Concerns were also raised regarding the raising of the northern boundary (to 1.8m high) resulting in the loss of light and overshadowing to the garden at no. 16. The BRE Guide recognises that the fences and walls cast deeper shade than trees and their position can be often predicted as in this instance. The Council has limited control over loss of light and overshadowing to gardens from boundary treatments that are 2m or less as it is permitted development to erect a wall up to 2m high in a rear garden and as such refusal on these grounds would be unreasonable.
- 10.9. Further concerns were raised regarding the loss of privacy to the rear first floor level terrace at no. 16 Arundel Square, from overlooking from the proposed terrace at ground floor level. Due to change in land levels, the terrace at no. 16 would be higher than the rear raised ground floor level terrace. It is therefore considered that the proposal would not result in harmful overlooking to the rear terrace at first floor level at no. 16.
- 10.10. Overall, the proposal is considered to be inline with policy DM2.1 of the Development Management Policies 2013.

Quality of Resulting Residential Accommodation

- 10.11. The dual aspect house is considered to receive sufficient daylight and outlook and indeed generous, outdoor amenity space would be provided for the family unit. The use of high performance glazing and windows systems is considered to minimise against noise from the trains. However, this is a heavily used freight and passenger line (along with maintenance works) – in order to protect the amenity of the residential occupants a noise control and anti-vibration conditions have been attached.
- 10.12. The gross internal area of the house, individual room sizes and plentiful storage space would exceed the minimum space standards stipulated within Policy 3.4 Development Management Policies. Overall, the resulting family house is considered to provide satisfactory accommodation and would meet the standards set out in the London Plan (2011). The generous outdoor amenity space would

exceed the requirements for policy DM3.5 of the Development Management Policies to provide a minimum 30sqm for family housing.

- 10.13. Concerns were raised regarding poor surveillance opportunities to the passage way where the main entrance is situated. Whilst it would be ideal for the main entrance to be situated to the front elevation, given the constraints of the ground floor imposed by network rail the positioning of the door to the front elevation would result in a development which would be unacceptable in design terms and would have adverse effect on the architectural character of the terrace, streetscene and the surrounding Conservation Area. Under these constraints the positioning of the main entrance down the side is therefore considered acceptable. Notwithstanding this, in order to improve security to the passage way a condition has been attached to the permission requiring the installation CCTV and Security Lighting to the passage way.

Sustainability

- 10.14. In the interest of addressing climate change and to secure a sustainable development it is proposed to install solar panels and adopt a mechanical or 'whole house' background ventilation, in order to reduce heat loss association with ventilation. It is also proposed to incorporate a sustainable drainage system into the design. Most of the roof surfaces of the building will be planted as green roofs. Any rainwater that does run off the roof will be collected and stored for use in the garden. It is intended that the building grey water will be harvested and recycled. The application also stated that the applicant will undertake to install low-energy-only light fittings throughout the building. It is considered that these measures would improve the environmental quality of the building inline with DM2.1 A (i), DM2.3 G and DM7.1 of the Development Management Policies 2013 and policy CS10 of the Core Strategy 2011.
- 10.15. Inline with the requirements of policy DM7.2 a condition is proposed stipulating that development shall achieve an on-site reduction in regulated CO₂ emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Home level 4). A contribution has been made to carbon offsetting inline with policy and captured by S106.

Highways and Transportation

- 10.16. Policy CS10 of the Islington Core Strategy 2011 stipulates 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. The proposal complies with this policy. As the new housing development would be car free it is considered that the proposal would not result in increased traffic congestion in the area or parking problems. In addition, provision of cycle storage would encourage the use of sustainable transportation. A condition secures these aspects.
- 10.17. The site is well located in relation public transport and has a PTAL rating of 4, 1 being the lowest and 6b being the highest (Sustainable Transport Strategy 2006, Figure 2.5). The close proximity to Highbury and Islington Station provides access to a large number of bus routes, the Victoria Line, East London Line and mainline rail services. The provision of 2 cycle spaces for the 4 bedroom dwelling would fail

to meet the requirements of policy DM8.4 which requires the provision 1 cycle space per bedroom, therefore a condition is recommended to provide 4 cycles spaces.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.18. The applicant has signed the Unilateral Undertaking in regard to both the affordable housing provision contribution of £50 000 and the environmental off-set contribution of £1500. The proposed development would also be liable for the Mayor's CIL.

National Planning Policy Framework

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

Other Matters

- 10.20. Concerns have been raised regarding the proposal failing to accord with policy D3 of the Unitary Development Plan which required light and privacy to neighbours to be protected, accessible, safe and adequate refuse facilities. Policy D3 has been superseded by policy DM2.1 of the Development Management Policies (2013). The proposal is considered to accord with policy DM2.1 as previously discussed.
- 10.21. Other non material planning issues were raised and these are stated in paragraph 5.3 of the consultation section. These are civil matters that need to be resolved between the different parties.

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 Development Management Policies 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:

1. A contribution of £50 000 towards affordable housing within the Borough.
2. A contribution of £1500 towards carbon offsetting.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service 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 the grant of planning permission be subject to conditions to secure the following:

List of Conditions:

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| 1 | Commencement |
| | <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> |
| 2 | Approved plans list |
| | <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement Supplement Rev1; Daylight and Sunlight Report dated 06 November 2013 – Ref. 5874, AP201(0)RevP1, AP(0)210RevP4, AP(0)211RevP4, AP(0)212RevP4, AP(0)213RevP4, AP(0)214RevP4, AP(0)215RevP4, AP(0)216RevP1, AP(0)217RevP1, AP(0)218RevP1, AP(0)221RevP5, AP(0)222RevP5, AP(0)231RevP5, AP(0)232RevP5, AP(0)233RevP5, AP(0)234RevP3, AP(0)235RevP3.</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> |

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| 3 | Materials (Details) |
| | <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); f) green procurement plan; g) and any other materials to be used. <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 securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p> |
| 4 | Removal of Permitted Development Rights (Compliance) |
| | <p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the impact such changes may have on residential amenity and the overall good design of the scheme.</p> |
| 5 | Car-Free Development |
| | <p>All future occupiers of the residential unit hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons; ii) In the case of units designated in this planning permission as "non car free"; or iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>Reason: To ensure that the development remains car free in accordance with policies 6.3 and 6.13 of the London Plan 2011, policy CS18 of the Islington Core Strategy 2011 and policy DM8.5 of the Development Management Policies.</p> |

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| 6 | Cycle Parking Provision (Compliance) |
| | <p>CONDITION: The bicycle storage area(s) hereby approved, which shall be secure and provide for no less than 4 bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p> |
| 7 | Sustainability (Compliance) |
| | <p>CONDITION: The development shall achieve an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Home level 4).</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p> |
| 8 | Green/Brown Biodiversity Roofs (Compliance) |
| | <p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan AP(0)215RevP4 hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <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 roof(s) 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</p> |
| 9 | Sustainable drainage system/ rain and or graywater recycling (Compliance) |
| | <p>CONDITION: A sustainable drainage system/ rain and or graywater recycling system shall be incorporated into the design, most of the roof surfaces of the building shall be planted as green roofs. Any rainwater that does run off the roof shall be collected and stored for use in the garden and the building grey water shall be harvested and recycled.</p> <p>The sustainable drainage system/ rain and or graywater recycling system shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water.</p> |
| 10 | Solar Panels and Low-energy-only light fittings (Compliance) |

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| | <p>CONDITION: Solar panels and mechanical or 'whole house' background ventilation shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>Low-energy-only light fittings shall also be installed throughout the building and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To secure a sustainable development.</p> |
| 11 | Noise Assessment (Details) |
| | <p>CONDITION: A noise assessment following the guidelines of PPG24 and a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by; and implemented to the satisfaction of the Local Planning Authority prior to the first occupation of the rooms hereby approved. The sound insulation and noise control measures shall achieve the following internal noise targets:</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB LAeq</p> <p>The sound insulation and noise control measures shall be carried out 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: In order to protect the amenity of residential occupants.</p> |
| 12 | A Scheme for anti-vibration treatment (Details) |
| | <p>CONDITION: A scheme for anti-vibration treatment of the foundations and services shall be submitted to the Council for written approval prior to the commencement of the development, and implemented to the satisfaction of the Council to achieve the following internal noise targets:</p> <p>Internal vibration levels shall not exceed the category of "low probability of adverse comment" in Table 7 of Appendix A of BS 6472:2008."</p> <p>Groundborne noise shall not exceed 35dB LAmax, Slow as measured in the centre of any residential room.</p> <p>REASON: In order to protect the amenity of the occupiers of the new property from ground borne noise and vibration.</p> |
| 13 | Details to be provided |
| | <p>Condition: The further details bulleted below shall be submitted in writing for approval by the Local Planning Authority in consultation with HS1. The development shall then be carried out only in compliance with the approval unless previously agreed in writing by the Local Planning Authority in consultation with HS1:</p> <ul style="list-style-type: none"> •Foundation design and details, and any other works proposed below existing |

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| | <p>ground level</p> <ul style="list-style-type: none"> •Foundation construction methodology to assess effects from excavations and vibration <p>Construction activity shall then be carried out in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: The planning application does not contain the detail needed to identify potential effects upon the integrity, safety, security, operation, maintenance and liabilities of HS1 and HS1 Property.</p> |
| 14 | Site investigations near to HighSpeed1 (in tunnel) |
| | <p>Condition: Prior to the start of site investigations involving a borehole or trial pit deeper than one metre, details of the location and depth of site investigations including a method statement shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. This activity shall then be carried out only in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: No such information has been provided and is required in order that the borehole or trial pit is at an acceptable vertical and horizontal distance from the tunnel such that it does not compromise the integrity, safety or operation of HighSpeed1.</p> |
| 15 | Excavations |
| | <p>Condition: Prior to the start of construction activity engineering details of the size, depth and proximity to HighSpeed1 of any excavations shall be submitted in writing to and approved by the Local Planning Authority in consultation with HS1. Excavations shall then be carried out in accordance with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.</p> <p>Reason: No such details have been provided. To ensure that the stability HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.</p> |
| 16 | Imposed loads |
| | <p>Condition: Prior to the start of construction, details of the size, loading and proximity to HighSpeed1 of additional ground loads such as stockpiles shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Works shall be carried out in conformity with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change</p> <p>Reason: To ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.</p> |
| 17 | Vibration |

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| | <p>Condition: Prior to the start of construction details of the plant and equipment proposed which are likely to give rise to vibration (such as pile driving, demolition and vibro-compaction of the ground) together with predicted vibration levels, shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance.</p> <p>Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing to for approval by the Local Planning Authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring</p> <p>Reason: No details of vibration have been provided. To ensure that vibration does not prejudice safety, operation and structural integrity of HighSpeed1</p> |
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List of Informatives:

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| 1 | Positive Statement |
| | <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. 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 accordance with the requirements of the NPPF.</p> |
| 2 | S106 |
| | <p>SECTION 106 AGREEMENT</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> |
| 3 | Superstructure |
| | <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</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> |
| 4 | Community Infrastructure Levy (CIL) (Granting Consent) |
| | Under the terms of the Planning Act 2008 (as amended) and Community |

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| | <p>Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> |
| 5 | Sustainable Sourcing of Materials |
| | <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> |
| 6 | Stockpiling |
| | <p>Informative: If the stockpile is within the zone of influence of HighSpeed1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.</p> |
| 7 | Excavation |
| | <p>Informative: If the excavation is within the zone of influence of HighSpeed1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.</p> |
| 8 | Protective Provisions Agreement (PPA) |
| | <p>Informative: The developer is expected to enter into a PPA with HS1. This is a legal agreement between HS1 and the developer covering safeguards, processes, responsibilities and cost recovery.</p> <p>Reason: The nature and scale of the proposed development is such that detailed discussions, agreements and indemnities are required in respect of the design, construction and future maintenance of the development in order to protect HighSpeed1.</p> |
| 9 | Costs Incurred |
| | <p>Informative: The developer shall agree to pay the costs incurred by HS1 and Network Rail (High Speed) in reviewing and approving the development.</p> <p>Reason: Costs to be incurred from a development reside with the developer.</p> |
| 10 | Legal Agreement |
| | <p>Informative: The developer shall enter into an agreement with HS1 (sometimes known as a Protective Provisions Agreement) covering safeguards, processes, responsibilities and cost recovery.</p> |

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| | <p>Reason: The nature and scale of the proposed development is such that detailed discussion and agreement is required in respect of the design, construction and future maintenance of the development in order to protect HS1. The developer should pay the cost of work undertaken by HS1 in relation to this.</p> |
| <p>11</p> | <p>Further consultation and agreement</p> |
| | <p>The Developer shall enter into discussions with HS1 and their Engineer, Network Rail (High Speed), as soon as practicable to assist in identifying the likely effect of the development on HighSpeed1 or HS1 Property.</p> <p>Contact: Ray Agozzino</p> <p>HS1 Ltd, 73 Collier Street, London, N1 9BE</p> <p>Ray.Agozzino@Highspeed1.co.uk</p> <p>Reason: The nature of the proposed development is such that detailed discussion is required concerning the design, construction, future maintenance and demolition of the development to ensure that it does not compromise the integrity, safety, security, operation, maintenance and liabilities of HS1.</p> |

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

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.

Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

| | |
|---|---|
| 2 London's places Policy 2.2 London and the wider metropolitan area Policy 2.5 Sub-regions Policy 2.9 Inner London predominantly local activities | 6 London's transport safeguarding land for transport Policy 6.9 Cycling Policy 6.10 Walking Policy 6.13 Parking |
| 3 London's people Policy 3.3 Increasing housing supply Policy 3.4 Optimising housing potential Policy 3.5 Quality and design of housing developments Policy 3.11 Affordable housing targets Policy 3.13 Affordable housing thresholds | 7 London's living places and spaces Policy 7.3 Designing out crime Policy 7.4 Local character Policy 7.6 Architecture |
| 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 5.6 Decentralised energy in development proposals Policy 5.7 Renewable energy Policy 5.9 Overheating and cooling Policy 5.10 Urban greening Policy 5.11 Green roofs and development site environs Policy 5.13 Sustainable drainage | 8 Implementation, monitoring and review Policy 8.1 Implementation Policy 8.2 Planning obligations Policy 8.3 Community infrastructure levy |

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character) Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)

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

C) Development Management Policies June 2013

Design and Heritage
DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
Transport
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking

Housing
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.7 Noise and vibration (residential uses)
Infrastructure
DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

Health and open space
DM6.1 Healthy development
DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards
DM7.1 Sustainable design and construction statements
DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

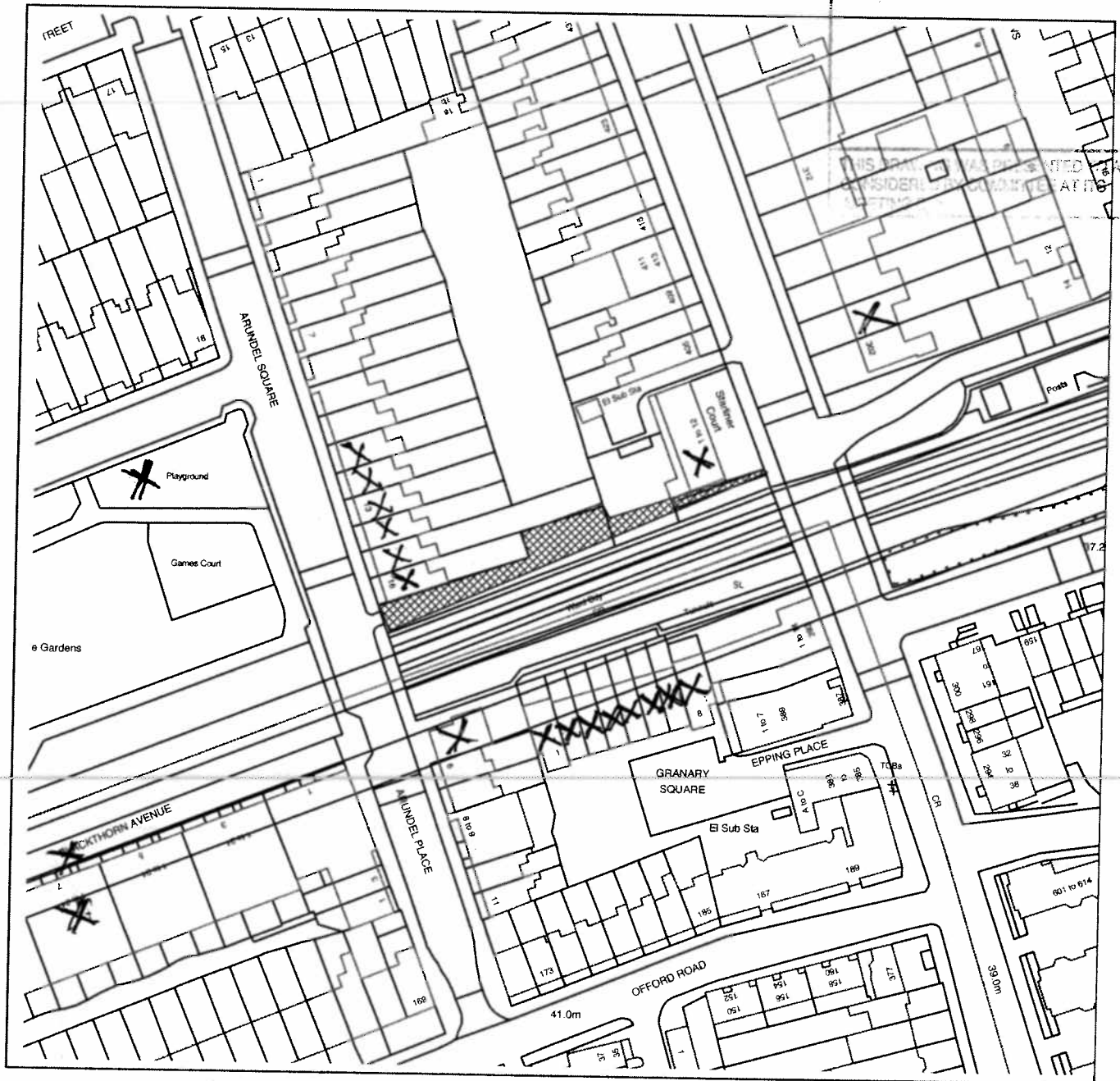
Environmental Design
Small Sites Contribution

London Plan

Accessible London: Achieving and
Inclusive Environment

Accessible Housing in Islington
Conservation Area Design Guidelines
Planning Obligations and S106
Urban Design Guide

Housing
Sustainable Design & Construction



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P122380

LOCATION: LAND ADJACENT TO 16 ARUNDEL SQUARE AND
PART OF STARLINER COURT, 39 LIVERPOOL ROAD, LONDON, N7
(ALSO KNOWN AS 17 ARUNDEL SQUARE)

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Islington Council, LA086452