

## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	15 <sup>th</sup> July 2014	NON-EXEMPT

Application number	P2014/1604/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	Hats and Feathers Conservation Area
Development Plan Context	<ul style="list-style-type: none"> <li>- Building Structure to be Retained</li> <li>- Central Activities Zone (CAZ)</li> <li>- Bunhill and Clerkenwell Core Strategy Key Area</li> <li>- Employment Priority Area – Finsbury Local Plan Policy BC8</li> <li>- Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral</li> </ul>
Licensing Implications	n/a
Site Address	9 Dallington Street, London, EC1V 0BQ
Proposal	Erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floorspace (Use class B1) along with 3 x residential flats (Use class C3) (2x2bed and 1x3 bed units) together with associated works and external alterations, provision of private amenity space, landscaping and installation of 10x no.condenser units within a screened enclosure at roof level. Internal alterations at the ground floor level to create new residential entrance and insertion of two new roof lights at the rear.

Case Officer	Emily Benedek
Applicant	Harsworth Pooled Property Unit Trust
Agent	Jessica McSweeney – Planning Perspective

## 1.0 RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

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

## 2.0 SITE PLAN (site outlined in black)



**3.0 PHOTOS OF SITE/STREET**



Image 1: Aerial view of street elevation



Image 2: View from Compton Street



Image 3: Existing front elevation

## **4.0 SUMMARY**

- 4.1 Planning permission is sought for the erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floorspace (Use class B1) along with 3 x residential flats (Use class C3) (2x2bed and 1x3 bed units) together with associated works and external alterations, provision of private amenity space, landscaping and installation of 10x no.condenser units within a screened enclosure at roof level. Internal alterations at the ground floor level to create new residential entrance and insertion of two roof lights at the rear.
- 4.2 The proposed residential units and additional office space would provide a good level of amenity and the extension would not detract from the character and appearance of the application property or the conservation area and would not detrimentally impact upon neighbour amenity. The quality of the existing showrooms to be retained will be improved by the new internal layout.

## **5.0 SITE AND SURROUNDING**

- 5.1 The site is located on the north side of Dallington Street and consists of a mid-terraced property which is used for retail purposes on the ground floor and offices on the upper floors. The property is five storeys in height, with a flat roof. The rear part of the building is set at a lower level than the main part of the building fronting Dallington Street.
- 5.2 The properties surrounding the site on Dallington Street comprise a mix of styles ranging from 1970s style buildings to art deco and modern buildings. These vary in height ranging from five to six storeys. The neighbouring properties include a mix of uses including educational, retail, commercial and residential facilities. To the rear of the site the property abuts St Peters and St Pauls Primary School a four storey building and a five storey building used for commercial purposes.
- 5.3 The site is located within the Hats and Feathers Conservation Area, however the building is not listed.

## **6.0 PROPOSAL (in Detail)**

- 6.1 The proposal consists of erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use class B1) along with 3 x residential flats (Use class C3) (2x2bed and 1x3 bed units) together with associated works and external alterations, provision of private amenity space, landscaping and installation of 10x no.condenser units within a screened enclosure at roof level. Internal alterations at the ground floor level to create new residential entrance and insertion of two roof lights at the rear.
- 6.2 The ground floor plan will be altered to create a new internal courtyard via the main entrance which will lead to the entrance to the flats. In addition the rear section of Unit A at the ground floor level will be replaced with cycle storage facilities and a plant room. The toilets to the rear of Unit B will be relocated within the ground floor area to enable to insertion of roof lights to the front and rear elevations of this unit. Units A and B will continue to be used as showrooms and will be maintained as two separate units measuring 167m<sup>2</sup> and 219m<sup>2</sup> respectively.

- 6.3 Minor changes are proposed on the second and third floors including the insertion of new accessible toilet facilities and an additional internal staircase to be located at the front of the building. Refuse facilities for the B1 office space will be located on every floor adjacent to the lift.
- 6.4 The proposed partial fourth floor extension covering the rear part of the site will measure a maximum of 8.9 metres in width and 6.3 metres in depth. This part of the extension will provide 101m<sup>2</sup> of office space and the lower floor of the 3 bedroom maisonette.
- 6.5 The proposed fifth floor roof extension will follow the profile of the existing building and will be set back by 2.85 metres from the front building line. The proposal will measure 3.75 metres in width and 7.5 metres in depth. The extension will increase in width to the rear part of the site creating an 'L shaped' formation. The rear part of the extension will measure 13.5 metres in width and a maximum of 4.7 metres in depth. The proposed roof extension will measure 2.9 metres in height resulting in a building that will measure 19.1 metres in height overall. It is proposed that Unit A will be a 2 bed 4 person unit measuring 131.9m<sup>2</sup> and will provide 22m<sup>2</sup> of private amenity space. Unit B will be a 2 bed 4 person unit measuring 89.2m<sup>2</sup> and with 16m<sup>2</sup> of amenity space whilst Unit C will be a 3 bed 6 person unit measuring 154.6m<sup>2</sup> and providing 57m<sup>2</sup> of private amenity space.
- 6.6 A new screened plant enclosure is proposed on the roof of the fifth floor extension which will incorporate, a new water tank, the lift over run and 10no. VRF condenser units. It is proposed that this enclosure will measure a maximum of 11.2 metres in depth, 11.4 metres in width and 2.5 metres in height.
- 6.7 Amended plans were received on 27<sup>th</sup> June 2014 which reconfigured the internal layouts to comply with Lifetime Homes Standards.

## **7.0 RELEVANT HISTORY**

### **Planning Applications**

- 7.1 **P031181** - Renewal of existing lean to roof to the rear of the premises, including slight adjustment of roof pitch and boundary wall height. Approved 18/07/2003
- 7.2 **961164** - Change of use of the top (third) floor (rear) from B1 offices to a live-work unit; the installation of a roof lantern within the unit. Approved 24/10/1996
- 7.3 **P00373** - Change of use of loading bay to gallery and installation of new shopfront. Approved 27/03/2000
- 7.4 **931394** - Alterations to windows and doors replacement of skylight new flat roof raising 4th floor flank wall and other alterations in connection with refurbishment for business use (B1). Approved 03/12/1993

### **Pre-application Advice:**

- 7.5 Q2013/1009/MIN - Extension to existing fourth floor to provide an increase in employment floorspace together with a new fifth floor also a rooftop extension to

provide four residential flats with associated amenity space. Pre-app advice also sought in respect of a proposed new entrance.

- 7.6 Q2012/0170/MIN - Proposed extensions at 4th floor level and new 5th floor level with terrace.

**Enforcement:**

- 7.7 No history.

## **8.0 CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 133 adjoining and nearby properties at Dallington Street and Compton Street on 6<sup>th</sup> May 2014. A site notice was placed at the site and the application advertised on 8<sup>th</sup> May 2014. The public consultation of the application therefore expired on 29<sup>th</sup> May 2014, 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 twenty three responses 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):
- Loss of light and overshadowing in an already dark street (10.22-10.24)
  - Loss of privacy as a result of overlooking from new apartments (10.22-10.24)
  - Already inadequate parking in the area this application will exacerbate proposal (10.25-10.27)
  - Building works will contribute to hazardous traffic especially as the site is next to a nursery (8.3)
  - Noise and disturbance from the building works (8.3)
  - Increase density in building in area which is already overpopulated (10.5)
  - Building will be visible from neighbouring balconies and living room windows (10.24)
  - Noise and disturbance from air conditioning units (10.28)
  - No requirement for additional showrooms (10.3)
  - No need for additional flats or office space (10.2-10.6)
  - Loss of sunlight to the terrace (10.21-10.23)
  - Noise and disturbance from office workers using terraces (10.28)
  - Height and scale of building out of character with conservation area determined as historical Clerkenwell (10.9-10.13)
  - Impact of proposed construction vehicles on existing narrow road (Addressed through Construction Management Plan condition)
  - Frontage of proposed building out of character and unsightly (10.12)
  - Additional floors will create sense of enclosure (10.24)
  - Daylight/Sunlight report does not make any mention of Enclave Court (10.23)
  - Proposal reduces amount of commercial floor space contrary to policy BC8 of Finsbury Local Plan and Central Activities Zone (10.2)
  - Cladding out of character (10.12)
  - Existing buildings have a sense of symmetry and proportionality (10.9-10.13)
  - Development is piecemeal in nature and the proposal will have an incongruous visual impact (10.9-10.13)
  - No affordable housing provision has been made (10.32-10.33)



- 8.3 It must be noted that matters related to the manner and method of construction of the proposed extensions are not material considerations in the planning assessment of this application. These are matters that are covered by separate legislation including the Building Regulations, the Party Wall Act and the Environment Protection Act. However, a condition is proposed to ensure that construction traffic and methods would protect residential amenity.

### **Internal Consultees**

8.4 **Design and Conservation Officer –**

No in principle objections to the proposal.

The following conditions should be attached:

1. Details of all facing materials to be submitted prior to construction.
2. Detailed drawings of all proposed window and door frames
3. Details of the landscaping for the internal courtyard

8.5 **Acoustic Officer –** Recommends conditions relating to:

1. Sound insulation and noise control measures
2. Fixed plant noise limit
3. Details of compliance with noise limit condition

8.6 **Planning Policy -**

No in principle objection to the creation of B1 floor space and C3 floor space in this location, although it is noted that 80% of the new floor space will be residential. Loss of light to the school needs careful consideration. As the proposal results in the loss of A1 floor space marketing information should be provided to show that this area has been actively marketed for 2 years.

8.7 **Access and Inclusive Design –**

No in principle objections to the plans but further improvements could be made to ensure the proposal meets the Lifetime Homes Standards.

Revised drawings have been received responding to these points.

### **External Consultees**

- 8.8 **London Fire and Emergency Authority –**No in principle objections to the scheme.

- 8.9 **Metropolitan Police -**No in principle objections to the scheme subject to it complying with the Secured by Design principles.

## **9.0 RELEVANT POLICIES**

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

### **National Guidance**



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

### **Development Plan**

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

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

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

## **10.0 ASSESSMENT**

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

- Land use
- Design and impact upon conservation area
- Landscaping
- Amenity
- Neighbouring Amenity
- Highways and Transport
- Noise and Vibration
- Access
- Refuse
- Archaeology
- Affordable Housing

### **Land use**

- 10.2 The site is within the historic Clerkenwell area as identified in the Finsbury Local Plan policy BC7. This requires the protection and enhancement of the special character of Historic Clerkenwell through heritage-led development that reinforces its uniqueness and provides for a limited expansion in floorspace including a range of employment uses, along with an enhanced public realm. Policy CS13 encourages new business floorspace within the CAZ, while CS7 supports employment development within Bunhill and Clerkenwell which contributes to a diverse local economy and supports that of central London. The proposal will provide 101m<sup>2</sup> of B1 floorspace and is therefore considered acceptable.
- 10.3 Although it is acknowledged that the proposal will result in the loss of 12% of the existing showroom area to make space for the cycle storage facilities and the plant room which are considered ancillary uses to the existing facilities. This loss equates to 78m<sup>2</sup> out of a total of 615.7m<sup>2</sup> and it is considered that the proposed alterations to the ground floor layout will improve the facilities to the existing ground floor units providing more natural light to both units and accordingly is considered acceptable.
- 10.4 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide more high quality, inclusive and affordable homes within the borough.

- 10.5 The proposal includes the extensions of the fourth and fifth floors and results in the creation of 3 residential units. The resultant development would provide a mix of 2 and 3 bed units, which would provide an appropriate mix of housing sizes within the units in accordance with Table 3.1 of the Development Management Policies and would comply with the London Plan's Density Standards.
- 10.6 As such, the principle of the development is acceptable subject to the assessment of the proposal in light of all other relevant policy, the site context and any other material planning consideration. The character of the conservation area would be preserved.

### **Design and impact upon the conservation area**

- 10.7 The application site consists of a mid terraced property five storey property set within a row of terraced properties of mixed design. Whilst it is appreciated that some of the properties have been modernised in recent years, there is a clear vertical delineation formed by the alignment of windows in the front elevation, such that provides a uniform appearance to the street scene.
- 10.8 The proposal would introduce a rear extension to the fourth floor and a new fifth floor. The proposed fourth floor extension, which will be located to the rear of the site, will match the fabric of the existing building using the same bricks and window layout to ensure the proposal matches the existing floors below. It is proposed that the new fifth floor level will be almost entirely glazed (with small amounts of white render) in order to minimise its impact on the street scene and the proposal has been designed to have limited views of the rooflines from the public realm and the extensions would therefore not be considered prominent.
- 10.9 The Conservation Area Design Guide (CADG) for Hats and Feathers Conservation Area states that: *roof extensions should be set back and not visible from public spaces*. It also states that buildings should be limited to 18 metres in height. It is acknowledged that the proposed development will measure 19 metres in height overall. However, given that the proposed fifth floor extension is set back from the main frontage and the building is only 1 metre higher than normally permitted, and is a suitable height in the context, it is not considered that the resultant building will have a detrimental impact on the character and appearance of the Conservation Area.
- 10.10 The Council's Urban Design Guide (UDG, paragraph 2.3.3) states that: *the scale of a frontage can be further reduced by articulating the top floor as a recessive element and employing materials such as glass and steel with a lightweight appearance*.
- 10.11 The proposed fifth floor element will be recessed back by 5.5 metres from the front building line and given the dense nature of the street is unlikely to be visible from the Dallington Street. Furthermore, as the site is located behind St Peters and St Pauls school, the proposal will only be afford limited views from Compton Street.
- 10.12 The proposal also involves the introduction of brass mesh cladding to the front of the property and would be visible from Dallington Street. The mesh cladding to the front of the property is a modern approach which would add interest to the building and tie in with other modern materials in the local context.
- 10.13 As such, it is considered that the proposed extensions would be subordinate to and integrate with the application property. Whilst some views of the extensions could be afforded between the properties on Compton Street, these would be limited. Therefore, the proposed rear extensions are not considered to result in harm to the

conservation area and be in accordance with adopted guidance and policies CS9 of the Core Strategy and DM2.3 of the Development Management Policies.

### **Landscaping**

- 10.14 Full details of the landscaping on the ground floor level and fourth and fifth floors have not been submitted. However, the plans detail an area of hardstanding at ground floor level to create an internal courtyard. Each of the residential units will be provided with an external patio featuring some soft landscaping which will allow for private amenity space. Subject to a landscaping condition requiring details to be submitted to and approved by the Local Planning Authority, the proposal is considered to be acceptable.

### **Amenity**

- 10.15 Table 3.2 of policy DM3.4 of the Development Management document stipulates the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floor space standards.

<b>Unit</b>	<b>No. Bedrooms/ Expected Occupancy</b>	<b>Floor Space</b>	<b>Minimum Required Floor Space</b>	<b>Garden Space</b>	<b>Minimum Required Garden Space</b>
<b>A</b>	2/4	131.9	70	22	8
<b>B</b>	2/4	89.2	70	16	8
<b>C</b>	3/6	154.6	95	57	30

- 10.16 The proposed residential units would meet the minimum required floor spaces as set out in the London Plan and the Development Management Policies. All units would be dual aspect in line with Council policy and Flat C would be a duplex unit located over two floors at the fourth and fifth level.
- 10.17 With regard to amenity space, policy DM3.5 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 5 square metres on upper floors and 15 square metres on ground floors for a 1-2 person dwelling and for each additional occupant, an extra 1 square metre. Where family units are proposed (3 bed or more) then a minimum of 30 square metres of amenity space should be provided.
- 10.18 The proposed family unit would be located across the fourth and fifth floors and would have a private roof terrace measuring 57 square metres. Furthermore, Flats A and B would have private roof terraces which would provide sufficient amenity space.
- 10.19 The units have been designed to comply with Lifetime Homes Standards.

### **Neighbour Amenity**

- 10.20 The proposal would introduce a fifth floor level that would include a number of windows and a roof terraces.
- 10.21 It is noted that the immediate buildings due north and south east of the site are schools whilst the remaining properties which could be impacted by the site are used

for residential purposes. A daylight/sunlight report attached with this application found that with regards to a daylight analysis, 18 windows in Dallington School and 2 windows in St Peters and St Paul RC Primary School would fail the VSC test. However, these affected classrooms are all dual aspect with additional windows which will receive acceptable levels of daylight. In addition one window would be affected at 9a Dallington Street, however this room also has an additional window which would mitigate the impacts.

- 10.22 Furthermore, with regards to sunlight only 2 windows would fail this test at St Peters and St Pauls School however these windows have been mentioned above and are dual aspect. Whilst it is acknowledged that Dallington Street is densely populated in terms of its building layout it is not considered that the proposal will contribute to increased loss of light and overshadowing to the existing street. Concerns have also been raised regarding overlooking to the school playground however, this playground is currently overlooked by the existing neighbouring buildings and it is not considered that the proposal will exacerbate the situation. It is noted that relevant windows have been designed with louvres to reduce overlooking of the playground.
- 10.23 With regard to the properties to the east of the site, most notably the residential units at Enclave Court, many of these properties have windows and terraces looking towards the site. The proposed units have been designed with no windows on the flank elevation facing Enclave Court rather facing Dallington Street or the playground of St Peters and St Pauls RC School. The proposed balcony for unit A will face Dallington Street, but does have a boundary with Enclave Court. A condition is proposed to provide a privacy screen at this location at fourth and fifth floors. With regards to Unit C, no windows will be placed on the flank elevation facing 9A Dallington Street and bedroom 2 will face the existing internal courtyard shared with Dallington School. In addition the private amenity space will be at the front of the property facing Dallington Street and is therefore not considered to give rise to any overlooking or loss of privacy to the occupiers of the neighbouring residential property apart from a small stretch on the boundary which would have a privacy screen (details reserved by proposed condition). Given the orientation of the property it is not considered that the proposals will result in any loss of light to the occupiers of this neighbouring property. It is noted that the Daylight/Sunlight report confirms that all Enclave Court properties' windows would pass the relevant BRE guidance which is adopted by the Council in this respect.
- 10.24 It is acknowledged that in order to ensure that Flat B complies with planning policy and is dual aspect there are three windows which will face 9A Dallington Street this elevation will be enclosed by the balcony with additional screening which will minimise overlooking to the occupiers of the neighbouring residential property. Whilst the proposed extensions will be visible from the neighbouring properties this does not mean it is unacceptable and as demonstrated above is not considered to have a detrimental impact on the amenities of neighbouring occupiers. The proposed extension would be seen from neighbouring properties, but would comply with BRE light regulations, and given the urban context, would not create such a sense of enclosure that a refusal could be sustained.

### **Highways and Transportation**

- 10.25 The site has a PTAL of 6a, which is 'Excellent', with Farringdon Railway Station and Barbican Tube Stations and a number of major bus routes in close proximity to the site.
- 10.26 Fourteen cycle parking spaces are provided to the rear of the site as well as three self-contained bicycle storage facilities for the occupiers of the residential units (each accommodating up to 3 bicycles). In addition 6 visitor cycle parking spaces are provided adjacent to the front entrance from Dallington Street and would meet the requirements of DM8.4/Appendix 6 of the Development Management Policies.
- 10.27 A condition is recommended restricting the occupiers from applying for a parking permit in accordance with the Councils Car Free Housing policy.

### **Noise and Vibration**

- 10.28 It is noted that concern has been raised regarding potential disturbance to neighbours from the proposed increase in occupancy levels at the site as well as the impact of office workers using the terraces. Whilst the occupancy of the site would be increased, the area is of mixed character, with high levels of flatted development. In fact, the Council's Noise Officer raised concerns about potential noise impacts to future occupiers as a result of the close proximity of the development to St Peters and St Pauls School and has recommended appropriate conditions regarding sound insulation for the new units and the mechanical equipment so that it is not considered that the proposal will create a noise nuisance to the occupiers of the neighbouring properties.

### **Access**

- 10.29 Positive steps have been taken with this proposal and reference has been made to the Council's Inclusive Design SPD with measures including separate lifts for residents and powered gates to the courtyard. It is also noted that two of the units will be wheelchair adaptable. Following concerns from the Inclusive Design officer regarding the proposed internal layout of the residential units the plans have been amended to ensure the proposal would comply with the Council's Flexible Homes Standards.

### **Refuse**

- 10.30 It is proposed that individual refuse containers will be located on every floor adjacent to the lifts for the use of the commercial properties. In addition separate bin storage facilities will be located at the ground floor level for use of the three residential flats comprising of four x 360 litre bins – two for general waste and two for recycling. This will comply with Islington's Refuse and Recycling Storage Requirements.

### **Archaeology**

- 10.31 The site is located within an Archaeology Priority Area and due to the scale of the development it is unlikely that substantial foundations/excavations would be required. However, English Heritage (GLAAS) has noted that no archaeology details or conditions are required in this case.

### **Affordable Housing**

- 10.32 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.33 The applicant has agreed to pay the full amount of £180,000 towards affordable housing in the borough and £3,000 towards carbon offsetting and if minded to approve the application, the contribution would be secured through a legal agreement.

#### **Other matters**

- 10.34 Concerns have been raised about the height of the development as the property is located within the Mayors Protected Vista (Alexandra Palace viewing deck to St Paul's Cathedral). Following a review of the 2013 St Paul's Height Study the applicant has submitted additional plans to show that the site actually falls outside of this designated area (based on Islington's interactive map as well) and the proposal will therefore not adversely affect this protected vista.
- 10.35 Concerns have also been raised regarding noise and disturbance from the building works and disruption from construction vehicles. However, this can be overcome through a Construction Management Plan condition.

### **11.0 SUMMARY AND CONCLUSION**

#### **Summary**

- 11.1 The proposed extensions and three additional units are considered to be acceptable with regards to the land use, design, amenity, neighbour amenity, archaeology, highways and transportation, noise levels, access, refuse and affordable housing provision.
- 11.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

#### **Conclusion**

- 11.3 It is recommended that planning permission be granted subject to conditions and S106 agreement as set out in Appendix 1 - RECOMMENDATION.

**APPENDIX 1 – RECOMMENDATIONS**

**RECOMMENDATION A**

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

1. A contribution of £180 000 towards affordable housing within the Borough.
2. A contribution of £ 3 000 towards carbon offsetting

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

That, should the **Section 106** Deed of Planning Obligation not be completed within 6 weeks from the date of the committee decision of the application, the Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation the proposed development is not acceptable in planning terms. ALTERNATIVELY should this application be refused and appealed to the Secretary of State, Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

**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 permitted shall be carried out in accordance with the following approved plans:          DAL.112.1000, DAL.12.3004, DAL.12.4000A, DAL.12.4001C, DAL.12.4020A, DAL.12.4040A, L.12.3003F, DAL.12.3002 G, DAL.12.4041C, DAL.12.4021B, DAL.12.4061A, DAL.12.3005, Design and Access Statement with Heritage Notes, Daylight and Sunlight Report, Noise Assessment, Planning Statement, Computer Generated Images.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act</p>



	1990 as amended and also for the avoidance of doubt and in the interest of proper planning.
<b>3</b>	<b>Materials</b>
	<p>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) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window/door treatment (including sections and reveals);</li> <li>d) roofing materials;</li> <li>e) balustrading treatment (including sections);</li> <li>f) sample of bronze feature screen</li> <li>g) curtain walling</li> <li>h) grey steel gates and screen</li> <li>i) any other materials to be used.</li> <li>j) louvred screen</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>Parking</b>
	<p>CONDITION: All future occupiers of the residential unit hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) In the case of units designated in this planning permission as "non car free"; or</li> <li>iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</li> </ul> <p>REASON: To ensure that the development remains car free</p>
<b>5</b>	<b>BREEAM and Code for Sustainable Homes</b>
	<p>Prior to any superstructure works commencing on the site, a design stage recognised accreditation certificate and supporting assessment confirming that the development achieves a BREEAM [Office/Retail/Schools/Bespoke/multi-residential rating (2008) / BREEAM New Construction rating (2011)] of no less than 'Excellent' and Code of Sustainable Homes rating of no less than 'Level 4' shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall achieve the agreed rating(s) and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>

<b>6</b>	<b>Refuse/Recycling Provided (Compliance)</b>
	<p>The dedicated refuse / recycling enclosure(s) shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>7</b>	<b>Cycle Parking Provision (Compliance)</b>
	<p>The bicycle storage area(s) hereby approved, which shall be covered and secure, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>8</b>	<b>Windows (Details)</b>
	<p>Details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include materials, profile, reveal depth and detailing. Double glazing units with unsympathetic/inappropriate proportions and UPVC windows will not be considered acceptable.</p> <p>The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
<b>9</b>	<b>Landscaping (Details)</b>
	<p>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</p>

	<p>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.</p>
<b>10</b>	<b>Noise</b>
	<p>A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq,8\text{ hour}}</math> and 45 dB <math>L_{max\text{ (fast)}}</math>  Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq, 16\text{ hour}}</math>  Dining rooms (07.00 –23.00 hrs) 40 dB <math>L_{Aeq, 16\text{ hour}}</math></p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>Reason:  To protect the amenities of future occupiers of the residential units.</p>
<b>11</b>	<b>Noise</b>
	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq\ Tr}</math> arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90\ Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>Reason:  To protect the amenities of neighbouring occupiers</p>
<b>12</b>	<b>Noise</b>
	<p>A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>Reason:  To protect the amenities of neighbouring occupiers</p>
<b>13</b>	<b>Rooftop Enclosures</b>
	<p>No development shall be carried out until details of the rooftop enclosures/screening and the lift overrun are submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved plans and permanently maintained thereafter.</p>

	Reason: To ensure the proposal does not have a detrimental impact on the street scene.
<b>14</b>	<p><b>Code of Construction</b></p> <p>No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>15</b>	<p><b>Privacy Screens</b></p> <p>Details shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works being carried out, of privacy screens at a height of 1.7 metres from finished floor level to be erected at the eastern boundary of the terraces to Flat A at fourth and fifth floor and Enclave Court.</p> <p>The privacy screens shall be fully implemented prior to first occupation of the flat.</p> <p>REASON: In order to protect neighbouring amenity.</p>

**List of Informatives:**

<b>1</b>	<p><b>Positive Statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p>
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	The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.
<b>2</b>	<b>Unilateral undertaking</b>
	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.
<b>3</b>	<b>Highways</b>
	<p>- Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>All agreements relating to the above need to be in place prior to works commencing.</p> <p>- Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing.</p> <p>- Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>-Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a></p> <p>Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <p>- Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.</p> <p>- Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.</p> <p>- Before works commence on the public highway planning applicant must provide Islington Council’s Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.</p> <p>- Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.</p> <p>- Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council’s Highways contractors.</p>

	<ul style="list-style-type: none"> <li>- Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.</li> <li>- All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting.</li> </ul> <p>NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer.</p> <p>Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact <a href="mailto:streetlights@islington.gov.uk">streetlights@islington.gov.uk</a></p> <ul style="list-style-type: none"> <li>- Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</li> <li>- Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980</li> <li>- Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.</li> <li>- Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover entrances.</li> <li>- Overhang licenses are required for projections over the public highway. No projection should be below 2.4m in height in accordance with Section 178, Highways Act 1980.</li> <li>- Compliance with Section 179, Highways Act 1980. "Control of construction of cellars etc under street".</li> <li>- Compliance with Section 177 Highways Act 1980. "Restriction on construction of buildings over highways".</li> </ul>
<b>4</b>	<b>Community infrastructure Levy (CIL)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **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.

### **Development Plan**

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

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

##### 3 London's people:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice

##### 6 London's transport:

- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking

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

- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.15 Reducing noise and enhancing soundscapes

##### 8 Implementation, monitoring and review:

- 8.2 Planning obligations
- 8.3 Community infrastructure levy



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

### Spatial Strategy

**CS8** (Enhancing Islington's Character)

### Strategic Policies

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

**CS12** (Meeting the Housing Challenge)

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

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**DM3.3** Residential Conversions and Extensions

**DM3.4** Housing standards

**DM3.5** Private Outdoor Space

**DM3.7** Noise and Vibration

**DM7.1** Sustainable Design and Construction

**DM7.2** Energy Efficiency and Carbon Reduction in Minor Schemes

**DM8.2** Managing Transport Impacts

**DM8.4** Walking and Cycling

**DM8.5** Vehicle Parking

**DM9.2** Planning Obligations

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

The following SPGs and/or SPDs are relevant:

### **Islington**

- Accessible Housing in Islington
- Car Free Housing
- Planning Obligations and S106
- Urban Design Guide
- Affordable Housing Small Sites SPD
- Conservation Area Design Guidelines
- Inclusive Design

### **London Plan**

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