

PLANNING SUB COMMITTEE B		
Date:	20 April 2017	NON-EXEMPT

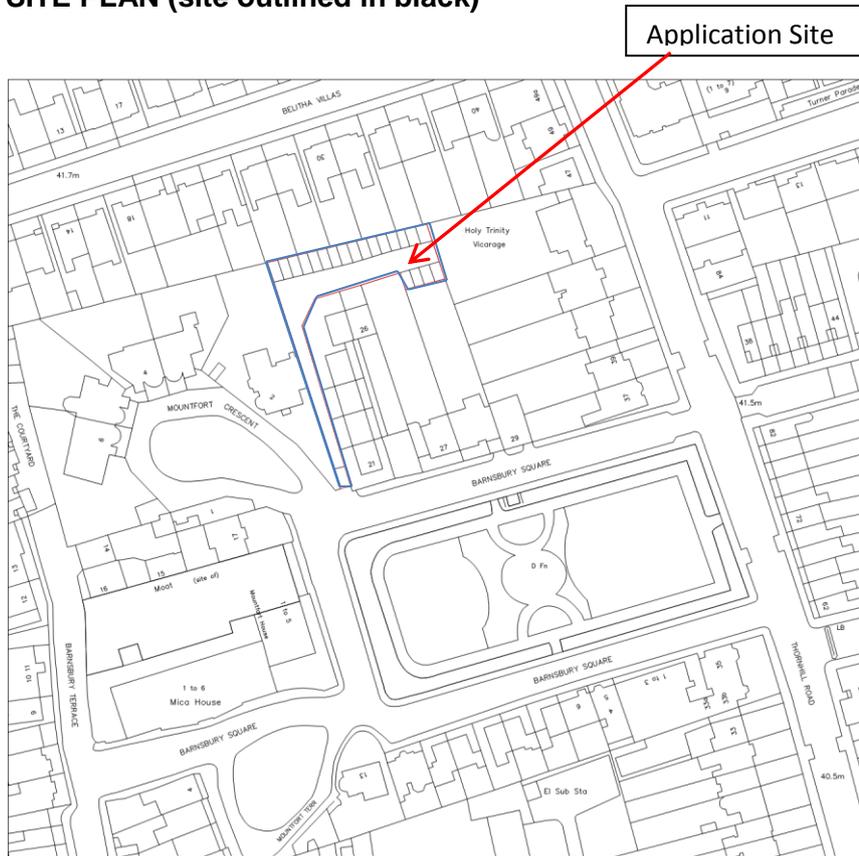
Application number	P2016/1383/FUL
Application type	Full Planning Application
Ward	Barnsbury Ward
Listed building	Not Listed
Conservation area	Barnsbury Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Barnsbury Conservation Areas - Local cycle routes - Major Cycle Route - Mayors Protected Vistas - Alexandra Palace viewing terrace to St Paul's Cathedral - Open Space - Barnsbury Square Garden - Sites of Importance for Nature Conservation Barnsbury Square (SINC)
Licensing Implications	None
Site Address	Garages Rear of 21 – 28 Barnsbury Square Islington N1 1JP
Proposal	Demolition of existing garages and erection of a three-bedroom single family dwelling house including excavation at basement level with associated landscaping; erection of boundary wall and provision of cycle and refuse storage.

Case Officer	Sandra Chivero
Applicant	c/o Agent
Agent	Oliver Jefferson – Turley

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to Refuse planning permission for the reason set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial View of site



Image 2: Aerial View of site in winter



Image 3: Existing Garages



Image 4: Existing Access to Garages

4. SUMMARY

- 4.1 The application seeks planning permission for the construction of a three-bedroom single family dwelling house including excavation at basement level. All of the habitable accommodation will be located at ground floor level and would incorporate storage space at lower ground floor level, however, would read as a single storey structure when viewed from neighbouring properties.
- 4.2 The main considerations are the principle of residential use on the site, design, impact on the character and appearance of the Barnsbury Conservation Area, setting of adjacent listed buildings and neighbouring amenity, standard of accommodation, transport, trees, sustainability, affordable housing contributions and carbon offsetting contributions.
- 4.3 The development would be acceptable in terms of its height limited to a single storey to this back land site. The use of modern materials is also considered acceptable to the contemporary low rise development which would not be prominent from public views. The resulting dwelling is therefore not considered to impact on the setting of the neighbouring listed buildings nor the character and appearance of the surrounding Barnsbury Conservation Area.
- 4.4 The proposed building would also generate no significant harm on neighbouring amenity in terms of loss of light, outlook or privacy. The proposed standard of residential accommodation is considered to be more than adequate and the proposed building raises no concerns in relation to sustainability and transport.
- 4.5 The single family dwelling is proposed totalling 346sqm (GIA). This would be far in excess of 113sqm minimum required for a 4 bedroom/ 6 person house and 110sqm required for a 3 bedroom / 5 person house as required by the London Plan and Islington Policies. The resulting dwelling house would exceed by 3 times the minimum space standard for a 4 bedroom/ 6 person house and 3 bedroom/ 5 persons houses respectively. It is considered that the proposed scheme, resulting in a creation of only 1 no. single family house does not result in sustainable development as it fails to maximise the development potential of this urban site. It is further considered that the provision of

only a single residential unit on the same amount of floor space which can clearly provide a greater number of units is also an inefficient use of the site.

4.6 In addition, the site, being beneath the canopies of numerous significant and mature protected trees introduces residential use with an expectation for light. The relationship would introduce pressure to prune these trees due to leaf drop. Overtime, the impact arising from construction under tree canopies will harm the existing trees, prevent potential canopy cover improvements and undermine the character and amenity of the surrounding area in the future. The proposal fails to present either reduced footprint or provision of an additional much needed homes to off-set the harm to existing trees overtime.

4.7 The proposal is therefore considered unacceptable and it is recommended that planning permission is refused.

5. SITE AND SURROUNDING

5.1 The application site is located to the rear of nos. 21-28 Barnsbury Square which are positioned to the south of the application site. No. 21 – 26 are two-storey post war houses which run along the access route and no. 27 – 28 Barnsbury Square are Grade II Listed semi-detached villas. To the north the site is bounded by the rear garden of semi-detached Villas along Belitha Villas. The Holy Trinity Vicarage is located to the east of the site and the Grade II Listed 2 Mountfort Crescent is located to the west of the site.

5.2 The site is approximately 713 sqm and occupied by two rows single garages and associated hard standing 20 in total. The garages are accessed by a 2.8m wide private lane from the north east corner of Barnsbury Square close to the junction with Mountfort Crescent. The existing garages are not listed but the site is located within the Barnsbury Conservation Area. The surrounding area is predominantly residential in character.

5.3 There are a total of 14 trees which border the site, three of these hold Tree Protection Orders and as the site is located within a Conservation Area, all the trees are also protected by the Council. None of these trees are within the application site boundary, but their canopies and in some cases roots extend into the plot.

6. PROPOSAL (IN DETAIL)

6.1 It is proposed to erect a single family dwelling house (C3 Use Class) including excavation at basement level. The dwelling will be single storey over basement, the basement would incorporate storage space with all of the habitable accommodation at ground floor level. The resulting building would read as a single storey structure when viewed from the street and neighbouring properties.

6.2 The resulting dwelling will be 341sqm including 275sqm located at ground floor level and 66sqm at basement level. The building would be of a contemporary design and would be constructed of modern materials comprising of slim metal windows and ceramic clad façade. The ceramic tiles are sized to reflect the scale of brick surrounding walls.

6.3 The dwelling would comprise of 6 persons/ 3 no. en-suite bedrooms, kitchen with a pantry, living room and a study located at ground floor level. A utility room, storage space, and plant would be located at basement level. The dwelling also incorporates an Orchard Garden, internal courtyard garden, conservatory and a specimen flower garden.

6.4 The development will be carfree. Convenient and secure cycle parking will provided for at least four bicycles. This storage also provides for refuse and recycling storage.

6.5 The development would benefit from private outdoor amenity space in excess of 300sqm including the access way. The entrance of the site comprises of a metal gate from Barnsbury Square and the retention of the large hedges to both sides of the entrance. The access drive will be densely

planted with a footpath leading to the entrance garden. A number of trees will also be planted in the entrance courtyard, the total number has not been confirmed by the applicant but could be dealt with by way of landscaping condition. The boundary fence with no. 27 Barnsbury Square will be replaced by a masonry wall 2.9m high.

Revisions

6.6 Revised drawings were received during the course of the application as follows:

- Amendments on 18 October 2016 – ground floor plan 1101 rev I, roof plan 1103 rev G, and south elevation 1300 rev C.
- *Floorplan changes to accommodate tree – set back from T4 and T5*
- Amendments on 3 June 2016 – ground floor plan 1101 rev H and section HH 1207 rev –
- *Floorplan changes in response to access officer comments*
- Amendments of 3 May 2016 – Existing section 0203 rev C and Proposed east elevation 1303 rev B.
- Prior to public consultation an accurate eastern elevation was submitted based on a site survey

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 None

PRE-APPLICATION ADVICE

7.2 December 2015: Pre application advice (Ref. **Q2015/3938/MIN**) issued relating to the *demolition of existing garages and construction of a three-bedroom dwelling house*. The applicant was advised that the demolition of the garages was considered acceptable in principle. However, the covered walkway was considered inappropriate for the site. It was also recommended to reduce the height of the building and footprint of the proposed house to reduce impact of the listed buildings and the surrounding conservation area.

7.3 May 2015: Pre-application advice (Ref. **Q2015/1012/MIN**) issued relating to Demolition of existing garages and the construction of a four storey house. The pre-application enquiry was submitted by a different applicant and it was advised that the proposal was not supported.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 39 adjoining and nearby properties at Barnsbury Square, Thornhill Road, Mountfort Crescent and Belitha Villas on 25 April 2016. A site notice and a press advert were displayed on 28 April 2016. The public consultation of the application therefore expired on 06 June 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision. Following receipt of amended drawings the application was not reconsulted on as the amendments presented an improvement to the scheme and did not exacerbate impact on neighbouring properties.

8.2 At the time of writing this report five objections and a petition had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Multiple Units inappropriate at this location (**Paragraph 10.12 – 10.17**)

- Visibility of roof from neighbouring properties upper floor windows, should not be higher than boundary wall (**Paragraphs 10.22, 10.23, 10.25**)
- Pruning (**Paragraph 10.57, 11.4**)
- Height of boundary wall (**Paragraphs 10.22, 10.23, 10.25**)
- Incorrect drawing to the eastern elevation, arboricultural assessment and heritage statement (**Paragraph 8.4**)
- Fire access (**Paragraph 10.62**)
- Party Wall concerns and concerns over the replacement of existing walls (**Paragraph 8.3**)
- Should be no structure on flat roof including rooflights, aerials (**Paragraph 10.22**)
- Driveway not suitable for construction vehicles (**Paragraph 10.32**)
- Noise and damage to property (**Paragraph 10.31, 10.32**)
- Damage to tree roots during piling and listed buildings foundations (**Paragraph 10.29, 10.32, 10.56 – 10.59**)
- Flat roof should be an entirely green roof (**Paragraph 10.61**)

8.3 Concerns raised regarding party wall issues are not a material planning consideration. The application therefore could not be refused for this reason.

8.4 The submitted documents elevations and supporting documents are considered to be of an adequate standard to assess the application. The Design and Conservation Officer was satisfied with the Heritage Statement provided. An updated arboricultural report was submitted with the application. The Tree Officer was satisfied with the standard of the report and information provided.

8.5 3 letters were also received in support of the application.

External Consultees

8.6 **London Fire and Emergency Planning** - No comments received, committee will be updated at the meeting.

8.7 **Historic England** - No objections.

Internal Consultees

8.8 **The Design and Conservation Officer** stated that generally where the proposed built form is positioned close to the listed boundaries there are currently garages already in existence on the site. It is stated that any increase in height appears to be relatively minimal and as such the outlook from the surrounding buildings and impact on the setting of the listed buildings would be an improvement on the existing situation on site with sufficient open space retained and planting to the roofs. A condition is recommended requesting a detailed method statement for any works to the listed walls.

8.9 The reduced footprint of the house and removal of the covered walkways/ pergolas since the request for pre-application advice was considered to be an improvement. The incorporation of flat roofs is also welcome and it has been recommended to condition the roofs to be green roofs so as to appear more like an open space from above.

8.10 It is also stated that the proposed ceramic tile cladding to the facades may be considered acceptable in principle, however further details would be required in order to assess this, including samples of all facing materials.

8.11 **The Tree Officer** raised significant concerns regarding the juxtaposition of the development to the surrounding trees. This application has greater impacts to the trees than was advised would be acceptable at the pre-application stage and the last application. The arboricultural impacts are significant and could have a detrimental impact to the important mature trees surrounding the site.

- 8.12 In response to the updated arboricultural report was submitted. The Tree Officer stated that the detail within that report and amendments to the proposed footprint adjacent to T4 and T5 addressed his concerns regarding the safe retention of those trees. This was the primary concern regarding the application. The other issues regarding the position and methodology of construction for the services have also been addressed. However, it is further stated that in principle objections to building residential property beneath substantial protected trees stands.
- 8.13 **The Inclusive Design Officer** sought for better level access within the property. In response revised drawings were submitted indicating level access into the property through the kitchen and internal level access between the kitchen, a bedroom and a bathroom. Internal changes were also made to the layout of the en-suite bathroom to the western bedroom.
- 8.14 **The Sustainability Officer** accepts the level of excavation and does not object to the submitted Structural Method Statement. The Sustainability Officer also requires the maximisation of green roofs in line with DM policy requirements.
- 8.15 **Refuse** No comments made.

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Barnsbury Conservation Areas
 - Local cycle routes
 - Major Cycle Route
 - Mayors Protected Vistas - Alexandra Palace viewing terrace to St Paul's Cathedral
 - Open Space - Barnsbury Square Garden
 - Sites of Importance for Nature Conservation Barnsbury Square (SINC)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Sustainable Use of the Site
- Design and Conservation
- Principle of basement development
- Neighbouring Amenity
- Quality of residential accommodation
- Inclusive Design
- Affordable Housing and Financial Viability
- Highways and Transportation
- Trees
- Sustainability

Land Use

10.2 It is proposed to demolish the existing 20 garages and erect a single family dwelling house (C3 Use Class). The garages are vacant and are privately owned. There is no policy protection for the existing garages, therefore the loss of the existing use is considered acceptable in principle. In judging the acceptability of residential use in this location it is considered that residential use would be appropriate in this predominantly residential area. The provision of additional housing at this location would be supported by policies CS12 of the Core Strategy which seeks to meet and exceed the borough housing targets through the provision of additional housing in suitable locations.

10.3 However, it is considered that the proposed scheme resulting in a creation of 1 no. single family dwelling house does not result in sustainable development as it fails to maximise the development potential of this urban site.

Sustainable Use of Site

National Planning Policy and Housing Need

10.4 Meeting housing is a key national policy objective. The National Policy Framework (NPPF) requires that local planning authorities should boost significantly the supply of housing by using their evidence to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework (Paragraph 47).

10.5 Almost 15, 000 new households were accepted as statutory homeless in London in 2012/13, a 16% increase on the previous year, whilst overcrowding rates have risen rapidly in the social and private rented sectors to 14% and 13% respectively. The 2013 SHMA identifies a need for 25, 600 additional affordable dwellings per year between 2015 and 2035, representing more than half of the projected total housing need for London of 49, 000 new homes per year during this timeframe.

10.6 Islington is a high demand area for housing and has the highest population density of any local authority in the UK. The borough is also the 10th most overcrowded in the country and as of September 2014 there were 9, 143 people who qualified for allocation on the borough's housing register.

10.7 The share of Islington's households renting privately has risen from 18.6% to 28.3% in the ten years to 2011. Despite having rents significantly higher than those across Greater London, there growth in the borough's rental market. The GLA London Rents Map indicates that for the year to February 2014, Islington median rents for a one-bed home per £325 per week, compared with £255 across Greater London and Islington median rents were £500 per week for a three-bed

home, compare with £369 across Greater London. With the median house price in Islington now 14.5 times higher than the median income, the need for housing in the borough is particularly high.

- 10.8 For the reasons outlined above, maximising housing provision is key priority for Islington. This is set out in the borough's Corporate Plan and the Islington Housing Strategy 2014 – 2019, which includes the objective of ensuring that there are decent, suitable and affordable homes for all. The priority given to housing is reflected in the Development Plan, with policy CS12 of the Core Strategy setting out that in order to meet the current London Plan Housing Target, Islington will need to deliver 17, 400 residential units over the 15 Year Period (2010/11 – 2024/25).

Development Plan Policies

- 10.9 The London Plan (2016) stipulates in realising the optimum potential of sites requires taking into account a range of factors into account including local context, design and transport capacity as well as social infrastructure. It is also highlighted that higher density housing is not automatically seen as requiring high rise development.
- 10.10 It is further stipulated that the form of housing output should be determined primarily by an assessment of housing requirements and not by assumption as to the built form of development. While there is usually scope to provide a mix of dwelling types in different locations, higher density provision for smaller households should be focused on areas with good public transport accessibility.
- 10.11 Policy CS12 states that Islington will meet its housing challenge, to provide more high quality, inclusive and affordable Homes, by ensuring Islington has a continuous supply of land for housing by identifying sites in Islington's five, ten and fifteen year housing supply and seeking to meet and exceed the borough housing target, which is set by the Mayor of London

Housing Delivery

- 10.12 Despite its small size and very high density, Islington has been very successful in delivering housing in recent years, reflected in the borough receiving the fourth highest New Home Bonus award for 2013.14. Islington has consistently exceeded its very high housing targets (currently 1, 264 per annum) for many years and is now the most densely populated local authority area in the country as per 2011 Census.
- 10.13 A single family dwelling is proposed totalling 346sqm (GIA). This would be far in excess of 113sqm minimum floor area required for 4 bedroom/ 6 person house and 110sqm minimum required for a 3 bedroom / 5 persons house as required by the London Plan and the Development Management Policies. The resulting dwelling house would exceed by 3 times the minimum space standard for a 4 bedroom/ 6 person house and 3 bedroom/ 5 persons houses respectively. This amount of floor space can clearly deliver a greater number of units, although this may require site layout and internal reconfiguration. It is considered that the proposed scheme resulting in creation of only 1 no. single family dwelling house does not result in sustainable development as it fails to maximise the development potential of this urban site. It fails to deliver a maximum number of units on the site, and is therefore contrary to Policy CS12 of the Islington Core Strategy.
- 10.14 The proposal which fails to optimise residential housing provision on a site which can accommodate multiple residential accommodations would be contrary to policy 3.4 of the London Plan. This requires all developments to optimise housing output for different types of location. The Council expects the application site can be utilised properly (in terms of development potential) in order to provide the maximum amount of units.
- 10.15 The provision of only a single residential unit on the same amount of floor space which can clearly provide a greater number of units is also considered to be inefficient use of the site. This would be contrary to policy DM2.1 which requires all new development to efficiently use the site.

- 10.16 During the course of the application the applicant submitted a Supplementary Design Report which includes a review by a member of the London Borough of Camden's Design Review Panel and an architect, designer and critic to support the scheme. The report asserts that the achievement of a new dwelling of architectural merit and high quality building build is sensitive to the local context helps protect the mature trees, returns 50% of land to landscaping removal of redundant garages is the best and most effective use and optimisation of the site. It is also argued that given the site constraints include the natural environment of the site, imposed limits as a result of Council's Pre-application advice, neighbour request and design standards the design utilises the full potential of the site in terms of its footprint and massing.
- 10.17 It considered that there is scope to layout the proposed residential development as multiple units (at least 2) in order to fully optimise of the housing potential and efficient use the site in accordance with relevant policies stated above.

Design and Conservation

- 10.18 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.19 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 128 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.20 Paragraphs 132 – 134 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."
- 10.21 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.22 The proposed building is a lightweight single storey plus basement house of simple form. The resulting structure would incorporate ceramic clad façade with slim metal windows. The layout would incorporate courtyards that alternate with the interior spaces. Following pre-application advice to reduce the built form, the overall footprint of the building has been reduced by approximately 70sqm. The amended proposals no longer exceed the boundary height to the north, however they exceed the existing boundary height by 0.2m to the west and up to 1.2m to the east. The reduced footprint and removal of the covered walkways/ pergolas is considered to be an improvement and the reduced footprint of the proposed dwelling house is an improvement. The incorporation of flat roofs is considered to reduce the bulk and massing of the building. The proposal does not include additional structures at roof levels including aials. The proposed rooflights will be integrated into the roof and would not result in inappropriate height increase to the proposed dwelling. Overall, the resulting is not considered to incorporate inappropriate structures to its roof which would be harmful to the visual amenity of neighbouring properties.
- 10.23 Where the proposed built form is positioned close to the listed boundaries there are currently garages on the site and so the replacement of this built form is acceptable. Any increase in height is relatively minimal (no more than 1.2m) and as such the outlook from the surrounding buildings and the setting of the listed buildings would be improved with sufficient open space retained.
- 10.24 The existing garages are not statutory listed and they are not buildings of architectural merit. The Council therefore does not object to their demolition. The proposed refuse store and bike store are located in concealed positions to the driveway and are therefore considered not to detract from the

streetscene and the character and appearance of the Conservation Area nor impact on the setting of neighbouring Listed Buildings.

- 10.25 Overall, it is considered that the character and appearance of the surrounding Barnsbury Conservation Area would be preserved due to the appropriate single storey height and acceptable use of modern materials on a contemporary low rise development not prominent from public views. The proposal is also considered accord with policies CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of Islington's Development Management Policies Document June 2013 and the guidance contained within the Conservation Area Design Guidelines and the Islington Urban Design Guide.

Principle of Basement Development

- 10.26 The proposed development would involve excavation at basement level covering an area of 66sqm. The construction of basements can cause harm to the natural environment, the stability of existing buildings, the amenity of nearby residents and the character and appearance of an area. The Basement SPD (January 2016) states footprint of the basement should be subordinate to the above ground element and should not exceed 1 storey in depth and not exceed 3m in floor to ceiling height. On residential developments the basement SPD stipulates that a basement and/or other structures should cumulatively occupy less than 50% of the original garden/unbuilt upon area, and be smaller in area than the original footprint of the dwelling, *whichever the lesser*.
- 10.27 The proposed basement one storey basement would be 66sqm which would be less than 50% of 275sqm the footprint the proposed house and would be less than 50% of the application site which is 713sqm. The modest basement excavation is therefore considered acceptable in principle and would not result in harmful, permanent, irreversible damage and would not impact on drainage and biodiversity to the surrounding area. In addition, the excavation is set away from trees and listed buildings. The extent of the basement excavation would therefore accord with the requirements of the Basement SPD.
- 10.28 The Basement SPD (January 2016) also requires the submission of a Basement Impact Assessment, Structural Method Statement (SMS) and a Construction Management Plan (CMP) endorsed by a suitably qualified person(s) with any planning application for a basement development. These documents also enable the council to consider the cumulative impacts of basement development across the borough and balance the potential site-specific benefits basements can provide (i.e. additional floor space) against those wider cumulative impacts set out in Policy DM6.3.
- 10.29 The application included a Structural Method Statement (SMS) endorsed by a suitably qualified person. The report states that the design for this proposed basement has considered the site specific list of issues relating to ground conditions and groundwater, existing trees and infrastructure, drainage, flooding, vertical and lateral load movements and integrity of existing structures as required by the Islington Basement SPD. A geotechnical investigation provided the specific details of ground conditions to allow design of the basement to be carried out, the scheme being developed around mature trees on and adjacent the site. It is further stated that the potential effect of the basement construction on the nearby buildings has been assessed in accordance with best practice to demonstrate that the potential for damage to the adjoining properties is acceptable. The separate flood risk and drainage report confirms that there is a negligible flood risk and describes the limits placed on the drainage design by the site constraints in particular the mature trees. The proposed design is considered to comply with the requirements of the Council Policy. The Sustainability Officer is satisfied with the level of excavation.

Neighbouring Amenity

- 10.30 The daylight and sunlight report submitted shows that the built form of the house complies with the BRE Guidance. The layout of the building has been considered to ensure privacy and prevent overlooking and would not incorporate terraces on flat roofs. Bedrooms are located to the west and east of the site with windows facing away from nos. 25 and 26 Barnsbury Square.

There are no windows directly facing neighbouring properties, except the corridor window facing no. 26 Barnsbury Square which is located at a distance of 11.6m away. The orientation and location of windows to the proposed house are considered to limit overlooking of habitable rooms maintain privacy to the new and neighbouring buildings. Where the facing window occurs the need to obscure glazed the windows could be conditioned to prevent overlooking.

- 10.31 Overall, the new house which would read as a single storey structure and would not directly face the habitable windows to neighbouring properties with the exception of a corridor window facing the rear ground floor window to no. 26 Barnsbury Square is considered not to result in harmful overlooking, loss of privacy nor loss of light to neighbouring properties. In addition, the proposal for residential use is considered not to result in harmful noise and disturbance to neighbouring properties.
- 10.32 To ensure that the development does not adversely impact on neighbouring amenity, a condition is recommended requiring the submission of a Construction Method Statement to provide details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. An informative was recommended by the Tree Officer advising the applicant to consider the construction impacts of the proposed excavation of a considerable basement in close proximity to neighbouring residential. In addition, the applicant is referred to LBI's Code of Construction Practice, BS5228:2009 (Code of practice for noise and vibration control on construction and open sites), the GLA's SPG on control of dust and emissions during construction and demolition.
- 10.33 The proposal is therefore considered to accord with policy DM2.1 which requires development to a provide good level of amenity including consideration of noise, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

Quality of residential accommodation

- 10.34 It is proposed to create a single family dwelling house comprising of a 6 persons/ 3 bedrooms with en-suite bathrooms, kitchen with a pantry, living room and a study all located at ground floor level. A utility room, storage space, and a plantroom would be located at basement level. The proposal also incorporates an Orchard Garden, internal courtyard garden, conservatory and a specimen flower garden.
- 10.35 The scheme incorporates rooflights and large windows, and creates a dual aspect building. The large glazing and rooflights affords the dwelling adequate light levels and outlook.
- 10.36 As shown in the table 2 below the resulting residential unit would also exceed the minimum gross internal area stipulated within the Development Management Policies and the London Plan.

Table 2 - Gross Internal Area required

Dwelling type	Dwelling permutation (bedroom (b)/persons-bed spaces (p))	Required GIA (sqm)	Proposed GIA (sqm)	Required Outdoor Amenity Space (sqm)	Proposed Outdoor Amenity Space (sqm)
2 storey house	3b/6p	102 (for 3b/5p) 113 (for 4b/6p)	341	30	300>

- 10.37 The resulting 341sqm unit is in excess of minimum space standards of 102 - 113sqm applicable to the unit's size. The resulting house is considerably over the required Gross Internal Area. The resulting floor space is considered to provide sufficient floorspace of good quality residential accommodation with a logical and functional layout as well as provision of dual aspect.
- 10.38 The generous bedrooms and living spaces to the new house would more than meet the minimum room size requirements and floor to ceiling heights stipulated within the Development Management Policies.
- 10.39 As shown in Table 2 above the proposal would also result in provision of generous outdoor space of 300sqm. The outdoor space incorporates 4 no. usable amenity space adequately spread comprising of a Specimen/ Flower Garden (28.12sqm), Courtyard Garden (17.1sqm), kitchen/ Medicinal Garden (68.2sqm) and Garden Orchard (48sqm). The kitchen/ Medicinal Garden (68.2sqm) and Garden Orchard (48sqm) are in excess of the outdoor amenity space minimum required standard of 30sqm stipulated within policy DM3.5 of the Development Management Plan.
- 10.40 Overall, the scheme would result in good standard residential accommodation with dual aspect, outlook from habitable rooms, natural ventilation, privacy and light levels. This would be in line with Policy 12 of the NPPF; Policy 3.5 of the London Plan 2016; policy CS12 of the Core Strategy and policies DM2.1 and DM3.4 of the Development Management Policies.

Inclusive Design

- 10.41 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
 - Deregulation Bill received Royal Assent 26th March 2015
- 10.42 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.
- 10.43 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.44 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The London Plan 2016, requires that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 10.45 Concerns were raised regarding access within the property by the Council's Inclusive Design Officer. During the course of the application amended drawings were received showing level/ ramped access from the kitchen garden and between the kitchen and a bedroom. The bathroom within the west bedroom has also been amended. However, the living room could not be amended to be at the same level due to tree root protection requirements. Given, the landscape restrictions and the commitment to deliver an entrance of equivalent quality/ status, the alternative accessible entrance via the kitchen is acceptable.
- 10.46 The provision for the ramp in place of the steps to the bed and bathroom is welcomed. However, the ramp should have a gradient of no more than 1:12 for a stretch of no more than 2m or no more than 1:15 for a stretch of 5m should be fitted with handrails on both sides and should have a

landing at the head, clear of the door swings, unless the doors are automated. It is stated that the internal ramp of 1:12 cannot be provided due to space constraints but 1:13 could be achieved and would satisfy Building Regulations.

- 10.47 The standard further requires the bedrooms to have a clear space of 750mm provided around 3 sides of a double bed and stated that the bathrooms also should satisfy the criteria described in fig 14b from the Inclusive Design SPD. The submitted drawings do not show turning circles to demonstrate that has been achieved. An informative is recommended setting out required standards, stipulated within the Inclusive Design SPD.
- 10.48 Overall however, these measures proposed by the applicant are welcome and are considered to facilitate and promote inclusive and sustainable communities in line with policy DM2.1 and the Inclusive Design SPG and the national standards.

Affordable Housing and Financial Viability

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

Highways and Transportation

- 10.53 The proposed residential unit would be car free. Therefore, the proposal would not result in a material increase in parking pressure on surrounding roads. It is considered that the proposed development would not have a material impact on highway safety or the free flow of traffic on surrounding roads and the loss of garages would be an improvement. The proposal would also be line with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies which expects all new developments to be ‘car free’.
- 10.54 The provision of 4 cycle spaces for the three bedroom unit would accord with policy DM8.4 which requires one cycle space provision per bedroom.

Trees



Plan showing location of existing trees

- 10.55 The scheme would incorporate six courtyard gardens of different proportions, each with distinct planting suited to their size and orientation. The courtyard to the north-eastern side would be covered with glazed roof to form a greenhouse for young or exotic plants. The former driveway and hardstanding will be extensively landscaped and planted, obscuring views from Barnsbury Square and introducing more sustainable drainage. A 2.8m pathway leads to the building entrance.
- 10.56 There are several mature trees close to the boundaries of the application site and they give a special character to the site and Conservation Area generally. The proposal will retain all of the trees. Whilst the tree trunks are not located on the site, the tree reports submitted show the tree roots and canopies passing under/over the site. The scheme incorporates specialist foundations which have been developed to suspend the building above the root protection area which are supported by bored piles. In these areas, where excavation is not possible, raised ground beams will be installed to connect the concrete piles. Utility services will be installed with a trenchless method which moles below tree roots.

- 10.57 In order to limit issues related to the maintenance of canopies and leaf mess, all roofs are flat and accessible for regular maintenance. Wide gutters permit simple cleaning. Rooflights are positioned according to tree canopy locations.
- 10.58 To address the Tree Officer's concerns amended drawings have been submitted showing a set-back of the bedroom located to the south-eastern side of the site away from T4 located to the north-eastern corner the rear garden to 27 Barnsbury Square. Parts of the building will be within the root protection areas and therefore the proposed construction method piling with a floor slab fully-supported above the ground, onto which the building's external envelope and additional structure will be built is supported.
- 10.59 In addition, an updated arboricultural report was submitted. The Tree Officer stated that the detail within that report and amendments to the proposed footprint adjacent to T4 and T5 to the north-eastern corner of the rear garden to no. 27 Barnsbury Square satisfies concerns regarding the safe retention of these trees. This was the primary concern regarding the application. The other issues regarding the position and methodology of construction for the services have also been addressed. However, in principle there is an objection to building residential property beneath substantial protected trees.

Sustainability

- 10.60 The property is proposed to be aligned north to south with the majority of the habitable room windows facing either north or south. The majority of the windows will be triple glazed to minimise heat loss. The dwelling has been developed to maximise passive design principles and has been designed in accordance with the energy hierarchy. The applicant states that the proposed development will meet the requirement of Part L of the Building Regulations 2013 in that it provides 27% reduction in carbon dioxide emissions. The development optimises the amount of natural light through multiple aspect glazing and rooflights.
- 10.61 With regards to the green roof suggestion, it is stated that this has been explored previously but would add height to the structure which would run counter to the overall design and heritage imperative to produce a building of limited height. It is considered that the height increase would only be marginal. In addition, the Design and Conservation Officer requested for the incorporation of green roof to the flat roofs, this is therefore not a heritage argument. A condition is there recommended for the provision of a green roof.

Other Issues

- 10.62 Concerns were raised regarding fire access. The applicant provided correspondence from the London Fire Brigade stating that the Brigade is satisfied with the proposals. It should be noted that Fire Regulations are dealt under different legislation from planning. No comments have been directly to the Council by the London Fire Brigade, but the Committee will be updated at the meeting when a response is received.
- 10.63 It is considered that adequate refuse, recycling and cycles storage would be provided. The location and layout of the refuse, refuse and cycle storage is also considered satisfactory. However, occupiers would require to bring the refuse to the gate for collection.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of residential development on this land is considered acceptable and the proposed building due to its single storey massing, not to exceed boundary wall heights by more than 1.2m and subject to condition requiring green roofs would not detract from the character and appearance of the Barnsbury Conservation Area nor impact on the setting of the neighbouring listed buildings. In this regard the duty to preserve the setting of the listed buildings and Conservation Area is met.

- 11.2 The impact on neighbours has been assessed and it is considered that the development would not harm the amenities of adjoining neighbouring properties in terms of loss of light, overlooking or overbearing effect. The internal layout and spatial standards of the proposed flats meet and significantly exceed the policy standards and would provide adequate outdoor amenity space in accordance with the Council's objectives and planning policies.
- 11.3 However, the proposed scheme resulting in the creation of only 1 no. single family house does not result in sustainable development as it fails to maximise the development potential of this urban site. It is further considered that the provision of only a single residential unit on the same amount of floor space which could clearly accommodate a greater number of units is also considered to be an inefficient use of the site. The proposal would therefore be contrary to relevant policies discussed above.
- 11.4 Additionally, the site, being beneath the canopies of numerous significant and mature protected trees introduces resident uses with an expectation for light. The relationship would introduce pressure to prune these trees due to leaf drop, shading however either a reduced building foot print or the provision of an additional much needed home may tip the balance in favour or support of developments.

Conclusion

- 11.5 It is recommended that planning permission be refused subject to the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATION

RECOMMENDATION A

That planning permission be refused for **the following reasons:**

- (1) REASON: The proposed scheme does not result in sustainable development as it fails to maximise the development potential of this urban site. It fails to deliver a maximum number of units on the site, and is therefore contrary to Policy CS12 of the Islington Core Strategy.
- (2) REASON: The proposed scheme fails to demonstrate that the development could be implemented without undue harm to numerous significant and mature protected trees. Overtime, the cumulative impact arising from construction under tree canopies will substantially harm the existing trees, prevent potential canopy cover improvements and undermine the character and amenity of the surrounding area in the future. This is contrary to policies DM6.5 of the Development Management Policies June 2013 and to the aims of policy 5.10 of the London Plan July 2016.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

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

2. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality of Design and Housing Developments
Policy 3.8 Housing Choice
Policy 3.9 Mixed and Balanced Communities
Policy 3.10 Definition of Affordable Housing
Policy 3.11 Affordable Housing Targets
Policy 3.13 Affordable Housing Thresholds
Policy 5.1 Climate Change Mitigation
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.3 Sustainable Design and Construction
Policy 5.14 Water Quality and Wastewater Infrastructure
Policy 5.18 Construction, Excavation and Demolition Waste
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
Policy 8.1 Implementation
Policy 8.2 Planning Obligations
Policy 8.3 Community Infrastructure Levy

B) Islington Core Strategy 2011

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

C) Development Management Policies June 2013

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

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan:

- Affordable Housing Small Sites Contributions SPD
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide 2017
- Basement SPD
- Inclusive Design in Islington SPD
- Environmental Design Planning Guidance SPD

London Plan:

- Housing
- Sustainable Design & Construction