

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB-COMMITTEE 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.

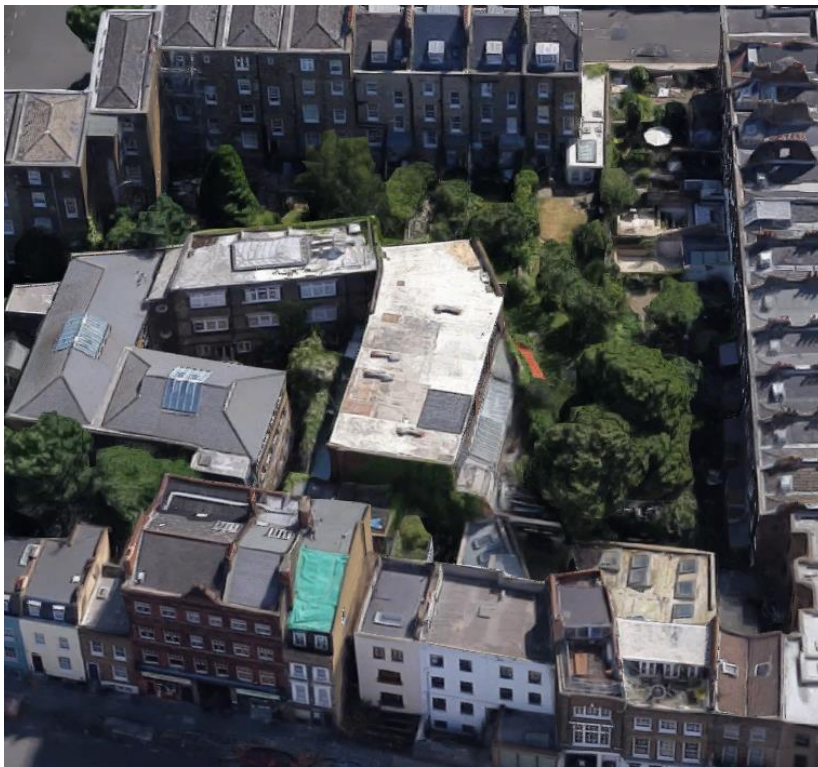
2. SITE PLAN (site outlined in black)



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

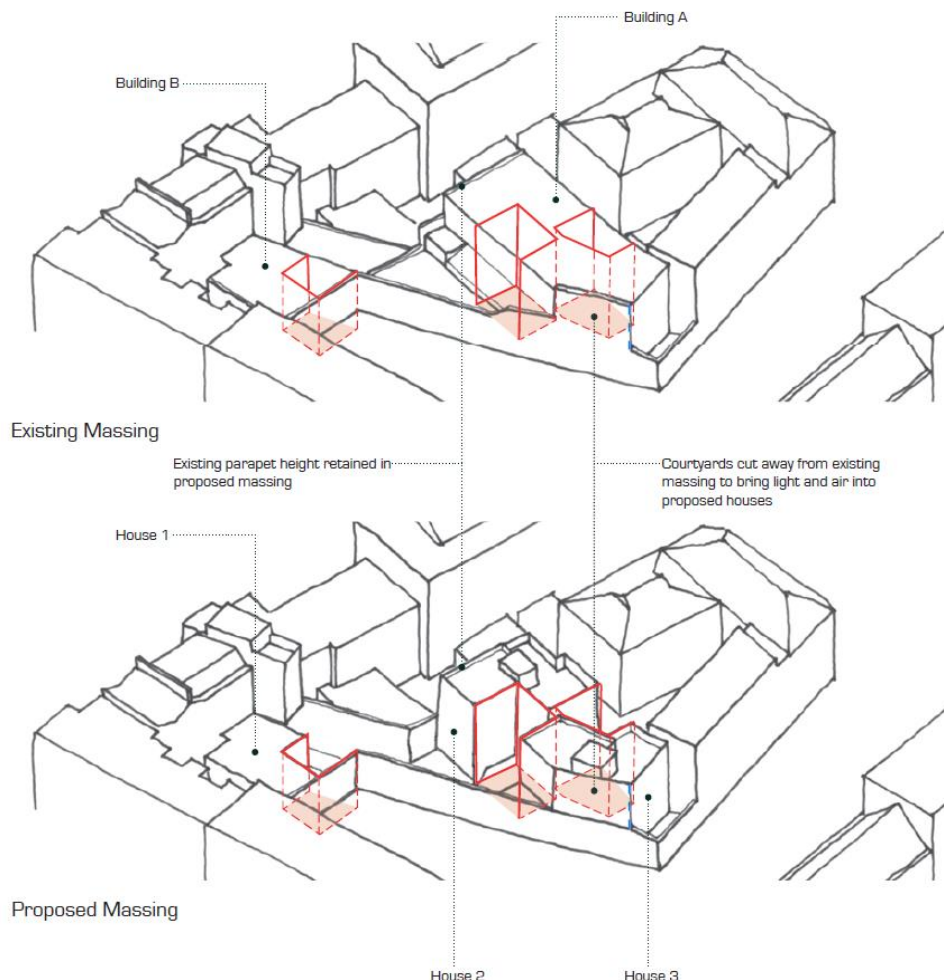
- 10.2 The proposal is for the creation of 3no. residential single dwelling houses on the site. The site is bound on the southern and eastern sides by residential development, with further residential located above the sites located to the west (with ground floors being commercial

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 23rd 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.”

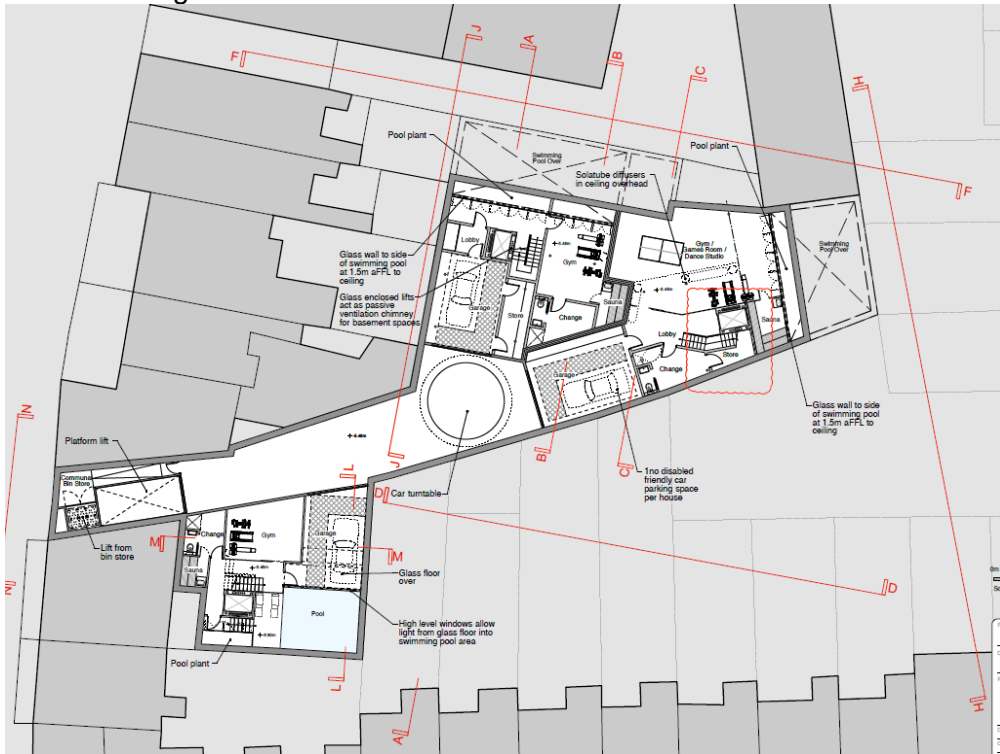
- 10.27 Paragraph 7.1.14 sets out:

“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 in 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.”

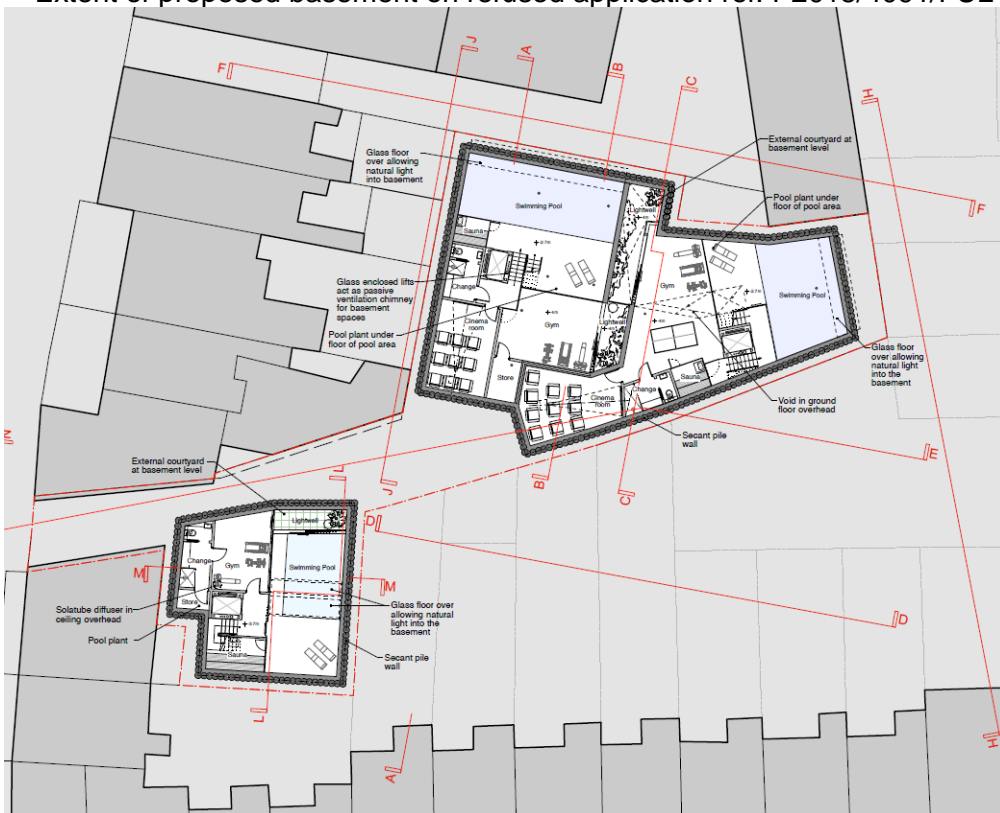
- 10.28 Finally paragraph 7.1.15 sets out:

“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 piles 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:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list
	CONDITION: The development hereby 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>
3	Materials (Details)
	<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> <ul style="list-style-type: none"> a) render (including colour, texture and method of application); b) window treatment (including sections and reveals); c) roofing materials; d) balustrading treatment (including sections); e) any other materials to be used <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Car Permits (Compliance)
	<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> <ul style="list-style-type: none"> i) In the case of disabled persons; 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>Reason: To ensure that the development remains car free.</p>
5	Construction Method Statement
	<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"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

	<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>
6	Lifetime Homes
	<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>
7	Privacy Screening
	<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>
8	Noise Assessment
	<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>
9	Sustainable Design and Construction Statement
	<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>

10	Construction Environmental Management Plan
	<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>
11	Cycle parking provision
	<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>
12	Bin Refuse condition
	<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>
13	Removal of PD rights
	<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>

14	Landscaping (Details)
	<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"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c) existing and proposed underground services and their relationship to both hard and soft landscaping; d) proposed trees: their location, species and size; e) soft plantings: including grass and turf areas, shrub and herbaceous areas; f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and i) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any 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>
15	Boundary treatments
	<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:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</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>
2	Unilateral undertaking
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
3	Community infrastructure Levy (CIL)
	<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 cil@islington.gov.uk. 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 www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</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



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

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".
-

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 decision¹ 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

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

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 BRE² 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

² 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 instability³. In this respect, decisions should also ensure, amongst other things, that adequate site investigation information, prepared by a competent person, is presented⁴. 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 public⁵.
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,

³ The Framework, Paragraph 120

⁴ The Framework, Paragraph 121

⁵ 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 SUDs⁶ 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

⁶ 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 PPG⁷, 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.

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