



ISLINGTON

Planning Service
Public Protection Division
Environment and Regeneration
Department
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PLANNING COMMITTEE REPORT	AGENDA ITEM NO:	
DATE: 11 October 2010		
Site Address: 85 Highbury Park, Islington, London, N5 1UD		

Application number	P092469
Application type	Full Planning Application
Proposal	Demolition of buildings and the partial demolition of the rear of Loxford House, change of use and the erection of a four storey rear extension to Loxford House; and the erection of part 3, 4 and 5 storey flatted blocks, houses and town houses providing for 143 residential dwellings, 305sqm of nursery/crèche/community facility (Class D1) together with the creation of a new publicly accessible open space, car parking, cycle parking, landscaping and other associated works

RECOMMENDATION

That the Committee resolve to **GRANT** planning permission as set out in amended Appendix 1 of the original planning report.

Application Deferred

1. The current application was previously heard at the Planning Committee held on 7 September 2010. The full planning application was deferred by Committee Members for the following reasons:
 - a) to allow the applicant to investigate the possibility of retaining the existing area of grassland in the western part of the site as part of the proposal and in order to more fully accord with the planning brief; and
 - b) to allow the applicant to investigate the possibility of achieving an increased level of affordable housing within the proposed development.
2. The application has been amended and further information provided to clarify and address the above reasons for deferral. The response to each of the above reasons are provided below:

Reason a)

3. The applicant has provided a letter dated 24 September 2010 that gives a response to this reason for deferral. The applicant has not further pursued changes to the design and layout because:
 - redesign would result in a significant loss of unit numbers across all tenures;
 - for the scheme to be redesigned it would lead to a 6-9 month delay; and
 - delay would put Homes and Communities Agency (HCA) funding at risk and therefore the level of affordable housing offered would also be at risk.
4. The current 'mature' private garden area measures c. 4243sqm and the proposed building footprint on this area of garden measures c. 1178sqm resulting in a reduction of c. 27% of the existing 'mature' garden private open space.
5. The applicant considers that as only 27% of the private grassed area would be built upon, weighed against the benefits of the scheme (summarised below); a 27% reduction of this private 'grassed' area is considered by the applicant to be acceptable. The applicant further considers that this approach is supported by the proposed biodiversity enhancement that would be achieved in the medium / long term (reflected in the sixteen (16) reports submitted with the application that address biodiversity). The applicant summarises the benefits as:
 - 143 new homes
 - 45% affordable housing
 - a significant proportion of family accommodation particularly in the form of 4 bed houses
 - 0.4ha publicly accessible open space in the heart of the development
 - Daytime Nursery/Community facility to hire in the evenings and weekends
 - Car reduced development
 - Highly sustainable development including Code for Sustainable Homes level 4, BREEAM excellent in respect of the nursery
 - 61.6% total reduction in CO2 reduction
 - Introduction of green and brown roofs, green walls, bird and bat boxes, trees, landscaping

Reason b)

6. The applicant has increased the affordable housing offer from 40% to 45% as (habitable rooms). This increases the total number of affordable housing units by 11 (from 50 units to 61 units or by 195 habitable rooms to 219). The additional offer is: 9 x 1 bedroom units and 2 x 2 bedroom units to be placed within the intermediate tenure. These units are located within Block B at first and second floors. The tenure split now proposed is 63% social rented and 37% intermediate rented. The new offer can be summarised below:

	Social	Intermediate	
Unit Size	Number of Units	Number of Units	Total
One bed	4	14	18
Two bed	12	10	22
Three bed	5	5	10
Four bed	10	0	10
Five bed	1	0	1
TOTAL	32	29	61

7. The District Valuation Service (DVS) Officer has reviewed the increased offer and considers it to be reasonable. To summarise, the change of 11 units from the private tenure to intermediate tenure has reduced the net development value by approximately £2.2 million. DVS do not consider the build costs to have changed as there have been only very minor* changes made to the floor plan / layout since the previous Committee Meeting.
8. DVS have considered the reduction in revenue of £250,000 which is not a change to the scheme, but was not known to DVS during their previous assessment. This is because 10 of the wheelchair car parking spaces must be maintained for permanent allocation to a wheelchair unit without requiring payment. These spaces cannot therefore be sold by the developer.
9. Since this application was previously considered, changes to the build programme have had to be made to ensure that the affordable housing units are delivered in accordance with Homes and Communities Agency (HCA) timescales. This is to ensure that HCA grant funding is not put at risk and requires practical completion to be achieved by March 2012. DVS has considered the necessary acceleration of the affordable housing build period and considers that these newly introduced costs amount to £650,000 and DVS consider these costs and accelerated building program to be reasonable.
10. The change in tenure of 11 units has reduced the value of the development by £2.2 million and the additional information and altered build timetable and associated additional costs would cost the developer an additional £900,000. This is a total of £3.1 million.
11. The DVS Officer has commented:

"I have reviewed the appraisal undertaken by Gerald Eve which now reflects 45% affordable housing; this shows a small surplus over the viability benchmark figure. The surplus over the viability benchmark figure is now at a level which is within an

acceptable tolerance. The provision of further affordable units over the 45% would be extremely difficult without risking the entire viability of the scheme. The loss of grant funding could impact significantly on the delivery of this scheme with the level of affordable housing currently being offered.

The revised offer of 45% is reasonable.”

12. In light of the above considerations the revised affordable housing offer of 45% with the split of 63 / 37 in favour of social rented is considered reasonable and to address the reason for deferral b).

Recommendations

13. The recommendations within Appendix 1 of the original planning report has been amended to include the suggested changes set out in the Supplementary Report that was passed around at the 7 September Planning Committee meeting (this is attached at the back of this document). Those changes are identified by ***italic and bold*** text where they occur within recommendations A and B.
14. The recommendations have also been amended to reflect the revised affordable housing offer and amended drawings and documentation made since the deferral. The changes since deferral are set out below and identified in ***italic and bold*** text.
15. Recommendation A (Appendix 1 of the original report) has been amended (**clause 1**) to secure 45% affordable housing and a split of 63% social rented and 37% intermediate accommodation (by habitable rooms).
16. Recommendation B (Appendix 1 of the original report) has been amended to update the drawing numbers (**condition 2**).
17. The body of the original Committee report (7 September 2010) has also been amended to include the suggested changes set out in the supplementary report (***italic and bold*** text).

**Those minor changes to the floor layout apply to units: B1.01 and B1.06 and results in the removal of en-suite bathrooms from the 2 x 2 bedroom units changed to the intermediate tenure. This change is acceptable and increases the size of the living room of each of these units without affecting the external appearance of Block B.*



AMENDED ORIGINAL PLANNING REPORT TO 7th SEPTEMBER PLANNING COMMITTEE (DEFERRED).

PLANNING COMMITTEE	AGENDA ITEM NO:	B1
DATE: 7 September 2010		
Site Address: 85 Highbury Park, Islington, London, N5 1UD		

Application number	P092469
Application type	Full Planning Application
Proposal	Demolition of buildings and the partial demolition of the rear of Loxford House, change of use and the erection of a four storey rear extension to Loxford House; and the erection of part 3, 4 and 5 storey flatted blocks, houses and town houses providing for 143 residential dwellings, 305sqm of nursery/crèche/community facility (Class D1) together with the creation of a new publicly accessible open space, car parking, cycle parking, landscaping and other associated works

RECOMMENDATION

That the Committee resolve to **GRANT** planning permission as set out in *the amended* Appendix 1.

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INTRODUCTION

Site

1. The application site is irregular in shape, covers an area of approximately 12,600sqm (1.26ha) and benefits from three street frontages, namely Highbury Park to the east, Lucerne Road to the south and Legard Road to the north. The site has a change in level of from the west (Highbury Park) to the east of the site (Avenall Mansions) of approximately 8.5m.
2. The site contains five buildings: Loxford House, Wakefield House, Stephenson Hall, Turner House and Legard House. All now are vacant with Action for Children vacating the site in July. The buildings were occupied for office (B1 use class) uses accommodating approximately 300 staff. The existing buildings on the site are not statutorily listed, nor are they noted on the council's register of locally listed buildings. The site has a building coverage of 0.29ha (2,900sqm) and private open space totalling 0.9ha (9,000sqm), it also contains a single storey row of garages and a disused tennis court. A large area of grass and shrubs is located in the western portion of the application site and provided private open space for the staff of Action for Children. There is no public access to the site.
3. The site includes an undeveloped and overgrown area around the tennis court located in the west of the site that is the remnants of recreation space for staff and hostel residents. This area has always been a private space associated with the use of the site by Action for Children (formerly National Children's Hospital) as a head office.
4. Loxford House is located on Highbury Park within the Highbury Fields Conservation Area. A grand, formal space surrounds the building. The main façade is two storeys, plus a basement level and an attic top storey with dormers. This building was used as the main reception and office for Action for Children.
5. Stephenson Hall is located to the rear of Loxford House and was constructed in 1935 until recently this building was used as a staff cafeteria, offices, library, meeting rooms and conference centre, with ancillary residential accommodation for visiting NCH staff. This building is three storeys plus a mansard roof with dormers. The rear of the building accommodates a two storey former chapel (double height). A two storey extension was constructed in the 1950's located to the north described as Parkinson Hall.
6. Legard House was opened as a hospital for NCH children in 1927. It became a nursery in the 1940s and a family centre in the 1980s. This building has been vacant for some years. This building is three storeys with two storey wings either side, located just south of the Legard Road site entrance. This building has a number of unsympathetic extensions and alterations made to it.
7. Turner House is located adjacent to the site entrance from Lucerne Road and Wakefield House is located to the north west of Loxford House. Both were constructed in the 1930s and were constructed as hostels for girls and boys. Both buildings are two storey in height with pitched roofs set behind a parapet. Both buildings have been used as offices since the 1930s.

8. The site accommodates a total of 111 trees (this does not include dead or felled trees). A Tree Preservation Order that protects a total of 56 trees within the site.
9. The site contains approximately 59 car parking spaces (including 2 disabled parking spaces) laid out around Loxford House, in particular between Loxford House and Stephenson Hall. Additional hardstanding is utilised as informal car parking space in addition to these formalised 59 spaces. These spaces were used by members of staff and are not available for use by local residents. There were 15 cycle spaces on the site and a taxi pick up point at the front of Loxford House.
10. The site is accessed from Highbury Park (x2 entrances) and Lucerne Road (x2 entrances). Legard House has its own entrance / access point off Legard Road which appears permanently secured by low brick wall with heras wire fencing above, and gates.

Surroundings

11. The surroundings are predominantly residential, however St Joan of Arc RC primary school is located to the east of the site on the opposite side of Highbury Park, a shopping parade is located to the north of the site and a protected local shopping centre (Highbury Barn) is located 300m to the south of the site on Highbury Park. The St Joan of Arc RC Church is locally listed, as is 69 and 73 Highbury Park. The former Arsenal Football Club is Grade II statutorily listed, however this building is not visible from the application site.
12. The surrounding residential layout consists of:
 - i) Lucerne Road terraced properties that are 3 storeys above a semi-basement. These properties range from 10.2 and 12.6m above pavement level, reflecting the slope of the road and are accessed via steps up to the main entrance;
 - ii) Legard Road and Elphinstone Street terrace houses are 2 storeys above ground level with steeply pitched roofs;
 - iii) St Johns Court (99 Highbury Park) comprises a 3 storey red brick building fronting Highbury Park and behind that, directly adjoining the application site there are two single storey dwellings and three 2 storey buildings comprised of ground and first floor flats. A significant change in level exists between the application site and this site, between 1m and 1.65m (as measured on site); and
 - iv) Avenall Mansions is a flatted block of four storeys above ground level with a shallow pitched roof.
13. The Highbury Fields Conservation Area includes Loxford House and the landscaped area around it, however the remainder of the site is not located within the Conservation Area (refer to the CAC for a map of the boundary). This conservation area supports a mix of uses and dwelling types, with buildings mainly 4 storeys in height, particularly within the protected local shopping area. Sotheby Road Conservation Area is located to the north east of the application site.

Proposal (in Detail)

14. The proposal is for the demolition of all buildings on the site with the exception of Loxford House, which is to be partially demolished at its rear, and the construction of 8 visually distinct residential buildings (or 'blocks') including an extension to the rear of Loxford House. These new buildings are described in further detail below. (Refer to

CAC P092470 for further description and assessment of the proposed partial demolition of Loxford House).

15. The proposal provides for 143 residential dwellings (comprised of 39x1, 64x2, 16x3 bedroom flats and maisonettes and 23x4 and 1x5 bedroom houses / maisonettes). These are to be accommodated within new buildings and also within the retained and extended Loxford House. The creation of a new nursery / community facility (D1 use class) with a floor area of 297sqm is proposed within the central ground floor of Loxford House. The nursery is also to have an area of dedicated open space directly in front of the nursery entrance that fronts Lucerne Road.
16. Of the 143 dwellings created, 32 homes would comprise social rented accommodation and 18 homes intermediate ownership. The remaining 93 homes would comprise market accommodation. In total (as measured by habitable rooms) the scheme provides for 40% affordable housing. The tenure of the affordable housing element would be split (by habitable rooms) 70% social rented accommodation and 30% intermediate / shared ownership.
17. The 8 visually distinct buildings proposed within the site are described within the applicant's documentation as Blocks A, B, C, D, E (flats) and E (houses), F and Loxford House. The Block layout is shown at Appendix 3 'Block Location Plan' and described in the section of this report entitled 'Conservation and Design'. However the buildings range from three to four storeys in height many of the buildings above a basement or semi-basement level.
18. Partial demolition is proposed for the rear of Loxford House (addressed in the CAC application) and a four storey replacement extension is proposed within the same footprint of the existing rear part of the building.
19. The proposal includes the removal of **34** of trees from the site. Of the **34** identified for removal **19** are protected by Tree Preservation Order (TPO). A total of 48 replacement trees are proposed.
20. The proposal includes the provision of a 1,700sqm of publicly accessible open space (central part of the site including the Legard Road entrance square) and an additional 2860sqm of ancillary shared public spaces throughout the remainder of the site.
21. Twenty eight (28) car parking spaces are provided: three (3) for car club, fifteen (15) for wheelchair accessible units, one (1) for nursery drop-off and the remaining nine (9) would be available for dwelling houses only.
22. The northern site entrance from Highbury Park will be retained as the sole vehicle access point for vehicles including service and refuse vehicles. The proposals include the removal of the vehicle entrance adjacent to 24 Lucerne Road and the southern crossover on Highbury Park. The entrance on Legard Road and the operational entrance on Lucerne Road (east of Turner House) are to remain and are proposed for pedestrian, cycle, and emergency vehicle access only. They are to be secured by lockable bollards.
23. Refuse collection would be undertaken from Lucerne Road for the 3 townhouses (Block A) the remainder would be collected from outside proposed Block B (within the application site) with access from Highbury Park.

24. The scheme seeks to achieve Code for Sustainable Homes rating of 4 for all new dwellings, Ecohomes rating of 'Excellent' for the units converted within the retained parts of Loxford House and a BREEAM rating of 'Excellent' aspiring for 'Outstanding' for the nursery / community facility.
25. The development includes the installation of a Combined Heat and Power (CHP) facility which is expected to secure a percentage CO₂ reduction of up to 64% through use of bio-diesel.
26. Biodiversity based green/brown roofs are proposed to all roofs within the site with the exception of Loxford House and Block A (Lucerne Road).

Joint Conservation Area Consent (CAC) Application

27. A joint CAC application has been submitted (LBI ref: P092470) in relation to the partial demolition of Loxford House. This application is also before the Committee and is also recommended for approval.

Issues

28. The main issues arising from this proposal relate to the:
 - loss of the commercial / employment floor space;
 - trees, biodiversity and landscaping;
 - height, scale, design and appearance of the proposed buildings, their relationship to neighbouring buildings and impact on the character and appearance of the conservation area and surrounding streetscenes;
 - quality of resulting residential and non-residential accommodation including accessibility;
 - neighbouring residential amenity and future residential amenity;
 - housing mix, affordable housing and viability;
 - quality of the new public open space and private amenity areas, including play-space provision, hard and soft landscaping and accessibility together with consideration of reductions in open space
 - sustainability, energy efficiency, renewable energy, biodiversity, and flood-risk management; and
 - highways and transportation implications, servicing, parking, refuse and recycling.

Relevant Planning History

29. Pre-Application Discussions The scheme was discussed formally at pre-application stage (LBI ref: Q090247).

CONSULTATION

Public Consultation

30. Letters were sent to approximately 1600 occupants of adjoining and nearby properties. The consultation letters were sent to the same properties and groups that the planning brief (adopted in September 2008) and the consultation that (independent of the Council) Action for Children undertook. These letters were sent on the

17/12/2009. A site notice and press advert were displayed on 24/12/2009. The public consultation of the application therefore expired on 14/12/2010, however it is the Council's practice to continue to consider representations made up until the date of a decision. A brief summary of the issues raised during the initial consultation is listed below.

31. A total of 2 group responses to the originally submitted scheme are summarised as follows:
- Friends of Gillespie Park objects to construction upon the 'unimproved grassland' and request a full and independent ecological survey of the site.
 - London Wildlife Trust object to the proposals due to the loss of green space, potential adverse impacts on biodiversity interests of the site and conflict with policies for the protection of biodiversity and open space. No mention of the Private Gardens Habitat Action Plan (London BAP under 3.1.1) and limited information in relation to birds. It would have been expected that Greenspace Information for Greater London (GiGL) would have been approached. We would expect breeding and foraging birds to have been targeted in surveys. No recommendations are made to mitigate against impacts of demolition, vegetation clearance, tree removal and construction. We would have anticipated that all reports, landscaping proposals and tree reports would have been fully integrated. There is no reference as to how the loss of green space, the new development, increased fragmentation of the new green space, together with impacts of people, their pets, lighting, noise etc will address impacts on biodiversity and ecology. We believe the proposal to be clearly contrary to policy H6 and also Env5, 23 and H5 to be relevant.
32. A total of 39 neighbour consultation responses were received in response to the originally submitted scheme (note that 7 of those responses did not provide an address to log the objection against). The issues raised, both for and against are summarised below:
- Support
- general support for the height of the flats and the in keeping design;
 - Support the development of the 'mature garden' as it would provide much needed high quality housing, provides public rather than private open space and therefore results in 'gain' for the public. The campaign to resist development on this garden is flawed, unsustainable and not in the public interest;
 - support no vehicle access from Lucerne and Legard Road;
- Process / general
- the level of consultation with residents has been poor
 - the Highbury Square development approved 500 units originally and eventually some 700 were approved how can I be sure this is what will be built?
- Planning Brief / Policy Objections
- building on the mature gardens is contrary to the planning brief;
 - An Environmental Impact Assessment should be carried out;
 - the Council's site specific Allocations Document suggests the site might be suitable for up to 100 dwellings. The proposal is therefore too dense for its surroundings.
 - undue development on existing garden land, loss of nature conservation amenity and adverse impact on the amenity of occupiers at Avenall Mansions, Legard

Road, Lucerne Road, Elphinstone Street, and Avenall Road due to loss of open garden aspect;

- The development complies with the SPG to the London Plan- Providing for Children and Young People's Play and Informal Recreation;
- should be a mixed housing and commercial development;

Open Space

- object to building on the grassland / mature gardens & loss of green space;
- 'the field' may in fact be an untouched remnant of Highbury Hill grazing land in which case it would have important and unique cultural / biodiversity value of importance beyond the boundary of the site or borough;
- too much green space will be private gardens and not accessible to the community;

General Design, Appearance and amenity by 'block'

- the buildings are out of character with the surrounding areas and the units would not attract families (due to their size)
- concerns that the large windows will be covered up as has been done within the Arsenal scheme— resulting in unsightly appearance
- residents informed the buildings would be a maximum of 4 storeys, not 5 as specified in the consultation letter; and no exact measurements of building heights and proximity to Lucerne Road properties provided;
- no objections subject to naming and numbering being correct, installation of CCTV, rubbish / refuse and recycling to be appropriately stored and collected, large reception area, basements to have adequate fire appliances,

Replacement extension to Loxford House

- The proposed replacement to the rear of Loxford House is bland and doesn't live up to the current beautiful extension with large windows;
- the proposed west elevation has lost all character architecturally and needs improvement. It needs to be more in keeping with adjacent architecture;

Block A

- Object to the proposed terrace houses fronting Lucerne Road exceeding the height of the existing Turner House as these terrace houses will block the light entering 25 Lucerne Road;
- building height should be to the current building height on Lucerne Road and no higher
- 24 Lucerne Road. A wall 10-12 feet away from the east facing window (in the rear return at first floor level) unacceptably reducing the sunlight received by the window and terrace (Savills report states loss of 60% of sunlight through this window – Savills consider the window does not fall within 90 degrees of due south);
- Prefer to see a sloping roof to ensure no terrace could be constructed;
- A gap is to be retained between 24 Lucerne Road and the new terrace – welcomed by the owners – but must be blocked to restrict burglar access;
- object to '16 Lucerne Road' having a composite double glazed window that would protrude and is not consistent with the remainder of the proposed terrace and the existing properties in Lucerne Road;
- request that bricks in the Lucerne Road terrace are consistent with the existing terrace

Block B / C

- The proposed development abutting St John's Court boundary would raise issues of light, privacy and security;
- eight of the properties within St John's Court are one and two storeys high only and will be seriously affected by the height of the proposed five storey block of flats
- loss of privacy to windows and outdoor space;
- concerns about future boundary treatments due to the small gardens afforded to the St John's Court properties;

Block D

- the proposal extends well into the 18m exclusion zone (Avenall Mansion), the building should be further setback to preserve some of the greenspace
- object to balconies facing 'outwards' towards Avenall Mansions

Block E

- Object to Block E being 5 storeys on a higher part of the site, a storey higher than the majority of the proposed development within the site, it will reduce the privacy of Lucerne Road residents;
- The 'V' shaped windows in Block E should be non-openable to prevent overlooking;
- object to the number of one bedroom flats in Block E and noise impacts;
- Large impact both visually and through loss of privacy to 38 Lucerne Road caused by new houses;
- the row of new houses is four storey with a block roof storey, out of keeping with the local house style;

Site boundaries

- adjoining owners should be consulted about the boundary treatment to be constructed to their boundaries;

Biodiversity / Wildlife

- the site may include ancient grassland of regional importance as it has never been developed and could therefore be a habitat of at least London wide importance. The Council's Biodiversity Officer has requested further vegetation and invertebrate surveys; breeding bird surveys, no definitive conclusion has been reached in relation to slowworms (there is a healthy population at Gillespie Park);
- the fragmentation of habitats within the site will threaten plant and animal species;
- the gardens are host to a variety of wildlife including woodpeckers, owls, wrens, foxes, rabbits;
- No independent ecological site survey has been undertaken;

Sustainability

- Object to the loss of the existing buildings which contain an enormous amount of embedded energy. They should be renovated for residential use;

Trees

- Object to Block A being built within the root protection area of the Lime Tree which is subject to a protection order;
- too many trees would be destroyed;
- new tree planting should be required along the boundary where the tennis court is currently located.

New Public Accessible Open Space

- oppose 24 hour access to the site and access from Lucerne Road to Legard Road due to concerns of gangs congregating (Lucerne Road);
- The site should be properly secured and made into a gated community;
- Request full access during daylight hours but that the site be secured out of hours, or if not supported, 24 hour monitored CCTV;
- publicly accessible open space must be appropriately controlled by local bylaws enforced by the Council and site operator in partnership (e.g. disposable BBQs and music and drinking);
- Sufficient provision should be made for litter bins, litter picking patrols and refuse collection;
- the proposed new publicly accessible open space does not adequately ameliorate the fact that Islington has the smallest amount of open space per person in the country;

Landscaping / Access points

- Access point from Lucerne Road lacks detail (the Legard Road entrance for example is much grander).
- Much of the landscaping on the Lucerne side of Loxford House is lost to hard-standing;

Car Parking and Transportation

- More on-site car parking required and the leasing of the car parking spaces on match days should be prohibited;
- given the absence of parking facilities in the new development the Council should increase the hours of local on-street parking restrictions;
- How will the Council make provision for families of 4 or 5+ people who need their own vehicles without impacting on the surrounding streets?
- object to the service entrance for rubbish collection, deliveries to residents etc is to be in Legard Road it makes more sense to be from Highbury Park;
- The travel plan targets for both the residential and the nursery uses are weak in terms of public transport usage figures;
- adverse impacts of 149 housing units on pedestrian service traffic on Legard Road;
- the ban on parking permits for new residents must be upheld;

Impacts on Local Services / S106

- GPs and dentists waiting lists are full and local primary schools are over prescribed;
- undue additional infrastructure demands by new residents;
- the change from 100 employees on the site to 149 units would result in an increase of density of at least 400 percent and an impact on crowded transportation services;
- request that the following are secured around the development: 1) new 'heritage' street lighting for Lucerne and Legard Roads, 2) renewal of existing street trees, particularly on Lucerne Road; 3) contribution towards provision of allotments;

Construction Impacts

- the Planning Brief referred to a Residents Liaison Group to be established which has not happened. A regular point of contact is needed for residents adjacent to the site during any build process;

- any build process must be managed sensitively and building contractors should only be able to enter the site via Highbury Park. Building should not be allowed in the weekends;
- objection to protracted ongoing construction nuisance and noise that would be introduced by this development;
- hoarding during the build period needs to be properly constructed and in keeping with the high standard of property on adjacent roads;
- request full structural surveys to properties on Lucerne Road in order to minimise risk due to their shallow foundations on London Clay soils;

Non-planning issues

- object to the loss of view of the grassland (impacts value of the flat);
- my property values will be reduced; and
- structural surveys needed due to fear of subsidence.

Re-consultation

33. The application was revised during processing to address responses from officers and consultation responses. The changes included, the removal of one house from Block A, the removal of four houses from Block F, changes in positioning of buildings within the site, including Block D and Block E. In order to enable local residents to comment on these changes, letters were sent again to all adjoining occupiers and internal/external consultees on 27 May 2010 as a further 21 day consultation period press notice was also placed in the local paper on this date. Site notices were erected around the site on 25 May 2010. The public consultation of the revised application therefore expired on 17 June 2010.
34. At the time of the writing of this report a total of 18 responses had been received from the public with regard to this second round of consultation. A written request was received in writing to recall one objection and this is reflected in the total number of objections stated within the original consultation exercise. The issues raised (not already noted in the first round of consultation responses) can be summarised as follows

Loss of greenspace

- the proposal to develop on the garden land is contrary to the new government directive stating that gardens should now be classed as Greenfield land.

Trees

- Object to proposed removal of four (4) Poplar trees at rear of garden (38 / 42 Lucerne Road);
- object that this alteration to the plans has not been properly flagged up to residents;

Design (general)

- the proposed architecture is of poor merit
- building height should be to the building height on Lucerne Road and no higher
- noise pollution from full occupancy;

Block A – Lucerne Road

- Savill's Sunlight and Daylight report has revised the figure, now a 37% loss of sunlight as opposed to 60% as stated in relation to the original. Still disagree that this window

is not within 90 degrees of due south as stated in the sunlight and daylight report (24 Lucerne Road)

- object to the height of this terrace exceeding the height of the existing Turner House (19 Lucerne) 20 and 18 Lucerne Rd (proposed) appear considerably higher
- request use of reclaimed brick to maintain consistency
- object to the 'slant' / bulk of the second floor roof top that is of greater height and bulk (closer to my property) than Turner House currently is

Block E Terrace houses

- the rear elevations (Block E terrace houses) appear largely glass in the rear, facing elevations, out of keeping and resulting in significant loss of privacy
- Object to the height of Block E which is five storeys rather than 4 as is all other development proposed and will loom over the surrounding properties and introduce unacceptable loss of privacy and sense of overlooking;
- Object to the height of Block E which contravenes the planning brief, as it exceeds the height of the highest part of the properties along Lucerne Road (ranging from 9m to 10.3m above pavement, with Block E measuring 11m from ground level.
- loss of privacy (to Lucerne Road properties). The height and proximity will enable direct line of sight into our garden.

Block E (Flats)

- The height of Block E (flats) (11m) exceeds the height of the Lucerne Road terrace ridge height (varying between 9m and 10.3m) and this is contrary to the Planning Brief (para 44);

Parking

- object to car-free development with such a large number of family houses;
- the main entrance to the site is located on a concealed part of Highbury Park

Construction traffic impacts

- construction traffic impacts will blight and endanger the safety of local children of St Joan of Arch RC Primary School;
- residents must be given assurance that the build process will be managed sensitively. A site manager as key point of contact is essential

Consultation and non-planning matters

- structural concerns for Lucerne Road properties given their shallow foundations- request a full structural survey to be carried out for properties on Lucerne Road;
- a number of responses have commented on the disregard and 'lip service' both Action For Children and the developers have shown to their stated desire to include a committee of residents throughout the planning stage;

External Consultees

35. English Heritage raised no objection and stated that the scheme should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
36. Transport for London raised no objection to the scheme, but sought clarification of: allocation of car parking spaces within the development, charging points (electric cars), nursery access arrangements, a PERS audit, minor amendments to the travel plans. It was confirmed that the revised scheme was not referable to the Mayor.

37. Greater London Authority (GLA) responded stating that the scheme was considered to comply with the London Plan but that it would be improved by providing additional information and / or clarification in relation to transport and parking (refer to TfL comments above) and energy (to ensure that bio-diesel CHP is a robust strategy). It was confirmed that the revised scheme raised no strategic policy objections.
38. Environment Agency do not object provided that a condition requiring a surface water scheme be submitted and approved (in consultation with the Environment Agency) to prevent the increased risk of flooding and ensure maintenance of the surface water drainage system.
39. Commission for Architecture and the Built Environment (CABE) declined to comment.
40. London Fire and Emergency Planning Authority raised no objections provided that the development not exceed 18m, road access can accommodate a weight of 15 tonnes, details of the fire alarm emergency lighting and signage should be provided for the D1 space and vehicle access (pump appliance) to be within 45m of residential developments.
41. Thames Water has no objections to the proposals in terms of sewerage or water infrastructure provided that certain conditions, informatives and consultation with Thames Water is undertaken. No objections are presented provided that protection to the property is installed (non-return valves). Surface water drainage should attenuate storm flows through on or off site storage and it is detailed that flows to combined sewers should not exceed current flows. No impact piling should take place until a piling method statement is approved, oil petrol interceptors be installed to the car parking areas.
42. Metropolitan Police (Crime Prevention) raised no objection following the removal of the alleyways originally provided at the ends of the terraces, which would provide access to the rear of all the town houses.

Internal Consultees

43. Housing Officer has raised no objection to the proposal, welcoming the 40% affordable housing offer, the mix of dwellings and the design and internal layouts. A later response confirms the availability of grant funding for this scheme and that there is an element of risk that HCA funding that is currently allocated could be revoked.
44. Conservation Officer comments on the proposed demolition of part of Loxford House in the Conservation Area Consent (P092470). The proposed extension to the rear of Loxford House was not considered particularly harmful to the conservation area. Objection was raised against the bike / refuse stores adjacent to Loxford House. No objection to the design approach for the remainder of the site was raised. The remainder of the scheme was considered acceptable subject to conditions.
45. Access Officer objects to the scheme due one private wheelchair accessible units designed over more than one floor, travel distances from accessible car parking spaces to the social rented wheelchair accessible housing units and the stepped approaches to the 3 houses within **Block A**. Notwithstanding these objections, the

Access officer has suggested conditions should the scheme be recommended for approval.

46. Tree / Landscape Officer welcomes alterations made to the scheme to address concerns raised. No objections were raised, subject to appropriate conditions.
47. Energy Conservation Officer supports the proposals due to the great efficiencies achieved and requests that the recommendations set out in the internal temperature analysis be incorporated. MVHR is supported for single aspect houses. Recommendations are made to utilise fuel that complies with the EU fuel quality directive with low emissions factor, as set out in the submitted Energy strategy.
48. Public Protection Division (Air Quality) objected to the use of bio-diesel fuel for CHP due to the potential impacts on ambient air quality and public health, unless mitigation measures could demonstrate that there would be no adverse impact. Conditions of consent are requested to secure additional air quality report, regular maintenance and servicing.
49. Public Protection Division (Residential Environmental Health) offered no comments / objections.
50. Street Environment Officer raised the following key concerns: i) the collection point adjacent to Lucerne Road (this is not on-street collection for the 4 town houses) is not acceptable, ii) the number of Eurobins and twice weekly collection preference, iii) Legard Road collection arrangements (reversal into the site is not supported) and iv) construction concerns. The current strategy proposed was established in discussion with the Street Environment Team.
51. Transport Planning Officer objects to the provision of one electric charging point within the development and refers to draft London Plan policy. A suggestion that the nursery drop-off location could be better located was also raised.
52. Highways Officers requested construction details, stated that lighting should be provided by PFI contractors, requested that highways reinstatement be secured, any costs of changes to traffic orders be borne by the developer and that any works within the highway obtain Highways approval and be DDA compliant. S106 contributions and measures were to be secured.
53. Sustainability Officer would like to see (in conjunction with green roofs) above ground attenuation or infiltration features to address runoff, rather than the provision of a traditional hard-engineered underground retention tank to meet the overall runoff target, and a commitment to achieve BREEAM outstanding for the nursery, biodiversity and operational measures. Otherwise the scheme is supported subject to suggested conditions.
54. Biodiversity Officer noted that the proposal resulted in a loss of open space and an increase in hard standing, it was felt that the some habitat would be lost and others fragmented and disturbed. Green walls and roofs are supported and the revised information was welcomed. Subject to the proposed mitigation measures, to be secured by conditions and site management plan by s106, no objections were raised.

55. Public Protection Division (Noise Team) has no objections to the scheme providing that conditions secure an assessment and measures to insulate the internal residential environment from the noise source of Highbury Park, and to ensure that plant, in operation does not exceed maximum noise levels.
56. Public Protection (Land Contamination) requests a condition for land contamination study and remediation works should they be required.

RELEVANT LEGISLATION, POLICIES AND MATERIAL CONSIDERATIONS

Legislation

57. Planning (Listed Building and Conservation Areas) Act 1990 Section 72(1) imposes a statutory requirement for Local Planning Authorities, in the exercise of planning functions with respect to any buildings or other land in a conservation area of any powers under the 'planning acts' and Part I of the 'Historic Buildings and Ancient Monuments Act 1953'. The requirement is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Guidance

58. The following national and regional guidance is considered particularly relevant to this application:
- | | |
|-------|---|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPS4 | Planning for Sustainable Economic Growth |
| PPS5 | Planning and the Historic Environment |
| PPS9 | Biodiversity and Geological Conservation |
| PPS10 | Planning for Sustainable Waste Management |
| PPG13 | Transport |
| PPG17 | Planning for Open Space, Sport and Recreation |
| PPS22 | Renewable Energy |
| PPS23 | Planning and Pollution Control |
| PPG24 | Planning and Noise |
| PPS25 | Development and Flood Risk |

Development Plan

59. The Development Plan is comprised of the London Plan 2008 (consolidated with amendments since 2004) and the Islington Unitary Development Plan (2002). The following policies of the Development Plan are considered relevant to this application:

London Plan 2008 - Spatial Development Strategy for Greater London (consolidated with alterations since 2004)

The Broad Development Strategy **2A.1 (Sustainability Criteria)**

Thematic Policies

3A.1 (Increasing London's Supply of Housing)

3A.2 (Borough's Housing Targets)

4A.20 (Reducing Noise and Enhancing Soundscapes)

4A.22 (Spatial Policies for Waste Management)

4A.33 (Bringing Contaminated Land into Beneficial Use)

4B.1 (Design Principles for a

3A.3 (Maximising the Potential of Sites)
3A.5 (Housing Choice)
3A.6 (Quality of New Housing Provision)
3B.2 (Office Supply and Demand)
3B.3 (Mixed Use Development)

The Crosscutting Policies:

4A.1 (Tackling Climate Change)
4A.2 (Mitigating Climate Change)
4A.3 (Sustainable Design and Construction)
4A.4 (Energy Assessment)
4A.5 (Provision of Heating and Cooling Networks)
4A.6 (Decentralised Energy: Heating, Cooling and Power)
4A.7 (Renewable Energy)
4A.9 (Adaptation to Climate Change)
4A.11 (Living Roofs and Walls)
4A.14 (Sustainable Drainage)

Compact City)
4B.2 (Promoting World Class Architecture and Design)
4B.3 (Enhancing the Quality of the Public Realm)
4B.5 (Creating an Inclusive Environment)
4B.6 (Safety, Security and Fire Prevention and Protection)
4B.8 (Respect Local Context and Communities)
4B.11 (London's Built Heritage)
4B.12 (Heritage Conservation)

The Sub-Regions, Central Activities Zone and Government Growth Areas:

5A.1 (Sub-Regional Implementation Frameworks)
5B.1 (The Strategic Priorities for North London)

Implementing the London Plan:

6A.5 (Planning Obligations)

Islington Unitary Development Plan (2002)

Environment Policies:

Env1 & 2 (New Development)
Env6 (Protecting Trees)
Env8 (Vacant Sites and Buildings)
Env9 (Street Furniture, Paving and the Streetscene)
Env12 (Community Safety)
Env15 Small Children and their Carers)
Env17 (Protecting Amenity)
Env23 (Sites of Nature Conservation Importance)
Env24 (New Wildlife Habitats)
Env27 (Management)
Env32 (Energy)
Env38 (Waste and Recycling)

Economic Regeneration Policies:

E1 & 2 (Business Development)
E3 (Mixed Use in Business Schemes)
E4 (Loss of Business Use)
E13 (Protection of Premises for Small Firms and Opportunities for Business Start-Ups)

H7 (Standards and Guidelines)
H10 (New Development)
H14, 15 & 17 (Dwelling Mix, Dwelling Need and Affordable Housing)

Sustainable Transport Policies:

T4 (Reducing the Need to Travel)
T18 (Parking and Traffic Restraint)
T19 (Hierarchy of Parking Need)
T21 (Non-Residential Off Street Parking and Servicing)
T22 (Residential Off-Street Parking)
T23 (Car-Free Housing)
T27 (Design of Car Parks)
T32 (On-Street Servicing)
T34 (Cycle Parking)
T45 (Land Use Planning)
T47 (Streetscape)
T49 (Meeting the Needs of People with Mobility Problems)
T55 (New Development)

Recreation and Leisure Policies:

R2 (Quantity and Accessibility of

Conservation and Design Policies:

D1 (Overall Design)
D3 (Site Planning)
D4 (Designing in Context)
D5 (Townscape)
D6 & 7 (Landscape and Public Facilities)
D8 (Boundary Walls, Paving and Street Furniture)
D10 (Public Art)
D11 (Alterations and Extensions)
D20 (Land Use)
D22 (New Development)
D24 (Materials)
D31 (Boundaries)

Housing Policies:

H3 (New Housing and Changes of Use to Residential)
H6 (Garden Land)

Open Space)
R6 (Local Open Space, Green Links and Walkways)
R9 (Changes of Use)
R10 (Private Open Space and Playing Fields)
R11 (Design of Open Spaces)
R12 (Safety and Security)
R15 (Allotments and Community Gardens)

Community Services Policies:

C2 (Day Facilities)
C6 (New Community Facilities)
C7 (Siting and Design)

Implementation Policies:

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

Planning Brief

60. A Planning Brief '85 Highbury Park NCH headquarters' was adopted and published in September 2008 and offers site-specific guidance. The planning brief is of assistance and a material consideration, however, it must be noted that it does not form an adopted policy of the Development Plan (i.e. the London Plan and Islington UDP) and, although agreed by the council, carries less weight than formally adopted Supplementary Planning Guidance / Documents. The planning policy hierarchy detailed above means that a departure from the aspirations within the planning brief could be supported if justified by current adopted policy and/or guidance.
61. The planning brief aims to promote a mixed-use, primarily family housing development with publicly accessible open space. It promotes the retention of Loxford House, 50% affordable housing, the creation of a new publicly accessible open space (with children's play space provision) and promotes a landmark sustainable development.
62. Objections have raised disappointment with the level of consultation and failure of the applicant to create a 'resident liaison group' as set out within the planning brief. It should be noted that planning brief's are a material consideration when assessing planning applications, but that they do not create new policy. Council Officers advised the applicant to engage with such a group; however the applicant chose to undertake consultation in their own format with local drop in days and exhibitions.

Designations

63. The site has the following designations under the London Plan 2008 and Islington Unitary Development Plan (2002):
- Partially within the Highbury Fields Conservation Area
 - TPO (No.384) 2007 (Confirmed with amendments 28 August 2008)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

Islington UDP

- Car Free Housing
- Conservation Area Design Guidelines
- Green Construction
- Planning Standards Guidelines
- Planning Obligations SPD
- Urban Design Guide
- Accessible Housing SPD
- Inclusive Landscape SPD

London Plan

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

EMERGING: ISLINGTON LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY

Planning Weight

65. The following policies in the draft Local Development Framework (LDF) Core Strategy have been taken into consideration:

Spatial Strategy

Policy 8 (Enhancing Islington's Character)

Policy 9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy 10 (Sustainable Design)

Policy 11 (Waste)

Policy 12 (Meeting the Housing Challenge)

Policy 13 (Employment Spaces)

Policy 15 (Open Space and Green Infrastructure)

Policy 16 (Play space)

Policy 17 (Sports and recreation provision)

Infrastructure and Implementation

Policy IMP1 (Delivery and Infrastructure)

66. The Core Strategy was submitted on 30 June 2010, at which point the formal examination of the plan commenced. The examination hearings are scheduled to start on 23 November 2010.

67. As the draft Core Strategy has now been submitted they are material planning considerations particularly where they directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft Core Strategy policies and members should always seek specific officer advice before considering voting for refusals on this basis.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Screening Opinion

68. A screening opinion was issued under delegated powers on 19 August 2009. The screening opinion determined, having regard to the characteristics and location of the

development that its size, form, siting is not likely to result in the development having a significant effect on the local environment, or fall within the 3 main types of cases that necessitate an EIA pursuant to the 1999 Regulations. Objections were received to the original application querying why an EIA was not undertaken, as described above, the application was not considered to generate a significant effect on the local environment.

REFERRABLE APPLICATION

Greater London Authority

69. The originally submitted application was referable to the Mayor of London – Greater London Authority (GLA) – pursuant to the Town and Country Planning (Mayor of London) Order 2008 for the following reason:
- Comprises a mixed-use development of more than 15,000sqm outside Central London [Category 1A.1(c)].
70. The scheme was referred to the GLA for comment and a statement on the proposal (known as the ‘Stage 1 Response’) was provided dated 26/03/2010. The comments offered by the Stage 1 Response are briefly summarised at paragraph 37. The scheme was amended and those amendments reduced the floor area proposed within the development below 15,000sqm, making the application non-referable.
71. It is noted that the Stage 1 Response indicates that the scheme complies with the London Plan and that pursuant to Article 5(2) of the Order, the Mayor does not need to be consulted again. The response concludes that the decision may be made by the Council without further reference to the GLA.

EVALUATION

Land-use

72. The site accommodates 5 buildings, Loxford House, Stephenson Hall, Turner House, Wakefield House and Legard House (plus smaller ancillary garage and substation buildings in the north of the site). These buildings are predominantly used as offices (B1 use class). Stephenson Hall also accommodates a cafeteria, library, conference rooms and ancillary residential accommodation for visiting NCH staff (and caretakers flat). There is an expanse of undeveloped, private open space located in the west of the site, estimated to be 0.4ha in size. The proposal sees the demolition of all existing buildings and structures on the site with the exception of Loxford House which is to be largely retained. A residential led-mixed use development is proposed, which would re-distribute the locations of open space within the site, dividing it between public and private open space. The table below describes the quantum of land uses proposed and gives a comparison to the existing situation.

Land Use	Existing		Proposed		+/-
	Area (sqm) (approx)	No. of units	Area (sqm)	No. of units	
Business /office (B1 use class)	6,000		-	-	-6,000

Nursery / community facility (D1 use class))	-	-	297	1	+297
All Buildings Residential (C3 use class)	-	-	11,637	143	+143 units

73. The planning brief for the site states that a mixed use development is desired, either through refurbishment of existing buildings or redevelopment. It identifies that retention of the site in business (B1 office use) would be appropriate, as would residential, due to the site context. It wishes to see the creation of a new publicly accessible open space within any scheme. The brief identifies the 0.4ha of open green space exists in the west of the site and that central courtyard of 0.15ha exists for car parking. The re-provision of this open space is desired, and it is accepted that it would be divided between private rear gardens and public open space (at least 0.4ha). It wishes to see the inclusion of the mature gardens in their entirety.
74. Office (B1 Use Class) The proposed redevelopment would result in a change of use away from office and ancillary conference and residential facilities and the creation of a residential led mixed use scheme with a nursery / community facility. The proposal would result in the loss of approximately 6000sqm of B1 business floorspace. London Plan 2008 policy 3B.2 'Office demand and supply' seeks to ensure that existing office uses are not lost from the Central Activities Zone (CAZ) and that development or losses would not weaken strategic office locations outside the CAZ. The application site is not located within the CAZ, a designated town centre, or any other designated area where commercial uses are encouraged.
75. The planning brief considers continued commercial or residential led mixed use development to be appropriate at this site, therefore the proposals are compliant with the aims of the planning brief in this regard. Further to this, the Council's emerging, 'Site Allocations' document identifies this site for residential development.
76. The site was not originally built for industrial or warehousing use and does not have the servicing facilities which would support large scale employment use, particularly not to serve all existing buildings on the site. Additional facilities to increase the capacity of this site to accommodate the full range of B1 uses (offices, research and development of products or processes, and any industrial process) would not be appropriate given the residential context of this site. Therefore the creation of a residential-led mixed use scheme and reduction of employment floorspace is not considered to contravene policy E4 which seeks to protect purpose built industrial sites with servicing facilities.
77. Building condition surveys of the buildings identify that significant investment is required to bring these buildings up to modern day office requirements. A marketing exercise was undertaken for the site, for a period of 18 months and this demonstrated that no demand / market exists for a major commercial development at the site. Having regard to the site history and characteristics and the results of the marketing exercise the change of use from office (B1 use class) to residential is in accordance with policy E4 of the UDP and when balanced with the overall benefits of the scheme is considered acceptable.

78. Nursery / Community Facility (D1 Use Class) The proposed development includes a 297sqm area of nursery space located within the ground floor of Loxford House. This nursery space is proposed for use between 07:00 and 22:30 Monday to Friday and to be available for community hire / use outside of these hours. A condition is attached (**condition 3**), which stipulates the hours of operation. Although there are noted to be nursery providers within the area, the proposed use is considered to be acceptable, and its flexible use as a community facility outside of those hours to provide for an important community function both to serve the new development and the wider community. The provision of a new community facility meets with the aspirations of the planning brief and with adopted policies.
79. Nursery / Community Facility The nursery space / community facility is approximately 297sqm in size, open plan in layout with a dedicated outdoor open space adjacent to the main entrance. The proposed facility is considered to be a suitable size and an appropriate open space to meet children's needs. The site is close to local primary school and bus routes making it a suitable location, with dedicated open space with appropriate level of informal surveillance / overlooking. This new facility would be provided with appropriate drop-off zone, close to amenities and public transport links.
80. Conditions are recommended to secure the community use and to exclude its use as a place of worship due to the potential impacts this could have on residential amenity and the requirement therefore for a planning application to test those impacts (**condition 4**). A sound insulation condition (**condition 27**) is also proposed to protect future residential amenity of adjoining residential flats from noise transfer.
81. Community Facilities a reduction in financial contribution towards community facilities has been agreed, due to the provision of a nursery / community facility within the site. To ensure this facility is affordable to the community and therefore provides some community benefit, the s106 agreement (**clause 11**) secures a Community Facilities Access Plan for both the nursery and the out of hours use of the space as a community facility. A contribution of £75,000 is therefore secured towards community infrastructure (reduced from £150,000).
82. Details of the residential accommodation are explored within the section of this report entitled 'Quality of Resulting Residential Accommodation'.

Conservation and Design

83. The adopted planning brief (September 2008) seeks to secure high quality modern design which complements the residential scale and character of the conservation area. It seeks development linked to the surroundings (not gated) that helps to improve the character and quality of the area and the way it functions. It seeks for the slope of the site to be acknowledged in building heights and that the height of new buildings should not exceed the ridge height of properties in Lucerne Road.
84. Overall Design Approach The proposed development would be designed around a central, publicly accessible open space, with pedestrian access through the site that would create a new 'townscape'. The design approach creates two new entrance squares (located on Lucerne and Legard Roads). The development integrates with the surroundings and would help improve the way the areas functions through providing new play spaces, open space and routes through the site improving the permeability of the area.

85. The positioning, height, bulk and scale of each block is addressed below. The design does however incorporate stepped building heights where possible to work with the slope of the site, buildings are arranged around the central open space, and these locations have been informed by the ability to achieve accessible landscape /circulation routes and remove the need for an external lift from the site. The site has a substantial change in gradient of approximately 8.5m and a significant number of trees on the site. These constraints have helped to inform the placement of buildings within the site. The scheme has been amended to remove dwellings that were too close to adjoining properties (3 houses from Block F), too close to significant trees (one house removed from Block A) and altered the position of buildings on site to account for tree protection (Block D). The design approach is considered appropriate to the surrounding site context and to provide an appropriately designed public open space.
86. The design approach adopts projecting bay windows, deep window reveals and stone dressings to windows (cills and heads). Stone parapet detailing and in some instances banding is also proposed to provide visual interest and enliven the facades. These features help to visually link the development to the Victorian terraces in the surrounding streets through modern interpretation of traditional detailing.
87. The Conservation and Design Officer raises no significant objections to the design approach. The design approach is considered to reflect in a modern way the traditional character and appearance of the site context, utilising modern interpretations of traditional features to help the development connect visually to its surroundings. The design approach is considered to adopt a high quality design and materials; and to make the best use of the site, whilst securing a public open space, sustainable design and highly energy efficient development and a significant contribution towards the boroughs housing need through provision of large, family sized houses. The design concept is considered, overall to be appropriate and high quality.
88. Loxford House Partial demolition is proposed for the rear of this building (addressed in the CAC application). A replacement extension is proposed within the same footprint of the existing rear extension at a height of four storeys above ground level with a basement to accommodate CHP plant and fuel store (bio-diesel), storage and cycle parking. The extension would accommodate 16 units comprised of 2 x 1 bed and 14 x 2 bed flats. The retained parts of Loxford House would accommodate 17 flats comprised of 5x 1 bed, 6 x 2 bed, 6 x 3 bed flats / duplexes and a 24 hour concierge facility at upper ground floor level fronting Highbury Park. Loxford House as a whole would accommodate a total of 33 residential flats, comprised of: 7x1 bed, 20x2 bed and 6x3 bed flats (private tenure).
89. The proposed extension would be 1.4m taller than the existing (third floor) part of the building to be demolished. The proposed extension would be four storeys in height and has been designed with a zinc clad element at the same height of the adjoining (and to be retained) Loxford House. This would form a break between the existing Loxford House and proposed extension both constructed of brick. The zinc cladding would form the top floor of the proposed extension. The zinc clad element adopts a large proportion of glazing to further distinguish between the 'old' and the 'new'. The lower three storeys of the proposed extension would be constructed of 'buff' stock brick.

90. The Conservation and Design Officer considers some harm would be caused by the proposed extension however, officer's take a different view. The proposed extension would incorporate features that visually link its modern design to the original Loxford House, including an articulated band detail marking the top of the ground floor level (aligning with that within the original Loxford House) and a stone parapet articulated masonry band detail to mark the top floor of the three storey brick element. These features cleverly enable the extension to be read as subservient to the existing Loxford House as the eye is drawn to the articulated details rather than the plainer zinc clad element of the top floor that wraps around and 'separates' the new masonry extension from the existing Loxford House.
91. The proposed extension secures articulated masonry band detailing above the windows and a condition is recommended (**condition 6**) to secure a minimum window reveal depth to ensure that the elevations provide an appropriate degree of visual interest. A condition (**condition 8**) is recommended to secure a method statement to ensure that the retained parts of Loxford House are appropriately supported (structurally) during the partial demolition and construction works.
92. The proposed southern elevation fronting Lucerne Road would extend above the parapet of the retained parts of Loxford House by 400mm. Although this is regrettable, this feature is required to enclose the lift core to serve a number of the proposed residential units within Loxford House. The projection above the existing height of Loxford House is limited to a small part of the extension and sensitively designed. It is on-balance considered appropriate and not to unacceptably harm the appearance of Loxford House nor the character or appearance of the Highbury Fields Conservation Area. The Design and Conservation Officer did not consider the design approach for the rear extension to Loxford House to be particularly harmful. The demolition of the rear of Loxford House would enable additional units to be created within the Loxford House footprint, enable lift cores to be introduced to the building to serve the majority of the proposed residential units and enable an energy centre to be established below the new extension to serve the whole of the development (61% CO2 reduction).
93. The proposals secure improvements to the landscaped areas around Loxford House to better reveal the significance of the conservation area and Loxford House itself. Therefore there are considered to be improvements to the setting of the conservation area secured through these proposals. Furthermore a condition (**condition 9**) is recommended that would secure the restoration of the Loxford House clock feature to benefit the appearance of Loxford House including the setting of the conservation area.
94. As addressed later in the report, the proposed energy strategy utilises a CHP bio-diesel engine which would require dispersion modelling to ensure that discharge is released at an appropriate height to ensure Air Quality is not unacceptably harmed. This requires a flue of up to 3m in height above the roof level. The overall roof height of the (retained Loxford House) is 13.7m; therefore the required flue would be required at a height of approximately 16.7m. This would be approximately 1.2m taller than the existing, original chimneys of Loxford House (which measures between 13.8-15.5m in height above ground level. This is considered to cause some harm to the design integrity of the building, but not substantial harm, subject to details of exact position and design of the flue (**condition 46**) to the heritage asset (Loxford House) and the designated heritage asset (Highbury Fields Conservation Area).

95. Materials and Other Details The development has a consistent design approach. Blocks B, C, D and E frame the proposed publicly accessible, central open space. Materials throughout the development are consistent and respond to the local character and distinctiveness of the surroundings. Throughout the development 'Buff' stock brick is proposed for all buildings. However, in order to secure an appropriate relationship with existing buildings, a condition (**condition 6**) seeks to secure London Stock Brick for Block A and the extension to Loxford House. Stone dressings to window cills and heads, and stone parapet details provide visual interest and visually link the proposed development to the surroundings.
96. The proportions and placement of windows and bays provide a consistent design approach that reflects the character and appearance of the surrounding streets ensuring that the development responds appropriately to its context. Deep window reveals are proposed to create structural depth and enliven the façades of all buildings.
97. Zinc cladding is also proposed and white render to vary the elevations and provide visual interest. An additional feature / material (timber) was originally proposed throughout the development, however due to concerns relating to uneven weathering and the resulting impacts on the appearance of the development; an aluminium cladding has been agreed by the applicant as a replacement.
98. Block A would accommodate three family houses to continue the terrace on Lucerne Road, maintaining the established building line. This terrace would be 3 storeys above semi-basement in a modern interpretation of the existing Lucerne Road terrace. It would continue the building line of the Lucerne Road terrace and adopt the same design approach providing a basement and steps up to the main entrance, whilst maintaining a small gap from 24 Lucerne Road. Details of how this gap would be treated are to be secured by condition (**condition 10**). The application was amended removing the originally proposed end terrace house in order to protect the health of the adjacent Plane Tree (T18 of the TPO schedule) and address an objection received against the original proposals.
99. The 3 proposed houses would be taller than the existing Turner House, however this approach is entirely appropriate and considered to ensure an appropriate response to the existing Lucerne Road townscape, in accordance with the Council's design policies.
100. A 'juliet' balcony is proposed for the ground floor bay windows fronting the street. Although this is a modern interpretation of the original bay feature the Juliette balcony is not considered to fit with the character of Lucerne Road and therefore a condition is recommended requiring their removal (**condition 11**). The proportions and placement of windows and bays otherwise respects the rhythm of the existing terrace and is considered to appropriately replicate this without appearing as an unacceptable pastiche.
101. The rear elevations introduce full width glazing at ground and first floor levels to a flush rear building line. The incorporation of a Juliet balcony to the rear elevations is considered acceptable. The second and top floors of the rear elevations adopt two windows, in the more traditional style, to reintroduce a sense of rhythm. This is considered to be appropriate and the first floor (almost full width) glazing would not be highly visible within the development.

102. Block B would be located to the north of the site, in a similar position to the existing Wakefield House (and the northern most part of Stephenson Hall). This block would accommodate 33 flats and maisonettes (comprised of: 22 x 1 bed units, 8 x 2 bed units and 3 x 3 bed) and is constructed as a 4 storey building above a basement level. The basement level incorporates generous light wells at both the front and the rear of the site to provide private outdoor space for the lower level units.
103. At four storeys in height (above existing ground level) this block would be taller than the buildings that adjoin the site and the existing Wakefield House currently in this location (up to 3m taller). St John's Court accommodates 1, 2 and 3 storey buildings, and Legard Road consists of a 2 storey terrace with pitched roof. Although taller than neighbouring properties the proposed Block B would knit comfortably within existing buildings on the site. The height of this building enables the best use to be made of the site and creates a formal internal square addressed on three sides by buildings of 4 storeys in height (Loxford House, Block E and Block B). This is considered appropriate to mark the arrival into the public open space and the heart of the development. The proposed height, having regard to the adjoining site context and internal building relationships is on balance considered to be acceptable.
104. Proposed Block B's rear building line is varied with the eastern end of the block (rear elevation) oriented due north and the western part of the block (rear elevation) oriented north east. The construction of Block B would result in a building further from the shared boundary than the existing Wakefield House it replaces. The separation distances between proposed block B and the adjoining St John's Court properties ensures an appropriate amount of garden space is provided to each residential unit and enables additional planting to be secured.
105. This block would have a curved front elevation that turns from the main pedestrian and vehicular circulation area (adjacent to the rear of Loxford House) and leads into the proposed publicly accessible open space. The footprint of the building adopts a staggered building line for both its front and rear elevations that create visual interest and depth. The incorporation of a recessed metal clad element including balconies (in the western most end of the front elevation) also provides visual interest to the elevation. The part of Block B adjacent to the internal square accommodates a substation, refuse store and bicycle store.
106. The proposed building would adopt a similar design approach as throughout the development but would also utilise render to further express a sense of rhythm (breaking down the bulk of the elevation) and a zinc entrance canopy is proposed. Further details of the entrance are recommended to be secured by (**condition 12**). These would ensure the resulting appearance and access is of high quality design.
107. Block C (houses) comprises 5 family houses (4x4bed houses and 1 x 5 bed house all of which are to be within the social rented tenure) located adjacent to the northern site entrance from Legard Road. Two end houses are positioned west facing (with north and south aspects respectively) their main entrance from the Legard Road entrance. The other 3 units are positioned with north / south aspect, the front entrances fronting the public open space. Block C would be located 11m from the boundary (measured at right angles) at its closest point and up to 14m at its furthest at ground floor level. The position of this block in relation to adjoining buildings is considered appropriate, given the generous rear gardens provided, and as the design of the rear elevation

curves away from the facing elevations it makes direct views extremely difficult of St John's Court properties.

108. At three storeys with one house incorporating a set back fourth floor (CLG.01), the height and scale of this block is considered to be sympathetic with the surrounding building heights. St John's Court accommodates single, 2 and 3 storey buildings, and Legard Road consists of 2 storey terrace houses with pitched roof. The individual units step down the slope of the site, in accordance with the planning brief and provide a sense of rhythm to the terrace. The dwelling (CLG.01) with a set back 4th floor helps to transition between this 3 storey block and the 4 storey block adjacent and is on-balance considered to be appropriate to the site context. A condition (**condition 12**) is recommended requiring details of these elevations (front, rear and side) to ensure that the resulting appearance is of a high standard.
109. Block D is located in the north west of the site (comprises 39 residential units comprised of 27 social rented units: 4x1 bed flats, 12x2 bed, 5x3 bed flats / duplexes and 6x4 bed duplexes / flats; and 12 intermediate units: 4x1 bed flats, 6x2 bed flats and 2x3 bed flats) and is designed with three access cores. This block is appropriately set away from adjoining buildings and is largely three storeys in height with a varied set back for the fourth floor, above full basement level. In some places (near Legard Road entrance) the building would be four storeys above semi-basement level as viewed from the front and rear elevations.
110. The main entrance core (front elevation) would be four storeys in height. The building is proposed above a basement level and due to the slope of the site from the central open space the basement would be fully below ground and from the rear, the building would have a semi-basement level. The southern part of this block (core 3) is proposed as three storeys above semi-basement. The height and bulk, having regard to the proximity and layout of adjoining buildings is considered to respond to the sites surroundings appropriately.
111. Block D Core 1 (adjacent to the Legard Road entrance) this element has two projecting wings either side of its own entrance core. This entrance core as viewed from the centre of the site would be similar to the main entrance and would be four storeys in height. The projecting balconies are considered an appropriate response to this key 'entrance' to the proposed new public open space and entrance square from Legard Road. However, the use of timber for these balconies is not supported and these are to be constructed of glass (as agreed by the applicant) to ensure that they appear light weight and respond appropriately to the high quality design of the development (**condition 6**).
112. The rear elevation of core 1 adopts a varied building line and would accommodate bicycle store at the lower ground level and bin store at ground level. The location of the bin store narrows the rear entrance to this core, and therefore a condition is recommended to remove this recess in order to address safety concerns (**condition 7**). This condition also secures additional details of all elevations, sections and details showing the projecting balconies constructed of glass (not timber as currently proposed).
113. Block D Core 2 (central entrance core) as viewed from the centre of the site, is designed with a glazed entrance 'atrium' that accommodates the stair and lift core and would be four storeys in height. On either side of the entrance core, the building would

be symmetrical. The building line steps back from the entrance core to provide visual interest and enable the building to 'curve' around the entrance. The fourth floor (from ground level) would be set back 1.8-2.5m and a roof terrace would be provided utilising a glass balustrade. The rear elevation of this 'core' is designed in a curve, symmetrical from the centre, at three storeys in height. The block would utilise a regular fenestration pattern; reflective of the scheme as a whole and considered appropriate for the site and its context.

114. Block D Core 3 (south west of the site) Due to the slope of the site this part of the building would appear as three storeys with a semi-basement (3 ½ storeys). The design and detailing is considered to ensure visual interest, the change from buff brick to render would vary the appearance of the building and appropriate height and scale.
115. Block E terrace houses comprises 9 x 4 bedroom houses (private tenure). The building line curves into the centre of the site to accommodate a significant lime tree (T69) located to the rear of 32/34 Lucerne Road. These houses are proposed as four storeys in height above a ground level that has been (minimally) cut or filled. The terrace runs from west, aligning with the boundary of 42 Lucerne Road and runs eastwards to the boundary line of 24 Lucerne Road. The terrace accommodates two different designs of dwelling to achieve this layout with different plot widths.
116. The top floor is zinc clad with a minimal set back (i.e. set just inside the parapet of the floor below). The design is very similar to that described for Block A and is considered to be high quality, appropriate for the site context in terms of height, scale and massing and to utilise acceptable materials subject to conditions as detailed previously.
117. Objections have been received stating that the design is 'mediocre', largely glass in the rear and out of keeping with the existing development. The design is considered to reference existing terraces in a modern interpretation. The use of glass is considered to be appropriate and the Conservation and Design Officer is satisfied with the design approach. In addition, landscaping and tree planting is proposed along this boundary to secure appropriate screening.
118. Objections have been received against the height of Block E stating that the planning brief desires that buildings not exceed the ridge height of the properties in Lucerne Road adjoining the site. This statement is understood to mean that new buildings within the application site should not rise above the height of the terrace on Lucerne Road (or be visible above the roof ridge from public viewpoints). This is different to the literal meaning that the height of the Lucerne Road properties from pavement level to ridge height is intended to be a height restriction imposed throughout the site. The approach within the adopted planning brief was clearly worded to enable flexibility for building positions and height, which when considered together will influence a developments visibility above existing ridge heights.
119. Block E (terraces and flats) are either the same height or lower than Stephenson Hall (which is a four storey building) and Stephenson Hall cannot be seen above the ridge line of Lucerne Road properties. Block E (flats) would be located 4.7m closer to Lucerne Road than the existing Stephenson Hall, however Stephenson Hall measures between 13.3m and 13.8m above ground level and up to 15.4m to the top of the chimneys. Block E would be approximately 2m lower than the height of Stephenson Hall and would not be visible from Lucerne Road, above the existing terrace.

120. At four (4) storeys in height, located approximately 18m away from the rear of the Lucerne Road properties and stepped with the gradient of the site as far as possible, these properties would not be visible from street level on Lucerne Road. The Lucerne Road properties appear 4 storeys in height when viewed from the rear and therefore the proposed terrace is consistent with established building heights and the established character and appearance of the surroundings.
121. Objections were received stating that the height and proximity of the terrace properties would enable direct views into the Lucerne Road properties. A further objection stated that the plans were incorrect and that the rear gardens (40 Lucerne Road) are fact 5.68m in depth, rather than 3.4m as depicted on the drawings. A revised plan was received confirming the distances to adjoining buildings, and the separation distances comply with Council guidance (refer to the Neighbouring Amenity section). The site layout is considered to minimise disturbance to the occupants of adjoining buildings and to respect their privacy, subject to landscaping provisions to be secured by condition (**condition 54**).
122. Block E (flats) are located to the north of proposed Block A and to the west of Loxford House. The building comprises 20 residential units (private tenure) including 2x1 bed flats and 18x2 bed flats. This building turns the corner within the application site, addressing the entrance area from Lucerne Road (opposite Loxford House) and the publicly accessible open space. This building would be four storeys above a basement level measuring 11.2m above existing ground level. The proposal includes the introduction of an entire floor at basement level (the quality of this space for residential accommodation is addressed elsewhere in this report). The southern wall (facing Block A) is to be a green wall (**condition 41**).
123. An objection was received against the proposed height of Block E. This block would be located 7.6m to the north of proposed Block A. Although Block E is in some places closer to 24 Lucerne Road than the existing Stephenson Hall, the site is otherwise opened up behind the rear of 24, 26 and 28 Lucerne Road. The outlook is also improved to these properties as Block E would be approximately 2m lower than the height of Stephenson Hall. Having regard to the above, Block E is considered to be an appropriate height and proximity to existing and proposed buildings. It would not be visible from Lucerne Road, above the existing terrace and is consistent with the scale of development in the surrounding area and the aims of the adopted planning brief.
124. Block F comprises a single family dwelling house (private tenure) located north of Loxford House. It would be three storeys in height. The application was amended to remove 3 houses from this block. The proposed building would be located between 14.5m and 18.2m from the northern boundary and car parking spaces would be located directly adjacent (to the east).
125. Block F would present a varied front elevation, with a slightly projecting two storey element. The main three storey frontage would accommodate slightly projecting bays at first and second floors and a recessed element to break up the elevation. Materials remain consistent throughout the development and the side wall would be a green wall (refer **condition 41**). The rear elevation is designed in an 'L' shape and would therefore have a large rear window at ground and first floors (with a Juliette balcony to the first floor). The second floor adopts two windows in the traditional style. This is

considered to be appropriate given that these are modern buildings and the first floor would not be highly visible within the surroundings.

126. Objections have been received against the demolition of the remaining buildings within the site, stating that they are of particular design merit and quality and that they should be refurbished to accommodate residential use. The Council has no power to prevent the demolition of the existing buildings (with the exception of Loxford House) as they are not located within a conservation area and are not statutorily listed. Notwithstanding this, the applicant reviewed Stephenson Hall with a mind to convert it into residential use, however the number of units able to be accommodated was limited and the retention of this building would significantly restrict the ability of the remainder of the site to be developed in a comprehensive manner. The remaining buildings within the site are not considered to be of such design merit to warrant their retention. The demolition of these buildings is considered suitable subject to appropriate recycling of waste materials.
127. Public Art The proposal includes a Public Art Strategy document, that sets out the applicant's vision for a public art 'legacy' to be left by Action for Children. A desire to explore links to the historic use of the site by Action for Children is supported by the Council's Art Officer and a clause in the s106 agreement (**clause 7**) secures the minimum spend of £100,000 on public art within the site, to be approved by the Arts Officer. The combination of art as play facilities is also welcomed.
128. Design Summary The design of the proposed development responds to surrounding and existing building heights to the site securing satisfactory aspect, daylight and sunlight to all parts of the development. The position of buildings from boundaries reflects the surrounding layout and positions of surrounding properties and the layout, height, bulk and scale would appropriately address the slope of the site. The presence of trees are considered whilst a balance has been struck to enable the best use of the site to be made and providing a central, publicly accessible open space. The design is considered to be high quality due to its reference to the style and detailing of surrounding developments, through plot widths, choice of materials and detailing, window placement, design and reveal depths. The proposed development is considered to be consistent with PPS5 and policies contained within the Development Plan. The proposal would preserve the character and appearance of the conservation area in accordance with statutory requirements.

Dwelling Mix

129. The scheme proposes a total of 143 new dwellings comprised of fifty (50) affordable housing flats, maisonettes and houses and ninety-three (93) market-housing flats for private sale. The table below describes the overall dwelling mix:

	No. of units	Percentage
1 Bedroom	39	27.3%
2 Bedroom	64	45.8%
3 Bedroom	16	11.2%
4 Bedroom	23	16%
5 bedroom	1	0.7%
Total	143	100%

130. The proposal is considered to contribute to meeting the identified housing needs of the borough, and will particularly contribute to addressing the need for two bedroom dwellings. The development is considered therefore to accord with the requirements of saved UDP policies H14 and H15 and London Plan policy 3A.5 which seek to secure balanced and mixed communities and variety in housing to suit the widely differing social and economic needs of the borough's population. In addition, a significant proportion of the units are proposed as family units 73% of the units proposed as 2 bedroom or larger. The mix of dwellings is also consistent with the aims of the planning brief which seeks to secure a family housing led development. The Council's Housing Officer supports this mix.

Density

131. The London Plan 2008 requires developments to achieve the highest possible intensity of use compatible with the local context. The site is defined as 'Urban' and within an area of 'good' public transport accessibility (PTAL of 4) by the London Plan; therefore it falls within the suggested residential density range of 200-700hrh as stipulated within policy 3A.3 of the London Plan.
132. The adopted Planning Brief for the site referred to new developments fitting within the context of the surrounding area and reflecting its density, which it estimates to be approximately 400-500 habitable rooms (hr) per hectare (ha). The redevelopment scheme proposes a total of 143 residential dwellings comprised of 489 hr within a site which is equal to 10,250sqm or 1.25ha. Density is expressed as habitable rooms per hectare (hrh) and is calculated by dividing the total number of habitable rooms by the gross site area. The redevelopment scheme therefore results in a residential density of 390hrh. It is noted that the scheme forms a mixed use scheme (nursery / community) and the above calculation relates to the residential component only. It should be noted that UDP policy H12 (density) was not saved following the Secretary of State's review of UDP policies, the London Plan policy 3A.3 is therefore the only density related policy. It acknowledges that all developments should take into account the location to or provision of social infrastructure.
133. The proposal is a residential-led mixed use scheme and is considered to achieve an appropriate level of non-residential uses, the proposed density of the development sits comfortably within the the suggested density range of policy 3A.3 and is considered appropriate within the context of the site. The proposals would result in a minimal loss of open space (720sqm) and it would secure a new publicly accessible open space for the borough s106 agreement (**clause 8**) to be managed by an appointed management company. The acceptability of the proposed density is also strengthened and highlighted by the fact that the redevelopment: uses land more efficiently; is unlikely to affect neighbouring residential amenities in an unacceptable manner; is within an area noted as having a level '4' PTAL rating; secures an appropriate standard of design; does not significantly impact on townscape; and is in close proximity to local shops, facilities and services.
134. An objection has been stating that the density of the proposed development is too high and siting the Islington 'Site Allocations' document (which refers to 100 dwellings within this site). This is a theoretical study intended to identify sites that could accommodate houses to address the borough's need. The capacity of each individual site will depend on scheme's detailed design. The 'Sites Allocation' document is currently at the very earliest stage of production and consultation and as such has

very little weight in planning decisions. At this stage any figures are indicative only and subject to change and refinement through the remainder of the process.

135. Education Objections have been received stating that the development would have an unacceptable impact on local services and infrastructure including schools and local health services. The Council's records demonstrate that the local schools in the surrounding area have additional capacity to accommodate additional school children (10% below capacity has been indicated). Therefore the proposed development is not considered likely to introduce unacceptable impacts on education facilities in the area and s106 contributions have not been sought on this basis.
136. Health The Islington Primary Care Trust (PCT) has provided details of the services in the immediate area that are likely to come under additional pressure as a result of this development. In order to address this additional demand, the applicant has agreed to a financial contribution of £179,000 (**clause 6**) towards the increase in services and therefore of capacity within the surrounding clinics (including Highbury Grange, The Village practice and Dr Desai's Surgery). Although the response from the PCT stated that in the region of £300,000 was required to increase the capacity of these surgeries to accommodate future residents of this development, this financial contribution is considered to be reasonable to mitigate the potential impacts of the development on health infrastructure. The contribution is also considered to address objections relating to a lack of capacity and additional demand on health services as stated by local residents.

Financial Viability and Affordable Housing

137. Before exploring the affordable housing offer and viability implications it is important to have an understanding of the policy backdrop to these matters. The following paragraphs highlight the planning framework for considering viability matters arising in conjunction with affordable housing proposals.
138. It is the Government's key housing policy goal to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. In this regard Government Guidance within PPS3 seeks to deliver new housing which: is of a high quality, provides a mix of market and affordable homes to support a wide variety of households resulting in mixed and balanced communities; is of an appropriate quantity; is in suitable locations; and is a flexible and efficient use of land. With regard to affordable housing targets, PPS3 states at paragraph 29 that targets *'should also reflect an assessment of the likely economic viability of the land for housing... taking into account risk to delivery and drawing on informed assessments of the likely levels of finance available for affordable housing...'*
139. The London Plan, under policy 3A.9 sets a strategic London-wide affordable housing target of 50% and suggests that within that target there is a London-wide objective for 70% social housing 30% intermediate provision. The supporting text at paragraph 3.48 to this policy confirms that *'Affordable housing targets should be sensitive to the economic and social circumstances of London'*. Policy 3A.10 confirms that: boroughs should seek the maximum reasonable amount of affordable housing a site can achieve; there is a need to encourage rather than restrain residential development; and affordable housing targets should be applied flexibly – taking into account individual site costs, the availability of public subsidy and other scheme requirements.

140. The supporting text to this policy at paragraph 3.52 states that boroughs should *'take account of economic viability... [and] the individual circumstances of the site'*. Paragraph 3.53 confirms that *'there will be some sites that are capable of achieving more towards meeting the overall 50% London-wide affordable housing target and some less'*. In order to consider what the maximum reasonable amount of affordable housing sites may achieve the London Plan 2008 and the London Plan Housing SPG both suggest the submission of viability assessments to ensure that sites justify their provision of affordable housing.

141. Relevant to the application of these policies are the particular circumstances of this site. The scheme has secured a certain level of grant funding and there is some risk that the secured grant funding may be heavily reduced due to forthcoming Homes and Communities Agency (HCA) funding reviews. Family Mosaic have been included as a development partner to the proposals and Family Mosaic's Group Head of Development, Mr Dick Mortimer, has provided background of the availability of grant funding.

'Although the level of affordable housing is below the 50% sought by the London Plan, it is nonetheless high quality housing with a large number of family units and 5 large family houses for rent including a 5 bedroom 9 person house; Family Mosaic insisted on this. If the houses were converted into smaller flats, the overall percentage of affordable housing would increase. Grant funding is generally allocated by unit and therefore funding large houses for affordable rent, that may have an open market value in excess of £1m, is difficult...

Grant has been secured on the scheme and the requirement from the Homes and Communities agency to draw down the grant according to the agreed timetable will ensure that the scheme can commence without delay and will be delivered. If we miss the timetable the grant will be put at risk.'

142. In this regard the proposals secure a number of very large houses and flats within the social rented tenure, of which the allocation of grant funding does not generally recognise. The Council's Housing Officer agrees with the statements made by Family Mosaic as quoted above. There is an element of risk involved with taking these proposals forward without loss of secured grant funding. The loss of or reductions to grant funding would impact negatively on the level of affordable housing that this site could afford to offer.

143. To enable this site to come forward for redevelopment, it has been accepted that the reasonable relocation costs of the charity, Action for Children (AfC) (former National Children's Hospital (NCH)) must be met. This is considered an exceptional circumstance but a scheme requirement.

144. Affordable Housing Offer The proposed development shall provide for a total of 143 residential units comprised of 488 habitable rooms (both for private sale and affordable housing). Of the total 488 habitable rooms created 195 habitable rooms (hr) would be affordable this has been secured following amendments to increase the number of habitable rooms within the affordable housing tenure from 36% to 40% provision. Of the 50 affordable residential units created (195 habitable rooms), 32 (137 habitable rooms) would be social rented accommodation and 18 (58 habitable rooms)

would be intermediate housing. Therefore the tenure split would be 70% social rented and 30% intermediate rented.

145. In terms of the affordable housing offer, the scheme proposes 18% one bedroom dwellings, 40% two bedroom, 20% three bedroom, 20% four bedroom and 2% five bedroom dwellings. It is noted, with reference to social rented accommodation, that the Housing Needs Survey (HNS) has an aspiration to achieve a percentage split of 20:40:40. The proposal therefore is in accordance with the housing needs survey and is considered therefore to address the borough's housing need. The Council's Housing Officer supports the proposal and particularly welcomes the provision of large, family houses.

146. The proposed dwelling mix of the 50 affordable dwellings, separated into tenure is summarised as:

	Social	Intermediate	
Unit Size	Number of Units	Number of Units	Total
One bed	4	5	9
Two bed	12	8	20
Three bed	5	5	10
Four bed	10	0	10
Five bed	1	0	1
TOTAL	32	18	50

147. The proposed housing mix has been considered by the Council's Housing Officer who is very supportive of the overall mix proposed. The only issue of concern was affordability of the intermediate 3 bedroom units, but this is to be resolved with the Registered Social Landlord (RSL), Family Mosaic at a later date. The Housing Officer did confirm that grant funding had been secured for this scheme and that delays in planning timetables is likely to put grant allocation at some risk.

148. The locations of the affordable units would be within Blocks B, C and D. The units are considered of good quality and to provide an appropriate standard of amenity. The designs are tenure blind (i.e. private housing could not be distinguished from affordable housing).

149. Approximately 16.4 % of the affordable housing units (as measured by habitable rooms) would comprise wheelchair accessible housing, this is significantly above the 10% minimum (as less than 10% private housing is provided to wheelchair housing standards). The affordable wheelchair housing provision is acceptable.

150. A clause is contained within the S106 (**clause 1**), which secures the overall percentage of affordable housing and the tenure split.

151. Financial Viability Assessment In accordance with Government and Regional policy/guidance a financial viability assessment was submitted with the application to justify the provision of affordable housing 40%, which is slightly below the London-wide strategic target of 50%.

152. In order to properly and thoroughly assess the financial viability assessment, its approach and findings (which applied the GLA Development Control toolkit), council officers passed the documents on to an independent assessor for scrutiny and review. The District Valuer Service (DVS) – part of Valuation Office Agency were instructed and produced a report (DVS Report) in response to the applicant's submitted financial viability appraisal which was amended during the processing of the scheme. A copy of this report is attached at Appendix 4 of this report.
153. The Viability Assessment has shown that should the scheme as proposed (i.e. including 40% affordable housing) be erected now, subject to present day values and the grant funding that has been secured (by Family Mosaic) it would be viable. The DVS report supports this conclusion and as part of the assessment, consideration has been given to the requirement for Action for Children to secure its reasonable relocation costs, to enable the site to come forward for development.
154. The council's independent assessor has considered the Viability Assessment, and the DVS Report concludes that a portion of the relocation costs (£13.6m) which include a freehold purchase of a new site (among other costs) would need to be paid for above the existing use value (EUV) of the site to enable the site to come forward for redevelopment. The applicant has submitted that the EUV is £8.5m however DVS consider the EUV to be £7.75m, having regard to the constraints of the site, but also of the adopted planning brief.
155. DVS agree with the applicants suggested sales evidence and has adopted those figures in their own assessment. DVS do note that the new build market has been impacted upon the most within the last 2 years, and confirms that this has occurred due to falling values, static build costs and higher finance costs which has impacted upon demand for residential development site and land values. However, DVS generally agree with the applicants estimated construction costs and consider them to be reasonable based on the information provided.
156. This development is a joint venture between Mount Anvil and Action for Children Trading Limited. DVS have not objected to the difference between the applicant's profit on costs of 25.08% and the DVS estimate of 21.58% stating that changing lending and funding requirements of the Banks could also account for such a difference. DVS have confirmed that they have adopted a higher developer's profit to reflect the risk that they perceive in the development of this site. DVS consider that the provision of £3.4m above the EUV of the site (totalling £11.22m) would be a reasonable contribution towards the required relocation costs.
157. The DVS Report confirms that loss or reduction of grant funding would impact negatively on the viability of the scheme. It also confirms that although there have been some improvements in the market, it is anticipated that there could be further falls in value during 2010.
158. Conclusion on Affordable Housing In accordance with adopted national and regional policy and guidance, boroughs are required to take into account economic viability together with the individual circumstances of sites when

considering planning applications. It is also logical that developers seek to obtain planning permission capable of implementation as there is little reason to obtain a permission that can never be acted upon. In accordance with policy, the applicant has submitted a Viability Assessment to justify the affordable housing offer of 40%.

159. The Viability Assessment was scrutinised by an independent assessor, the DVS, which were appointed by Islington Planning Service. DVS concluded that the scheme as proposed is viable and dependant on grant funding. DVS also accept that the reasonable relocation costs would be a requirement to enable the site to come forward for redevelopment and officers agree that this is a scheme requirement that is necessary. The DVS do not object to the difference in profit on cost as submitted within the Viability Assessment (25.04%) and the figure reached by DVS (21.58%) due to availability in finance and inherent risk.
160. The relocation costs are considered to be reasonable by Officers. The contribution secured towards the relocation costs is also considered to be acceptable (being approximately 25% of the total cost) enabling the site to come forward.
161. Having regard to the need to obtain reasonable contribution towards relocation costs from the development and due to the risk that the grant funding currently secured is at risk from delayed timescales (approx £5.5m) the proposed offer of 40% affordable housing is in this instance considered to be the maximum reasonable amount of affordable housing that the site can afford to offer.

Accessibility

162. In general the overall design is logical and relatively simple in layout taking into consideration the change in gradient across the site of approximately 8.5m. The spaces created are often generous in size and of appropriate proportions for their function, which makes the integration of accessibility into the scheme viable and sustainable. However, the Access Officer has objected to the travel distances from Block D wheelchair accessible housing (WAH) to the on-site accessible parking spaces and objects to the consideration of Block F as a WAH due to its layout over 4 floors.
163. The proposed development has been amended to remove the external lift from between Blocks E and F and revise the allocation of wheelchair accessible units within the scheme. The landscaped site now provides for pathways and landings to accommodate wheelchair users, those with buggies or pushchairs or other forms of physical disability. Further details are to be secured by landscaping condition (**condition 54**) to ensure that these areas are accessible and inclusive throughout the site. The safety of shared surfaces is to be addressed through the same landscaping condition, securing details of the layout, use of materials and paving, any furniture (e.g. bollards or lighting columns) to help define those pedestrian and vehicular spaces.
164. Residential Accommodation In general the dwellings are considered to be sensibly planned with logical layouts. The plans have provided indicative furniture layouts which demonstrate the good functionality and usability of most of the dwellings and their spaces. The residential layouts indicate that the dwellings would, or with minor

amendments, could meet Lifetime Homes Standards and the additional requirements of the council's Accessible Housing SPD within their footprint. A condition is attached (**condition 23**) requiring that the dwellings are indeed designed to the council's Accessible Housing standards.

165. The scheme proposes the creation of 15 (50hr) dwellings designed to wheelchair accessible housing (WAH) standards. The provision of WAH, like affordable housing, is calculated on the basis of habitable rooms. The Access Officer has objected to the inclusion of Block F house within this consideration. With this unit removed 9.2% of the total number of habitable rooms is provided across the site. This objection is noted, however the applicant has significantly improved the location and design of WAH within the site, and having regard to those improvements, the removal of this unit from consideration and the 9.2% WAH offer, is on balance considered to be acceptable, subject to compliance with the WAH standards as secured by condition (**condition 24**) and having regard to the high percentage (16.4%) of affordable WAH that is proposed.
166. Although there are some matters to resolve in terms of the detailed design of the WAH, the dwellings are considered to be of a size which can accommodate the changes without materially changing the nature of the scheme. An objection was received from the Access Officer against the 3 Block A houses and absence of step free access. A condition of consent (**condition 25**) requires step free access for all entrances and units.
167. Five (5) of the units proposed within the retained parts of Loxford House are not served by a lift. The degree of alteration required to install additional lift cores to serve these units is considered to detrimentally impact the external appearance of Loxford House and therefore the conservation area. As such this arrangement is considered to be acceptable in this instance.
168. Features to be commended are:
 - Provision of two lifts serving all wheelchair accessible housing units on the upper or lower floors (Blocks B and D);
 - Provision of fifteen (15) disabled parking bays within the scheme. Although it is acknowledged that travel distances are in excess of 75m);
 - three site entrances provided to minimise travel distances from street to dwellings; and
 - dwellings designed to Lifetime Homes / Islington's Flexible Homes Standards.
169. Conditions are recommended (**conditions 25 and 32**) securing the provision of the lifts prior to first occupation of that part of the development, step free access and level thresholds, details of and provision of the fifteen (15) disabled parking bays. Additional details regarding the revised refuse strategy and ensuring it is accessible and inclusive are also secured by condition (**condition 38**).
170. Nursery / Community Unit is shown as open plan and does not raise any issues in terms of accessibility in this regard. However, the plans do not show the provision of accessible toilets, therefore a condition is recommended requiring this (**condition 25**).

Neighbouring Amenity

171. The Development Plan contains adopted policy and guidance that seeks to safeguard the amenity (habitable rooms only) of adjoining residential properties; no adopted policies exist that seek to safeguard the amenity of neighbouring commercial properties.
172. Overlooking The Council's Planning Standards Guidelines states that overlooking of habitable rooms should be avoided where possible, except where the distance to that window exceeds 18m or where design solutions adequately prevent overlooking. Habitable rooms include bedrooms, living rooms and kitchens (that are larger than 13sqm).Overlooking across a public highway is not an uncommon occurrence in London and there are no adopted Development Plan policies to prevent such occurrences.
173. Methodology Daylight and Sunlight An independent sunlight and daylight report has been submitted which assesses the impact of the proposed development on existing lighting levels to neighbouring residential properties. The technical analysis has been carried out in accordance with the BRE Guidance 'Site Layout Planning for Daylight and Sunlight' (BRE Guidelines) and assesses the resulting impact on each of the adjoining residential properties individually.
174. The BRE Guidelines suggest a three stepped approach to measuring whether there might be a real and noticeable loss of daylight to neighbouring properties. The first step is identifying if an obstruction would occur, if it would a further two methods of assessment is required.
175. Step 2: produce a model of the existing and proposed building/structures on the site and the existing surrounding buildings. Calculate the Vertical Sky Component (VSC) using a 2D Skylight Indicator (appendix A of BRE Guidelines) or by modelling software.
- If the resulting VSC for a window is less than 27% but more than 0.8 times its former value then daylighting levels may be adequate.
 - If the resulting VSC for a window is less than 27% and less than 0.8 times its former value, then there may be a noticeable loss of daylight
176. Step 3: consideration of the Daylight Distribution (DD) within an affected room by plotting the 'no-sky' contour line at the working plane. This is the contour within a room, behind which no sky is visible from the room's window (or windows) at the working plan. The BRE Guidelines state that ideally this should be 0.8 times or more the former working area prior to the development. There is no absolute minimum area given by the BRE Guidelines. To calculate DD, information is needed regarding the internal layout and arrangement of the effected rooms. In the absence of such information sensible assumptions need to be made as to the layout.
177. When examining sunlight, the BRE Guidelines notes that (in the northern hemisphere) the sun path from east to west take a southerly route. Therefore neighbouring windows which do not face within 90 degrees of due south do not warrant assessment in terms of reduction of sunlight. When measuring the impact on sun lighting levels, the BRE Guidelines suggest that sunlight availability to windows is unlikely to be adversely effected if one of following three parameters is satisfied:
- The proposal obstructs an angle less than 25 degrees; or
 - The assessed window receives more than 0.8 times its former annual probable sunlight hours (APSH) and winter values for sunlight; or

- The assessed window receives more than a quarter of the APSH (including at least 5% APSH during winter: 21 Sept to 21 March).

178. The BRE Guidelines makes reference to another different technical test for measuring daylighting levels, which can be used for measuring rooms within new developments – referred to as Average Daylight Factor (ADF). The ADF is derived through relatively complicated mathematical calculation of the distribution and quality of light within rooms including consideration of room and window sizes, surface finishes, glazing quality and room use. The BRE Guidelines suggest ADF values for dwellings of: 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.
179. The BRE Guidelines acknowledges that in order to secure an appropriate urban form that preserves and/or enhances the character and appearance of surrounding streetscenes reductions in sunlight and daylight beyond the suggested minimums may be necessary.
180. The properties mentioned specifically below, have been considered by the applicant's sunlight and daylight consultants and found to receive a reduction to sunlight or daylight receipt that is in excess of the guidelines set out above. Any property that adjoins the site and is not discussed below would not receive any noticeable reduction of sunlight or daylight receipt and therefore is not addressed further in this report.
181. 1-25 Lucerne Road (odd) are located on the opposite side of Lucerne Road to proposed Block A. No loss of sunlight would occur as these windows face north. An objection has been received from the occupants of 19 Lucerne Road against the development on the grounds of loss of daylight. The assessment concludes that the only room affected of properties 9-15 and 21-27 (odd) would be the ground floor entrance (serving the hallway). As circulation areas are not protected by the BRE guidelines, there is not considered to be a breach. No other rooms would have VSC reduced by more than 20%, and therefore no noticeable reduction would result.
182. The properties at 17-21 Lucerne Road are on the opposite side of Lucerne Road to proposed Block A. The separation distance is 17m however, this arrangement is no different to the existing situation further down Lucerne Road, and there are no policies to prevent overlooking across a public highway. This situation is therefore acceptable.
183. 24 Lucerne Road is located to the south west of proposed Block E and to west of Block A which largely aligns with the rear building line. This property comprises of two flats, the lower flat over basement and ground floors and the upper flat at first and second floors. The ground floor flat would receive minimal change to the VSC (daylight). Significantly less than 20% and in some cases an improvement to the existing situation.
184. The upper flat has a small terrace at first floor level adjacent to a kitchen (which is served by two windows) and the second floor level also has a roof terrace. An objection has been received against the rearward projection of proposed Block A which is considered by the objector to unacceptably restrict sunlight receipt to the kitchen window and terrace. The sunlight and daylight report considers the daylight and sunlight receipt to this flat and notes that the VSC of the east facing kitchen (window W6) would reduce by 36.6% (in excess of 20% which is the guideline for living rooms). However as this room is served by x2 windows the loss to one is considered acceptable.

185. In applying sunlight tests, the BRE guidance states that living room windows are given priority when applying the guidelines but that significant reductions should be kept to a minimum. It does state that care should be taken when applying the guidance. Window W6 is one of two windows (W7 also) that provide daylight to the kitchen. It is orientated to the east (slightly towards 90 degrees of due south) and enjoys a small 'window' of summer sun in the early morning hours. The assessment states that window (W6) would lose 84.2% of its total APSH and would be minimally affected in winter (receiving extremely little winter sun at present). An objection has been received against the proposed development due to loss of sunlight. As the window serves a kitchen with two windows, the loss of sunlight to one window is considered acceptable as there is less importance attached to protection of sunlight receipt for kitchens.
186. 26 and 24 Lucerne Road are separated by a minimum of 25m from proposed Block E houses and 18.2m (24 Lucerne Road) and 25m (26 Lucerne Road) from the south facing wall (containing windows) of the proposed Block E flats. These distances are compliant with guidelines and therefore no unacceptable levels of overlooking would occur.
187. 46- 28 Lucerne Road are separated by an appropriate distance from the proposed development. The closest property is no. 44 Lucerne Road which is separated by 20m from Block D (core 3). The remaining units are separated by a greater distance and therefore no unacceptable overlooking would occur.
188. Avenall Mansions (25-40) these flats would receive no noticeable loss of daylight (less than 20% reduction of existing VSC). An objection was received on the grounds of loss of sunlight. However, as the windows do not face within 90 degrees of due south they do not require assessment. The facing elevation of Avenall Mansions does not sit within due south and therefore does not require further assessment as the impacts are stated to be unnoticeable. In terms of overlooking, Avenall Mansions is separated by more than 21-28m from the proposed block D and therefore the proposal is compliant with the Council's guidelines.
189. Elphinstone Street Nos. 1, 3, 5 and 7 were considered in relation to sunlight and daylight receipt. The maximum loss of VSC for these properties is 7%, well below the 20% guide. The kitchen window of 5 Elphinstone Street would receive 25% loss of winter APSH, which is marginally above the 20% guide; however the total APSH would be reduced by less than 5%. As this is a kitchen window, not a living room, this slight deviation from the guidelines is acceptable. All other Elphinstone Street windows are not significantly affected regarding loss of sunlight. No. 1 Elphinstone Street is separated by a minimum distance of 24m on an oblique angle to proposed Block D and therefore no unacceptable levels of overlooking would occur;
190. 7-15 Legard Road is a terrace row of houses located to the north of the application site. All of these properties (7-15) receive both minimal reductions in daylight receipt and some (particularly No. 15) would benefit from an improvement to access to light.
191. 9 Legard Road The BRE guidelines recommend that to assess impacts on sunlight receipt, a loss of 20% APSH should be the maximum particularly for living rooms, with greater flexibility for other habitable rooms. Windows W2 and W3 serve a kitchen. W2 faces west onto the rear return of No 11 and would receive a loss of 25% of total

APSH and 100% of winter APSH. W3 faces south towards the St John's Court development and would receive a 22.2% loss of winter APSH. As this room is a kitchen and not a living room, this degree of loss is considered acceptable, as this room appears to be served by two windows.

192. 11 Legard Road has a south east facing kitchen window that would receive a 50% loss of winter APSH. This exceeds the 20% that is set as a guide for living room windows. As this is a kitchen, this is considered to be on-balance having regard to the benefits of the scheme, acceptable.
193. 13 Legard Road is stated to receive losses in excess of 20% of APSH within the winter months to windows W1 (living room 43.8%), W3 (kitchen 38.9%) and W6 (bedroom 28.6%). The living room is noted to be dual aspect with the main window facing Legard Road and the secondary window (W1) facing south. The loss of winter sunlight to the living room is on-balance, considered to be acceptable, having regard to its dual aspect layout and having regard to the benefits of the scheme.
194. 15 Legard Road ground floor window (W2) south east facing would receive a 25% loss of winter APSH. It is assumed that this room is the living room with dual aspect. The 25% loss of winter sunlight, is on-balance considered to be acceptable and would not unacceptably harm the amenity enjoyed by occupants of this property. Particularly when balancing the increase in daylight receipt secured within this property. This property is located 12-13m from the end unit of proposed Block C. The flank wall of this building accommodates an obscurely glazed window that does not serve a habitable room, therefore no loss of privacy to habitable room windows would result from this development. The rear wall of this property does not directly face the application site.
195. 17 Legard Road is located to the north of the site, on the opposite side of the vehicle entrance to the Legard Works (No. 17A). Windows W1 and W2 due to their position and size, appear to serve utility rooms. Window W1 would receive a 44.4% loss of winter APSH and window W5 would receive a 23.1% loss of winter APSH from the existing situation, which is minimally in excess of the 20% and considered, to be acceptable.
196. 13-20 St John's Court is a residential development that accommodates 8 dwellings directly adjacent to the application site boundary. The separation distance has been reviewed by survey and confirmed as 16m from adjoining buildings. The BRE 'site layout' document states that care needs to be taken when applying the guidelines. It states that where there is an existing, minimal separation distance of existing buildings to the common boundary, a greater reduction in sunlight access may be unavoidable. Of these properties, Nos. 13, 14, 15, 17 and 19 are located at ground floor level and the remaining 16, 18 and 20 are located at first floor level and their living room windows face west.
197. 14 St John's Court (ground floor) receives no noticeable reduction in daylight receipt. Sunlight - Window W5 that serves a bedroom would receive a 44% reduction in winter APSH. Given the proximity of these properties to the boundary, the loss of winter sunlight hours is considered to be acceptable, particularly as this window serves a bedroom. (No loss of 13 St John's Court would occur). Nos. 13 and 14 St John's Court are single storey properties with floor levels between 1.0 and 1.6m below the

application sites ground level. No overlooking would be possible of these windows due to their proximity to the boundary wall.

198. Overlooking: 15, 17 and 19 St John's Court are located on ground floor level, in close proximity to the boundary. There is no opportunity for direct overlooking to occur due to the position of these properties in relation to the shared boundary.
199. 15 St John's Court (ground floor). Window W1 (serving a bedroom) would receive 21% reduction of VSC from the existing situation. Having regard then to the daylight distribution factor within this room, it would receive an unnoticeable loss of daylight having regard to the BRE guidelines. This same room (W1 - bedroom) would receive a loss of 26.3% of total APSH and 77.8% of winter APSH. Again, this is regrettable, however given the proximity of this building to the shared boundary this loss is not considered unreasonable, particularly as it is a bedroom, and not a living room. Window W3 (serves a living room) would receive a loss of winter APSH of 25% and the resulting daylight distribution factor would be 39% (maximum 20% reduction is recommended). This room would appear gloomier, however due to the same considerations is considered acceptable.
200. 16 St John's Court (first floor) would receive no noticeable loss of daylight. Sunlight - window W1 (living room) would receive a 20% reduction of total APSH and a 63.6% reduction of winter APSH. This would therefore result in a loss of an acceptable level of sunlight receipt during summer and in excess of the guidelines (20%) during winter months. Having regard to the layout of buildings within the St John's Court development (proximity to the boundary) and presence of mature trees which is not included within the sunlight calculations, these should also be taken into consideration. The proposal, having regard to the site characteristics and the benefits of the proposed development are on-balance considered to be acceptable.
201. 16 St John's Court is a first floor flat and the window facing the site serves a living room. Proposed Block B locates bedrooms and living rooms facing towards these properties and the drawings indicate that it would be located 16m from Block B. Although this is close to the guidance separation distance, the application site accommodates existing trees (T47) that would obscure the bedrooms from directly facing this window. To mitigate the potential for direct overlooking a condition is recommended (**condition 15**) to require windows serving living rooms and bedrooms of Block B to be either angled or to secure some other form of design that would prevent direct overlooking.
202. 17 St John's Court (Ground Floor) windows (W1 & W2) are considered to serve a bedroom. This room would receive no noticeable reduction in daylight from existing. In terms of sunlight receipt, W1 would receive a 24.4% reduction in total APSH and 75% reduction in winter APSH. W2 would receive a 36.4% reduction in winter APSH. This room would appear gloomy in winter with a reduction in daylight during summer also. W3 is considered to serve a living room. This window has a restricted outlook due to the layout of the St John's Court development. This would receive a 22.9% reduction of VSC. The proposed development results in a 29.3% reduction of daylight distribution. Having regard to the proximity of these buildings to the shared boundary and considering the benefits introduced by this scheme, it is considered, on-balance to be acceptable.

203. 18 and 20 St John's Court are separated by more than 18m, and due to the orientation of Block B and C direct overlooking would not be achieved. Mature trees also line this part of the site boundary. There are not considered to be any undue overlooking result.
204. 18 St John's Court (First Floor) would not receive any noticeable reduction in daylight receipt from the existing situation. W1 serves a living room, not a bedroom as stated in the assessors report. W2 also serves the living room / hallway to the living room. Both windows (W1 and W2) receive a loss of winter APSH by 57% and 21.7% respectively. The guidelines suggest that beyond 20% would result in a noticeable reduction. The living room would appear gloomier during winter time, requiring additional reliance on internal lighting, however having considered the existing restriction of sunlight caused by existing, mature trees on the boundary, the proximity of this building to the shared boundary and having regard to the benefits of the proposed development, this derogation is considered on-balance to be acceptable.
205. 19 St John's Court (Ground Floor) would receive no noticeable reduction in daylight receipt. All windows would receive a loss in winter APSH. W1 and W2 are considered to serve a bedroom, W3 a bedroom and W4 a living room. Window 1 would receive a total reduction in APSH of 22.5% and winter loss of 83.3%. During winter months, the APSH would be reduced as following: W2 by 43.8% W3 by 50% and W4 by 80%. These windows would appear gloomier within the winter months than at present (in excess of the 80% recommended). It is noted however that existing mature trees mark this boundary and would, although not assessed as part of sunlight and daylight considerations currently restrict sunlight and daylight received by these rooms in winter at present. Having considered the site layout for the St John's Court development, presence of tall, mature trees and the benefits of the proposed development, these impacts are considered on-balance to be acceptable.
206. 20 St John's Court (First floor) would receive no noticeable reduction in daylight receipt. Windows W1 and W2 serve the living room (as witnessed on site within 16 St John's Court). These windows receive a winter reduction of APSH by 42.9% and 20% respectively. Having regard to the comments made for 18 and 18 St John's Court, this derogation is on-balance, acceptable.
207. A condition (**condition 16**) is recommended to prevent any of the flat roof spaces of proposed Block C and the first floor flat roofed area of Block A from being used as amenity spaces (emergency or maintenance access only) to protect the amenity of all of the St John's Court properties and no. 24 Lucerne Road.
208. Objections have also been received from properties in Lucerne Road regarding the 'triangular; window proposed for the rear of Block E, on the grounds that it should be obscurely glazed and fixed shut to ensure privacy is secured. Although the angle of this window would not allow direct overlooking, **condition 14** is recommended requiring the south west facing pane to be obscurely glazed.
209. In addition to this to mitigate against tree loss and ensure that privacy is maximised through careful landscape design and boundary treatment conditions (**conditions 53 and 54**) are recommended to secure replacement planting (rear of Lucerne Road properties) and safe and secure boundary treatments that do not impact unduly on sunlight and daylight receipt (St John's Court) in consultation with the adjoining residents.

210. Loss of View Objections have been received against the loss of existing (private) views over the undeveloped land in the west of the site due to the erection of the development. This concern is noted however as there is no legal right to the preservation of a view. Although it is accepted that the visual amenity of adjoining properties particularly in the western side of the site would be reduced due to the proposal, the development would introduce significant benefits for the borough by providing a proportion of large family houses and 40% affordable housing. The loss of a private view however cannot form a valid objection on planning grounds. Refusal of the application on this basis (loss of view) could not therefore be sustained.
211. Property values changes in property values do not form a valid planning objection and therefore cannot be considered further.
212. Nursery / community facility operation The D1 facility would be available for use between 7.00 and 22.30 Monday to Friday and 08:00 and 19:00 on the weekends. The capacity for nursery use is estimated at between 30 and 40 children and the number of staff required would amount to one staff member for every 4 children. Therefore a maximum number of 10 staff would be anticipated. The space would be available for rent outside of nursery hours for community uses / classes. Servicing and drop-off is assessed in the Transportation and Highways section, however the operation and management is considered to ensure amenity of adjoining occupiers would be protected. As previously noted the hours of operation have been restricted by condition (**condition 3**).

Quality of Resulting Residential Accommodation

213. All flats and houses meet and in most cases exceed the Council's minimum unit floor area and minimum room size space standards. All dwellings are to be self-contained, with entrance halls and rooms accessed from general circulation areas. All rooms within the proposed houses are laid out in appropriate and regular shapes allowing full use and functionality. Within the proposed flats most rooms are appropriately designed with two exceptions within Block D where unusual room layouts are required to work around the access cores.
214. Aspect The scheme has been designed so that the majority of the dwellings 87 of the 143 units (61%) enjoy a dual aspect. The proposed layout of the buildings, open space provision, necessary access core arrangements and maximising the efficiency of dwellings has driven the layout of the accommodation and is the reason for the approximately two thirds dual-aspect provision. Given the benefits arising from the proposed layout of buildings (central open space) and the constraints this layout introduces to their internal layouts, the provision of 61% dual aspect flats is considered to be the best the development can achieve, and is on-balance acceptable. It is noted that out of the 143 dwellings created there are only 4 units which constitute single aspect, due-north facing dwellings. In general the proposed development is considered to provide for a good outlook for future residents as well as good solar access.
215. Internal daylighting The receipt of daylight to habitable rooms within the lower and lower-lower ground floor levels within the proposed development were assessed against the BRE daylight and sunlight guidelines. This involved an assessment of 118 habitable rooms and of these, 3 bedrooms failed to meet the minimum standards. The

Average Daylight Factor (ADF) calculation was used to assess acceptability. This is determined by considering the window sizes, the room that the windows serve and the reflectance of outside surfaces. Rooms are required to meet a minimum standard: kitchens 2%, living rooms 1.5% and bedrooms 1%. Duplex units DLG.07 and DLG.04 have bedrooms at lower-lower ground floor level (as described by the application drawings) that fail to meet this minimum standard. This amounts to 3% of all habitable rooms that do not comply with the minimum standards. Given the general compliance and acceptable daylighting to the remaining 97% of rooms, the minor non-compliance is considered on-balance to be acceptable.

216. Overlooking Mutual overlooking does occur between habitable room windows within the site itself. This relates to the rear (internal windows) of Loxford House and the separation distance between Block E and Block B. Within Loxford House, these distances are 18.6m from northern to southern wings and 12m between the eastern and western wings. A condition is recommended requiring details of a scheme to prevent mutual overlooking between the eastern and western blocks of Loxford House (**condition 15**). As the distance is 18m between northern and southern wings, this distance complies with planning guidance. There is also potential for overlooking should the internal roof space be used for sitting out. **Condition 16** is recommended restricting the use of this space for emergency and maintenance access only.
217. The 16m separation distance between Block B and Block E (although less than the Council's 18m guidance) would affect 5 units. This separation distance is across shared circulation spaces and the entrance to the public open space. The separation distances are considered to be appropriate, given the public nature of the space that these units overlook.
218. Amenity Space The Council's adopted Planning Standards Guidelines state that family houses (2 or more bedrooms) should where possible, have a private 30sqm garden provided. Single bedroom units should be provided with 15sqm of private amenity space.
219. 5 x 3 bedroom units within Loxford House are not provided with private amenity space, however, the grounds around Loxford House and the open space within the site is considered to mitigate this non-provision. A single 4 bedroom unit (Core 3 Block D) is not provided with its own private amenity space. This is because the unit below (4 bedroom) and this unit are wheelchair accessible units, provided on a single level. The design of the scheme does not allow for a private garden. As detailed below, the significant areas of open space within the site are considered to mitigate the non-provision of private amenity space for this unit.
220. The site is laid out with a publicly accessible open space within the centre of the site and shared surfaces throughout the site. These spaces are considered as contributing towards the communal amenity of all future residents of the development. The proposed flats and duplexes within Loxford House do not benefit from any private amenity space. This is considered acceptable given that these flats are for the majority 1 and 2 bedroom (6 x 3 bedroom units) and interventions would be detrimental to the character and appearance of Loxford House and the Highbury Fields Conservation Area. The proximity to the public open space and the landscaped grounds around Loxford House itself are considered to provide for an appropriate level of amenity space in close proximity to these units.

221. The proposed houses within the scheme all secure private gardens and the sizes are summarised as: Block A: between 45sqm and 50sqm, Block C: (gardens / patios) between 81sqm and 120sqm, Block E: between 66sqm and 161sqm and Block F: 132sqm. No significant distinction is made between the private and affordable garden sizes, with the location of trees dictating the eventual size of a number of gardens (to Block E houses). The size, location and orientation of these spaces are all considered to secure an appropriate standard of outdoor amenity for future residents. The consideration of trees and amenity is addressed in the landscaping section.
222. Many of the flats within Blocks B (27%) D (46%) and E (10%) are provided with private balcony / garden spaces and in the base of Block D, residents would have access to a private communal garden (280sqm). It is considered that the generous public open spaces provided would compensate for those flats without private amenity space, and those without private amenity space are therefore considered on-balance to be acceptable.
223. A condition (**condition 19**) is recommended requiring details of the separation of the lower ground level patios and roof terraces (Blocks B, C, D and E) to secure both privacy and security of these spaces. A condition (**condition 18**) is also recommended that will secure details of how the garden area to the rear of the 4 bedroom house within the eastern end of the Block E terrace would be divided from the space at the rear of Block E flats, in order to ensure suitable allocation and access and maintenance. Secure /defensible space surrounding these windows must be provided as part of these details. This is to secure the privacy and security of these rear spaces and to ensure appropriate access for maintenance. Condition (**condition 54**) is recommended to secure the details of how the lower, lower ground floor of Block D would be divided from the communal spaces.
224. Noise Highbury Park road is a noise source. Internal plant services within all buildings could also generate a level of noise that would require mitigation. PPG24 requires assessments to be undertaken to ensure an appropriate internal noise environment from external noise sources. Conditions are attached (**conditions 27, 28, 29 and 30**) which require either compliance with targets or assessments to be submitted for consideration and approval to ensure that the resulting buildings achieve internal noise targets in compliance with the British Standards. Details are also required of the proposed sound insulation measures proposed between the ground floor nursery / community use within Loxford House and the residential units that adjoin both vertically and laterally.
225. Permitted Development Rights The scheme includes the creation of dwellings houses located within Blocks A, C, E and F. In accordance with the General Permitted Development Order, under normal circumstances, these dwellinghouses would be eligible for alteration and extension under Permitted Development (PD) rights – meaning certain alterations/extensions would not need planning permission. Given the locations of these buildings, the proximity of mature trees, proximity to adjoining sites (Houses within 'blocks' C and F) and the limited private garden sizes of Block A, a condition is attached (**condition 5**) which removes all PD rights and therefore has the effect of necessitating planning permission for any such changes.
226. Electrical Sub-Station The scheme proposes the provision of an integral substation within proposed Block B. The provision of electrical sub-stations within buildings or adjacent to buildings (of all use types including residential) is not uncommon and

subject to appropriate treatment would have no adverse amenity implications. A condition is attached (**condition 26**) requiring the submission of details of the resulting electrical sub-station.

Open Space and Playspace

227. PPS3 ‘Housing’ sets out the national planning policy framework for delivering the Government’s housing objectives. It was revised on 9 June 2010 to exclude private residential gardens from the definition of “previously developed land” and to delete the national indicative minimum density of 30 dwellings per hectare. Objections have been received against the development of the ‘grassland’ or ‘secret garden’ in the west of the site, referring to the revised PPS3 as protecting this part of the site. As quoted above, this policy change introduces additional protection for private residential gardens. This site is in business use and therefore the revised aspects of PPS3 do not have relevance to the ‘gardens’ within this site.
228. PPS9 ‘Biodiversity and Geological Conservation’ encourages the re-use of previously developed land for new development. It acknowledges that where such sites have significant biodiversity or geological interest of recognised local importance, local planning authorities, together with developers should aim to retain this interest or incorporate it into any development of the site.
229. In addition to this the site is identified within the adopted planning brief as suitable for a mixed use, residential led development. It is also identified within the Council’s emerging Core Strategy ‘Site Allocations Document’ as suitable for residential accommodation.
230. Departure from Plan Owing to the Loss of 720sqm of private open space Open space is defined in the Town and Country Planning Act 1990 as ‘land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground’. The application site does not fall within this definition as all open space within the site is private open space.
231. The site is considered as “previously developed land”. For this assessment PPG17 refers to private open spaces that provide an element of visual amenity to adjoining residential occupiers. The site can be considered to offer some visual amenity to adjoining residents. However the site does not otherwise fit within the descriptions of open space within PPG17. The site is not designated as of nature conservation importance at the national, regional or local levels (refer to biodiversity section for further consideration) and the proposed development would introduce community benefits that are considered to balance the small loss of private open space that would occur (720sqm).
232. The Reduction Both the existing and proposed developments offer open spaces of varying degrees of accessibility and for clarity a comparison between the existing and current proposals is provided below (provided in (sqm)):

Open Space	Public	Private	Total
Existing	0	9,000	9,000
Proposed	4,560	3,720	8,280
Change +/-	+4,560	- 5,280	-720

233. The above comparison demonstrates that the total area of publicly accessible open space is increased in area by 4,560sqm. The reduction in private open space is 720sqm. It is clear that the proposed redevelopment moves from an existing majority of provision of 'private' open space to the majority of provision of publicly accessible open space for the benefit of the borough and private gardens for future tenants.
234. The community benefits that would be secured through this application include:
- i) publicly accessible open spaces within the site of 4,560sqm;
 - ii) the provision of 143 high quality new homes 40% of which would be affordable;
 - iii) a large proportion of family sized dwellings;
 - iv) a highly sustainable development (64% total CO2 reduction);
 - v) car reduced development with a reduction in vehicle movements from existing including car club parking spaces and priority for wheelchair parking spaces;
 - vi) biodiversity enhancements through significant introduction of green / bio-diverse roofs, increased tree cover, reduced hard surfacing and more diverse planting.
235. The creation of a new publicly accessible open space from private open space would be consistent with policies R2, R3 and R4. Policy R9 states that an equivalent amount of open space should be secured for developments that involve the loss of public or private open space. The policy allows for such developments to come forward in exceptional circumstances. In this instance the loss of 720sqm of private open space is found to be acceptable as the proposed development would secure community benefits considered to be exceptional in this instance, as detailed above. On balance these are considered to present exceptional circumstances which adequately address policy R9 and allow for the minimal loss of private open space.
236. Development upon the 'mature gardens' is not consistent with the aspirations of the planning brief for this site. However the community benefits briefly described above (and considered in further detail within this report) are considered to outweigh the minimal overall loss of private open space and the reduction in visual amenity enjoyed by adjoining occupiers. Having regard to this, the proposed development is considered to provide community benefits which adequately meet the intent of PPS3 and PPS9. Furthermore, no objection was raised by the Greater London Authority (GLA) on the basis of loss of open space.
237. This section considers the layout and design of the open space within the site. The table below summarises the changes to the site composition with respect to site coverage (the total of the proposed column totals more than the site area due to the green roofs double counting the building coverage):

Hardstanding, planting (soft landscaping) and permeable surfaces				
		Existing	Proposed	Change +/-
Planted or grassed areas		5217sqm	5428sqm	+211sqm
Hardstanding	Buildings	3,330sqm	4,030sqm	+700sqm
	Tarmac	3953sqm	0	-3953sqm
Permeable paving		0	2274sqm	+2,274sqm
Green/ biodiverse roof		0	2565sqm	+2,565sqm

238. The public open space is arranged with development curving around to enclose the space and to provide overlooking from all angles no forgotten or enclosed spaces would result to enable any form of anti-social behaviour to occur. It secures self policing and is fully supported by the Crime Prevention Officers as significantly reducing the opportunity for crime. Objections have been received against the site being open 24 hours and statements that the site would become a through route for crime and would be overrun on match days. The council has design policies that resist gated developments which is further reiterated in the adopted planning brief for the site.
239. The degree of overlooking and in addition the 24 hour on-site concierge (secured through site management plan s106 agreement) will provide a significant degree of active surveillance which would deter antisocial behaviour. Providing a more permeable street pattern to divert people through alternative routes to reach their destination is considered to be a benefit of the design proposal. The design approach described above is well considered and designed and seeks to create a development that would fully integrate into the existing community. A condition controlling the details of any proposed CCTV or lighting is recommended (**condition 21**) to ensure that the site is appropriately lit to ensure pedestrian and resident safety without compromising the biodiversity (bat flight paths) to the more secluded (rear) parts of the development.
240. A further objection was received against the use of disposable BBQs and music and drinking within the space and bylaws were requested to be put in place. Public access to the open space would be secured by S106 agreement (**clause 8**) and its maintenance would be addressed within the site management plan secured by legal agreement also (**clause 10**). The layout and design of the public open space includes indicative landscape drawings with proposed locations for seating, benches, grass mounds, 'play logs and boulders', sand play areas etc. A condition (**condition 54**) is recommended to secure these details to ensure the design of all landscaping features are inclusive.
241. Due to the provision within the site of a new publicly accessible open space within the site, no financial contribution towards public open space is sought. However in order to mitigate the developments impact on sport/recreational facilities within the vicinity of the site the applicant has agreed to the provision of a contribution of £118,898 towards improvements (**clause 3**).
242. Playspace The Mayor's Supplementary Planning Guidance 'Providing for Children and Young People's Play and Informal Recreation' in considering major applications calls for the provision of 10sqm of playspace for each new child between the age of 0-15. Based on the GLA briefing on child occupancy, it is suggested that the development could provide for at total of 60 resident children and therefore proposed development should make a total provision for 600sqm of playspace. The SPG considers that playspace for children under 5 years old (260sqm) should ideally be provided on site, or within 100m of the site.
243. A total of 4,560sqm of publicly accessible areas are proposed throughout the site, and a central, publicly accessible open space of 1700sqm is proposed with indicative playspace provision dotted throughout the site. The proposal suggests play areas provided within the site for 0-11 years olds. This includes 248sqm in the main central

part of the site for 5-11 year olds and incorporates reinforced mounds to slightly enclose this space for kick-about play. Smaller pockets of play are indicated throughout the site for 0-4 years with play features unconfirmed at present. The pockets of play areas are accompanied by seating areas and a significant area beneath the retained tree within the centre of the open space. The play areas for 0-11 years are considered to be appropriate and to address the needs for play subject to further details of play equipment to be secured by condition (**condition 55**).

244. The particular play requirements for 12-16 year olds involve more energetic and space demands incompatible with quiet sitting out areas, and the close knit residential development. Provision has not been made for this age group within the site. To address this on-site shortfall, the applicant has agreed to a financial contribution of £35,600 to pay for facilities to be provided off-site (**clause 5**) for children within the 12-16 year age range. Subject to landscaping details to ensure a high quality layout and design, the open space and playspaces are considered to be appropriate, high quality and to meet the needs of the community and future residents.

Trees and Landscaping

245. Trees: policy Env5 states that the Council will make tree preservation orders to protect trees of value, ensuring that they are not felled, or pruned to the detriment of the environment, and secure their replacement should felling become necessary. Policy Env6 requires the Council to have regard to existing trees in all development proposals, requiring their retention where appropriate and if not, their replacement in suitable locations. It states that supplementary planting may also be required.
246. The Planning Brief states that no net loss of trees will be agreed and that the Council will be reluctant to agree to the loss of viable trees. It goes on to state that decisions about tree removal will be based on the quality of the scheme, the quality of the trees and the details of the landscaping scheme showing where replacement trees will be planted.
247. There are 4 categories of tree 'quality' which consider tree health, life expectancy and amenity contribution, as described within the table below:

Category	Description
A	<u>trees of high quality and value:</u> in such a condition as to be able to make a substantial contribution with a minimum of 40 years suggested
B	<u>trees of moderate quality and value:</u> those in such a condition as to make a significant contribution with a minimum of 20 years suggested
C	<u>trees of low quality and value:</u> currently in adequate condition to remain until new planting could be established - a minimum of 10 years is suggested - or young trees with a stem diameter below 150 mm
R	those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management

248. The Council's Tree Preservation Officer does not agree with the findings of the submitted Arboricultural report. Officers consider that there are 116 trees within the

site, and that with the removal of 4 felled and 1 dead tree, that total reduces to 111. The site is subject to a Tree Preservation Order (TPO: No. 384 2007) (as amended 18 August 2008), which lists a total of 68 trees that are protected; however within this, twelve (12) are category 'R' trees and bring the total down to 56. Those trees protected by TPO are located throughout the site with a number located along the Lucerne Road frontage, clustered around the existing tennis court (the western boundary).

249. The table below provides a summary of the trees located within the site, their British Standard (BS) category and those that are proposed for removal. Note: *This includes the 4 poplars located on the boundary with 42 Lucerne Road.

Category	Trees within the site		Total trees Nos.	Total trees to be removed	
	Tree Preservation Order	Non-TPO		TPO	Non TPO
A	1	1	2	0	0
B	26	2	28	3	0
C	29	39	68	16*	15
R	12	1	13	12	1
Sub-total	68	43	111	31	16
Total	111		111	47	
Total without Category 'R' trees	98		98	34	

250. The applicant's Arboricultural Report states the total number of trees to be removed as 33. Having reviewed the documents, the number of trees proposed for removal is considered incorrect, and is noted as actually being 47. This total of 47 trees does not include the 13 category 'R' trees identified for removal. When category 'R' trees (13) are removed from the total number of trees within the site the total is reduced from 111 to 98 and the total number of trees to be removed is reduced to 34. Of these 19 are protected by Tree Preservation Order.
251. C as category R trees, as described above means they should be removed in the short term and not considered when assessing development proposals.
252. Considering the above, the two (2) category 'A' trees are to be retained. Three (3) of the category B trees within the site are proposed for removal. These consist of Turkey Oak and Lime and are TPO trees 41, 48 and 51. TPO 41 and 48 are located very close to the existing Legard House building in the north of the site and TPO 51 is located close to the boundary with 'the Works' access drive. These trees are in close proximity to the existing and proposed buildings and require removal in order to facilitate the development of the site, and enable the maximisation of the sites potential.
253. The applicant has altered the design of the scheme to accommodate very good tree specimens (category A and B trees) this includes altering the positions of Block E houses to accommodate the category 'A' lime tree (TPO 69), the movement of Block D

from the western boundary (row of category 'B' lime trees), removal of one house from Block A to protect the London Plane tree (TPO T78).

254. Of the 68 'category C' trees within the site, 29 are protected by TPO and 16 of these including the 4 poplars located to the rear of 38-42 Lucerne Road are proposed for removal. The Tree Preservation Officer has considered the proposed tree removals and raises no objection subject to suitable replacement planting.
255. Although the loss of these trees is regrettable it is considered acceptable in this instance when balanced against other planning policies, the planning brief, the high quality design, the benefits in the form of publicly accessible open space with play facilities and as the applicant has proposed a total of 48 replacement trees. All of these replacements are secured by condition of consent (**condition 54**) and a total of seven (7) of these replacement trees are to be planted at a height of approximately 6-7m to mitigate the loss of the high quality, category 'B' trees (**condition 53**) and the four (4) poplars located close to 38-40 Lucerne Road rear boundary addressed further below.
256. Objection has been received to the removal of the poplar trees to the rear of Lucerne Road. This objection is noted however the Poplar trees are category 'C' trees, grown on a lean, with surface level roots, making them relatively unstable. Although these trees could be retained as part of this development, the relationship with the proposed adjoining (Block E) houses and Block D maisonettes would be extremely poor impacting on future amenity both enjoyment of their garden and the quality and ability to receive adequate light. This relationship would necessitate annual pruning, with these trees remaining at risk of collapse. Redesigning the scheme to accommodate these trees would result in a significant loss of units and a significant loss to the quality of the overall scheme approach, including the central open space.
257. To mitigate for the loss of these trees, the proposals show the planting of 7 large specimens on the boundary. **Condition 53** is recommended to secure the size of trees at the time of planting, and their replacement should they fail within the first five years of planting. The current proposed landscaping scheme suggests the planting of a weeping silver lime adjacent to the boundary shared with 15 Legard Road. This property has suffered from subsidence in the past and therefore a revised landscaping scheme will be required by **condition 54** showing this tree removed and replaced elsewhere within the site. This condition would secure details of replacement tree planting throughout the site, and the significant replacement strategy is considered to mitigate appropriately the loss of trees within the site, whilst enabling the best use of the site in accordance with the adopted planning brief and UDP polices Env5 and Env6.
258. Indicative details have been submitted regarding ground protection and tree protection during construction. The Tree Preservation Officer has considered the details and is not entirely satisfied with the scheme of protection suggested. Consequently, a condition is attached (**condition 49**), which requires the submission of appropriate, revised details. To ensure that no undue damage occurs to the retained trees during the construction phase of the development a condition is attached (**condition 50**), which requires an inspection regime and watching brief. A condition (**condition 51**) requires scaffolding specification to restrict impacts on trees during the construction phase. Furthermore, limited details have been provided with respect to underground

services and root protection areas (RPA) therefore a condition is attached (**condition 52**) to secure this.

Biodiversity

259. The applicant has undertaken a number of surveys of the site including: an ecological survey (including an update), bat surveys on 3 different occasions, reptile surveys and an National Vegetation Classification survey (NVC). In response to objections the applicant revised its ecological survey report to incorporate a revised mitigation section. Additional bat surveys were undertaken and the NVC survey was also commissioned in response to objections received. The site has no designation as a Nature Conservation site or other protected greenspace / environment.
260. The applicant's Ecological Survey report combines assessments carried out in August 2008 and additional assessments carried out in September 2009. Habitats were assessed for their suitability for nesting birds (and reptiles), hedgehogs and common toad. The assessment does states that the habitats provided within the site (listed below) are of ecological significance in the context of Islington.
- hardstanding and buildings;
 - long-established and short mown lawn;
 - flower beds;
 - tall semi-ruderals;
 - trees and shrubs (planted ornamentals and more natural natives); and
 - scrub
261. The Ecological Survey identified that the trees, shrubs and scrub on the site could all be used by nesting birds but that no evidence of any nesting birds was found at the time of the survey. An excavated fox earth was identified within the site also. The survey also identified that a survey for stag beetle larvae is destructive – precautionary measures proposed, ants and nesting bees (common and widespread in short sward grassland) were also likely to be supported. The report noted that due to the proposed removal of trees, there would be a short term ecological impact caused, but that replanting and enhanced tree cover and introduction of flower and fruit bearing trees would enhance ecological value. In recognition that the grassland is of importance as a feeding site for Green Woodpecker translocation of existing areas of 'grass' is proposed.
262. Bat surveys were undertaken in 2008, 2009 and 2010 and no evidence of roosts were found. It is noted that bats have been witnessed foraging within the site, however it is considered that the proposed replacement planting and landscaping strategies, including tree replacements and enhancements could in fact improve the biodiversity value of the site. With respect to tree removals, mitigation measures are recommended and these are secured by conditions of consent (**conditions 44 and 48-55**) including bat bricks to new buildings, bat boxes in trees, retention of green space and mature trees, and replanting and unlit flight paths to be retained (around the boundary of the site particularly).
263. A reptile report was also submitted and identified that the site has grassland, scrub; compost heaps and brick piles that are suitable for reptile foraging, basking and hibernation. Surveys were undertaken between September and mid-October 2009 and no reptiles were found. This was sufficient to conclude that reptiles are absent and no further action required. However, and to respond to objections, a condition is

264. In response to residents objections, the applicant submitted a 'National Vegetation Classification' (NVC) Survey Report (June 2010) undertaken by RSK Carter Ecological which of the western parts of the site. Its purpose was to report the findings of botanical surveys of the grassland in a lawn at the western extreme of the site, and within that lawn an area reported as rough grassland that local residents considered might be of high nature conservation value, at least in the context of Islington. The report described the 'grassland' in terms of the National Vegetation Classification (NVC), and its nature conservation quality. The report acknowledges some species of interest, and the report also proposes that existing parts of the site be trans-located in order to enable those plants to take within the new private rear gardens and bio-diverse roofs. These measures are secured as part of the watching brief recommended by condition (**condition 55**).
265. The applicant's submitted reports acknowledge that there would be a short term reduction in biodiversity value as the site is cleared; construction commenced and as the landscaping schemes including tree planting and enhancement, green roofs and walls establish. However, it is envisaged that once established there will be gains in biodiversity value. These improvements are largely secured due to:
- the reduction in hardstanding to the site
 - the introduction of green roofs throughout the site (Loxford House being the only building without a full green roof,
 - increase in fruit providing and flowering plants
 - increase in tree cover
266. This site is not designated as being of nature conservation importance to Islington, nor of regional or national importance. No species with the exception of foraging bats have been found within the site that are specifically protected locally, regionally or nationally. Although undeveloped pieces of land are acknowledged as a rarity within a dense borough such as Islington, the proposal ensures that these species are protected from the adverse effects of development, (see details below) in accordance with PPS9. No harm would be caused to protected species or their habitats with biodiversity features of interest being incorporated into the proposed redevelopment. Further to this, there are benefits introduced by this scheme that would outweigh any perceived changes to the quality of bio-diversity contained within this site.
267. Objections have been received stating that policy H6 of the UDP is not complied with and that too much space is given to private gardens. Policy H6 applies to private residential gardens. This sites existing use class is B1 (commercial) and therefore this policy does not apply. Rear private gardens, of the size proposed have been created to accommodate protected trees and to acknowledge their greater capacity for biodiversity value.
268. Conclusion on Biodiversity A minimal loss of private open space (720sqm) would occur, and the resulting spaces would be somewhat fragmented by the proposal. A short term reduction in ecological value would also occur. Considering these issues against the mitigation and enhancement measures including increased tree cover (and flowering and fruiting trees and shrubs), habitat enhancements, green roofs and walls,

bird and bat boxes, reduction in hard surfacing; and other community benefits the impacts on biodiversity are on-balance considered to be acceptable.

Energy Efficiency, Renewable Energy and Air Quality

269. It is Council's and the Mayor's objective when considering major developments that the energy hierarchy be followed when considering major applications. The hierarchy expects:
- i) significant and measurable improvement in energy efficiency and reduction in CO₂ emissions;
 - ii) supplying energy efficiently by prioritising a decentralised energy solution such as Combined Heat and Power (CHP) / Combined Cooling Heat and Power (CCHP);
 - iii) at least a 20% reduction of CO₂ emissions by the provision of on-site renewable energy sources.
270. The adopted planning brief for the site identified that development of this site represents an opportunity to provide a landmark sustainable development and it invited a net zero carbon dioxide emissions from heat, light and power. It also invited Code for Sustainable Homes level 4 with an aspiration to achieve level 5, with non-residential elements seeking BREEAM 'Excellent' with an aspiration to 'Outstanding'. In addition to these goals it suggested an 80l/pp/day water use target, SUDS systems, maximisation of biodiversity benefits and reference to a community food growing or allotments area.
271. The development secures efficient building fabric designs to reduce the carbon emission baseline of the development to address the first step of the Mayor's energy hierarchy. The efficiencies adopted result in a 7.8% reduction in CO₂.
272. The scheme proposes a bio-diesel Combined Heat and Power (CHP) 32kWe engine to meet the hot water demands and 4 x 200kW gas fired modular boilers to meet the heating demands of the site. A large thermal store is also provided to store heat during off-peak times to increase efficiency. All plant would be located within the basement of the extended (rear) part of Loxford House and would accommodate a bio-diesel storage tank (piped in). The electricity generated by the CHP would also be used to power electrical goods on site and surpluses of electricity generated may be sold back into the national grid.
273. The use of CHP technology results in CO₂ emissions saving of 24.8% (which includes the 7.8% achieved through efficient building fabric) and this figure gives the developments 'low carbon baseline'. London plan policies then require that a 20% reduction of CO₂ be achieved from this low carbon baseline through use of renewable technologies.
274. Waste bio-diesel can be considered as a 'renewable' energy source. Therefore when applying the Mayor's hierarchy, the introduction of this fuel type results in a 52% carbon saving from the 'low carbon baseline', which goes significantly beyond the Mayor's 20% target. To secure the use of 'waste' bio-diesel, a condition is recommended (**condition 47**) to secure waste cooking oil (WCO) and to ensure it complies with European Standard EN14214.
275. Overall, the development secures a 64% total reduction in CO₂ emissions. A condition is attached (**condition 45**), which requires the provision of the energy centre prior to

the first occupation of the development. A separate condition is attached (**condition 46**) requiring the submission of details of the CHP facility including: pipe networks; details of how it could be connection to a future district heating network, details of the location, height and design of its resulting flue to ensure that the development does not have unacceptable impacts on air quality or the design and appearance of Loxford House and the conservation area.

276. Modelling was undertaken to determine internal temperatures with a mind to mitigate against the effects of likely increased temperatures in the future. Dual aspect units benefit from cross ventilation however, active cooling (whole house ventilation) will be utilised for the single aspect units, the dwellings within Loxford House fronting Highbury Park and for the nursery facility. Bathrooms of all dwellings will also receive ventilation. A condition is recommended to secure the details of this system (**condition 31**) including any system required for the nursery / community facility.
277. Bio-diesel and Air Quality Bio-diesel is an alternative fuel that can be produced from vegetable oil, animal oil/fats, tallow and waste cooking oil. The emissions factor differs between bio-diesel from waste and bio-diesel from virgin crops. Waste bio-diesel has a significantly lower emissions rate and does not raise sustainability and ethical concerns (e.g. deforestation to grow virgin crops). The Silver Group are a supply company for bio-diesel. Their supply chain is secured through provision of a waste oil collection service from deep fat fryers and other waste oils from various companies. They combine the oils, treat them and resell. Conditions are recommended (**conditions 46 and 47**) to ensure an ethical supply of waste oil, secure details of an updated Air Quality Assessment and Operations and Maintenance report to ensure that impacts on Air Quality are kept to a minimum through specification, design and suitable maintenance schedules and that fuel supply is appropriate and from a renewable source.
278. A storage tank is required to hold the fuel and the estimate demand for this development is 5000 litres per month, requiring a 5 cubic metre storage tank, to be located within the plant room. Delivery is commented on further in the transport section; however 15minutes is the anticipated discharge time for the bio-diesel, once per month. It is noted that more frequent cleaning and maintenance of CHP that run on bio-diesel is required (**condition 46**).
279. Air Quality the applicant has submitted an Air Quality strategy that used dispersion modelling to demonstrate that the stack height of the biomass boiler (3m above the parapet of Loxford House) would be sufficient to prevent emissions having a significant impact on the air quality objectives for nitrogen dioxide (NO₂) and particulate matter (PM). The Air Quality Officer accepted this assessment as the scheme would secure a significant carbon savings. To ensure that unacceptable air quality impacts do not occur **conditions 46** is recommended (as detailed above).
280. The proposed development does not achieve 'zero carbon' emissions which was an aspiration of the adopted planning brief. However, the proposal demonstrates significant carbon reductions that significantly exceed the 20% target set out in the London Plan. The overall CO₂ savings is 64% and given that significantly exceeds the policies within the Development Plan this is particularly welcome.

Sustainability

281. The scheme indicates that the proposed redevelopment shall balance environmental performance with the need for a safe and healthy internal environment. A commitment has been made to meeting Code of Sustainable Homes 'level 4' for the new build residential dwellings together with an Ecohomes rating of 'Excellent' aspiring for 'Outstanding' for the converted dwellings within Loxford House. A BREEAM rating of 'Excellent' aspiring for 'Outstanding' is predicted for the nursery / community facility within Loxford House. A condition is recommended requiring the submission of reports demonstrating that the development meets as a minimum the Code of Sustainable Homes and BREEAM levels set out above (**condition 39**).
282. Objections have been received on the grounds that the majority of the buildings within the site are proposed to be demolished, and that this does not constitute a sustainable development. In terms of sustainability, the retention of Stephenson Hall and other buildings on the site would significantly reduce the number of residential units able to be accommodated on the site, therefore not making best use of a previously developed site. The applicant did investigate the conversion potential of Stephenson Hall, however results were not favourable. The re-use where possible of materials from the existing buildings that are to be demolished on the site (to be secured by site waste management plan **clause 20** of the s106 agreement and green procurement plan **condition 6**) would ensure the sustainable development of the site.
283. The proposal shall deliver a scheme which applies low energy, low maintenance and an sensitive environmental response to re-development providing:
- Reuse of an under-used 'brownfields' site;
 - reuse of the majority of Loxford House;
 - good solar orientation;
 - provision of 4,560sqm of publicly accessible open spaces within the site (inclusive of a 1700sqm central soft landscaped space);
 - minimal (720sqm) loss of private open space;
 - biodiversity based green roofs to cover a minimum area of 2,565sqm;
 - residential water consumption target of 105l/p/d;
 - removal of hardstanding and use of permeable paving;
 - grey water recycling system to be installed for all dwelling houses (not to the proposed flats) to reduce water consumption to approximately 89litres/pp/day
 - biodiversity mitigation and enhancement measures including tree gain;
 - the inclusion of a Combined Heat and Power (CHP) facility;
 - overall 64% reduction of CO2 emissions through use of waste bio-diesel to power the CHP facility;
 - energy efficient indoor and outdoor lighting systems;
 - provision of a green procurement plan
 - a site waste management plan will be provided to address demolition and construction waste
 - commitment to registration with the Considerate Constructors scheme – monitoring environmental impacts of construction;
284. The application documents state that ground conditions make infiltration SUDS methods inappropriate and therefore attenuation systems have been adopted to secure the 50% mandatory target within the London Plan. A condition is recommended requiring details of the proposed SUDS system including proximity to retained trees (**condition 43**) this is to address concerns from sustainability Officer and the Environment Agency. The attenuation systems proposed include provision of biodiversity based green roofs that would cover an area of 2,565sqm, attenuation

tanks, areas of permeable paving, rainwater harvesting for use in private gardens and other outdoor areas and large areas of green space / gardens that are soft landscaped. All secured by conditions of consent.

285. The proposed development is considered to achieve the best reasonable standard of sustainable design given the constraints of the site. The proposal is in general compliance with the adopted planning brief having regard to the details set out above, and in compliance with the Development Plan policies.

Highways and Transportation

286. The site has a 'Good' Public Transport Accessibility Level (PTAL = low 4), is located within the 'Zone G' Controlled Parking Zone (CPZ) with zones Q and H directly adjoining this zone. The London Borough of Islington is the Highway Authority for Highbury Park, Legard Road and Lucerne. On street parking bays exist to Lucerne Road and Legard Roads and some parts of Highbury Park, however restrictions apply. Highbury Park has kerbside parking controls including bus stops, single and double yellow lines and controlled parking zone (G). Lucerne Road has on-street parking on both sides and Legard Road has a combination of on-street parking and double yellow lines.
287. The site currently supports significant areas of hard-standing for car parking (59 cars plus additional areas where informal parking occurs), service deliveries and general vehicular circulation spaces are located around Loxford House. The site has vehicular access points from Legard Road, Highbury Park (x2), and Lucerne Road (x2). Pedestrian access for employees is achieved from Highbury Park (x2) and one access point from Lucerne Road. Legard Road and the southern access point on Lucerne Road are permanently secured. There is no public access or general pedestrian route through the site at present.
288. Public Transport Implications Drayton Park is the nearest national rail station to the site and Arsenal station is the nearest underground station located 600m to the north of the site. Highbury and Islington tube/rail station is situated approximately 1.5km south of the site at Highbury Corner and Finsbury Park tube/rail station 1.2km to the north of the site.
289. A bus stop is located directly to the north of the main (sole) proposed vehicle entrance to the site on Highbury Park (4, 19 and 236 and N19 routes). Bus stops are also located nearby the site (approximately 180m) to the south on Highbury Park serving connections into central London.
290. A transport statement has been submitted in support of the scheme and concludes that the scheme constitutes a sustainable development, which with its limited trip generation will have little relative impact on the local public transport network, local roads and the capacity of the pedestrian facilities particularly when considered against its existing baseline (300 employees to be replaced with approximately 310 residents). The various issues and matters contained within the transport assessment are discussed within the following paragraphs. TfL consider that the proposed development is not likely to have a significant impact on the surrounding highway network nor on public transport capacity, due to spare capacity on bus routes 4, 19 and 236 and Arsenal Underground station.

291. The submitted 'Access Management Plan' sets out the proposed site access arrangements. The resulting development would have three entrance points to the site. All three would remain open on a 24hour basis to pedestrians and cyclists. Highbury Park would be the main access for vehicles including service and delivery vehicles. Legard Road and Lucerne Road access points would be secured by lockable bollards to prevent unauthorised vehicle access, however both access points would enable emergency vehicles access when required. The Legard Road entrance would allow for some service vehicle access, mainly large removal / goods access in order to preserve the open and undisturbed amenity value that the central open space would provide. This access would be controlled and managed by the on-site concierge as set out in the site management plan to be secured by S106 agreement (**clause 10**).
292. Pedestrian movement / shared surfaces the site includes a number of shared surfaces through the site which is acceptable in principle, however to address concerns raised by the Access Officer and recommendations set out by TfL for their design, a condition is recommended requiring their detailed design to be submitted for approval (**condition 32**).
293. On-site concierge the upper ground floor of Loxford House would accommodate a 24 hour concierge, who will be charged with delivery consolidation working in conjunction with the on-site management company and Travel Plan co-ordinator to be secured by s106 agreement (**clause 10**). The concierge facility will act as a goods reception and storage area which includes chilled and frozen storage. This approach is welcomed and consistent with the request from TfL to provide a Delivery and Servicing Plan (DSP) to identify efficiency and sustainability measures to be adopted once a development is operational. These measures therefore are secured by (**condition 36**) and will require a Site Management Plan to be incorporated.
294. Servicing and Deliveries internal service and delivery vehicles will not be permitted to obstruct any car parking spaces within the site, therefore an area in front of the cycle/refuse store and substation within Block B has been identified as the servicing and delivery bay while vehicles collect or offload goods. This is considered suitable; however (**conditions 32 and 33**) are recommended requiring the submission of detailed parking and servicing plans that specify the line markings that will be introduced within the site.
295. Refuse and Recycling The provision of storage for the residential elements is for 1 x 1,100 litre refuse bin per 10 flats and 1 x 1,100 litre recycling bin per 10 flats. Food waste will be collected within 240L bins within the flats bin store locations. Houses have individual wheelie bins for recycling and refuse. Block B and E and Cores 1 & 5 of Loxford House would utilise the bin stores within Block B (15 Eurobins). This has been agreed with the Council's Street Environment Team.
296. Twice weekly collections reduce the amount of refuse storage required to serve the development. Parts of Loxford House and Block D will require daily movement of refuse to larger bin stores. The wheelchair units within core 2, block D will require internal refuse and recycling storage due to the stepped access from the rear of Block D down to the garden (to be addressed by condition). Given the site constraints (level changes) this is on-balance acceptable and the management of this process is secured by **condition 38**.

297. All communal bin stores will require movement to the two (2) collection points on collection day (adjacent to Block B and adjacent to Legard Road) as secured through the revised refuse and recycling strategy (**condition 38**) and linked to the site management agreement (**clause 10**).
298. Refuse and recycling collection trucks will not be permitted to reverse into the north of the site from Legard Road, but will be required to 'pull in' at the existing opening to Legard Road on the outside bend on Legard Road for collection. A condition (**condition 37**) is recommended to secure this.

Car Parking and motorcycle parking

299. The application was been revised to reduce the number of on-site car parking spaces to 28, all accessed via Highbury Park. Four (4) motorcycle parking spaces are proposed. TfL raised no objection to car parking provision. A number of objections have been received from residents against the number of car parking spaces provided on the site. Many of those state that the proposed development does not provide sufficient car parking to provide effectively for the proposed development and that this will lead to an increase in demand for on-street parking permits. The proposal results in 0.2 spaces per residential unit, which is below the UDP policy maximum of 0.5 spaces per residential unit and is supported by TfL and London Plan policy. The s106 agreement will ensure that residents are not eligible to apply for on-street parking permits to address these objections (**clause 14**).
300. Fifteen (15) of these spaces will be allocated to the wheelchair accessible units. The accessible parking spaces are located below the western elevation of Loxford House (12 spaces) and in the north of the site adjacent to Block F (3 spaces). These are to be shared for use by care givers and other such users that support occupants of these units. Three (3) spaces (subject to demand) will be made available as a car-club bay spaces located adjacent to the site entrance from Highbury Park. This provision is considered to promote sustainable forms of travel for occupants within the site and also surrounding residents. These spaces are to be secured for car club use within the s106 agreement (**clause 9**).
301. An additional ten (10) spaces remain to the north of the site and around the front of Loxford House (similar to the current layout). One (1) space would be allocated as a nursery drop off space and the remaining nine (9) spaces would be allocated to houses where there is demand on a first come first serve basis. A revised parking plan is to be secured by condition of consent, addressing charging point provision, manoeuvring spaces and relationship with shared surfaces. Allocation details are to be secured by s106 agreement (**clause 9**) and unauthorised parking within the site will be resolved by the on-site concierge in accordance with the site management plan (also secured by s106 agreement **clause 10**).
302. One electric car charging point is proposed adjacent the entrance from Highbury Park. A further four (4) charging points were requested by TfL and the Council's Transport Officer's (on the basis of draft London Plan policies). Officer's consider that the provision of three (3) charging points would be reasonable to ensure that users of wheelchair housing parking spaces, car club bays and also the remaining spaces could also benefit from a charging point should it become required in the future. These details are secured by **condition 32**.

303. Nursery / Community A nursery drop off space is proposed to the south of the Loxford House frontage facing Highbury Park. The Nursery Travel Plan intends to encourage public transport or walking and cycling to use the facility, or to monitor and manage the use of the drop off space and therefore this single space is considered to be appropriate provision to cater for essential needs without promoting private vehicle use.

Cycle Parking

304. The table below shows the required number of spaces (as set out in the TfL guidelines) and the total proposed. The development exceeds the required number of cycle spaces.

Dwelling or use type	No. spaces required	No. spaces proposed
Flats	125	140
Houses	36	36
Nursery	5	6
Total	166	182

305. The location of cycle spaces are within reasonable distance to each flat and are securely located either internal to the block (for some units within block D, within block B to serve both Block B, E and some Loxford House flats). External cycle storage is proposed north of Block D and also storage either side of Loxford House addressing Highbury Park. Objections were received against the location of the Loxford House external cycle stores due to the impact they would have on the character, appearance and setting of the Highbury Fields Conservation Area and a condition is therefore attached to require the relocation of the enclosure. Three (3) sheffield stands (to accommodate 6 bicycles) are proposed for the nursery use, opposite the nursery entrance adjacent to Lucerne Road. A condition (**condition 35**) is recommended to secure the specific location and design details of all cycle parking within the development.
306. Draft Travel Plans have been submitted for the residential and the nursery uses and have been amended during processing to appropriately address concerns raised by TfL. The plans appropriately promote sustainable forms of travel, and discourage the use of nursery drop off within the site and are considered to comply with policy 3C.3 of the London Plan (2008). **Clause 15** of the S106 agreement secures the submission final travel plans 6 months after occupation followed by a progress update on the 3rd anniversary of the first occupation.
307. Transport and Public Realm contributions the applicant has agreed to a contribution of £224,000. This was reduced from an original amount sought of 264,557 due to the on-site provision of three (3) car club parking spaces and the promotion of sustainable forms of travel that this achieves (234,057). The amount was further reduced to 224,000 as the applicant raised concerns regarding justification of DDA schemes that run along Avenall Road that the Highbury Stadium Square development is accessed from. The reduction is considered appropriate given the number of crossings identified along that road, and having regard to the proportion of the whole justification that this scheme constituted.
308. Objections have been received stating that the proposed development would have unacceptable impacts on public transport services within the area. Transport for

London (TfL) have advised that the development would not have an unacceptable impact on such services and that capacity exists for Arsenal Tube and the local bus services. In order to ensure that the development does not have an adverse impact on the surrounding streets, and to ensure that the surrounding streets and local services are accessible to all future residents, Disability Discrimination Act (DDA) works are required around the application site.

Other Considerations

309. Contaminated Land Land cannot always be assumed to be free from pollution and it is the council's and the Government's policy that developers of polluted land will be required to prepare an investigation of their sites and if necessary undertake remedial work to the satisfaction of the Local Planning Authority. It is considered prudent to attach a condition (**condition 58**) requiring a soil investigation to be carried out along with any necessary remedial works, that take into consideration the significant and protected trees within the site.
310. Construction and Development Impacts The scheme has been accompanied by a phasing plan that clarifies the order of the construction of the various parts of the development, although a condition is recommended requiring updated details for approval (to secure timely provision of affordable housing).
311. Transport for London (TfL) have requested, and the applicant has agreed to clauses within the S106 agreement which requires the submission of a Construction Logistics Plan (CLP) to ensure that freight to and from the construction site is managed appropriately (**clause 18**) within the S106 agreement.
312. A number of objections have been received against anticipated construction impacts including a request for a resident contact, an objection against site access except from Highbury Park and objection to weekend working. The application included a 'Site Management Plan' which includes details of the demolition and construction phase. It confirms no construction vehicle site access except from Highbury Park and proposes a safe tidy hoarding to secure the site with 24hour emergency contact details clearly shown.
313. To further mitigate against the possible impacts during construction on the amenities of surrounding occupiers, (having regard to impacts such as noise and dust) compliance with the Council's Code of Construction Practice has been secured as part of a S106 agreement together with a payment for monitoring of £14,300. This secures many of the items within the submitted Site Management Plan and additional requirements, including restricting site access by construction vehicles during school term time, Monday to Friday between 8.15am - 9.30am and 3.15 pm - 4.15pm.
314. This document would be tailored to the site and the specifics of the proposed development. The monitoring payment is considered be an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project. These measures are considered to appropriately minimise the short term impacts on the amenity of adjoining occupiers during the construction phase and to address child safety concerns.

315. In addition to financial contributions set out above, to make the development acceptable, a site management plan will be secured and will include:
- management of large deliveries from the Legard Road entrance;
 - secure access arrangements including lockable / remote controlled bollards;
 - emergency vehicle access;
 - landscaping and biodiversity planting, management and maintenance plan, including re-planting should trees fail, maintenance of green roofs and communal rear gardens; and
 - pedestrian complaints (if any).
316. Placement and Local Procurement In response to this shortfall of skills and experience to meet employment 7 onsite work placements during the construction phase of the development have been secured and a clause added to the S106. These initiatives are viewed as an essential part of developing socially sustainable communities, especially in the growing and intensifying community in which the development is located (**clause 19**).
317. In addition, the development should comply with the Council's Code of Local Procurement to ensure that the procurement of goods and services through the construction phase allows for opportunities for local businesses to tender for these, thereby supporting local businesses and regeneration opportunities (**clause 17**).
318. Thames water has requested that a condition (**condition 59**) be imposed to secure a study of the capacity available within the existing system or any additional capacity requirements and also connection point(s).
319. In order to agree the construction phasing of the development to secure affordable housing provision at appropriate stages, a condition (**condition 60**) is recommended requiring details of the separate construction phases of the development and the order in which the phases are to be completed. This is also to be linked to the legal agreement (**clause 16**) to secure appropriate timing of affordable housing provision within the agreement.

SUMMARY AND CONCLUSION

Summary

320. The proposed change of use of the site to provide for a residential led mixed-use development is considered appropriate in this location. The accommodation created is of a high standard of design and appropriate layout and the new nursery / community floorspace would provide for community benefit subject to Community Access Plan (s106). The loss of the existing office and conference facilities is not considered objectionable in land-use terms.
321. The development is considered to be of high design integrity and of functional qualities superior to the existing buildings proposed for demolition on the site. The proposed buildings and replacement extension to the rear of Loxford House are considered to fit in well with their context in terms of their layout and building lines and the development appropriately engages with the public realm where it can, and provides an appropriate engagement within proposed publicly accessible spaces within the application site. The height and scale of the buildings are considered to be appropriate for the site context and enable the development to make best use of the

site. The resulting appearance of the development, although modern, is acceptable in design terms. Overall, subject to conditions of consent, the development is considered to preserve and in some areas of the landscape design, enhance the character and appearance of the Highbury Fields Conservation Area.

322. On-balance and subject to conditions the resulting development is not considered to have an unacceptable impact on neighbouring residential amenity in terms of: noise and nuisance; loss of sunlight; daylight; privacy when weighed against the benefits of the scheme.
323. The proposed residential density is considered to be appropriate given the site's location, its context and the overall quality of the proposal, particularly given the creation of a new public open space within the site. The proposed dwelling mix is considered to be acceptable and would provide for housing that would go towards meeting identified need within the borough.
324. The development provides for 40% affordable housing. A financial viability assessment has been submitted and is considered to justify the provision of this level of affordable housing. The affordable housing offer is considered to be the maximum reasonable amount the site can deliver given its constraints and the viability implications to be secured by S106 agreement.
325. The resulting residential accommodation is considered to be of an appropriate standard, quality and amenity and the dwellings are provided with an appropriate amount of private and communal amenity space including a publicly accessible open space within the heart of the development. A suitable amount of on site children's playspace can be incorporated into the new public open space within the development. Conditions are recommended to ensure the noise environment is acceptable and secure mitigation if necessary.
326. The proposal would subject to conditions, provide for inclusive and convenient access for all within the development.
327. The proposal includes the removal of 34 trees including 19 protected by Tree Preservation Order (TPO). Those trees proposed for removal is considered capable of being mitigated against by replacements. Additional tree retention would reduce the capacity of this site to provide for additional housing and reduce the quality and size of the central, public open space. The proposal includes the replacement provision of 48 new trees and conditions secure additional and revised landscape details, ensure that the retained trees are protected and that the additional planting enhances the biodiversity value of the site.
328. The development provides for suitable habitats in the form of substantial areas of green roof, landscaped private and communal amenity space and publicly accessible open space. Subject to conditions it would retain and protect the majority of trees within the site and secure an increase in the tree cover overall, secure bird and bat boxes and landscaping enhancements to promote biodiversity and habitat quality within the site.
329. The development is considered to achieve a high standard of sustainability, provides for high levels of energy efficiency measures and subject to conditions would provide for an acceptable scheme of on-site renewable energy provision, with substantial

reductions of CO2 emissions (64%). Conditions are recommended to secure further details of the schemes impact on Air Quality, however the minimal impact is on-balance acceptable given the significant CO2 savings achieved.

330. Car parking and motor cycle parking is proposed and is below the Council's adopted maximum standards. No future residents will be eligible for on-street parking permits. The scheme provides for appropriate servicing arrangements, cycle provision and refuse/recycling enclosures (subject to conditions of consents). The provision of 3 on-site car club parking bays is welcomed and to be secured by S106 agreement. The scheme is not considered to adversely impact on the existing surrounding street network or access to on-street parking.
331. Consideration has been given to the objections made regarding the impact on neighbouring amenity of nearby properties (i.e. daylight and sunlight, privacy, outlook), the level of car parking, tree removal, biodiversity and also regarding: the height, scale, appearance, density of the development, together with its impact on the Highbury Fields Conservation Area. However, the objections are not considered to be of sufficient weight to outweigh the reasons for granting planning permission. The proposed development is subject to appropriate conditions which seek to facilitate the development and mitigate its potential impacts.
332. Necessary obligations and financial contributions have been secured towards environmental, infrastructure, services and housing that are required to facilitate and also mitigate potential impacts of the proposed development. The obligations and contributions are considered to meet with adopted policy and CIL requirements.

CONCLUSION

333. It is recommended that planning permission be granted for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

APPLICATION NUMBER	P092469
Proposal	Demolition of buildings and the partial demolition of the rear of Loxford House, change of use and the erection of a four storey rear extension to Loxford House including the provision of 297sqm of nursery/crèche/community facility (Class D1) and the erection of part 3, 4 and 5 storey flatted blocks, houses and town houses providing for a total of 143 residential dwellings together with the creation of a new publicly accessible open space, car parking, cycle parking, landscaping and other associated works.
Drawing No's	D1000-revP1, D1100-D1105; D1500; TOWN431(08)1001 R08; TOWN431(08)1002 R03; TOWN431(08)1003 R01; D16105-revP1; D16850-revP1 - D16856-revP1; D16861-revP1 - D16864-revP1; D16871-revP1, D16872-revP1, D16875-revP1 - D16878-revP1, D16050-revP1; D16280-revP1; D16880 REV P1 - D16885 REV P1; Design and Access Statement; D16880-revP1 - D16885-revP1; D16099rev P4; D16100rev P4; D16101rev P4; D16102 rev P5; D16103 rev P5; D16104rev P4; D16200revP2; D16201revP2; D16210revP4; D16211revP4; D16212 rev P5; D16213 rev P5; D16214-revP3, D16220-revP4; D16221-revP3; D16222-revP3; D16223-revP2; D16230-revP3 - D16234-revP3; D16240-revP4; D16241-revP5; D16242-revP4 - D16244-revP4; D16250-revP2 - D16253-revP2; D16260-revP2; D16261-revP2; D16270-revP4 - D16274-revP4; D16290-revP2 - D16294-revP2; SV0065 03 Rev 04, 04 Rev 04, SV0064; D16102-revP4 and 10144/T/01-01 and D16900.

Type of application	Full Planning
Application Received	24 November 2009
Application Completed	8 July 2010
Name of applicant (s)	Action for Children, Mount Anvil (Highbury Park Ltd) and Family Mosaic
Name of agent	Natalie Thompson (Gerald Eve)
Case Officer	Sarah Ricketts
Area Team	Majors
Heritage information	Highbury Fields Conservation Area LBI TPO (No.384) 2007 Para 8(2)(d)(ii) CA CoU (1000+land)
LIBRARY (holding copy of application)	Central Library, 2 Fieldway Crescent, N5
WARD	Highbury West
PS2 code description	Dwellings Major
91st day	Planning Performance Agreement

RECOMMENDATION A

That planning permission be granted subject to the applicant and any mortgagees entering into a Deed of Planning Obligation by means of a legal agreement under **Section 106** of the Town and Country Planning Act 1990 (as amended) in order to secure the following matters to the satisfaction of the Head of Law and Public Services and the Service Director Public Protection/ Head of Service – Development Management or in their absence the Area Team Leader:

- 1. Affordable Housing provision to be provided (45%) comprised of 63% social rented and 37% intermediate accommodation (as calculated by habitable rooms);**
2. A contribution of £224,000 towards transport and public realm improvements in the vicinity of the site;
3. A contribution of £118,898 towards sports and recreation facilities within the vicinity of the site;
4. A contribution of £75,000 towards community facilities within the vicinity of the site;
5. A contribution of £35,600 towards play / youth facilities within the vicinity of the site;
6. A contribution of £179,366 towards health facilities within the vicinity of the site, to include but not limited to Highbury Grange Health centre, **Dr Desai's Surgery and The Village Practice.**

NOTE: Staged trigger dates for payments of the above contributions to be agreed.

7. Public Art: The developer shall in consultation with the Council's Arts Officer appoint an artist to develop a public art scheme to be incorporated within the public space prior to implementation. A minimum of £100,000 shall be spent on the production, installation and management of the public art feature(s) and the approved scheme shall be implemented prior to first occupation of the development.
8. Public Open Space: Areas of publicly accessible space to be laid out in accordance with the approved plans and retained as publicly accessible in perpetuity (subject to site management plan to be agreed). Publicly accessible spaces will not be secured or gated to prevent public access at any time.
9. On-site Car Parking: A car parking allocation schedule and plan including a management plan for the 28 on-site car parking spaces. **Spaces to be allocated: ten (10) car parking spaces to be retained for wheelchair accessible units, to be allocated free of charge and to be held for wheelchair accessible units in perpetuity. Two (2) of these ten (10) car parking spaces may be released if agreed in writing by the Local Planning Authority (LPA) on a short term (6 month) lease only if lack of demand can be demonstrated (and appropriately evidenced) to the LPA. Three (3) car parking spaces to be secured for car club use in perpetuity (securing regular review of demand) and to be released on a short term six (6) month basis if lack of demand is appropriately evidenced. One (1) car parking space to be allocated for nursery drop-off / community facility use and the remaining fourteen (14) car parking spaces to be**

allocated/purchased by remaining units within the development with first right of refusal offered to all family houses and if refused offered to the remaining flats within the development. No sub-letting of any car parking spaces.

10. Site management plan to be submitted for the Council's approval, to be made available to residents on request and to be agreed before implementation of the first phase. This plan shall specify arrangements for:
 - maintenance and management of publicly accessible open space including landscaping maintenance and public art;
 - maintenance, servicing, security and fire safety;
 - maintenance and management of biodiversity / landscaping / tree planting and habitat improvements, including to private rear gardens, ***communal rear gardens***, public open space, green / bio-diverse roofs (but not exclusively);
 - Servicing arrangements and site access including details of the functions and duties of the concierge and how deliveries will be managed (in particular access to the Legard Road entrance) arrangements. This should be consistent with the Delivery and Servicing Plan); and
 - process for handling and addressing complaints from adjoining and future residents.
- 11. Community Facilities Access Plan to agree the uses and measures to regulate the use and potential impacts on amenity that can be accommodated within the community facility (D1 use class) space outside of nursery hours to be approved prior to occupation of any part of Loxford House.***
- 12. Owner to meet the costs of the delivery of the new 85 Highbury Park development and the costs of any Traffic Management Orders (TMO) that may be required and the removal of two crossovers located on Highbury Park and on Lucerne Road including the administration costs of LBI Public Realm.***
13. Payment of the Council's reasonable costs incurred in repair and reinstatement of the footways and highways adjoining the development where necessary. Footways and highways conditions surveys to be carried out by the applicant and provided to and agreed by the council prior to implementation of the development and post completion to inform the level of works required;
14. Removal of residents' right to apply for parking permits;
15. Green Travel Plan - Final Plan (nursery and residential) to be submitted for the council's approval 6 months after first Occupation of Development. Update on progress to be submitted on the 3rd anniversary of first Occupation of the Development;
- 16. Phasing of construction: No more than 20% of the total number of private tenure units hereby approved shall be occupied unless and until all of the affordable housing units hereby approved have been completed and are ready for occupation.***
17. Compliance with the Code of Local Procurement;
18. Compliance with the Code of Construction Practice, including a £14,300 monitoring fee. Together with a Code of Construction Response document confirming what

methods and approaches will be used to ensure compliance with the Code of Construction Practice.

19. The developer to facilitate 7 work placements for local unemployed residents registered with 'Islington Working' the LBI Regeneration employment project during the construction process, lasting a minimum of 13 weeks. The owner to pay wages (must meet national minimum wage) and provide bi-monthly reports and updates as required, setting out delivery of the placements. Should the placements not be facilitated the owner will pay to the Council the equivalent fee (£35,000 or £5,000 per placement not delivered);
20. Council's legal fees and in preparing the S106. All contributions / payments to the Council to be index linked from the Committee date.

That, should the **Section 106** agreement not be completed within 13 weeks from the date when the application was made valid, Service Director Public Protection/ 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 legal agreement fails to secure appropriate planning obligations. ALTERNATIVELY should this application be refused (including refusals on the direction of GOL or The Mayor) and appealed to the Secretary of State, Service Director Public Protection/ Head of Service – Development Management or in their absence the Area Team Leader be authorised to enter into an agreement pursuant to S.106 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:

1	3 Year Consent
	<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	Drawing And Document Numbers
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[LBI reg 24691]: Planning Statement, Reptile Report 2009, Statement of Community Consultation, Air Quality Assessment, Envirocheck document, Site & Building Assessment Report D1000-revP1, D1100-D1105; D1500;</p> <p>[LBI reg 24692]: Design & Access Statements Section 1 & Section 2 dated May 2010; Arboricultural Impact Assessment Report dated 25 June 2010; Site Management Plan (updated May 2010); Proposed Parking Strategy Rev. D dated May 2010; Access</p>

Management Plan Rev. C dated May 2010; Transport Assessment rev. D dated May 2010; Refuse & Recycling Strategy Rev C dated May 2010; Residential Travel Plan Rev. E dated May 2010; Nursery Travel Plan rev. C dated May 2010; Energy Strategy dated May 2010; Sustainable Design & Construction Statement dated May 2010; Environmental Assessment CSH, Ecohomes & BREEAM dated May 2010; BREEAM Land Use and Ecology Assessment dated May 2010; Code for Sustainable Homes Ecology Assessment dated May 2010; Eco-Homes Ecology Assessment May 2010; Ecological Survey Report dated May 2010; Bat Report dated October 2009; Flood Risk Assessment & Preliminary Surface Water Strategy rev. B dated May 2010; Public Art Brief dated April 2010; Landscape & Play Strategy report prepared by Townshend Landscape Architects dated May 2010 (TOWN431(08)2001 R07 and drawings TOWN431(08)1001 R08; TOWN431(08)1002 R03; TOWN431(08)1003 R01 AND Landscape, Arboricultural and Biodiversity Document Scheme Proposals prepared by Metropolis dated 12 May 2010; D16105-revP1; D16850-revP1 - D16856-revP1; D16861-revP1 - D16864-revP1; D16871-revP1, D16872-revP1, D16875-revP1 - D16878-revP1, D16050-revP1; D16280-revP1

[LBI reg 24693]: Bat Survey Report dated June 2010; Initial Bat Survey Report dated September 2008; NVC Survey Report dated June 2010; D16880 REV P1 - D16885 REV P1; Design and Access Statement; D16880-revP1 - D16885-revP1; Loxford House and Stephenson Hall: PPS5 appraisal prepared by KM Heritage dated May 2010;

[LBI reg 24694]: Daylight & Sunlight Report prepared by Savills dated 9 May 2010

[LBI reg 24695]: (Confidential) Financial Viability report prepared by Gerald Eve dated 14 May 2010 and 3 page document in response to LBI Design Comments.

[LBI reg: 24696]: Dr Frank Hope - Updated Supplementary Report relating to the analysis of the requirement for tree removal at Highbury Park London N5 1UD dated 27 July 2010; D16099rev P4; D16100rev P4; D16101rev P4; D16102rev P4; D16104rev P4; D16200revP2; D16201revP2; D16210revP4; D16211revP4; D16214-revP3, D16220-revP4; D16221-revP3; D16222-revP3; D16223-revP2; D16230-revP3 - D16234-revP3; D16240-revP4; D16241-revP5; D16242-revP4 - D16244-revP4; D16250-revP2 - D16253-revP2; D16260-revP2; D16261-revP2; D16270-revP4 - D16274-revP4; D16290-revP2 - D16294-revP2 and email dated 30 June 2010 received from Guy Laister of Water Environment Ltd.

[LBI reg: 24697]: Broad Oak Tree Consultants Ltd March 2010

[LBI reg: 24698]: Updated Sunlight and Daylight Analysis and email dated 11 August 2010 from Natalie Thompson Gerald Eve including: SV0065 03 Rev 04, 04 Rev 04, SV0064 dated 16/08/2010 and APSH Analysis.

[LBI reg: 246910]: 10144/T/01-01

[LBI reg: 246911] (Confidential): Letter to Chris Kench from Gerald Eve dated 6 August 2010 and Appendices 1-3 and letter from Action for Children to John Foster dated 12 August 2010.

[LBI reg: 246912]: D16102 rev P5; D16103 rev P5; D16212 rev P5; D16213 rev P5 and D16900.

	<ul style="list-style-type: none"> c) render (including colour, texture and method of application); d) aluminium cladding samples (to replace the timber originally proposed throughout the development); e) roofing materials; f) window treatment (including sections - window reveal depths minimum of 120mm); g) stone for parapet, window head and cill detailing; h) roofing materials; i) balustrading treatment (including sections); j) materials to be used for refuse, bicycle and substation enclosures; and k) any other materials to be used. <p>l) A sustainable procurement plan outlining commitments to sustainable sourcing of materials</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 securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard in accordance with policies: 4A.3; 4B.1; 4B.2; 4A.3; 4B.8 and 4B.10 of the London Plan 2008 and policies: Env1; Env2; D1, D4, D5, D11 and D24 of the Islington Unitary Development Plan 2002.</p>
7	<p>Block D Core 1</p>
	<p>CONDITION: Notwithstanding the approved drawings, additional details of Block D, 'Core 1' shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on any part of Block D. The details shall include:</p> <ul style="list-style-type: none"> a) all elevations (1:50); b) sections (1:50); c) revised details of the bin store (1:50) to ensure that the rear entrance is provided flush to the rear buildings line (to remove the recess in the interest of public safety); and d) revised balcony details that show the replacement of timber balustrade with glass, including sections (1:50). <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: Further detail is required to ensure that the resulting design and appearance of this part of Block D, which is a focal point for the Legard Road entrance to the site is of a high standard of design in accordance with policy 4B.2; 4A.3; 4B.8 and 4B.10 of the London Plan 2008 and policies: D1, D4 and D5 of the Islington Unitary Development Plan 2002.</p>
8	<p>Loxford House - demolition/construction method statement</p>
	<p>CONDITION: No development/demolition works to Loxford House shall be commenced unless and until a method statement detailing how the structure of the retained parts of Loxford House shall be supported and protected during the partial demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The retained parts shall be supported and protected strictly in accordance with the</p>

	<p>method statement 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 retained Loxford House facades are not damaged and are satisfactorily supported during the construction phase in accordance with policies: 4B.8; 4B.10; 4B.12 and 4B.13 of the London Plan 2008 and policies: D1; D4 and D21 of the Islington Unitary Development Plan 2002.</p>
9	<p>Loxford House – reinstatement of clock feature</p> <p>CONDITION: Details of a scheme to refurbish and make good the existing central lantern, with decorative urn incorporating a clock on the roof of Loxford House shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on Loxford House. The central lantern, urn and clock shall be refurbished / operational prior to the first occupation of Loxford House.</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 the retained Loxford House facades are not damaged and are satisfactorily supported during the construction phase in accordance with policies: 4B.8; 4B.10; 4B.12 and 4B.13 of the London Plan 2008 and policies: D1; D4 and D21 of the Islington Unitary Development Plan 2002.</p>
10	<p>‘Gap’ adjacent 24 Lucerne Road</p> <p>CONDITION: Details of the proposed gap between 24 Lucerne Road and proposed Block A shall be submitted to and approved in writing by the Local Planning Authority and those approved details shall be installed prior to occupation of any part of the development. The details shall include state how maintenance access will be provided.</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 securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard in accordance with policies: 4A.3; 4B.1; 4B.2; 4A.3; 4B.8 and 4B.10 of the London Plan 2008 and policies: Env1; Env2; D1, D4, D5, D11 and D24 of the Islington Unitary Development Plan 2002.</p>
11	<p>Omission of Block A front elevation Juliette balconies</p> <p>CONDITION: Notwithstanding the plans hereby approved no permission is given for the glass Juliette balconies on the front elevations of the three town houses within Block A that front Lucerne Road. Amended plans showing the removal of those balconies and detailing of the resulting windows shall be submitted to the Local Planning Authority and approved in writing prior to any works commencing on Block A.</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: The inclusion of Juliette balconies to the bay windows of these properties would not accord with the established character and appearance of Lucerne Road. Their removal would ensure that the development accords with policies 4A.3; 4B.1; 4B.2; 4A.3 and 4A.8 of the London Plan 2008 and policies: Env1; Env2; D1; and D4, D5 of the</p>

	Islington Unitary Development Plan 2002.
12	<p>Additional Elevation Details</p> <p>CONDITION: Full details of the elevations and / or entrances of the following blocks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on the block. Those details shall include:</p> <ul style="list-style-type: none"> a) all residential entrances (including access cores 2 and 3 of Loxford House and the external approach); b) Loxford House nursery / community facility entrance; and c) Block C (front, rear and side elevations) <p>The details shall include: doors, sections, elevational and threshold treatments, all to be shown in context and to a scale of 1:50.</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 the Authority may be satisfied with the access arrangements and the street level external appearance / interface and detailing of the buildings in accordance with policies: 4B.1; 4B.2 and 4B.5 of the London Plan 2008 and policies: D3; Env12; T45; T49; T55; H3, H10 of the Islington Unitary Development Plan 2002.</p>
13	<p>No Plumbing or Pipes</p> <p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located to the front elevation(s) of Block A buildings or Loxford House extension (fronting Lucerne Road) hereby approved.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the buildings. In accordance with policy 4B.1 of the London Plan 2008 and policies: D1 and D4 of the Islington Unitary Development Plan 2002.</p>
14	<p>Block E triangular windows obscured glazed / Fixed Shut</p> <p>CONDITION: The triangular windows within Block E (unit numbers EG.03, E1.03, E2.03, E3.03) shown on the plans hereby approved shall have their south west facing pane obscurely glazed.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter, and the window treatment shall be installed / provided prior to the first occupation of Block E.</p> <p>REASON: In the interest of protecting neighbouring residential amenity windows in accordance with policy D3, H3 and H7 of the Islington Unitary Development Plan 2002.</p>
15	<p>NWS - Obscure Glazing / Angled Windows (Block B) and Loxford House</p> <p>CONDITION: Notwithstanding the plans hereby approved no permission is granted for the creation of instances of mutual overlooking between habitable rooms. Amended</p>

	<p>plans detailing preventative measures such as angled windows or another acceptable treatment shall be submitted to and approved in writing by the Local Planning Authority. The preventative measures / treatment shall relate to units:</p> <ul style="list-style-type: none"> a) the western and eastern parts of Loxford House (first, second and third floor) that directly face each other over the internal roof; and b) the ground, first, second and third floor windows serving living rooms within Block B (units BG.03, B1.04, B2.04 and B3.04) that face the living room window within 16 St John's Court; c) the ground, first, second and third floor windows serving bedrooms within Block B (Units BG.03, B1.03, B2.03 and B3.0) that face the living room window within 16 St John's Court; <p>The treatment shall be implemented as approved prior to the first occupation of the relevant block hereby approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of protecting neighbouring residential amenity in accordance with policy D3, H3 and H7 of the Islington Unitary Development Plan 2002.</p>
16	<p>Flat Roof Not Used As Amenity Space</p>
	<p>CONDITION: Notwithstanding the plans hereby approved, the below noted flat roof areas hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency. This restriction shall apply to:</p> <ul style="list-style-type: none"> a) the rear flat roof areas of units (CLG.01-CLG.03 and CLG.05) within Block C shown on plan nos. D16220-revP4; D16221-revP3 D16222-revP3 and D16223-revP2; b) the rear flat roof areas of unit the unit within Block A adjacent to 24 Lucerne Road shown on plan D16200-revP2; and c) the flat roof area within Loxford House above the nursery / community space shown on plan D16292-revP2. <p>REASON: To prevent the overlooking of neighbouring habitable room windows and inappropriate level of overlooking of garden spaces and patios in accordance with policies D3, H3 and H7 of the Islington Unitary Development Plan 2002.</p>
17	<p>Provision of Defensible Space to Loxford House</p>
	<p>CONDITION: Defensible spaces shall be provided in front of all ground floor residential units, contained within Loxford House. The defensible space shall be delineated by low railings, walls and/or soft planting. The spaces shall be provided prior to the first occupation of the dwellings which they would serve and shall be shown on the revised car parking plan required by condition 32.</p> <p>The development shall be carried out strictly in accordance with the details so approved, maintained as such thereafter.</p> <p>REASON: A number of the Loxford House ground floor habitable room windows exist which do not benefit from any defensible space that would adequately divorce them from the communal landscaped / circulation areas; the arrangement would result in an undue loss of privacy to those future residential dwellings. The amendments would ensure compliance with policies D3, H7 and H10 of the Islington Unitary Development Plan</p>

	2002.
18	<p>Details of garden / separation of Block E rear gardens</p> <p>CONDITION: Notwithstanding the plans hereby approved, details of rear garden areas of Block E shall be submitted in writing to the Local Planning Authority and approved prior to any works commencing on the houses / flats contained within Block E. The details shall specify how the rear garden area of the 4 bedroom house (ELG.05); the 2 bedroom flat (ELG.04) and the 2 bedroom flat (ELG.03) is to be allocated, access provided and maintenance achieved. Secure /defensible space surrounding ground floor windows (to ELG.04 and ELG.03) shall be provided as part of these details.</p> <p>The development shall be carried out strictly in accordance with the details so approved, maintained as such thereafter.</p> <p>REASON: This is to ensure that an appropriate level of garden space is provided to the large family home and to ensure that the development does not cause undue overlooking or loss of privacy for adjoining units, and secure these rear spaces and ensure appropriate access is provided for maintenance purposes in accordance with policies D3, H3, H7 and H10 of the Islington Unitary Development Plan 2002.</p>
19	<p>Visual Privacy Screens</p> <p>CONDITION: Visual privacy screens shall be installed, constructed of a lightweight timber material or opaque glass to separate the roof terraces and basement level light well / terraces of:</p> <ul style="list-style-type: none"> a) Block B dwellings (light well terraces) shown on plan no. D16100-revP4 b) Block C dwellings (roof terraces) shown on plan no. D16221-revP3; c) Block D dwellings (roof terraces) shown on plan no. D16244-revP4; d) Block D dwellings (light well terraces) shown on plan no. D16100-revP4 e) Block E dwellings (light well terraces) shown on plan no. D16100-rev4 <p>The screens shall be installed prior to the first occupation of the residential units those spaces relate to.</p> <p>REASON: To prevent undue overlooking (oblique, backwards or otherwise) between the resulting dwellings and also to ensure that the resulting visual screen is acceptable in terms of its appearance in accordance with policies 4B.1 and 4B.2 of the London Plan 2008 and policies D1; D3; D4 H3 and H7 of the Islington Unitary Development Plan 2002.</p>
20	<p>Roof-Top Plant & Lift Overrun</p> <p>CONDITION: Details of any rooftop structures / enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> a) roof-top plant; b) ancillary enclosures/structure; and c) lift over-run <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 good design and also to ensure that the Authority may be</p>

	<p>satisfied that any roof-top plant, ancillary enclosure/structure or the lift over-run do not have a harmful impact on the surrounding streetscene or the character and appearance of the conservation area in accordance with policies: 4A.3; 4B.1; 4B.2; and 4B.8; 4B.10 and 4B.12 of the London Plan 2008 and policies: D1 and D4, D11; D24 of the Islington Unitary Development Plan 2002.</p>
21	<p>CCTV, Lighting and Security Lighting</p> <p>CONDITION: General security details shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first occupation of the development. The details shall include the location and full specification of: all lamps; light levels/spill; cameras (detailing view paths); lamps and support structures and shall consider impacts of any lighting on habitats, bat foraging and general ecological value of the site. The details shall relate to:</p> <ul style="list-style-type: none"> a) CCTV; b) general lighting; and/or c) security lighting <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 the any resulting general or security lighting and CCTV cameras are appropriately located, designed do not adversely impact neighbouring residential amenity, nor adversely impact on the habitat and foraging value of the site and biodiversity value generally. This will ensure that any resulting scheme is appropriate to the overall design of the building in accordance with policies 3D.14, 4B.1; 4B.2; 4B.6; 4B.10 of the London Plan 2008 and policies: D1; D3; D4; Env12; Env23; Env24, H3 and H7 of the Islington Unitary Development Plan 2002.</p>
22	<p>Secure entrance systems and post boxes</p> <p>CONDITION: Entrance security details (1:50 drawings) relating to each of the communal residential entrances of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any construction works commencing on the entrances. The security details shall relate to:</p> <ul style="list-style-type: none"> a) location, access and design of post-boxes; b) design, location and details of entry systems; and c) design, location and details of secure entry gates (north of Block D) including the entry system it would utilise. <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To ensure that the security details relating to the residential communal entrances are appropriately designed to safeguard the resulting appearance and accessibility / inclusiveness of the development and adequately secure the development in accordance with policies 4B.1; 4B.2; 4B.5; 4B.6 and 4B.10 of the London Plan 2008 and policies D1, D3, D8 and Env12 of the Islington Unitary Development Plan 2002.</p>
23	<p>NWS: Dwellings Constructed to Accessible Homes Standards</p> <p>CONDITION: The residential units hereby approved shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards. Confirmation that these standards have</p>

	<p>been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The confirmation shall take the form of an accommodation schedule documenting, in relation to each dwelling, how Islington's standards for flexible homes criteria and lifetime homes standards have been met.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs, in accordance with policy 4B.5 of the London Plan 2008, policies H3, H7 and H10 of the Islington Unitary Development Plan 2002 and the Accessible Housing in Islington Supplementary Planning Document 2008.</p>
24	<p>Dwellings Constructed to Wheelchair Accessible Housing Standards</p> <p>CONDITION: The fifteen (15) wheelchair / wheelchair adaptable units hereby approved shall be provided prior to the first occupation of the relevant phase of the development.</p> <p>An accommodation schedule, which responds to Islington's 17 Wheelchair Accessible Housing standards and confirms the acceptability of the layouts shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To ensure provision of wheelchair accessible units as agreed, in a timely fashion and to: address the backlog of and current unmet accommodation needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families, in accordance with policy 4B.5 of the London Plan 2008 and policies H3, H7 and H10 of the Islington Unitary Development Plan 2002.</p>
25	<p>Inclusive Design</p> <p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this, the development shall provide the following:</p> <ul style="list-style-type: none"> a) accessible toilet facilities within the nursery / community space; b) all residential passenger lifts shall be provided as shown on the plans hereby approved and installed and operational prior to the first occupation of the Building to which they form part; c) step free access to all accommodation and all entrances / exits to all blocks (including the rear of Block D, core 2); and d) level thresholds to private gardens/ terraces/ balconies. <p>The development shall be constructed carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities, in accordance with policy 4B.5 of the London Plan 2008 and D3 of the Islington Unitary Development Plan 2002.</p>
26	<p>Substation</p> <p>CONDITION: Details of the substation within Block B and any other substation that may</p>

	<p>be required including its location, acoustic specifications and cladding/facing shown in context shall be submitted to and approved in writing by the Local Planning Authority 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 maintained as such thereafter.</p> <p>REASON: In the interest of protecting amenity and to ensure that the Authority may be satisfied that any substation(s) does not have a harmful impact on the character and appearance of the development approved, the conservation area and the existing streetscene (if affected by new substation proposals) in accordance with policies: 4A.3; 4B.1; 4B.2; and 4B.8; 4B.11 and 4B.12 of the London Plan 2008 and policies: D1; D3; and D4, D11; D24; H3 and H7 of the Islington Unitary Development Plan 2002.</p>
27	<p>Sound Insulation Between Different Uses</p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed nursery / community (D1 use class) facility and residential use of Loxford House (vertical and lateral) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>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 therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses in accordance with PPG24, policy: 4A.20 of the London Plan 2008 and policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002.</p>
28	<p>PPG24: Noise Assessment</p> <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 style="padding-left: 40px;">Bedrooms (23.00-07.00 hrs) 30 dB L_{Aeq}, and 45 dB $L_{max (fast)}$ Living Rooms (07.00-23.00 hrs) 30 dB L_{Aeq}, Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB L_{Aeq}</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To secure an appropriate internal residential environment in accordance with PPG24, policy: 4A.20 of the London Plan 2008 and policies D3; Env17 and H3 of the Islington Unitary Development Plan 2002.</p>
29	<p>Fixed Plant</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that</p>

	<p>when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity in accordance with policy: 4A.20 of the London Plan 2008 and policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002.</p>
30	<p>Lift Shaft Insulation</p> <p>CONDITION: Prior to the first occupation of the residential flats hereby approved sound insulation shall be installed to the lift shaft sufficient to ensure that the noise level within those residential flats does not exceed NR25(Leq) 23:00 – 07:00 (bedrooms) and NR30 (Leq. 1hr) 07:00 – 23:00 (living rooms) and a level of +5NR on those levels for the hours of 07:00 – 23:00.</p> <p>REASON: To secure an appropriate future residential environment in accordance with policy: 4A.20 of the London Plan 2008 and policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002.</p>
31	<p>Active and passive cooling/ventilation</p> <p>CONDITION: Details of the measures proposed to avoid overheating in the development in accordance with the 'Internal Temperature Analysis' report and recommendations prepared by Metropolis green dated November 2009 (forming part of the Energy Strategy dated May 2010) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> a) the active cooling system(s) – including machinery/apparatus location, specification and operational details to provide cooling to the nursery and to single aspect units of the development only; and b) the passive design and ventilation features proposed to avoid summertime overheating in areas; <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the energy use and carbon emissions of the cooling system has been minimised and that the development is adapted to future summer temperatures (as predicted with climate change). The condition is also recommended in order to ensure that the resulting appearance of any scheme does not harm the resulting appearance of the development, the Highbury Fields Conservation Area or streetscenes in accordance with policies 4A.1; 4A.2; 4A.3; 4A.3; 4A.6; 4B.1; 4B.2; and 4B.8; 4B.11 and 4B.12 of the London Plan 2008 and policies: Env1, Env2 and Env32; D1; D3; and D4, D11; D24; H3 and H7 of the Islington Unitary Development Plan 2002.</p>
32	<p>Car Parking Provision</p> <p>CONDITION: Notwithstanding the plans hereby approved, in particular within the Transport Assessment (May 2010) and Proposed Parking Strategy (May 2010) a revised car-parking layout plan(s) has been submitted to and approved by the Local Planning</p>

	<p>Authority <i>prior to any superstructure works commencing</i>. The car parking plan shall be provided at a scale of 1:50 and shall include the following details:</p> <ul style="list-style-type: none"> a) location and layout of all car parking spaces within the site (including their allocation), details of manoeuvring areas (swept path analysis from example car parking spaces), relationship with shared surfaces, defensible spaces to adjoining residential windows; b) location and design of wheelchair accessible parking spaces, to be laid out in accordance with contemporary design standards and one (1) electric car charge point to serve these spaces; c) provision of the 3 car club parking bay spaces and one (1) electric car charging point to serve these spaces; d) clear identification of the remaining car parking spaces and one (1) electric car charging point to serve these spaces; <p>The details of the three (3) electric charging points shall include location and design and any below ground services to these points. Three (3) are requested in order to provide electric car charging points for accessible car parking spaces, car club spaces and the remaining spaces.</p> <p>The spaces shown within the car parking layout plan(s) approved shall be provided prior to the first occupation of any part of the development and the parking bays shall be appropriately line-marked and thereafter kept available for the parking of vehicles at all times.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interest of ensuring the appropriate provision of parking in accordance with policies: 3C.3, 4A.1 of the London Plan 2008 and policies: Env1, Env2, Env32, D3 and T21 and T22 of the Islington Unitary Development Plan 2002.</p>
33	<p>Vehicle Entrance and Circulation</p>
	<p>CONDITION: Notwithstanding the plans hereby approved (in particular within the Transport Assessment (May 2010) and Proposed Parking Strategy (May 2010)) details of servicing bay locations (including a bay for the parking of vehicles to deliver Biodeisel), clearly marked on a site plan (1:50) shall be submitted to and approved by the Local Planning Authority <i>prior to any superstructure works commencing</i>. The details shall include any line markings or other methods to demarcate these areas within the surface. The designated bays(s) shall only be used for servicing vehicle deliver / loading and shall be kept free for that use.</p> <p>The approved details shall be implemented prior to the first occupation of any part of the development and shall be kept clear and free of obstruction at all times.</p> <p>REASON: In the interest of vehicular and pedestrian safety in compliance with policies D3, T27, T21, T22, T45 and T46 of the Islington Unitary Development Plan 2202.</p>
34	<p>Loxford House Cycle Parking</p>
	<p>CONDITION: Notwithstanding the approved drawings, no permission is given for the cycle store located to the southeast of Loxford House. Alternative details shall be submitted in accordance with condition 35 to secure alternative cycle storage in order to secure enhancements to the character and appearance and setting of the Highbury</p>

	<p>Fields Conservation Area.</p> <p>REASON: In the interest of ensuring that the resulting appearance and construction of the development is of a high standard in accordance with policies: 4A.3; 4B.1; 4B.2; 4A.3; 4B.8 and 4B.10 of the London Plan 2008 and policies: Env1; Env2; D1, D4, D5, D11 and D24 of the Islington Unitary Development Plan 2002.</p>
35	Cycle Parking Provision
	<p>CONDITION: Details of the bicycle storage areas, which shall be secure and provide for no less than 166 cycle spaces (161 for the residential units and 5 for the nursery / community facility) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite; and the approved storage shall be provided/erected prior to the first occupation of the buildings hereby approved.</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 adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policy 3C.22 of the London Plan 2008 and policies: T34 and T52 of the Islington Unitary Development Plan 2002.</p>
36	Delivery Servicing Plan - TfL
	<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. The details shall include the time and frequency of servicing; management of large deliveries to the western end of the site (Block D and Block E houses); and any other relevant matters.</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 the free-flow of traffic and highways safety implications in accordance with policies: 3C.18; 3C.23 and 3C.25 of the London Plan 2008 and policies: D3; T15; T21 and T55 of the Islington Unitary Development Plan 2002.</p>
37	Refuse Collection Legard Road
	<p>CONDITION: Notwithstanding approved documents, refuse collection trucks are not permitted to enter the site at Legard Road.</p> <p>REASON: In the interest of vehicular and pedestrian safety in compliance with policies D3, T27, T21 and T22 of the Islington Unitary Development Plan 2002.</p>
38	Refuse/Recycling Provision and Waste Management Strategy
	<p>CONDITION: Details (elevations, floor plans and sections) of the dedicated refuse / recycling enclosures together with a revised 'Refuse and Recycling Strategy' (waste management strategy) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The revised</p>

	<p>'Refuse and Recycling strategy' shall address:</p> <ul style="list-style-type: none"> a) the collection and removal of waste for wheelchair units in Block D; b) daily refuse collection and movement from Loxford House to Block B waste enclosures; and c) detailed drawings (1:50) floor plans, sections and elevations demonstrating that the refuse storage areas are accessible and inclusive; d) revised storage and collection arrangements to replace the dedicated refuse enclosure located on the northeast of Loxford House as shown on drawing no. D16102-revP4; and e) any other changes considered necessary. <p>The approved details and revised 'Refuse and Recycling Strategy' (waste management strategy) shall be provided/erected prior to the first occupation of any part of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development, and ensure that responsible waste management practices are adhered to; and to preserve the character, appearance and setting of Loxford House and the Highbury Fields Conservation Area from visual clutter and degradation of the formal landscape that characterises the setting of Loxford House in accordance with policies: 4A.3; 4A.22; 4B.2; 4A.3; 4B.1, 4B.5; 4B.8; 4B.10 and 4B.12 and of the London Plan 2008 and policies: Env1; Env2; Env38, D1, D3, D4, D5, D11 and D24 of the Islington Unitary Development Plan 2002.</p>
39	<p>BREEAM and CoSH</p> <p>CONDITION: Evidence confirming that the development achieves a BREEAM Schools (or alternatively Bespoke if agreed with the Local Planning Authority) rating (2008) of no less than 'Excellent' for the nursery / community facility and Code of Sustainable Homes rating of no less than 'Level 4' to all new residential units within the site and an Ecohomes rating of no less than "Excellent' for those units to be created within the retained parts of Loxford House shall be submitted to and approved in writing by the Local Planning Authority in accordance with the design stage assessments hereby approved, prepared by Metropolis Green entitled 'Environmental Assessment CSH, Ecohomes & BREEAM 85 Highbury Park, Islington dated May 2010'.</p> <p>The evidence shall be provided in the following formats and at the following times:</p> <ul style="list-style-type: none"> a) BRE interim certificates shall be submitted at pre-construction stage prior to commencement of superstructure works on site confirming the design stage assessments hereby approved and referenced above; and b) a post-construction assessment, supported by relevant BRE accreditation certificate(s), shall be submitted following the practical completion of the relevant phases of the development and prior to the occupation of that phase <p>The development shall be carried out strictly in accordance with the details so approved and achieve the agreed rating(s). The development shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development in accordance with policies: 4A.1; 4A.2; 4A.3 and 4A.9 of the London Plan 2008 and policies: Env1 and Env2 of the Islington Unitary Development Plan 2002.</p>
40	<p>Green Biodiversity Roofs</p>

	<p>CONDITION: Details of the biodiversity (green) 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) roofs shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out on the roofs of Blocks B, C, D, E, F and the extension to Loxford House and secure the maximum cover reasonably possible; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage). <p>The biodiversity (green) roofs 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: 3D.14; 4A.3; 4A.9 and 4A.11 of the London Plan 2008 and policies: Env1; Env2 and Env24 of the Islington Unitary Development Plan 2002.</p>
41	<p>Green Walls</p>
	<p>CONDITION: Further details of the proposed green walls (Block E flats and Block F) which shall comprise indigenous climbing plants, shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on the relevant part of the development. The green walls shall be installed / planted within the first planting season following the practical completion of the relevant part of the development.</p> <p>The development shall be carried out strictly in accordance with the details so 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 the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 3D.14; 4A.3; 4A.9 and 4A.11 of the London Plan 2008 and policies Env1; Env2 and Env24 of the Islington UDP 2002.</p>
42	<p>Rainwater Harvesting</p>
	<p>CONDITION: Details of the rainwater harvesting system (all parts of the development) and grey water recycling system (to the family houses) shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater harvesting system shall be provided prior to the first use of the space of which is forms part. The grey water recycling system shall be installed and operational prior to the first occupation of the dwelling to which is forms a part.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p>

	<p>REASON: To ensure the sustainable use of water in accordance with policy: 4A.16 of the London Plan 2008 policy: Env39 of the Islington Unitary Development Plan 2002.</p>
43	<p>Sustainable Urban Drainage System (EA)</p> <p>CONDITION: Detailed design of surface water drainage works for the development prepared in accordance with the Flood Risk Assessment & Preliminary Surface Water Strategy, Rev. B prepared by Odyssey Consulting Engineers and dated May 2010; shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency) prior to any superstructure works commencing on site. The details shall be in accordance with the principles as set out in Appendix F of PPS25 and London Plan policy 4A.14. The drainage system shall be installed/ operational prior to the first occupation of the development. The submitted details shall:</p> <ol style="list-style-type: none"> a) provide detailed design of the method employed to delay and control the surface water discharge from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; b) provide confirmation that the detailed design would secure a minimum of 50% attenuation of the undeveloped site's surface water run off at peak times; c) provide details of the services and drainage works required to establish the system, d) provide details and sample of the permeable paving sub-base to be used throughout the site which shall be MOT Type 3 Granular Aggregate with no fines and a sample of the PH test; e) provide detailed drawings of the location of the attenuation tanks, including an alternative location for the tank close to Lucerne Road. The details shall demonstrate that the excavation works and drainage pipes will be located outside of all root protection areas of retained trees; f) be prepared in accordance with the landscaping details secured by condition 54. <p>The sustainable urban drainage system 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, prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system, whilst protecting trees and biodiversity features in the site in accordance with PPG25, policies 3D.14; 4A.3 and 4A.14 of the London Plan 2008 and policy Env6; D6 and Env39 of the Islington Unitary Development Plan 2002.</p>
44	<p>Details of Nesting Boxes (Bats and Birds)</p> <p>CONDITION: A total of ten (10) bat boxes and six (6) bird boxes shall be installed. Details of nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ol style="list-style-type: none"> a) eight (8) bat tubes / bricks into new buildings to be positioned with four on south facing walls /roofs (Block E houses) and four on west facing walls / roofs (Block D). These could be either Schwegglar bat tubes or lbstock enclosed bat bricks; b) two (2) bat boxes in trees (western boundary and boundary shared with Lucerne Road properties); c) four (4) bird boxes to be incorporated into block D or E; and d) two (2) bird boxes within trees along the western and southern boundaries. <p>The details shall include the exact location, specification and design of the habitats. The</p>

	<p>boxes / bricks shall be installed within the development 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.</p> <p>The nesting boxes / bricks shall be installed strictly in accordance with the details so approved, 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: 3D.14; and 4A.3; of the London Plan 2008 and policies Env1; Env2 and Env24 of the Islington Unitary Development Plan 2002.</p>
45	<p>Energy Centre Provision</p>
	<p>CONDITION: The energy centre / plant room located within the basement of the extended part of Loxford House (rear extension) shall be installed and operational prior to the first occupation of the development hereby approved.</p> <p>REASON: In the interest of securing the centralised energy centre for the site and its sustainable connection to the various uses within the development in accordance with policies: 4A.1; 4A.2; 4A.3; 4A.4 and 4A.5 of the London Plan 2008 and policies: Env1, Env2 and Env38 of the Islington Unitary Development Plan 2002.</p>
46	<p>Combined Heat and Power and Associated Infrastructure / Air Quality</p>
	<p>CONDITION: Details (based on the 'Energy Strategy 85 Highbury Park, Islington' dated May 2010 prepared by Metropolis Green and the details of the email dated 30 June 2010 from Guy Laister of Water Environment Ltd) of the bio-diesel Combined Heat and Power facility and infrastructure, which shall provide for no less than 64% total CO₂ reduction shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ol style="list-style-type: none"> a) the engine specification and confirmation of its compatibility with bio-diesel fuels, including a copy of the manufacturers warranty and operation / management strategy; b) the flue location and design (including: materials and finish), c) a revised Air Quality impact assessment including details of mitigation and management strategy and those measures proposed to ensure minimal impact on Air Quality (NO_x and PM₁₀); and d) the method of how the facility and infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network. <p>The facility and infrastructure shall be operational / installed prior to the first occupation of the development hereby approved.</p> <p>The Combined Heat and Power facility and infrastructure shall installed and operated strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the Combined Heat and Power facility and infrastructure is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system and does not detract from the character and appearance of the Highbury Fields Conservation Area in accordance with policies: 4A.1; 4A.2; 4A.3; 4A.4; 4A.5 and 4A.6 of the London Plan 2008 and policies: Env1, Env2 and Env32 of the Islington Unitary Development Plan 2002.</p>

47	<p>Renewable Bio-diesel Fuel Suppliers</p> <p>CONDITION: The CHP system shall be fuelled by waste cooking oil (WCO) only that complies with European Standard EN14214. Natural gas alternative shall only be used should supply issues arise for renewable (WCO) bio-fuel.</p> <p>REASON: In the interests of ensuring that the development is as sustainable as possible and having regard to the balance that has been struck between Air Quality (minimal impacts) and conservation and design (flue / stack heights) due to the very significant CO2 savings the use of this type of fuel achieves, in accordance with PPS5, PPS23 and policies: 4A.1, 4A.3, 4A.6, 4A.7, 4A.19, 4B.1, 4B.8, 4B.11, 4B.12 of the London Plan 2008 and policies: Env1, Env2, Env16, Env17, Env18, D1, D3, D4, D11, D24 of the Islington UDP 2002.</p>
48	<p>Tree Removal and Retention</p> <p>CONDITION: Planning permission is only granted for the removal of the trees as identified in schedule 'Table 1 – Tree Data' of the 'Updated Supplementary Report Relating to the Analysis of the requirement for tree removal at Highbury Park, London N5 1UD' prepared by Dr Frank Hope, dated 27 July 2010. All other trees identified for retention within 'Table 1 – Tree Data' shall be retained.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities in accordance with policy 3D.15 of the London Plan 2008 and policies Env5 and Env6 of the Islington Unitary Development Plan 2002.</p>
49	<p>Details of Tree Retention and Protection</p> <p>CONDITION: Notwithstanding the indicative tree protection details submitted, no development shall be commenced unless and until adequate protection of all trees and tree root systems on site, bordering and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority and enacted (retention/protection shall be in accordance with BS 5837, 2005 'Trees in Relation to Construction'). The details shall include the location of Tree Protection Fencing (TPF), Ground Protection and Construction Exclusion Zone (CEZ), site huts and welfare facility storage and the specification of the hoarding and ground protection.</p> <p>Tree protecting fencing shall consist of a rigid 2.4 metre OSB, exterior grade ply high sterling board hoarding or weld mesh. Heras fencing in concrete, rubber or similar foot plates is not acceptable as a form of tree root protection. Ground protection shall be of a material that is sufficiently substantial that it can not be moved, lifted or relocated.</p> <p>REASON: To protect the health and stability of trees to be retained on the site, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policy 3D.15 of the London Plan 2008 and policy Env6 of the Islington Unitary Development Plan 2002</p>
50	<p>Watching Brief – TPO trees</p> <p>CONDITION: No works shall commence on site unless and until an Arboricultural Tree Protection Site Pack (ATPSP) which details an inspection regime and watching brief relating to all the retained trees within the site and adjoining the site (street tree on Lucerne Road) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The ATPSP shall include: a schedule of any activities that are perceived to be likely to impact or influence the health, wellbeing or amenity of the trees on or adjacent to the site</p>

	<p>– such as pruning works, excavations for foundation, removal and emplacing of surfaces, tree and ground protection installation, tree protection fencing; together with a schedule of monitoring and arboricultural supervision, method statements, report submission after regular periodic compliance inspections, brief site inspection report with photos and tool-box training and a detailed plan identifying those trees to be removed and those to be retained.</p> <p>The works shall be carried out strictly in accordance with the ATPSP so agreed and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority. Any breaches or non-compliances with the agreed ATPSP must be reported to the Local Planning Authority’s Tree Protection Team as soon as practical and confirmed in writing no later than six (6) hours of the event. Photographic evidence of any breaches or non-compliances together with remedial measures and proposed timescale for remediation shall be agreed in writing by the Local Planning Authority’s Tree Protection Team and shall be carried out as agreed and in accordance with the agreed timescale.</p> <p>The ATPSP, site inspection regime and watching brief shall be undertaken by a suitably qualified arboricultural consultant or landscape architect.</p> <p>REASON: To ensure that the existing, retained trees are adequately protected during the construction process in accordance with policy 3D.14, 3D.15 of the London Plan 2008 and policy Env6 of the Islington UDP 2002.</p>
51	<p>Scaffolding</p> <p>CONDITION: All scaffolding that is located within 2m of the crowns of established trees shall have a maximum working width / project no further than 1.2m from the buildings facia or elevation and the reduced width scaffolding shall be maintained for the period of the construction of the development.</p> <p>The outer face of the scaffolding shall be covered in debris protective netting for the duration of the construction works.</p> <p>REASON: To ensure there is no further requirement for pruning beyond that specified in this condition, during or post construction and to protect the long term health and amenity of the trees in accordance with policies 3D.14 and 3D.15 of the London Plan 2008 and policy Env6 of the Islington UDP 2002.</p>
52	<p>Existing and Proposed Underground Services</p> <p>CONDITION: Details of all existing and proposed underground services including their type, location and relationship to adjoining footpaths, retained trees, proposed trees and/or proposed tree-pits shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on-site. Any excavations for services within the canopy spread of any tree adjoining the site must be undertaken in accordance with the guidance set out in NJUG Volume 4 ‘Guidelines for the Planning Installation and Maintenance of Utility Apparatus in Proximity to Trees’ (Issue 2) only if it is proven that no alternative route for proposed services can be taken.</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 the existing, retained trees are adequately protected during the</p>

	<p>construction process in accordance with policy 3D.14, 3D.15 of the London Plan 2008 and policy Env6 of the Islington UDP 2002.</p>
53	<p>Proposed Replacement Trees on boundary with the existing Lucerne Road Houses</p> <p>CONDITION: Notwithstanding the plans hereby approved (in particular the Landscape, Arboricultural and Biodiversity Document of 12 May 2010) the revised landscaping scheme (secured by condition 54) shall provide details of seven (7) semi-mature specimen trees which shall be a minimum of 6-7m tall at the time of planting with a minimum girth size of 35-40cm. Furthermore no permission is granted for the planting of the tree to the rear of 15 Legard Road (referenced as tree 24 within the 'Landscape and Play Strategy' dated May 2010). This tree shall be planted elsewhere within the site.</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 and privacy is provided and maintained. In addition trees of this size are to mitigate the removal of four (4) Category C Poplar trees and three (3) Category B trees that would be removed, in accordance with policies: 3D.14 and 4B.5 of the London Plan 2008 and policies: Env1; Env2; Env5, Env6, D3; D6 and D8 of the Islington Unitary Development Plan 2002.</p>
54	<p>Landscaping</p> <p>CONDITION: Notwithstanding the approved plans a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The detailed landscaping scheme shall be based on the details submitted within the 'Landscape, Arboricultural and Biodiversity Document 12 May 2010) and shall include the following details:</p> <ol style="list-style-type: none"> a) a revised Access Statement detailing routes through the landscape and the facilities it provides (reference should be made to the Inclusive Landscape Design SPD); b) proposed trees: their location, species and size; c) soft plantings: including grass and turf areas, shrub and herbaceous areas; d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; e) details of the entrance squares on Legard Road and Lucerne Road including the internal square in front of Block B; f) details of how the private gardens will be separated (defensible space) from the communal garden to the rear of Block D; g) details of how the gardens to the rear of Block B will be divided and secured for privacy / security; h) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; i) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces. j) shared surface details including any line markings, paving (including coloured and or tactile paving), bollards (if used) and any other details used to mark (delineate) the pedestrian areas from vehicular areas; and k) any other landscaping feature(s) forming part of the scheme.

	<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 trees or shrubs 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 and 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: 3D.14 and 4B.5 of the London Plan 2008 and policies: Env1; Env2; D3; D6 and D8 of the Islington Unitary Development Plan 2002.</p>
55	<p>Watching Brief – Ecology / Biodiversity</p>
	<p>CONDITION: No works shall commence on site unless and until a Ecology Protection Site Pack (EPSP) which details an inspection regime and watching brief relating to all those parts of the site where removal of existing areas of vegetation, trees and hardstanding is proposed and has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The EPSP shall include:</p> <ul style="list-style-type: none"> a) details of how the translocation of a minimum area of 2sqm of existing ‘rough grassland’ shall be undertaken; b) a schedule of any activities that are perceived to be likely to impact or influence the health or wellbeing of nesting birds (bird breeding season March 1st to 31st August), c) a schedule of any works that have the potential to impact or influence the health of wellbeing of slowworms (or other reptiles) that have the potential to be located within the site and measures should they be encountered. <p>The schedule shall include activities such as pruning works, vegetation and tree clearance; excavations for foundations and removal of existing areas of hardstanding and use of heavy machinery together with a schedule of monitoring and ecological supervision, method statements, report submission after regular periodic compliance inspections, brief site inspection report with photos and tool-box training.</p> <p>The works shall be carried out strictly in accordance with the EPSP so agreed and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority. Any breaches or non-compliances with the agreed EPSP must be reported to the Local Planning Authority’s Biodiversity Team as soon as practical and confirmed in writing no later than six (6) hours of the event. Photographic evidence of any breaches or non-compliances together with remedial measures and proposed timescale for remediation shall be agreed in writing by the Local Planning Authority’s Biodiversity Team and shall be carried out as agreed and in accordance with the agreed timescale.</p> <p>The EPSP, site inspection regime and watching brief shall be undertaken by a suitably qualified ecologist consultant.</p> <p>REASON: In the interests of ensuring that the biodiversity value and protected species that may be within the site is adequately protected from harm, in accordance with PPS9,</p>

	policy 3D.14 of the London Plan (2008) and policies Env1, Env23 of the Islington UDP 2002.
56	<p>Playspace provision</p> <p>CONDITION: Details of the onsite children's playspace provision, which shall provide for no less than 508sqm of playspace contained within the central open space an incidental spaces throughout the site, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing on the central communal courtyard and prior to the first occupation of the development. The details shall include the location, layout, design of the playspace and its proposed equipment/features, in accordance with the 'Landscape and Play Strategy' and associated drawings prepared by Townshend Landscape Architects dated May 2010.</p> <p>The children's playspace shall be provided prior to the first occupation of the residential dwellings and shall be provided strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To secure the appropriate provision and design of children's playspace. In accordance with policy 3D.13 of the London Plan 2008 and policy D3 of the Islington Unitary Development Plan 2002.</p>
57	<p>Boundary Treatment</p> <p>CONDITION: Details of the treatment of the new and/or amended site boundaries including the location, footings, fencing treatment, gates, railings, materials to be used in any alteration and parts to be retained shall be submitted to and approved by the Local Planning Authority (in consultation with adjoining residential occupiers) prior to the first occupation of the development hereby approved.</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 the resulting treatment / fencing is functional, attractive, has a minimal impact on neighbouring amenity and is safe and secure in accordance with policies: 4A.3; 4B.1; 4B.2; 4A.3; 4B.8; 4B.10 and 4B.12 of the London Plan 2008 and policies: Env1; Env2; D1, D4, D5, D8, D11, D24 and D31 of the Islington Unitary Development Plan 2002.</p>
58	<p>Land Contamination</p> <p>CONDITION: No development works shall be commenced unless and until the following assessment in response to PPS23 shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) Any necessary remedial land contamination works arising from the land contamination investigation taking into consideration the presence of trees within the site and the recommendations to be incorporated into the landscaping strategy.</p>

	<p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To safeguard the health and safety of future occupants as the site may be contaminated due to the previous use in accordance with PPS23 and policy 4A.33 of the London Plan 2008.</p>
59	<p>Water Supply Infrastructure – Thames Water</p> <p>CONDITION: The development should not be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by the Local Planning Authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point(s).</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 the water supply infrastructure has sufficient capacity to cope with the additional demand in accordance with policies: 4A.14 and 4A.18 of the London Plan 2008.</p>
60	<p>No Amplified music within D1 Facility</p> <p>CONDITION: The ground floor D1 facility located within Loxford House hereby approved shall not play amplified music nor utilise any amplified public announcement (PA) system.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in accordance with policies: D3 and Env17 of the Islington Unitary Development Plan 2002.</p>

List of Informatives:

	<p>Definitions</p>
	<p>CENTRAL, PUBLICLY ACCESSIBLE OPEN SPACE This is defined as the central open space located within the centre of Blocks B, C, D and E, and also the entrance square from Legard Road. It is approximately 1,700sqm in area and would accommodate play areas for 0-11 year olds and pieces of public art and other landscape and furniture features.</p>
	<p>DEFINITION OF ‘SUPERSTRUCTURE’ AND ‘PRACTICAL COMPLETION’ A number of conditions attached to this permission have the time restrictions ‘prior to superstructure works commencing on site’ and/or ‘following practical completion’. The council considers the definition of ‘superstructure’ as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of ‘practical completion’ to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
	<p>DEFINITION OF RENEWABLE BIO-FUEL A number of conditions attached to this permission refer to ‘bio-fuel’ and its use to be</p>

	<p>considered as a 'renewable resource'.</p> <p>The technical definition of bio-diesel is a fuel suitable for use in compression ignition (diesel) engines that is made of fatty acid monoalkyl esters derived from biologically produced oils or fats including vegetable oils, animal fats and microalgal oils. For the purposes of this approval, bio-diesel must only be sourced from used cooking oil (UCO) and the fuel source must be compliant with EN14214.</p>
	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>
	Sustainable Sourcing of Materials
	<p>MATERIALS</p> <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>
	Permeable surfacing
	<p>PERMEABLE SURFACING</p> <p>Areas of hardstanding within the development should be constructed from appropriate permeable pavement materials, which contribute to the site's sustainable drainage solution by providing run-off attenuation and source pollution control.</p>
	Thames Water
	<p>THAMES WATER</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.</p> <p>There are public sewers crossing this site and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Thames Water advises that they should be contacted directly should a building over / diversion application form, or other information relating to Thames Water's assets be required.</p> <p>Thames Water requests that the Applicant should incorporate within their proposal protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</p> <p>Thames Water recommends the installation of a properly maintained fat trap on all</p>

	catering establishments. Furthermore, it is recommended, in line with best practice for the disposal of fats, oils and grease, the collection of waste by an oil contractor, particularly to recycle for the production of bio-diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
	Foundations
	FOUNDATIONS The foundations of the new buildings must comply with the National House Building Council's Guidance NHBC Standards 2007, part 4.
	Wild Mammals (Protection) Act 1996
	WILD MAMMALS (PROTECTION) ACT 1996 The applicant is advised that any removal of species within the site should be carried out in accordance with the above Act and should be covered by a watching brief, as detailed within the application documentation (Landscape Arboricultural and Biodiversity document April 2010).

RECOMMENDATION C

That if members are minded to approve this proposal 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 (Unitary Development Plan 2002 and the London Plan 2008), Government Planning Policy Guidance/Statements and other material considerations. This includes having regard to the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

- This decision was made by the Members of the Planning Committee on the **11th October 2010**.
- The proposed change of use of the site to provide for a residential led mixed-use development is considered appropriate in this location. The accommodation created is of a high standard of design and appropriate layout and the new nursery / community floorspace would provide for community benefit subject to Community Access Plan (s106). The loss of the existing office and conference facilities is not considered objectionable in land-use terms. The development complies with policies: 3A.3; 3B.1; 3B.2; 3B.11; 5B.1 of the London Plan 2008 and policies: D3; E1; E2; E3; S27; S29; S31; Imp5 and Imp6 of the Islington Unitary Development Plan 2002, which seek to secure the appropriate land uses and mixture of uses for development sites. The development is also consistent with the objectives of the adopted planning brief for this site.
- The development is considered to be of high design integrity and of functional qualities superior to the existing buildings proposed for demolition on the site. The proposed buildings and replacement extension to the rear of Loxford House are considered to fit in well with their context in terms of their layout and building lines and the development appropriately engages with the public realm where it can, and provides an appropriate engagement within proposed publicly accessible spaces within the application site.

The height and scale of the buildings are considered to be appropriate for the site context and enable the development to make best use of the site. The resulting appearance of the development, although modern, is acceptable in design terms. Overall, subject to conditions of consent, the development is considered to preserve and in some areas of the landscape design, enhance the character and appearance of the Highbury Fields Conservation Area. The development is in accordance with PPS5, policies: 4B.1; 4B.2; 4B.3; 4B.8; 4B.11 and 4B.12 of the London Plan 2008 and policies: D1, D3, D4, D5, D22; D24 of the Islington Unitary Development Plan 2002 which seek to secure buildings of a sympathetic and appropriate design, which preserve and/or enhance their context.

- On-balance and subject to conditions the resulting development is not considered to have an unacceptable impact on neighbouring residential amenity in terms of: noise and nuisance; loss of sunlight; daylight; privacy when weighed against the benefits of the scheme. The development is in accordance with policies 4B.1 and 4A.20 of the London Plan 2008 and policies Env1, Env17, D3 of the Islington UDP 2002 which seek to ensure that new developments do not have an unacceptable impact on existing/future residential amenity.
- The proposed residential density is considered to be appropriate given the site's location, its context and the overall quality of the proposal, particularly given the creation of a new public open space within the site. The proposed dwelling mix is considered to be acceptable and would provide for housing that would go towards meeting identified need within the borough. The development therefore complies with policies 3A.3 and 3A.5 of the London Plan and policies H14, H15 of the Islington UDP 2002, which seek to secure developments of appropriate densities and provide for residential developments which address housing need.
- The development provides for 40% affordable housing. A financial viability assessment has been submitted and is considered to justify the provision of this level of affordable housing. The affordable housing offer is considered to be the maximum reasonable amount the site can deliver given its constraints and the viability implications to be secured by S106 agreement. The development is considered to be in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan, policy H14 of the Council's UDP 2002, which seek to secure the maximum reasonable amount of affordable housing that a site can provide.
- The resulting residential accommodation is considered to be of an appropriate standard, quality and amenity and the dwellings are provided with an appropriate amount of private and communal amenity space including a publicly accessible open space within the heart of the development. A suitable amount of on site children's playspace can be incorporated into the new public open space within the development. Conditions are recommended to ensure the noise environment is acceptable and secure mitigation if necessary. Therefore the development is in accordance with PPG24 and policies: 3A.3; 3A.6; 3A.17 and 3D.13 of the London Plan and policies: H3; H7; H10; R1; R11 and R12 of the Islington UDP 2002 which seek to secure a high standard of new residential accommodation and residential amenity and provision of an appropriate amount of children's playspace.
- The proposal would subject to conditions, provide for inclusive and convenient access for all within the development. The development therefore complies with policies 4B.5 and 4B.6 of the London Plan and policies Env2, Env12 and D3 of the Islington Unitary

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

- The proposal includes the removal of 34 trees including 19 protected by Tree Preservation Order (TPO). Those trees proposed for removal is considered capable of being mitigated against by replacements. Additional tree retention would reduce the capacity of this site to provide for additional housing and reduce the quality and size of the central, public open space. The proposal includes the replacement provision of 48 new trees and conditions secure additional and revised landscape details, ensure that the retained trees are protected and that the additional planting enhances the biodiversity value of the site. The proposal is therefore in compliance with policies: 3D.14; 3D.15 and 4A.3 of the London Plan 2008 and policies: Env1, Env2, Env5, Env6 and D6 of the Islington Unitary Development Plan (2002) which seek to protect trees of value and ensure that they are replaced where their felling is found necessary and to ensure that new development incorporates appropriate landscaping and tree planting.
- The development provides for suitable habitats in the form of substantial areas of green roof, landscaped private and communal amenity space and publicly accessible open space. Subject to conditions it would retain and protect the majority of trees within the site and secure an increase in the tree cover overall, secure bird and bat boxes and landscaping enhancements to promote biodiversity and habitat quality within the site. The development is in accordance with policies: 3D.14; 3D.15; 4A.3; 4A.14 and 4B.1 of the London Plan 2008 and policies: Env1; Env2; Env7; Env24 and D3 of the Islington Unitary Development Plan 2002, which seek to protect existing trees and improve biodiversity.
- The development is considered to achieve a high standard of sustainability, provides for high levels of energy efficiency measures and subject to conditions would provide for an acceptable scheme of on-site renewable energy provision, with substantial reductions of CO2 emissions (64%). Conditions are recommended to secure further details of the schemes impact on Air Quality, however the minimal impact is on-balance acceptable given the significant CO2 savings achieved. The development is in line with policies 4A.3, 4A.4, 4A.7, 4A.9, 4A.11, 4A.14 and 4A.19 of the London Plan 2008 and policies Env16, Env17, Env18, Env32 and Env38 of the Council's Unitary Development Plan 2002 which seek to secure sustainable developments in the interest of mitigating climate change.
- Car parking and motor cycle parking is proposed and is below the Council's adopted maximum standards. No future residents will be eligible for on-street parking permits. The scheme provides for appropriate servicing arrangements, cycle provision and refuse/recycling enclosures (subject to conditions of consents). The provision of 3 on-site car club parking bays is welcomed (to be secured by S106 agreement). The scheme is not considered to adversely impact on the existing surrounding street network or access to on-street parking. The development is in line with policy 3C.22 of the London Plan 2008 and policies T4, T18, T19, T21, T22, T23, T34, T45, T52, T55 and T56 of the Unitary Development Plan 2002, which seek to ensure that developments are appropriately planned in terms of their highway and transportation implications.
- Consideration has been given to the objections made regarding the impact on neighbouring amenity of nearby properties (i.e. daylight and sunlight, privacy, outlook), the level of car parking, tree removal, biodiversity and also regarding: the height, scale,

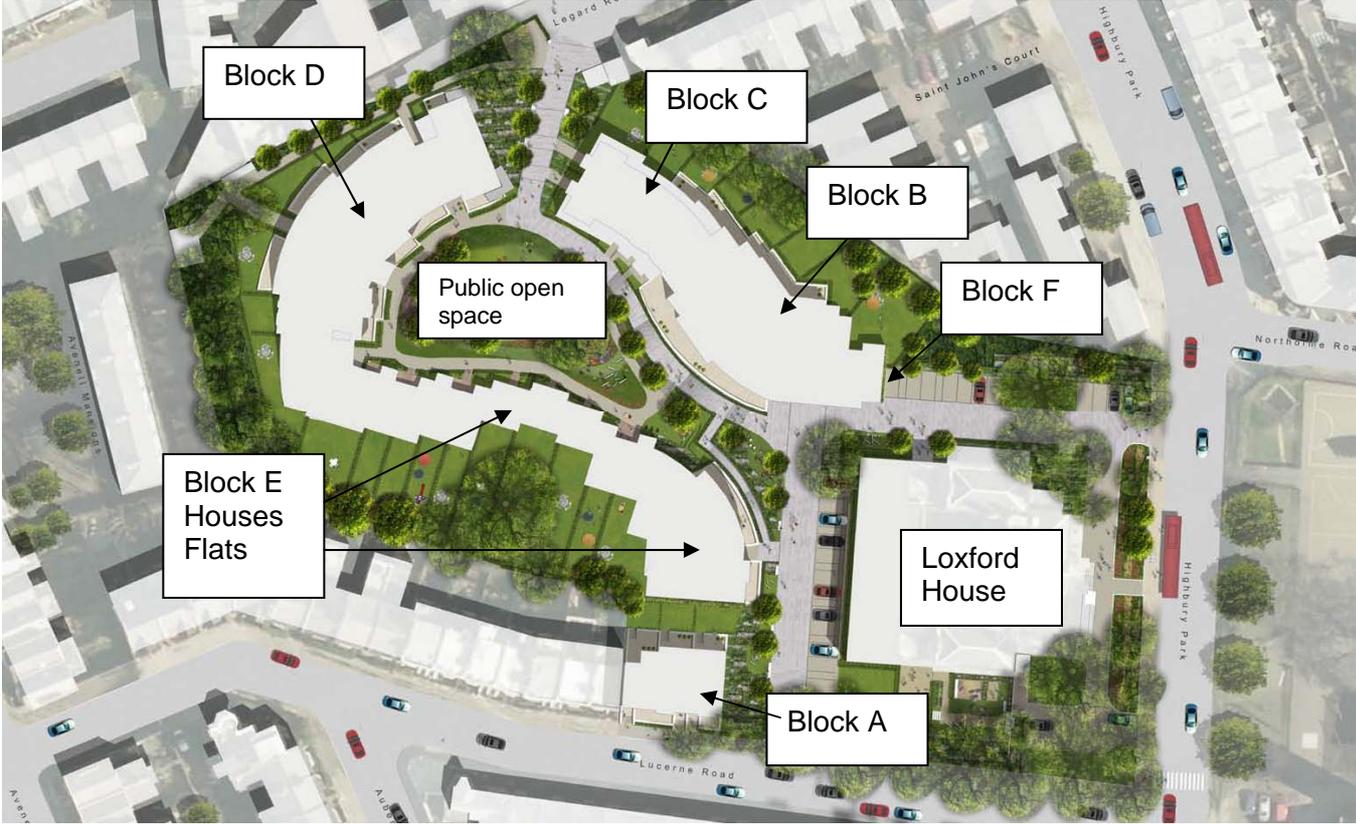
appearance, density of the development, together with its impact on the Highbury Fields Conservation Area. However, the objections are not considered to be of sufficient weight to outweigh the reasons for granting planning permission. The proposed development is subject to appropriate conditions which seek to facilitate the development and mitigate its potential impacts and the proposal is therefore considered to be consistent with policies: 3A.3; 3A.6; 3A.17; 3B.3, 3C.22, 3D.13; 3D.14; 3D.15; 4A.3, 4A.4, 4A.7, 4A.9, 4A.11, 4A.14, 4A.19, 4B.1 and 6A.4 of the London Plan 2009 and policies Env1, Env5, Env6, Env12, Env16, Env17, Env23, H3, H7; H10; D1, D3, D4, D5, D6, D11, D22, D24, T19, T21, T22, T23, T34, R1, R2, R6, R9, R11, R12, Imp13 and Imp14 of the Islington UDP 2002.

- Necessary obligations and financial contributions have been secured towards environmental, infrastructure, services and housing required to facilitate and also mitigate potential impacts of the proposed development. The obligations and financial contributions are in line with Government Circular 05/05, policies 3B.3 and 6A.4 of the London Plan 2008, policies Imp13 and Imp14 of the Council's Unitary Development Plan 2002 which seek to ensure that legal agreements and contributions are: reasonable; necessary; relevant to planning; and related to the development.

APPENDIX 2 – SITE LOCATION PLAN

APPENDIX 3 - BLOCK LOCATION PLAN

Plan showing the locations of Proposed 'Blocks'



APPENDIX 4 – DISTRICT VALUER SERVICE (DVS) VIABILITY REPORT

Affordable Housing Viability Report

85 Highbury Park
London
N5 1UA

London Borough of Islington

Prepared by:
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DVS

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DVS Reference:
1294684/CDK

Date:
11th August 2010

1. Instruction.

- 1.1. Instructions were received with regard to the re-development scheme at Highbury Road. The proposed scheme is essentially a residential development comprising 149 residential apartments and a nursery which will be located in the retained Loxford House.
- 1.2. A draft report was provided on 17th March 2010, a further draft was provided on 30th June 2010 following changes to the scheme and DVS have now been asked to review our findings following further amendments to the scheme and provision of further information as a result of that report.
- 1.3. Our initial instructions were to test the applicant's assertion that the scheme can not provide more than 36% affordable housing (habitable rooms) (32% by units or 34% by area). It is understood that the applicant has been advised that £918,586 Section 106 contribution would be appropriate and this was shown in the applicant's viability appraisal.
- 1.4. The above scheme was reviewed and the revised scheme allowed for 36% affordable housing (habitable rooms) (31% by units or 33% by area) and £878,486 Section 106 contribution (although the GLA toolkit still shows the original figure).
- 1.5. The above scheme was reviewed and the revised scheme now allows for 40% affordable housing (habitable rooms) (35% by units or 38% by area) and £808,486 Section 106 contribution. This report provides an independent assessment of the applicant's appraisal to determine whether the scheme can provide any additional affordable housing.
- 1.6. In the work carried out on these appraisals Gerald Eve advised Mount Anvil Group Limited and Action for Children, on the scheme viability with Mount Anvil providing cost plan advice, and Gerald Eve also providing valuation advice.
- 1.7. This report is not a formal valuation.

2. Property description and location

- 2.1 The property is situated on and accessed from the West side of Highbury Park, N5 1UA in the Borough of Islington, and is within the Highbury Park Conservation Area.
- 2.2 It is found within an established and well regarded residential area served by all modes of public transport by bus, underground and rail, both the latter being within 10-15 or so minutes walk of the site, being roughly 1/2 mile from Arsenal station (Piccadilly Line) and weekday service from Drayton Park Station (First Capital Connect) which is just over 1/2 mile away. In addition Highbury and Islington is only 3/4 mile or one stop on the Piccadilly line and connects with the Victoria Line and London Overground services.
- 2.3 The property comprises a site of 1.25 hectares being some 3.09 acres supporting 5 main buildings with garages and car parking for 59 cars, set in garden style grounds with a considerable number of trees and other plants.
- 2.4 It has and continues to provide the headquarters of the charity NCH, formerly known as the National Childrens Home and who have occupied the site for many years purchasing the site with Loxford House in the mid-nineteen twenties. Over the next decade the site was developed with Legard House, originally as a hospital, Turner and Wakefield Houses as hostels, and Stephenson Hall as a training centre.

3. Development planning proposal.

- 3.1 The planning application (P092469) seeks the demolition of buildings and the partial demolition of the rear of Loxford House, change of use and the erection of a four storey rear extension to Loxford House; and the erection of part 3, 4 and 5 storey flatted blocks, houses and town houses providing for 149 residential dwellings, 305sqm of nursery/crèche/community facility (Class D1) together with the creation of a new publicly accessible open space, car parking, cycle parking, landscaping and other associated works (Conservation Area consent application ref: P092470 also submitted). This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); Section 73 This letter is inviting your comments which will then be considered when the council decides the application. It is a separate consultation process to the one carried out by the applicants (Mount Anvil and Action for Children) and any comments you made to them will not be available to the council
- 3.2 In addition to the planning application there is also a request for Conservation Area Consent (P092470).
- 3.3 The revised scheme has seen the number of units reduced to 143 with only 488 habitable rooms.

4. DVS assessments of values

- 4.1 The site has been in the ownership of the applicant for many years, therefore, there is no purchase price to consider in respect of the benchmark for viability.
- 4.2 Gerald Eve have adopted a benchmark figure of £8.5 million which represents the Existing Use Value of the site.
- 4.3 DVS has reviewed the EUV and does not consider that a figure of £8.5 million is adequately evidenced.
- 4.4 DVS have reviewed the information provided by Gerald Eve and discussed at length the merits of the evidence available but consider that a figure in the region of £6.0 million is more appropriate for the EUV, however, as part of this review consideration was also given to the planning status of the land.
- 4.5 The site is subject of a comprehensive planning brief which clearly earmarks the site for potential residential development, in view of this further consideration was given to the potential viability benchmark figure and as result DVS consider this should be £7.75 million.
- 4.6 Further comment regarding the benchmark viability figure can be found at appendix 1.

Proposed Commercial Development

- 4.7 This is a prosperous part of Islington and I suspect there will be a significant demand for a private nursery places although there seems to be a number of other providers within close proximity according to the Ofsted website.
- 4.8 The rental value an yield adopted by Gerald Eve seems to be reasonable and I have adopted a similar level in my appraisal

Residential

- 4.9 Upon analysis of the comparable sales evidence and the current asking prices, I consider that the overall gross development value adopted by Gerald Eve for the private residential accommodation is reasonable.
- 4.10 It should be noted that although the market has been improving this may not continue and it is anticipated that there could be further falls in value during 2010 as the supply of property on the market improves. Much of the increase achieved during 2009 can be put down to scarcity of good stock.
- 4.11 Upon analysis of the comparable sales evidence and the current asking prices, I consider £5,000-£5,500/m² for the houses and £5,500-£7,250/m² for the flats is what is the achievable in the current market. A full analysis of the residential value can be found at appendix 2.
- 4.12 The August 2010 review has seen a reduction in the Gross Development Value of £2.95 million, this is accounted for by the extra affordable housing provision, however, it should be noted that the sum for the affordable housing has not increased from the first appraisal in spite of the extra units being provided.
- 4.13 I understand the figure adopted in respect of the affordable housing has been arrived at in conjunction with an RSL. However, I believe this was in respect of the original scheme and no additional sum has been added since the increase in the number of units. No commentary has been provided regarding the reasoning behind this, although it may well be due to the uncertainty surrounding public sector funding in the future.

Development Costs

- 4.14 The initial review was based on very limited information available, further information was requested to review and validate allowances made.
- 4.15 DVS initial assessment assumed a BCIS upper quartile rate which reflects a high level of specification expected on this scheme. The initial DVS assessment was circa £1.60m (6%) lower than the viability assessment.
- 4.16 Tolerance of 6% does not appear to be unreasonable and not unusual at this stage and type of assessment.
- 4.17 Following the provision of further information on the revised scheme, DVS generally agree with the estimate as a reasonable cost based on the information provided. An upper quartile rate was adopted as a basic cost plus the extra over costs identified to reflect the level of specification for this scheme.
- 4.18 As a check, an add / omit exercise from the previous scheme to reflect the current scheme was done and the resultant figure is slightly greater than what the QS is forecasting.
- 4.19 No further detailed review has been undertaken, the overall costs have reduced as the area seems to have reduced, in addition the increase in the number of affordable units will provide a slight saving. The figures adopted by Gerald Eve in their appraisal have been accepted for the purposes of this review.

Other issues

- 4.20 Gerald Eve have adopted a blended finance rate of 8% this is somewhat higher than DVS have been adopting over the past 6-12 months on other viability studies. The adopted rate for the DVS appraisal is 7%.
- 4.21 The difference in the finance costs is not wholly explained by the rate difference, DVS would expect this development to be formed of more than one phase and thus allow sales at the completion of phase 1 so reducing the finance requirements.
- 4.22 In relation to the developer's profit Gerald Eve have adopted 22.5% on gross development value on the private dwelling and 6% on the affordable. This gives an overall profit on costs of 25.04%. This again is higher than DVS have adopted on other schemes, I would not expect to see the private development above 20% GDV. My appraisal has been done on this basis and results in an overall profit on costs of 21.86%.

5. Viability conclusions

- 5.1 I have undertaken development appraisals that are shown at appendix 4 and I have also provided a reconciled toolkit at appendix 5.
- 5.2 The appraisals clearly show the scheme is viable with 40% affordable housing as offered as well as providing the section 106 payment as outlined by the planning officer at the current date on the assumption that social housing grant is available.
- 5.3 In my opinion the scheme provides a significant surplus over the Benchmark Figure and this could be used to provide additional affordable housing. However, from a deliverability perspective the land will only become available if the charity can relocate with a minimal or preferably cost neutral position.
- 5.4 The scheme will only be delivered if an acceptable relocation can be found for Action for Children and this could cost considerably more than the benchmark figure. A replacement property will be more expensive and there will also be relocation costs, so Action for Children will need to be satisfied that these are covered.

6. Conclusions and recommendations

- 6.1 The information provided for this review is purely an update of the report provided in June 2010 and relates only to the housing mix.
- 6.2 In my opinion the scheme is viable and subject to my comments at 6.3 below, could provide additional affordable housing.
- 6.3 The argument has been put forward by Action for Children that the provision of additional affordable housing would impact on their ability to relocate and whilst this is not a planning policy issue it does have a potential impact on deliverability of 143 residential units of which 50 are affordable units.
- 6.4 Action for Children required a minimum sum from the developer in order to relocate without a significant requirement to spend more money than they received for 85 Highbury Park. The charity had to consider the following when accepting a price for the site.
- freehold purchase of new office;
 - fit-out of new office;
 - consultancy in relation to the location & accommodation strategy (organisation study) & interior design prior to fit-out;

- staff compensation/retention package for 12 months following relocation;
- redundancy payments & new recruitment costs;
- all relevant legal & professional fees relating to disposal & new acquisitions;
- Programme & project management costs;
- new furniture, telephony & IS equipment;
- removals & site clearance; and
- site security

6.5 Action for Children has made their budget available to me, however, the figures were provided in strict confidence so I am unable to pass further comment. Without the ability to comment further it is my view that this makes it very difficult to get across the point the applicants are trying to make and give it context.

6.6 The issue of social housing grant is also a variable that needs to be considered, there is due to be a review of public spending in the autumn and this could see a reduction in the money available for social housing grant. Without social housing grant this scheme would not be viable with the level of affordable housing currently being offered in addition a significant cut in the grant could also impact heavily on the delivery of affordable units.

6.7 The developer is I understand keen to get on site and as such a three year planning permission should be sufficient and if any delays did occur then there would be an opportunity to revisit viability at that point in time.

Attached:

Appendix 1: Viability Benchmark
EUV
AUV

Appendix 2: Residential Analysis
2a: Schedule of Values

Appendix 3: Building Cost Analysis

Appendix 4: Development Appraisal

Appendix 5: GLA Toolkit

SUPPLEMENTARY REPORT – ITEM B1
PLANNING COMMITTEE OF 7 SEPTEMBER 2010

Proposed Development At: 85 Highbury Park, Islington, London, N5 1UD	LBI Application Ref: P092469
Proposal	Demolition of buildings and the partial demolition of the rear of Loxford House, change of use and the erection of a four storey rear extension to Loxford House; and the erection of part 3, 4 and 5 storey flatted blocks, houses and town houses providing for 143 residential dwellings, 305sqm of nursery/crèche/community facility (Class D1) together with the creation of a new publicly accessible open space, car parking, cycle parking, landscaping and other associated works

Further Responses to Consultation

1. One (1) additional letters / emails of objection from members of the public have been received since the writing of the original report. No new issues were raised.

Report Corrections

2. Paragraph 19 – should refer to ‘proposed removal of 34 trees and that 19 of those are protected by Tree Preservation Order.
3. Paragraph 45 – should read *Block ‘A’* not Block 3.
4. Paragraph 156 – please strike out words: ‘*(i.e. the site is not to be sold)*’. Reason – this statement is incorrect.

Additional information

5. For further information, the Tree Preservation Officer’s comments are attached in full at the end of this supplementary report.

Additional / Revised S106 Matters

6. The following changes are suggested to ‘Recommendation A’ of the Committee report (section 106 items):
7. Clause 6: a contribution of £179,366 towards health services within the vicinity of the site to include but not limited to Highbury Grange Health centre, ‘*Dr Desai’s Surgery*’ and ‘*The Village Practice*’
8. Clause 9: replace with:

Spaces to be allocated: ten (10) car parking spaces to be retained for wheelchair accessible units, to be allocated free of charge and to be held for wheelchair accessible units in perpetuity. Two (2) of these ten (10) car parking spaces may be released if agreed in writing by the Local Planning Authority (LPA) on a short term (6 month) lease only if lack of demand can be demonstrated (and appropriately evidenced) to the LPA.

Three (3) car parking spaces to be secured for car club use in perpetuity (securing regular review of demand) and to be released on a short term six (6) month basis if lack of demand is appropriately evidenced. One (1) car parking space to be allocated for nursery drop-off / community facility use and the remaining fourteen (14) car parking spaces to be allocated/purchased by remaining units within the development with first right of refusal offered to all family houses and if refused offered to the remaining flats within the development. No sub-letting of any car parking spaces.

9. Reason: it is not likely that every wheelchair accessible housing (WAH) unit will have the need for a parking space, or necessarily be occupied by a wheelchair user and resulting empty car parking spaces are not desired. The applicant has included the sales value of the wheelchair accessible parking spaces within their viability assessment. Allocated WAH units must not be required to purchase a car parking space. Therefore to acknowledge the viability implication of this, it is considered appropriate to reduce the number of WAH car parking spaces from fifteen (15) to ten (10) and those ten (10) spaces to be retained in perpetuity.
10. Policies do not exist to allocate parking spaces only to family houses and therefore the wording of this clause is amended as the applicant now seeks flexibility in this regard. This change in wording is still considered to be consistent with policy, securing appropriate provision for unit types, subject to demand and first rights of house occupants to refuse.

11. Clause 10: add the words: *'communal rear gardens'*

12. Clause 11 replace with:

Community Facilities Access Plan to agree the uses and measures to regulate the use and potential impacts on amenity that can be accommodated within the community facility (D1 use class) space outside of nursery hours to be approved prior to occupation of any part of Loxford House.

13. The clause was amended to remove the requirement to secure reduced cost nursery places and community hall rent. The proposal provides for an appropriate mix of uses within the site and securing the viable operation of this facility is considered to be of greatest importance to ensure continued operation. The financial contributions towards provision of community facilities was reduced due to the provision of this facility, and it is considered that this reduction is justified on the basis of the provision without securing reduced rent or reduced cost of nursery places. The Community Facilities Access Plan (clause 11) will detail those uses that can utilise the facility outside of nursery operation hours.

14. Clause 12: proposed amendment in order to focus on exactly what is being secured. Recommended wording:

Owner to meet the costs of the delivery of the new 85 Highbury Park development and the costs of any Traffic Management Orders (TMO) that may be required and the removal of two crossovers located on Highbury Park and on Lucerne Road including the administration costs of LBI Public Realm.

15. Clause 16 proposed replacement with:

Phasing of construction: No more than 20% of the total number of private tenure units hereby approved shall be occupied unless and until all of the affordable housing units hereby approved have been completed and are ready for occupation.

16. Reason: Further discussion with the applicant has clarified the construction timings of the development. Furthermore the clarification / re-wording of clause 9 will have viability implications and therefore the amended phasing clause is considered to aid viability whilst still securing the timely provision of affordable housing. Given the proposed single entrance to the site for construction, this clause is not considered to result in non-provision of affordable housing and splitting up of the site.
17. Clause 18: proposed removal of sub-point a) as it is secured within the Code of Construction Response document which is to be secured prior to any works commencing on site (including demolition works).
18. Clause 20 to be deleted as this is covered within the Code of Construction Response document (secured by clause 18).

Additional Conditions or suggested changes

19. **The following changes are suggested to recommendation B of the committee report (conditions): i) replacement of condition 3 is recommended, ii) deletion of condition 60 is recommended (addressed by revised clause 16) and iii) insertion of one new additional condition is proposed; iv) amendment of condition 32 is suggested; v) amendment to triggers of condition 15 and vi) amendment of the trigger for condition 33.**

- i) The following condition is recommended to replace condition 3:

“CONDITION: The ground floor D1 facility located within Loxford House hereby approved shall operate for the following uses and shall not operate outside of the following times: outside the hours of:

<i>Nursery facility:</i>	<i>Monday – Friday</i>	<i>07:00 to 19:15</i>
<i>Community Facility (D1):</i>	<i>Monday – Friday</i>	<i>19:15 to 22:30</i>
	<i>Weekends:</i>	<i>08:00 to 21:00</i>
	<i>Public Holidays</i>	<i>Not at all</i>

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in accordance with policies: D3 and Env17 of the Islington Unitary Development Plan 2002.”

Note that the acceptable D1 uses are to be agreed within the Community Facilities Access Plan secured by clause 11.

- ii) **Condition 60 as originally recommended is suggested to be deleted as clause 16 (revised) secures the phasing of the development and the provision of affordable housing ahead of market housing occupation (with the exception of 20% of private units).**

- iii) Proposed new condition (would be new condition 60):

CONDITION: The ground floor D1 facility located within Loxford House hereby approved shall not play amplified music nor utilise any amplified public announcement (PA) system.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in accordance with policies: D3 and Env17 of the Islington Unitary Development Plan 2002.

- iv) Proposed amendment to condition 32 (Car parking), sub-point d) removal of the text: *'to be allocated to houses only'*

and to change the trigger for when these details are required (change from prior to any works commencing) to:

'prior to any superstructure works commencing'.

Reason: to enable flexibility should the house owners / occupiers not wish to take up car parking spaces and to avoid empty spaces. Houses to obtain first right of refusal of a car parking spaces and then these would be offered to other units. There is no policy basis to restrict car parking space allocation to houses only. It is considered acceptable to give the applicant greater time to prepare and the Council to agree car parking details.

- v) Condition 15 to be amended to (as opposed to prior to occupation of any part of the development):

'The treatment shall be implemented as approved prior to the first occupation of the relevant block.'

- vi) Proposed amendment to condition 33 (Vehicle Entrance and Circulation) to change the trigger for when these details are required (change from prior to any works commencing) to:

'prior to any superstructure works commencing'.

Tree Preservation Officer's Comments:

From: Wood, Philip
Sent: 26 July 2010 14:15
To: Ricketts, Sarah
Subject: RE: P092469 National Children's Home Headquarters, 85, Highbury Park; Turner House, Lucerne Road & Legard Family Support Services, Legard Road

Dear Sarah

Thank you for your email, I have looked through the details provided and there are a number of areas of conflict which have been resolved from the earlier schemes provided and this is well received and appreciated. The applicant/agents have been very receptive in areas of concern and have made significant efforts. It is still a shame that the scheme can't be adjusted further to deal with the conflict issues related to the Poplars however to achieve a realistic and appropriate distance would require a major overhaul and reduction of units in the lower end of the site. If it is intended to maintain the central publicly accessible space something has to give and the proximity to the Poplar's is the factor that has to be balanced. The Poplars are specimens that give great presence to this area of the site, but, have grown with a broad collective crown from a narrow collective area of trunks. Some of these specimens have significant exposed structural surface roots, and substantial leans with evidence of trunks of collapsed trees from this group substantiating my concerns, which have formed new large suckers. There are also some other small trees of other species in this area of varying species and condition which have merit to be negotiated to be retained as part of the landscape, but are not worthy of protection with individual TPO's.

The current location of the trees and building would require the Poplars to be severely pruned on one side to actually construct the building. The trees trunks while located further away from the buildings actually lean at significant angles. The crowns of the trees extend further than the root protection area and therefore this enables a developer to propose a building closer than that of the extent of the crown.

The resulting relationship would be so poor with the remaining trees requiring annual pruning to address the relationship and perceived fear of the over dominance of these trees which are prone to structural collapse. If approval were given and the trees retained on site, I consider, it would not be possible for the authority to refuse their removal at a later time due to the issues above, if refused this would not stand at appeal.

While I appreciate there is a desire from the neighbouring properties, to keep these trees, of which appropriate tree retention is a primary goal of my team, the space they require to be appropriately retained, given they are small in relation to their potential growth size, I would not be in a position to support this in relation to the proposed development unless significantly more room is given to the trees. Therefore, it is my considered opinion that the scheme has to propose for their removal and substantial numbers and size of trees should be replaced between the current trees and the boundary as part of a proposed landscape scheme, this is in addition to any smaller ornamental tree planting.

In relation to other tree removal around the site there are a number of trees that were removed from the original TPO prior to confirmation with modification as they were of poor health or limited life expectancy. These were originally included, but, due to limited site access were not fully inspected, therefore these were subsequently removed from inclusion within the confirmed order.

Further to discussions with the agents and the additional retention of some trees on site there is surprising few major TPO'd tree removals. In fact there are some trees that are being retained by the applicants/agents at their own behest to limit the number of tree removals for the benefit of the character of the scheme.

I had asked for some additional changes to surfacing and paving on site and the introduction of trees and planting which has been forthcoming. Though, the final detail of the landscaping and planting will

be subject to a conditioned final landscape scheme along with appropriate tree and ground protection for the LPA approval, the initial proposals are heading in the right direction.

Overall on balance I am broadly in support of the scheme, subject to appropriate conditions. Should you wish me to firm up the details of the conditions previously discussed verbally then let me know.

Should you have any further queries regarding this matter please don't hesitate to contact me via email or on the number below. Please be aware that this is the informal opinion of a Council officer and in no way prejudices any future determination of the Local Planning Authority.

Regards

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