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AGENDA FOR THE PLANNING SUB COMMITTEE B

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Members of Planning Sub Committee B are summoned to a meeting, which will be held in Council Chamber, Town Hall, Upper Street, N1 2UD on, **27 February 2017 at 7.30 pm.**

**Stephen Gerrard**  
**Director – Law and Governance**

Enquiries to : Jackie Tunstall  
Tel : 020 7527 3068  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 17 February 2017

**Welcome:**

Members of the public are welcome to attend this meeting.

**Consideration of Planning Applications** – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk)**

Committee Membership

Councillor Donovan (Chair)  
Councillor Picknell (Vice-Chair)  
Councillor Chowdhury  
Councillor Khan  
Councillor Ward

Wards


- Clerkenwell;  
- St Mary's;  
- Barnsbury;  
- Bunhill;  
- St George's;

Substitute Members

Councillor Convery  
Councillor Klute  
Councillor Nicholls  
Councillor Fletcher  
Councillor A Perry  
Councillor Poyser  
Councillor Wayne  
Councillor Caluori  
Councillor Gantly  
Councillor O'Halloran  
Councillor Webbe

- Caledonian;  
- St Peter's;  
- Junction;  
- St George's;  
- St Peter's;  
- Hillrise;  
- Canonbury;  
- Mildmay;  
- Highbury East;  
- Caledonian;  
- Bunhill;

Quorum: 3 councillors



<b>A.</b>	<b>Formal Matters</b>	<b>Page</b>
1.	Introductions	
2.	Apologies for Absence	
3.	Declarations of Substitute Members	
4.	Declarations of Interest	

If you have a **Disclosable Pecuniary Interest\*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

**\*(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

**(c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

**(d) Land** - Any beneficial interest in land which is within the council's area.

**(e) Licences**- Any licence to occupy land in the council's area for a month or longer.

**(f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

**(g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5.	Order of Business	1 - 4
6.	Minutes of Previous Meeting	5 - 10

<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	134 Liverpool Road and land to the rear of 132 Liverpool Road, N1 1LA	11 - 50

2.	16 Japan Crescent, N4 4BB	51 - 84
3.	Elizabeth Garrett Anderson School, Donegal Street, N1 9QG	85 - 98
4.	Flats 1-37 Mulberry Court, Tompion Street, EC1V 0HP	99 - 116
5.	Former North London Mail Centre, 116-118 Upper Street, N1 1AA	117 - 138
6.	Garages between 6 and 9 Dagmar Terrace, N1	139 - 162
7.	Herbert Chapman Court, Flats 1-8 Avenell Road, N5 1BP	163 - 176
8.	Herbert Chapman Court, Flats 9-16 Avenell Road, N5 1BP	177 - 190
9.	Land and Access Way rear of 13-27 Cowcross Street, EC1	191 - 208
10.	Land adjacent to west side of 1 Dresden Road, N19 3BE	209 - 244

**C. Consideration of other planning matters**

**D. Urgent non-exempt items**

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

**E. Exclusion of press and public**

To consider whether, in view of the nature of the remaining items on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**F. Confidential/exempt items**

**Page**

**G. Urgent exempt items (if any)**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**Date of Next Meeting:** Planning Sub Committee B, 20 April 2017

**Please note all committee agendas, reports and minutes are available on the council's website:**

[www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)

## **PROCEDURES FOR PLANNING SUB-COMMITTEES**

### **Planning Sub-Committee Membership**

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

### **Order of Agenda**

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

### **Consideration of the Application**

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

### **What Are Relevant Planning Objections?**

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

**For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Zoe Lewis/Jackie Tunstall on 020 7527 3044/3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk)**



**COMMITTEE AGENDA**

**1 134 Liverpool Road, and Land to the rear of 132 Liverpool Road,  
Islington  
LONDON  
N1 1LA**

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**2 Disused Single Garage, 16 Japan Crescent, London, N4 4BB**

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**3 Elizabeth Garrett Anderson School  
Donegal Street  
Islington  
LONDON  
N1 9QG**

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**4 Flats 1 - 37, Mulberry Court Tompion Street London EC1V 0HP**

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**5 Former North London Mail Centre, 116-118, Upper Street, Islington, London, N1 1AA.**

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**6 Garages between 6 and 9 Dagmar Terrace, London, N1**

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**7 Herbert Chapman Court  
Flats 1-8  
Avenell Road  
LONDON  
Islington  
N5 1BP**

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**8 Herbert Chapman Court  
Flats 9-16  
Avenell Road  
LONDON  
Islington  
N5 1BP**

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**9 Land & Access Ways Rear Of  
13-27 Cowcross Street  
LONDON  
EC1**

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**10 Land adjacent to west side of  
1 Dresden Road  
LONDON  
N19 3BE**

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**1 134 Liverpool Road, and Land to the rear of 132 Liverpool Road,  
Islington  
LONDON  
N1 1LA**

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**Ward:** St. Marys

**Proposed Development:** Partial demolition of existing buildings to facilitate the construction of 3 no. residential single dwelling houses comprising a 1x 2 bedroom house and 2 x 4 bedroom houses including basement excavation, communal and amenity spaces and other associated works. Enclosing boundary walls to be retained but reduced in height in some locations.

**Application Number:** P2016/3758/FUL

**Application Type:** Full Planning Application

**Case Officer:** Thomas Broomhall

**Name of Applicant:** Mr John Koratjitis

**Recommendation:**

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**2 Disused Single Garage, 16 Japan Crescent, London, N4 4BB**

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**Ward:** Tollington

**Proposed Development:** Demolition of an existing building and construction of two storey (above ground) residential dwelling plus the construction of basement level accomodation.

**Application Number:** P2015/4983/FUL

**Application Type:** Full Planning Application

**Case Officer:** Sandra Chivero

**Name of Applicant:** d4p developments LimitedMr Mark Armstrong

**Recommendation:**

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**3 Elizabeth Garrett Anderson School  
Donegal Street  
Islington  
LONDON  
N1 9QG**

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**Ward:** Barnsbury

**Proposed Development:** Installation of a 1.2m high security fence above the existing 2m high brick wall.

**Application Number:** P2016/3681/FUL

**Application Type:** Full Planning Application

**Case Officer:** Sandra Chivero

**Name of Applicant:** Mrs Karen Tumbridge

**Recommendation:**

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**4 Flats 1 - 37, Mulberry Court Tompion Street London EC1V 0HP**

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**Ward:** Clerkenwell

**Proposed Development:** Replacement of the existing single glazed metal windows with aluminium framed double glazed windows. (Reconsultation 14 days - AMENDED PLANS RECEIVED uploaded on 24/01/2017 - plans include slimmer aluminium frames as well as existing and proposed fenestration sections of each individual window type W001-WS024)

**Application Number:** P2016/0529/FUL

**Application Type:** Full Planning Application

**Case Officer:** Eoin Concannon

**Name of Applicant:** Breyer Group Plc - Ms Linda Harris

**Recommendation:**

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## 5 Former North London Mail Centre, 116-118, Upper Street, Islington, London, N1 1AA.

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**Ward:** St. Marys

**Proposed Development:** Change of use of Unit G7A (Block A) from Use Class A1 (Shops) to flexible Use Class A1 (Shops) or A3 (Restaurant/Cafe), (Associated with Planning Permission Ref: P052245 dated 6 July 2007 and Planning Permission Ref: P2013/2697/S73 dated 4 November 2014). [Revised Information Submitted - Noise Impact Assessment].

**Application Number:** P2016/2471/FUL

**Application Type:** Full Planning Application

**Case Officer:** John Kaimakamis

**Name of Applicant:** -

**Recommendation:**

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## 6 Garages between 6 and 9 Dagmar Terrace, London, N1

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**Ward:** St. Marys

**Proposed Development:** Demolition of a single storey double garage and the erection of a four storey townhouse.

**Application Number:** P2016/4554/FUL

**Application Type:** Full Planning Application

**Case Officer:** Eoin Concannon

**Name of Applicant:** Mrs Sonia Ferguson

**Recommendation:**

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## 7 Herbert Chapman Court

Flats 1-8

Avenell Road

LONDON

Islington

N5 1BP

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**Ward:** Highbury West

**Proposed Development:** Replacement of the existing single glazed crittal windows with aluminium framed double glazed units. Replacement of the existing mineral felt roof covering with a high performance mineral felt covering.

**Application Number:** P2016/2530/FUL

**Application Type:** Full Planning Application

**Case Officer:** Nathan Stringer

**Name of Applicant:** Ms Linda Harris

**Recommendation:**

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**8 Herbert Chapman Court**  
**Flats 9-16**  
**Avenell Road**  
**LONDON**  
**Islington**  
**N5 1BP**

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**Ward:** Highbury West

**Proposed Development:** Replacement of the existing single glazed crittal windows with aluminium framed double glazed units. Replacement of the existing mineral felt flat roof covering with a high performance mineral felt covering.

**Application Number:** P2016/2531/FUL

**Application Type:** Full Planning Application

**Case Officer:** Nathan Stringer

**Name of Applicant:** Ms Linda Harris

**Recommendation:**

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**9 Land & Access Ways Rear Of**  
**13-27 Cowcross Street**  
**LONDON**  
**EC1**

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**Ward:** Clerkenwell

**Proposed Development:** Use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.(Reconsultation: amended layout; number of stalls and hours of operation)

**Application Number:** P2016/3449/FUL

**Application Type:** Full Planning Application

**Case Officer:** Eoin Concannon

**Name of Applicant:** DTZ Investors

**Recommendation:**

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**10 Land adjacent to west side of**  
**1 Dresden Road**  
**LONDON**  
**N19 3BE**

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**Ward:** Hillrise

**Proposed Development:** Reconsultation based on amendments recieved for the erection of a 4 bed end of terraced dwelling, with associated private amenity space and boundary treatments. Alterations to the rear ground floor, side elevation and rear dormer.

**Application Number:** P2016/1949/FUL

**Application Type:** Full Planning Application

**Case Officer:** Joe Aggar

**Name of Applicant:** Archspace

**Recommendation:**

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London Borough of Islington

## Planning Sub Committee B - 29 November 2016

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 29 November 2016 at 7.30 pm.

**Present:**           **Councillors:**       Angela Picknell, Jilani Chowdhury, Robert Khan, Kat Fletcher and Una O'Halloran

**Angela Picknell  
in the Chair**

**247        INTRODUCTIONS (Item A1)**

Councillor Picknell welcomed everyone to the meeting. Members of the sub-Committee and officers introduced themselves. The Chair outlined the procedure for the meeting.

**248        APOLOGIES FOR ABSENCE (Item A2)**

Apologies for absence were received from Councillor Donovan and Councillor N Ward.

**249        DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

Councillor Fletcher substituted for Councillor Donovan and Councillor O'Halloran substituted for Councillor N Ward.

**250        DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**251        ORDER OF BUSINESS (Item A5)**

The order of business would be B11, B10, B6, B9, B3, B7, B2, B4 and B5, B1 and B8.

**252        MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 3 October 2016 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**253        LAND LOCATED OPPOSITE ISLINGTON MUNICIPAL COUNCIL OFFICES UPPER STREET, N1 (Item B1)**

Single panel – 6 Sheet Advertisement Display Freestanding Internally Illuminated Panel.

(Planning application number: P2016/0451/ADV)

It was noted that this application was for a display panel outside the Municipal Council Offices. Two further objections, including one from the Islington Society, had been received and responses had been addressed in the report.

## Planning Sub Committee B - 29 November 2016

In the discussion the following points were made:

- The application was consistent with policy.

### **RESOLVED:**

That planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

### **254 13 ROTHERFIELD STREET, N1 3EE (Item B2)**

Replacement of existing roof covering with artificial slate covering.

(Planning application number: P2016/3553/FUL)

### **RESOLVED:**

That planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

### **255 14 BONHILL STREET, EC2A 4BX (Item B3)**

Extension of existing part 5, part 8 storey office building to rear from 1<sup>st</sup> to 5<sup>th</sup> floor to create 474 square metres of additional office space (B1), removal of existing building plan from rear of the site and location of new plant at roof level within new acoustic enclosure, removal of existing rear fire escape and creation of new entrance at ground level.

(Planning application number: P2016/2078/FUL)

The case officer reported that an additional objection had been received proposing an amendment to the noise condition. However, it was the legal view that the amendment would be unenforceable and the condition in the report remained unchanged.

In the discussion the following points were made:

- The report of the noise officer which stated that an increase of 3.1dB would be a worst case scenario however, the site was sensitive due to its complaint history and a potential rise in noise levels could be significant.
- A condition requiring the developer to submit a noise impact report had not been agreed by the applicant however, it was recommended that this condition be imposed to ensure that there was no unacceptable impact on neighbouring properties.

Councillor Khan proposed a motion to defer the application to further consider the noise impact report in order that the Sub-Committee could be satisfied that measures taken were sufficient to mitigate any noise impact. This was seconded by Councillor Picknell and carried.

### **RESOLVED:**

That consideration of the application be deferred for the reasons outlined above.

### **256 5 AND 5A ROTHERFIELD STREET, N1 3EE (Item B4)**

Replacement of existing roof covering with artificial slate covering.

(Planning application number: P2016/3552/FUL)

**RESOLVED:**

That planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

**257**     **67 ROTHERFIELD STREET, N1 3BZ (Item B5)**

Replacement of existing roof covering with artificial slate covering.

(Planning application number:P2016/3554/FUL)

**RESOLVED:**

That planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

**258**     **8 WRAY CRESCENT, N4 3LP (Item B6)**

Change of use of single family dwelling (Use Class C3) to incorporate commercial filming venue use (Sui Generis). The proposed Sui Generis Use would not last longer than 4 consecutive days (including setting up and taking down of associated equipment) resulting in no more use than 40 days per calendar year.

(Planning application number: P2016/1209/FUL)

Noted that two further objections had been received following publication of the report but the issues raised were covered in the report.

In the discussion the following points were made:

- Concerns were raised regarding the possible adverse impact on neighbours during filming.

Councillor Khan proposed a motion to reduce the number of days for filming to 30 and for events to occur no more than once a month. This was seconded by Councillor Picknell and carried.

Councillor Fletcher proposed a motion that residents be consulted on the service delivery plan. This was seconded by Councillor Picknell and carried.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report, with the amendments of conditions 4, regarding the number of days for filming and condition 5 regarding the service delivery plan as outlined above.

**259**     **ARSENAL FOOTBALL CLUB, 75 DRAYTON PARK, N5 1BU (Item B7)**

Erection of a two storey building forming an extension to the existing Arsenal Football Club offices at Highbury House providing 671sqm of B1 (a) office floorspace, together with relocated cycle parking.

(Planning application number: P2015/1137/FUL)

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

**260**     **BUS SHELTER OUTSIDE 46 NEWINGTON GREEN, N16 9PX (Item B8)**

Double-sided freestanding forum structure, featuring 2 x digital 8" advertisement screens positioned back to back.

(Planning application number: P2016/3426/ADV)

It was noted that an additional objection had been received from the Islington Society.

In the discussion the following points were made:

- The comments of the design and conservation officer that the bus shelter was in the core of the conservation area and the bulky structure would detract from the character and appearance of the conservation area.

Councillor Khan proposed a motion to refuse the application for reasons of design. This was seconded by Councillor Fletcher and carried.

**RESOLVED:**

That planning permission be refused for the reasons set out above, the wording of which was delegated to officers.

**261**     **FIRST FLOOR FLAT, 31 CRESSIDA ROAD, N19 3JN (Item B9)**

Erection of rear roof dormer extensions with replacement roof tiles.

(Planning application number: P2016/3319/FUL)

In the discussion the following points were made:

- The dormers were relatively modest and set away from the flank wall and were considered to be subordinate to the host building.
- The new windows were not considered to result in any further overlooking than currently existed on the rear elevation.
- There were a number of rear roof extensions along the terrace to the south west of Cressida Road.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

**262**     **RBS REGENTS HOUSE, 42 ISLINGTON HIGH STREET, N1 8XL (Item B10)**

Works to the front façade of the building facing Islington High Street including new lighting, replacement of ground floor bay windows with floor to ceiling windows, new glazing to secondary entrances and replacement roller shutters, replacement surfacing and alterations to the existing entrance. Replacement glazing above the main entrance to levels 1 to 4. To the rear in the servicing yard, new lighting, seating and bike store and alterations to the rear elevation of the building include a new entrance, to facilitate the use of the servicing yard as a gathering/meeting area.



(Planning application number: P2016/2382/FUL)

In the discussion the following points were made:

- There was a proposed condition regarding the hours of operation to mitigate noise impacts to the area.
- It was considered that the works to the façade would be an improvement on the building's appearance.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

**263**

**ST JAMES HOUSE, 28 DRAYTON PARK, N5 1PD (Item B11)**

Erection of a roof extension to accommodate 3 self-contained residential units (3x2 bed), raising the buildings parapet level and private amenity space plus bike and refuse storage.

(Planning application number: P2016/1791/FUL)

In the discussion the following points were made:

- The previous scheme had been deferred for further details on the refuse store to be submitted but conclusions on the design of the scheme had not been reached by members.
- That while the scheme was an improvement from previous applications, the Sub-Committee would consider the bulk of the development and its relationship with neighbouring dwellings.
- That the Sub-Committee was not satisfied that the proposals for the refuse store were consistent with policy.

Councillor Robert Khan proposed a motion to refuse the application on the grounds of bulk and massing and the capacity of the proposed refuse storage. This was seconded by Councillor Fletcher and carried.

**RESOLVED:**

That planning permission be refused for the reasons set out above, the wording of which was delegated to officers

The meeting ended at 9.40 pm

**CHAIR**

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB-COMMITTEE B</b>	
Date:	27 February 2017

Application number	P2016/3758/FUL
Application type	Full Planning Application
Ward	St. Mary's
Listed building	Not listed
Conservation area	Barnsbury Conservation Area
Development Plan Context	Barnsbury Conservation Area Article 4(2) Barnsbury (2) Article 4 Direction - office to residential Local cycle routes Mayors Protected Vistas Alexandra Palace viewing terrace to St Paul's Cathedral LLAA1 TfL Tunnels
Licensing Implications	None
Site Address	134 Liverpool Road, and Land to the rear of 132 Liverpool Road, Islington, LONDON, N1 1LA
Proposal	Partial demolition of existing buildings to facilitate the construction of 3 no. residential single dwelling houses comprising a 1x 2 bedroom house and 2 x 4 bedroom houses including basement excavation, communal and amenity spaces and other associated works. Enclosing boundary walls to be retained but reduced in height in some locations.

Case Officer	Thomas Broomhall
Applicant	Mr John Koratjitis
Agent	Mr James Engel - Spaced Out Limited

### 1. RECOMMENDATION

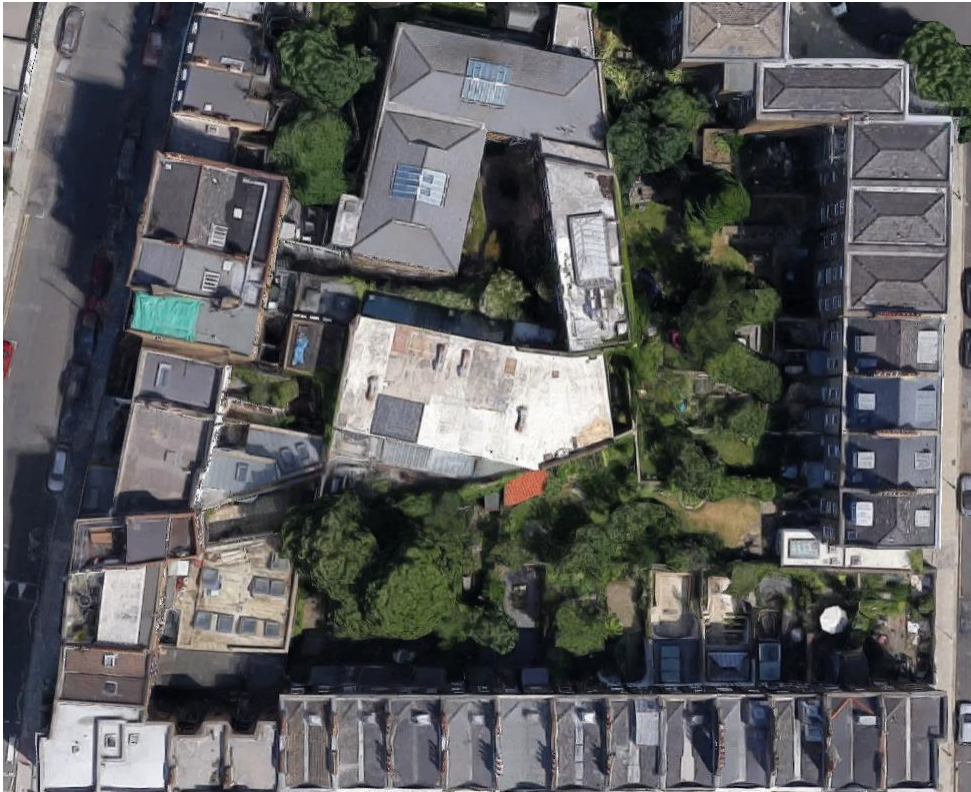
The Committee is asked to resolve to **GRANT** planning permission:

1. Subject to the conditions set out in Appendix 1;
2. Subject to completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Aerial view of the application site



Aerial view of the site in an easterly direction





View into the site from the entrance



View from existing building towards rear of Liverpool Road



View into the site from Milner Place

#### **4. SUMMARY**

- 4.1 Planning permission is sought for Partial demolition of existing buildings to facilitate the construction of 3 no. residential single dwelling houses comprising a 1x 2 bedroom house and 2 x 4 bedroom houses including basement excavation, communal and amenity spaces and other associated works. Enclosing boundary walls to be retained but reduced in height in some locations.
- 4.2 The application is brought to committee because of the number of objections received.
- 4.3 The issues arising from the application are the principle of a residential use of the site, the impact on the character and appearance of the host building and surrounding conservation area and the setting of listed buildings, the standard of the new residential units, the impact of basement level excavation and the impact on the neighbouring amenity of the adjoining and surrounding residential properties.
- 4.4 The principle of a residential use of the site is acceptable, the design of the proposal is considered to be acceptable and would not detract from the character and appearance of the conservation area. The standard of the proposed new residential units is considered to be acceptable. The scale and depth of the proposed basement level excavation is acceptable. The proposal would not detrimentally impact on the amenity of the neighbouring properties.
- 4.5 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions and legal agreement.

## **5. SITE AND SURROUNDING**

- 5.1 The site is located at 134 Liverpool Road, London. The wider site is accessed only via the frontage at Liverpool Road which leads to a large parcel commercial land to the rear. The site is currently occupied by a large commercial which it is understood was constructed in the early 1900's. The building has been owned by the current applicant since the early 1980's.
- 5.2 The site is largely invisible from the public realm aside from the site access building which fronts Liverpool Road and a break in the terraces near the junction of Gibson Square and Milner Place. At this junction, a view of the southern and eastern sides of the existing building can be seen.
- 5.3 The site is bound on all sides by parcels of land which comprise a mixture of residential and commercial interests. Located directly to the south and east are terraced residential properties fronting to Gibson Square and Milner place which are largely all Grade II Listed Buildings. Located directly to the west and north are mixed use properties with commercial uses at ground floor and residential above.

## **6. PROPOSAL (in Detail)**

- 6.1 The application proposes partial demolition of the existing buildings and construction of 3no. residential single dwelling houses comprising 1x 2-bedroom house and 2x 4-bedroom houses, communal and amenity spaces and other associated works. Each of the new units includes their own basement level swimming pool. Roof terraces are proposed at roof top level for the two proposed 4 bedroom properties and outdoor space at ground floor level for the two bedroom house. Enclosing boundary walls are to be retained but reduced in height in some locations.
- 6.2 The proposals include basement level excavation creating a single storey basement level under most of the footprint of the main building on the site and the creation of a lightwell to the front of the existing single storey building in the south west corner of the site.
- 6.3 The proposal results in a change of use from the existing office buildings on the site which have Prior Approval for change of use from B1 officer to C3 residential use. The change of use to residential would then allow the reconstruction of construction of three dwellings within the site.
- 6.4 The application is a resubmission following a number of previous applications for development of the site for residential use. The most recent application for the creation of 3no. units on the site ref: P2015/4091/FUL was dismissed on Appeal ref: APP/V5570/W/16/3158054 in January 2017.
- 6.5 The latest application has been revised from the scheme which was refused to address the reasons for refusal. There are three main differences between the applications. Firstly, the extent of the basement level excavation has been reduced from entire site coverage, to a basement level which is marginally less than the extent of the footprint of the existing building 2 on the site, a basement level under the footprint of building 1 and the creation of a lightwell to the front of this building. Secondly, the depth of the basement level excavation has been reduced to ensure it largely remains single storey and no more than 3 metres in depth below ground level. Thirdly, the proposed vehicle platform lift, car turntable and 3 no. garage parking spaces at basement level have all been removed from the scheme. Minor changes have been made to the design and appearance of the external elevations of the proposed new buildings on the site to replace most of the glass curtain wall system from the northern and southern elevations of houses 2 and 3 with Yellow London Stock Brickwork.



## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS

7.1 910304 – This application was for “*Change of use of second floor to use for conference purposes and retain ground and first floor in light industrial use*”. This application was refused.

- The proposed use of the second floor for conference purposes would be likely to generate additional demand for on-street parking space in the adjoining streets already suffering severe over demand for such space, to the detriment of existing occupiers and to the free flow of traffic and general safety.
- The proposed use is considered incompatible with the maintenance of the character and amenities of this residential area which lies within the Barnsbury Conservation Area.
- The proposal would tend to cause the loss of light industrial floorspace which the Council is determined to retain in order to maintain a range of land uses and to maintain an adequate range of job opportunities.
- The proposal would intensify the demand for parking space, but makes no additional provision and would therefore create congestion and obstruction in surrounding streets by waiting vehicles, thereby prejudicing the free flow of traffic and general safety.

7.2 P030927 – This application was for “*Change of use to a mixed use including contemporary dance, yoga, theatre, defensive martial arts classes and rehearsal space and/ or B1 use, and alteration to roof lights and relocation of entrance on north elevation.*”. This application was approved with conditions on 23/07/2003.

7.3 P050937 and P051231 – This application was for “*Demolition of part existing office building (B1 use), construction of an additional storey, external alterations, conversion of building to form 5 x 4-bed houses with associated external amenity space. Conversion of dance studio (D2 use) to 3-bed dwelling house, excavation to create basement, and alterations to existing roof and building.*” The application was refused by the LPA with the reasons for refusal being:

- The proposal involves the loss of B1 floorspace reducing the supply of employment floorspace within the Borough.
- The proposal involves the loss of D2 floorspace reducing the sport/recreation and community facilities within the Borough.
- The proposed change of use will have a harmful effect on the character of the Barnsbury Conservation Area by virtue of the loss of active commercial uses.
- The proposed increased bulk of the building will have a harmful effect on the character and appearance of the Barnsbury Conservation Area.
- The proposed increased bulk of the building will have a detrimental effect on the setting of neighbouring Grade II Listed Buildings.

The above decision was not appealed.

7.4 P061619 and P061620 – This application was for “*Conversion of existing light industrial building into 5 terraced houses (C3) with enlargement and modifications to courtyard light industrial building to be retained as B1, D1 and D2 uses.*”. This application was refused by the LPA with the reasons for refusal being:

- The proposed development would result in the loss of employment floorspace within the Borough in a premises originally built for business use.

- The loss of the business use is considered to have a detrimental and harmful impact on the established character and appearance of the Barnsbury Conservation Area.
- The proposed development by virtue of its design, height, scale and materials would be out of keeping within its urban context, harm the setting of the adjoining listed buildings, and will have a detrimental impact on the character and appearance of the Barnsbury Conservation Area.
- The proposed development by virtue of its height, scale and bulk will have a detrimental impact on the amenity of the neighbouring dwelling houses in terms of overshadowing and sense of enclosure.
- The proposal failed to provide an Access Statement and a portion of the residential units fail to comply with the Lifetime Homes Standards which creates a development which is inaccessible to wheelchair users and those with mobility difficulties.
- The proposed development makes insufficient provision for the storage of residential and commercial refuse and recyclable materials.

This above decision was appealed to The Planning Inspectorate (reference APP/V5570/E/06/2031376) and was dismissed.

7.5 P090654 – This was an application for “*Partial Demolition and conversion of existing light industrial building into 5 green life cycle townhouses (C3 Dwellinghouses) with the creation of a Syracuse hub to existing courtyard building, retaining B1/D2 (Business/Assembly and Leisure).*”. This scheme was withdrawn by the applicant.

7.6 P100738 and P100739 – This application was for “*Redevelopment within retained enclosing walls, including excavation to form new basement level across all of the site except the archway access beneath the frontage building on Liverpool Road. Formation of shared office workspace at basement and ground floor. Erection of five basement and four-storey dwellings on northern section of site.*” The reasons for refusal were:

- The resulting replacement office (class B1) accommodation due to its basement level location and intimate shared access with domestic residential use would result in substandard office accommodation detrimental to its viability, usability and would not be attractive to the full range of B1 uses to the same degree as the existing office (class B1) accommodation.
- The glazed screens mounted on top of the boundary walls would result in an excessive sense of enclosure to the detriment of future existing neighbouring residential amenity.
- The proposed creation of a basement level would result in significant root truncation / disturbance, severely and adversely affecting the health and amenity value of existing trees neighbouring the application site; and the proposed erection of glazed screens would result in the need for extensive crown pruning and is likely to lead to post development pressure for ongoing crowning pruning or removal in order to provide acceptable relationship between the resulting development and trees.

The above decision was not appealed.

7.7 P2013/2164/PRA – This application was an “*Application for prior approval of the Local Planning Authority for the change of use from B1 (a) offices to residential C3 use class, comprised of a single residential unit*”. Prior approval was required for this scheme and was approved on 16/08/2013.

7.8 P2013/4916/PRA – This application was an “*Application for prior approval from the Local Planning Authority for the change of use of the ground, first and second floors of the*

*building from (use class B1a) office floorspace to (use class C3) residential, comprising of 3 self contained residential units.” Prior Approval was required for this scheme and was approved 28/01/2014. It is noted that while prior approval was required and approved, no confirmation or lawful development certificate was lodged to confirm that the conditions of Class J, Part 3 of Schedule 2 of the amended order 2013 were met and therefore falls within Permitted Development.*

- 7.9 P2014/1323/FUL - This was an application for “*Part demolition of existing building and change of use to residential. Construction of 1x2 bedroom dwelling house consisting of three levels. Construction of 1x3 bedroom, 1x4 bedroom and 1x5 bedroom dwelling houses consisting of five and upper roof terraces and associated landscape works*” at 134 Liverpool and Land to the rear of 132 Liverpool Road, London, N1 1LA. The reasons for refusal were:

*REASON: The proposed change of use would result in a loss of Class B1 floorspace and in the absence of sufficient marketing evidence to demonstrate exceptional circumstances that the loss is warranted, would have an adverse effect on provision of business floorspace and is contrary to policy CS13 of the Core Strategy 2011 and policy DM5.2 of the Development Management Policies 2013.*

*REASON: The proposed change of use would result in a loss of Class D1 / D2 floorspace (Social Infrastructure Use) and in the absence of sufficient marketing evidence and justification to demonstrate lack of demand for this space or that it is no longer appropriate for social infrastructure uses, would have an adverse effect on provision of appropriate Class D1 /D2 floorspace and is contrary to policy DM4.12 of the Development Management Policies 2013.*

*REASON: The proposed residential development, specifically ground and first floor rooms of houses 1-4, would not provide an adequate quality of natural light, aspect and outlook to all habitable rooms and therefore would not provide an adequate standard of amenity for future occupiers contrary to policies CS9 and CS12 of the Core Strategy 2011 and policies DM2.1 of the Development Management Policies 2013.*

*REASON: The application contains insufficient information to enable proper determination of potential impacts of the proposed basement, which extends to the full extent of the site, specifically in relation to surface water management, biodiversity enhancements, energy, drainage margins, adjoining properties and listed buildings. The proposal is therefore considered to be contrary to Policy DM6.5, DM6.6, and DM7.2 of the Development Management Policies 2013.*

- 7.10 The appeal against this decision was dismissed on appeal ref: APP/V5570/A/14/2225785 dated 23 December 2014. It is noted that the Inspector dismissed reasons of adverse effect on provision of business floorspace and impact of the basement upon the structural integrity of adjoining properties, and in particular the nearby listed properties. However the Inspector upheld reasons relating to living conditions for occupants of the proposed houses would fail to meet an acceptable standard of amenity having regard to outlook and a general sense of inappropriate enclosure to the ground and first floors of the properties and demonstration of an acceptable level of energy efficiency or reduction in carbon emissions.

- 7.11 P2015/4091/FUL - This was an application for “*Partial demolition of existing buildings and extensive basement excavation of the entire site to facilitate the construction of 3 no. residential single dwelling houses comprising a 2 storey plus basement level 1x 2-bedroom house and a four storey plus basement level 2 x 4-bedroom houses, communal and amenity spaces and other associated works and alterations to the sites existing boundary walls*” at 134 Liverpool and Land to the rear of 132 Liverpool Road, London, N1 1LA. The reasons for refusal were:

*REASON: The proposed basement excavation across the entirety of the site is excessive, inappropriate and disproportionate to the backland site and its conservation area context.*

*The depth of the proposed basement excavation results in development which is an excessive intensification of the site and significant environmental harm without any substantive justification.*

*The applicant has failed to provide sufficient information including a Structural Method Statement to enable proper determination of the potential impacts of the proposed basement excavation including the structural implications on the adjoining properties and listed buildings. The proposal fails to provide sufficient deep soil landscaping, biodiversity enhancements, and natural drainage margins. The proposal is therefore unacceptable, contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM6.5, DM6.6, and DM7.2 of the Islington Development Management Policies (2013) and the requirements of the Basement Development SPD (January 2016).*

*REASON: The proposed 3 no. on-site car parking spaces for use by the proposed residential units, basement level car park and associated car turntable, is unacceptable due to the negative impacts on biodiversity, flood risk, visual amenity, healthy lifestyles, air quality, traffic congestion and highways safety. The proposal is directly contrary to the Council's car free policy set out by policy CS10 of the Islington Core Strategy (2011) and policy DM8.5 of the Islington Development Management Policies (2013).*

- 7.12 The appeal against this decision was dismissed on appeal ref: APP/V5570/W/16/3158054 dated 11 January 2017. It is noted that the Inspector found that the extent of ground excavations required to construct the development and the close proximity to surrounding residential properties, particularly Nos. 132 and 136 Liverpool Road, would introduce the potential for unacceptable risk to their structural integrity and that as a result it would be premature to grant permission for such a development in the absence of an Structural Method Statement. The inspector also found that there was insufficient evidence to demonstrate that the proposed basement excavation would not result in an unacceptable risk to the structural integrity of adjoining properties in Barnsbury Conservation Area, including listed buildings. The proposal consequently fails to demonstrate that it would preserve or enhance the character and appearance of the Barnsbury Conservation Area and the nearby Grade II listed buildings.

## **ENFORCEMENT**

- 7.13 None.

## **PRE-APPLICATION ADVICE:**

- 7.14 July 2015 Pre-application Advice (ref: Q2015/0748/MIN) Advice was provided in relation to a development of the site comprising three residential houses. Advice was provided that any future planning application would need to address all the issues outlined in the Inspectors decision. The amended plans do not overcome all of these issues, specifically the quality of the internal standard of accommodation for the units in terms outlook and daylight. Care must be taken to ensure the amenity standards of the proposed units and level of private outdoor space are satisfactorily maintained.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to 117 occupants of adjoining and nearby properties at Liverpool Road, Gibson Square, Lonsdale Square, Milner Place, Milner Square Richmond Avenue, Upper Street and Pine Street on 24 October 2016. A site notice and press advert was displayed at the site. The public consultation of the application expired on 17 November 2016.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report a total of 7 no. objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Design, appearance, use of materials and increase in mass and volume of the development is inappropriate, out of keeping with the character and appearance of the conservation area; (see paragraph 10.11)
- Lift overruns are above the existing height leading to loss of light to neighbouring properties; (see paragraph 10.12)
- Overlooking towards properties at Gibson Square and Milner Place from within the building and from roof terrace with 1.4 metre high balustrade; (see paragraphs 10.48-10.50)
- Change of use from office to residential will increase the intensity of the overlooking towards neighbouring properties; (see paragraphs 10.48-10.50);
- Light pollution from extensive use of glazing; (see paragraphs 10.48-10.50);
- Loss of light to 136 Liverpool Road; (see paragraphs 10.48-10.50)
- Loss of outlook to 132 Liverpool Road; (see paragraphs 10.48-10.50)
- Noise disturbance from use of roof terraces; (see paragraphs 10.48-10.50)
- Overall increase in height will impact on neighbouring amenity; (see paragraphs 10.48-10.50)
- Noise disturbance from swimming pool machinery; (see paragraph 10.51)
- Impact of excavation on structural stability of the surrounding listed buildings; (see paragraph 10.31)
- Impact of construction works on surrounding buildings; (see paragraph 10.54).

### **Internal Consultees**

8.3 **Planning Policy:** No comment.

8.4 **Design and Conservation Officer:** No objection subject to detailed conditions.

8.5 **Sustainability Officer:** Welcomes the reduction in the extent and footprint of the proposed basement excavation over the dismissed appeal scheme. Also welcome the submission of a SMS within this application. Overall bearing in mind the appeal decision and findings the development is acceptable.

8.6 **Inclusive Design:** Objects to the lack of living space at entrance level, lack of bathrooms at entrance level, bathrooms fail adaptability requirements and use of passenger lift.

8.7 **Tree Officer:** No objection.

8.8 **Highways:** No comment.

- 8.9 **Noise Officer:** No comment.
- 8.10 **Refuse and recycling:** Acceptable subject to conditions.

#### **External Consultees**

- 8.11 None.

### **9. RELEVANT POLICIES**

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

#### **National Guidance**

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

#### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

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

### **10. ASSESSMENT**

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

- Land Use
- Design and Conservation
- Quality of Proposed Residential Accommodation
- Basement Excavation
- Accessibility
- Neighbouring Amenity including sunlight/daylight
- Highways and Transportation
- Small Sites Affordable Housing & Carbon Offsetting Contributions
- Sustainability
- Refuse facilities
- Trees and landscaping

#### **Land Use**

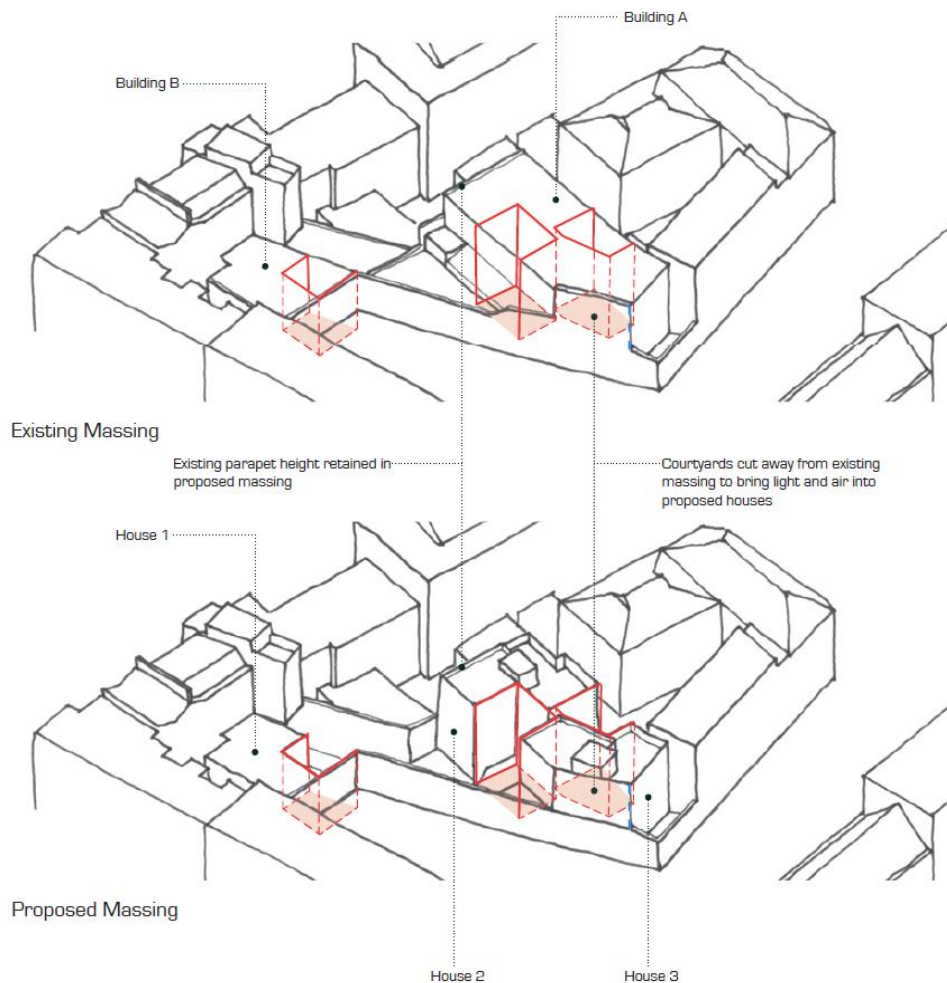
- 10.2 The proposal is for the creation of 3no. residential single dwelling houses on the site. The site is bound on the southern and eastern sides by residential development, with further residential located above the sites located to the west (with ground floors being commercial

spaces). The existing buildings are largely vacant with a residential use in part of the main building. The buildings have previously been used for B1 office use. Policy DM5.2 resists the loss of business floorspace unless exceptional circumstances can be demonstrated that there is no demand for the floorspace. The principle of residential use has to be balanced against a number of competing issues and current policies and the planning history of the site.

- 10.3 In considering the planning history it is noted that a Prior Approval for change of use from B1 (a) offices to residential C3 use class was approved in 2013 and the Planning Inspector's decision dated 23<sup>rd</sup> December 2014 ref APP/V5570/A/14/2225785, did not find that there would be conflict with Policy CS13 of the Council's Core Strategy or Policy DM5.2 Loss of existing business floorspace of the Development Management Policies, which seeks to safeguard existing business spaces.
- 10.4 Therefore these extant decisions are significant material considerations which indicate that in this instance, given the unique history of the site, the proposed residential use of the site, is therefore considered to be acceptable without conflict with policy DM5.2 in pure land use terms.

**Design and Conservation**

- 10.5 The scheme proposes the demolition and rebuild of the existing buildings on the site which comprise the main three storey building to the back of the site and a single storey building in the south west corner of the site. The proposed houses 2 and 3 represent a decrease in terms of bulk on the existing site although it is acknowledged that there would be minor increases in height in some areas. The image below shows a comparison between the existing and proposed massing of the buildings.



- 10.6 The existing building resembles the type of mews/light industrial building that is characteristic of 'backland' sites in the conservation area, it is noted that previous alterations to the property make it unattractive, particularly when viewed from Milner Place. The proposed new buildings will comprise Yellow London Stock brickwork to all outer facades and a glass curtain wall system with green walls on the inner facades between house 2 and house 3.
- 10.7 The new development section of the Barnsbury CADG sets out that new buildings must conform to the height, scale and proportions of existing buildings in the immediate area. For new development, materials should be sympathetic to the character of the area, in terms of form, colour and texture. It is important that new buildings, extensions and refurbishments of existing buildings, blend in with and reinforce this character. Care must also be taken with the choice of brick and bond. Modern materials - glass, steel and concrete - may be acceptable as long as the design of the new building acknowledges the scale and character of the area. Large, flat, uniform planes on elevations are not appropriate.
- 10.8 There is no objection to the partial demolition of the existing buildings on the site. The building has an unsightly fenestration although it is constructed from brick which characterises the conservation area and when seen from Milner Place and it has a relatively neutral impact on the conservation area and setting of the listed buildings. The use of Yellow London Stock brickwork, setting of the frosted glass portions of this balustrade to the back of the brickwork portions, approx. 300mm back from the face of the façade and a reduction to the height of the vertical circulation enclosure.
- 10.9 The proposed works provide improvements to the existing external appearance of the building as outlined earlier in this section, and are considered acceptable by the Council's Design and Conservation Officer. It is recommended that a condition is attached to any grant of consent requiring details and samples of all facing materials to be submitted to and approved prior to works commencing. Therefore the proposed works are considered acceptable in accordance with the CADG.
- 10.10 Overall, the proposal is not considered to be of detrimental impact to the conservation area and would be in accordance with policies DM2.1 and DM2.3 of the Islington Development Management Policies.
- 10.11 Objections have been received concerning the design, appearance, use of materials and increase in mass and volume of the development is inappropriate, out of keeping with the character and appearance of the conservation area and surrounding listed buildings. However the Council's Design and Conservation Officer has not raised any objection to the scheme which followed amendments to the previous scheme to overcome concerns regarding the appearance and use of elevational materials. Overall, taken as a whole, given the existing appearance of the buildings on the site, the design and appearance of the scheme is considered to provide improvements to the existing external appearance of the building as outlined earlier in this section and the impact on the surrounding conservation area and listed buildings is considered to be acceptable.
- 10.12 Objections have been received concerning the height of the lift overruns. The submitted scheme details the heights of the buildings. Given the scale of the development and the position of the lift overruns, these are small scale and would not significantly impact on the appearance of the conservation area when viewed from either the private or the public realm.



### **Quality of Proposed Residential Accommodation**

10.13 The proposal results in the creation of 3 no. single dwelling houses, comprising 1x 2 bedroom house and 2x 4 bedroom houses. This is the same mix as the refused application ref: P2015/4091/FUL.

10.14 The principle of the dwelling mix of the proposed dwelling mix of the residential units is considered to be generally acceptable in accordance with policy DM3.3.

Property Name	Floorspace on latest scheme (Square metres)	Accords	Floorspace of units on refused scheme (Square metres)
House 1	221	Y	244
House 2	497	Y	567
House 3	471	Y	610

10.15 The total floorspace of all the units significantly exceeds the minimum requirements for two double bedroom and four bedroom units. The floorspace figures are a reduction from the size of the units on the refused application ref: P2015/4091/FUL which was dismissed on appeal.

10.16 Each of the units provides a minimum of dual aspect accommodation, with a good internal layout. Bedrooms and living/kitchen areas exceed the minimum floor space standards. Overall, given the constraints of the site, the general layout, room sizes and internal floor space (including private amenity space) would meet the recommended guidance set in policy DM3.4 of the Development Management Policies and would provide a satisfactory living condition for future occupiers of each unit.

10.17 Whilst the units are significantly larger than the minimum floorspace standards set out by the London Plan, given the site's tight constraints, the close relationship to surrounding properties and the overall high quality of the accommodation and the provision of a full contribution towards affordable housing, it would be unreasonable to refuse the scheme on the basis of an under provision of units on the site. It is noted that the inspector made no reference to an under provision of units on the site.

10.18 In this regard it is noted that there has been extensive screening methods employed to ensure that overlooking aspects, present in previous schemes, are rectified. Further it is noted that the development attempts to retain existing high walls which surround the site.

10.19 It is inherently true that as you employ methods and constructions to screen habitable rooms from neighbours that there are impacts on light admission, enclosure, and privacy of the new development. The dwellings have been constructed sunken in the ground, have significant screening to high levels on external windows, and some of which face blank walls / internal walls / screens which are only a short distance away.

10.20 A daylight and sunlight report including 3D modelling, has been submitted which demonstrates that each of the bedrooms and habitable rooms comply with the daylight and sunlight BRE requirements in terms of Average Daylight Factor and Vertical Sky Component.

10.21 Overall it is considered that the standard of the proposed dwellings is acceptable given their large size, ample amenity space and dual aspect nature. The proposal is considered to have overcome the previous concerns over the enclosure, outlook and daylight of the 3 new dwellings.

10.22 Policy DM3.5 of the Islington Development Management Policies sets out the requirements for the provision of private outdoor space in new residential developments. The policy

requires a minimum of 15 square metres of private outdoor space on ground floors for units up to two bedrooms, with an extra five square metres for each additional occupant. The policy also requires a minimum of 30 square metres of private outdoor space for family sized units, of 3 bedrooms and above. In this instance all the units significantly exceed the minimum requirements for private outdoor amenity space at 28 square metres for the two bedroom house 1, 97 square metres for the four bedroom house 2 and 108 square metres for the four bedroom house 3.

- 10.23 Therefore the proposal accords with the private outdoor amenity space requirements of policy DM3.5 of the Islington Development Management Policies.

### **Basement Excavation**

- 10.24 The proposal results in basement level excavation creating a single storey basement level which is marginally less than the footprint of the existing building 2 on the site. The proposals also result in the creation of a single storey basement level under the footprint of building 1 and the creation of a lightwell to the front of this building in the south west corner of the site.

- 10.25 The Basement Development SPD sets out the relevant guidelines for Residential infill developments in paragraphs 7.1.12 to 7.1.15.

- 10.26 Paragraph 7.1.12 of the SPD sets out:

*“For infill residential development, the scale and extent of basement within a site should respond to the site context and the prevailing scale of development in the area. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds. The proportion of the site that is built upon/under to the proportion unbuilt upon when compared with surrounding buildings is of particular importance to achieving a compatible scale of development on infill sites. For the avoidance of doubt, both in terms of depth and footprint of basement, all other relevant design of the SPD will apply to infill developments and will have a bearing on the acceptability of a proposed basement design.”*

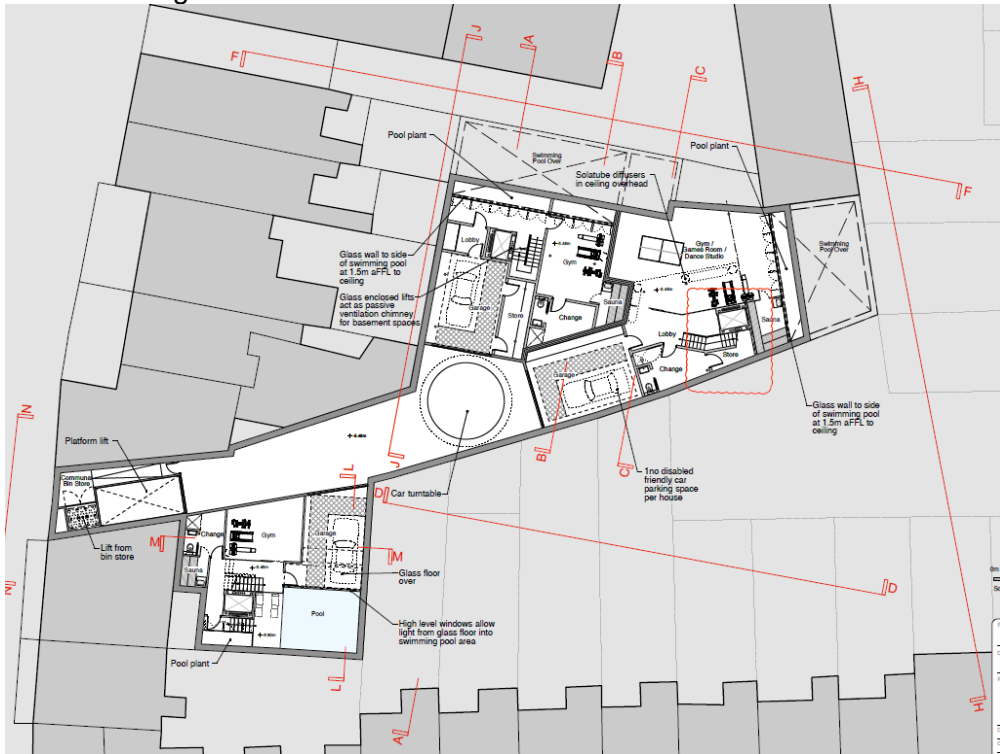
- 10.27 Paragraph 7.1.14 sets out:

*“The siting of buildings and any associated basements should protect and enhance existing landscaped areas within the site, particularly where they contribute to the character of an area (DM Policy 6.3 and 6.5). The inclusion of generous deep soil landscape and drainage margins that can support mature soft landscaping and sustainable drainage will be required, and should occupy sufficient area to ameliorate any impacts the proposal will have on the character of the locality it terms of building scale as well as appearance such as a leafy aspect. Unless demonstrated to be otherwise, the presence of existing hardstanding is not considered a barrier to providing adequate landscaping and drainage within a design.”*

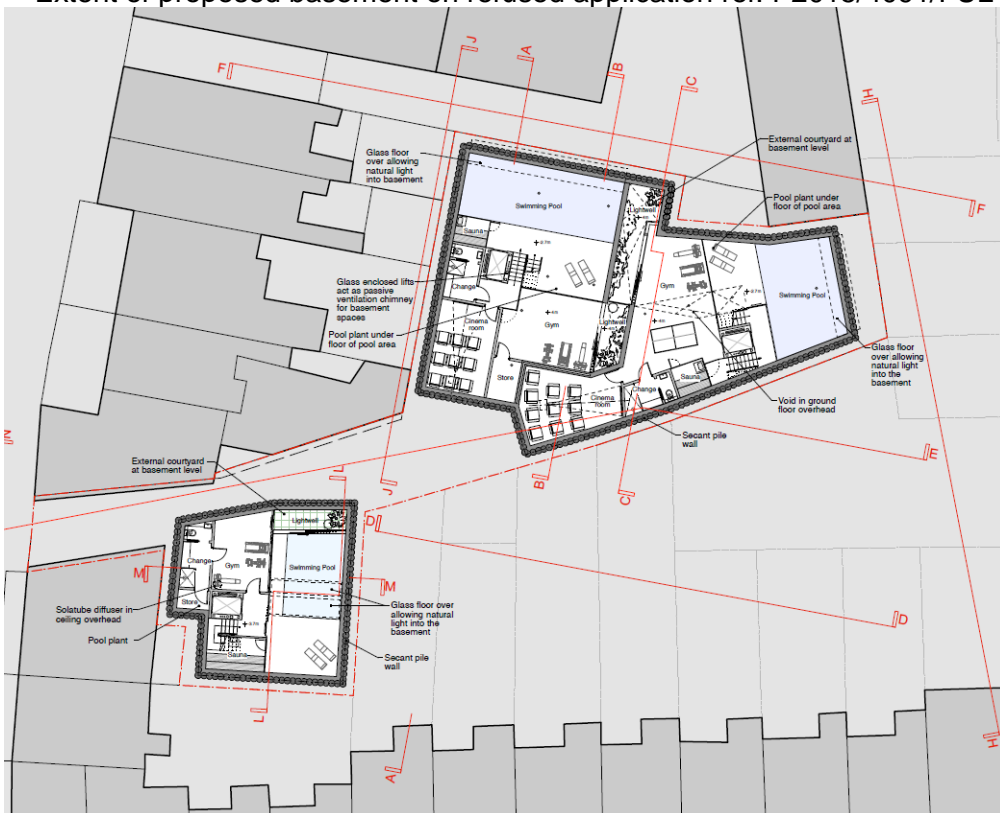
- 10.28 Finally paragraph 7.1.15 sets out:

*“The above principles will be applied in all residential infill development cases regardless of whether or not the site is built on, or is covered by buildings/structures that would be removed in order to enable the redevelopment of the site.”*

10.29 A comparison between the extent of proposed basement excavation on the previously refused scheme ref: P2015/4091/FUL and proposed on the latest application can be made between the images below.



Extent of proposed basement on refused application ref: P2015/4091/FUL



Extent of proposed basement within the current submission before members.

- 10.30 The extent and depth of the basement excavation on the latest application is considered to remain proportionate, subordinate to the above ground building element, and reflect the character of its surroundings. The extent and depth of the proposed basement excavation accords with the relevant guidelines for Residential infill developments in the Basement Development SPD and is acceptable in this regard.
- 10.31 A Basement Structural Method Statement has been submitted by two Chartered Structural Engineers which concludes that the construction of the basement is feasible and will not have an adverse impact on flooding, surface water flow, ground water flow, ground stability, or adjacent structures. It also concludes that a safe method and sequence of construction utilising bored poles has been identified.
- 10.32 The proposal is considered to have overcome the previous reason for refusal of application ref: P2015/4091/FUL with regards to the submission of a Structural Method Statement which accords with the requirements of the Basement Development SPD.
- 10.33 Therefore the proposal and submitted documents accords with the requirements of the Basement Development SPD, and is now acceptable in this regard.

### **Sustainability and Landscaping**

- 10.34 Policy DM6.5 sets out that developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.
- 10.35 The development has sought to incorporate as many good practice energy features and sustainability goals as possible including green roofs. The scheme also includes porous paving with Sustainable Urban Drainage attenuation tank beneath the ground floor access way to houses 2 and 3. In addition soft planting and landscaping is also proposed in the access way which is currently entirely hardstanding.
- 10.36 A Sustainable Design and Construction statement has been provided which concludes that the proposed development includes measures which would greatly exceed all relevant sustainability and energy standards to offset the development of the basement. However it is recommended that a condition is attached to any grant of consent requiring a final Sustainable Design and Construction Statement (SDCS) to be submitted and approved. This SDCS would ensure best practice detailing how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.
- 10.37 Therefore the latest application has overcome the previous reasons for refusal with regards to the extent and depth of the proposed basement excavation and provision of deep soil landscaping, biodiversity enhancements, and natural drainage margins. The proposal is therefore now in accordance with policies DM6.3, DM6.5 and DM6.6 of the Development Management Policies and is acceptable in this regard.

### **Trees**

- 10.38 There are a number of trees adjacent to the subject site for development, largely located on adjoining properties although the dripline, in places extends over the boundary. The application includes a tree survey and arboriculture assessment. The application has been assessed by Tree Officers and it is considered that given the existing boundary wall and the difference in soil levels between the site levels and adjacent sites, there are no objections in this regard.

#### **Refuse and bin stores facilities**

- 10.39 The Council's policies require waste storage and recycling facilities should be integrated into new developments, in locations within the site that are accessible to all. The scheme includes storage for 2 no. refuse and recycling bins adjacent to the entrance to each of the proposed new houses.

#### **Gated Development**

- 10.40 It is proposed that the development will be gated. It is noted that the principle of a gated community is considered to be generally contrary to Policy 3.5 of the London Plan, Policy CS9 of the Core Strategy and Policy DM2.1 of the Development Management Policies. The Urban Design Guide states that gated developments will generally be resisted, however they will "be considered in backland schemes where there is no potential for creating a through route."
- 10.41 In this instance the mews will retain the existing access beneath 134 Liverpool Road, and this access will be gated increasing the security for the three houses.
- 10.42 Consideration has been given to the existing site circumstances and it is accepted that the use of security gates to separate the communal mews from the street is, on balance, appropriate. The alternative, in which the mews would be fully accessible to the public, would create a semi-sheltered enclave. Due to the arrangement of the existing buildings the provision of adequate surveillance to ensure that this enclave would be secured by design would be difficult to achieve. There the proposed retention of the existing gating is on balance, acceptable in this instance given the unique site circumstances, without compromising the aims of the adopted policies.

#### **Accessibility**

- 10.43 The Inclusive Design Officer raised concerns that the proposed units rely on lift access. However the rooms in the new units would generally be of suitable size and Lifetime Homes compliant (although these have been superseded by National Housing Standards).
- 10.44 Given the site's constraints, the proposal is considered to generally conform to accessible standards set out within the Inclusive Design in the Islington Supplementary Planning Document and conform to Policy DM2.2 (Inclusive Design) of the Development Management Policies (2013).

#### **Neighbouring Amenity**

- 10.45 The proposed rebuild to create three houses represent a decrease in terms of overall bulk on the existing site and rises no higher than the height of the existing buildings, although it is acknowledged that there would be minor increases in height in some areas within the rebuild.
- 10.46 Part X of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

- 10.47 The existing building provides an envelope which the proposed development will largely be constructed within. In this regard it is noted that the bulk of the new dwellings will be within the existing building and further, that in some respects, the existing walls will be reduced in height thereby reducing the bulk and potential overshadowing for adjacent neighbours. However it is noted that the lift shafts will project slightly higher than the existing envelope but they are glazed and located centrally on the dwellings. They are not considered to raise any additional issues.
- 10.48 A number of objections have been received in relation to privacy and overlooking impacts of the proposed dwellings and the roof terraces. The dwellings have been constructed with screening, obscure glazed glass, and existing walls have been retained to ensure that overlooking and privacy is maintained for adjacent residents. It is considered that the most significant potential impacts on privacy and overlooking would be experienced by the properties of Gibson Square and Milner Place. Further potential views into external amenity space of neighbours is non-existent.
- 10.49 On a recent site visit it was noted that there were some significant opportunities from within the upper levels of the existing building, including also from some outside roof terraces, to look down and into the rear gardens of some neighbouring properties at very close quarters. These opportunities would be largely removed by the proposed design and layout of the dwellings with careful thought given to the position of windows and outside spaces, as well as screening.
- 10.50 There would be no significant additional impact from the proposal upon the existing living conditions of neighbouring occupiers. It is recommended that a condition is attached requiring details and height of screening to the roof terraces to be submitted and approved and retained as such in perpetuity. Overall it is considered that the proposed window arrangements, designs and the distance between the site and the rear elevations of adjoining properties is sufficient to adequately safeguard adjoining residents amenity levels in terms of loss of privacy and overlooking incidences. It is important to note that the council have no planning policies to safeguard rear private gardens from overlooking or loss of privacy.
- 10.51 Objections have been received concerning the impact of noise pollution from the operation of mechanical equipment in connection with the maintenance of the proposed swimming pools. It is recommended that a condition is attached requiring a noise assessment to be submitted and approved by the Local Planning Authority prior to commencement of works to ensure any impact on neighbouring amenity is acceptable.
- 10.52 Overall the proposal is considered to avoid impacts on the amenity of neighbours and in that respect complies with Policy DM2.1.
- 10.53 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.
- 10.54 It is recommended that a condition is attached requiring details of a Construction Method Statement to be submitted and approved prior to commencement of works.

## **Highways and Transportation**

- 10.55 Policy CS 10 requires all new developments to be car-free, which means no parking provision will be allowed on site and occupiers will not have the ability to obtain parking permits. Therefore as the proposed units would not be eligible to apply for car parking permits in the area, it is recommended that a condition is attached to any grant of consent preventing residents from obtaining further on street parking permits unless they have already held a permit for in excess of one year. Cycle parking spaces have been provided in accordance with the number of bed spaces which accords with Development Management Policy DM8.4 (Walking and cycling). As such, the scheme complies with the Councils transport policies.
- 10.56 The Development Management Policies sets out that redevelopment of existing car parks, for alternative uses, will be subject to the car free policy.
- 10.57 The second reason for the refusal of the previous application ref: P2015/4091/FUL related to the 3 no. on-site car parking spaces for use by the proposed residential units, basement level car park and associated car turntable. All these elements have been removed from the latest application which proposes 3 no. car free dwellings. Therefore the proposal is not considered to conflict with the requirements of policies CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies and is acceptable in this regard.

## **Small sites (Affordable Housing) and Carbon Off-setting Contributions**

- 10.58 Due to the existing residential use on the site through the Prior Approval, the development results in a net increase of 2 additional units and as such would require a contribution towards affordable housing in the Borough, in line with policy CS12 of the Core Strategy and the council's Supplementary Planning Document- 'Affordable housing-small sites' 2012. A draft Unilateral Agreement has been provided and it is understood that a signed and agreed Unilateral Agreement for payment of the full contribution to off-site Affordable Housing of £100,000 will be provided to the local planning authority, prior to issuing of a decision notice. The rebuild would be liable for a total financial contribution towards Carbon Offsetting of £3,000.
- 10.59 Therefore, the proposal complies with policy CS12G of the Islington Core Strategy (2011) and the Islington Affordable Housing Small Sites Contributions SPD (2012) and the Environmental Design SPD (2013).
- 10.60 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposal for Partial demolition of existing buildings to facilitate the construction of 3 no. residential single dwelling houses comprising a 1x 2 bedroom house and 2 x 4 bedroom houses including basement excavation, communal and amenity spaces and other associated works.
- 11.2 The principle of a residential use of the site is acceptable, the design of the proposal is considered to be acceptable and would not detract from the character and appearance of the conservation area. The standard of the proposed new residential units is considered to be acceptable. The scale and depth of the proposed basement level excavation is acceptable. The proposal would not detrimentally impact on the amenity of the neighbouring properties.
- 11.3 A draft Unilateral Agreement has been provided and it is understood that a signed and agreed Unilateral Agreement for the full contribution to Affordable Housing and Carbon Offsetting will be provided to the local planning authority, prior to issuing of a decision notice.
- 11.4 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

- 11.5 It is recommended that planning permission be granted subject to conditions and completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 - RECOMMENDATION.



## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

The Heads of Terms are:

- £100,000 contribution towards the provision of off-site affordable housing within the Borough
- £3,000 contribution towards the provision of Carbon Offsetting within the Borough

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

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved plans list</b>
	CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:  04.57.07.001, 04.57.07.002, 04.57.07.003, 04.57.07.004, 04.57.07.010, 04.57.07.011, 04.57.07.100, 04.57.07.101, 04.57.07.102, 04.57.07.103, 04.57.07.200, 04.57.07.201, 04.57.07.202, 04.57.07.203, 04.57.07.204, 04.57.07.205, 04.57.07.210, 04.57.07.211, 04.57.07.212, 04.57.07.213, 04.57.07.214, 04.57.07.2015, 04.57.07.2016, 04.57.07.218 04.57.07.219, 04.57.07.220, 04.57.07.224, 04.57.07.226, 04.57.07.230, 04.57.07.231, 04.57.07.232, 04.57.07.300, 04.57.07.301, 04.57.07.302, 04.57.07.303, 04.57.07.304, 04.57.07.305, 04.57.07.306, 04.57.07.307, 04.57.07.309,

	<p>04.57.07.DAAS September 2016, 04.57.06.LA01 dated 15.12.2015, Sustainable Design and Construction Statement Revision B dated 25th September 2015, Arboricultural Impact Assessment Covering Letter, Tree Survey dated 07/02/14, 04.57.GA.LPL.v8, N1 1LT Acad 2010, 04.57.016.USE dated 24.11.2015, Basement Structural Method Statement Rev A dated 19 September 2016</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Details)</b>
	<p>CONDITION: Notwithstanding the approved drawings, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> <li>a) render (including colour, texture and method of application);</li> <li>b) window treatment (including sections and reveals);</li> <li>c) roofing materials;</li> <li>d) balustrading treatment (including sections);</li> <li>e) any other materials to be used</li> </ol> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Car Permits (Compliance)</b>
	<p>CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ol style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</li> </ol> <p>Reason: To ensure that the development remains car free.</p>
<b>5</b>	<b>Construction Method Statement</b>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol>

	<p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>6</b>	<b>Lifetime Homes</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8.</p>
<b>7</b>	<b>Privacy Screening</b>
	<p>CONDITION: Detailed drawings of the materials and heights of the proposed privacy screening to all the proposed roof terraces shall be submitted to and approved by the Local Planning Authority prior to completion of works.</p> <p>The position, heights and materials of the approved screening, shall be retained as such in perpetuity.</p> <p>REASON: For the protection of neighbouring amenity.</p>
<b>8</b>	<b>Noise Assessment</b>
	<p>CONDITION: A noise assessment providing details of any mechanical equipment in connection with the swimming pools shall be submitted to and approved by the Local Planning Authority prior to commencement of works.</p> <p>REASON: For the protection of neighbouring amenity.</p>
<b>9</b>	<b>Sustainable Design and Construction Statement</b>
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>

<b>10</b>	<b>Construction Environmental Management Plan</b>
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to mitigate the impact of the development to nearby residents and businesses.</p>
<b>11</b>	<b>Cycle parking provision</b>
	<p>CONDITION: Prior to the first occupation of the dwelling hereby permitted detail of storage for at least 10 secure bicycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>These spaces shall be used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport. neighbouring residential amenity.</p>
<b>12</b>	<b>Bin Refuse condition</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 04.57.07.201 dated 21.06.16 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>13</b>	<b>Removal of PD rights</b>
	<p>REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (COMPLIANCE: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 no additional windows, extensions or alterations to the dwelling house(s) hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling house in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>

<b>14</b>	<b>Landscaping (Details)</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>i) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>15</b>	<b>Boundary treatments</b>
	<p>CONDITION: Details of internal boundary treatment within the site between gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include: all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure and prevents overlooking of neighbouring properties.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Unilateral undertaking</b>
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>3</b>	<b>Community infrastructure Levy (CIL)</b>
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

Policy 7.4 Local Character

Policy 7.6 Architecture

Housing Supplementary Planning Guidance

Appendix 1 - Summary of the quality and design standards

#### **B) Islington Core Strategy 2011**

##### Strategic Policies

Policy CS 8 – Enhancing Islington’s character

Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

Policy CS 10 – Sustainable Design

Policy CS 12 – Meeting the housing challenge

#### **C) Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM3.1 - Mix of housing sizes
- Policy DM3.3 - Residential conversions and extensions
- Policy DM3.4 – Housing Standards
- Policy DM3.5 – Private outdoor space
- Policy DM5.2- Loss of existing business floorspace
- Policy DM6.3 – Protecting Open Space
- Policy DM6.5 – Landscaping, trees and biodiversity
- Policy DM6.6 – Flood Prevention
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

### **3. Designations**

Barnsbury Conservation Area

### **4. SPD/SPGS**

Urban Design Guidelines (2017)  
Basement Development SPD (January 2016)  
Conservation Area Design Guidelines  
Small Sites Affordable Housing SPD  
Environmental Design SPD  
Inclusive Design SPD



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## Appeal Decision

Site visit made on 12 December 2016

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 January 2017

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**Appeal Ref: APP/V5570/W/16/3158054**

**Syracusae, 134 Liverpool Road, Islington, London N1 1LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Koratjitis against the decision of the Council of the London Borough of Islington.
  - The application Ref P2015/4091/FUL, dated 25 September 2015, was refused by notice dated 10 August 2016.
  - The development proposed is "partial demolition of existing buildings and extensive basement excavation of the entire site to facilitate the construction of 3no. residential single dwelling houses comprising a 2 storey plus basement level 1 x 2-bedroom house and a four storey plus basement level 2 x 4 bedroom houses, communal and amenity spaces and other associated works and alterations to the sites existing boundary walls".
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development provided by the application form has been amended in subsequent documents. I adopt the description provided by the appeal form accordingly.
3. A Unilateral Undertaking (UU) made under Section 106 of the Planning Act was submitted as part of this appeal. The UU includes obligations relating to contributions to affordable housing and to offset carbon dioxide omissions, together with restrictions upon occupants of the site relating to resident parking permits.

### Background and Main Issues

4. A previous appeal decision<sup>1</sup> has been brought to my attention relating to proposed redevelopment of the site that was similar to the proposal before me in so far as it related to part demolition of the existing buildings and basement coverage over the entire area of the site. The previous Inspector found no harm relating to the effect on the provision of business floorspace or the impact of the basement upon the structural integrity of surrounding properties, including nearby listed buildings. However, the previous appeal was dismissed due to unsatisfactory living conditions for future occupants, the impact of the basement excavations upon the health and longevity of adjoining trees and

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<sup>1</sup> APP/V5570/A/14/2225785 – Dismissed – 23 December 2014

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failure to demonstrate an acceptable level of energy efficiency or reduction in carbon emissions.

5. The concerns of the previous Inspector relating to living conditions for future occupants have been overcome by evidence provided within a BRE<sup>2</sup> compliant sunlight and daylight report, and conformity with internal floorspace and private outdoor space standards. In addition, a tree survey and arboriculture assessment demonstrate that there would be no adverse impact on the health and longevity of adjoining trees given the difference in soil levels and the presence of an existing boundary wall which restricts the existing root systems. However, the Council has identified a number of concerns relating to the development proposed and the inclusion of on-site parking spaces.
6. Having regard to all of the above, the main issues are:
  - the effect of the development in relation to the character and appearance of Barnsbury Conservation Area, with particular regard to the structural integrity of adjoining properties, including listed buildings, landscape and biodiversity;
  - the effect of the development in terms of drainage and energy efficiency, and;
  - whether the proposed car parking arrangements would be suitable, with particular regard to highway safety, flood risk, air quality and healthy lifestyles.

## **Reasons**

### *Character and appearance*

7. Barnsbury Conservation Area is characterised by predominantly Georgian and Victorian housing arranged in a sequence of squares and terraces, the former of which are characterised by the verdant setting of buildings provided by gardens, mature trees and well established planting. Liverpool Road, where the appeal site is located, is a main route running broadly north to south through the Conservation Area between a number of the squares.
8. The appeal site is in a backland position accessed from Liverpool Road and is tightly enclosed by three storey buildings on all sides. Aside from the building facing Liverpool Road below which site access is taken, public views into the site are limited to a gap between the terraces facing Gibson Square and Milner Place, which consist of Grade II listed buildings.
9. The Council has offered no objection to demolition of part of the existing buildings or the appearance and contemporary form of the proposed development, subject to control of materials. Based on the evidence before me and my observation of the site and its surroundings, I have no reason to take a different view. I am, therefore, satisfied that the character and appearance of the Conservation Area and the setting of the Grade II listed buildings would be preserved by the development visible above ground. In reaching this finding, I have taken account of the limited prominence of the site, the neutral effect of the existing buildings on the significance of the heritage assets and that the

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<sup>2</sup> Building Research Establishment 'Site Layout Planning for Daylight and Sunlight - a guide to good practice.

scale and massing of the replacement buildings visible above ground would remain similar to those existing.

10. Following the earlier Inspector's appeal decision I have previously referred to and prior to the Council making its decision, the Islington Basement Development Supplementary Planning Document (SPD) was adopted in January 2016 and is a material consideration when determining this appeal. The SPD provides guidance to assist in the interpretation of Policy CS8 of Islington's Core Strategy (CS), adopted February 2011, in terms of the scale of development reflecting the character of the area. In this respect, there are also links to Policy CS9 of the CS in so far as it seeks to protect and enhance Islington's built and historic environment, which includes Conservation Areas and nearby listed buildings. The Basement Development SPD also aligns with the National Planning Policy Framework (the Framework).
11. The Framework seeks that planning policies and decisions should ensure that new development is appropriate for its location, to prevent unacceptable risks from, amongst other things, land instability<sup>3</sup>. In this respect, decisions should also ensure, amongst other things, that adequate site investigation information, prepared by a competent person, is presented<sup>4</sup>. This is supplemented by Planning Practice Guidance (PPG) which states that the planning system has an important role in considering land stability by, amongst other things, minimising the risk and effects of land stability on property, infrastructure and the public<sup>5</sup>.
12. The Basement Development SPD sets out the requirement for site investigations to inform the design of basements. This includes that a Structural Method Statement (SMS) must be submitted in support of any application for basement development, together with the detailed requirements of investigations to be undertaken. The SPD also includes design considerations, including guidance relating to the depth and extent of basement development within a site, together with related factors such as landscape, flood risk, sustainable design and relationship to heritage assets.
13. During my visit, I observed that basements are a feature of the surrounding area, including to Nos. 132 and 136 Liverpool Road located at either side of the access and the terraced properties facing Gibson Square and Milner Place, consisting of Grade II listed buildings. Nevertheless, the site coverage and depth of the proposed basement excavations are considerable. The excavation required to achieve the basement level accommodation and vehicular access to car parking identified on the submitted plans would extend to each boundary of the site, including works undertaken in close proximity to the existing foundations of Nos. 132 and 136 Liverpool Road.
14. Evidence provided by an interested party includes the professional opinion of a qualified civil engineer and expert in ground engineering that the excavation below the foundation level of No 132 along both its northern and eastern sides would cause substantial movement and damage to that property. In particular, the concerns relate to the depth of excavations below the foundations of No 132 and within its zone of influence as indicated on Proposed Section MM,

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<sup>3</sup> The Framework, Paragraph 120

<sup>4</sup> The Framework, Paragraph 121

<sup>5</sup> PPG, Land Stability, Paragraph: 001 Reference ID: 45-001-20140306 Revision date: 06 03 2014



together with the necessity for very substantial retaining walls. No technical evidence has been provided by the appellant relating to this matter.

15. Based on the evidence before me, the extent of ground excavations required to construct the development and the close proximity to surrounding residential properties, particularly Nos. 132 and 136 Liverpool Road, would introduce the potential for unacceptable risk to their structural integrity. The level of risk to the nearby Grade II listed buildings facing Gibson Square would appear to be considerably less due to the greater separation distances involved from the boundary of the site and differences in land levels. However, given the listed buildings adjoin closer properties this does not prevent the potential for harm to occur. In this respect, I have taken into account that the depth of parts of the basement development would exceed the maximum 1 storey depth indicated in the guidance in the Basement Development SPD. As a consequence, the risk associated with the development would reasonably necessitate site specific ground investigation as part of a SMS to take place, rather than a desk-based investigation.
16. In the absence of such details, I consider that it would be premature to grant permission for such a development. Based on the evidence before me, I am not satisfied that a condition requiring a ground investigation of the site would in itself overcome or mitigate the potential risks identified. This is noting that outcome of ground investigation works could influence the depth and extent of basement development that would be acceptable. The proposal should set out now what mitigation measures (if any) would be necessary to prevent unacceptable risk from the development to local land stability and the structural integrity of adjoining properties, including nearby listed buildings.
17. In reaching the above findings, I have taken into account that the previous Inspector considered that a condition could be imposed to ensure that works are carefully controlled and that the structural condition of adjoining properties is known prior to work commencing. However, I do not have the full details of the earlier scheme or evidence that was before the previous Inspector that led to such a view. Furthermore, the appeal decision was also prior to the adoption of the Basement Development SPD which specifies the need for a SMS as part of any application and sets out circumstances, relevant to this appeal, where physical site investigations may need to be undertaken. In such circumstances, I have reached my own conclusions on the basis of the evidence before me and the risks identified relating to the structural integrity of adjoining properties.
18. The proposal exceeds the Basement Development SPD guidance in terms of the basement occupying an area of the site larger than above ground building footprints. However, as the extent of underground development associated with the basement levels would not be visible above ground with only modest lightwells, it would not in itself have a harmful effect on the character of the Barnsbury Conservation Area and the setting of nearby listed buildings relative to Policies CS8 and CS9 of the CS. However, there is insufficient information to demonstrate that the basement excavations required to facilitate the development would protect Islington's existing built environment and conserve its heritage assets. Consequently, the proposal is, therefore, in conflict with Policy CS9 of the CS.

19. Policy DM6.5 of the DMP seeks to protect, contribute to and enhance the landscape, biodiversity value and growing conditions of any development site and its surroundings. As previously mentioned, based on the evidence before me, I am satisfied that there would not be an adverse impact on the trees within the rear gardens of properties along Gibson Square that positively contribute to the verdant character of the area. In addition, the inclusion of planters with soil depth of 1.5m, green walls and green roofs, would represent a limited enhancement to landscaping and biodiversity within the site that comprises predominantly buildings and hardstanding as existing. The proposal, therefore, would not conflict with Policy DM6.5. However the absence of concern in this respect does not justify the harm otherwise identified.
20. I conclude that there is insufficient evidence to demonstrate that the proposed basement excavation would not result in an unacceptable risk to the structural integrity of adjoining properties in Barnsbury Conservation Area, including listed buildings. The proposal consequently fails to demonstrate that it would preserve or enhance the character and appearance of the Barnsbury Conservation Area and the nearby Grade II listed buildings. The development is, therefore, contrary to Policy CS9 of the CS and the guidance in the Basement Development SPD, in so far as the policy seeks to protect Islington's built environment and conserve heritage assets, and paragraphs 120 and 121 of the Framework.
21. As the site is in a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the same Act requires special attention to be paid to the desirability of preserving listed buildings and their settings. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness.
22. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal due to the unacceptable risk to the structural integrity of adjoining buildings in Barnsbury Conservation Area and Grade II listed buildings, has the potential to significantly harm local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.
23. With regard to the above, the proposed development does not demonstrate that there would not be an unacceptable risk to adjoining buildings to an extent that could lead to substantial harm or even total loss of significance of designated assets. There is no substantive evidence before me that redevelopment of the site could not otherwise be achieved without the potential harm resulting from the proposal. Consequently, the redevelopment of the site and any associated benefit does not constitute a public benefit which would outweigh the substantial harm or loss of significance.



*Drainage and energy efficiency*

24. Policy DM6.6 of the DMP requires a reduction in existing surface run-off levels where possible. There is no evidence before me that the site is located in an area considered at high risk of flooding. Furthermore, taking into account that buildings and hardstanding currently occupy almost the entire site, I consider it unlikely that the development would significantly increase surface run-off or reduce the permeability of the site. In this respect, the inclusion of SUDs<sup>6</sup> attenuation tanks would appropriately address surface water management and drainage within the site to support the development.
25. Policy DM7.2 of the DMP requires development to achieve best practice energy efficiency standards in terms of design and specification. The development incorporates energy efficiency measures as set out in a Sustainable Design and Construction Statement submitted by the appellant. I am satisfied that if these details were secured by condition if the appeal were to be allowed, there would be no conflict with Policy DM7.2.
26. I conclude that the development would not have a harmful effect in terms of drainage and energy efficiency. The proposal would not, therefore, conflict with Policies DM6.6 and DM7.2 of the DMP or the Framework in those respects.

*Car parking arrangements*

27. Policy CS10 of the CS in seeking a sustainable design of development requires, amongst other things, that all new developments are car free. The associated definition is that car free development means no parking provision will be allowed on-site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. The explanatory text indicates that requiring new residential developments to be car-free will help to reduce traffic congestion and associated pollution from new developments.
28. Policy DM8.5 of the DMP supplements Policy CS10 of the CS and states that applications for vehicle parking within the curtilage of existing residential properties will be refused. In addition, it states that no provision for vehicle parking or waiting will be allowed for new homes, except for the essential drop-off and wheelchair-accessible parking, and that in line with the Core Strategy, all additional homes will be car free.
29. The site and the surrounding streets are within a Controlled Parking Zone with resident permit holder restrictions from Monday to Friday between 0830 - 1830 and on Saturdays between 0830 - 1330. There are also additional on street parking restrictions in the form of double yellow lines and markings associated to a pedestrian crossing along nearby sections of Liverpool Road. During my visit to the site in the morning, I observed that demand for on-street parking spaces in the local area and surrounding streets was high. The occupancy of spaces was close to capacity, which is an indicator of parking stress.
30. The UU is signed, dated and executed and would ensure that the development would be resident parking permit free in accordance with Policy CS10 of the CS. Consequently, it would, be necessary to make the development acceptable in an area of parking stress. Furthermore, as it would only apply to the occupants at the site it would be directly related to the proposed development

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<sup>6</sup> Sustainable Urban Drainage Systems

and reasonably related to it in scale and kind. The UU would therefore accord with paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) with regard to its planning obligation that the development would be resident parking permit free which is attributed weight in the planning balance.

31. The site has an existing access from Liverpool Road with an area of established hardstanding in front of the existing buildings that would appear to be capable of accommodating off street parking for up to 3 vehicles. A fallback position of on-site parking associated to the use of the existing buildings for residential purposes has been established by a prior approval previously granted by the Council for 3 self-contained residential units.
32. With regard to the above, the development would involve the loss of the existing on-site parking, with alternative provision provided via basement excavations to facilitate the provision of 3No. car parking spaces, a vehicle platform lift and car turntable. In this respect, there would be conflict with Policies CS10 of CS and DM8.5 of the DMP in so far as the proposal comprises new development which would be served by on-site parking. However, in the particular circumstances of this case, the proposal would not result in a net increase of parking demand or on-site parking provision when compared to the existing fallback position which is attributed significant weight. Consequently, there would be no harm arising in terms of highway safety, traffic congestion, air quality and healthy lifestyles.
33. The Council have expressed additional concerns relating to the car parking provision proposed in terms of visual amenity, biodiversity and flood risk. However, based on the evidence before me and my observations of the site, there would be no harm in those respects. The underground car parking area, vehicle platform lift and car turntable would not be visible from public vantage points. Furthermore, the development would not significantly increase surface run-off or reduce the permeability of the site. There would also be limited enhancements to landscaping and associated biodiversity within the site that is predominantly buildings and hardstanding as existing.
34. The precedent of an existing development at Islington Square with underground car parking provision is offered little weight given its significantly different character and development plan context when compared to the proposal before me. I agree with the Council that the type of vehicle to be parked within the site would be difficult to enforce. In any case, restrictions on vehicle types or limitations to wheelchair-accessible parking would not be necessary in circumstances where harm has not been identified.
35. I conclude that the proposed car parking arrangements would be suitable and would not result in harm to highway safety, flood risk, air quality and healthy lifestyles. There is limited conflict with Policy CS10 of the CS and Policy DM8.5 of the DMP in so far as the development would be served by on-site parking. However, this is outweighed by the absence of harm due to the particular circumstances of the site, including the fallback position of on-site parking associated to residential occupation of the site and an absence of net additional car parking demand or provision. The development accords with paragraph 32 of the Framework in that there would be no severe residual cumulative impacts arising from the development on transport grounds.



### **Other Matters**

36. The proposal would provide economic benefits arising from CIL revenue associated with the additional floorspace proposed and short term benefits relating to the necessary construction works. However, the extent of these benefits are limited by the scale of development proposed and do not outweigh the harm identified.
37. During my visit, I observed significant opportunities from within the upper levels of the existing buildings to look down and into the rear gardens of neighbouring properties. These relationships would be improved by the design and layout of the dwellings which have appropriately positioned windows, outside spacing and screening, the latter of which could be controlled by condition. I am, therefore, satisfied that there would be no additional impact from the proposal on the living conditions of occupiers in terms of overlooking, privacy or light pollution when compared to the existing buildings. However, the absence of concern in this respect is a neutral factor.
38. The vehicle platform lift would operate in close proximity to neighbouring properties, particularly 132 Liverpool Road, which could have the potential to create noise and disturbance. There would also be potential noise and vibration generated by underground vehicle parking and the use and maintenance of proposed swimming pools. There is no evidence relating to the levels of noise and vibration that would result and whether mitigation would be necessary and / or feasible. However, as the appeal is to be dismissed based on harm otherwise identified relating to the basement excavation, it is not necessary for me to pursue this matter any further.
39. The UU also includes planning obligations relating to financial contributions towards affordable housing and energy efficiency and carbon reduction in seeking to meet the requirements of Policy CS12 of the CS and Policy DM7.2 of the DMP. Taking into account the Council's evidence submitted to this appeal, the Government's Written Ministerial Statement of November 2014 on affordable housing contributions and the associated guidance in the PPG<sup>7</sup>, the former is a potential benefit to which I attach some weight. However, as the appeal is to be dismissed based on its substantive merits, it is not necessary for me to look in detail at these obligations as they would not alter the outcome of this appeal.

### **Conclusion**

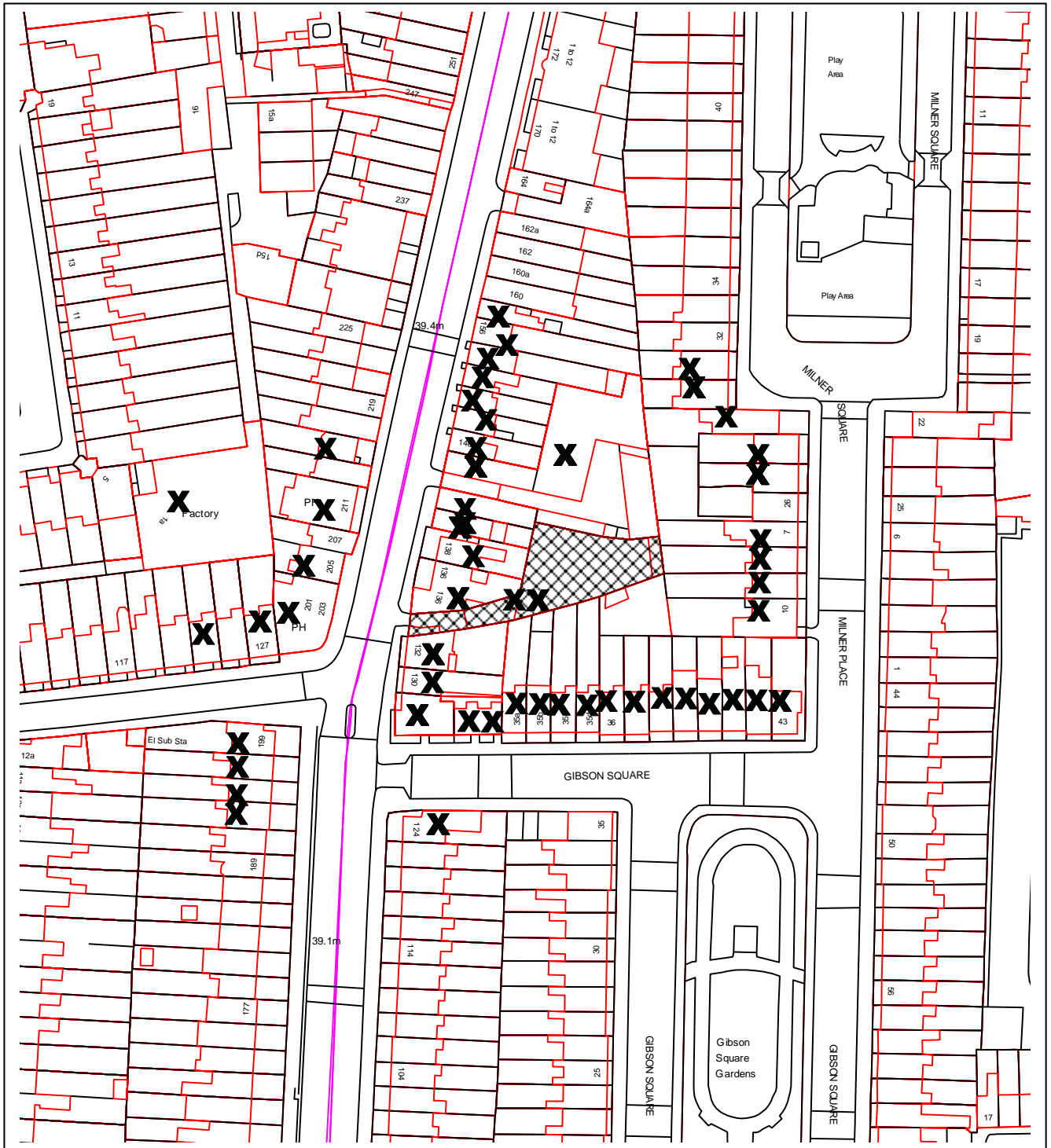
40. I have considered the public benefits of the development which are limited given that the proposal would be a private redevelopment. The absence of harm relating to landscaping, biodiversity, drainage, energy efficiency and car parking arrangements, together with the limited benefits of the proposal do not outweigh the harm in terms of insufficient evidence to demonstrate that there would not be an unacceptable risk to the structural integrity of adjoining properties, including listed buildings. The harm is significant and overriding given the consequent failure to demonstrate that the character and appearance of the Barnsbury Conservation Area and the nearby Grade II listed buildings would be preserved with potential for substantial harm to the significance of the heritage assets.

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<sup>7</sup> PPG, Planning obligations, Paragraph: 031 Reference ID: 23b-031-20160519, Revision date: 19 05 2016



# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	27 February 2016	<b>NON-EXEMPT</b>

Application number	P2015/4983/FUL
Application type	Full Planning Application
Ward	Tollington Ward
Listed building	Not Listed
Conservation area	Stroud Green conservation area
Development Plan Context	Local Cycle Route
Licensing Implications	None
Site Address	Disused Single Garage, 16 Japan Crescent, London, N4 4BB
Proposal	Demolition existing disused derelict building and construction of two storeys over basement single dwelling house and associated excavation at basement level.

Case Officer	Sandra Chivero
Applicant	Mr Mark Armstrong - d4p developments Limited
Agent	Mr J. Brown - ShrimplinBrown Ltd,

### 1. RECOMMENDATION

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

- 1.1 Subject to the conditions set out in Appendix 1;
- 1.2 Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

**2. SITE PLAN (site outlined in black)**



3. PHOTOS OF SITE/STREET

Application Site



Aerial View of site



Existing Street view of Application Site





Figure 10: - Site Photograph - Dead zone - could be used for anti-social activities



Figure 11: - Site Photograph - existing building in a state of disrepair



Figure 12: - Site Photograph - back yard relationship with 14 Japan Crescent



Figure 13: - Site Photograph - back yard relationship with 7 Mount Pleasant Crescent

## Photos of the site

### 4. SUMMARY

- 4.1 The application seeks planning permission for the construction of a two-storey over basement one bedroom dwelling house including excavation of the site. The new dwelling will be located at lower ground, ground and first floor levels.
- 4.2 The main considerations are the acceptability of the proposed residential use of the site, design and impact on the character and appearance Stroud Green Conservation Area, basement excavation, amenity, standard of accommodation, transport, sustainability, affordable housing contributions and carbon offsetting contributions.
- 4.3 The development would be acceptable in visual terms and the proposed building would have no significant harm on neighbouring amenity in terms of loss of light, outlook or privacy. The proposed standard of residential accommodation is considered adequate and the proposed building raises no concerns in relation to sustainability and transport.
- 4.4 The design for the proposed house is conceived as a continuation of the terrace. Overall the proposal which would replicate the existing terrace to the front elevation would accord with the Islington Urban Design Guide which seeks particular care to be taken on frontage infill to ensure a satisfactory match of design and materials with neighbouring properties.

- 4.5 Concerns have been raised regarding excavation of the site. The proposed basement excavation will be less than 50% of the site. The proposed basement excavation is therefore considered acceptable in principle and would not result in harmful, permanent, irreversible damage and would not impact on drainage and biodiversity to the surrounding area. In addition, the new basement is not located adjacent trees or listed buildings.
- 4.6 During the course of the application the applicant provided an amended Structural Method Statement (SMS) endorsed by a suitably qualified person as required by the Islington's Supplementary Planning Document for Basement Extensions. The updated report also includes more detailed designs and construction method statement based on the further information contained within the intrusive geotechnical report including the specific onsite ground conditions and widths and depths of the existing foundations supporting the adjacent properties. It is accepted that the detailed information clearly indicates that the works can be carried out in a safe sequence which minimise the risk to the adjacent properties.
- 4.7 In addition the basement level will not be visible from the street and no lightwells are proposed to the street frontage. The proposed basement is therefore not considered to detract from the character and appearance of the surrounding Stroud Green Conservation Area.
- 4.8 In terms of the impact to the neighbouring properties, given its end of terrace sitting the development is not considered to have significant impact on the adjacent neighbours. A daylight and sunlight report was submitted with the application which demonstrates that the proposed development would not result in harmful loss of light to neighbouring properties and would accord with the BRE guidance. A condition has also been attached requiring the rear first floor windows to be obscure glazed to minimize overlooking from these windows.
- 4.9 The applicant has agreed to make the full required small sites affordable housing and carbon offsetting contributions. The development will be car free and this will be secured by condition.
- 4.10 The proposal is considered acceptable and it is recommended for approval subject to conditions and legal agreement.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is occupied by a vacant derelict single storey building located on the southern side of Japan Crescent and it adjoins the end of a two-storey residential terrace set back from the edge of the pavement with small front gardens. The site fronts on Japan Crescent to the north and is bounded by 14 Japan Crescent the end property of a two storey terrace to the west, 7 Mount Pleasant Crescent to the south and two single storey garages which serve the three storey modern residential block at 18 Japan Crescent to the east. The building is not listed but it is located within the Stroud Green Conservation Area. The immediate surrounding area is predominantly residential in character.

## 6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to erect a two-storey over basement dwelling house with associated excavation at basement level. The new dwelling will be located at lower ground, ground floor and first floor levels and would follow the line of the existing terrace. The existing building takes up approximately 50% of the site and is located right up to the edge of the pavement. The site also has an overgrown back yard.
- 6.2 The dwelling house would be constructed of red bricks with bond to match the adjoining Victorian terrace. The proposed building will incorporate a hipped roof with roof tiles and pitch to match the adjoining terraces. All front elevation windows including bay window and the main entrance door are positioned to follow rhythm of terrace.
- 6.3 To the rear the new house will incorporate casement windows at and sliding doors at rear ground and basement levels.
- 6.4 The new dwelling will also incorporate a front and rear gardens at ground floor level and a patio at lower ground floor level.
- 6.5 **Revisions:**
- 17.02.2016: Amends to base plan on red line and updated to Sustainable Design and Construction Statement
  - 19.02.16 Amended sunlight and daylight report with error corrected
  - 08.03.16 Original Structural Method Statement Submitted, Dated February 2016
  - 01.08.2016 Amends to drawings to correct an error with the representation of the proposed boundary wall with Nos 14 Japan Crescent and updated Structural Method Statement.

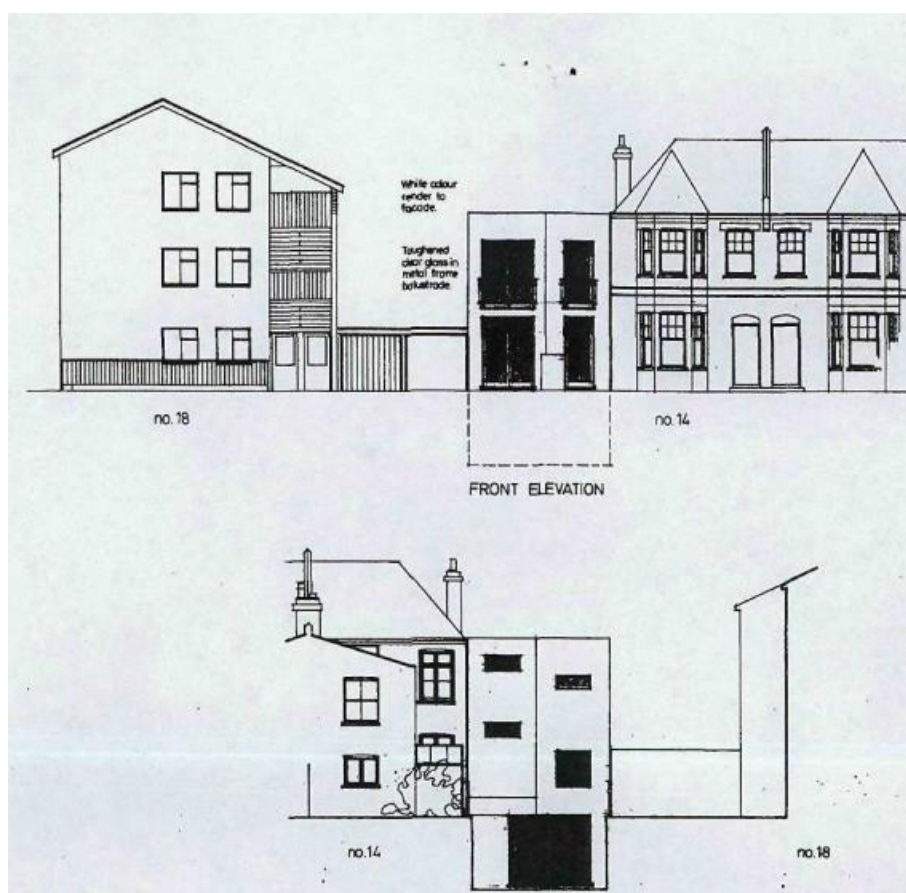
## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS:

- 7.1 September 2007: Conservation Area consent (Ref. P070767) Refused for the demolition of existing building and construction of a single family dwelling house. (lower ground floor, ground floor and first floor). The reasons for refusal were as follows:
- REASON: The proposed demolition without the granting of planning permission on the site is considered to be premature, as set out in policy D21 of the Islington Unitary Development Plan 2002 and PPG15 Planning and the Historic Environment.*
- 7.2 A subsequent appeal was dismissed in February 2009.
- 7.3 September 2007: Planning application (Ref. P070049) Refused for the demolition of existing building and construction of a single family dwelling house. (lower ground floor, ground floor and first floor). The reasons for refusal were as follows:
- *REASON: The proposal fails to conserve and enhance the Stroud Green Conservation Area by reason of it not creating an appropriate relationship with the surrounding buildings and wider Conservation Area. This is contrary to policies D1, D4, D11, D22, and D24 of the Islington Unitary Development Plan (2002) and the Draft Stroud Green Conservation Area Design Guidelines (2007).*



- *REASON: The proposed development would have a serious adverse effect on the amenity of occupiers of neighbouring properties by reason of loss of daylight and outlook. This is contrary to policy D3 of the Islington Unitary Development Plan (2002).*
- *REASON: The proposal fails to create a suitable residential environment for a family sized unit by virtue of it not providing a suitably sized and located amenity space. This is contrary to policies H3, H7 and H10 of the Islington Unitary Development Plan (2002) and the Planning Standards Guidelines (2002).*



*Dismissed appeal scheme elevations*

- 7.4 A subsequent appeal was dismissed in February 2009.( Attached Inspectors decision)
- 7.5 March 2006: Planning application (Ref. P060099) Refused for the construction of a three storey single family dwelling house. The reasons for refusal were as follows:
- *The proposed development, due to its scale, bulk, height and design would fail to create a positive and appropriate relationship with surrounding buildings and would cause harm to the character of the surrounding area contrary to policies H10, H12, D1, D4 and D5 of the Islington Unitary Development Plan 2002.*

- *The proposed development would provide unacceptable amenity for future residents due to lack of amenity space and the size of the resulting accommodation contrary to policies H3, H7, H10 and H12 of the Islington Unitary Development Plan 2002 and Islington's Planning Standard Guidelines 2002.*
- *The proposed development, due to its scale, bulk and height would cause undue loss of light and outlook to No. 7 Mount Pleasant Crescent and No 18 Japan Crescent contrary to policy H3 and D3 of the Islington Unitary Development Plan 2002 and Islington's Planning Standards Guidelines 2002.*

## **PRE-APPLICATION ADVICE**

- 7.13 The applicant was advised that based upon the drawings submitted, the second (traditional) option would be the preferred scheme. However as highlighted by the Inspector for the previous appeal on this site, the impact of the scheme upon No 18 Mount Pleasant Crescent is a concern (and would be considered carefully with the benefit of a full site visit should an application be submitted), and it would have to be demonstrated that this impact is acceptable

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Three consultations were carried out. Letters were sent to occupants of 12 adjoining and nearby properties along Japan Crescent and Mount Pleasant Crescent on 19 January 2016 and 09 March 2016. Site and Press notices were displayed during this period. Following submission of amended drawings and submission of a Structural Method Statement further consultation letters were sent on 09 March 2016 and 12 August 2016 the reconsultation period ended on 08 September 2016. It is the Council's practice to consider representation made up until the date of a decision.
- 8.2 At the time of writing this report seventeen objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Basement excavation (Paragraphs 10.12 to 10.14)
  - Basement excavation contravenes with guidance (Paragraphs 10.12 to 10.14)
  - Unwelcome precedent (Paragraphs 10.40)
  - Overlooking, Loss of light and loss of privacy (Paragraphs 10.15 to 10.22)
  - Stress (Paragraphs 10.41)
  - Structural issues (Paragraphs (Paragraphs 10.12 to 10.14)
  - Noise, intrusion, disturbance and nuisance during building works including excavation of the site (Paragraphs 10.42 )
  - Heavy goods traffic during building works (Paragraphs 10.42)
  - Adding basement is clear attempt by developer to turn what should be a one bedroom property into a two bedroom unit. (Paragraphs 10.43)
- 8.3 Two letters were also received in support of the application.
- 8.4 **Emails were also received from Cllr Williamson** raising concerns regarding the size of the basement and requesting the application to be called in. **Cllr Richard Watts supported calling in the application.**

- 8.5 **A letter from Jeremy Corbyn MP**, raised concerns regarding unwelcome precedent for basement excavation and highlighted neighbours' concerns regarding sound proofing and overlooking

**External Consultees**

- 8.6 **None**

**Internal Consultees**

- 8.7 **The Design and Conservation Officer stated that the** principle of a new dwelling replacing the existing garage is acceptable and the IUDG advises it should either be an accurate replica so to be a continuation of the terrace in terms of design where there is a particularly large gap or otherwise have the appearance of a garden wall and be no higher than a single storey. Previous advice has been that given the constrained nature of the site the latter might be the only acceptable option here. However, the existence of the particularly unsightly garages is a material consideration.
- 8.8 **The Inclusive Design Officer** highlighted that the Design and Access Statement claims that “where possible the dwelling has been designed to the Lifetime Homes Standard”. “All doors will have a minimum clear opening of 750mm with 900mm corridors when approached head on and 900mm clear openings when approach is not head-on. The living room is at entrance level. There is a wheelchair accessible WC on the entrance level. Bathrooms and toilets are designed with a capability of taking adaptations such as handrails. Stairlifts can be fitted to all stairs”.
- 8.9 It is stated that the claims are not borne out by the plans
- The ground floor WC and basement bathroom do not satisfy the criteria for LTH
  - Winding treads should be avoided since they are not accessible to ambulant disabled people.
  - The landings at the head and foot of the flight will not accommodate a stair lift
  - No furniture is shown and so a full appraisal of the habitable rooms is not possible.
  - No location for a through the floor lift to link the ground and basement floor is shown.
- 8.10 It is further stated that the expectation is now that the dwelling meets Category 2 of the National Housing Standard. The ground floor WC and first floor bathroom both fall short of the standard; as a consequence the unit would be neither visitable nor adaptable. At present the proposal fails to meet the requirements of LPP 3.8 and DMP 2.2.
- 8.11 **Public Realm** – it is stated that any works to the public highway would require permission from the Highways Team and payments will be required for the works to be carried by the Highways Team.
- 8.12 **The Policy Sustainability Officer** stated that the submitted structural method statement should meet the requirements of the basement SPD.

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

9.3 Since March 2014 Planning Practice Guidance for England has been published online.

### **Development Plan**

9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Stroud Green Conservation Area.

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Principle of basement development
- Neighbouring Amenity
- Standard accommodation
- Highways and Transportation
- Sustainability
- Inclusive Design
- Affordable housing small sites and Carbon Offsetting Contributions

## **Land Use**

- 10.2 It is proposed to demolish the existing disused garage and erect a two-storey over basement one-bedroom dwelling house (C3 Use Class).
- 10.3 Vacant and derelict buildings have a demoralising and downgrading effect on an area. The Council therefore welcomes the principle of bringing back into use vacant sites, as in this instance. In judging the acceptability of residential use in this location it is considered that residential use would be appropriate in this predominantly residential area. The provision of additional housing at this location would be supported by policies CS12 of the Core Strategy which seeks to meet and exceed the borough housing targets through the provision of additional housing in suitable locations as in this instance.
- 10.4 The proposed scheme resulting in a creation of a single unit is considered appropriate in principle at this location.

## **Design**

- 10.5 The Council welcomes the demolition of the existing vacant dilapidated single storey structure. The proposal is to set back the building line with the host terrace and is considered to enhance the streetscene.
- 10.6 The design for the proposed house is conceived as a continuation of the terrace. The resulting house would replicate the other properties on the street in terms of street elevation rhythm and proportions, and use materials. The proposed front and rear building lines of the proposal would follow the established building line along Japan Crescent which is welcome. The design approach is considered to be in keeping with the wider adjoining terrace along Japan Crescent. While complete retention of gaps is always desirable the infill a continuation of the terrace is also considered to respond appropriately to the existing frontage.
- 10.7 Overall the proposal which would replicate the existing terrace to the front elevation would accord with the Islington Urban Design Guide which seeks particular care to be taken on frontage infill to ensure a satisfactory match of design and materials with neighbouring properties.
- 10.8 While the proposal would incorporate a basement level, this is not visible from the street and no lightwells are proposed to the street frontage. The proposed basement is therefore not considered to detract from the character and appearance of the surrounding Stroud Green Conservation Area.
- 10.10 The refuse store and bike store are located in concealed positions and are therefore considered not to detract from the streetscene.
- 10.11 Overall, it is considered that the character and appearance of the surrounding Stroud Green Conservation Area would be preserved. The proposal is also considered accord with policies CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of Islington's Development Management Policies Document June 2013 and the guidance contained within the Islington Urban Design Guide.

## **Principle of Basement Development**

- 10.12 Concerns have been raised regarding excavation of the site. The development does not develop the entire built footprint at basement level but includes half the main buildings footprint being concentrated towards the rear section of the proposed dwelling. It is noted that the site is relatively small and close to adjacent occupiers in this case. However the proposed basement levels would be less than 50% of the site and is considered to be proportionate to the proposed dwellings and the surrounding scale and built form in the immediate area. The proposed development is considered to conform to the guidance set out within the Basement SPD sets out the relevant guidelines for Residential infill developments in paragraphs 7.1.12.

Paragraph 7.1.12 of the SPD sets out:

*“For infill residential development, the scale and extent of basement within a site should respond to the site context and the prevailing scale of development in the area. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds. The proportion of the site that is built upon/under to the proportion unbuilt upon when compared with surrounding buildings is of particular importance to achieving a compatible scale of development on infill sites. For the avoidance of doubt, both in terms of depth and footprint of basement, all other relevant design of the SPD will apply to infill developments and will have a bearing on the acceptability of a proposed basement design.*”

- 10.13 Notwithstanding this, the construction of basements can cause harm to the natural environment, the stability of existing buildings, the amenity of nearby residents and the character and appearance of an area. The newly adopted Basement SPD (January 2016) requires the submission of a Basement Impact Assessment, Structural Method Statement (SMS) and a Construction Management Plan (CMP) endorsed by a suitably qualified person(s) are required to be submitted with any planning applications for a basement development. These documents also enable the council to consider the cumulative impacts of basement development across the borough and balance the potential site-specific benefits basements can provide (i.e. additional floor space) against those wider cumulative impacts set out in Policy DM6.3.
- 10.14 During the course of the application the applicant provided an amended Structural Method Statement (SMS) endorsed by a suitably qualified person. The amended report covers the various concerns raised over the proposed development relating to both structural and geotechnical matters. The updated report also includes more detailed designs and construction method statement based on the further information contained within the intrusive geotechnical report including the specific onsite ground conditions and widths and depths of the existing foundations supporting the adjacent properties. It is accepted that the detailed information clearly indicates that the works can be carried out in a safe sequence which minimise the risk to the adjacent properties. In view of the intrusive and non-intrusive investigations findings, followed by the Geotechnical Engineer recommendations and brief structural calculations check together with construction phasing process produced, the proposed development including excavation at basement level will have little or no impact on the neighbouring structures provided that the recommendation set in the report are fully adhered to.

### **Neighbouring Amenity**

- 10.15 Concerns have been raised regarding loss of light, overlooking and loss of privacy to neighbouring properties and gardens.
- 10.16 In terms of the impact to the neighbouring properties, given its end of terrace siting the development is not considered to have significant impact on the adjacent neighbours.
- 10.17 There is no harmful overlooking from the application site into the existing properties on Japan Crescent or Mount Pleasant Crescent. Windows that face other dwellings are considered to be adequately separated to avoid the overlooking of habitable rooms. At ground floor level, overlooking into the rear yards of no. 7 Mount Pleasant Crescent and 18 Japan Crescent is mitigated by the use of a 1.8m high boundary fence. To minimize overlooking from the rear first floor window a condition has been attached requiring the these windows to be obscurely glazed and fixed shut with the exception of the high level ventilator.
- 10.18 The applicant has submitted a daylight and sunlight assessment of the existing and proposed conditions. The reports highlight that the relevant BRE recommendations for daylight and sunlight area:
- The Vertical Sky Component measured at the centre of window should be no less than 80% of its former value
  - The windows should receive at least 25% of available annual sunlight hours and more than 5% during winter months (September 21<sup>st</sup> to March 21<sup>st</sup>) and 80% of its former value.
- 10.19 The Vertical Sky Component was calculated for 18 windows to neighbouring properties for existing and proposed conditions. The results in the report show that all windows meet 80% criteria VSC.
- 10.20 The report further highlights that the Annual Probable Sunlight hours is a measure of the number of hours direct sun falling on a surface over a given period. This is of particular importance to living space where direct sunlight is welcomed. It is stated that the BRE Guidance is that windows should continue to receive in excess of 80% of their pre-development value 25%of available over the year and 5% of hours in winter. Only windows which face 90 degrees south need to be assessed for sunlight. In this case 15 windows were analysed. As the proposal lies wholly to the north of these windows, the effect on sunlight provision was negligible in all cases.
- 10.21 The previous application was refused on enclosure and outlook to the neighboring property at no. 18 Mount Pleasant Crescent. The previous scheme was approximately, 7.5m deep and positioned only 2m away from the rear boundary line at first floor level. The dwelling house proposed under the current application will be 3.8m deep excluding the bay window and will set back 4.5m away from the rear boundary line at first floor level. The current scheme which is materially different from the previous refused scheme is considered to be sufficiently set away from the neighbouring properties at first floor level and would not significantly impact on outlook nor result in harmful increased sense of enclosure for the residential occupants of the neighbouring properties at 18 Japan Crescent and 7 Mount Pleasant Crescent. The existing 1.8m boundary fence is considered to mitigate loss of outlook or increased sense of the rear yards of no. 7 Mount Pleasant Crescent and 18 Japan Crescent.

10.22 In conclusion, the reduced scale, massing and bulk of the current proposal compared to the previous appeal scheme has sufficiently overcome the concern raised by the Inspector previously. The proposal is therefore considered to accord with policy DM2.1 which seeks to safeguard residential amenity to neighbouring properties from new developments within the borough as a whole.

**Quality of residential accommodation**

10.23 It is proposed to create a single dwelling house comprising of a 2 persons/ 1 bedroom. The single dwelling house would incorporate a home office at lower ground floor level, kitchen/ lounge and toilet at ground floor level and master bedroom with ensuite at first floor level. The new residential units would incorporate storage space, front and rear gardens at ground floor level and a patio at lower ground floor level.

10.24 The new dwelling house incorporate adequate size windows, rooflights and full height glazed sliding doors is considered to received adequate daylight and sunlight levels. A daylight and sunlight assessment was also carried and it is demonstrated that the minimum daylight levels would be in excess of the standards set out within the BRE Guide.

10.25 As shown in the table 2 below the resulting residential unit would also meet the minimum gross internal area stipulated within the Development Management Policies and the London Plan.

***Table 2 - Gross Internal Area required***

<b>Dwelling type</b>	<b>Dwelling permutation (bedroom (b)/persons-bed spaces (p))</b>	<b>Required GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>Required Outdoor Amenity Space (sqm)</b>	<b>Proposed Outdoor Amenity Space (sqm)</b>
2 storey house	1b/2p	50sqm (1b/2p flat)	53	15	10sqm upper ground rear garden 5sqm lower ground patio 8sqm front garden

10.26 The resulting unit meets the minimum standards and provides satisfactory floors space resulting in residential accommodation of adequate quality with a functional layout as well as provision of dual aspect.

10.27 The master bedroom and living space to the new house would meet the minimum room size requirements stipulated within the Development Management Policies.



- 10.28 As shown in Table 2 above the proposal would also result in provision of adequate private outdoor amenity space which meets the minimum required standards stipulated within policy DM3.5 of the Development Management Plan.
- 10.29 Overall, scheme would result in good standard residential accommodation with dual aspect, outlook from habitable rooms, natural ventilation, privacy and light levels. This would be in line with Policy 12 of the NPPF; Policy 3.5 of the London Plan 2011; policy CS12 of the Core Strategy and policies DM2.1 and DM3.4 of the Development Management Policies.

### **Inclusive Design**

- 10.30 Amended drawings were received showing amendments to the entrance of the ground floor toilets. However, the concerns remain regarding the resulting dwelling not satisfying the criteria for Lifetime Home Standard. The provision of winding treads is not ideal as they are not accessible to ambulant disabled people. The landings at the head and foot of the flight will not accommodate a stair lift. No location for a through the floor lift to link the ground and basement floor is shown. Furthermore, the first floor bathroom both fall short of the standard; as a consequence the unit would be neither visitable nor adaptable. At present the proposal does not meet the requirements of LPP 3.8 and DMP 2.2
- 10.31 However, the expectation is now that new dwelling houses meet Category 2 of the National Housing Standards. A condition has therefore been attached to this effect.

### **Affordable Housing and Financial Viability**

- 10.32 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough. The SPD ‘Affordable Housing Small Sites’ states that in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough. The SPD does state, in accordance with the NPPF, that in instances where the applicants consider that this level of contribution would leave the development unviable, that the council will accept viability assessments where the applicants should provide a statement with their application with a justification for not providing the full financial contribution. In this instance the applicant has agreed to make the full £50 000 affordable housing contribution. This fully satisfies the requirement of CS12G and the Affordable Housing Small Sites Contributions SPD. As such, it is considered that this policy requirement has been satisfied and therefore the proposal is acceptable in this regard.
- 10.33 The Environmental Design Planning Guidance Supplementary Planning Document (SPD) and Islington's Core Strategy policy CS10 require minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type is £1500 per house. The applicant has agreed to make the full required affordable contributions.

### **Highways and Transportation**

- 10.34 The proposed residential scheme would be car free. Therefore, the proposal would not result in a material increase in parking pressure on surrounding roads. It is considered that the proposed development would not have a material impact on highway safety or the free flow of traffic on surrounding roads.
- 10.35 The proposal would also be inline with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies which expects all new developments to be 'car free'.
- 10.36 A condition has been attached to the permission stipulating that the redundant crossover on Japan Crescent should be removed and the footway reinstated with the cost met by the applicant.
- 10.37 The provision of a single cycle space for the one bedroom unit is in line with policy DM8.4 which requires one cycle space provision per bedroom.

### **Sustainability**

- 10.38 The front and rear gardens will incorporate permeable surfaces. This is considered to improve the environmental quality of the house and would be in line with policy DM6.6. This policy requires all new minor new build developments of one unit or more to reduce existing run-off levels as far as possible through the incorporation of SUDS.
- 10.39 A condition has also been attached requiring the submission of a Sustainable Design and Construction Statement detailing how the dwelling will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2015, and not exceed water use targets of 110L/person/day. This is to ensure sustainable standard of design interest of addressing climate change and to secure sustainable development.

### **Other Issues**

- 10.40 Concerns have been raised regarding the proposal setting an unwelcome precedent. Each application is assessed on its merits. Any future submission of excavations at basement level will be assessed against relevant policies.
- 10.41 It is regrettable that the submission of the application proposing basement excavation at this site has caused stress to the neighbour. However, this is not a material consideration and the application cannot be refused for this reason.
- 10.42 Disturbance and nuisance during building works including heavy good traffic access the site are not a material consideration. The application therefore cannot be refused for this reason. A condition to secure a construction method plan will ensure noise and disturbances can be controlled to acceptable limits as the development is built.
- 10.43 Concerns have been raised regarding the applicant adding a basement as an attempt to create a two bed unit. The applicant seeks planning permission for a one-bed unit. The application has therefore been assessed on this basis.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The principle of residential development on this land is considered acceptable and the proposed building would not detract from the character and appearance of the Stroud Green Conservation Area.
- 11.2 The impact on neighbours has been assessed and it is considered that the development would not harm the amenities of adjoining neighbouring properties in terms of loss of light, overlooking or overbearing effect. The internal layout and spatial standards of the proposed flats meet the policy standards and would provide adequate outdoor amenity space in accordance with the Council's objectives and planning policies.
- 11.3 The development would be carfree and would provide adequate cycle parking for the future occupants.
- 11.4 The applicant has agreed to make the full required affordable housing contributions and carbon offsetting contributions.
- 11.5 The proposal is considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### Recommendation A:

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

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

The Heads of Terms are:

- £50 000.00 contribution towards affordable housing within the Borough
- £1 500.00 contribution towards carbon off-setting.

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

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
<b>2</b>	<b>Approved plans list</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Location Block and Site Plan Proposed - Ref: 01L004- 2PD000 Rev A, 01L004 – AED000, 01L004 – AED100, 01L004 – AED150, 01L004 – AED160, 01L004-2PD100C, 01L004-2PD101A, 01L004-2PD151A, 01L004-2PD161A, 01L004-2PD162A; Design and Access, Planning and Heritage Statement, D4p- UK Ltd Ref: 01:004-DR002 – DAS; Daylight Assessment, Twenty 16 Design, Feb 2016; Structural Method Statement, Hurley Palmer Flatt, July 2016 Ref: PUR09923- Jpn Cr - 160728; Desk Study and Site Investigation Report, Southern Testing, 16 June 2016; Sustainable Design and Construction Statement, 01L004-DR003 Rev A; Application Planning Letter, Shrimplin Brown, 24 November 2015.</p>

	<p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Materials (Details)</b></p> <p>MATERIALS (DETAILS): Notwithstanding the approved drawings, planning permission is not granted for metal cladding to the roof of the new building. Details and samples of alternative roof materials and all facing materials shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the chair of the Sub Planning Committee prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window treatment (including sections and reveals);</li> <li>d) roofing materials;</li> <li>e) balustrading treatment (including sections); and</li> <li>f) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<p><b>First Floor Windows</b></p> <p>CONDITION: All first floor windows shown on the plans hereby approved shall be obscurely glazed and shall be provided as such prior to the first occupation of the development and shall be retained as such thereafter.</p> <p>All obscurely glazed windows with the exception of the high level ventilator shall be fixed shut, prior to first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>5</b>	<p><b>Car free development restriction</b></p> <p>Car-Free Development: All future occupiers of the single family house hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) In the case of units designated in this planning permission as non car free; or</li> <li>iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</li> </ul> <p>Reason: To ensure that the development remains car free.</p>

<b>6</b>	<b>Category 2 Condition Accessibility</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
<b>7</b>	<b>Sustainable Design and Construction Statement</b>
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The statement shall detail how the dwelling hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
<b>8</b>	<b>Removal of PD rights</b>
	<p>REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (COMPLIANCE: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 no additional windows, extensions or alterations to the dwelling house hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling house in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
<b>9</b>	<b>Construction Method Plan</b>
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <ul style="list-style-type: none"> <li>a) identification of construction vehicle routes</li> <li>b) how construction related traffic would turn into and exit the site (including appropriate traffic management)</li> <li>c) the method of demolition and removal of material from the site</li> <li>d) the parking of vehicles of site operatives and visitors</li> <li>e) loading and unloading of plant and materials</li> <li>f) storage of plant and materials used in constructing the development</li> <li>g) the erection and maintenance of security hoarding</li> <li>h) wheel washing facilities where applicable</li> <li>i) measures to control the emission of dust and dirt during construction a scheme for</li> </ul>

	<p>recycling/disposing of waste resulting from demolition and j) construction works</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
<b>10</b>	<b>Bicycle Storage and refuse area</b>
	<p>CONDITION: The bicycle storage and refuse area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and permanently maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking and refuse facilities are available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>11</b>	<b>Crossover</b>
	<p>CONDITION: The redundant crossover on Japan Crescent shall be removed and the footway reinstated by Islington Council Highway Services (T:020 7527 2000 / E:<a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>) with the cost met by the applicant. The footway shall be constructed/ provided prior to the first occupation of the development hereby approved.</p> <p>REASON: To secure and maintain an acceptable pavement layout and pedestrian safety.</p>
<b>12</b>	<b>Boundary treatments</b>
	<p>CONDITION: Details of internal boundary treatment within the site between gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include: all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure and prevents overlooking of neighbouring properties.</p>
<b>13</b>	<b>Landscaping details</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls,</li> </ul>

	<p>barriers, rails, retaining walls and hedges;</p> <p>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>i) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
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**List of Informatives:**

<b>1</b>	<p><b>Positive Statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<p><b>Section 106</b></p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>3</b>	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>



<b>4</b>	<b>Pre-Commencement Conditions:</b>
	These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.
<b>5</b>	<b>Car free development</b>
	You are advised that this permission has been granted subject to a condition securing that all new residents of the development shall not be eligible for parking permits in the area.
<b>6</b>	<b>Working Hours</b>
	The applicant is advised that the accepted working hours for development within the borough are:  8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

Since March 2014 Planning Practice Guidance for England has been published online.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality of Design and Housing Developments
- Policy 3.8 Housing Choice
- Policy 3.9 Mixed and Balanced Communities
- Policy 3.10 Definition of Affordable Housing
- Policy 3.11 Affordable Housing Targets
- Policy 3.13 Affordable Housing Thresholds
- Policy 5.1 Climate Change Mitigation
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 5.11 Green Roofs and Development Site Environs
- Policy 5.14 Water Quality and Wastewater Infrastructure
- Policy 5.18 Construction, Excavation and Demolition Waste
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.2 an Inclusive Environment
- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- Policy 8.1 Implementation
- Policy 8.2 Planning Obligations
- Policy 8.3 Community Infrastructure Levy

#### **B) Islington Core Strategy 2011**

Policy CS8 (Enhancing Islington's Character)  
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS12 (Meeting the Housing Challenge)

### **C) Development Management Policies June 2013**

Policy DM2.1 Design  
Policy DM2.2 Inclusive Design  
Policy DM2.3 Heritage  
Policy DM2.4 Local Views  
Policy DM3.1 Mix of housing sizes  
Policy DM3.4 Housing standards  
Policy DM3.5 Private outdoor space  
Policy DM3.7 Noise and vibration (residential uses)  
Policy DM6.5 Landscaping, Trees and Biodiversity  
Policy DM7.1 Sustainable Design and Construction  
Policy DM7.2 Energy Efficiency and Carbon Reduction in Minor Schemes  
Policy DM8.4 Walking and Cycling  
Policy DM8.5 Vehicle Parking  
Policy DM9.1 Infrastructure  
Policy DM9.2 Planning Obligations  
Policy DM9.3 Implementation

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

The following SPGs and/or SPDs are relevant:

#### Islington Local Development Plan:

- Accessible Housing in Islington
- Affordable Housing Small Sites Contributions SPD
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide
- Basement SPD
- Inclusive Design in Islington SPD
- Environmental Design Planning Guidance SPD

#### London Plan:

- Housing
- Sustainable Design & Construction



## Appeal Decisions

Hearing held on 22 October 2008

Site visit made on 22 October 2008

by **Margaret Jones MRTPI**

**an Inspector appointed by the Secretary of State  
for Communities and Local Government**

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:  
26 February 2009**

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### Appeal Ref: **APP/V5570/E/08/2071272**

#### **16 Japan Crescent, London N4 4BB**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by J Bramble Esq against the decision of the Council of the London Borough of Islington.
- The application Ref P070767, dated 13 March 2007, was refused by notice dated 18 September 2007.
- The demolition proposed is the existing building to enable redevelopment for dwelling house.

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### Appeal Ref: **APP/V5570/A/08/2071275**

#### **16 Japan Crescent, London N4 4BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by J Bramble Esq against the decision of the Council of the London Borough of Islington.
- The application Ref P070049, dated 18 December 2006, was refused by notice dated 18 September 2007.
- The development proposed is construction of single family dwelling house.

---

### **Procedural and background matters**

1. The appeals relate to an application for conservation area consent to demolish the existing garage building and a planning application to redevelop the site for a single family dwelling house with accommodation at basement level, ground and first floors. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with them together in this document, except as otherwise indicated.
2. I note that prior to the Hearing the Council decided not to produce evidence to support part of its third reason for refusal in relation to the loss of daylight, although it continues to be a concern of local residents.
3. A completed copy of a Unilateral Undertaking was provided by the appellant in respect of both appeals. It contained a number of provisions relating to the protection of street trees during construction, a highway contribution and undertakings to ensure that the dwelling would be car-free. I have taken it into account as a relevant material consideration.

### **Decision**

4. I dismiss both appeals.
-

### **Main issues**

5. I consider that the three main issues in these appeals are:
- i whether the proposed development would preserve or enhance the character or appearance of the Stroud Green Conservation Area;
  - ii the effect of the proposed amenity space on the living conditions of future occupiers of the proposed dwelling; and
  - iii the effect of the proposal on the living conditions of neighbouring occupiers, in relation to outlook and daylight.

### **Reasons**

6. The appeal site comprises a vacant single storey garage fronting on to Japan Crescent between No 14, an end of terrace late Victorian house, and No 18, a relatively modern infill block of 3 flats which turns the corner into Mount Pleasant Crescent. The appeal site is small with overall width of just under 5m, a depth of about 11.5m and a net site area of around 55.8sqm. The existing garage directly abuts the back-edge of the public footpath, with an overgrown open area to the rear.
7. The site is within the Stroud Green Conservation Area designated in 2007. The character of the Conservation Area is of mixed use buildings with ground floor shops on the main roads and quieter, small-scale residential terraces. Japan Crescent forms a short link between the commercial properties on Crouch Hill and the smaller scale residential terraces in Mount Pleasant Crescent. The narrow, two-storey bay-fronted Victorian terraced houses which line both sides of the Japan Crescent give it an intimate 'urban village' character.

#### *Character and appearance of the Conservation Area*

8. The Stroud Green Conservation Area Design Guidelines (ADG) were adopted as Supplementary Planning Guidance in 2007. These identify the special character of Japan Crescent where the scope for new development is limited. New development is required to conform to the height, scale and proportions of the existing buildings. Modern materials such as brick and glass may be acceptable as long as the design for the new building complements the area.
9. The proposed contemporary two storey flat-roof dwelling would be set back to the established building line, with the basement area extending beyond to the back edge of the pavement. Although it would be no higher than the eaves level of the adjoining Victorian terrace at No 14, I disagree with the appellant's assessment that the proposal would represent a well designed building, appropriate to the street scene and so enhancing the character and appearance of the Conservation Area. Although the adjacent corner block of flats at No 18 has a significant physical presence, the dominant character of the street is defined by the Victorian terraces. This is recognised in the appellant's Design and Access Statement.
10. I have no objection to a modern interpretation of the Victorian terrace in this location. However, in my view, the appeal proposal is poorly designed and would detract from the symmetry of the street scene created by the uniform character and rhythm of the existing bay-fronted Victorian terraces. It would

fail to reflect the scale and proportions of the adjoining terrace from which it takes its reference. The size and alignment of the storey heights and window proportions do not reflect the strong, repetitive pattern of the elevational treatment of the adjoining terrace.

11. I do not agree with the appellant that the fenestration on the street elevation provides an appropriate transition from the adjoining terrace and the flank wall of No 18. The lack of any detailing at eaves and string course level further reinforces the discordant note the proposed dwelling would create in the street scene. I have no problem with the proposed basement because it would not involve construction of a front lightwell, but I consider the projection and bulk of the building's eastern flank would appear visually intrusive and would dominate views looking west along Japan Crescent.
12. Although the *Islington Urban Design Guide*, adopted in 2006 as Supplementary Planning Guidance (UDG) identifies some circumstances where infill development may be appropriate, it states that any development is required to improve the street frontage. I consider that the appeal scheme fails to respond to the scale and proportions of the existing terrace and would detract from the overall quality of the street scene.
13. The appellant referred me to several examples of infill development at the other end of Japan Crescent, including No 1A, a well established small two-storey gable-fronted building and No 2, a recently converted and extended development incorporating residential flats. The latter is a detached building set well back from the street frontage. I am not persuaded that the circumstances of either of these developments is similar to the appeal site and, in any case, I must consider the appeal scheme on its own merits.
14. To conclude on this issue I consider that the scale and proportion of the proposed dwelling would fail to preserve or enhance the character and appearance of the Stroud Green Conservation Area. This would be contrary to saved UDP Policies D1, D4, D21, D22 and D24 and the advice in PPG15 and locally adopted Supplementary Planning Guidance ADG and UDG. These seek to ensure, among other things, that new development in Conservation Areas is well designed and appropriate to the streetscape, respecting its local character and context to create a positive relationship with surrounding buildings and spaces.

#### *Amenity Space*

15. The appeal scheme would provide a limited area of outdoor amenity space, significantly below the minimum garden area of 15sqm set out in the Council's adopted Supplementary Planning Guidance *Planning Standards Guidelines* (PSG) for 1-2 people. The standard for family housing is at least 30sqm of garden space. About 8sqm would be provided in a small rear basement area, separated from the first-floor main living areas by an intervening floor and accessed via the master bedroom.
16. The appellant has referred to the additional contribution from the small frontage area of about 4sqm immediately adjoining the pavement. As this small front garden area would also have to accommodate the front entrance path and refuse storage bins I do not consider it would make any meaningful contribution towards the overall outdoor amenity space for future occupiers.

17. Saved UDP Policy H10 accepts that wherever possible amenity and garden space is provided in new housing developments but the supporting text states that new housing development should be of a high quality and appropriate standards are set out in the PSG. As adopted Supplementary Planning Guidance I accord the PSG significant weight. It clearly states that gardens should be provided for all family dwellings and the description of the proposed development is for a 'single family dwelling house'.
18. In high density inner fringe areas lower amenity standards may be acceptable, but in my view, the amount of amenity space proposed would not be appropriate for the proposed two-bedroom single family dwelling house in the context of the appeal site. While the proposal would make efficient use of previously developed land in a sustainable location, I do not agree that this should be at the expense of unacceptable residential amenity standards.
19. Accordingly, I consider that the proposal would not provide sufficient amenity space for future occupiers contrary to saved UDP Policies H3, H7 and H10 and the advice in the PSG. These seek to ensure, among other things, that the quality of accommodation and living standards in new housing development is appropriate for the type and size of household that will live there both now and in the future.

*Neighbours' Living Conditions*

20. I saw that the size and siting of the proposed new dwelling would result an overdominant development significantly closer to habitable room windows on the side of No 18 facing the development site. The proposed new house would abut a small courtyard garden to the side of No 18, and would be between approximately 5 and 6m from the west-facing flank wall with 3 habitable bedroom windows. These serve the three flats, one on each floor of this three-storey block. The depth of the proposed house would extend across about one-third of the width of the bedroom windows on the ground and first floors of Nos 18A and B. I do not accept the appellant's assertion that these windows do not serve main habitable rooms. As regards the comment relating to the existing situation where the occupiers currently overlook the flank wall of No 14, this is across the flat roof of the existing garage, approximately 5m further away and, to my mind, the circumstances are not comparable.
21. The appellant submitted a sunlight and daylight study to demonstrate that the proposal would not result in any unacceptable loss of daylight to neighbouring occupiers, especially in Japan Crescent. However this study does not appear to have evaluated the position of No 18, although it did assess the effect on the rear of 7 Mount Pleasant Crescent, which lies to the south and east of the appeal site. Therefore I do not consider that any conclusions can be drawn from this study with regard to No 18. The position is compounded by the appellant's Planning Statement submitted in support of the planning application which wrongly states in paragraph 2.06 that No 18 has no windows on its flank elevation facing the appeal site.
22. I consider that the outlook from both the flank bedroom windows to the ground and first floor flats at No 18 (Nos 18A and 18B) would be severely enclosed by the height, depth and proximity of the proposal, resulting in an unacceptable overbearing development. The height of the proposed dwelling immediately



adjoining the courtyard garden would, in my view, also result in additional overshadowing and loss of outlook to the detriment of the enjoyment of this small outdoor amenity space by the occupiers of the flats.

23. The proposal would adjoin No 14 but would not extend beyond the depth of the rear main wall. Windows in the flank wall of the rear projection would not be unduly affected and although the glazed covered side passage is at a lower level this would not, in my view, result in an unacceptable loss of daylight or outlook to the occupier. The rear garden is small and, due to the mews development to the rear, feels enclosed by surrounding buildings. The proposed ground and first-floor windows on the rear elevation of the new house would be at high level and therefore would not in my view result in any material overlooking of the rear garden.
24. Residents opposite the proposed development who have benefited from a first floor open view over the existing garage would be affected by the increased height and scale of the new house if it were permitted. However this would be no different from the existing relationship of facing dwellings further along the street. Furthermore, the appellant's daylight and sunlight study shows that although Nos 21 and 23 to the north of the appeal site would experience some loss of daylight and sunlight as a result of the proposal, this would be very minor and would remain above the values given as desirable in the BRE Report '*Site Layout Planning for Sunlight and Daylight-a Guide to Good Practice*'.
25. To conclude on this issue I find that the proposal would not result in an unacceptable loss of daylight but that it would have an overbearing effect and cause a harmful loss of outlook to the neighbouring occupiers at 18A and 18B Japan Crescent. This would be contrary to saved UDP Policies D3 and H3 which seek to ensure that the design and layout of new development provides satisfactory aspect to adjoining buildings and does not result in an unreasonable loss of outlook to neighbouring occupiers

*Acceptability of demolition*

26. The Council objects to demolition of the existing building as premature in the absence of an acceptable replacement scheme for development. It acknowledges that the existing building has no architectural merit but concludes that it makes a neutral contribution to the character and appearance of the Conservation Area. Although the existing garage is forward of the established building line, it is of a modest scale, which I consider provides an important break in the street frontage at first floor level and reads as an ancillary structure in the street scene.
27. The Council has no objection in principle to redevelopment of the site subject to an acceptable scheme for development. However, I see no justification for allowing demolition in advance of an acceptable scheme for development in accordance with the advice in paragraph 4.27 of Planning Policy Guidance Note (PPG) 15: *Planning and the Historic Environment*. This states that where a building makes little or no positive contribution to the character and appearance of the Conservation Area full information is required about what is proposed for the site after demolition.
28. I do not consider the conjoined appeal proposal for a single family dwelling house acceptable, and premature demolition would result in an unsightly gap in

the Conservation Area. Accordingly, I conclude that the proposal for demolition in advance of planning permission for a satisfactory redevelopment scheme would be contrary to national advice in PPG15 and saved Policy 21 of the adopted Islington Unitary Development Plan (UDP) 2002.

*Conclusion*

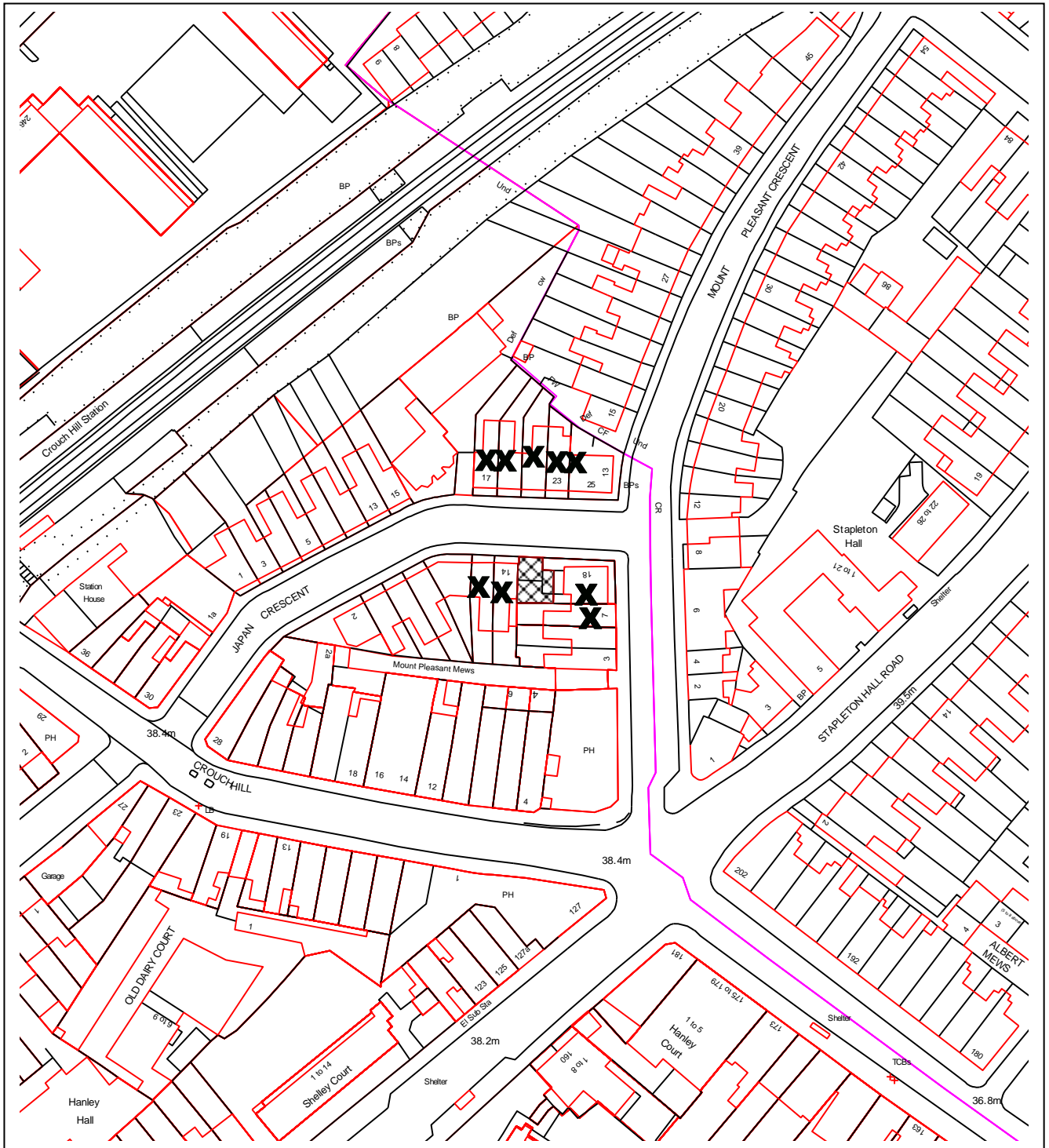
29. For the reasons given above and having regard to all other matters raised including the effect of basement construction on neighbouring properties, I conclude that both appeals should not succeed.

*Margaret Jones*

INSPECTOR

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# Islington SE GIS Print Template



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P2015/4983/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

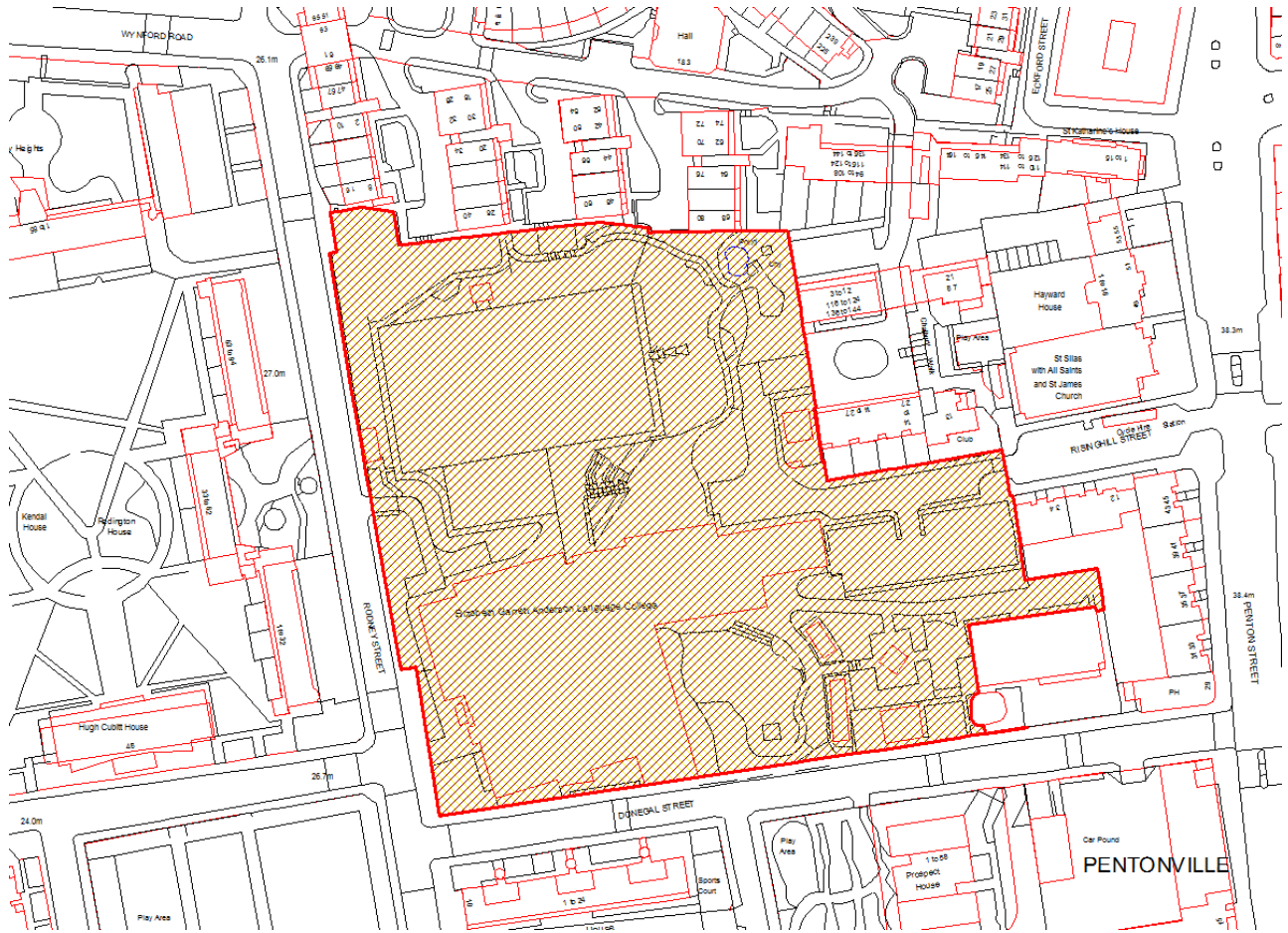
<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	23 February 2017	<b>NON-EXEMPT</b>

Application number	P2016/3681/FUL
Application type	Full Planning Application (Council's Own)
Ward	Barnsbury
Listed building	Building not Listed
Conservation area	Building not located within a conservation area
Development Plan Context	Kings Cross & Pentonville Road Core Strategy Key Areas Local cycle route Major Cycle Route Local view from Archway Road Local view from Archway Bridge Within 50m of Chapel Market/Baron Street Conservation Area Within 50m of Priory Green Conservation Area
Licensing Implications	None
Site Address	Elizabeth Garrett Anderson School, Donegal Street, London, N1 9QG
Proposal	Retention of a new 1.2m high security fence above the existing 2m high brick wall to the north eastern boundary backing onto gardens to Chalbury Walk.

Case Officer	Sandra Chivero
Applicant	Mrs Karen Tumbridge – School Business Manager
Agent	None

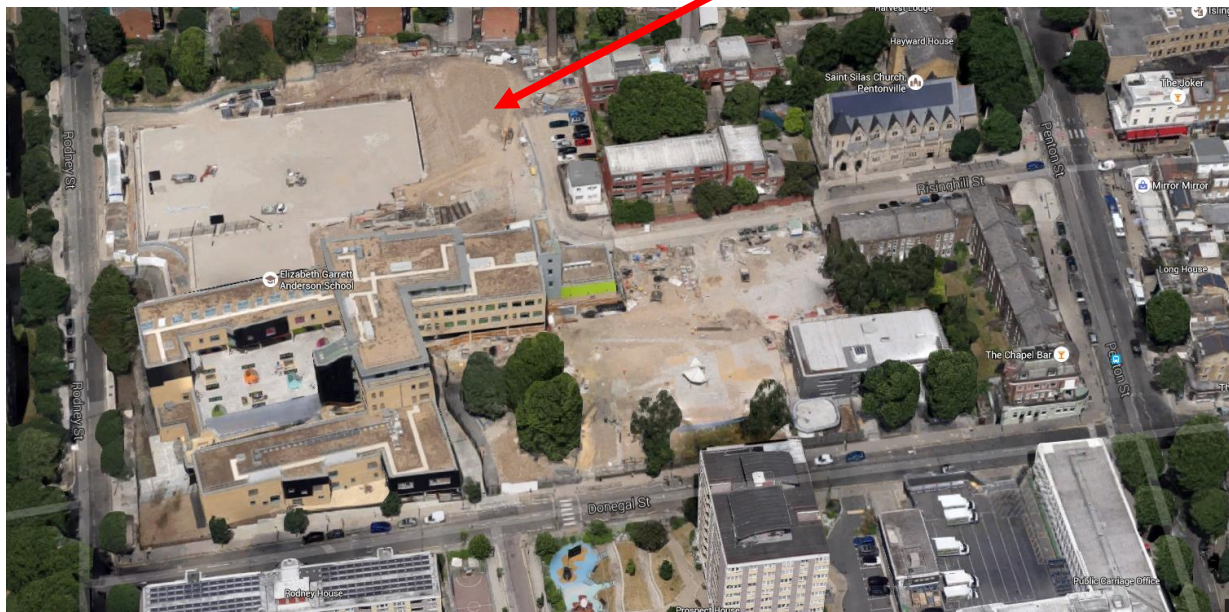
- RECOMMENDATION**  
 The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)





### 3. PHOTOS OF SITE/STREET



Aerial view of the site arrow pointing at location of new fence



North-eastern boundary backing onto gardens to Chalbury Walk before new fence was installed



North-eastern boundary wall backing onto gardens to Chalbury Walk showing new fence was installed

#### **4. SUMMARY**

- 4.1 The application seeks permission for the retention of a new 1.2m high security fence above the existing 2m high brick wall to the north-eastern boundary backing onto the gardens to Chalbury Walk. The fence is required to improve security to the school and is considered acceptable in principle.
- 4.2 The design and appearance of the new fencing is also considered not to detract from the locality and is in keeping with the rest of the school boundary walls and fencing. In addition, due to its open nature, the new fence maintains the open character of the site and does not exacerbate the apparent height increase.
- 4.3 The new fence, given its location, scale and design does not prejudice the amenity of neighbouring residential properties or the surrounding area.
- 4.4 The application is at committee because it is a council own application.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site is the bin store area located to the north-eastern side of newly built Elizabeth Garrett Anderson School and backs on to the communal gardens to Chalbury Walk.
- 5.2 The adjacent buildings are not listed and the site is not situated within a conservation area. The immediate surrounding area is predominantly residential in character.

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

- 6.1 Planning permission is sought for the retention of a 1.2m high wire mesh fence above the existing 2m high brickwall to the north eastern boundary backing onto the communal gardens to Chalbury Walk. The proposal has resulted in a 3.2m high boundary. The fence is required to improve security to the school.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 October 2015: Planning permission (Ref. P2015/1780/FUL) Granted for Erection of a single storey detached classroom pod.
- 7.2 December 2010: Section 73 Application (Ref. P102354) Approved to vary condition 3 (approved plans) of planning permission P092022 dated 9 February 2010 for the 'erection of a single storey building (506m<sup>2</sup> GEA) to provide temporary assembly and exam hall with toilets, located in the north-west corner of the school grounds. The temporary school accommodation to be used during the refurbishment and part new build of the existing school falls within use Class D1. The variation is sought to enable consideration of an additional 2 accessible ramps to serve the temporary building (resulting in a total of 3 ramps serving this building).
- 7.3 August 2010: Section 73 (Application Ref. P100929) Approved to vary conditions 15 (BREEAM) and 21 (Biodiversity Plan) to have the effect of varying the requirements of the timing of the submission of details; and for variation of condition 2 (Approved Documents and Plans) to have the effect to considering minor material amendments of the planning permission ref: P092024 granted on 15 April 2010 for the minor material amendments.
- 7.4 April 2010: Planning application (Ref. P092024) Granted for the redevelopment of Elizabeth Garrett Anderson School for continued secondary education purposes totalling 8079m<sup>2</sup>. The development involves the demolition of nine buildings, retention of the Garrett Anderson building (Block N) to the east of the site and the erection of a stepped part 3 to 5 storey building to the south-west of the school grounds. The development provides for a new vehicle access for ancillary servicing and disabled parking and a separate pedestrian access to the sports hall from Rodney Street; retention of vehicle access off Rising hill Street for new on-site parking area and servicing, cycle provision and extensive landscaping. The landscaping includes a new courtyard on the sports hall, landscaping surrounding the buildings, floodlight multi use games area, works to trees and associated boundary treatment. The development falls within use class D1 (non-residential institutions).
- 7.5 February 2010: Planning application (Ref. P092022) Granted for the erection of a single storey building (506m<sup>2</sup> GEA) to provide temporary assembly and exam hall with toilets, located in the north-west corner of the school grounds. The temporary school accommodation to be used during the refurbishment and part new build of the existing school falls within use class D1.

### **ENFORCEMENT:**

- 7.6 January 2013: Enforcement Case (E/2012/0131) relating to a wall built not in accordance with plans. This was investigated and it was concluded that the works were minor and enforcement action was not expedient.



## **PRE-APPLICATION ADVICE**

7.7 None

## **8. CONSULTATION** **Public Consultation**

8.1 The application was consulted on twice on 25 November 2016 and 01 December 2016 to clarify proposal. Letters were sent to occupants of 225 adjoining and nearby properties at Chalbury Walk, Donegal Street, Prospect House Donegal Street, Redington House Rodney Street, Wynford Road, Risinghill Street, Penton Street, Grimaldi Park Pentonville Road, Harvest Lodge Penton Street, Hayward House Penton Street and Half Moon Crescent. A site notice and a press advert were displayed on 05 December 2017. The public consultation of the application therefore expired on 26 December 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report no responses had been received from the public with regard to the application.

### **External Consultees**

8.3 TFL – No Objection

### **Internal Consultees**

8.4 **The Design and Conservation Officer** raised no objection to the proposed fencing as it is in line with other fencing to the same wall, further north. However, it is stated that it is not ideal aesthetically, but will be visually permeable. It will only be visible from within the school and from within the Peabody Estate and it does not appear that it will be visible from within the conservation area.

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

9.3 Since March 2014 Planning Practice Guidance for England has been published online.

### **Development Plan**

9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management

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

### **Designations**

9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Kings Cross & Pentonville Road Core Strategy Key Areas
- Local cycle route
- Major Cycle Route
- Local view from Archway Road
- Local view from Archway Bridge
- Within 50m of Chapel Market/Baron Street Conservation Area
- Within 50m of Priory Green Conservation Area

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design
- Neighbouring Amenity

### **Principle of the development**

10.2 It is proposed to retain the already installed 1.2 metre black iron fencing on top of the existing north eastern boundary wall backing on to the communal gardens to Chalbury Walk. The school has stated problems of intruders accessing the school. The resulting higher boundary is required to prevent intruders accessing the school and improve security to the school and adjoining residential properties. The fencing remains open in nature and is not considered to form a dominant or visually harmful feature within its immediate urban context. The fencing is considered to maintain the open character of the site and is therefore considered acceptable in principle. The proposal is for the retention of new higher fencing and is not considered to raise any land-use issues.

### **Design**

10.3 Boundary walls are an important part of the character of the area, and their maintenance, good repair and appearance is vital to the enhancement of the area. There was previously no fence on top of the north eastern section to the backing on to the communal gardens to Chalbury Walk which allowed intruders to gain easy access to the school. The installation of new fencing is therefore considered acceptable in principle at this location.

- 10.4 Due to design and appearance the new wire mesh fencing is not considered to detract from the character and appearance of the host modern school buildings and the adjacent modern residential block. The new fencing would also be in keeping with the rest of the school boundary walls and fencing. The type, scale and size of the fencing which is seeking permission to be retained is considered to be similar to other examples of such means of enclosure surrounding the wider boundaries of the school. Within this context the feature would be readily assimilated into the surrounding urban built form.
- 10.5 The new fence is open in design and is therefore considered not to be visually intrusive when viewed from the communal gardens to Chalbury Walk. The design and appearance of the new fencing is considered not to detract from the locality. In addition, due to its open nature, the new fencing maintains the open character of the site.
- 10.6 Overall, the proposal is considered to be acceptable and does not harm the character and appearance of the surrounding area. The proposal is therefore considered to be in accordance with policy DM2.1 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the guidance contained within the Islington Urban Design Guide.

#### **Neighbouring Amenity**

- 10.7 The new fencing, given its location, scale and design does not result in overshadowing, loss of privacy, loss of light, over-dominance, increase sense of enclosure or loss of outlook to neighbouring residential properties. The proposal therefore accords with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

#### **SUMMARY AND CONCLUSION**

- 10.8 The new fence is considered to be appropriate in this context and maintains the open character of this backing on to communal gardens to Chalbury Walk.
- 10.9 The new fence does not result in any adverse impact on the amenity of nearby residents including Chalbury Walk. Overall, the proposal is considered to accord with all relevant policies.

#### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Approved plans list</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Plan, B-16-29-1&amp; Photo-Sheets.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>

#### List of Informatives:

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

Since March 2014 Planning Practice Guidance for England has been published online.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

##### **3. London's people**

Policy 3.18 Education facilities

##### **7 London's living places and spaces**

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS6 (Nag's Head and Upper Holloway Road)

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

#### **C) Development Management Policies June 2013**

##### **Design and Heritage**

**DM2.1** Design

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

The following SPGs and/or SPDs are relevant:

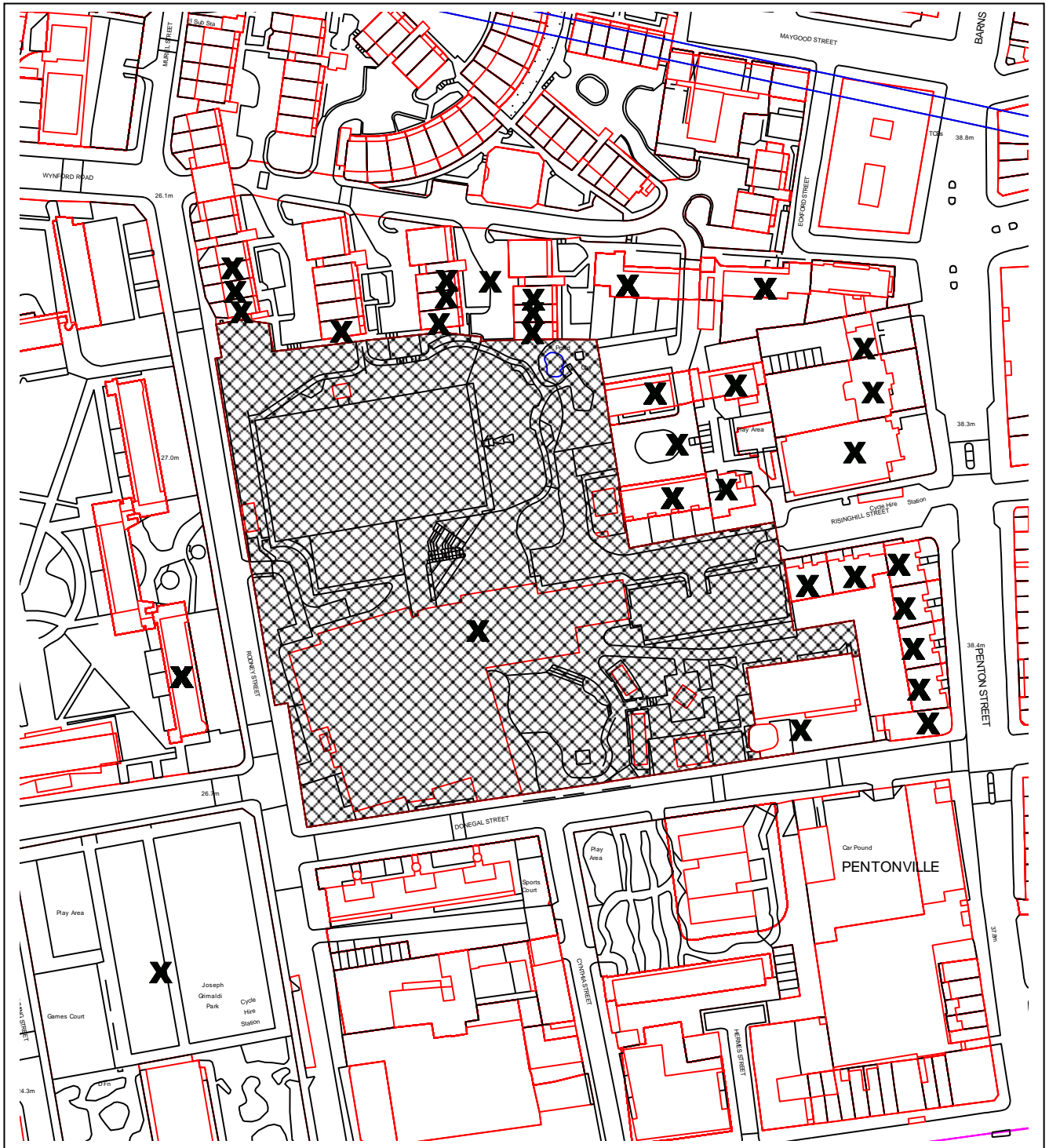
#### **Islington Local Plan**



- Urban Design Guide 2017

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<b>PLANNING SUB- COMMITTEE B</b>		
<b>Date:</b>	27 <sup>th</sup> February 2017	<b>NON-EXEMPT</b>

Application number	P2016/0529/FUL
Application type	Full Planning Application (councils own)
Ward	Clerkenwell Ward
Listed Building	Not Listed
Conservation Area	Not within a Conservation Area
Licensing Implications Proposal	None
Site Address	Flats 1 - 37, Mulberry Court Tompion Street London EC1V 0HP
Proposal	Replacement of the existing single glazed metal windows with aluminium framed double glazed casement windows.

Case Officer	Eoin Concannon
Applicant	Breyer Group Plc - Ms Linda Harris
Agent	FES Group - Mr David Johnstone

### 1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1.

## **2 REASON FOR DEFERRAL**

- 2.1 This application was previously discussed at Planning Sub Committee B on 3<sup>rd</sup> October 2016. At the meeting there were concerns in relation to the thickness and depth of the existing and proposed window frames.
- 2.2 Members of the Committee and the public gallery raised concerns that the drawings did not accurately reflect the proposed variance in thickness and depth of the proposed windows. It was not clearly visible the differences in the overall thickness. It was also suggested to review the use of metal frames.
- 2.3 The sample window provided at the meeting was not actually a sample of the window to be used. It was considered that due to the inaccurate drawings and an inaccurate sample window provided at the meeting, there was insufficient information to make a decision on the night. The applicant was also asked to consider other finishes for the frames and carry out further consultation.

## **3. AMENDMENTS TO THE SCHEME**

- 3.1 Since the Committee meeting, amended plans have been received comparing each individual window existing and proposed. Each window now illustrates both existing and proposed including the sectional drawings.
- 3.2 Annotations have been included which clearly depict the differences in width and depth between the existing frames and the proposed windows have also been amended by reducing the nominal width of the proposed window frames. The applicant uses drawing WS006.1 Rev C as an example.
- 3.3 It was requested that drawings detailing how an installed window would fit within the reveal be provided, drawing WS006.1 provides this and also demonstrates that the proposed windows can be installed within the existing aperture without disturbing any of the existing building fabric.
- 3.4 The applicant has now also provided a sample window that will be used and this sample is accurate to the revised drawings that have been submitted. Given that the existing window measures 1200mm x 1200mm, a cut away corner section has been provided which is accurate to the plans.
- 3.5 The applicant had considered the possibility of steel frames at the request of one of the residents. However it was decided that it was not fair to pass the dramatic increase in cost onto the leaseholders of the building when there is no onus to use steel and the thermal performance of the proposed windows will be better. As such, the material would be power coated aluminium as previously proposed.
- 3.6 The amended drawings include a side by side comparison between the existing and proposed windows and a drawing detailing how an installed window would look. The applicant has also provided a Residents Consultation Leaflet that was sent to all residents prior to the first residents meeting on the 7<sup>th</sup> December 2015.

#### **4. PUBLIC CONSULTATION**

- 4.1 Further letters of consultation were sent to 142 neighbours on the 27<sup>th</sup> January 2017 providing residents 14 days to comment on the amendments drawings. The public consultation of the application, for these amended drawings, therefore expired on 10<sup>th</sup> February 2017; however it is the Council's practice to consider representations made up until the date of decision.
- 4.2 At the time of writing the report a total of 1 additional response had been received since it was previously discussed at Planning Sub Committee B on 3<sup>rd</sup> October 2016. The representation queried the time it was taken to replace the old windows. It states that the current windows are old and unsafe to the residents living in the property.

#### **5. ASSESSMENT OF THE AMENDMENTS**

- 5.1 The amendments received illustrate that whilst there would be a variation in the thickness of the frames, these would not impact on the character and appearance of the building sufficiently to warrant a refusal.
- 5.2 The existing facing metal frames would have a slimmer profile than the proposed aluminium however the difference would be acceptable given the architectural composition of the building. This is post-war purpose built flat development with the fenestration set back from the façade. Visually to the front and rear, the existing green coated balconies and walkways dominate the elevations. Whilst replacing the metal frames with similar material would be desirable from a design perspective, it would not be as sustainable as aluminium framed windows. Given that the changes apply to the whole building, the building would retain a consistent uniform appearance that would not impact on its character.
- 5.3 The existing window frames have a nominal width of 53mm; the original proposed drawings shown on the 3<sup>rd</sup> October had a nominal width of 69mm. The amended drawings show a nominal width of 59mm which is more in keeping with the existing windows and would allow the frames to fit into the building fabric.
- 5.4 A request was made to investigate further material types and finishes. The only available options would be uPVC and steel. UPVC frames would comply with Part L of the Building Regulations and would achieve the desired U-values, however the width would be too great and given the concerns already raised this option was discarded.
- 5.4 Steel windows offer visual aesthetics and dimensions similar to the existing fenestration but with significantly reduced U-values and increased cost. Given that the desired u-values would not be achieved and overall cost of these metal windows, it is considered that on balance, the benefits from installation of aluminium frames would outweigh the benefits of metal frames in this case.
- 5.5 The design of the existing building would allow aluminium windows to fit comfortably within the building fabric without causing significant visual harm to the overall appearance of the building, the surrounding character and appearance of the area including nearby Grade II listed buildings at

## 6. SUMMARY AND CONCLUSION

### Summary

- 6.1 The details submitted illustrate that the frame thickness of the proposed windows would be appropriately proportioned to the glazed window pane and would not be overly different in appearance to the existing windows on the building.
- 6.2 The proposed replacement aluminium windows would not result in visual harm to the overall appearance of the building or to the character of the area. There is also a clear public benefit achieved in the proposal through the enhanced insulated offered by double glazed windows, which will improve the sustainability of the building.
- 6.3 As such, the proposed development is considered to accord with the policies In the London Plan 2016, Islington Core Strategy 2011, Islington Development Management Policies 2013 and the National Planning Policy Framework 2012 and as such is recommended for approval subject to appropriate conditions.

### Conclusion

- 6.4 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION A attached once again below with a proposed amendment to condition 2 (approved drawings) to reflect the additional drawings under consideration.

### **Appendix 1**

#### **RECOMMENDATION A**

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

#### **List of Conditions:**

<b>1</b>	<b>Commencement</b>
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved plans list</b>
	CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:  Site Location Plan; PD004 (Photographic survey), PD001 Rev C, PD002 Rev C, PD003 Rev C, WS001 Rev C, WS002 Rev C, WS003 Rev C, WS004 Rev C, WS005 Rev C, WS006 Rev C, WS007 Rev C, WS008 Rev C, WS009 Rev C, WS010 Rev C, WS011 Rev C, WS012 Rev C, WS013 Rev C, WS014 Rev C, WS015 Rev C, WS016 Rev C, WS017 Rev C, WS018 Rev C, WS019 Rev C, WS020 Rev C, WS021 Rev C, WS022 Rev C, WS023 Rev C & WS024 Rev C.  REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper



	planning.
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**List of Informatives:**

1	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>

## Appendix 2 : PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 333  
222 Upper Street  
LONDON N1 1YA

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	3 <sup>rd</sup> October 2016	NON-EXEMPT

Application number	P2016/0529/FUL
Application type	Full Planning Application (councils own)
Ward	Clerkenwell Ward
Listed building	Not listed
Conservation area	Not within a Conservation Area
Development Plan Context	N/A
Licensing Implications	None
Site Address	Flats 1 - 37, Mulberry Court Tompion Street London EC1V 0HP
Proposal	Replacement of the existing single glazed metal windows with aluminium framed double glazed casement windows.

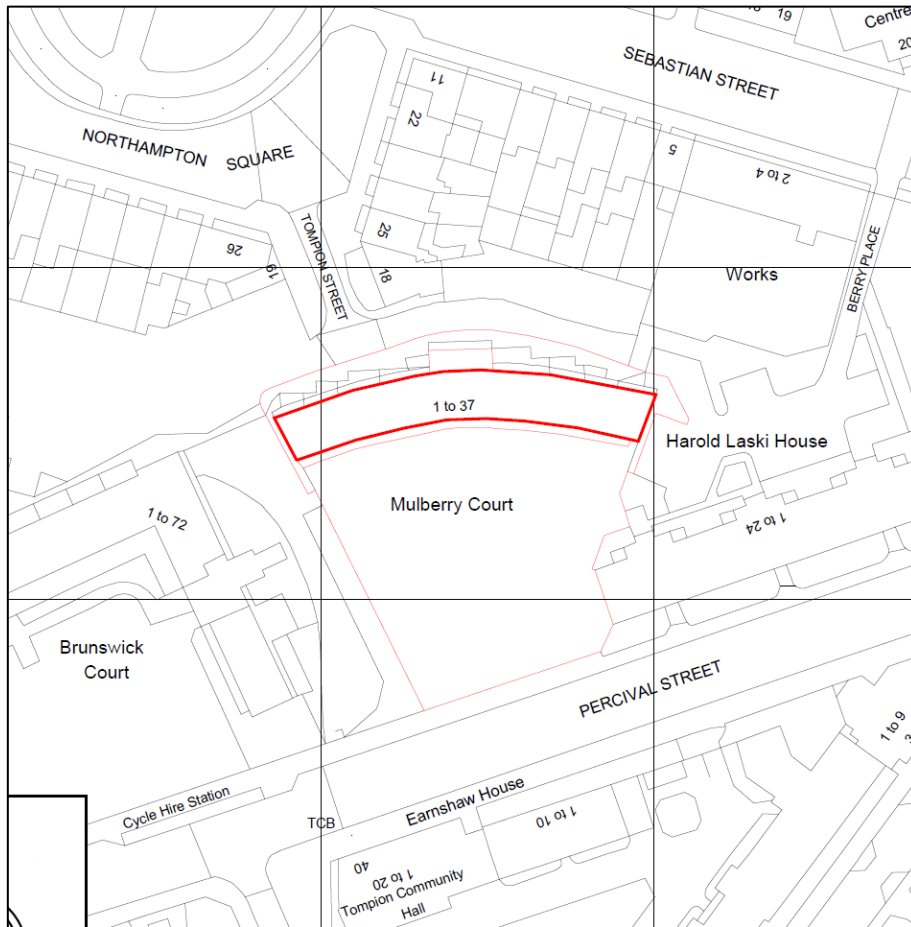
Case Officer	Ben Oates
Applicant	Breyer Group Plc - Ms Linda Harris
Agent	FES Group - Mr David Johnstone

### 1. RECOMMENDATION

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

2. Subject to the conditions set out in Appendix 1.

**2. SITE PLAN (site outlined in black)**



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site from directly above the site



Image 2: Looking into the site in a Northerly direction





Image 3: View of front elevation from Tompion Street



Image 4: View of front elevation from Northampton Square



**Image 5: View of rear elevation**



**Image 6: View of rear elevation**



**Image 7: Close up view of window style W14**

## **4. SUMMARY**

- 4.1 Planning permission is sought for the replacement of all existing single glazed metal framed windows currently installed within the building with double glazed aluminium framed casement windows. The key considerations in determining the application relate to the impact on the existing building and surrounding area, as well as sustainability.
- 4.2 The application is brought to committee because the building is owned by the Council. The application is the first submission on the application property for a full replacement of the windows. No objections were received by the public.
- 4.3 The application property is a 6 storey crescent shaped residential apartment building of post-war construction and is not listed or within a Conservation Area. The surrounding properties are mainly residential; however there is a large variety of built form, age and character.
- 4.4 The building currently contains metal framed windows, which is typical to housing estate buildings of this era, and therefore the main difference in their replacement would be the change from single glazed and double glazed units. Double glazed frames often need to be thicker to compensate for the increased weight of the additional glazing, which can impact on the external appearance of the building. Given the contemporary appearance of the existing building it is considered that the proposed replacement aluminium windows would not result in visual harm to the appearance of the building or to the character of the area nor views into the site from Northampton Square and its listed properties and Tompion Way.
- 4.5 The application is part of a wider Council program to upgrade the energy performance of buildings within Council ownership. Double glazed windows improve the insulation of each individual unit over and above that of the existing single glazed windows and therefore the proposal contributes towards reducing the carbon footprint of the building. Whilst there is a clear public benefit achieved in the proposal, it is considered that the proposed windows would be of an acceptable appearance. Therefore the application is supported and recommended for approval subject to conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The application property is a 6 storey crescent shaped residential apartment building of post-war construction and is not listed or within a Conservation Area. The building consists of a mixture of brick, painted render and metal cladding with metal framed windows, which together with the form and design of the building give it a contemporary appearance. Despite being 6 storeys in height the building is not considered to be prominent due to the high density of its location and presence of larger buildings nearby; particularly the 14 storey residential blocks to the west. Tompion Street is a quiet residential street that generally gains no through traffic due to its location and narrow, winding nature with car parking areas throughout. It is also well screened from Percival Street to the south by the mature trees within its amenity space at the rear. There are some partial views of the building from Northampton Square Garden to the north, which is within the Northampton Square Conservation Area, through the gap formed by the junction of Tompion Street and Northampton Square.
- 5.2 The surrounding properties are mainly residential; however there is a large variety of built form, age and character.

## **6. PROPOSAL (in Detail)**

- 6.1 The application proposes the replacement of the all existing single glazed metal framed windows currently installed within the building with double glazed aluminium framed casement windows. The new aluminium framed units are of a more sophisticated design and would not increase the thickness of the window frames when viewed externally.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 07/04/2009 – Planning Permission (ref: P090275) granted for *Installation of boiler flues (replacement scheme) along with associated alterations and works.*
- 7.2 31/01/2012 - Planning Permission (ref: P112263) granted for *Renewal of the main entrance doors and upgrade of the access control system on Brunswick, Emberton & Wycliff Courts and installation of the estate wide Close Circuit Television System on Brunswichk Close Estate. And associated works and alterations.*

### **ENFORCEMENT:**

- 7.5 None.

### **PRE-APPLICATION ADVICE:**

- 7.6 None.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on 22/02/2016. A site notice was displayed on 25/02/2016. The public consultation of the application therefore expired on 17/03/2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report no responses had been received from the public with regard to the application.

### **Internal Consultees**

- 8.4 Design and Conservation – No objection.

### **External Consultees**

- 8.5 None.

## **9. RELEVANT POLICIES**

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



## **National Policy and Guidance**

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

## **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

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

## **10. ASSESSMENT**

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

- Impact on the character and appearance of the existing building and surrounding area; and
- Sustainability.

### **Impact on the character and appearance of existing building**

- 10.2 The proposed replacement aluminium framed casement windows would match the design of the existing windows with the exception that they would be double glazed rather than single glazed. Whilst the main concern is that double glazing usually requires thicker frames, the details submitted illustrate that the frame thickness of the proposed windows would be appropriately proportioned to the glazed window pane and would not be overly different to those existing in the building. Furthermore, given the contemporary appearance of the existing building it is considered that the proposed replacement aluminium windows would not result in visual harm to the appearance of the building or to the character of the area.
- 10.3 The application property is visible from Northampton Square to the north, which is within the Northampton Square Conservation Area. The Conservation Area is relatively small for the borough and is characterised by the late Georgian terraced houses that surround the Northampton Square Gardens. Mulberry Court is visible between a gap in the terraced houses formed by the junction of Tompion Street and Northampton Square. However it is considered that at this distance there would be no noticeable difference between the existing and proposed replacement windows; particularly given the front elevation is partially concealed by balconies. Therefore there would be no demonstrable harm to the character and appearance of the adjoining Conservation Area.
- 10.4 The design of the proposal is considered to be acceptable in accordance with the guidance provided under the Urban Design Guide 2006, policies DM2.1 and DM2.3 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the NPPF 2012.

## **Sustainability**

- 10.5 The proposed double glazing would improve the insulation and thermal efficiency of each individual unit thereby contributing to reductions in carbon emissions and reducing energy costs. The proposed double glazing would enhance the sustainability of the 6 storey building, which contains 37 residential units, as it will improve the retention of heat in Winter and is therefore in compliance with policy DM7.2, which requires developments to be energy efficient in design and specification.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The details submitted illustrate that the frame thickness of the proposed windows would be appropriately proportioned to the glazed window pane and would not be overly different to those existing in the building. Furthermore, given the contemporary appearance of the existing building it is considered that the proposed replacement aluminium windows would not result in visual harm to the overall appearance of the building or to the character of the area. There is also a clear public benefit achieved in the proposal through the enhanced insulation offered by double glazed windows, which will improve the sustainability of the building.

- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan 2015, Islington Core Strategy 2011, Islington Development Management Policies 2013 and the National Planning Policy Framework 2012 and as such is recommended for approval subject to appropriate conditions.

### **Conclusion**

- 11.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>PD001, PD002, PD003, WS001, WS002, WS003, WS004 and WS005.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>

#### List of Informatives:

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2015 - Spatial Development Strategy for Greater London**

Policy 7.4 Local Character  
Policy 7.6 Architecture

#### **B) Islington Core Strategy 2011**

##### Strategic Policies

Policy CS 8 – Enhancing Islington’s character  
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

#### **C) Development Management Policies June 2013**

Policy DM2.1 – Design  
Policy DM2.3 - Heritage  
Policy DM7.1 - Sustainable design and construction  
Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes  
Policy DM7.4 – Sustainable Design Standards

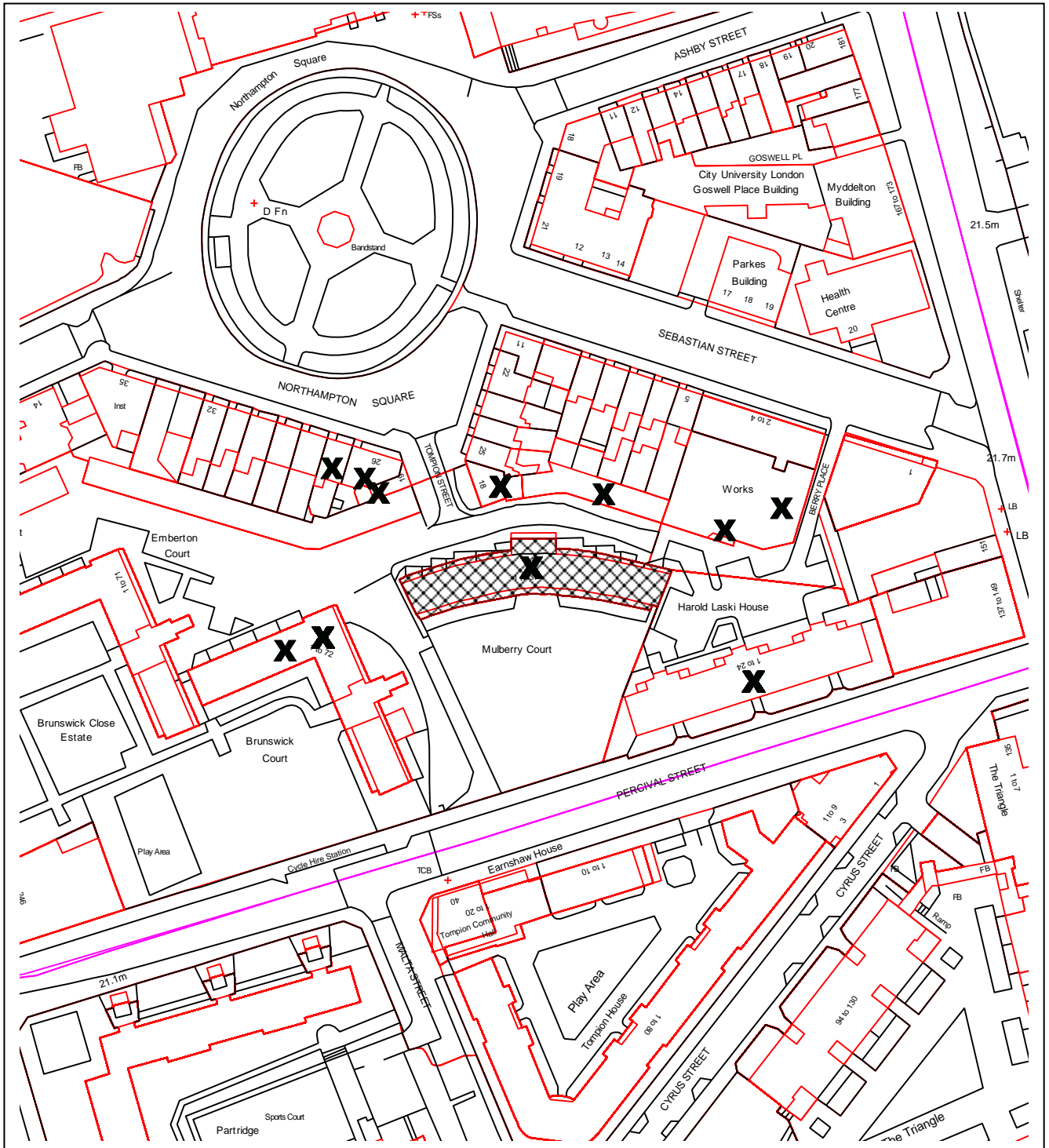
### **3. Designations**

Central Activities Zone  
Bunhill & Clerkenwell - Core Strategy Key Area  
Bunhill & Clerkenwell - Finsbury Local Plan Area

### **4. SPD/SPGS**

Islington Urban Design Guidelines 2006  
Environmental Design SPD 2012

# NORTHGATE SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB-COMMITTEE B</b>		
<b>Date:</b>	27 February 2017	<b>NON-EXEMPT</b>

Application number	P2016/2471/FUL
Application type	Full Planning Permission
Ward	St. Marys
Listed building	Listed building on the Almeida site (Post Office, 116-118 Upper Street), identified as Block D within development.
Conservation Area	Upper Street North Conservation Area, adjoins Barnsbury Conservation Area
Development Plan Context	<ul style="list-style-type: none"> <li>- Angel Town Centre</li> <li>- Upper Street North Conservation Area</li> <li>- Adjoins Barnsbury Conservation Area</li> <li>- Archaeological Priority Area</li> <li>- Listed building (Post Office, 116-118 Upper Street)</li> <li>- Locally listed building (Mitre PH)</li> <li>- Site Allocation AUS1</li> </ul>
Licensing Implications	Premises Licence may be required
Site Address	Former North London Mail Centre, 116-118, Upper Street, Islington, London, N1 1AA.
Proposal	Change of use of Unit G7A (Block A) from Use Class A1 (Shops) to flexible Use Class A1 (Shops) or A3 (Restaurant/Cafe), (Associated with Planning Permission Ref: P052245 dated 6 July 2007 and Planning Permission Ref: P2013/2697/S73 dated 4 November 2014).

Case Officer	John Kaimakamis
Applicant	Metropolis Planning & Design
Agent	Sager Group

### 1. RECOMMENDATION

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

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

2. SITE PLAN (Unit G7A shaded in green and wider Almeida site outlined in red)





### 3. PHOTOS OF SITE/STREET



Aerial view of the site



View of the site from Moon Street





#### **4. SITE AND SURROUNDING**

- 4.1 The current planning application relates to two application sites which sit next each other but together form a single development site the whole of which was formerly under the ownership of Royal Mail.
- 4.2 Permission was granted in July 2007 (P052245) for the vacated blocks 'A', 'B', 'D' and 'F' for a mixed use scheme comprising residential, office, retail, serviced apartments and leisure uses (Site 1). Development began on this part of the site in 2009 and has halted and resumed since.
- 4.3 The second site (Site 2) was the subject of a separate planning application (for operational purposes Royal Mail sought to sell the site in 2 parts) for retail, office and residential uses (P090774), a scheme approved in March 2012. This second proposal located on the site of the former Islington Delivery office. Royal Mail have since relocated their operations to another site in Hackney.
- 4.4 The current application relates to a specific unit within Block A that front the new north-south road within the site. The specific unit is located at the south eastern corner of Block A near the entrance into the site from Studd Street. This unit was originally granted consent to be used for Class B1 business floorspace under the original consent in July 2007, however was subsequently granted consent to be used for Class A1 retail floorspace under a section 73 application in 2014.
- 4.5 The wider site relating to the two main planning permissions granted is bounded by Upper Street to the east, Moon Street and Studd Street to the south, Almeida Street to the north and Gibson Square to the west.
- 4.6 The implemented scheme site area consists of a grand red brick Edwardian sorting office, a vacant building at the western part of the site known as 'Block A'; the grade II listed building on Upper Street (block 'D'); a single storey vacant building to the rear of Almeida Street (block F) and the retained façade and a part constructed element (Block B) at the south eastern part of the site to the rear of Upper Street.

- 4.7 The later approval (block C) is at the north eastern part of the site and incorporates the former Mitre Public House, fronting Upper Street and the Islington Delivery Office, a 4-storey building (with roof structures rising to 5-storeys).
- 4.8 The predominant use of Upper Street in this location consists of retail and related uses at ground floor levels with residential use at upper floors. The adjoining roads are residential in character and incorporate late Georgian and early Victorian housing and form part of the Barnsbury Conservation Area, a Conservation Area which is particularly consistent and complete in form and has been declared to be of 'outstanding importance'.
- 4.9 The current planning application relates to the south-eastern corner of Block A, and identified as Unit G7A within the wider permissions.

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

- 5.1 The application seeks a change of use to Unit G7A (Block A) from Use Class A1 (Shops) to flexible Use Class A1 (Shops) or A3 (Restaurant/Cafe).
- 5.2 The size of Unit G7A is approximately 200 square metres in size.
- 5.3 Servicing and access arrangements would be in line with details already approved under the wider Almeida planning permissions.

## **6. RELEVANT HISTORY:**

- 6.1 Site 1 -
- 6.2 Planning approval (P052245) was granted in July 2007 for: Partial demolition, alteration, extension and change of use of buildings A,B,D F, and associated outbuildings and structures, to provide a mixed use scheme comprising residential (C3), with the creation of 185 new dwellings (127 private and 58 affordable). Change of use of remainder of buildings with 2348 sq m new floorspace to provide: Business (B1) Retail (A1, A2, A3 including relocation of post office counter), leisure (D2) serviced apartments (temporary sleeping accommodation as defined by the Greater London Planning Act 1973) performance space, rehearsal space and theatre storage, with associated access, parking and landscaping.
- 6.3 Subsequent to the above, three non-material minor amendment (section 96a) applications (all Block A) have been submitted and approved to reconfigure the residential, serviced apartment and office layouts. The number of residential units remains unchanged, whilst the floorspace of the serviced apartments also remained unchanged. A number of planning conditions have also been submitted and discharged in relation to this part of the site.
- 6.4 A Section 73 (material amendment) application (Ref: P2013/2697/S73) was granted consent to amend the original approval to allow for replacing the ground floor office space (2,155 sq.m.) in 'Block A' with retail; replacing the retail at the upper basement level of 'Block B' (1854 sq.m.) with planning use class D2 (Assembly and leisure) space; and, replacing the approved servicing area at ground floor level of 'Block B' with retail.

- 6.5 Site 2 –
- 6.6 Planning approval (P090774) was granted in March 2012 for the Demolition of 5-6 Almeida Street and erection of a part 2, 5, 6, 7 and 8-storey building, above two basement levels, providing for 5,137sqm Class A1 (retail) floorspace, 242sqm flexible Class A1/A3 (retail / café-restaurant) floorspace, 208sqm Class A4 (drinking establishment) floorspace, 859sqm Class B1 (business) floorspace and 78 dwellings, together with cycle parking, servicing and 12 disabled car-parking spaces; erection of a roof extension, part 2, part 4-storey rear extension and basement to 128 and 130 Upper Street together with associated alterations, access and landscaping.
- 6.7 A section 73 (material amendment) application (P2012/0256/FUL) was granted consent to relocate servicing level from Lower Basement to Upper Basement (replacing 2,498 sq.m. of retail space); and to introduce a multi-purpose rehearsal and performance space (planning use class D2 - Assembly and Leisure) to lower basement level.

**PRE-APPLICATION ADVICE:**

- 6.8 The applicant is in regular discussion with the Council over planning matters relating to this site.
- 6.9 However, the current application was not brought to the attention of officers prior to its formal submission.

**7. CONSULTATION**

**Public Consultation**

- 7.1 The proposal as submitted was consulted upon and letters were sent to occupants of 59 adjoining and nearby properties on 06 September 2016. A site notice and press advert were also displayed on this date. In response to the first consultation period a total of 16 objections were received from the public with regard to the application and a petition with 35 signatories.
- 7.2 A Noise Impact Assessment was submitted by the applicant after the consultation period. The further information submitted was also subject to a re-consultation period. The same occupants of 59 adjoining and nearby properties along with the 16 objectors were consulted, which began on 2 December 2016 and ended on 23 December 2016. A site notice and press advert were also displayed on this date.
- 7.3 In response to the second consultation period. 2 further objections were submitted along with further representations from those who has objected under the first consultation period. The petition with 35 signatories was also submitted.
- 7.4 Therefore, at the time of the writing of this report a total of 18 objections and 1 petition has been received from the public with regard to the application. These include objections raised by the Moon St & Studd St residents association.
- 7.5 The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Late opening hours leading to increased disturbance and noise on the site late at night

*The proposed opening hours of the unit is in line with the original hours granted on the original planning permission covering the whole site and this condition forms part of the recommendation. Additionally, the proposed use of an A3 unit is appropriate within a town centre location and the egress of patrons is conditioned to take place from Upper Street from 10.00pm onwards in order to protect the amenities of residents to the south.*

- Noise and nuisance (e.g. smoke) caused to residents in the area when customers and staff stand outside the unit to smoke and customers leaving late at night, causing noise and disturbance to residents in Moon and Studd Street.

*The proposed use is as a restaurant (A3) and not as a drinking establishment (A4) and would be compatible with the designation of the site within a town centre. Further, conditions are imposed to control noise emissions from plant and also to limit the egress of patrons from Studd Street after 10.00pm.*

- Increased noise during operation of the site, including noise from extractor fans and kitchen noise (particularly in the summer) and unpleasant cooking smells from the unit via extractor fans or open doorways (particularly in the summer).

*Conditions have been recommended by the Council's Noise Pollution officer to ensure that any noise and smell emanating from any plant, flues and extractors are contained within levels to protect the amenities of neighbouring residential properties within and outside of the wider Almeida site.*

- The proposed A3 unit would give rise to anti-social behaviour.

*The proposed use is as a restaurant (A3) and not as a drinking establishment (A4) and would be compatible with the designation of the site within a town centre. Further, a condition is imposed to limit the egress of patrons from Studd Street after 10.00pm.*

- The submitted Noise Impact Assessment only takes into account the residential properties above the proposed A3 unit and not those in Studd and Moon Streets.

*The applicant has submitted a Noise Impact Assessment with regard to the impact of the proposed A3 unit on the closest residential properties which exist on the upper floors directly above the proposed unit within Block A. The residential properties to the south in Moon and Studd Streets are located at least 16 metres away from the application site from their rear residential boundaries. This distance is increased further to the rear elevations of the buildings. Any mitigation put forward to address amenity impacts on the closest residential properties to the application site would suffice for those that are located further away.*

- Cumulative impact of proposed use.

*It is not considered that there would be a negative cumulative impact of introducing a further A3 unit of approximately 200 square metres to this specific part of the wider Almeida development along the new north-south road within the site, which is encouraged by the site's allocation and location within the town centre designation. Conditions have been imposed to protect residential amenity,*

*whilst the current application would not set a precedent for any future applications.*

### **External Consultees**

7.6 None Applicable

### **Internal Consultees**

7.7 Commercial Environmental Health Team officer have reviewed the application and recommended a condition seeking details of the flues and extraction systems to be used. [Condition 3]

7.8 Public Protection Division (Noise Team) reviewed the initial submission and stated the following:

*“The applicant proposes a change of use from A1 to A3. The submission states ventilation will be connected to the louvres above the entrance door. They have provided no information on the extract system, fan, predicted noise levels at nearby receptors and required mitigation. There is residential in close proximity to the unit and potential significant effects due to noise. Therefore without the information above to demonstrate that noise impacts can be controlled the Pollution team object to the proposal.”*

7.9 In response to the above comments the applicant submitted a Noise Impact Assessment, which was consulted upon and the Noise Team responded as follows:

*“I’ve looked over the report. The report has compiled their own guidance and not taken our policy into account. I would advise that the following condition controlling the noise impact from the plant is applied to any permission granted”. [Condition 4]*

*“In addition the plant is assumed to only operate within 0700-2300 hours. I would advise a condition requiring a timer switch is included to control this impact”. [Condition 6]*

*“The kitchen extraction fan has not been specified (and will not be specified until an operator takes the unit). However the report assumes that no correction for tonality, impulsivity, intermittency etc is applied.”* To validate this assumption a condition was recommended seeking a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 4 with regard to noise impact. The report is to be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures will require to be installed before commencement of the use and permanently retained thereafter, should planning permission be granted.

## **8. RELEVANT POLICIES**

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

### **National Guidance**

- 8.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 8.2 Since March 2014 Planning Practice Guidance for England has been published online.

### **Development Plan**

- 8.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Planning Advice Note/Planning Brief**

- 8.4 A Planning Brief titled 'Almeida Street Sorting Office, Almeida Street, N1' was published in June 2002 and offers site-specific guidance (for ease of reference this document shall hereafter be referred to as the '2002 Brief'). It does not form an adopted policy of the Development Plan (i.e. the London Plan and Islington Local Plan). It should also be stated that given its age (11 years since publication) it no longer reflects current adopted policy and guidance. However, the Planning Brief provided the basis for the original consent and was a factor in the grant of the original permission, which provides useful background information on how the balance of uses within the approved development came about.

### **Designations**

- 8.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:
- Angel Town Centre
  - Upper Street North Conservation Area
  - Barnsbury Conservation Area
  - Archaeological Priority Area
  - Listed building on the site (Post Office, 116-118 Upper Street)
  - Locally listed building (Mitre PH)
  - Site Allocation AUS1

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

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

## 9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design, Conservation and Heritage Considerations
- Accessibility
- Neighbouring Amenity
- Highways and Transportation

### Land-use

9.2 The application proposes a change of use from A1 to A1 or A3, within the Angel Town Centre. As such, the application must be treated as a loss of A1 as the dual use leaves no guarantee of A1 occupation.

9.3 The key consideration with regard to the change of use from A1 to flexible A1/A3, is the potential loss of A1 floorspace, if all of the floorspace under consideration is eventually put to A3 use as per the consent sought by the application. The key policy is DM Policy 4.4 (Town Centres), in particular part C, as well as its supporting text in paragraphs 4.25 – 4.29.

9.4 DM Policy 4.4C sets out that development within designated Town Centres is required to meet a series of criteria around appropriateness in scale, character and function, contributing positively to the vitality and viability of the centre, promoting a vibrant and attractive place.

9.5 It is not considered that the potential provision of A3 uses, whilst keeping options open for A1 use, would contradict any of the criteria i) to vii) in DM Policy 4.4C. Use Class A3 is a main town centre use, and the proposal is not located in one of the Primary or Secondary Frontages in Angel Town Centre, where policy DM Policy 4.5 (Primary and Secondary Frontages) would then be applicable.

9.6 Additionally, DM Policy 4.4C sets out limited criteria under which change of use from retail to non-main town centre uses may be allowed, although it will be generally strongly resisted. Use Class A3 is a main town centre use and as such there is no presumption against changes between A1 and A3 uses in policy, outside of the Primary and Secondary Frontages.

9.7 This stance is further justified in paragraph 4.28 of the supporting text, which states that the council considers that *“outside core retailing areas, there is more scope to introduce other main Town Centre uses, providing greater opportunities for flexibility and a diversity of uses in the interests of maintaining and enhancing a Town Centre’s vitality and viability.”*

9.8 The application site forms part of Site Allocation AUS1 in Islington’s Local Plan. Site Allocation AUS 1 states in its design considerations and constraints section that *“active uses are encouraged at ground floor level to animate the new north-south road which will run through the greater Post Office site and the minor through route which will connect to Upper Street as well as the frontage onto Upper Street”*.



- 9.9 The application site is identified as Unit G7A within the wider Almeida permission and has a size of approximately 200 square metres. It is located on the southwestern corner of the new north-south road. Therefore, the change of use from A1 to A3 would not conflict with the above allocation in not contributing to an animated frontage.
- 9.10 However, the Site Allocation also goes on to state: *“due to the site’s close proximity to a number of residential properties any future uses will need to respect residential amenity, particularly with regard to noise and the hours of operation”*. These amenity considerations are further emphasised within Development Management Policies.
- 9.11 DM Policy 4.3 (Location and concentration of uses) must also be considered given the proposal could potentially result in a change of use to Use Class A3 should the whole building be used in this manner. Use Class A3 (café/restaurant) is one of the list of uses that part A of the policy specifies that such uses may be resisted where they:
- i) would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area, or
  - ii) would cause unacceptable disturbance or detrimentally affect the amenity character and function of an area.
- 9.12 With regards to criterion ii), the potential impacts of opening hours, odour and other amenity impacts are dealt with in other section of this Committee report.
- 9.13 With regards to criterion i), it is not considered that there would be a negative cumulative impact of introducing a further A3 unit of approximately 200 square metres to this specific part of the wider Almeida development along the new north-south road within the site. It should also be noted that should the current proposal be granted permission to be used for Class A3 purposes for this specific unit (G7A), it would not set a precedent for any future applications that may arise along the new north-south road from A1 to A3. Any future applications would be assessed on their own merits and the cumulative changes across the site would require to be taken into account should such applications arise.

### **Design, Conservation and Heritage Considerations**

- 9.14 This application does not comprise of any external or internal works to those already approved under the wider Almeida planning permissions.
- 9.15 However, it should be noted that conditions have been recommended by the Council’s Environmental Health officer with regards to further details relating to full particulars and details of a scheme for sound insulation between the proposed A1/A3 use, as well as details of the proposed flues/extraction systems for the unit should it be used for Class A3 purposes.
- 9.16 It is considered that the details that would be required for the above two conditions could also trigger the need for further planning consent and in particular regarding details for flues and extract systems. Should any such flues/extract systems project externally and thus result in external alterations, then this would trigger the need for further planning consent. Should any such external alterations come as a result of details submitted to discharge conditions, it is not considered that such considerations can be dealt with under the submission of discharging a condition. The site is within a conservation area, and therefore any such external alterations

would be subject to notification and consultation procedures which cannot be statutorily exempted through consideration under the discharge of a planning condition.

### **Accessibility**

- 9.17 The unit subject of this planning application will be subject to the inclusive design features as approved under the wider Almeida planning permissions.

### **Neighbouring Amenity**

- 9.18 The proposed change of use does not contain any alterations to the approved built form, however the potential change in use of the site to Class A3 (restaurant) must be considered in light of any potential impact on neighbouring properties and other uses within the wider Almeida application site.

#### Noise, Disturbance and Air Pollution

- 9.19 The proposed Class A3 use would be a higher noise generating use and the approved structure of the building would require to be upgraded to add mass and mitigate the transmission of noise to the residential properties on the upper floors in Block A above the proposed A3 unit, along with the neighbouring properties to the south in Studd and Moon Streets.
- 9.20 The applicant has submitted a Noise Impact Assessment with regard to the impact of the proposed A3 unit on the closest residential properties which exist on the upper floors directly above the proposed unit within Block A. The residential properties to the south in Moon and Studd Streets are located at least 16 metres away from the application site from their rear residential boundaries. This distance is increased further to the rear elevations of the buildings. Any mitigation put forward to address amenity impacts on the closest residential properties to the application site would suffice for those that are located further away.
- 9.21 The Council's Pollution Team officer has advised several conditions be imposed should any planning permission be granted. They have requested details of a scheme for sound insulation between the proposed A1/A3 use and the upper floors of Block A. Whilst this is a condition on the original planning permission for the wider Almeida site, it is considered appropriate that these details be submitted under the current application with specific regard to those properties immediately above Unit G7A [Condition 5].
- 9.22 Furthermore, the Council's Pollution Team officer has advised that details of any kitchen extract or building services plant that would be required for the proposed non-residential uses. It is considered that such details can be imposed via condition should planning permission be granted [Condition 3].
- 9.23 Additionally, conditions have been recommended controlling the noise impact from the plant is applied by specifying the maximum noise levels to arise from the proposed plant [Condition 4], while another condition would require a timer switch to control the plant from operating only between 0700-2300 hours [Condition 6].
- 9.24 Finally, the kitchen extraction fan has not been specified (and will not be specified until an operator takes the unit). However the applicant's report assumes that no correction for tonality, impulsivity, intermittency etc. is applied. In order to validate this assumption a condition has been recommended by the Council's Pollution Team

seeking a report to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 4 with regard to noise impact. The report is to be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures will require to be installed before commencement of the use and permanently retained thereafter, should planning permission be granted.

- 9.25 These conditions would be in the interest of protecting future residential amenity against undue noise and nuisance arising from the non-residential uses with particular regard to the Class A3 use.

#### Hours of Operation

- 9.26 The proposed hours of use for the current application have not been specified on the application. However, it should be noted that all Class A3 units under the original planning permission covering the part of the Almeida site which contained Blocks A – D (which also contains the unit subject to this application) were limited to operating between the hours of 0800 and 2300 on any day.

- 9.27 As such, it is considered that the same condition should be imposed on the current planning application so as to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

- 9.28 Furthermore, the management study submitted under the original planning permission showed that the arcade doors to Upper Street will be open 30 minutes before trading commences and closed 30 minutes after the arcade closes. The access doors onto the new north-south road will be closed at 10.00pm. The principle Upper Street entrance will close at 12.30am and all exits and entrances from the A3 uses will be from this direction and not down Studd Street. Upper Street is a busy thoroughfare which can accommodate this increased extra use. The exit of the small number of patrons, this way is not considered to be a nuisance to neighbouring residents. As such, a condition was imposed limiting egression from Upper Street only after 10.00pm and it is considered that the same condition apply to the current application.

#### **Highways and Transportation**

- 9.29 The application site formed part of the wider Almeida site allocation and as part of the planning permissions covering the whole site there was a condition stating that occupation of this site shall not take place until the delivery and servicing plan and requirements had been provided as part of those permissions.

- 9.30 No details with regard to delivery and servicing requirements have been submitted with the current application. Transportation officers have reviewed the current application and advised that they do not have any in principle objection to the proposed change of use subject to the delivery and servicing management plan approved under the consents for the wider Almeida application site being delivered and implemented prior to the occupation of this specific site (unit within Block A).

- 9.31 Therefore, it is recommended that a condition be imposed on any planning permission stating that the application site shall not be occupied or used before the loading, turning and vehicular access facilities shown in the submitted plans for Block B within the wider Almeida application site as approved by Planning Permission Ref: P052245 dated 6th July 2007, or as an alternative the servicing facilities located

within Block C of the wider Almeida application site as approved by Planning Permission Ref: P2012/0256/FUL dated 27th November 2013 (or any subsequently approved section 73 application), have been constructed.

- 9.32 It should also be noted that under the previous planning consents there was still some uncertainty as to how some of the retail units would be served from the new servicing bay and as such an additional condition was imposed on both approvals requiring the submission of a servicing management strategy for the whole site so that such issues are resolved before occupation.
- 9.33 With regard to this application this shall be addressed via an informative advising the applicant that if the servicing facilities are proposed to be provided in Block C of the wider Almeida application site then further details of the access arrangements for servicing the premises in Block B from the Block C servicing area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the Block C basement, as required by Planning Permission Reference: P2012/0256/FUL dated 27th November 2013 and Planning Permission Reference: P2013/2697/S73 dated 04th November 2014.
- 9.34 Therefore, occupation of this application site (unit within Block A) would only occur once servicing and delivery arrangements have been provided, and before these are constructed further details may be required depending on which strategy the land owner elects to take forward, as outlined by other permissions covering the location of those areas to serve these arrangements.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The proposed change of use is considered to be acceptable and appropriate to the site's location within the revised Angel Town Centre subject to conditions outlined in this Committee report.

### **Conclusion**

- 10.2 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<p><b>Commencement</b></p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<p><b>Approved Plans List</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawing Nos. 1633_DWG_00_100 Rev PL2; 1633_DWG_01</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Flues and Extraction</b></p> <p>CONDITION: Details of proposed flues/extraction systems for the units hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate.</p> <p>The filter systems of the approved flue/extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
<b>4</b>	<p><b>Fixed Plant</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq, Tr}</math> 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 at least 5dB(A) below the background noise level <math>L_{AF90, Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>

<b>5</b>	<b>Noise Impact Assessment</b>
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 4. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
<b>6</b>	<b>Hours of Operation – Flexible Use</b>
	<p>CONDITION: The hereby approved A3 use shall not operate except between the hours of 08.00 to 23.00 on any day.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>7</b>	<b>Sound Insulation between Different Uses</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed A1/A3 use and adjoining buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the use 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.</p>
<b>8</b>	<b>Delivery and Servicing</b>
	<p>CONDITION: The application site shall not be occupied or used before the loading, turning and vehicular access facilities shown in the submitted plans for Block B within the wider Almeida application site as approved by Planning Permission Ref: P052245 dated 6th July 2007, or as an alternative the servicing facilities located within Block C of the wider Almeida application site as approved by Planning Permission Ref: P2012/0256/FUL dated 27th November 2013 (or any subsequently approved section 73 application), shall have been constructed and such facilities shall thereafter be retained for the purposes so approved unless otherwise previously agreed by the Local Planning Authority.</p> <p>REASON: To ensure that the traffic generated by the proposed development does not prejudice the free flow of traffic nor public safety along the neighbouring highway.</p>
<b>9</b>	<b>Entrance/Exit from A3 unit</b>
	<p>CONDITION: Entrance or exit from the hereby approved A3 unit after 22.00 hours on any day shall be from Upper Street only.</p> <p>REASON: In order to protect residential amenity.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

Since March 2014 Planning Practice Guidance for England has been published online.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:



## **A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

### **2 London's places**

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

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.14 Areas for regeneration

Policy 2.15 Town centres

Policy 4.9 Small shops

Policy 4.12 Improving opportunities for all

### **6 London's transport**

Policy 6.14 Freight

### **7 London's living places and spaces**

Policy 7.2 An inclusive environment

Policy 7.8 Heritage assets and archaeology

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

### **4 London's economy**

Policy 4.1 Developing London's economy

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

### **8 Implementation, monitoring and review**

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

## **B) Islington Core Strategy 2011**

### **Spatial Strategy**

Policy CS5 (Angel and Upper Street)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS11 (Waste)

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

## **C) Development Management Policies June 2013**

### **Design and Heritage**

**DM2.2** Inclusive Design

**DM2.3** Heritage

### **Health and open space**

**DM6.1** Healthy development

### **Shops, culture and services**

**DM4.1** Maintaining and promoting small and independent shops

**DM4.2** Entertainment and the night-time economy

**DM4.3** Location and concentration of uses

**DM4.4** Promoting Islington's Town Centres

**DM4.8** Shopfronts

### **Transport**

**DM8.2** Managing transport impacts

**DM8.5** Vehicle parking

**DM8.6** Delivery and servicing for new developments

### **Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

## **D) Site Allocations June 2013**

**AUS1** Site Allocation allocated sites

### **3. Planning Advice Note/Planning Brief**

A Planning Brief titled 'Almeida Street Sorting Office, Almeida Street, N1' was published in June 2002 and offers site-specific guidance (for ease of reference this document shall hereafter be referred to as the '2002 Brief'). It does not form an adopted policy of the Development Plan (i.e. the London Plan and Islington Local Plan). It should also be stated that given its age (11 years since publication) it no longer reflects current adopted policy and guidance.

### **4. Designations**

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Angel Town Centre
- Upper Street North Conservation Area
- Barnsbury Conservation Area
- Archaeological Priority Area
- Listed building on the site (Post Office, 116-118 Upper Street)
- Locally listed building (Mitre PH)
- Site Allocation AUS1

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

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

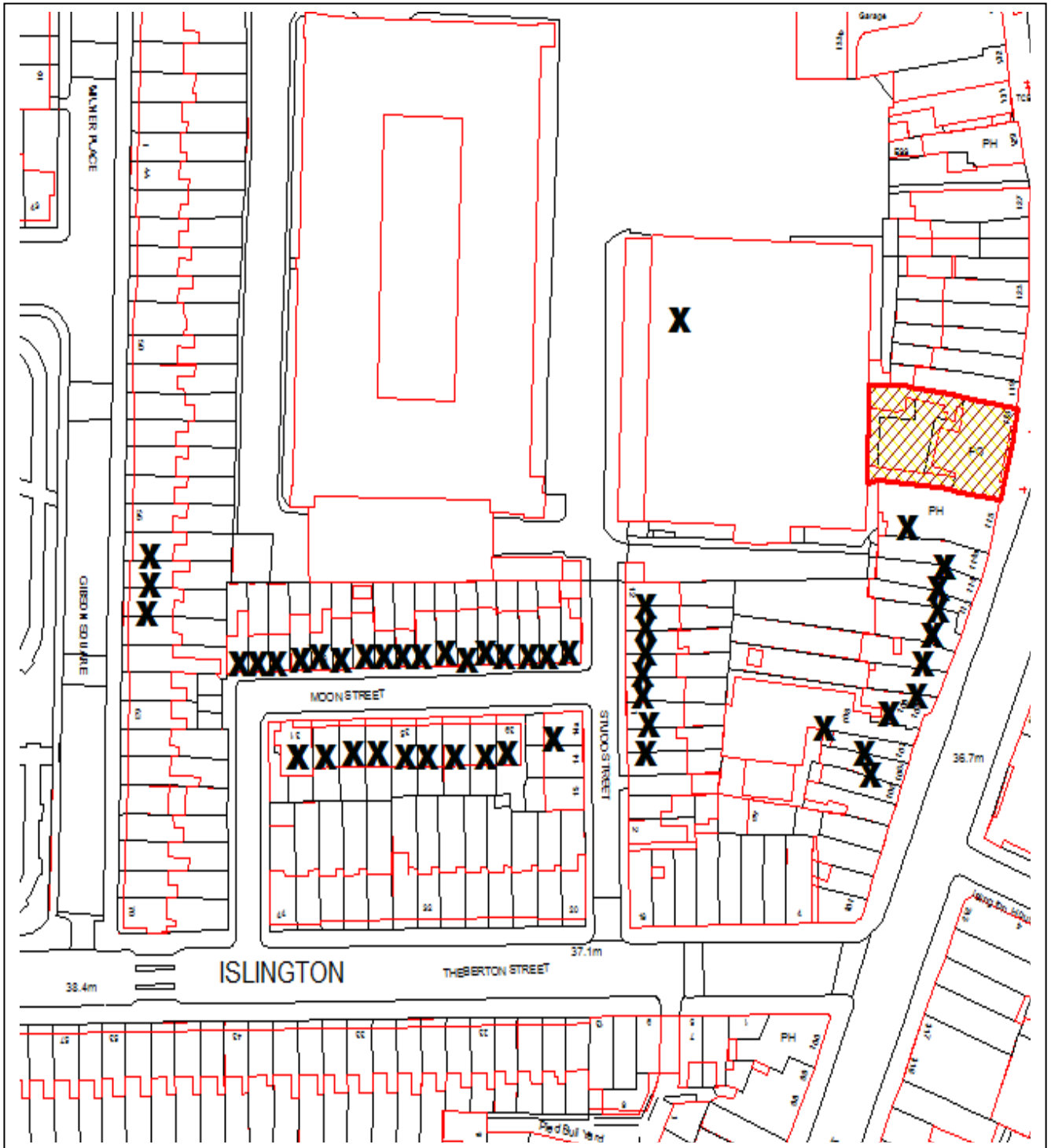
- Environmental Design
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide
- Development Viability SPD

#### **London Plan**

- Accessible London: Achieving an Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	27 <sup>th</sup> February 2017	<b>NON-EXEMPT</b>

Application number	P2016/4554/FUL
Application type	Full Planning Application
Ward	St Marys
Listed building	Not Listed
Conservation area	Cross Street
Development Plan Context	Archaeological Priority Area; Angel Town Centre
Licensing Implications	None
Site Address	Garages between 6 and 9 Dagmar Terrace N1 2BN
Proposal	Demolition of a single double garage and the erection of a four storey townhouse with basement level.

Case Officer	Eoin Concannon
Applicant	Mrs Sonia Ferguson
Agent	Gabor Gallov Architect

### 1. RECOMMENDATION

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

1. subject to the conditions and legal agreement set out in Appendix 1;

2. SITE PLAN (site outlined in black)

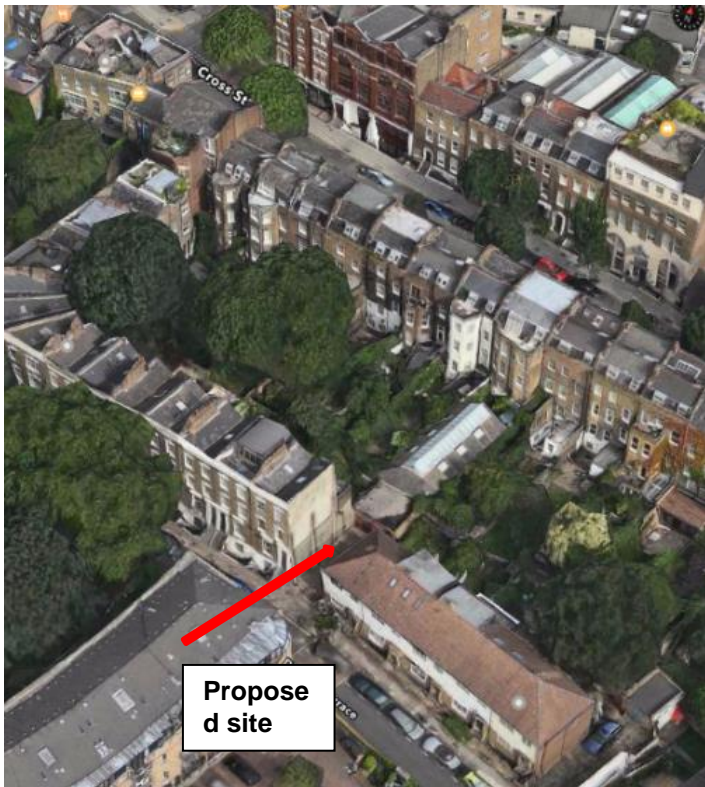






Aerial View

3. PHOTOS OF SITE/STREET





Application Site



View of existing terrace





Properties that abut site to the rear along Cross Street

#### **4. SUMMARY:**

- 4.1 Planning permission is sought for the demolition of a single storey double garage and the erection of a four storey townhouse. The issues arising from the application are the impact on the character and appearance of the surrounding conservation area, the standard of the new residential units and the impact on the neighbouring amenity of the adjoining and surrounding residential properties.
- 4.2 With regard the overall design, it would appear sympathetic to the street scene and the surrounding conservation area. It would have a pastiche façade with a contemporary finish to the rear fenestration. The Design Officer has raised no objections subject to submission of details of materials.
- 4.3 The overall standard of accommodation and layout would meet both London Plan and Islington housing standards with acceptable outlook, dual aspect and satisfactory floor space. Whilst the private garden area is below the minimum garden space for a new building, it would be similar area of garden to the neighbouring properties. A condition can also be attached restricting permitted development on the site.
- 4.5 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site is situated on land between Nos. 6 and 9 Dagmar Terrace and currently comprises a single storey double garage which is set back to the rear of the site. Situated on the northern side of Dagmar Terrace, the site abuts an end of terrace Victorian four storey property to the west and a 1950's two storey housing development to the west.
- 5.2 Directly to the rear of the garages, lies a single storey workshop to the rear No. 21 Cross Street. The area is predominantly residential in character with a mixture of both period style properties and post-war purposed built flats and housing development.
- 5.3 The site does not adjoin or contain a listed building/structure however it does lie within Cross Street Conservation Area. Cross Street Conservation Area lies between two of the oldest

thoroughfares in Islington, Upper Street and Essex Road. The area is a mixture of retail and residential characterised by the narrow plot-widths and small scale 17<sup>th</sup> and 18<sup>th</sup> century buildings.

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

- 6.1 The proposal seeks to demolish the existing garages between Nos. 6 and 9 Dagmar Terrace and extend the terrace housing to form a new self-contained townhouse four storeys (plus basement) in height.
- 6.2 The building would match the height and general design of the existing terrace to the front, with a conventional design to the fenestration along the rear elevation. There would be a two storey lower ground and ground floor element which would extend beyond the rear outrigger and maintaining half of the original garden space to the rear.
- 6.3 The new dwelling would comprise three bedroom four person dwelling with the reception rooms and one bedroom/study situated at lower ground and ground floor level. Further bedrooms would be situated at first and second floor level. Externally, there would be a sunken courtyard with access from both lower ground and ground floor levels. To the front lower ground, the plans indicate an area set aside for potential stair lift and utilities.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 **P2015/2735/FUL:** Demolition of a single storey double garage and the erection of a five storey townhouse. **Withdrawn 14/11/2016**
- 7.2 **P2014/4892** Demolition of a single storey double garage and the erection of a five storey townhouse. **Withdrawn 22/01/2015**

### **ENFORCEMENT:**

- 7.3 None

### **PRE-APPLICATION ADVICE:**

- 7.4 **Q2015/0495/MIN:** Pre-app development to erect five storey town house

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to 55 occupants of adjoining and nearby properties at Dagmar Terrace, Cross Street and Essex Road on the 28<sup>th</sup> November 2016.
- 8.2 A site notice and press advert was also displayed. The consultation period expired on the 22<sup>nd</sup> December 2016, at the time of writing this report, 7 objections have been received from nearby residents. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Plot size: The site is too small for any house in keeping with general style of the conservation area. (10.5 to 10.8)
  - Design: Objections raised to the Victorian pastiche and also to the contemporary rear design with the window sizes and shape a concern. (10.6-10.8)
  - Impact on residents' amenity: in terms of overlooking, loss of daylight and noise disruption from construction. (10.16 to 10.21)

- Concerns raised over lack of outside space serving the dwelling. (10.26)
- Structural concerns: The digging of the basement would affect the water table and significant risk of cracking and subsidence to the old terraced buildings and the overall foundations. Concerns also raised regarding impact the demolition of garages would have on the property it abuts to the rear. (10.12 to 10.15)
- Wildlife and trees: The proposal would disrupt the settled wildlife and local bat and amphibian population and potential damage to trees. (10.40)

### **Internal Consultees:**

- 8.3 **Planning Policy:** No objections.
- 8.4 **Design and Conservation:** The proposed dwelling is acceptable because its front elevation accurately replicates the architectural detailing to the adjoining building and is in-line with the pre-app advice. It is important that conditions are placed which ensure the building does exactly match next door. This will require a sample panel of brick work to be built in situ and kept on site until completion to ensure compliance. Specific detailed conditions have been recommended.
- 8.5 **Pollution Control:** The proposal is for a new large residential house on the site. The site was previously residential which appears to have been bomb damaged during the war and the site replaced by garages along with new housing to the east. The current garage area will form the rear garden of the property and hence with the potential contaminating use and introduction of the new receptors there is potential for a pollution linkage. Therefore it is advised that a land contamination investigation be carried out.
- 8.6 **Access & Inclusive Design:** All new development should meet Category 2 of the National Housing Standard – the approach should be step free.
- 8.7 **Street Environment Services (Refuse):** No objections received.
- 8.8 **Sustainable Design Officer:** The proposal complies with the criteria set out in the Basement SPD subject to conditions.

### **External Consultees:**

- 8.9 **Greater London Archaeological Advisory Service:** No objection subject to conditions.

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

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

### **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, conservation and heritage considerations;
- Basement Development
- Neighbouring amenity
- Standard of living
- Highways and transport
- Accessibility
- Sustainable design
- Refuse storage
- Affordable housing and carbon offsetting contributions.
- Wildlife and trees:

#### **Land-use**

10.2 The site is within a residential street with a mixture of terrace dwellings and post war Council apartment blocks. It is currently occupied by single storey double garages set back to the rear of the site. Historically, the site would previously have contained a continuation of the neighbouring terrace as illustrated in the 1871 Ordnance Survey Map.

10.3 The street however suffered bomb damage during the Blitz with the buildings to the south and east of the site post-war developments. The demolition of the existing garages and the erection of a similar style dwelling to the original terrace generally are acceptable in principle given the street character.

10.4 The current garages are presently underutilised and the proposal would add 1 additional town house that would contribute to the housing stock in the borough. The principle would be acceptable subject to complying with the remaining issues dealt with in the rest of the report. It would therefore generally comply with policies 3.3 (Increasing housing supply) 3.4 (Optimising housing potential) of the London Plan 2011, Policy CS12 (Meeting the housing challenge) of the Islington's Core Strategy 2011, Policy DM3.1 (Mix of housing sizes) of the Development Management Policies.

#### **Design, conservation and heritage considerations:**

10.5 The Islington Urban Design Guide (2017) states that *new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area*"(para 5.67). The Cross Street Conservation Area design guide goes further and states that: "*New buildings should conform to the height, scale and proportions of existing buildings in the immediate area.*"

10.6 As also noted within the Cross Street Conservation Area design guide, the area is largely characterised by residential properties in narrow plot-widths. The existing plot would generally be a characteristic of the constrained urban setting within the conservation area. The proposed infilling of the site would not impact negatively on the established character of the conservation area.

10.7 The design itself is a facsimile of Victorian architecture and would infill a gap site between the existing terrace and the post-war two storey development to the east. The height and scale of the development would match the existing Victorian terrace to the west. It would integrate with

this end of terrace property following a similar design. The detailing and proportion of the windows, doors and external steps would match the existing Victorian terrace. A modern glazing connection would link the proposed townhouse with the two storey housing to the east. This would integrate the new development with the post-war housing with a light weight feature which would be visually transparent allowing the perception of a gap to be maintained.

- 10.8 Whilst concerns have been raised during the consultation by the pastiche approach to this gap site, the Design Officer had previously raised concerns regarding a contemporary approach during pre-app stage. At pre-application stage the Design Officer indicated that the continuation of the historic form may be acceptable and worth pursuing in detail. The suggestions to the façade have been adopted by the applicant and the Design Officer is satisfied subject to accurate detailing that the façade is considered acceptable. Conditions have been recommended in relation to the brickwork, sash windows and new railings. Subject to these details matching, the facade would appear sympathetic to the existing terrace and would enhance and preserve Cross Street conservation area.
- 10.9 To the rear, there is more scope for a contemporary approach given the lack of visibility from the street scene. The lower ground and ground floor would be full glazed (timber framed) maximising the light to serve the living quarters of the property. There is a clear punctuating gap between the proposed return and the top of the main roof. This allows the return to appear subordinate when viewed from the private realm.
- 10.10 Whilst the rear fenestration at first and second floor is different to the remainder of the terrace, this would add contemporary features to the overall design of the building which differs from the main terrace without causing a detrimental impact on the character and appearance of the conservation area. The Design Officer has not raised any objections to this approach. Officers consider that the proposed rear elevation would add visual interest to the terrace as a whole without compromising the character and appearance of the conservation area.
- 10.11 Overall, the proposed scale and height of the development is a representative balance of the surrounding building and provides a uniform finish to front with matching features and same roof pattern. As such, it would not become a dominant development along the street or within the wider conservation area. As such, the proposal is considered to be in accordance with policies 7.4 (Character), 7.6 (Architecture), 7.8 (Heritage assets and archaeology) of the London Plan 2015, policies CS8 (Enhancing Islington's character) and CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of the Core Strategy 2011, policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013.

### **Basement Development**

- 10.12 The proposal would involve the creation of a basement floor which would project beyond the main rear wall by 4m. This would generally conform to the guidance set out within the Basement SPD sets out the relevant guidelines for Residential infill developments in paragraphs 7.1.12
- 10.2 Paragraph 7.1.12 of the SPD sets out:

*“For infill residential development, the scale and extent of basement within a site should respond to the site context and the prevailing scale of development in the area. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds. The proportion of the site that is built upon/under to the proportion unbuilt upon when compared with surrounding buildings is of particular importance to achieving a compatible scale of development on infill sites. For the avoidance of doubt, both in terms of depth and footprint of basement, all other relevant design of the SPD will apply to infill developments and will have a bearing on the acceptability of a proposed basement design.”*

- 10.13 The proposed basement level of the main proposed dwelling is considered to be a proportionate addition to the property and mirrors the scale and extent of basements within the immediate locality with many terrace dwellings have integral lower ground floor levels. The remaining rear garden area which would not have any basement level is large and once again matches the

prevailing pattern of development within the area. Overall the extent and footprint of the proposed lower ground/basement level is considered to be proportionate in relation to the size of the entire site and the scale of the proposed main buildings footprint. The proposal is considered to comply with the guidance set out appendix B of the Basement SPD.

- 10.14 The SMS indicates that underpinning is to be founded at a depth of approximately 1.5m below the existing ground level. The SMS states that in the unlikely event that some minor movement does occur the remedial works and repair will be dealt with under the Party Wall Agreement. The SMS also examines hydrological setting. Figure 6 of the SMS shows that the site is at very low risk of surface water flooding.
- 10.15 On the basis of the information supplied within the SMS, the proposal basement would comply with the Basement SPD (2016) and would not have a detrimental impact on the structural integrity of the existing terrace or impact on the hydrological table in the general area.

### **Neighbouring Amenity**

- 10.16 The Council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.
- 10.17 Policy DM2.1 notes that to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 10.18 With regard, the first and second floor front windows, whilst it is acknowledged there would be partial overlooking of the flank windows serving Draper Place, it would only be a small section of these sash windows that project directly onto the larger flank windows. The last smaller glass panel of both sash window would project onto the larger flank windows. Given that this would be across the public street where passers-by can already overlook the existing windows, Officers consider that the additional overlooking does not represent an unacceptable loss of amenity in this instance.
- 10.19 To the rear, there would be no adverse impact on No.9 Dagmar given the main rear building line would be the same as the proposed development. The upper ground floor would extend approximately 2.2m beyond the building line of No.6 Dagmar Terrace. The orientation of these neighbouring windows is such, that it would not cause an impact their outlook or daylight sunlight. The rear gardens of these properties are southern orientated and would benefit from large period of sunlight throughout the day that would be unaffected.
- 10.20 Officers note the rear projection would be approximately 4.5m high along the boundary with No.6 Dagmar Terrace projecting 2.2m beyond this neighbour's building line. This however would not impact on the neighbour's outlook given the rear building line of this neighbouring property is slightly kinked and running parallel with the bend in the street. It is also not considered sufficient reason to refuse on sense of enclosure to this neighbouring property given that it would only project 2.2m beyond this building line. A condition can also be attached requiring details of the boundary treatment along this neighbour to ensure there is no adverse overlooking from the external steps from upper ground level onto the rear garden.
- 10.21 To the rear, the existing garages abut No. 21 Cross Street which contains a workshop along the boundary. Concerns have been raised regarding the impact on the party wall from the demolition of these garages. This however can be addressed under the Party Wall Act where the applicant would require a party wall agreement with the adjoining neighbours. Further concerns have been raised regarding noise during the construction phase. Whilst Officers recognise that the development would cause some level of disturbance during the construction phase to adjoining residents, a Construction Management Plan condition can ensure that this disturbance is kept to a minimum. The development would also need to comply with Islington working hours.



10.22 Consideration has been given to matters such as outlook, light provision, loss of privacy, overlooking, noise and enclosure in accordance with policy DM2.1 of Islington's Development Management Policies document June 2013.

### **Standard of Living Accommodation**

10.23 The London Plan (2011) recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality. Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation. Development Management Policy DM3.1 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes.

10.24 The proposal would provide one new dwelling which would be a suitable size for a family 3 bedroom unit. The overall size and layout would meet the minimum space standards for a three bedroom unit.

10.25 Whilst it is noted that the townhouse may exceed the minimum space standards, given the constraints of the site, it would not be possible to have 2 units which would provide adequate living standards for both units in terms of private and functional access, good sized rear amenity space and dual aspect and good internal living environment and circulation spaces. In this case a larger internal unit supporting a family dwelling is therefore considered to be acceptable. The layout of the proposed residential townhouse is considered to be acceptable with sufficiently sized rooms and storage spaces. The main living areas and amenity spaces would have acceptable outlook and access to daylight / sunlight. The proposed townhouse would provide dual aspect and its overall layout; room sizes and internal floor space would meet DM3.4 of the Development Management Policies.

10.26 Officers recognise that the private outdoor space would be below the minimum amount identified within policy DM3.5 of the Development Management Policies for family dwellings (25 sq.m approximately proposed to rear and front). Whilst this is not ideal, the gardens to the rear of Dagmar Terrace are generally small in size with several properties already implementing permitted development rights (No.4 & 5 Dagmar Terrace). The garden would be similar in size to these properties. A further lower ground private space would be situated to the front at lower ground. A condition can be attached restricting permitted development on the townhouse without further planning permission obtained. On balance, given the overall size of the gardens along Dagmar Terrace, the size of the private open space would be acceptable in this instance.

10.27 It is considered that the proposal would provide acceptable internal living environment and space standards. The general layout, room sizes and internal floor space (including private amenity space) would largely comply with policies DM3.4 & DM3.5 of the Development Management Plan and would provide satisfactory living condition for future occupiers of the dwelling.

### **Highways Transportation**

10.28 There are no new car parking spaces proposed in accordance with the policy DM8.5 and the s106 unilateral undertaking includes an agreement that prevents future residents from obtaining a car parking permit. The dwelling would be liable to provision of cycle storage within a secure area. The details of cycle storage can be secured via condition.

### **Accessibility**

10.29 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via

- Written Ministerial Statement issued 25th March 2015
- Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
- Deregulation Bill received Royal Assent 26th March 2015

- 10.29 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.
- 10.30 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.31 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 10.32 Level access from the street would not be provided due to securing a similar design as the existing terrace in order to enhance the conservation area. Whilst level access is not ideal, the plans demonstrate the capacity to install a stair lift from the front if necessary. The internal layout can also be adopted to meet category 2 of the National Standard for Housing Design guide.

### **Sustainable Design**

- 10.33 A Sustainable Design and Construction Statement was submitted with the application as required by policy DM7.1 for new residential units. The report provides details of water efficiency calculations for building regulations and design stage SAP report demonstrating that an adequate standard of sustainable design can be achieved.
- 10.34 Policy DM6.5 requires developments to maximise the provision of green roofs, which must maximise benefits for biodiversity, sustainable drainage and cooling. Whilst the application does not include a green roof, a condition is included requiring details for approval of the green roof to ensure that it meets the requirements of the policy and guidance.

### **Refuse Storage**

- 10.35 In terms of waste management, the Council's Street Environment Services have raised no objections to the proposal. There is sufficient space at lower ground or to the rear to provide waste management facilities for the proposed town house. Details can be secured via condition.

### **Affordable housing and carbon offsetting contributions**

- 10.36 The proposal is a minor application for one residential dwelling, which is below the affordable housing threshold of ten units (policies 3.13 of the London Plan and CS12G of Islington's Core Strategy). The applicant has agreed to pay the full affordable housing and small sites contribution of £50,000 together with £1500 contribution towards carbon off-setting.
- 10.39 The application complies with policy CS12G of the Islington Core Strategy 2011, Development Management Policy DM7.2 and the Islington Affordable Housing Small Sites Contributions SPD.

### **Wildlife and trees**

- 10.40 The site offers a poor visual appearance to the area and is occupied by garages, hard standing and some vegetation. There is no significant tree cover or any vegetation worthy of protection in this case. Reports of amphibians on site are noted but no occurrences or sighting of any amphibians was noted during officer's site visits to the site during the course of the planning application. It is considered that the development if enacted would not have any adverse impact on wildlife or tree coverage within and surrounding the site in this case.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed development is acceptable in design, scale; massing and visual terms would not adversely impact on the character and appearance of the conservation area. It would integrate well with the end of terrace property and would adequately address the surrounding built form in terms of height to ensure that the development would not appear as a dominant discordant feature when seen from surrounding and private realm.
- 11.2 The proposal would not result in any material adverse impact on adjoining resident's amenity levels in terms of daylight/sunlight, or any material loss of outlook or significant increases in enclosures levels. The proposed dwelling would provide a good standard of amenity for future occupiers and would have sufficient space for refuse and bike facilities.
- 11.3 A draft Unilateral Agreement has been provided and it is understood that a signed and agreed Unilateral Agreement for the full contribution to Affordable Housing and Carbon Offsetting will be provided to the local planning authority, prior to issuing of a decision notice.

### **Conclusion**

- 11.2 It is recommended that planning permission be granted subject to the unilateral undertaking and the conditions as set out in Appendix 1 – RECOMMENDATIONS A.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to the prior completion of a unilateral undertaking in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development/ Head of Service – Development Management or, in their absence, the Deputy Head of Service.

- £50,000 towards affordable housing

- £1,500 towards carbon off-setting

### Recommendation B

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>028-L01, 028-L02, 028-EP00, 028-EE 01, 028-ES 02, 028-EE 03, 028-E 02, 028-E 03, 028-E 03, 028-P B1, 028-P 00, 028-P01, 028-P02, 028-P04, 028-S 01, 028-S 02, 028-S 03, Design &amp; Access Statement Dagmar Terrace dated November 2016, Structural Method Statement ref:10-6868 dated 27<sup>th</sup> September 2016, Sustainable Design and Construction Rev B dated 13<sup>th</sup> October 2016, Townscape Study ref 028-D 25</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Brick Details)</b>
	<p>CONDITION: The following shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing:</p> <ul style="list-style-type: none"> <li>- A sample panel of facing brickwork to be constructed in situ.</li> </ul> <p>Once approved the sample panel shall be retained on site until one month after occupation of the building.</p> <p>All new facing brickwork shall match the brickwork to the adjacent building in respect of colour, texture, face bond and pointing. No permission is granted for the use of brick slips.</p> <p>The pointing shall be carried out using a lime mortar with a ratio of 1:3 (lime: sand) and shall be flush/slightly recessed and not weatherstruck. The brickwork shall be soot washed to match the colour and appearance of the adjacent brickwork.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

4	<p><b>Sash Windows</b></p> <p>CONDITION: All new sash windows shall accurately replicate, in terms of material, profile and detailing, the windows to the adjacent building. They shall be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be no greater than 12mm (4mm glass: 4mm gas: 4mm glass) in total thickness. No horns trickle vents or metallic/perforated spacer bars are permitted.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
5	<p><b>Railings</b></p> <p>CONDITION: The new railings shall accurately replicate railings to the adjacent building, in terms of material and detailing. Each bar shall be individually inserted in to a drilled hole in a stone or reconstituted stone plinth and sealed with lead.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
6	<p><b>Land Contamination</b></p> <p>Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 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) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</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 approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: In order to ensure that any land pollution at the site is identified and appropriately mitigated in the interests of the health of the future residents at the site.</p>
7	<p><b>Car Permits (Compliance)</b></p> <p>CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <p>i) In the case of disabled persons;</p> <p>ii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>Reason: To ensure that the development remains car free.</p>

8	<p><b>Cycle Parking Provision (Details)</b></p> <p>CONDITION: Prior to the first occupation of the dwelling hereby permitted detail of storage for at least three secure bicycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>These spaces shall be used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport. neighbouring residential amenity</p>
9	<p><b>Refuse/cycle store</b></p> <p>CONDITION: Notwithstanding the details shown on the approved plans, no occupation of the dwellings hereby permitted shall take place until detailed drawings of the refuse and bicycle store to serve the residential property have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
9	<p><b>Sustainable Design and construction statement</b></p> <p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
10	<p><b>Construction Method Statement</b></p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>

<p><b>11</b></p>	<p><b>Lifetime Homes</b></p> <p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
<p><b>12</b></p>	<p><b>Green Biodiversity Roof (Details)</b></p> <p>CONDITION: Notwithstanding the approved plans, details of the biodiversity (green) roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) maximise the extent of the new roof area to be covered by a green roof; and</li> <li>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<p><b>13</b></p>	<p><b>Boundary treatment</b></p> <p>CONDITION: Details of internal boundary treatment within the site between gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include: all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure and prevents overlooking of neighbouring properties.</p>
<p><b>14</b></p>	<p><b>Archaeological Investigation</b></p> <p>Condition:A) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.</p> <p>B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).</p> <p>C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. The written scheme of investigation will need to</p>



	<p>be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.</p> <p>REASON: Heritage assets of archaeological interest are expected to survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.</p>
<b>15</b>	<p><b>Removal of Permitted Development</b></p> <p>REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (COMPLIANCE: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 no additional windows, extensions or alterations to the dwelling house(s) hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling house in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
<b>16</b>	<p><b>No roof terrace use for the main dwellings flat roofslope</b></p> <p>CONDITION: Notwithstanding the hereby approved plans numbered 028-P04 &amp; 028-E02, no permission is granted for the use of the flat roof area of the hereby approved main dwelling for any form of amenity space or outside seating area into perpetuity.</p> <p>REASON: In order to safeguard the visual and neighbouring amenity of the area.</p>
<b>17</b>	<p><b>Landscaping details</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>i) any other landscaping feature(s) forming part of the scheme.</li> </ol> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>

**List of Informatives:**

1	<p><b>Positive Statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
2	<p><b>Other legislation</b></p> <p>You are reminded of the need to comply with legislation outside the realms of the planning legislation including Building Regulations, Environmental Regulations, Inclusive Design etc.</p>
3	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>
4	<p><b>Archaeological Investigation</b></p> <p>The written scheme of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeological guidelines. It must be approved by the planning authority before any on-site development related activity occurs.</p> <p>Archaeological excavation is a structured investigation with defined research objectives which normally takes place as a condition of planning permission. It will involve the investigation and recording of an area of archaeological interest including the recovery of artefacts and environmental evidence. Once on-site works have been completed a 'post-excavation assessment' will be prepared followed by an appropriate level of further analysis, publication and archiving.</p> <p>Further details can be obtained from the Greater London Archaeological Advisory Service at 1 WATERHOUSE SQUARE, 138 – 142 HOLBORN, LONDON, EC1N 2ST Telephone 020 7973 3000 Facsimile 020 7973 3001</p>

## APPENDIX 2: RELEVANT POLICIES

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

### 1 National Guidance

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

### 2. Development Plan

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

#### A) The London Plan 2016 - Spatial Development Strategy for Greater London

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **3 London's people**

Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
Policy 3.13 Affordable housing thresholds  
Policy 3.15 Coordination of housing development and investment

##### **8 Implementation, monitoring and review**

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

5 London's response to climate change  
Policy 5.3 Sustainable design and construction  
Policy 5.13 Sustainable drainage  
Policy 5.17 Waste capacity

6 London's transport  
Policy 6.2 Providing public transport capacity and safeguarding land for transport  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.9 Cycling

7 London's living places and spaces  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### B) Islington Core Strategy 2011

Policy CS7 (Bunhill and Clerkenwell)  
Policy CS8 (Enhancing Islington's Character)

**Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS11 (Waste)

**C) Development Management Policies June 2013**

**Design and Heritage**

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage

**Housing**

DM3.1 Mix of housing sizes  
DM3.4 Housing standards  
DM3.5 Private outdoor space

**Transport**

DM8.4 Walking and cycling  
DM8.5 Vehicle parking

**Energy and Environmental Standards**

DM7.1 Sustainable design and construction statements  
DM7.2 Energy efficiency and carbon reduction in minor schemes  
DM7.4 Sustainable design standards

**Infrastructure**

DM9.1 Infrastructure  
DM9.2 Planning obligations  
DM9.3 Implementation

**5. Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, and Development Management Policies 2013.

- Cross Street Conservation Area
- Local views
- Open Space
- Archaeological Priority Area
- Core Strategy Key Area

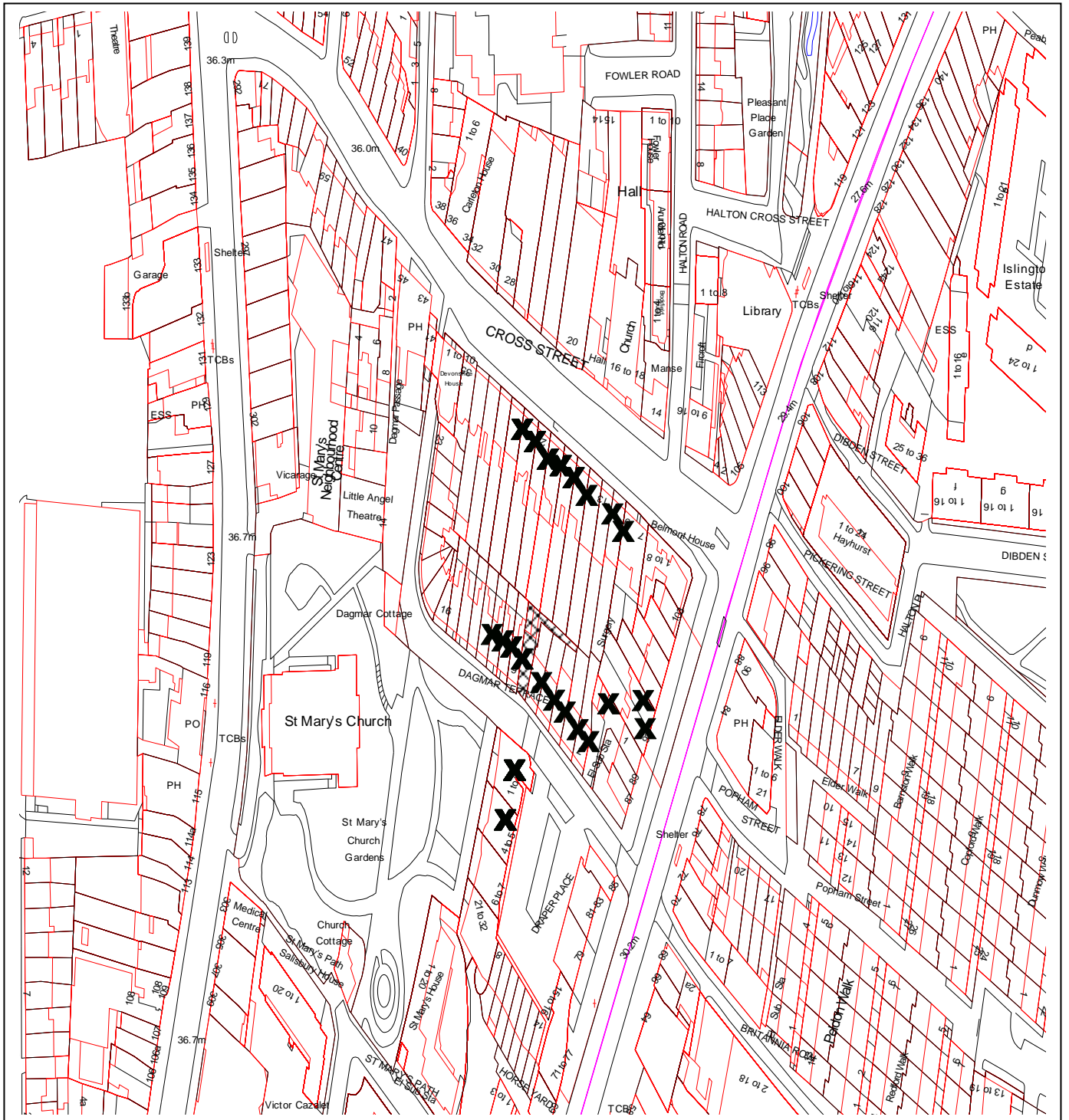
**6. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

- |                                       |   |
|---------------------------------------|---|
| Islington Local Development Plan      | London Plan                                     |
| - Conservation Area Design Guidelines | - Accessible London: Achieving and              |
| - Urban Design Guide                  | - Sustainable Design & Construction             |
|                                       | - Planning for Equality and Diversity in London |
|                                       | - Housing                                       |

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# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	27 <sup>th</sup> February 2017	<b>NON-EXEMPT</b>

Application number	P2016/2530/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	Not Listed
Conservation Area	Not applicable
Development Plan Context	None
Licensing Implications	None
Site Address	Herbert Chapman Court, Flats 1-8, Avenell Road, LONDON, Islington, N5 1BP
Proposal	Replacement of the existing single glazed crittal windows with aluminium framed double glazed casement units. Replacement of the existing mineral felt flat roof covering with a high performance mineral felt covering.

Case Officer	Nathan Stringer
Applicant	Ms Linda Harris
Agent	FES Group

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission, subject to the conditions set out in Appendix 1.

## **2. REASON FOR DEFERRAL**

- 2.1 This application was previously discussed at Planning Sub Committee B on 3<sup>rd</sup> October 2016. At the meeting there were concerns in relation to inaccurate drawings and an insufficient sample meaning the sub-committee did not have accurate information on which to make a decision. The applicant was also requested to do more consultation. Feedback from the Committee also noted that the proposed frames were too wide.

## **3. AMENDMENTS TO THE SCHEME**

- 3.1 Following the meeting the applicant has provided amended drawings for the replacement windows. The amended drawings include section drawings of existing and proposed windows, which provide a clearer depiction of the width of proposed window units. The applicant has also provided a product specification leaflet for the proposed Crown Casement Window System, which provides further detail about the design of the window units. Further, a revised window sample has been provided.

## **4. ASSESSMENT OF THE AMENDMENTS**

- 4.1 The amendments received were to address concerns raised in relation to inaccurate drawings and an insufficient sample as per the Planning Sub Committee B on 3<sup>rd</sup> October.
- 4.2 The amended drawings provide a greater level of detail regarding the width and specifications of the proposed window units. The Design and Conservation Officer reviewed the revised drawings and considers that they are acceptable in principle. However, the officer noted that she would like to see a reduction in depth of the frame and for the frame to be square, rather than chamfered as proposed.
- 4.3 The applicant has since provided further information regarding the request from the Design and Conservation Officer. It is noted that, in order to accommodate a slimmer frame profile, it would be necessary to increase the width of the proposed frames by between 60% and 90% for a reduction in frame size of 7mm for the CS-68 frame profile and 15mm for the ES-50 frame profile. This would not see a reduction in frame width, as previously recommended by Sub Committee B.

### **Conclusion**

- 4.4 It is recommended that planning permission be granted subject to the conditions set out in Appendix 1 – RECOMMENDATIONS A and the amended condition 2 set out below.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Langley TA-20 Roofing System Specification, PD001 Rev D, PD002 Rev D, WS001 Rev D, WS002 Rev D, WS003 Rev D, WS004 Rev D, WS004.1 Rev D, WS005 Rev D, WS006 Rev D, WS007 Rev D, WS008 Rev D and WS009 Rev D.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Roof Not Use as Amenity Space</b>
	<p>CONDITION: The flat roof area shown on the hereby approved drawings 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.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>

#### List of Informatives:

<b>1</b>	<b>Positive statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

**Appendix 2: PLANNING COMMITTEE  
REPORT**

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department  
 PO Box 3333  
 222 Upper Street  
 LONDON N1 1YA



<b>PLANNING SUB COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	3 October 2016	<b>NON-EXEMPT</b>

Application number	P2016/2530/FUL
Application type	Full Planning Application
Ward	Highbury West
Licensing Implications	N/A
Development Plan	None
Listed building	Unlisted
Site Address	Herbert Chapman Court, Flats 1-8, Avenell Road, LONDON, Islington, N5 1BP
Proposal	Replacement of the existing single glazed metal windows with aluminium framed double glazed units. Replacement of the existing mineral felt roof covering with a high performance mineral felt covering.

Case Officer	Nathan Stringer
Applicant	Ms Linda Harris
Agent	FES Group

**5. RECOMMENDATION**

The Committee is asked to resolve to **GRANT** planning permission – subject to the conditions set out in Appendix 1.

6. SITE PLAN (site outlined in red)



**7. PHOTOS OF SITE/STREET**



Image 1: Photograph of the Front of the Site



Image 2: Aerial Photo of the Rear of the Site

## **SUMMARY**

- 7.1 Planning permission is sought for the replacement of the existing single glazed metal windows with aluminium framed double glazed casement units, and the replacement of the existing mineral felt flat roof covering with a high performance mineral felt covering. The proposed replacement windows are similar in terms of function and appearance as the existing windows. The proposed roof system is similar in terms of its colour and appearance to the existing felt roof covering and does not require any rebuilding or alteration to the existing flat roof form.
- 7.2 The proposed alterations to the building are considered to have a neutral impact on the character and appearance of the surrounding streets. The proposals would not give rise to any adverse impact on the amenity of neighbouring properties.

## **8. SITE AND SURROUNDINGS**

- 8.1 The application site comprises a four-storey building on the east side of Avenell Road at the junction of Elphinstone Street. The property is a purpose built block of flats used for residential purposes and contains 8 self-contained flats.
- 8.2 The building is not Listed and is not within a conservation area. The surrounding area is predominantly residential in character.

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

- 9.1 Planning permission is sought for the replacement of the existing single glazed metal windows with aluminium framed double glazed units, and the replacement of the existing mineral felt flat roof covering with a high performance mineral felt covering. The proposed replacement windows are similar in terms of function and appearance as the existing windows. The proposed roof system is similar in terms of its colour and appearance to the existing felt roof covering and does not require any rebuilding or alteration to the existing flat roof form.

## **10. RELEVANT HISTORY**

### **PLANNING APPLICATIONS:**

- 10.1 **831083** – Landscaping scheme and widening of pavement crossovers. Approved 11/10/1983.

### **ENFORCEMENT:**

- 10.2 None.

### **PRE-APPLICATION ADVICE:**

- 10.3 None.

## **11. CONSULTATION**

### **Public Consultation**

- 11.1 Letters were sent to occupants of 62 adjoining and nearby properties at Avenell Road and Elphinstone Street on 30<sup>th</sup> August 2016. The public consultation of the application therefore expired on 20<sup>th</sup> September 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.



- 11.2 At the time of the writing of this report one response had been received from the public with regard to the application. The response did not raise any objections to the proposal, but questioned why timber window units, rather than aluminium units, are not required. Council considers that timber windows should not be required, as the building currently does not contain any timber windows (the existing metal windows are likely to be original). (See paragraph 9.3)

## **12. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

- 12.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

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

## **13. ASSESSMENT**

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

- Design
- Neighbouring Amenity
- Sustainability

### **Design**

- 13.2 Islington's Planning Policies and Guidance help encourage high quality design which complements the character of the area. In particular, DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.
- 13.3 The existing building contains single glazed metal windows. The proposed replacement of the windows with double glazed aluminium units will have a neutral impact on the character and appearance of the building, as the proposed window units are of a similar appearance to the existing units. As such, it is not considered that these works would significantly alter the external appearance of the building. Bearing in mind the utilitarian appearance of the existing building and the acceptability of the replacement windows in this case, it is considered that aluminium replacement windows are appropriate in this case and there is no planning justification within this context to seek timber double glazed windows.



- 13.4 The existing building contains a flat roof with grey felt roof covering. The proposed replacement of the existing roof covering would have a neutral impact to the character and appearance of the building, as the proposed roof covering system is of a similar appearance to the existing, and will not require any rebuilding of the roof. As such, it is not considered that these works would significantly alter the external appearance of the building.
- 13.5 Given the above, the proposal is considered to be consistent with the aims of Council's objectives on design and in accordance with policies 7.6 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

### **Neighbouring Amenity**

- 13.6 Policy DM2.1 of the Development Management Policies 2013 requires all new development to protect the amenity of nearby properties in terms of the loss of daylight, sunlight, outlook, privacy and overlooking.
- 13.7 The proposed replacement windows would not increase incidence of overlooking or have an adverse impact on the privacy of neighbours, as they would be placed in openings consistent with the existing windows on the building. Similarly, alterations to the roof covering would have no adverse impact on neighbour amenity, as the shape and size of the roof will not alter.
- 13.8 The proposal is therefore not considered to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Islington's Development Management Policies 2013.

### **SUSTAINABILITY**

- 13.9 The proposed double glazing would improve the insulation and thermal efficiency of each individual unit thereby contributing to reductions in carbon emissions and reducing energy costs. The proposed double glazing would improve the retention of heat in winter and is therefore in compliance with policy DM7.2, which requires developments to be energy efficient in design and specification.

## **14. SUMMARY AND CONCLUSION**

### **Summary**

- 14.1 The proposed alterations to the windows and roof of the building are considered to be acceptable in terms of design and the impact on the character and appearance of the building. The proposed works would not give rise to any material impact on neighbour amenity, including in terms of the loss of daylight, outlook or privacy.
- 14.2 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Plan and Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 14.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

1	<p><b>Commencement</b></p> <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	<p><b>Approved plans list</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Langley TA-20 Roofing System Specification, PD001, PD002, WS001 (Cross Sections) and WS001 (Proposed Window Schedule).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Materials</b></p> <p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p><b>Roof Not Use as Amenity Space</b></p> <p>CONDITION: The flat roof area shown on the hereby approved drawings 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.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>

#### List of Informatives:

1	<p><b>Positive statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
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## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

#### **A) The London Plan 2016- Spatial Development Strategy for Greater London**

- 7 London's living places and spaces
  - Policy 7.4 Local character
  - Policy 7.6 Architecture

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

#### **C) Development Management Policies June 2013**

##### **Design and Heritage**

DM2.1 Design

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

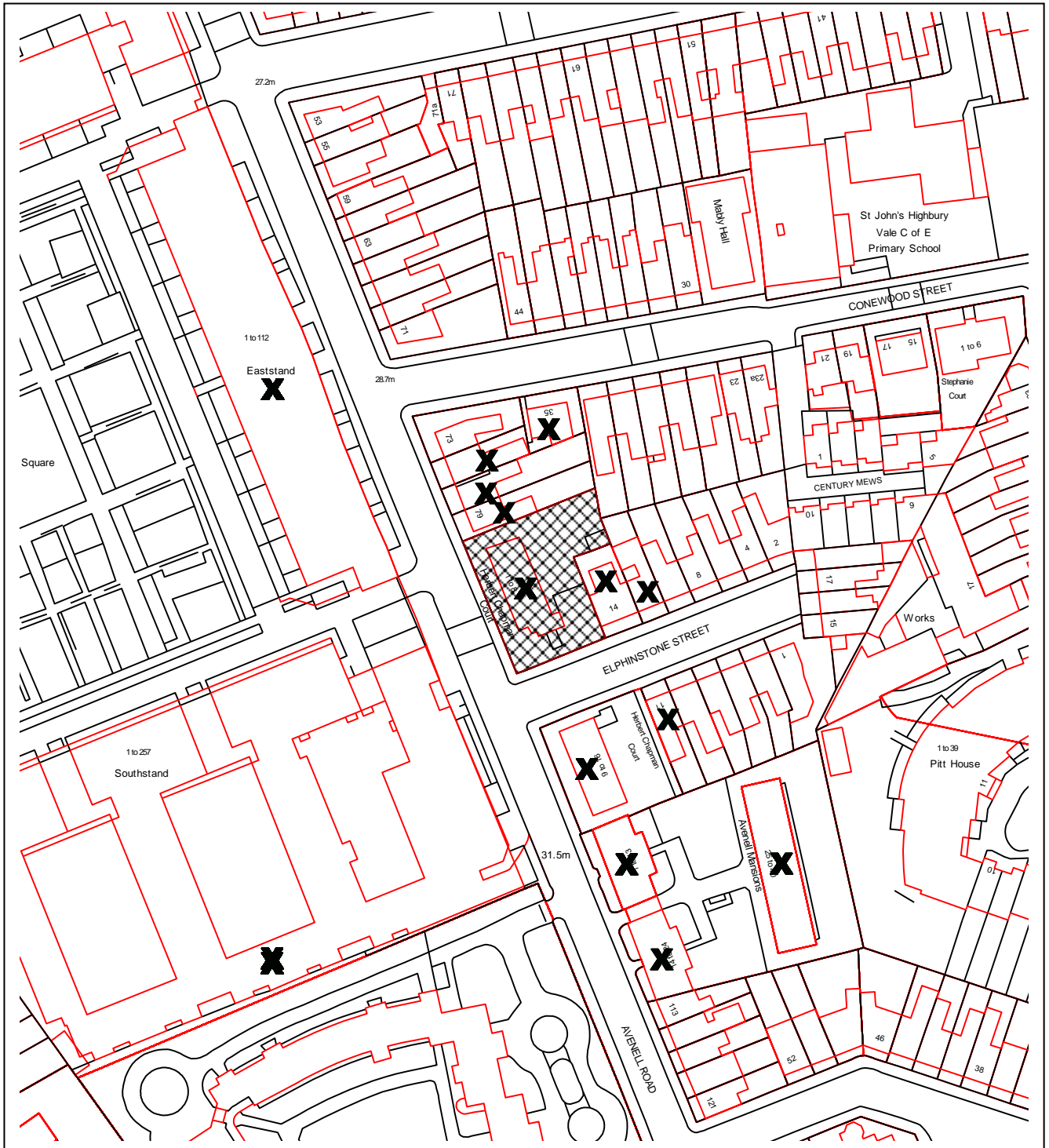
The following SPGs and/or SPDs are relevant:

#### **Islington Local Development Plan**

- Urban Design Guide

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	27 <sup>th</sup> February 2017	<b>NON-EXEMPT</b>

Application number	P2016/2531/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	Not Listed
Conservation Area	Not applicable
Development Plan Context	None
Licensing Implications	None
Site Address	Herbert Chapman Court, Flats 9-16, Avenell Road, LONDON, Islington, N5 1BP
Proposal	Replacement of the existing single glazed crittal windows with aluminium framed double glazed casement units. Replacement of the existing mineral felt flat roof covering with a high performance mineral felt covering.

Case Officer	Nathan Stringer
Applicant	Ms Linda Harris
Agent	FES Group

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission, subject to the conditions set out in Appendix 1.

## **2. REASON FOR DEFERRAL**

- 2.1 This application was previously discussed at Planning Sub Committee B on 3<sup>rd</sup> October 2016. At the meeting there were concerns in relation to inaccurate drawings and an insufficient sample meaning the sub-committee did not have accurate information on which to make a decision. The applicant was also requested to do more consultation. Feedback from the Committee also noted that the proposed frames were too wide.

## **3. AMENDMENTS TO THE SCHEME**

- 3.1 Following the meeting the applicant has provided amended drawings for the replacement windows. The amended drawings include section drawings of existing and proposed windows, which provide a clearer depiction of the width of proposed window units. The applicant has also provided a product specification leaflet for the proposed Crown Casement Window System, which provides further detail about the design of the window units. Further, a revised window sample has been provided.

## **4. ASSESSMENT OF THE AMENDMENTS**

- 4.1 The amendments received were to address concerns raised in relation to inaccurate drawings and an insufficient sample as per the Planning Sub Committee B on 3<sup>rd</sup> October.
- 4.2 The amended drawings provide a greater level of detail regarding the width and specifications of the proposed window units. The Design and Conservation Officer reviewed the revised drawings and considers that they are acceptable in principle. However, the officer noted that she would like to see a reduction in depth of the frame and for the frame to be square, rather than chamfered as proposed.
- 4.3 The applicant has since provided further information regarding the request from the Design and Conservation Officer. It is noted that, in order to accommodate a slimmer frame profile, it would be necessary to increase the width of the proposed frames by between 60% and 90% for a reduction in frame size of 7mm for the CS-68 frame profile and 15mm for the ES-50 frame profile. This would not see a reduction in frame width, as previously recommended by Sub Committee B.

### **Conclusion**

- 4.4 It is recommended that planning permission be granted subject to the conditions set out in Appendix 1 – RECOMMENDATIONS A with an amended condition 2 set out below.



## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

1	<p><b>Commencement</b></p> <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	<p><b>Approved plans list</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Langley TA-20 Roofing System Specification, PD001 Rev D, PD002 Rev D, WS001 Rev D, WS002 Rev D, WS003 Rev D, WS004 Rev D, WS004.1 Rev D, WS005 Rev D, WS006 Rev D, WS007 Rev D, WS008 Rev D, WS009 Rev D, WS010 Rev D and WS011 Rev D.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Materials</b></p> <p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p><b>Roof Not Use as Amenity Space</b></p> <p>CONDITION: The flat roof area shown on the hereby approved drawings 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.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>

#### List of Informatives:

1	<p><b>Positive statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
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**Appendix 2: PLANNING COMMITTEE  
REPORT**

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 3333  
222 Upper Street  
LONDON N1 1YA

<b>PLANNING SUB COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	3 <sup>rd</sup> October 2016	<b>NON-EXEMPT</b>

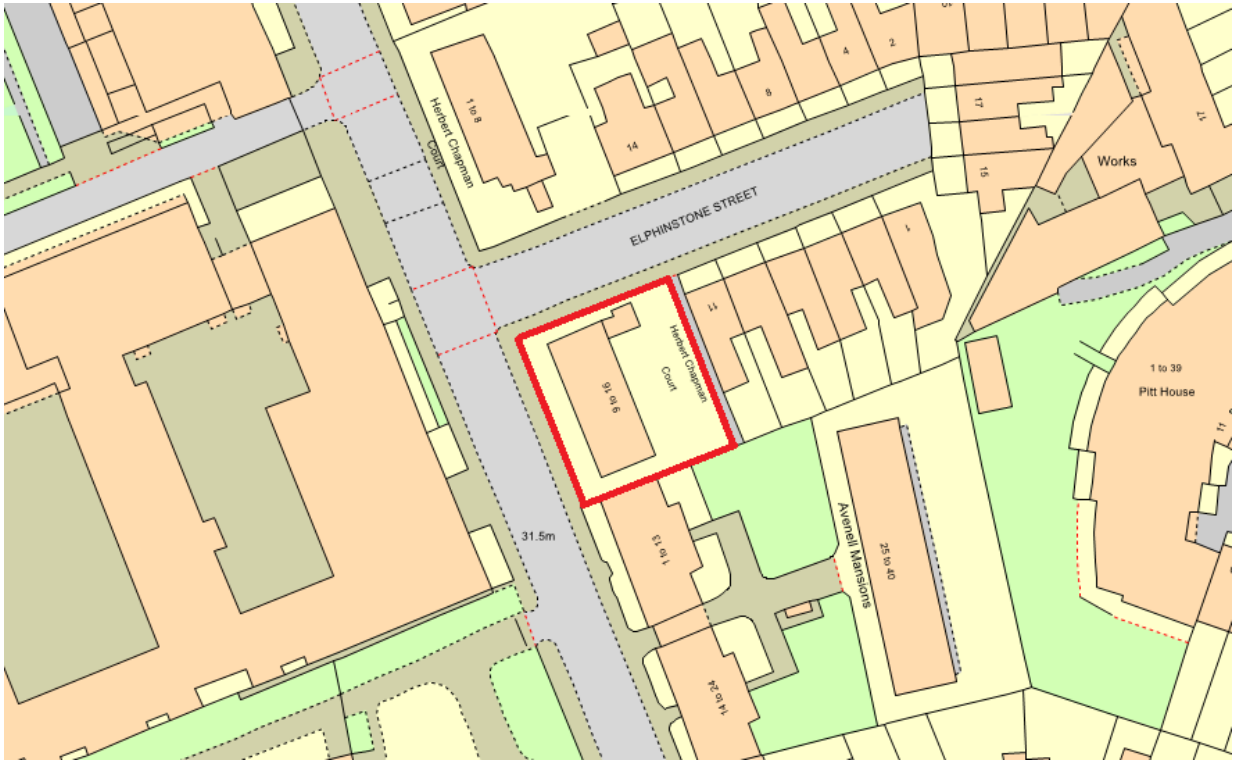
Application number	P2016/2531/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	Unlisted
Development Plan	None
Licensing Implications	None
Site Address	Herbert Chapman Court, Flats 9-16, Avenell Road, LONDON, Islington, N5 1BP
Proposal	Replacement of the existing single glazed metal windows with aluminium framed double glazed casement units. Replacement of the existing mineral felt flat roof covering with a high performance mineral felt covering.

Case Officer	Nathan Stringer
Applicant	Ms Linda Harris
Agent	FES Group

**5. RECOMMENDATION**

The Committee is asked to resolve to **GRANT** planning permission – subject to the conditions set out in Appendix 1.

**6. SITE PLAN (site outlined in red)**



**7. PHOTOS OF SITE/STREET**



Image 1: Photograph of the Front of the Site



Image 2: Aerial Photo of the Rear of the Site

### **Summary**

- 7.1 Planning permission is sought for the replacement of the existing single glazed metal windows with aluminium framed double glazed casement units, and the replacement of the existing mineral felt flat roof covering with a high performance mineral felt covering. The proposed replacement windows are similar in terms of function and appearance as the existing windows. The proposed roof system is similar in terms of its colour and appearance to the existing felt roof covering and does not require any rebuilding or alteration to the existing flat roof form.
- 7.2 The proposed alterations to the building are considered to have a neutral impact on the character and appearance of the surrounding streets. The proposals would not give rise to any adverse impact on the amenity of neighbouring properties.

## **8. SITE AND SURROUNDING**

- 8.1 The application site comprises a four-storey building on the east side of Avenell Road at the junction of Elphinstone Street. The property is a purpose built block of flats used for residential purposes and contains 8 self-contained flats.
- 8.2 The building is not Listed and is not within a conservation area. The surrounding area is predominantly residential in character.

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

- 9.1 Planning permission is sought for the replacement of the existing single glazed metal windows with aluminium framed double glazed units, and the replacement of the existing mineral felt flat roof covering with a high performance mineral felt covering. The proposed replacement windows are similar in terms of function and appearance as the existing windows. The proposed roof system is similar in terms of its colour and appearance to the existing felt roof covering and does not require any rebuilding or alteration to the existing flat roof form.

## **10. RELEVANT HISTORY:**

10.1 **831083** – Landscaping scheme and widening of pavement crossovers. Approved 11/10/1983.

### **ENFORCEMENT:**

10.2 None.

### **PRE-APPLICATION ADVICE:**

10.3 None.

## **11. CONSULTATION**

### **Public Consultation**

11.1 Letters were sent to occupants of 57 adjoining and nearby properties at Avenell Road and Elphinstone Street on 30<sup>th</sup> August 2016. The public consultation of the application therefore expired on 20<sup>th</sup> September 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.

11.2 At the time of the writing of this report two responses had been received from the public with regard to the application. The first response received was in support of the proposal. The second response did not raise any objections to the proposal, but questioned why timber window units, rather than aluminium units, are not required. Council considers that timber windows should not be required, as the building currently does not contain any timber windows (the existing metal windows are likely to be original). (See paragraph 9.3)

## **12. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

12.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

12.3 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2

## **13. ASSESSMENT**

13.1 The main issues arising from this proposal relate to:

- Design
- Neighbouring Amenity
- Sustainability

### **Design**

13.2 Islington's Planning Policies and Guidance help encourage high quality design which complements the character of the area. In particular, DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.

13.3 The existing building contains single glazed metal windows. The proposed replacement of the windows with double glazed aluminium units will have a neutral impact on the character and appearance of the building, as the proposed window units are of a similar appearance to the existing units. Bearing in mind the utilitarian appearance of the existing building and the acceptability of the replacement windows in this case, it is considered that aluminium replacement windows are appropriate in this case and there is no planning justification within this context to seek timber double glazed windows. As such, it is not considered that these works would significantly alter the external appearance of the building.

13.4 The existing building contains a flat roof with grey felt roof covering. The proposed replacement of the existing roof covering would have a neutral impact to the character and appearance of the building, as the proposed roof covering system is of a similar appearance to the existing, and will not require any rebuilding of the roof. As such, it is not considered that these works would significantly alter the external appearance of the building.

13.5 Given the above, the proposal is considered to be consistent with the aims of Council's objectives on design and in accordance with policies 7.6 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

### **Neighbouring Amenity**

13.6 Policy DM2.1 of the Development Management Policies 2013 requires all new development to protect the amenity of nearby properties in terms of the loss of daylight, sunlight, outlook, privacy and overlooking.

13.7 The proposed replacement windows would not increase outlook or have an adverse impact on the privacy of neighbours, as they would be placed in openings consistent with the existing windows. Similarly, alterations to the roof covering would have no adverse impact on neighbour amenity, as the shape and size of the roof will not alter.

13.8 The proposal is therefore not considered to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Islington's Development Management Policies 2013.

### **Sustainability**

13.9 The proposed double glazing would improve the insulation and thermal efficiency of each individual unit thereby contributing to reductions in carbon emissions and reducing energy costs. The proposed double glazing would improve the retention of heat in winter and is therefore in compliance with policy DM7.2, which requires developments to be energy efficient in design and specification.

## **14. SUMMARY AND CONCLUSION**

### **Summary**

- 14.1 The proposed alterations to the windows and roof of the building are considered to be acceptable in terms of design and the impact on the character and appearance of the building. The proposed works would not give rise to any material impact on neighbour amenity, including in terms of the loss of daylight, outlook or privacy.
- 14.2 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Plan and Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 14.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.



## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Langley TA-20 Roofing System Specification, PD001, PD002, WS001 (Cross Sections) and WS001(Proposed Window Schedule).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Roof Not Use as Amenity Space</b>
	<p>CONDITION: The flat roof area shown on the hereby approved drawings 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.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>

#### List of Informatives:

<b>1</b>	<b>Positive statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>



## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

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

##### **7 London's living places and spaces**

Policy 7.4 Local character

Policy 7.6 Architecture

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

#### **C) Development Management Policies June 2013**

##### **Design and Heritage**

DM2.1 Design

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

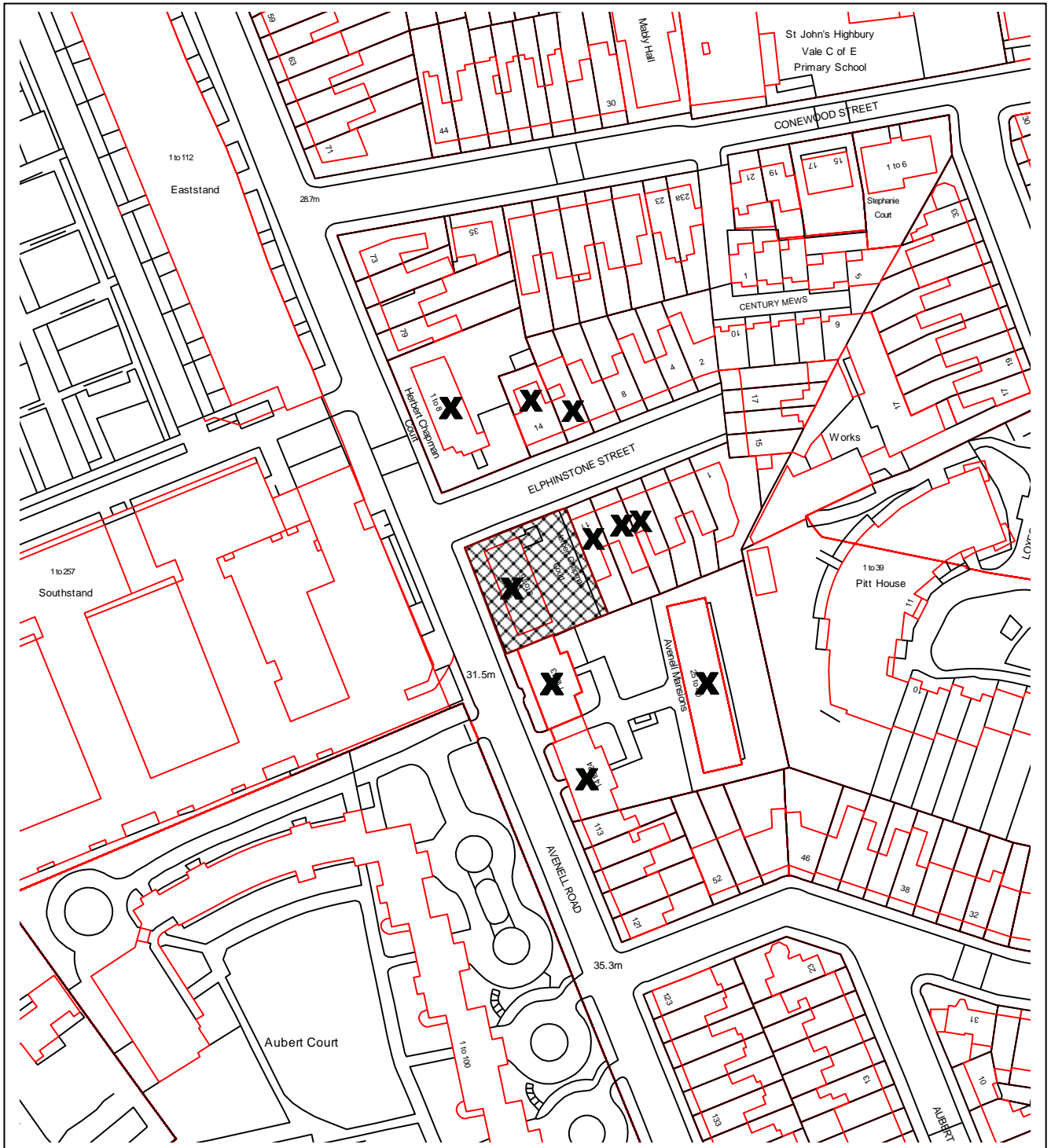
The following SPGs and/or SPDs are relevant:

#### **Islington Local Development Plan**

- Urban Design Guide

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# Islington SE GIS Print Template



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P2016/2531/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	27 <sup>th</sup> February 2017	<b>NON-EXEMPT</b>

Application number	P2016/3449/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Not Listed
Conservation area	Clerkenwell Green
Development Plan Context	Central Activity Zone; Bunhill & Clerkenwell Finsbury Local Plan; Private Open Space
Licensing Implications	None
Site Address	Land & Access Ways Rear of 13-27 Cowcross Street London EC1
Proposal	Use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.

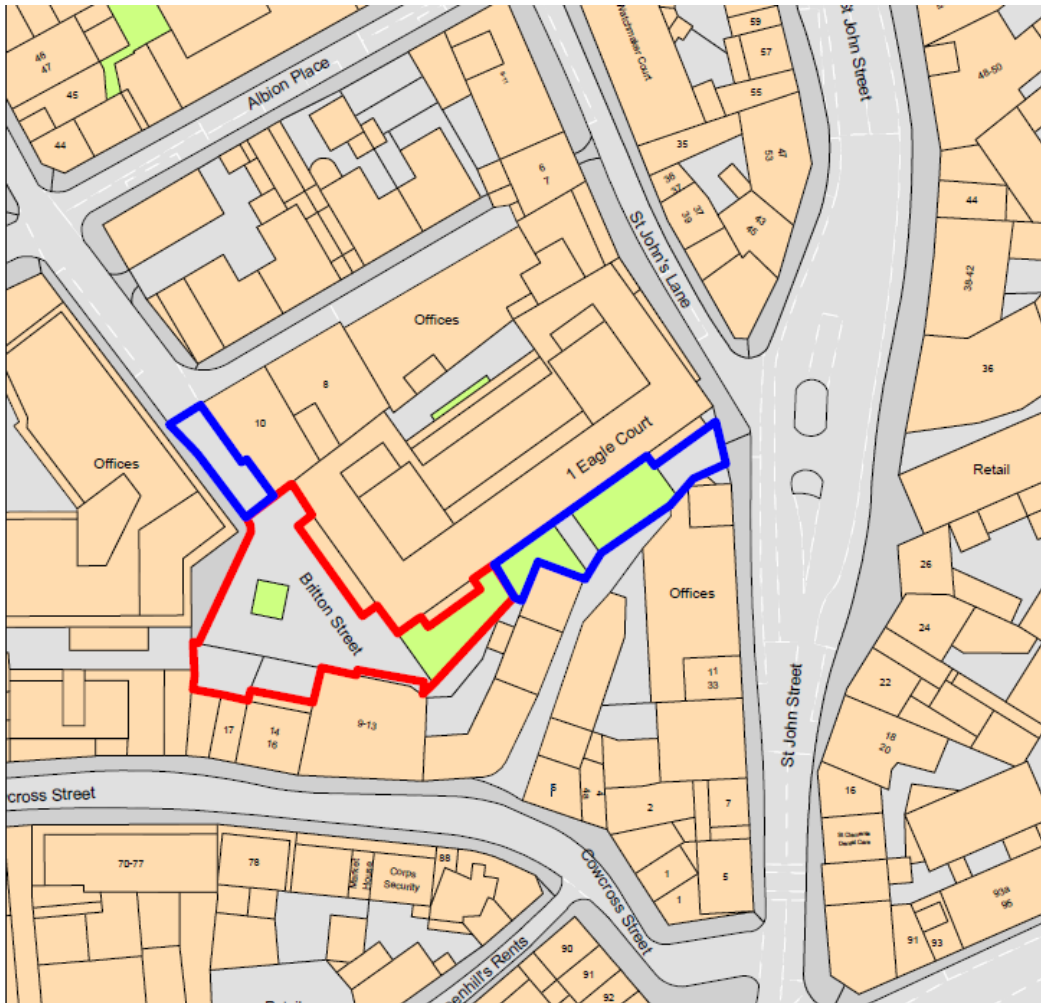
Case Officer	Eoin Concannon
Applicant	DTZ Investors
Agent	David Whittington

### 1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)







Aerial View of Plaza

### 3. PHOTOS OF SITE/STREET



Aerial view of proposed private open plaza  
Page 193



View of the market taken from the edge of Britton Street



View of market towards the corner of Peters Lane





Image 3: View of private open plaza from rear of 13-27 Cowcross Street

#### 4. SUMMARY

- 4.1 Planning permission is sought by the use of the external plaza area for a food market of up to 13 stalls for a maximum of 3 days per week. The market would operate Tuesday, Wednesday and Thursdays between 9am and 4.00pm with food cooked and served between 11am and 2.30pm only.
- 4.2 The application has been amended from its initial submission which included 18 stalls and longer opening hours. The new layout would minimise the impact on the use of the plaza as a general pedestrian access and area of private open space for local and general population.
- 4.3 Whilst the market would take a small proportion of private open space during 3 days it would operate, the principle of the development generally complies with both local plan and Islington and London Plan policies which seeks to maintain and support the enhancement of existing traditional street markets.
- 4.4 Two periods of consultation have taken place with a total of **18** objections and 1 letter of support received. The main issues highlighted include noise, disturbance, smells, hours of operation and parking issues. A full list of the objections raised is highlighted in section 8.2.
- 4.4 No objections have been received from Street Trading; Environmental Health; Refuse Control' or Pollution Control. Whilst residential and commercial properties concerns are acknowledged, given the sites location in a private plaza and given its overall limited operational period (3 days a week), it is considered acceptable and policy compliant.
- 4.5 In light of the strong level of objections raised by residents and commercial businesses, Officers consider a 24 month temporary consent necessary in order to allow for the monitoring of the events in terms of operating times, waste management control and traffic and operational management controls. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is situated to the rear of Nos. 13-27 Cowcross Street and comprises a small open plaza which serves as both a private open space and throughway from Britton Street (north-west) to Peter's Lane (south east).
- 5.2 The area is a typical Central Activity Zone location with a mixture of uses including office buildings, retail, restaurants and public houses. The nearest residential units are situated with the complex known as City Pavillion at 33 Britton Street which leads onto the open space. Further residential units are situated at 8-10 Eagle Court and Zinc House (19-25 Cowcross Street).
- 5.3 As noted, the site is within the Central Activity Zone, it is also situated within Clerkenwell Green Conservation Area as well as an Archaeological Priority Area. The area is also an Employment Priority Area and within the Crossrail Safeguarding area.

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

- 6.1 The proposal seeks planning permission to use the external plaza area for a food market for a maximum of 3 days a week – Tuesday, Wednesday and Thursday. Initially, the original submission sought permission for the installation of 18 stalls to operate between the hours of 8.30am and 5.00pm.
- 6.2 During the processing of the application, this has been revised with amended plans received reducing the number of stalls to 13. The operation times have also been altered to commence at 9am and finish at 4.00pm with food cooked and served between 11am and 2.30pm only.
- 6.3 Shepherds Markets would be responsible for operating the market, which already operate markets in over 20 locations across London. The aim is to provide a diverse and evolving world of fine, local British and International foods to the local population (working, passing through and residential).
- 6.4 Each stall would measure 3m x 3m and would be strategically positioned to maintain the throughway access between Britton Street and Peters Lane. Deliveries in relation to the market would take place from Britton Street where a single yellow loading bay facilities operate. It is proposed that each stall would take 20 minutes to unload and load with a maximum of 4 vans unloading at a time from the surrounding side streets.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

No previous planning applications on the plaza

### **ENFORCEMENT:**

- 7.1 None

### **PRE-APPLICATION ADVICE:**

- 7.2 None

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to 183 occupants of adjoining and nearby properties at Britton Street, St John's Lane, Cowcross Street and Eagle Court on the 7<sup>th</sup> September 2016. On receipt of amendments to the stall number and hours of operation, a further period of consultation was sent on the 30<sup>th</sup> November 2016.
- 8.2 A site notice and press advert was also displayed on each consultation. The consultation period expired on the 19<sup>th</sup> December 2016, at the time of writing this report, 18 objections have been received from nearby residents and commercial businesses as well as 1 letter of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Food market not in keeping with the character of the area. (paragraphs 10.5, 10.22-10.23)
  - Noise from the market in operation. It would affect the quiet nature of the plaza and its residential surrounds (paragraphs 10.18-10.20)
  - Smells from market in operation (paragraphs 10.7-10.8)
  - Waste management concerns from the market (paragraphs 10.12-.10.14)
  - Vehicular congestion due to the food stalls Loading and unloading off Britton St is not suitable as used by pedestrians (paragraphs 10.9-10.11)
  - Existing markets already closeby along leather lane; already abundance restaurants in the pavilion and backing on the pavilion (paragraphs 10.24)
  - Opening times too long (paragraphs 10.7-10.8)
  - Residential steps used as seating for market crowd (paragraph 10.15)
  - Space already used by residents and local workers for relaxing (paragraph 10.5)
  - Busy route to and from Farringdon Station and would lead to congestion (paragraph 10.5)
  - Change the pedestrian area – 3 additional stalls will be middle of the public area (paragraph 10.5)

### Internal Consultees:

- 8.3 **Planning Policy:** No objections. The proposal complies with the policies set out in
- 8.4 **Environmental Health:** No objections The Environmental Health Officer requested further information on toilet provision with suitable hand washing facilities for the stall holders and also the provision of portable water. The agent has confirmed that all stall holders will be required to provide a hand washing basis within their own stall and a ready supply of potable water for the express purpose of handwashing.
- 8.5 **Street Environment Services (Waste Management):** No objections
- 8.6 **Acoustic Officer:** No objections. There have been no complaints about the existing market and with the limited duration and frequency, no objection.
- 8.7 **Street Trading:** Concerned raised regarding the number of markets in the area. It is imperative that the market meet the high standards council licensed traders have to achieve which include
- ❖ Ensuring food waste and any rubbish is removed and disposed of in a sensible and legal manner
  - ❖ The operators contact the Councils Environmental Health team to ensure they achieve the required health and safety standards.
  - ❖ A boards and advertising are not placed on the highway without appropriate A Board license (obtained by Street Trading) or planning approval.

- 8.8 **Licensing:** The premises would not require a premises license unless they are having stalls selling alcohol. If that is the case and market is every week, the land owner would have to apply for full Premises License
- 8.9 **Highways:** No objections given its located in a private open space.
- 8.10 **Design and Conservation:** No objections to the proposal. Historically this is one of the main market areas of London and such uses are welcomed.

**External Consultees:**

- 8.11 **London Underground:** No comments to make on this application
- 8.12 **Crossrail:** No objection
- 8.13 **Historic England:** No objection
- 8.14 **Transport for London:** TFL has no strategic transport comments to make

**9. RELEVANT POLICIES**

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

**National Guidance**

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

**Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

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

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

**10. ASSESSMENT**

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

- Land Use
- Operation Management and Transportation Issues
- Neighbouring amenity
- Design and Conservation
- Other Issues

## **Land-use**

- 10.2 The proposal is situated to the rear of Cowcross Street and comprises a large private plaza that is also a pedestrian through way linking pedestrians across the plaza Britton Street to the junction at St John Street/St Johns Lane/Peter's Lane.
- 10.3 Policy 4.8 of the London Plan recognises that street markets make valuable and distinctive contribution. They provide choice and access to a range of goods, as well as contributing to the vitality and wider offer of town centres. The Council local policies support the use of spaces for markets. Development Management Policy DM4.9 states that the council will seek to maintain existing traditional street markets. It highlights markets as popular with shoppers and visitors due to their vibrancy and range of goods to offer. This is supported by policy CS7 of the Core Strategy which encourages tourist related development that promotes visitor economy.
- 10.4 The Finsbury Local Plan also deals specifically with the area and highlights the importance of implementations of events such as craft markets. It focuses on individual spaces which present opportunities for creating additional public space by transferring underused roads and parking areas into pedestrian use. Such improvements must aim to maximise the use and vitality of the space in a manner that reinforces the character and economy of the local area. This may incorporate spaces suitable for entertainment and events, markets, outdoor seating area...
- 10.5 The subject space is privately owned however it is accessible to the public from several access points. It represents an ideal location for a market given the number of access points and level of space available. The overall layout of the market also allows the space to be maintained as a space of relaxation with the stall all now situated along the periphery of the plaza. This also allows the right of way to be unaffected with any through pedestrian traffic maintaining an easy flow. Many pedestrians use the plaza space as a right of way and the removal of the previously proposed stall centrally, allows this right of way to be maintained.
- 10.6 The market seeks to operate on 3 days of the week (Tuesday, Wednesday and Thursday's) with the space returned to a plaza on the other days. On the basis of the council's local policies, the principle of the use is considered acceptable.

## **Operational Management and Transportation Issues**

- 10.7 As noted, the hours of operation have been revised during the processing of the application. The revised hours of operation would commence from 09.00am and finish at 4.00pm. In order to limit the impact on the surrounding residents, offices and other commercial buildings, the hours in which food would be cooked and served has also been revised. This would take place between 11am and 2.30pm. These hours would coincide with the normal lunch time hours (12-2pm). A condition can be attached to ensure that these hours of operation are complied to. Whilst Officer's note some businesses concerns of smells from cooking, hours of operation etc., given that this would largely take place between the normal lunch hours, it is considered insufficient reasoning to warrant a refusal in this instance.
- 10.8 Outside of these hours (9am-11am & 2.30pm-4pm), the market stalls would require preparation and cleaning/removal of equipment periods. This timeframe is considered acceptable and would have limited impact on the surrounding properties than what would be expected in such a central urban area (from day to day deliveries).
- 10.9 In terms of site set up, the applicant has confirmed that there would be a Site Supervisor on-site at all times to supervise activity. No more than two traders will set up between 08.30-9.00am with no more than four traders at a time thereafter. The setting up process would take approximately 20 minutes per trader with each stall holder carrying their equipment on a trolley.

- 10.10 Unloading will take place from either the Britton Street, Peter's Lane or Cowcross Street entrances from double and single yellow lines as shown by Appendix C of the Transport Statement. Both single and double lines allow loading/ for up to 40 minutes. A kerbside survey was carried out to see what the impacts were on other businesses in the areas. Appendix D of the Transport Statement showed very low levels of use of the double yellow lines on Cowcross Street throughout the survey period. The busiest time period was 10:00am-10:30am showed three light good vehicles arrived. However extra capacity on Britton Street and St. John Street allowed for any spill over of vehicles. Appendix C also demonstrates that there is sufficient room for a van to pass a parked van without causing any disruption.
- 10.11 Both Transport for London Highway Officer's and the Council's Highways Officers have been consulted on this application and have raised no objections to the market given its location. Officers consider a condition restricting loading and unloading before 9am and after 4.30pm necessary given its inner city location. This will allow sufficient time in the mornings and evenings for all stall operators to install/remove their equipment with limited impact on the highway network and the local population (both residential and commercial).
- 10.12 With regard the management of waste from the stalls, the applicant has confirmed a private commercial agreement with London Junk for the collection of rubbish every Thursday for the current market. This can be extended to Tuesday and Wednesday's if this application is approved. Officers recommend a condition be attached which would require these details to be submitted prior to commencement of the additional days. The applicant also confirms that the Site Supervisor would collect any rubbish during the course of the day from the market stalls.
- 10.13 It is illegal to drop litter and whilst there would be a responsibility of control of litter by the management of market, there is an onus on customers to comply by the law and not litter. Islington's Authorised Officers can issue fixed penalty notices to any person that drops litter intentionally. The Street Environment Services Enforcement Strategy (March 2011) states that *it is the responsibility of every business and individual to comply with the law and it is recognised that most want to do so... we reserve the right to take enforcement action without education and advice on any occasion where offences such as littering are committed.* (Para 3.6 & 3.7 Street Environment Services Enforcement Strategy)
- 10.14 The Council's Street Environment Services team have monitored the current one day market and have no current issues or concerns. On the basis of the information provided and following Planning Officer's inspection on the day of market, it was not considered that a litter concern existed.
- 10.15 Whilst the market does not provide seating, this would be typical of a market of this type where people consume while on the move. There is some seating available centrally within the plaza which can accommodate up to 15/20 people who may need seating arrangements. Many of those who chose to use the stalls would be passing through trade, tourists or workers on their lunch break. Concerns have been raised by many of the residents and offices in the vicinity of customers using steps as a seating area. This however would be a civil matter and it would not be justified to refuse the application for this reason.
- 10.16 Overall, based on the information provided in terms of loading, hours of operation, waste management and supervisor, the operation management is considered acceptable subject to conditions discussed above.

## **Neighbouring Amenity**

10.17 The main concerns raised by residents surrounding the market include the following

- Noise and disturbance
- Smells from the food
- Waste and potential for rodents
- Impact from deliveries
- Area should be kept as open space

10.18 Many of these issues have been addressed within the land-use section and operation management. Concerns have been raised by noise generated from the site. The Pollution Control team have been consulted and raised no objections to the market. The hours of operation would not be early morning (before 7am) or late at night (after 11pm). These times are considered the most vulnerable times for residential occupants who may be at sleep. The operating times are 9am to 4pm, for three days a week during working hours. The remaining hours and days, the plaza would have no additional activity. Given the hours and percentage time of operation, it is not considered to have an adverse impact on residential properties. Whilst concerns have also been raised by offices in the vicinity, the noise generated from site set up and customers of the market would not be sufficient to warrant a refusal given its central location. There is an expected level of noise within central locations from businesses and people coming and goings during the working day.

10.19 Furthermore, the Acoustic Officer has highlighted that no complaints have been received from the existing 1 day market which has operated since May last year. The Planning Officer has also inspected the existing 1 day market during the lunchtime period and did not experience significant increases in noise levels. Given the site's locations and time of operation, it would be unnecessary and unreasonable to restrict noise in this instance.

10.20 Officers consider a temporary consent as a more suitable mechanism to monitor issues of noise and anti-social issues including litter/rodent and delivery complaints. This would allow the Council a period of time to monitor the conditions and formal complaints on the site. It is therefore recommended that temporary consent be granted for a period 24 months.

10.21 On this basis, it is considered that the proposed market would not detrimentally impact upon the amenity of the neighbouring occupiers. The proposal is therefore considered to accord with policy DM2.1 which requires development to provide good level of amenity.

## **Design and Conservation**

10.22 There are no concerns in relation to the overall design and layout of the market. Given the temporary nature of the stalls, it would not impact on the character and appearance of the surrounding building, nor detract from the conservation area.

10.23 Historically, the immediate area is renowned for its markets. Besides Smithfield market, there was a separate cow market, with its market cross after which Cowcross Street is named. This stood at the junction of St John and Cowcross Streets, where a small open area still exists (British History Online). The proposed pop up market would therefore not impact on the historic fabric of area which was dominated by markets.

## **Other Issues**

- 10.24 Other issues raised during the consultation include the abundance of restaurants and markets in the immediate area. Whilst it is noted that the area has numerous restaurants and markets, this is a Central London location with a large footfall daily. The nature of the use is quite specific and would attract a certain clientele between a certain timeframe. The use is unlikely to impact on established restaurants in the area given the footfall and specific nature of the use. Notwithstanding this, the principle of the use as a market has already been considered acceptable. Competition from restaurants or other nearby markets would not represent a planning reason to refuse in this instance.
- 10.25 The premises would not need a full premises license to operate if no alcohol is being sold. The applicant has confirmed that the market would be alcohol free. An informative can be attached informing the applicant of the need to obtain a full premises license if alcohol is being sold.

## **11. SUMMARY AND CONCLUSION**

### **11.1 Summary**

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

### **Conclusion**

- 11.2 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.



## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Temporary Consent (24 Months)</b>
	<p>CONDITION: The hereby approved market is granted only for a limited period, being 24 months from the issue of this permission. After that date, no further markets shall run unless further consent has been obtained from the Local Planning Authority.</p> <p>Reason: The temporary consent is such that the Local Planning Authority has a period to monitor noise and other operational management issues (waste management; deliveries) in order to protect amenity of both residential and commercial premises that abut the site.</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, 2016-2915-001 Rev A, 2016-2915-003, 001 (Indicative Gazebo Elevations), Design and Access Statement, Transport Statement September 2016, Shepherds Markets (Company background &amp; food market operations)</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Hours of operation</b>
	<p>CONDITION: The market shall operate between the hours 9am and 4pm on Tuesday, Wednesday and Thursday only.</p> <p>The cooking and serving of food shall take place between 11am and 2.30pm only.</p> <p>Reason: In the interest of protecting adjoining residents and offices amenity from noise, smells and disturbance.</p>
<b>4</b>	<b>Site set up construction restrictions</b>
	<p>CONDITION: The site set up and removal shall take place between the hours of 9am and 4pm. No more than 4 stalls shall set up at the same time.</p> <p>REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed development does not have an adverse impact on neighbouring amenity</p>
<b>5</b>	<b>Number of stalls (restriction)</b>
	<p>CONDITION: The stalls shall be laid out in accordance to drawing reference 2016-2915-003.</p> <p>No more than 13 stalls shall be allowed at any one time.</p> <p>Reason: In order to maintain the pedestrian access way (congestion) and maintain the primary function of the private space as area of open space and to protect the amenity of adjoining neighbouring properties.</p>

<b>6</b>	<b>Market Supervisor/Manager</b>
	<p>CONDITION: A market supervisor or manager shall be present during market operation times (9am-4pm) on each day the market is operated,</p> <p>Reason: To ensure the operational management of the market complies with the site set up arrangements, waste disposal and to liase with the adjoining residents on any issues of concern.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Other legislation</b>
	<p>You are reminded of the need to comply with legislation outside the realms of the planning legislation including Building Regulations, Environmental Regulations (including noise and litter), Inclusive Design etc.</p>
<b>3</b>	<b>Licensing:</b> You are reminded that a license would be required if any of the stalls wish to sell alcohol. If that is the case, the land owner would have to apply for a full Premises License.
<b>4.</b>	<b>Private property:</b> You are advised to remind customers of the market not to sit on steps or entrances into private residential and office buildings. Whilst it is not a planning issue, it is a third party civil matter between the owner of the property and the individual.

## APPENDIX 2: RELEVANT POLICIES

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

### 1 National Guidance

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

### 2. Development Plan

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

#### A) The London Plan 2016 - Spatial Development Strategy for Greater London

1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London	5 London's response to climate change Policy 5.3 Sustainable design and construction Policy 5.13 Sustainable drainage Policy 5.17 Waste capacity
2 London's places Policy 2.10 Central Activities Zone – strategic priorities Policy 2.12 Central Activities Zone – predominantly local activities Policy 2.18 Green infrastructure: the network of open and green spaces	6 London's transport Policy 6.2 Providing public transport capacity and safeguarding land for transport Policy 6.3 Assessing effects of development on transport capacity Policy 6.9 Cycling Policy 6.10 Walking Policy 6.11 Smoothing traffic flow and tackling congestion
3. Policy 3.19 Sports facilities	
4 London's economy Policy 4.1 Developing London's economy Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services	7 London's living places and spaces Policy 7.3 Designing out crime Policy 7.4 Local character Policy 7.5 Public realm Policy 7.6 Architecture Policy 7.8 Heritage assets and archaeology

#### B) Islington Core Strategy 2011

##### **Spatial Strategy**

Policy CS7 (Bunhill and Clerkenwell)  
Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)

Policy CS15 (Open Space and Green Infrastructure)  
Policy CS11 (Waste)

## C) Development Management Policies June 2013

### Design and Heritage

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage
- DM2.4 Protected views

### Shops, culture and services

- DM4.9 Markets and specialist shopping areas

### Health and open space

- DM6.3 Protecting open space
- DM6.5 Landscaping, trees and biodiversity

### Transport

- DM8.1 Movement hierarchy
- DM8.2 Managing transport impacts
- DM8.3 Public transport
- DM8.4 Walking and cycling

## D) Finsbury Local Plan June 2013

- BC7 Historic Clerkenwell
- BC8 Achieving a balanced mix of uses

## 5. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013.

- Finsbury Local Plan Area
- Conservation Area
  - Local views
  - Open Space
- Archaeological Priority Area
  - Core Strategy Key Area
  - Conservation Area
  - Central Activities Zone

## 6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

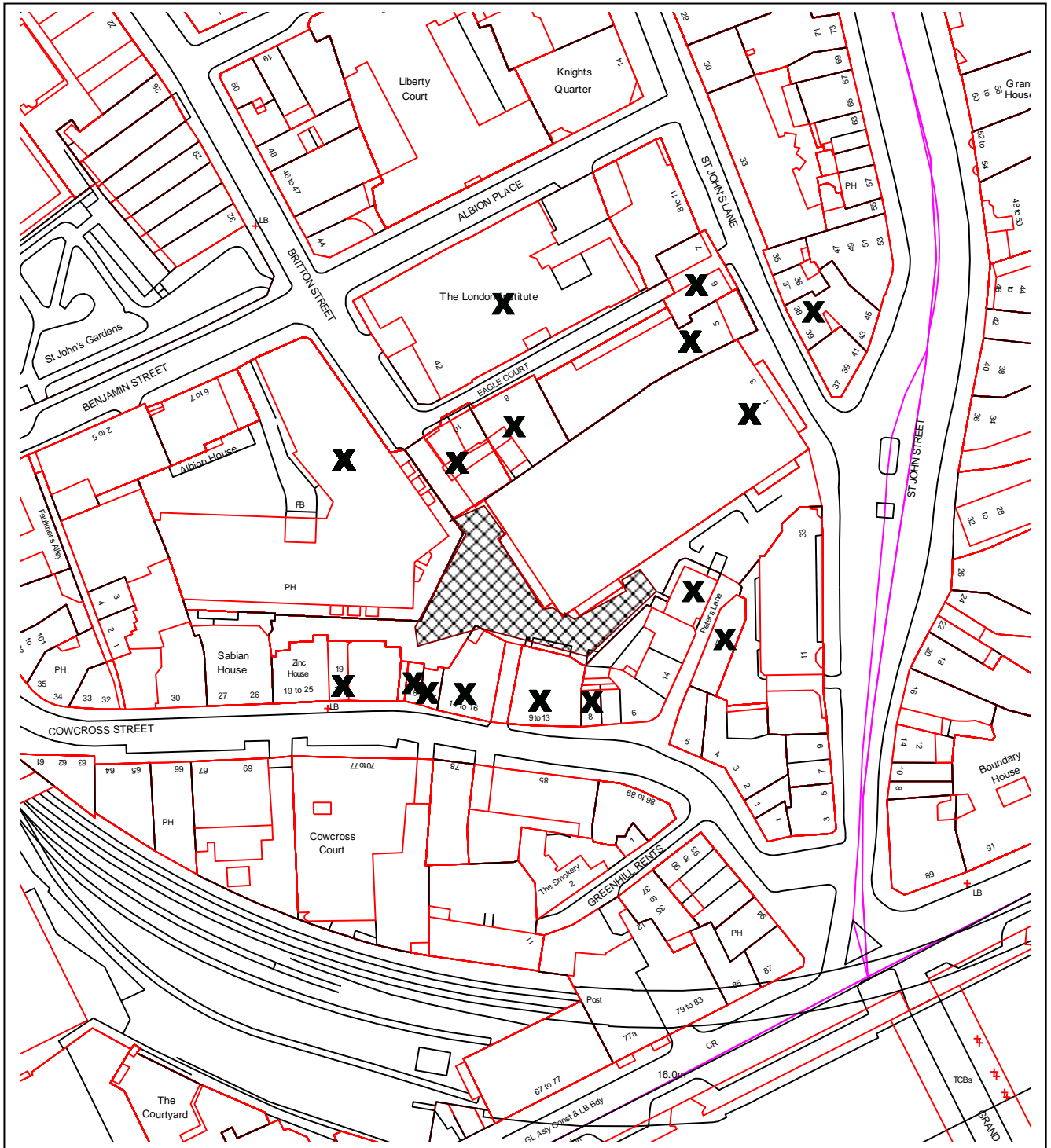
Islington Local Development Plan

- Conservation Area Design Guidelines
- Urban Design Guide

London Plan

- Accessible London: Achieving and
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

# Islington SE GIS Print Template



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P2016-3449-FUL

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## PLANNING COMMITTEE REPORT



<b>PLANNING SUB-COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>
Date:	27 <sup>th</sup> February 2017	NON-EXEMPT

Application numbers	P2016/1949/FUL
Application types	Full Planning
Ward	Hillrise Ward
Listed building	Adjoins locally listed building
Conservation area	Whitehall Park Conservation Area
Development Plan Context	Whitehall Park Conservation Area Cycle Routes (Local)
Licensing Implications	None relevant
Site Address	Land adjacent to west side of 1 Dresden Road, London, N19 3BE
Proposals	Erection of a three storey 4 bedroom end of terraced single family dwelling, with associated private amenity space and boundary treatments.

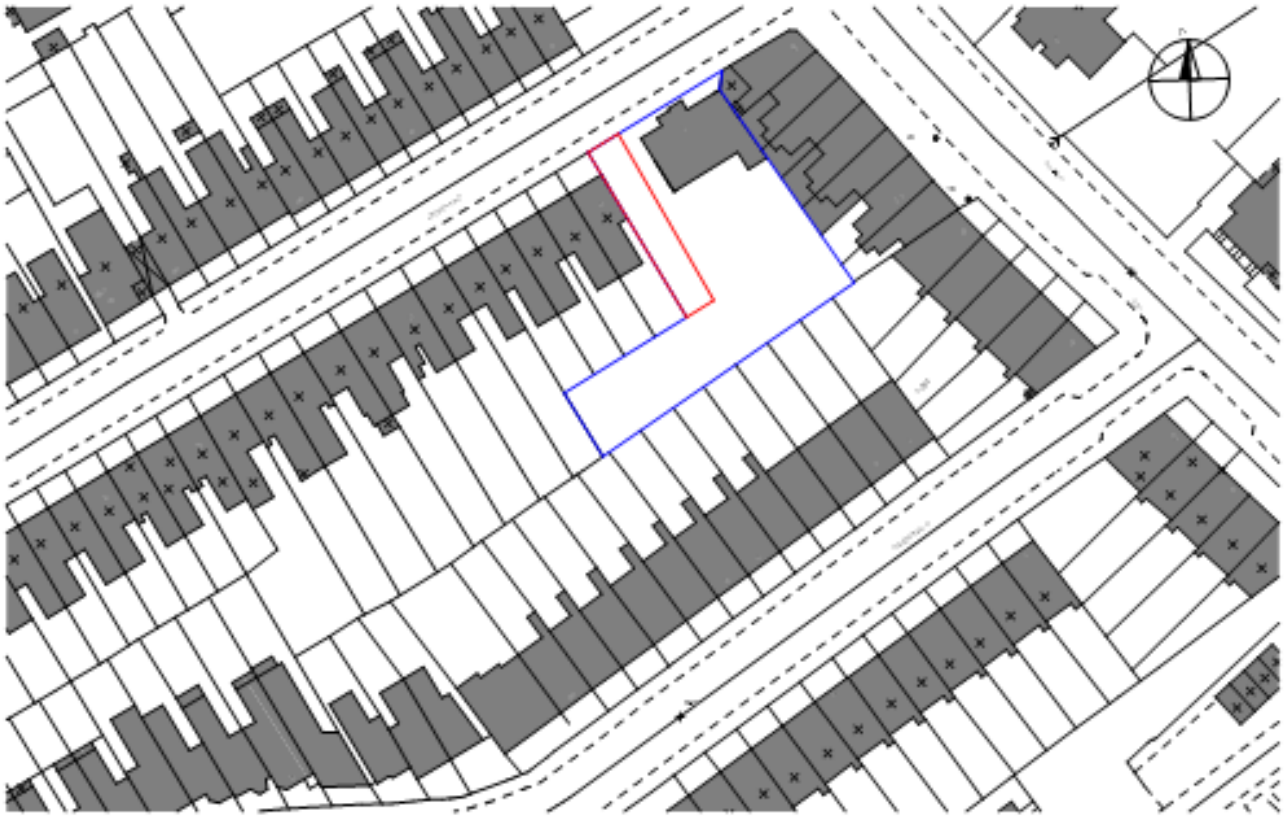
Case Officer	Joe Aggar
Applicant	C/O White & Sons
Agent	Mr Julian Sharpe

### 1 RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1;

conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in black)





### 3. PHOTOS OF SITE/STREET

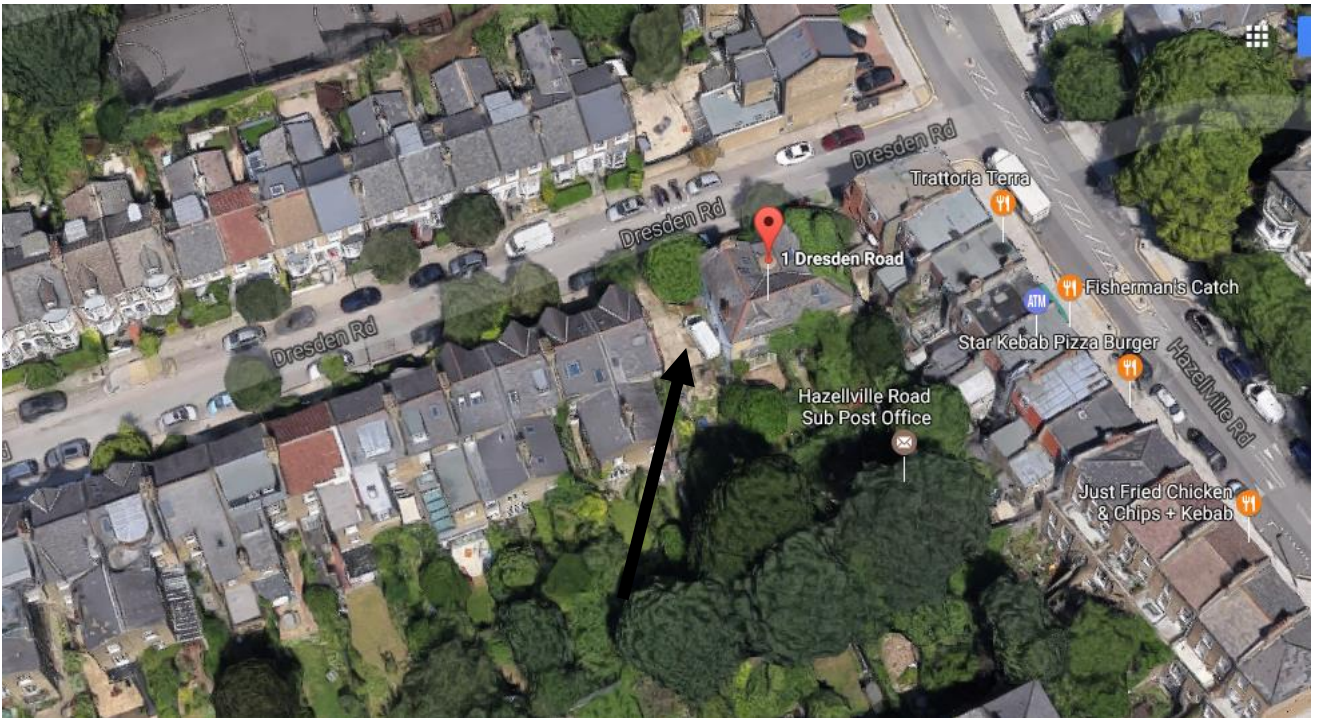


Image 1 - Aerial view of the site and surroundings

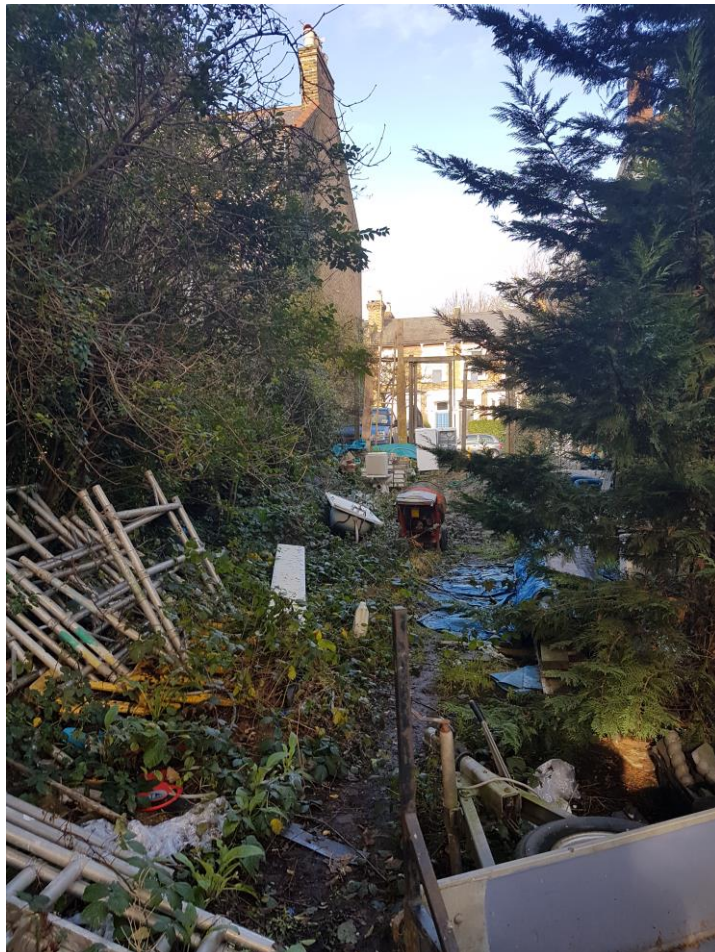


View of front of site





View of front of the site and adjoining properties at 1 Dresden Road and 3 Dresden Road



View looking north

## **4 SUMMARY**

- 4.1 The application site currently forms a car parking hardstand and part of the former gardens to no. 1 Dresden Road. The proposal is to erect a single family, two storey dwelling house. The proposed dwelling is designed to largely replicate the terraced houses at nos. 3 – 9 Dresden Road and would partially infill the area between no. 1 and no. 3 Dresden Road. The pattern of development follows nos. 3-9 Dresden Road which forms part of a late Victorian terrace with distinctive gables in a slight gothic style. The area is residential in character and the site is located within Whitehall Park Conservation Area.
- 4.2 The design, layout scale and massing of the proposed development is considered acceptable. The proposed new dwelling would not detract from the character and appearance of the conservation area or the adjoining locally listed building.
- 4.3 The quality and sustainability of the resulting scheme is acceptable, complying with the minimum internal space standards required by the London Plan (2015). The Core Strategy aims to ensure that in the future an adequate mix of dwelling sizes are delivered within new development, alongside the protection of existing family housing. Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation. Development Management Policy DM3.1 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. The proposed unit is 4 bedrooms.
- 4.4 Private amenity space is provided in accordance with the Council's requirements. It is proposed that the new build dwellings would be constructed to meet the standards set by the Building Regulations.
- 4.5 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure and would not be contrary to policy DM2.1 of the Islington Development Management Policies June, 2013.
- 4.6 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 Section which identifies that all new development shall be car free.
- 4.1 The application is referred to committee as based on the number of objections.
- 4.2 The proposal is considered to be acceptable and in accordance with the Development Plan policies and planning permission is recommended for approval.

## **5 SITE AND SURROUNDING**

- 5.1 The site is located directly adjacent to a large detached property, No.1 Dresden Road fronting Dresden Road near the corner with Hazelville Road and located within the Whitehall Park Conservation Area. The site forms part of the substantial former gardens to no.1 Dresden Road and consists of a vehicle hardstanding area front Dresden Road. This area is in an untidy state.
- 5.2 No 1 Dresden Road is a mid-Victorian house, probably built before the surrounding terraced properties, and has a distinct character with double fronted gables facing the street and painted brick elevations. The permission for conversion to flats and a boundary of conifer planting has resulted in some degree of separation between the rear. Based on its size and its open, leafy nature the open area to the rear makes a significant and unique contribution to the character and appearance of the surrounding area. This area is widely overlooked from the first and second floors of many of the surrounding residential properties in Dresden Road, Cheverton Road and Hazellville Road. No. 1 Dresden Road is

on the Council's register of locally listed buildings and is therefore also an undesignated heritage asset.

## **6 PROPOSAL (in Detail)**

- 6.1 The application seeks permission for the erection of new-build, 4 bedroom single family dwelling house accommodated over 3 levels including provision of a front and rear garden and associated refuse and cycle storage facilities. The proposed buildings design and massing replicates that of nos. 3-9 Dresden Road. The new build dwelling is proposed to partially infill the open area between no. 1 and no.3 Dresden Road.
- 6.2 The proposed footprint of the building would largely sit on the existing hardstanding with a rectangular rear garden to the south.
- 6.3 The form, height and massing of the proposed dwelling is designed to replicate the adjoining terrace. The ridge height and eaves is proposed to match the adjoining properties. The details to the front façade in terms of the window bays, doors, windows and fenestrations pattern would be characteristic of the adjoining terrace. The rear elevation appears plain, with a simple partial width ground floor rear projection. To the rear roofslope and dormer is proposed.
- 6.4 The application has been referred to the planning sub-committee due to the number of objections received.

## **7 RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

#### **Relevant planning history in relation to the existing building at 1 Dresden Road and the application site.**

- 7.1 1, Dresden Road, planning application re: P031643 for the '*Alterations to existing property including erection of dormer and roof light to rear roof slope, and removal of chimney stack in addition to the erection of a new three storey, four bedroomed house. adjacent to No.1 and abutting No.3 with two off-street car parking spaces*' was REFUSED on the 11/02/2004. APPEAL DISMISSED.

*REASON: The proposed development is considered unacceptable in the interests of visual amenity. More particularly the roof slope interventions to the rear in the form of a dormer and a roof light would represent intrusive and unsympathetic elements out of keeping with the appearance of the original building. The fenestration would unbalance and disturb an unadorned roof slope whose muted, simple appearance is a characteristic of the locally listed house as a whole. In this respect the proposed development would be contrary to Policies D4, D11 and D42 of Islington Council's Adopted Unitary Development Plan (2002).*

*REASON: The proposed development of a new residential property adjacent to No.1 is unacceptable in that significant design elements would fail to properly acknowledge the relationship with the established surrounding buildings. More particularly proposed fenestration, the buildings footprint and a proposed side entrance are considered inappropriate and incoherent design features which cause detriment to the character and appearance of the established streetscene and the Whitehall Park Conservation Area as a whole which the Council considers desirable to preserve and enhance in compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect the proposed development would be contrary to Policies D1, D4 and D22 of Islington Council's Adopted Unitary Development Plan (2002) and approved Conservation Area Design Guidelines (2002).*

*REASON: The proposed development is considered to be unacceptable in that the two proposed handstand, car parking spaces to the fore of the proposed residential dwellings front building line, would represent an alien feature within the established streetscape and would therefore result in detriment to the character and appearance of the Whitehall Park Conservation Area which the Council considers it desirable to preserve and enhance in compliance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. In this respect the proposal is contrary to Policy D32 of Islington Council's Adopted Unitary Development Plan and approved Conservation Area Design Guidelines (2002).*

*REASON: The submitted drawings, specifically the existing rear elevation (Drawing No. D/03/11) are considered inaccurate. The submission is therefore at variance with Policy D2 of Islington's Adopted Unitary Development Plan (2002).*

**Relevant Planning history regarding the existing building at 1 Dresden Road.**

- 7.2 1, Dresden Road, planning application re: P070924 for the 'Conversion of large family house to provide 4 self-contained flats (Retrospective application)' was REFUSED on the 30/05/2007.
- 7.3 1, Dresden Road, planning application re: P070930 for the 'Removal of side dormer and demolition of chimney stack. Construction of new chimney stack in original stock bricks. Construction of dummy dormer (without windows) behind chimney stack to provide headroom above original staircase' was REFUSED on the 30/05/2007. APPEAL DISMISSED.
- 7.4 1, Dresden Road, planning application re: P072281 for the 'Conversion of property into 4 self-contained flats. Removal of the existing (unauthorised) side dormer and existing chimney stack. Construction of a side dormer behind a new chimney stack on the side roof slope. Roof light to rear roof slope' was REFUSED on the 20/12/2007.
- 7.5 1, Dresden Road, planning application re: P081219 for the 'Conversion of a dwelling house into four self-contained flats (1 x 3 bedroom flat, 2 x 2 bedroom maisonettes and 1 x 1 bedroom flat)' was GRNATED on the 12/12/2008.
- 7.6 1 Dresden Road, planning application re: P101658 for the 'The erection of a 2 storey ECO building with 4 self/contained flats (three x 2 bedroom and one x 3 bedroom) within the rear garden of 1 Dresden Road, access via Dresden Road; private and communal gardens to all flats; bin and bicycle storage.' was REFUSED on the 13/12/2010. APPEAL DISMISSED.

*REASON: The loss of garden space in a built up area like Islington would be harmful to the character and appearance of the Whitehall Park Conservation Area, would be a loss of visual amenity to neighbours, including the occupants of 1 Dresden Road itself and because of its size and location, is overlooked by at least a dozen surrounding properties. The proposal is therefore contrary to policies H6, H10 and D20 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park), Islington Urban Design Guide 2006 (Mews or Backland Development), the NPPF and policy CS9 of the Islington Core Strategy 2011 and DM3 of the emerging Development Management policies 2012.*

*REASON: The construction of a single storey house on garden land at this location is out of context with its surroundings and within this context the form, scale and materials are alien to the garden site. The proposal is therefore contrary to policies D4, D5, D22, D24 and H10 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park), Islington Urban Design Guide 2006 (Use of Materials, Stand Alone Buildings, Mews or Backland Development), the NPPF and policy CS9 of the Islington Core Strategy 2011, and policies DM1A and DM3 of the emerging Development Management policies 2012.*



*REASON: There are mature trees surrounding the proposed building, but have not been shown accurately on the plans. There is no information on location, species or root protection areas. Therefore it is not possible to fully assess the potential negative impact to the garden and the wider Whitehall Park Conservation Area due to impact to the trees. The proposal is therefore contrary to policies Env5/6 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park), and policy 7.21 of the London Plan 2011.*

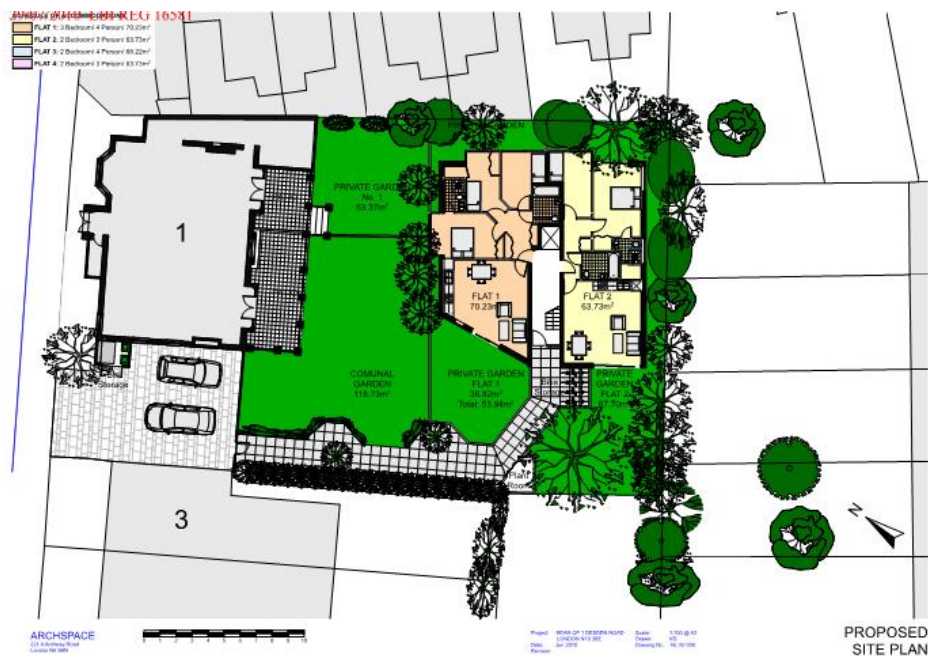


Figure 1. Proposed site plan of refused scheme P101658

- 7.7 Rear of 1, Dresden Road, planning application re: P121575 for the ‘The construction of a single storey single dwelling house (three bedroom) over part of the rear garden of 1 Dresden Road. Part retention of garden and access to side of 1 Dresden Road’ was REFUSED on the 18/09/2012. APPEAL DISMISSED.

*REASON: The loss of garden space in a built up area like Islington would be harmful to the character and appearance of the Whitehall Park Conservation Area, would be a loss of visual amenity to neighbours, including the occupants of 1 Dresden Road itself and because of its size and location, is overlooked by at least a dozen surrounding properties. The proposal is therefore contrary to policies H6, H10 and D20 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park), Islington Urban Design Guide 2006 (Mews or Backland Development), the NPPF and policy CS9 of the Islington Core Strategy 2011 and DM3 of the emerging Development Management policies 2012.*

*REASON: The construction of a single storey house on garden land at this location is out of context with its surroundings and within this context the form, scale and materials are alien to the garden site. The proposal is therefore contrary to policies D4, D5, D22, D24 and H10 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park), Islington Urban Design Guide 2006 (Use of Materials, Stand Alone Buildings, Mews or Backland Development), the NPPF and policy CS9 of the Islington Core Strategy 2011, and policies DM1A and DM3 of the emerging Development Management policies 2012.*

*REASON: There are mature trees surrounding the proposed building, but have not been shown accurately on the plans. There is no information on location, species or root protection areas. Therefore it is not possible to fully assess the potential negative impact to*

the garden and the wider Whitehall Park Conservation Area due to impact to the trees. The proposal is therefore contrary to policies Env5/6 of the Islington Unitary Development Plan 2002, Conservation Area Guidelines 2002 (Whitehall Park) , and policy 7.21 of the London Plan 2011.



Figure 2. Proposed floor plan of refused scheme P121575

#### **ENFORCEMENT:**

- 7.8 1, Dresden Road, planning application re: E07/03332 for 'Excavation works harming trees in rear garden'.
- 7.9 1, Dresden Road, planning application re: E06/02411 for an 'Unauthorised rear dormer'.
- 7.10 1, Dresden Road, planning application re: E05/02138 for the 'Conversion to flats without planning permission'.
- 7.11 1, Dresden Road, planning application re: E03/01026 for the 'Demolition within a Conservation Area without consent'.
- 7.12 1, Dresden Road, planning application re: E12/06546 for an 'Unauthorised fence'.
- 7.13 1, Dresden Road, planning application re: E10/05202 for the 'Removal of trees prior to pp approval P101658'.

#### **PRE-APPLICATION ADVICE:**

- 7.1 Land at Side and Rear 1, Dresden Road, pre-application response for the 'erection of a three storey single family dwelling (4bed 6person) with private amenity space'.

*"the principle of a new dwelling maybe acceptable subject to securing a high quality and contextual overall design and finish to the proposed dwelling. There are however, at this stage concerns over the proposed design of the proposed dwelling notably to the rear elevation and the need to adequately respect the setting and openness of the adjacent locally listed building and its views from the surrounding public realm. There is also the potential negative impact on the amenity of the adjacent property at no.1, including the loss of sunlight/daylight, enclosure levels and outlook loss and further evidence needs to be submitted to address these concerns in any future submission."*

## 8 CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants of 52 adjoining and nearby properties at Dresden Road, Cheverton Road and Hazellville Road.

8.2 A site notice and press advert was also displayed. Consultation expired on the 14th July 2016. It is the Council's practice to continue to consider representations made up until the date of a decision.

8.3 At the time of writing this report 22 responses have been received from the public with regard to the application. A further period of consultation was carried out which commenced on the 23/01/2017 due to revised drawings being received. The reconsulted alterations related to the reductions and alterations to the scale of the proposed rear dormer, rear extension, side elevation and internal access arrangements. This consultation period expired on the 15/02/2016. Members will be updated at committee of any additional responses received. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

- Unwarranted impact on the conservation area (10.9)
- Unconvinced about the quality of the build (10.13)
- Unconvinced about the quality of accommodation (10.33)
- Concerned about impact on street trees and trees within the site (10.42-10.43)
- No financial contribution to affordable housing or carbon offsetting (10.53)
- No green roof (10.44)
- The proposed frontage will not fit in well with the street (10.9)
- Concerned over cross over traffic and children safety(10.41)
- Any development should be agreed with neighbour (10.64)
- Object to vehicle access to the rear of the site (10.41)
- There have been numerous applications on the site (10.4)
- Disruption and noise from construction (10.53)
- Impact on locally listed building (10.9)
- Use as a house would create noise and light pollution (10.48)
- Concerned with water supply and drainage (10.50)
- Potential for rear of site to be developed (10.4)
- Loss in visual amenity (10.15)
- Loss of green space, bio diversity and ecology (10.8)
- Street facing velux should not be allowed (10.51)
- Supporting plans unclear and imprecise (10.52)
- Pastiche development (10.15)
- Negative impact on neighbouring amenity in terms of light, outlook and privacy (10.22, 10.23, 10.24 &10.25)
- Support the application as this will allow trees to be trimmed (10.43)

### External Consultees

8.4 Whitehall Park Residents Association: object to the proposal.

### Internal Consultees

8.5 **Design and Conservation Officer:** considers the principle of developing the open gap in this location will detrimentally impact the setting and visual appearance of the adjoining locally listed building. The remaining open space surrounding it is considered an important part of the character of the locally listed building, as well as the character of the wider conservation area. The space adjacent to no. 1 makes reference to the original setting of



this building and contributes to the openness of the conservation area. As it is one of the last surviving houses of this style in the area it is important to maintain this relationship and setting.

- 8.5 **Tree Preservation Officer:** no objection subjects to condition requiring construction method statement to protect retained trees.
- 8.6 **Planning Policy:** no objection and welcome a good sized family unit on this undeveloped site.
- 8.7 **Highways Officer:** No objections subject to the removal of the redundant crossover to be secured via condition.
- 8.8 **Access Officer:** recommends approval.

## 9 RELEVANT POLICIES

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

### National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
  - Deregulation Bill received Royal Assent 26th March 2015

### Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 1 to this report.

### Designations

- 9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011 and Development Management Policies 2013.

Whitehall Park Conservation Area

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

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

## 10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Previous Appeals weight and materiality to the planning merits and considerations of this current scheme.
- Land Use
- Design, appearance and visual impacts on the surrounding Whitehall Park Conservation Area, streetscene and setting of the adjoining locally listed building.
- Impact on the amenity of adjoining neighbouring residents.
- Quality of the proposed residential accommodation
- Accessibility
- Small Site Housing Contributions and Carbon Offsetting
- Highways and transport implications
- Trees
- Sustainability
- Community Infrastructure Levy
- Refuse and bin storage facilities
- Other Matters

### Previous Appeals

10.2 Previous applications have been submitted in relation to residential new builds within the garden area. These consisted of the erection of four flats (P101658) and the construction of a single storey property (P121575). These two applications were primarily located in the south west corner of the large garden to No.1 Dresden Road. Both applications were refused and subsequently dismissed by the Inspectorate.

10.3 Of note application P031643 proposed to build a three storey four bedroom house adjacent to no. 1 Dresden Road. In relation to the proposed dwelling the Inspector concluded, *“The proposed house would be sited in a gap between Nos 1 and 3 Dresden Road and as the ridge height and eaves would match the adjacent properties, it would appear as part of the terrace row of houses. However difference between the proposal (including the amended scheme shown on drawing D/03/01A and D/03/17) and the existing terrace in the location and height of windows and doors and the details of the door and window surrounds would be evident and the house would appear as a poorly detailed version of the original terrace. I consider that it would therefore detract significantly from the regular appearance and harmony of the original terrace, key characteristics of the building which contribute to the street scene and conservation area”*. The previous Inspector did explicitly raise issue with the principle of infilling the gap between the properties, rather the proposed appearance of the dwelling would detract from the conservation area.

10.4 Planning decisions need to be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The three previous applications application mentioned above are considered material in the assessment of the current application. However proposals to build in the garden under the two previous applications (P101658 & P121575) differ in their location and design to the current proposal, whilst the principle of infilling the gap was not raised as an issue in the Inspectors report in relation to application P031643. Therefore it considered that the scheme before members is for a materially different scheme to previous dismissed appeal proposals and officers have taken due consideration of these appeals while assessing the current application on its own individual planning merits overall.

## Land Use

- 10.5 The application is a residential development within a predominately residential area. It would involve the erection of a family dwelling over 3 storeys fronting Dresden Road. The NPPF states local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy DM6.3 states development of private open space is not permitted where there would be a significant individual or cumulative loss of open space/open aspect and/or where there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.
- 10.6 The application site comprises a hardstanding parking area that is considered lawful in its nature and part of the historic large garden to the rear of no.1 Dresden Road. The majority of the footprint of the proposed building would be sited on the hardstanding and the private amenity space to the proposed dwelling would extend partially into the large garden area to the rear. As a result the loss of the hard standing parking area is considered to be in accordance with CS10 of the Islington Core Strategy and DM8.4 of the Islington Development Management Polices.
- 10.7 Turning to the potential loss of green space the Inspector at the previous appeal to application P121575 found the area to the rear of no.1 Dresden Road “clearly has some value in terms of biodiversity as a result of the mature trees and as part of a larger green space”. The Inspector found that
- “The permission for conversion to flats and a boundary of conifer planting has resulted in some degree of separation between the land on which the new dwelling would be sited and the building at no 1 and the wide terrace, steps and part of the rear garden would be left intact. The rear private amenity space would result in the further subdivision of the original garden. The majority of the rear of the site would be given over to private garden space which would be conducive to the larger green space around it. As a result the development would not result in cumulative loss of private open space in this particular instance. “*
- 10.8 The removal of the existing hardstanding on site at present is particularly welcome in visual terms. The creation of a modest and proportionate end of terrace dwelling to match the remainder of the terrace is considered to be visually appropriate and will leave a very generous rear garden to the proposed dwelling and the adjoining neighbour at 1 Dresden Road. In visual terms the street frontage will be reinstated involving the removal of a barren hardstanding area and large rear amenity spaces will remain after the development. The proposed building is considered to be of an acceptable overall scale, finish and massing and is set away from the adjoining locally listed building to such a degree that it is not considered on balance that there would be any appreciable visual harm to this building when viewed from both long and shorter views from the surrounding public realm.
- 10.9 The proposed dwelling would inevitably be seen in the same view as the adjoining locally listed building and would change the existing view and relationship of the application site with this building at present. However change does not necessarily equate to visual harm in planning terms. The building clearly relates to the existing terraced properties starting from 3 Dresden Road which is considered to be visually appropriate and further ensures that the differing and attractive design of the adjoining locally listed building is not compromised by the proposed design in this case. The overall attractive design, scale, massing and separation from the adjoining locally listed building are considered to ensure that the development would be readily assimilated into the surrounding streetscene and would enhance the character of the conservation area and respect and have a neutral overall impact in visual terms on the setting of the adjoining locally listed building at 1 Dresden Road.

## Design and Conservation

- 10.10 Dresden Road is comprised in part of terraces of traditional Victorian houses. Adjacent to the application site is a substantial detached mid-Victorian house located on the eastern end of the road. The terraced houses vary but they have traditional bays, windows details and gables and regular features of the adjacent house contribute significantly to the street scene and the features of the conservation area. No. 1 Dresden Road is locally listed. Whilst not statutorily listed is of local significance. National guidance advises that the setting of undesignated heritage assets, can contribute to the significance of a Conservation Area.
- 10.11 This part of the Conservation Area consists mostly of long terraces of Victorian dwellings in tree lined streets and there are occasional glimpses into rear gardens. Between no.1 and no. 3 Dresden Road there is a driveway of some 7m in width which allows narrow views from the street of the rear garden. The land drops away from street level to the rear of the site and some of the tall trees adjacent to the application site are seen clearly, making a pleasant contribution to the leafy character of the area. The land to the rear, whilst untidy, based on its size and its open, leafy nature also makes a significant and unique contribution to the character and appearance of the surrounding area. This is mainly appreciated from private views.
- 10.12 The Urban Design Guide 2017 recognises end of terrace infill development can have a significant impact on the character of an area and its local distinctiveness. This property was built prior to the setting out of Dresden Road as an isolated house whose principle orientation as to the south. When the road was redeveloped the house was re-orientated to face the street to the east. There is therefore an historical relationship with the adjacent terrace, the gap application site and no.1 Dresden Road.
- 10.13 The gap between existing buildings is not similar to that which exists where other terraces in the area meet one another perpendicularly. The UDG states to approaches can satisfactorily respond to Victorian terraces. This can be a full height building that follows the existing scale, proportions, roofline and building line of the adjacent street frontage. The height, scale, proportions, elevational treatment, materials to the front elevation respond to nos. 3-9 and therefore meets the guidance. Concerns have been raised by residents on the quality of the appearance of the new dwelling. It is recommended to control the use of materials to ensure quality in appearance.
- 10.14 Islington's policies on conservation areas and heritage assets are in line with the requirement of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In addition, paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 10.15 It is acknowledged the new build house would appreciably narrow the gap between no.1 Dresden Road, a locally listed building and undesignated heritage asset. However a narrow gap would remain. More importantly the relationship with the house to the rear large rear garden would remain intact as per the previous Inspectors concerns, "the loss of this space as a result of the proposed siting of the new dwelling would substantially reduce the setting of the heritage asset, resulting in significant harm to it." Moreover the new build house would respond to the prevailing pattern of development to the street. Overall therefore the additional end of terrace dwelling is not considered to cause material harm to the street scene as a result. It would respect the relationship of the property and to the neighbouring terraces on Dresden Road. The size and bulk of the proposal would preserve the character and appearance of the host building and the wider conservation area in accordance with Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies Development Plan Document (DPD), Policy CS9 of Islington's Core Strategy 2011 (CS) as well as guidance in the Council's Urban Design Guide Supplementary Planning Document

2017 (SPD). Collectively these seek to ensure that heritage assets are conserved and enhanced in a manner appropriate to their significance and that development respects and responds positively to existing buildings, the streetscape and the wider context.

### **Neighbouring Amenity**

- 10.16 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.
- 10.17 London Plan Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. DMP Policy 2.1 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Daylight/Sunlight**

- 10.18 A Daylight and Sunlight Assessment was submitted in support of the application. An updated report was submitted in January 2017. The report examines the Vertical Sky Component to a number of windows including those to the the east elevation of no. 1 Dresden Road and the windows to the rear and west elevations of No. 3 Dresden Road.
- 10.19 The advice given in the BRE is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.
- 10.20 Vertical sky component (VSC) tests daylight to specific habitable windows. Four of the windows assessed do not meet the criteria for VSC. Two of the windows relate to no. 1 Dresden Road and two windows to no.3 Dresden Road. A reduction of more the 20% contrary to the BRE Guidelines. Reductions of between 20-30% are considered to be a lesser/minor infringement in urban areas.
- 10.21 Windows identified as 119 and 120 at no.3 Dresden Road serve s a kitchen which also has a fully double glazed door and outlook towards at the rear. Also window 121 serves an open plan living room which extends with outlook and access to light to the front of the house. Bearing in mind the existing internal layout of 3 Dresden Road and alternative outlooks and the limited degree of the reduced loss of VSC in this case in relation to 3 Dresden Road the impacts are considered to be not material and therefore acceptable.

Window	Vertical Sky Component		
	Existing	Proposed	% of Existing
<b>119</b>	27.292	15.474	<b>56.70%</b>
<b>120</b>	28.392	17.326	<b>61.02%</b>
<b>121</b>	20.93	17.216	<b>82.26%</b>
<b>122</b>	31.396	28.483	<b>90.72%</b>
<b>123</b>	27.602	14.024	<b>50.81%</b>
<b>124</b>	25.584	11.8	<b>46.12%</b>
<b>125</b>	34.579	28.488	<b>82.39%</b>

*VSC in relation to neighbouring windows.*

10.22 At No. 1 Dresden Road, window 123 serves a ground floor bedroom with an alternative outlook and access to light to the front of the house. Window 124 serves an open plan kitchen, living and diner which have an alternative outlook and access to light through double fully glazed doors to the rear of the house. As a result whilst individual windows may be impacted the rooms as a whole are considered to maintain sufficient light as the windows that fail are secondary and positioned on the side elevations. As such it is not considered this would warrant a reason for refusal in this case.

#### Outlook and Sense of Enclosure

10.23 The proposed development would follow the established building line to the terrace on the south side of Dresden Road. The boundary to No. 3 is characterised by a boundary fence with vegetation that extends above the existing boundary line. To the rear of the proposed dwelling is a single storey projection set away from the boundary with no. 3 Dresden Road. A ground floor side window, which is considered a secondary window directly faces the existing boundary and based on the existing arrangement, is already slightly diminished. The proposed single storey projection to the new dwelling which is set off the boundary the effect of the proposal on the outlook would not unduly harm the living conditions of the occupiers of No 3 Dresden Road. It is considered appropriate to condition the details of boundary treatment to ensure these are appropriate.

10.24 The effect of the proposal would be to bring a flank wall closer to the side windows of no.1 Dresden Road. These windows are considered secondary windows. It is acknowledged the effect of the proposal would diminish the outlook to these windows. Nevertheless, the main view from this window towards the rear garden would not be significantly affected and on balance would not form a reason for refusal.



Flank elevation to No. 3 Dresden Road.



## Overlooking/Loss of Privacy

- 10.25 The proposed dwelling would face Dresden Road. There is an established building line. Overlooking is not considered to occur across a highway. To the rear, there would be in excess of 18m including the rear dormer to other neighbouring habitable windows.
- 10.26 The development of a new dwelling would result in a material residential intensification of the use of the site and, compared to its use as parking and part of a larger rear garden. Nonetheless, given the predominant character of the surrounding area and the overall extent of existing residential development nearby, it is considered that the development of the site for one new dwelling in this location would be relatively limited in its impact on neighbouring living conditions.
- 10.27 For these reasons, it is considered that the proposed development would not significantly harm the living conditions of the occupiers of No 158. Accordingly, it does not conflict with Policies CS8 and CS9 of Islington's Core Strategy and Policy DM2.1 of Islington's Local Plan: Development Management Policies insofar as they aim to safeguard residential amenity. The scheme would also adhere to a core principle of the National Planning Policy Framework, which is to always ensure a good standard of amenity for all occupants of land and buildings.

## **Quality of Accommodation**

- 10.28 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2015) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.29 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 which post-dates the determination of the application by the Council. From this date Councils are expected to refer to the NDSS in justifying decisions.
- 10.30 Policy DM3.4 of the Islington's Local Plan: Development Management Policies (adopted June 2013) sets the context for housing standards for new development. Table 3.2, which supports this Policy gives the minimum gross internal areas (GIA) that new residential developments would be expected to achieve. For 4 bed, 6 person houses the table states that a GIA of 113SqM. The proposed floor area is approximately 127SqM. The proposal would exceed the floor area required by the above prescribed standards in the NDSS and Development Management Policies. The internal layouts of the proposed residential unit are considered to be acceptable and a satisfactory unit size has been provided. The unit is also dual aspect with good outlook and natural ventilation.
- 10.31 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 which post-dates the determination of the application by the Council. From this date Councils are expected to refer to the NDSS in justifying decisions.



- 10.32 The Development Management policy DM3.5 requires the provision of 30 square metres of good quality private outdoor space on ground floors. The proposed development would comprise a front garden and a private designated amenity space to the rear. The proposed floor area would exceed the amount of private space under policy DM3.5.
- 10.33 For the above reasons it is concluded that the proposed dwelling provide acceptable living conditions for future occupants in terms of the standard of accommodation and amenity space and complies with Policy 3.5 of the London Plan 2015, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1, DM3.4 and DM3.5 of the Islington Development Management and the National Space Standard, 2015.

### **Accessibility**

- 10.34 As a result of the change introduced by the Deregulation Bill (Royal Assent 26<sup>th</sup> March 2015) Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.35 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements, if they are not conditioned, Building Control will only enforce the basic Category 1 standards.
- 10.36 This new dwelling internal arrangements have been revised to ensure they comply with Category 2. The layout of this residential unit has been much improved; specifically the stair, WC and bathroom is workable.

### **Affordable Housing and Carbon Offsetting**

- 10.37 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units which do not provide social rented housing on site.
- 10.38 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Houses (£1500 per house). Both small site housing contributions and carbon offsetting have been secured via a Unilateral Undertaking and the scheme is considered compliant in this regard.

### **Highways**

- 10.39 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. This has been secured via a legal agreement.

- 10.40 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. Subject to there being sufficient capacity, the secure and integrated location of the proposed cycle storage on the ground floor is acceptable. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. No cycle spaces are indicated on the drawings. Therefore it is recommended this detail be conditioned to ensure compliance with DM8.4.
- 10.41 Based on the position of the house the existing crossover would become effectively redundant. Therefore it is considered appropriate to attach a Grampian condition to ensure the highway is reinstated prior to occupation of the dwelling.

### **Trees**

- 10.42 There are several trees that will be affected by the proposal however no trees are proposed to be removed as a result of the erection of a new dwelling. The Tree Officer has advised that if the application on balance is recommended favourably an arboricultural method statement must be conditioned. The reason, to protect the existing street tree from inappropriate excavations for service link up and to protect the evergreen Monterey cypress (T1) at the rear from construction activity. The arboricultural report is brief, not site specific and not to the level of detail that could afford the trees the protection they require. The council disagrees with the consultants assessment of T1 as category C, which has been undervalued.
- 10.43 There may be some post development pressure, notably to prune T1 as it is a large evergreen tree to the south of the site but in the future it is considered this can be managed by appropriate pruning specifications and the protection afforded by its inclusion within the Whitehall Park Conservation Area.

### **Sustainability**

- 10.44 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. The applicant has submitted a Sustainable Design and Construction statement to support the aims in reduction of carbon and water usage. In order to ensure these details are met as part of the scheme the appropriate condition is recommended to ensure these sustainable targets are met. Water efficiency standard of 115L/p/day is also required to be achieved for all homes as required by Core Strategy Policy (CS10). The applicants have also signed and agreed to pay the CO2 offset contribution for this scheme of £1,500.
- 10.45 In accordance with ICS policy CS10 Part E landscaping on the site should incorporate sustainable drainage measures (SUDS), including rain gardens and permeable paving. This is also recommended to be secured via condition.

### **Community Infrastructure Levy**

- 10.46 This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

### **Bins and refuse facilities**

- 10.47 No bin refuse has been shown on the proposed drawings. It is considered therefore to condition this aspect in order to ensure the bin stores capacity is sufficient for the proposed dwelling.

## **Other Matters**

- 10.48 An objection has been received regarding the noise that would come from the proposed single dwelling house. The proposed use is for a single family dwelling of a reasonable size located in a primarily residential area. It is not considered that the creation of another single family dwelling would cause any form of material noise increases/incidences that the council could justify refusal of the application on this basis.
- 10.49 Planning proposals are assessed in accordance with the development plan and materials considerations. Discussions between the applicant and neighbours is not a planning issue in this instance.
- 10.50 In relation to an objection regarding drainage a condition is recommended to ensure details of surface water drainage of the site are submitted and approved in writing by the local planning authority. These details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system and include details of future maintenance arrangements for the scheme.
- 10.51 A condition is recommended to ensure no Velux windows to the front roof slope.
- 10.52 The plans are to scale and considered accurate in order to form the basis of a decision.
- 10.53 Noise and pollution from demolition and construction works is subject to control under the Control of Pollution Act 1974, which states that any building works that can be heard at the boundary of the site may only be carried out between 0800 and 1800 Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays or Public Holidays. In any event a condition recommending a Construction Method Statement is recommended to ensure no undue harm to the living conditions of neighbouring occupiers.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application seeks the erection of an end of terrace single family dwelling house.
- 11.2 The principle of the development and providing additional residential accommodation would be acceptable in land use terms, have an acceptable impact upon the character and appearance of the adjacent properties and street scene and will preserve the character and appearance of the adjoining Whitehall Park Conservation Area. In addition, it would not be unduly harmful to the amenities of adjoining residents.
- 11.3 There would be a noticeable impact in terms of outlook and light to the side elevational windows of the adjacent occupiers. However these are considered secondary windows overall it is considered that the development would not result in the loss of daylight, sunlight to the occupiers of the adjoining residential properties, undue increase in enclosure levels, loss of outlook or have a significant detrimental impact upon their amenity levels taken as a whole.
- 11.4 The proposed residential dwelling would provide acceptable standard of accommodation with all units achieving minimum internal floorspace standards, dual aspect, and meet the required private amenity space standards. The proposal would achieve Category 2 Homes in relation to Building Regulation for wheelchair accessible units and level access to the entrance.

- 11.5 The proposed mitigation in the form of a condition would not result in the loss of any trees. In addition to a financial contribution relating to small site affordable housing and carbon offsetting. Small Sites Affordable Housing and Carbon Offsetting contributions would be secured by way of a Unilateral Agreement.
- 11.6 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Framework and is recommended for approval subject to appropriate conditions and Unilateral Agreement.

### **Conclusion**

- 11.7 It is recommended that planning permission be granted subject to conditions and completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 - RECOMMENDATION.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- a) A financial contribution of £50,000 towards the provision of off-site affordable housing.
- b) A financial contribution of £1,500 towards CO2 off setting.

### RECOMMENDATION B

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

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning, Design and Access statement by White and Sons dated May 2016, drawing numbers: 02DSR P 0011; Nr.:02DSR P 002; Nr.:03DSR P 004; NR.:03DSR P 005; Nr.:03 DSR P 006; Nr.:03DSR P 201; Nr.:03 DSR P 202 REVA; Nr.:03DSR P 203 REVA; SK1 revision D; Sustainable Design and Construction May 2016; Energy Statement May 2016 7 Daylight and Sunlight Assessment by 16 Design issued January 2017 job number: 2105.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"><li>a) solid brickwork (including brick panels and mortar courses)</li><li>b) render (including colour, texture and method of application);</li><li>c) window treatment (including sections and reveals);</li><li>d) roofing materials;</li></ol> <p style="padding-left: 20px;">and</p> <ol style="list-style-type: none"><li>e) any other materials to be used.</li></ol> <p>The development shall be carried out strictly in accordance with the details so</p>

	<p>approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Trees safeguarding</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>b) proposed trees: their location, species, size and available rooting volume;</li> <li>c) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>g) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>5</b>	<b>Cycle Storage</b>
	<p>CONDITION: Prior to the first occupation of the dwelling hereby permitted detail of storage for at least three secure bicycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>These spaces shall be used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport. neighbouring residential amenity.</p>

<b>6</b>	<b>Refuse facilities</b>
	<p>CONDITION: Notwithstanding the details shown on the approved plans, no occupation of the dwellings hereby permitted shall take place until detailed drawings of the refuse and bicycle store to serve the residential property have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved and to be retained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>7</b>	<b>Restriction of Permitted Development</b>
	<p>CONDITION: Notwithstanding the approved scheme no permitted development rights are allowed to the dwelling house under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>REASON: to preserve and enhance the character and appearance of the conservation area.</p>
<b>8</b>	<b>Construction Method Statement</b>
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of:</p> <ul style="list-style-type: none"> <li>a. the parking of vehicles of site operatives and visitors;</li> <li>b. loading and unloading of plant and materials;</li> <li>c. storage of plant and materials used in constructing the development;</li> <li>d. the erection and maintenance of security hoarding;</li> <li>e. wheel washing facilities;</li> <li>f. measures to control the emission of dust and dirt during construction; and</li> <li>g. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ul> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p>
<b>9</b>	<b>Carbon and water efficiency targets</b>
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 115 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved.</p> <p>REASON: In the interest of securing sustainable development.</p>
<b>10</b>	<b>SUDS</b>
	<p>CONDITION: No works shall take place to the superstructure of the residential development hereby permitted until details of surface water drainage of the site have been submitted to and approved in writing by the local planning authority. These details shall be based on an assessment of the potential for disposing of</p>



	<p>surface water by means of a sustainable drainage system and include details of future maintenance arrangements for the scheme. The drainage details as approved shall be installed and made operational before the first occupation of the development and retained as such thereafter, in accordance with the approved maintenance scheme.</p> <p>REASON: In the interest of biodiversity and sustainability.</p>
<b>11</b>	<b>Highways</b>
	<p>CONDITION: The proposed dwelling house shall not be occupied until the crossover immediately situated to the north east of the site has been removed and the pavement has been reinstated pursuant to an agreement with the local highway authority under Section 278 of the Highways Act 1980.</p> <p>REASON: In the interests of ensuring the redundant feature to the street scene as a direct result of the development is removed and the highway reinstated.</p>
<b>12</b>	<b>Car free development</b>
	<p>CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <p>i) In the case of disabled persons;</p> <p>ii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>Reason: To ensure that the development remains car free.</p>
<b>13</b>	<b>Access</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
<b>14</b>	<b>Trees</b>
	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods: the arboricultural method statement, AMS in accordance with British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction and construction method statement have been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a</p>

	satisfactory standard of visual amenity is provided and maintained.
<b>15</b>	<b>Removal of rooflight condition</b>
	<p>CONDITION: Notwithstanding the approved drawings no permission is granted for the rooflights to the front roof slope.</p> <p>REASON: In order to protect the character and appearance of the conservation area.</p>
<b>16</b>	<b>Landscaping details</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>i) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>17</b>	<b>Boundary Treatment</b>
	<p>CONDITION: Notwithstanding the approved drawings details of the rear boundary and heights shall be submitted to and approved by the local planning authority.</p> <p>REASON: In order to protect the neighbours residential amenity and the character and appearance of the conservation area</p>

**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.
<b>2</b>	<b>Surface Water Drainage</b>
	It is the responsibility of a developer to make proper provision for drainage to ground, water course 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
<b>3</b>	<b>Signage</b>
	Please note that separate advertisement consent application may be required for the display of signage at the site.
<b>3</b>	<b>Community Infrastructure Levy</b>
	Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a> . The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development. Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a> . Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a> .

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

Policy 7.4 Local Character

Policy 7.6 Architecture

Housing Supplementary Planning Guidance

Appendix 1 - Summary of the quality and design standards

#### **B) Islington Core Strategy 2011**

##### Strategic Policies

Policy CS 8 – Enhancing Islington’s character

Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

Policy CS 10 – Sustainable Design

Policy CS 12 – Meeting the housing challenge

#### **C) Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM3.1 - Mix of housing sizes
- Policy DM3.3 - Residential conversions and extensions
- Policy DM3.4 – Housing Standards
- Policy DM3.5 – Private outdoor space
- Policy DM5.2- Loss of existing business floorspace
- Policy DM6.3 – Protecting Open Space
- Policy DM6.5 – Landscaping, trees and biodiversity
- Policy DM6.6 – Flood Prevention
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

### **3. Designations**

Whitehall Park Conservation Area

#### **4. SPD/SPGS**

Urban Design Guidelines (2017)  
Basement Development SPD (January 2016)  
Whitehall Park Conservation Area Design Guidelines  
Small Sites Affordable Housing SPD  
Environmental Design SPD  
Inclusive Design SPD

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## Appeal Decision

Hearing held on 30 April 2013

Site visit made on 30 April 2013

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 June 2013

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**Appeal Ref: APP/V5570/A/13/2191038**

**1 Dresden Road, London, N19 3BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Robert May against the decision of the Council of the London Borough of Islington.
  - The application Ref P121575, dated 12 July 2012, was refused by notice dated 18 September 2012.
  - The development proposed is the construction of a single storey property at the rear of 1 Dresden Road to provide one residential unit.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is whether the proposed development would preserve or enhance the character and appearance of the Conservation Area.

### Reasons

#### *Character and appearance*

3. 1 Dresden Road is large detached Victorian house which has been converted into four flats within the Whitehall Park Conservation Area. It is on the Council's register of locally listed buildings and is therefore also an undesignated heritage asset. It has a very large rear garden which is surrounded by residential properties. The proposed dwelling would be sited on part of this land at a lower level than the existing building.
4. Although the Council's Conservation Area Design Guidelines (2002) do not refer to rear gardens in the area other than to trees on private land and the appellant's Heritage Statement concludes that the site makes little contribution to the character and appearance of the area, I have made my own assessment. This part of the Conservation Area consists mostly of long terraces of Victorian dwellings in tree lined streets and there are occasional glimpses into rear gardens. Between the appeal property and no 3 Dresden Road there is a driveway of some 7m in width which allows narrow views from the street of the rear garden. The land drops away from street level to the rear of the site and some of the tall trees within and adjacent to the appeal site are seen clearly, making a pleasant contribution to the leafy character of the area. The

proposed single storey dwelling would not be seen from here although the pedestrian access into the site would.

5. Although in legal terms there is no right to a view, the character and appearance of a Conservation Area can be perceived not only from public viewpoints but also from private ones. The site is widely overlooked from the first and second floors of many of the surrounding residential properties in Dresden Road, Cheverton Road and Hazellville Road. Despite its current untidy state, its size and its open, leafy nature makes a significant and unique contribution to the character and appearance of the surrounding area.
6. The permission for conversion to flats and a boundary of conifer planting has resulted in some degree of separation between the land on which the new dwelling would be sited and the building at no 1 and the wide terrace, steps and part of the rear garden would be left intact. However, there is a historic relationship between the site and the existing building at no 1. The site remains an important part of its spacious, leafy setting and the loss of this space as a result of the proposed siting of the new dwelling would substantially reduce the setting of the heritage asset, resulting in significant harm to it.
7. National guidance advises that the setting of undesignated heritage assets can contribute to the significance of a Conservation Area. The siting of the proposed dwelling would, therefore, also cause significant harm to the character and appearance of the Conservation Area. The Inspector in a previously dismissed appeal at the site for a new building comprising four flats (albeit it a larger building) reached a similar conclusion.
8. Furthermore, it seems to me that the siting, scale, form and materials of the proposed dwelling are a functional response to the appellant's objective of achieving a development on the site that would minimise any impact on neighbouring residents' living conditions rather than a contextual response to the character and appearance of the surrounding Conservation Area. Whilst the Council does not raise any objection to a contemporary design, its Design Guidelines and Urban Design Guide (2006) seek to ensure that new buildings conform to the size, scale and footprint of the existing buildings in the immediate area. The proposed single storey dwelling with its wide, horizontal form and curved lines would clearly be at odds with the prevailing three storey, narrow, vertical form and straight lines of the surrounding houses.
9. Policy D24 in the Islington Unitary Development Plan 2002 (which refers to new development as well as extensions and refurbishments) does not exclude modern materials and the Design Guidelines recognise that they may be acceptable. However, the proposed timber cladding and sedum roof would be difficult to maintain in this low lying, shady location where a number of large trees would surround the building, including an overhanging sycamore. Falling leaves and associated deposits would be likely to impact on the longevity of the roof and lead to pressure from the future occupiers for the felling or pruning of the trees. The appellant says that timber cladding can be guaranteed for up to 50 years and has submitted photos of other dwellings of similar materials. The age of those dwellings is unclear to me and they mostly appear to be in less shady locations than this and therefore less susceptible to deterioration. Furthermore, in my experience sedum roofs are not green for the whole of the year and, as I saw at the recently built contemporary dwelling nearby at Hornsey Lane, have a reddish brown appearance during winter months. The proposed roof in this case would be seen from many of the upper floors of



surrounding properties especially when the trees are not in leaf. For these reasons I am not convinced that the scale, form and materials of the proposed building would allow it to blend harmoniously into its surroundings and this adds to my concerns regarding the principle and siting of the development.

10. Local residents have objected to the impact that the proposed use and increase in activity would have on the character and appearance of the area. At the site visit I noted the tranquil nature of the site despite its setting within a densely built up area. A new dwelling would inevitably introduce new sources of light and noise into this quiet and at night time essentially dark space which would be seen and heard from surrounding properties. Any lighting associated with the pedestrian access into the site would also be seen from the street. This would add further harm to the character and appearance of the Conservation Area.
11. The recently built dwelling at Hornsey Lane nearby is not directly comparable in terms of its siting within the Conservation Area to this proposal as it was built partly on the site of an existing garage rather than solely on garden land and is sited further from surrounding dwellings. In terms of its design it has a different context as it is sited in an area occupied by domestic garages and sheds. Furthermore, the external materials include render with a smaller proportion of timber cladding than in this case. These differences are significant and do not alter my findings above.
12. National guidance encourages the optimum viable use of a site and the appellant considers it unlikely that the site will revert to its former condition under the current ownership. However, the Council has other means to seek its improvement if necessary and deliberate neglect is not a reason for allowing poor design. In any case, the ownership may change at some point in the future.
13. I conclude, therefore, that the proposed development, by reason of the loss of the garden, the proposed use and siting, together with its scale, form and materials would fail to preserve or enhance the character or appearance of the Whitehall Conservation Area, contrary to the most relevant development plan policies, policy CS9 in the Council's Core Strategy 2011 and policies D4, D22 and D24 in the UDP, which seek to protect such matters. Although these predate the National Planning Policy Framework their objectives are consistent with that document which seeks to sustain and enhance the significance of heritage assets and that new development makes a positive contribution to local character and distinctiveness. (I have not relied on the Council's Development Management policies in view of their emerging status.)

#### *Trees*

14. The Council has withdrawn its third reason for refusal relating to trees following the appellant's Arboricultural Report which was submitted after the Council's decision but local residents maintain their objection and I must deal with that. The report concludes that the proposal would not harm the trees within and around the site subject to precautionary measures including piled raft foundations and the crown lifting of an overhanging sycamore.
15. Although the trees have been graded as of low quality they still have an estimated life expectancy of up to 20 years and as mature trees are more vulnerable. Whilst trial digs have shown no larger roots (over 25mm) in that

area, it is my understanding that most roots are less than 0.5mm in diameter and therefore those results are not conclusive. Although there appears to be an error and contradiction within the report, the appellant agreed at the hearing that part of the proposed building would be within the root protection areas of some of the trees. BS 5837:2012 says that technical solutions might be available where there is an overriding justification for construction within the root protection areas of trees. On the basis of my findings earlier, I have insufficient evidence from either party in support of any overriding justification.

16. Even if there were, the proposed use of piled raft foundations suggests that, in the long term, the proposed building may be too close to the trees. The height, proximity and orientation of the canopies of trees T1, T3 and T4 in relation to the living room windows and the garden could result in the obstruction of some afternoon and evening sunlight and could be overbearing to future occupiers. This may make it difficult for the Council to resist subsequent applications to fell or prune the trees on safety grounds.
17. I conclude, therefore, that the proposed development would be likely to prompt, over time, a reduction in tree cover that would result in additional harm, contrary to policy ENV6 of the UDP which seeks to protect important trees and would fail to preserve or enhance the character or appearance of the Whitehall Conservation Area, contrary to UDP policy D22.

*Other matters*

18. I heard from local residents that owls, woodpeckers and bats have been seen at the site for several years. Although I have no factual evidence of this, from looking at the site I would agree with the Inspector in the previous appeal that it clearly has some value in terms of biodiversity as a result of the mature trees and as part of a larger green space. Whilst the proposed green roof would encourage biodiversity and conditions for mitigation measures could be imposed were the proposal otherwise acceptable, this would not outweigh the potential for harm to biodiversity through the long term pressure for felling or pruning of trees from the future residents of the proposed dwelling. The proposal would, therefore, result in significant harm to biodiversity contrary to UDP policy H6 which seeks to protect the nature conservation amenity of existing gardens and is consistent with the Framework in seeking to minimise biodiversity impacts. This matter adds to my concerns above.
19. The Council confirmed at the hearing that its objection relating to visual amenity refers to that of the Conservation Area rather than the outlook and its impact on the living conditions of neighbouring occupiers. There are, however, a number of objections from local residents concerning their living conditions in terms of outlook, light, and noise and light pollution. At the site visit I inspected the site from 3 Dresden Road, one of the properties with clearest views towards the site. Although the proposed development would bring a residential use and new building very close to existing properties and the outlook from those would undoubtedly change, the proposed building would not be unduly overbearing or result in a significant loss of light. This is a densely populated area in which there is already a high level of activity and the additional light and noise would not significantly harm neighbouring residents' living conditions, despite my earlier findings in relation to the Conservation Area. I am satisfied, therefore, that the proposed building has been carefully designed to reduce any impact on the living conditions of neighbouring residents to an acceptable degree in accordance with those parts of UDP

policies D3, H3, H6 and H10 and Core Strategy policy CS9 which seek to protect such matters.

20. Residents' concerns that the proposal does not make adequate provision for drainage could be addressed by a condition should the development be otherwise acceptable.
21. I have insufficient information to support residents' views that the proximity of the proposed building close to the boundary and trees would result in geological damage to the bank to the south of the site in adjoining gardens.
22. Whilst the proposal would make some contribution to the housing stock and to economic development as sought in the government's Ministerial Statement on Planning for Growth 2011, and could achieve the Code for Sustainable Homes level 4, given the scale of this development those benefits would be limited and these matters do not justify an otherwise harmful development.

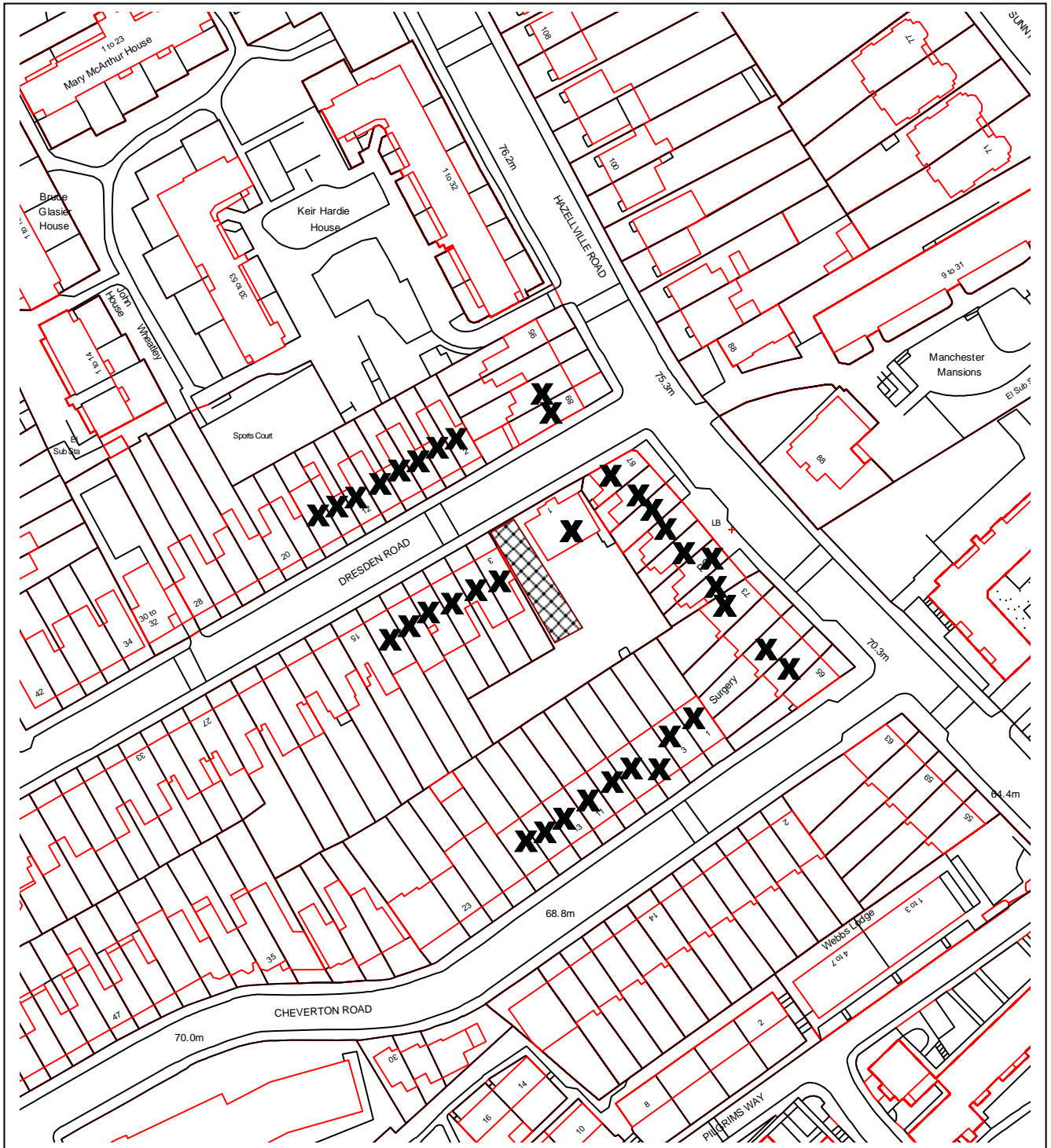
**Conclusion**

23. Notwithstanding my findings with regard to some of the other matters, my findings regarding the Conservation Area, trees and biodiversity are significant and overriding. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Sarah Colebourne*

INSPECTOR

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