



## PLANNING COMMITTEE REPORT

<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	25 July 2017	<b>NON-EXEMPT</b>

Application number	P2017/1736/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	No
Conservation area	No, but abuts the boundary of the Hillmarton CA
Development Plan Context	Nags Head & Holloway Road Key Are Major Cycle Route (adjacent to the site) Within 50m of Hillmarton Conservation Area
Site Address	Part of land at Williamson Street Estate [area between 28/29 & 46 Belfont Walk], Williamson Street, London N7
Proposal	Redevelopment of existing open hard landscaped area to provide 2No. two-storey, two bedroom residential units. A public access route through the estate will be maintained within the proposals.

Case Officer	Stefan Sanctuary
Applicant	Nick Gore - New Build and Regeneration Team, London Borough of Islington.
Agent	None

### 1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1.





Image 2: View of Site looking East



Image 3: View from Site looking North-West



Image 4: View from Site looking South-West

## **4. SUMMARY**

- 4.1 The site is an open area of land between the respective flank elevations of numbers 28/29 and 46 Belfont Walk on the Williamson Street Estate. This site is located between a shift in the building lines of existing buildings on the estate and is to the rear of a cul-de-sac known as Warlters Close.
- 4.2 The proposal is for the erection of two, 2-bedroom terraced residential dwellings with private rear gardens. The buildings will extend from the flank wall of number 46 Belfont Walk. Currently there is a pedestrian route to the rear of numbers 10-29 Belfont Walk which opens up onto the site. The proposal retains access to this route through the site by not developing across the whole gap between the flank wall of 28/29 Belfont Walk and the flank wall of 46 Belfont Walk.
- 4.3 The proposal provides affordable social rent accommodation suitable for smaller families including private gardens; which is flexible and adaptable accommodation. The additional reason for the development of the area is to address existing anti social behaviour issues.
- 4.4 The proposal raises and requires consideration of matters including the principle of development on the current open external area on the estate, the merits in the housing provision proposed, design matters including the overall quality of the scheme its visual affect on its surrounding and response to existing anti social behaviour issues and consideration and resolution of any similar matters potentially arising from the development. Another key area of consideration is the effect on trees with the proposal proposing the removal of existing trees onsite to facilitate the development but offering replacement planting and other biodiversity measures in response.
- 4.5 Taking all matters into account (residential land use, proposed contextual design, existing anti social behaviour issues and provision of social rented units) it is considered on balance the proposed development of this space to provide two residential units of the tenure and design proposed to be acceptable. While policies provide strong protection for amenity space as appropriate within this dense borough there is considered to be an allowance for this development based on the specific and unique circumstances of this case. These include the planning benefits of the scheme coming forward (good design, residential affordable housing provision, and addressing existing anti-social behaviour issues), the existing provision of amenity space across the estate, the current limited amenity function of the existing space and the potential unsuitability of the space to be provided as more functional and valuable amenity area.

## **5 SITE & SURROUNDINGS**

- 5.1 The site is located on the Williamson Street housing estate constructed in 1972. The Estate consists of a number of buildings of between two and four storeys. The Estate has limited vehicular access but there are a large number of pedestrian routes through the site.
- 5.2 The site is an open area of land between the respective flank elevations of numbers 28/29 and 46 Belfont Walk on the Williamson Street Estate. This site is located between a shift in the building lines of existing buildings on the estate and is to the rear of a cul-de-sac known as Warlters Close.
- 5.3 The site is mainly covered in hardstanding and contains four mature trees. The site is not located within a conservation area, nor are there any listed buildings in the immediate

vicinity. However, the site does adjoin the Hillmarton Conservation Area. The lawful use of the land is an open amenity area within the estate. The area does not presently or recently have a clear function but does provide access to and from the existing passageway at the rear of 10-29 Belfont Walk into the central area and other pedestrian routes of the Estate.

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

- 6.1 The proposal is for the erection of two, 2-bedroom terraced residential dwellings with private rear gardens. The buildings will extend from the flank wall of number 46 Belfont Walk. Currently there is a pedestrian route to the rear of numbers 10-29 Belfont Walk which opens up onto the site. The proposal retains access to this route through the site by not developing across the whole gap between the flank wall of 28/29 Belfont Walk and the flank wall of 46 Belfont Walk.
- 6.2 The proposed residential units are 2 bedroom (4 person) to be provided as socially rented affordable housing with the Council as the applicant having nomination rights over their occupancy. The proposed development will be car free. The proposed appearance is consistent with the design of the existing properties on Belfont Walk and the two storey height is maintained.
- 6.3 The elevations are proposed to be constructed in brick, interspersed in some upper levels with render. The design includes projecting windows incorporate glazing and trespa panels. The scheme proposes the removal of three of the existing four trees found on the site, and proposes the planting of one replacement tree (net loss of 3 trees).
- 6.4 This proposal is one of a series of developments on the estate that follow a 2009 study commissioned to look for opportunities for new development on the estate which could provide high quality new residential accommodation as well as enhancing the existing residential environment.

## **7. RELEVANT HISTORY**

### **PLANNING APPLICATIONS**

- 7.1 A planning application for an identical development proposal was previously approved under application reference P2013/0338/FUL on the 22<sup>nd</sup> June 2013. The decision granted permission subject to a number of planning conditions including the requirement to commence implementation within 3 years of permission. The 3 years has now lapsed and implementation has not commenced. As such, the applicant has submitted this application to replace the previous expired permission.

### **PRE APPLICATION ADVICE**

- 7.2 The original proposal was subject to an extensive period of pre-application discussions with Council officers with the involvement of the Metropolitan Police Secure by Design Officer to consider the potential effect of the proposals on public safety and anti-social behaviour in the location. The site was identified as an area suffering from anti-social behaviour and issues of safety. This was raised by officers in relation to the safety of the proposed passage between the flank elevation of 28/29 Belfont Walk and the proposed development which maintains and links to an existing well-used pedestrian route.

- 7.3 Officers believe that the proposal addresses the concerns raised and would help reduce anti-social behaviour in the immediate vicinity of the site.

## **ENFORCEMENT**

- 7.4 None.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 49 adjoining and nearby properties on the 16<sup>th</sup> May 2017. A site notice was displayed on 18<sup>th</sup> May 2017. The public consultation of the application therefore expired on the 8<sup>th</sup> June 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of 2 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (paragraph numbers responding to the issues included in brackets):
- The construction process will be very disruptive (**officer comment:** Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974, with building works that can be heard at the boundary of the site only being allowed between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays);
  - The building works related to the development of Trefil Walk resulted in damage to the estate roads, which is yet to be repaired (**officer comment:** repairs to footways caused by construction damage has been secured in the legal agreement, see paragraph 10, see paragraph 10.44 ).

### **External Consultees**

- 8.3 **Crime Prevention Design Advisor:** The Metropolitan Police (Crime Prevention) were consulted under the previous planning application and confirmed that the amended submission provided surveillance, greater sight lines and signs of habitation which should ensure that the passageway and created access is not unduly unsafe or an area of crime/anti-social behaviour. The principle of developing this area to address existing anti-social behaviour issues was supported. No objection to the proposal was raised. As an update to their previous comments they have asked that a condition is added to ensure Secure by Design accreditation under the Homes 2016 Guide.
- 8.4 **Thames Water:** No comments.
- 8.5 **London Fire and Emergency Planning Authority:** No objections.

### **Internal Consultees**

- 8.6 **Pollution Projects Officer:** The site previously formed part of the mews between William Street and Warlters Road with industrial units mapped. With the proposed introduction of residential receptors and particularly gardens marked on the plans, there is the potential for a pollution linkage to be formed. A condition is recommended to deal with land contamination.

- 8.7 **Access Officer:** Requested clarification that the retained passageway is at least 1800mm wide. In house A it is hard to see how a stair lift could be fitted and facilitate access at ground floor level. In order to meet the travel and transport needs of residents and visitors, for whom public transport is inaccessible, it is suggested that an on street bay (130m away) is available for conversion. This will need to be checked by parking services.
- 8.8 **Tree Preservation Officer;** Noted that many of the existing trees on site to be removed were, while attractive, not statutorily protected. No objection to the loss of existing trees on site subject to imposition of conditions which would require additional replacement planting across the estate and other biodiversity measures as mitigation. Concern was also raised in relation to the potential effect of the development on adjoining trees outside of the site boundary and protected given their position in a conservation area. A condition is suggested around details of perimeter garden walls construction to ensure the long term health of the trees of significant amenity value adjoining the site are protected.

## 9. RELEVANT POLICIES

### National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been considered as part of the assessment of these proposals. Since March 2014 National Planning Practice Guidance for England has been published on line and has been considered as part of the assessment of these proposals.
- 9.2 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via:
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
  - Deregulation Bill received Royal Assent 26th March 2015

### Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2016, Islington’s Core Strategy 2011 and Development Management Policies 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 is not subject to any site-specific designations.

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

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

## 10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to the:
- Land Use / Principle of Development of the Site.
  - Design & Conservation
  - Crime / Security
  - Landscaping / Trees
  - Effects on Neighbouring Amenity.
  - Quality of Accommodation
  - Dwelling Mix
  - Affordable Housing
  - Sustainability and Energy Efficiency
  - Highways and Transportation
  - Planning obligations/CIL

### **Land use**

- 10.2 A key factor in the sustainability of housing estates such as this is the provision of external amenity space of an appropriate quality. Islington Core Strategy Policy CS15 identifies that for open space 'protecting all existing local open spaces including open spaces of heritage value, as well as incidental green space, trees and private gardens' will be a policy objective. Development Management Policies policy DM6.3 (Protecting Open Space) identifies that 'development is not permitted on any public open space and significant private open spaces'. The site is not identified within the attached map to this policy as a designated open space. The same policy further states that for semi private amenity spaces 'development is not permitted on semi private amenity spaces, including open space within housing estate and other similar spaces in the borough not designated as public open space within this document, unless the loss of amenity space is compensated and the development has overriding planning benefits.
- 10.3 No evidence is available to suggest that the external area to be developed has in the original design of the estate been set aside for a designated recreational amenity function; certainly the space does not provide such a facility currently or in the recent past. Policy DM6.3 in addition to protection of external amenity areas also encourages the greater public use of suitable semi private amenity spaces. The policy goes on to identify that privacy and other amenity issues shall be a key consideration in assessing the suitability of semi-private amenity spaces for greater public use. In line with this policy a justification can be seen for retaining the space and developing this as a more usable and valuable amenity space for the benefit of residents of the estate. In considering this it is noted that the estate currently benefits from a central large amenity space as well as a separate external playspace which is well used. These facilities provide both a recreational and wider amenity value to the estate currently. In addition given the existing issues in terms of surveillance and anti-social behaviour on the site its suitability for an area of amenity space is in doubt.
- 10.4 Also of consideration in assessing the development of the site is the policy support for housing provision to meet identified needs which the scheme is fulfilling providing two social rented affordable units suitable for smaller families. The borough has an identified housing need within which affordable and family housing are identified as priorities. Strategic Policy 12 (Meeting the Housing Challenge) of the Core Strategy 2011 identifies that Council policy seeks to increase the delivery of affordable housing from sources such as 100% affordable housing schemes by Registered Social Landlords which this scheme complies with.
- 10.5 Taking all these matters into account it is considered on balance the proposed development of this space to provide two residential units of the tenure and design proposed to be acceptable. While policies provide strong protection for amenity space

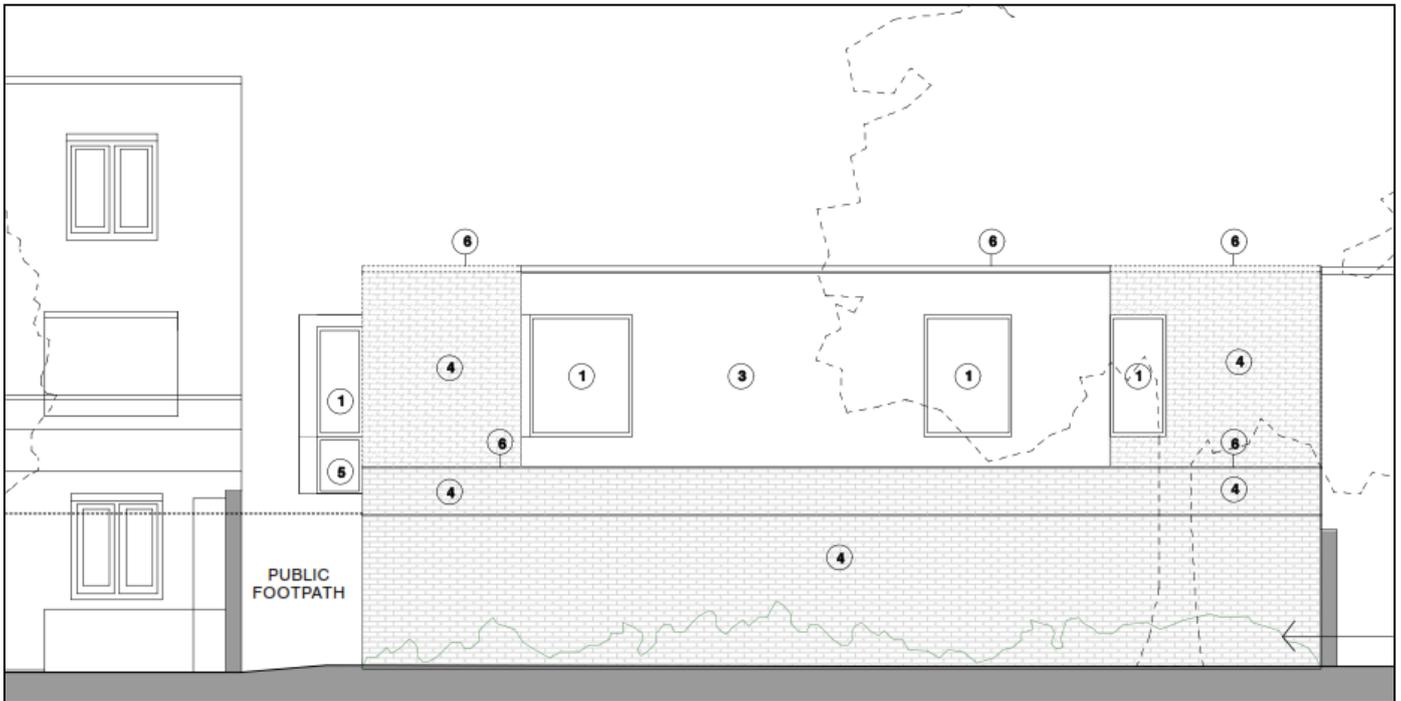
as appropriate within this dense borough there is considered to be an allowance for this development based on the specific and unique circumstances of this case. These include the planning benefits of the scheme coming forward (good design, residential affordable housing provision, and addressing existing anti-social behaviour issues), the existing provision of amenity space across the estate, the current limited amenity function of the existing space and the potential unsuitability of the space to be provided as more functional and valuable amenity area.

**Design & Conservation**

- 10.6 The site currently provides a degree of spaciousness to the area but has a rather run down appearance surfaced in concrete paving and being last used to house construction offices and cabins associated to the development of the previous infill permissions granted on the estate. To the rear and separate to the site are some trees of amenity value which screen Warlters Close.
  
- 10.7 The proposed residential units are constructed as an extension to the flank elevation of the existing linear 2 storey housing block, 46/53 Belfont Walk. The scale, massing and proportions of the units have been designed to match this existing building it extends from which is considered necessary and appropriate. A similar approach has been taken with the new build infills approved and constructed on the Estate. It was considered at pre application stage that the proposed development should provide an improvement on the overall design quality of these earlier cited schemes and it is considered that this has been achieved with more variation in treatments and improved articulation within this proposal in comparison.
  
- 10.8 The architectural approach to the building encouraged by officers is that the proposed building should relate to the existing linear building and the proportions but not exactly replicate the architectural detailing to provide an improved appearance and better internal amenity. This is considered to have been achieved acceptably with the use of mainly brickwork interspersed in sections with render and cladding. It is noted that the openings/fenestration proposed are larger than those of the adjoining residential units within existing buildings, this variation is welcomed from an internal amenity and design perspective. Variations in the elevations in terms of projections and recesses are used to provide articulation to the facades.



Front elevation (north)



Rear elevation (south) with new boundary wall

10.9 The site adjoins the boundary of the Hillmarton Conservation Area which Warlters Close is located within. The site will be partially obscured from views within the conservation area on account of trees located to the rear of the site which provide screening. Notwithstanding this it is not considered that the visual change proposed from the development of the site given the appropriate scale and detailed design of the buildings would cause harm to the heritage asset of the adjoining conservation area.

### **Crime and Security**

10.10 The applicant has engaged extensively with the Metropolitan Police Secure by Design Officer and Council officers in relation to the proposal. In addition to providing much needed housing a strong part of the reason for the proposal was to address current anti-social behaviour occurring at the vacant site causing concern and disturbance to residents. The area currently provides access to and from a pedestrian route to the rear of 28/29 Belfont Walk. The area currently has limited natural surveillance that has contributed to the identified anti-social behaviour issues.

10.11 The principle of developing part of the site with a design that addresses some of these issues together with introducing greater amounts of natural surveillance has been welcomed by the Metropolitan Police Secure by Design officer. Retention of this relatively well-used pedestrian route was identified as a requirement early on in the process.

10.12 The proposal includes a corner window to be introduced at first floor level overlooking the footpath. Secondly, the front entrance corner of the dwelling at ground floor level at the entrance of the pedestrian route is curved/chamfered to give greater visibility and improved sight lines. Thirdly, high level secure ground floor windows are included on the side elevation of the proposed residential unit facing onto the passageway providing surveillance. Finally, a projecting bay window is also proposed at first floor level on this same side elevation overlooking the passageway providing visibility and surveillance.

10.13 The Metropolitan Police Secure-by-Design officer's view was that these amendments

taken together would provide appropriate natural surveillance and signs of habitation to discourage anti-social behaviour and adequately address safety concerns, in line with Policy DM2.1(Bviii).

### **Landscaping and Trees**

- 10.14 The site is currently roughly square in shape covered largely in hard standing, its function is unclear. It provides a degree of amenity as an open area, however the main amenity in this area is provided by the trees mainly on adjoining land to the rear of the site which provide a green backdrop between Warlters Close and the Estate.
- 10.15 The site is home to 4 semi-mature trees. On land adjoining the site other trees are found most notably on the adjoining land to the south associated with Warlters Close properties. The proposal requires the removal of 3 of the onsite trees with 1 tree to be retained within a rear residential garden. The Council Tree Officer has considered these proposals and does not consider that the trees are of such an amenity value to warrant protection. The trees are not protected by virtue of a Tree Preservation Order or Conservation Area designation. The officer considers it unlikely that it will be viable in actual fact to retain the tree that is identified to be retained given its existing poor health and future pressure for its removal from occupants of the dwelling.
- 10.16 The Tree Officer does not object to the proposed development subject to conditions which are attached to the recommendation regarding further details within an Arboricultural Method Statement, landscaping plans as well as details of mitigation planting through the Estate (conditions 12, 13 and 14). A condition has also been attached to the recommendation requiring the installation of a green/biodiversity roof to the flat roof of the development in the interests of biodiversity (condition 8).
- 10.17 The Tree Officer has raised concern that the construction of the rear perimeter wall may harm the health of trees outside the applicant's ownership adjoining the site and within the Hillmarton Conservation Area. Their location within the Conservation Area provides these trees with protection. The required condition in relation to an Arboricultural Method Statement will need to include details of the construction of this wall to protect the health of these trees which are in certain instances considered worthy of protection.

### **Neighbouring Amenity**

- 10.18 The proposal introduces dual aspect residential accommodation in the form of new build 2 storey dwellings attached to the flank elevation of the existing 2 storey terrace of Belfont Walk.
- 10.19 Policies seek to appropriately safeguard the amenities of residential occupiers when considering new development. Development Management Policy DM2.1 identifies amongst other matters that development should safeguard the daylight and sunlight to nearby property and minimise disturbance to the occupants of adjoining buildings, as well as protect their privacy. No objections have been received in relation to the proposal including the effects on neighbouring amenities.
- 10.20 Overlooking/Privacy Adopted policy identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this policy consideration has to be given also to the nature of views between habitable rooms for instance where the views between habitable are oblique as a result of angles or height difference between windows there may be no

harm. Habitable rooms provide the living accommodation of the dwelling. They include living room, dining room, conservatory, bedroom(s) and kitchen (if it provides space for dining). They exclude bathrooms, WCs, utility rooms, storerooms and circulation spaces.

- 10.21 In relation to overlooking/privacy the only potential area of concern is the relationship and views provided between the front elevation of the proposed properties and the facing elevation of residential units within the 3 storey housing block to the north east. The buildings and elevations run parallel to each other at a distance of approximately 8.5 metres at ground floor level and 10.5 metres on upper levels. The relationship proposed is the same as that between the affected building and the existing 2 storey building of 46-53 Belfont Walk. There is a slight offset/step in the footprints of the respective existing blocks that means currently there is a residential dwelling (no. 31) within the 3 storey block which faces directly across to the existing vacant site enjoying a more open aspect than other properties in that block.
- 10.22 At ground floor level due to existing structures and planting enclosing the private gardens/amenity space of residential units within the 3 storey building to the north, overlooking between existing and proposed habitable rooms is considered to be prevented. However at upper levels there is a concern over the views provided to and from the single large bay windows proposed serving each respective unit. For one of the proposed units the arrangement of the respective buildings is such that views are considered to be of such an oblique angle and restricted by planting as to not be a concern. For the unit adjoining the flank elevation of 46 Belfont Walk views are provided at a more direct angle from a bedroom within the proposed unit to rooms within the facing elevation of No. 31 within the 3 storey block facing at a distance of 10 metres. This relationship and privacy level is consistent with that existing between the affected building at No. 31 and the 46-53 Belfont Walk that the proposed units extend from. Similar distances and relationships between residential units and housing blocks are found throughout the estate.
- 10.23 The consistency of this proposed viewing relationship with others in the estate and the context this provides is of significant weight in assessing this aspect of the application. It is considered that this factor together with all the other planning merits of the proposal justifies this relationship. A condition is attached to the recommendation requiring either a louvre system/obscure glazing or other design method to be installed to the bay windows to prevent any overlooking (condition 15). Such methods will need to be considered in terms of their fulfilment of protecting neighbouring amenity, securing appropriate internal residential amenity along with design and aesthetics considerations.
- 10.24 Daylight and Sunlight Daylight and sunlight tests in accordance with the BRE Guidance 'Site Layout Planning for Daylight and Sunlight- A Guide to Good Practice 2011' (hereafter BRE Guidelines) have been carried out as encouraged as a first step to establish if there is a concern in this regard which would require further detailed assessment. These preliminary tests show that any impact on sunlight or daylight is likely to be small and not materially harmful.
- 10.25 Outlook/Sense of Enclosure Outlook and sense of spaciousness in this area is undoubtedly affected by this proposal. In no case is the effect considered so harmful as to warrant refusal of the application. Currently the boundary wall separating the rear garden of 46 Belfont Walk from the site is 3 metres tall consisting of a 1.85 metre brick wall topped with a further timber fence, presumably to provide added security from the open site. The proposal involves reducing this boundary to a height of 2.85 metres for the section of the building that extends further back in this position than 46 Belfont Walk and then to reduce to 2.15 metres along the remaining part. This is a reduction in height from the existing situation of 3 metres. Nevertheless, it is considered that the height of

the perimeter wall around the site should be reduced to a height of 2 metres which provides appropriate security and ensures that surrounding environments in terms of neighboring properties and the passageway the development adjoins are not excessively enclosed. A condition requiring this is attached to the recommendation (condition 16).

### **Quality of Accommodation**

- 10.26 In assessing the quality of residential accommodation of the proposed units specific reference is given to policies within the London Plan (2016) and the standards within the Development Management Policies document. Islington Core Strategy policy CS12 identifies that *“to help achieve a good quality of life the residential space and design standards will be significantly increased from their current levels”*
- 10.27 Both of the proposed residential units which are 94 and 92 square metres respectfully comply with, and exceed the minimum unit internal area of 83 square metres as identified within policy 3.5 of London Plan and within policy DM3.4 of the Development Management Policies Document.
- 10.28 Aspect/Daylight Provision Both of units would provide dual aspect accommodation on all floors of the proposed units which is strongly supported. The units on account of the placement and amount of fenestration will have good daylighting typical to a terrace house.
- 10.29 Amenity Space The two units are each provided with a dedicated amenity space in the form of private gardens located at ground floor level. The gardens will measure 22 square metres just below the minimum requirement of 25 square metres for a 4 person unit within policy DM3.5 of the Development Management Policies Document. The amenity space is considered to be of a functional and usable layout. Occupants of the development will have access to existing open space and a playspace on the Estate.
- 10.30 Accessibility: The proposal is to deliver housing which complies with Category 2 Housing The units are considered to comply with the Council policy to provide flexible and inclusive residential accommodation.
- 10.31 Refuse: A dedicated refuse and recycling enclosure is proposed for the use of the dwellings. The location and capacity of this is acceptable being similar to existing arrangements across the estate.
- 10.32 Permitted Development Rights The scheme includes the creation of single family dwelling houses and in accordance with the General Permitted Development Order, under normal circumstances, these dwelling houses would be eligible for alteration and extension under Permitted Development (PD) rights – meaning certain alterations/extensions would not need planning permission. Given the location of this building, and that alterations and extension may have significant impacts on the amenity of future residents within the development and residents in the locality a condition (10) is attached which removes all PD rights and therefore has the effect of necessitating planning permission for any such changes.

### **Dwelling Mix**

- 10.33 The proposal provides two residential units which each can be arranged to provide four bedspaces over two storeys. The accommodation is considered suitable for smaller families on account of its layout and facilities including private residential gardens.
- 10.34 There is not a variety of dwelling types proposed, which is obviously to some degree based on the fact that there are only two units proposed on this small site. The applicant

has proposed the housing as suited to the site constraints and meeting identified and pressing need for two bedroom social rent units. The provision is considered to align with policy CS12 of the Islington Core Strategy which states that the borough will look to maximise 'the proportion of family accommodation in both affordable and market housing.

### **Affordable Housing**

- 10.35 Both residential units are proposed as social rent affordable housing. This provision accords with the objectives of policy CS12 of the Islington Core Strategy which can be summarised to identify the delivery of affordable housing to meet pressing and identified need as a key planning objective for the borough.
- 10.36 This application can be seen to specifically accord with part G of this policy which seeks 'to increase the delivery of affordable housing, especially social rented housing, from other sources such as 100% affordable housing schemes by building affordable homes on council's own land.' This provision will be secured via legal agreement as outlined with the recommendations.

### **Sustainability and Energy Efficiency**

- 10.37 The Islington Core Strategy (2011) policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard. The scheme would reach Code for Sustainable Homes level 4 (residential).
- 10.38 London Plan policy 5.9 requires proposals to reduce potential for overheating to occur and reduce reliance on air conditioning. The design of the scheme includes deep window reveals and provides a good degree of natural ventilation as dual aspect accommodation and green roofs. The scheme provides for a green roof and is therefore considered compliant. A condition is attached prescribing the type of green roof the Council will require in the interests of long terms viability and biodiversity.
- 10.39 In line with Core Strategy policy CS10A promotes zero carbon developments a financial contribution has been agreed to off-set additional CO2 emissions.

### **Highways and Transportation**

- 10.40 The proposed development will be car free in line with Council Policy. The applicant has identified that should the requirement arise through the occupation of the 'accessible homes standards' compliant units proposed by a person with mobility impairments a designated disabled parking bay can be provided on the estate within existing provision. One cycle space per bedroom is required (4 in total) and bicycle storage sheds are provided in the 2 rear gardens to accommodate this.

### **Planning Obligations ,Community Infrastructure Levy and local finance considerations**

- 10.41 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 are(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.
- 10.42 Council policy for minor development of this scale proposing residential units typically requires two planning obligations, the first to secure a contribution towards the delivery of affordable housing, the second a contribution to be used to offset CO2 emissions from

the development not addressed in the design and operation of the building.

- 10.43 In this case on site affordable housing is proposed, therefore no obligation to secure a contribution is required. An obligation is therefore attached to the recommendation securing the delivery of social rent affordable housing. A second obligation is attached in relation to carbon offsetting. A third obligation is also proposed which requires the reinstatement of highways and footways once the development is complete (to make good any damage caused during construction).
- 10.44 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. Affordable housing such as that proposed is subject to relief for CIL liability. It is for the developer/affordable housing provider to claim for "[social housing relief](#)". An informative is attached to the recommendation regarding this matter.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Overall it is considered on balance that the proposed development of this site to provide two residential units of the tenure and design proposed is acceptable. While policies provide strong protection for amenity space as is appropriate within such a dense borough there is considered to be an allowance in accordance with these policies for this development based on the specific and unique circumstances of this case. These include the planning benefits of the scheme coming forward (good design, residential affordable housing provision, and addressing existing anti social behaviour issues), the existing provision of amenity space across the estate, the current limited amenity function of the existing space and the potential unsuitability of the space to be provided as more functional and valuable amenity area.

### **Conclusion**

- 11.2 It is recommended that planning permission be granted subject to conditions and s106 Directors Service Level Agreement to secure the heads of terms set out at Appendix 1.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under legal agreement between the Service Director of the Council's Housing and Adult Services department and relevant officers in the local planning authority in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or in their absence the Deputy Head of Service

1. Provision of 100% affordable housing units, consisting of 100% social rented housing.  
(All as measured by habitable rooms)
2. A carbon offset contribution of £3000 towards the reduction of carbon dioxide emissions from the existing building stock in the borough.
3. Reinstatement of highways and footways

ALTERNATIVELY should this application be refused 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 legal agreement to secure to the heads of terms as set out in this report to Committee.

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>AP(0)100.P1; AP(0)110.P1; AP(0)199.P1; AP(0)120.P1; AP(0)121.P1; AP(0)200.P2; AP(0)201.P2; AP(0)202.P2; AP(0)210.P2; AP(0)211.P2; AP(0)220.P2; AP(0)221.P2; Design and Access Statement; Arboricultural Impact Assessment Reference DFC 1381; DFC1381TSP; DFC1381TPP.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and Samples (Details)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork (sample panel showing colour, texture, bond and pointing on site)</li> <li>b) Windows, doors and surrounding panels (including sections and reveals);</li> <li>c) Cladding Panels</li> <li>d) Refuse Enclosures</li> <li>e) Render</li> <li>f) Bollards</li> <li>g) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>No plumbing or pipes (Compliance)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the elevations of residential building hereby approved without the prior written consent of the local planning authority.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
<b>5</b>	<b>Refuse/Recycling Provided (Compliance)</b>
	<p>CONDITION: The refuse / recycling enclosure(s) shown on approved plans shall be provided prior to the first occupation of the development hereby approved and shall</p>

	<p>be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>6</b>	<b>Sound Insulation (Compliance)</b>
	<p>CONDITION: The residential units hereby approved shall achieve the following internal noise targets (in line with BS 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB L<sub>Aeq</sub>, and 45 dB L<sub>max</sub> (fast)  Living Rooms (07.00-23.00 hrs) 30 dB L<sub>Aeq</sub>,  Kitchens, bathrooms, WC compartments and utility rooms  (07.00 –23.00 hrs) 45 dB L<sub>Aeq</sub></p> <p>REASON: To secure an appropriate internal residential environment.</p>
<b>7</b>	<b>Accessible Homes Standard (Compliance)</b>
	<p>LIFETIME HOMES: 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.</p>
<b>8</b>	<b>Green/Biodiversity Roof (Compliance)</b>
	<p>GREEN BIODIVERSITY ROOF (Compliance): The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);  b) maximise the extent of the new roof area to be covered by a green roof; and  c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>9</b>	<b>Sustainable Design</b>

	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. 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 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010, and not exceed water use targets of 95L/person/day.</p> <p>REASON: To ensure a sustainable standard of design.</p>
<b>10</b>	<p><b>Removal of Permitted Development Rights (Compliance)</b></p> <p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved or erection of other outbuildings or means of enclosures shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
<b>11</b>	<p><b>Flat Roof Not Used As Amenity Space (Compliance)</b></p> <p>CONDITION: The flat roof area(s) at first and roof level of all residential buildings hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>12</b>	<p><b>Arboricultural Method Statement (Details)</b></p> <p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods (the arboricultural method statement, AMS) in accordance with Clause 7 of British Standard BS5837: 2012 – “<i>Trees in Relation to demolition, design and Construction – Recommendations</i>” has been submitted to and approved in writing by the local planning authority</p> <p style="padding-left: 40px;">Specific issues to be dealt with in the AMS include:</p> <ol style="list-style-type: none"> <li>a. Location and installation of services/ utilities</li> <li>b. Methods of demolition close to trees</li> <li>c. Details of construction close to trees</li> <li>d. Details of tree protection during construction</li> <li>e. Details of tree pruning works</li> </ol> <p>The tree retention and protection shall be carried out strictly in accordance with the details so approved and shall be maintained for the duration of the works.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained</p>

<p><b>13</b></p>	<p><b>Landscaping detail (Details)</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>i) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<p><b>14</b></p>	<p><b>Screening/Treatment (Compliance)</b></p> <p>CONDITION: Notwithstanding the plans hereby approved the first floor north facing bay window of the residential unit approved directly adjoining the boundary wall of 46 Belfont Walk shall prior to the first occupation of those dwelling(s) be altered/treated to prevent the overlooking of neighbouring habitable room windows at the 31/33 Belfont Walk.</p> <p>The details of how the windows shall be altered/treated to prevent overlooking shall be submitted to and approved in writing by the Local Planning Authority prior to the windows being installed.</p> <p>The agreed alteration/treatment shall be provided/installed prior first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>

<p><b>15</b></p>	<p><b>Perimeter Garden Boundary Walls</b></p> <p>CONDITION: Notwithstanding the plans hereby approved the perimeter garden wall shall be constructed to a height of no greater than 2 metres.</p> <p>Such arrangement shall be in place prior to first occupation of the development hereby approved and this restriction shall be accorded with at all times thereafter.</p> <p>REASON: To protect the neighbouring amenities of residential occupiers and to provide a safer surrounding public realm.</p>
<p><b>16</b></p>	<p><b>Tree Works</b></p> <p>TREE WORKS: The pruning works to Islington Council's trees must be agreed in writing by Islington's Greenspace Tree Service and undertaken by Contractors appointed by them. Six weeks notice must be given to the Tree Service in writing in advance of the works being required and prior to the demolition and development being commenced.</p> <p>REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<p><b>17</b></p>	<p><b>Tree planting</b></p> <p>CONDITION: No works or development shall take place until a full specification of proposed mitigation tree planting on the rest of the estate has been approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be protected and the proposed time of planting.</p> <p>The size, number, species and location of replacement trees are to be approved in writing with Greenspace.</p> <p>A schedule of maintenance of the trees until successfully established is to be agreed in writing with the local planning authority and implemented. The schedule shall include provision for replacement planting should establishment fail.</p> <p>All trees shall be planted in accordance with the details and times stated in the specification required by condition [11] and in accordance with British Standard [BS4043 - Transplanting Root-balled Trees][BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces)].</p> <p>If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.</p> <p>REASON: To ensure that a satisfactory standard of visual amenity and biodiversity is provided and maintained .</p>
<p><b>18</b></p>	<p><b>CONTAMINATION (DETAILS)</b></p> <p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p>

	<p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>B) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b)."</p> <p>REASON: In order to protect the health and amenity of future residential occupiers at the site.</p>
<b>19</b>	<b>Secured by Design</b>
	<p>The scheme shall meet Secured by Design accreditation under the Homes 2016 Guide.</p> <p>REASON: To ensure that the development has designed out crime and designed in community safety.</p>

**List of Informatives:**

<b>1</b>	<b>S106</b>
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<b>Superstructure</b>
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'.</p> <p>The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council</p>

	<p>will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at:  <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>
<b>4</b>	<b>Car-Free Development</b>
	<p>INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>

## APPENDIX 2 : RELEVANT POLICIES

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

### 1 National Guidance

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

### 2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Islington's Development Management Policies. The following policies of the Development Plan are considered relevant to this application:

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

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

Policy 1.1 Delivering the strategic vision and objectives for London

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

Policy 2.9 Inner London

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

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.11 Affordable housing targets

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

Policy 3.13 Affordable housing thresholds

##### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

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

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking

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

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.13 Safety, security and resilience to emergency

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

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

Policy 8.1 Implementation

Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs

Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

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

### Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Policy CS15 (Open Space and Green Infrastructure)

### Strategic Policies

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

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

### **Design and Heritage**

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

DM6.5 Landscaping, trees and biodiversity  
DM6.6 Flood prevention

### **Housing**

DM3.1 Mix of housing sizes  
DM3.4 Housing standards  
DM3.5 Private outdoor space  
DM3.6 Play space  
DM3.7 Noise and vibration (residential use)

### **Energy and Environmental Standards**

DM7.1 Sustainable design and construction statements  
DM7.4 Sustainable design standards  
DM7.5 Heating and cooling

### **Health and open space**

DM6.1 Healthy development  
DM6.2 New and improved public open space

### **Transport**

DM8.1 Movement hierarchy  
DM8.2 Managing transport impacts  
DM8.3 Public transport  
DM8.4 Walking and cycling  
DM8.5 Vehicle parking

### **Infrastructure**

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