

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department

PLANNING SUB COMMITTEE B		Agenda Item: B4
Date:	2 nd October 2018	NON-EXEMPT

Application number	P2015/3543/FUL
Application type	Full Planning Application
Ward	Mildmay Ward
Listed building	No
Conservation area	Highbury New Park
Development Plan Context	<ul style="list-style-type: none">- Highbury New Park Conservation Area- Local cycle routes- Channel Tunnel Rail Link - Rail Safeguarding Area- Within 50m of Canonbury Conservation Area
Licensing Implications	None
Site Address	147 Grosvenor Avenue, London N5 2NH
Proposal	Erection of a full width lower ground floor extension, part width ground floor rear infill extension and a part width first floor rear extension. Conversion of the extended property into 6 residential units (1 x 2 bed unit, 3 x 2 bed units and 2 x 3 bed units).

Case Officer	Daniel Jeffries
Applicant	Mr Rajesh Bajaj
Agent	None

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to GRANT planning permission, subject to the conditions set out in Appendix 1; and

3. PHOTOS OF SITE/STREET

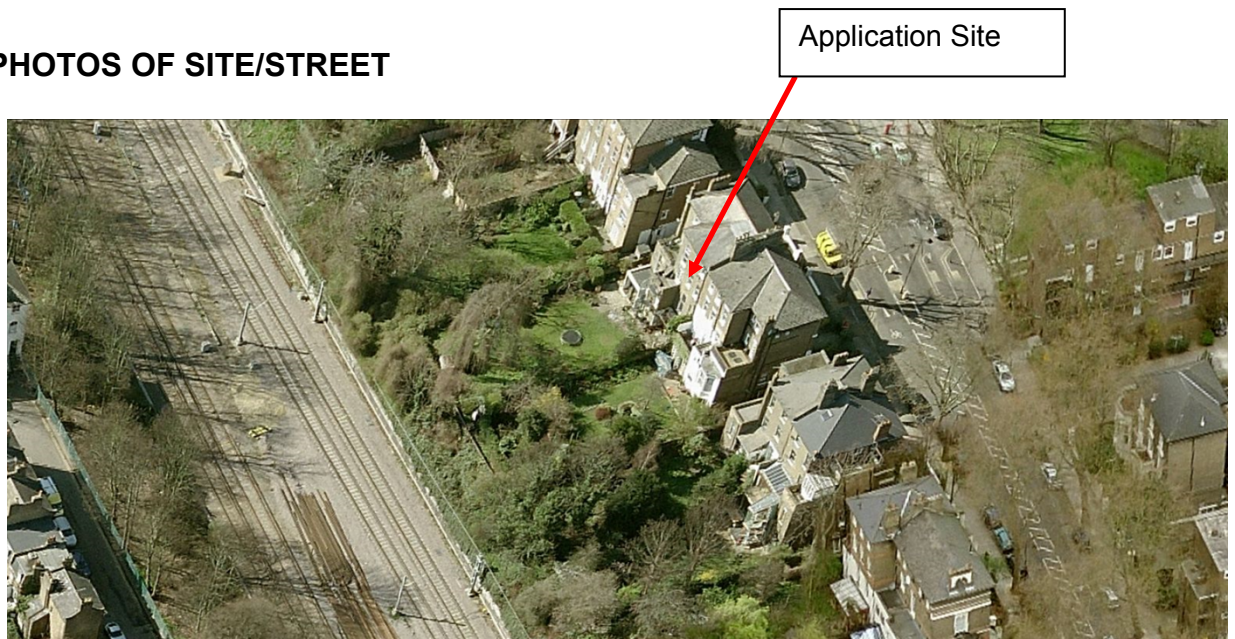


Image 1: Aerial view of the application site



Image 2: Existing rear elevation of the application site



Image 3: Existing rear extension of the adjoining property at no. 145 Grosvenor Avenue



Image 4: Street view of the site

4. SUMMARY

- 4.1 The proposal is for the erection of rear extensions at lower ground, ground and first floor levels and for the conversion of the existing basement and ground floors into a total of 6 no. flats within the building overall creating 2 no. additional residential units.
- 4.2 A similar two-storey full width rear extension and a conservatory at first floor level to the adjoining property at no. 145, which the application site forms a paired semi-detached villa. In light of the neighbouring property, the principle of the extensions is therefore considered acceptable, given the site circumstances.
- 4.3 Overall, due to materials, design and appearance the proposed extensions are considered sympathetic to the architectural character of the host building and would not significantly harm the character and appearance of the surrounding Highbury New Park Conservation Area.
- 4.4 The intensification of residential use (C3) resulting in 2 no. additional flats (6 no. in total) is considered acceptable in principle at this location which is in residential use and would be appropriate and compatible with the existing surrounding residential properties. Whilst there are concerns in relation to dual aspect and accessibility requirements, the resulting quality of accommodation is considered, on balance, to be acceptable and broadly would meet the standards stipulated within policy DM3.4 of the Development Management Policies.
- 4.5 A viability assessment was provided to demonstrate that the full affordable housing contribution would not be viable. Following an in depth review and discussions with the Council's Internal Viability Team, the Independent Surveyor concluded in their final report that the scheme could support affordable housing contributions of £43,500, the applicant agreed to make this contribution and signed a unilateral undertaking.
- 4.6 Overall, the proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of noise disturbance, overlooking or loss of light, sense of enclosure nor loss of outlook.
- 4.7 The proposal is considered acceptable and it is recommended for approval subject to conditions and legal agreement.

5. SITE AND SURROUNDING

- 5.1 No. 147 is a three-storey semi-detached villa over basement converted into 4 flats (one per floor) and is located on the south-western side of Grosvenor Avenue. The building is not statutory or locally listed but it is located within the Highbury New Park Conservation Area. The surrounding area is predominantly residential in character. There are a number of trees which are

positioned along the southern boundary shared with the adjacent railing track route.

- 5.2 At the initial site visit in February 2015 the property was observed to be in a state of disrepair. The Environmental Health Officer visited the site on 25 May 2016 and by Enforcement Officer on 15 June 2016 who observed the property in use as an unauthorised HMO (House in Multiple Occupancy) use, in relation to the basement and first floor flats. As detailed within the enforcement section below an enforcement notice was served to return the host property into four self-contained flats (ref. E/2016/0111). The Enforcement Officer confirmed that the requirements of the enforcement notice had been complied with on 23 August 2016. The case officer visited the site again on 10 May 2017 and observed the property vacant, in a satisfactory condition and reverted back to 4 self-contained flats.

6. PROPOSAL

- 6.1 It is proposed to erect a full width rear extension at lower ground floor level, a part width infill extension at upper ground floor level; and a rear side extension at first floor level. The proposed extensions would be constructed of matching bricks, with artificial roof tiles and rear facing double glazed windows to match the existing. The proposal would result in the conversion of the 2 no. existing units on lower ground and ground floor into 4 no. flats, creating 2 no. additional flats. The resulting 6 no. flats comprising of 1 no.1 bed flat, 3 no. two-bed flats and 2 no. three bed-flats. No alterations are proposed to the second floor flat.
- 6.2 Amended plans were received in September 2017 to remove the proposed side elevation windows at lower ground floor level and at first floor level. These side elevation secondary windows would have served a bedroom within Flat 3 at first floor, and the lounge/kitchen of Flat 1A at lower ground floor level.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

145 Grosvenor Road

- 7.1 Planning permission (ref. 821484) granted for use of 1st floor and 2nd floor for 2 three room flats with creation of roof terrace for each flat and other minor external alterations on 26/01/1983.
- 7.2 Planning permission (ref. 830083) granted for conversion of basement to provide two 1 bedroom flats on 06/07/1983.
- 7.3 Planning permission (ref. 930512) granted for erection of roof extension to rear forming a dormer window to provide an additional bedroom with a study on 22/07/1993.

- 7.4 Planning permission (ref. P001858) granted for insertion of velux window in rear roof slope and new doors to existing roof terrace, in association with loft conversion on 28/03/2001.
- 7.5 Planning permission (ref. P021773) granted for replacement of existing extension at upper ground floor level on 28/10/2002.
- 7.6 Planning permission (ref. P061313) granted for loft conversion including new door to existing terrace on 08/09/2006.

147 Grosvenor Road

- 7.7 Planning permission (Ref. P2015/0095/FUL) granted for conversion of ground and basement flats into 4 units by the addition of a rear extension to 1st floor creating a roof terrace. (Creating 2 extra units since 4 are existing) Withdrawn by the applicant.
- 7.8 Planning permission (ref. TP7157 - London County Council) granted for conversion of the property into 4 no. flats on 23/11/1936.
- 7.9 **Pre-application Advice:** The advice was that the principle of the development, to extend the property to the rear and to split it into 4 flats in total was considered to be acceptable. Following a meeting with the Council, two further options were provided. The option showing a pitched tiled roof and two small traditional windows was the preferred option. It was further advised that the existing sash windows should be retained and continued across the rear, not only for the benefits in terms of retaining a traditional feature but it also introduced a lightweight appearance to the extension. The additional height to the rear projection was reduced and the additional window was considered to be more in keeping with the existing fenestration. As such no objection was raised in this respect.

ENFORCEMENT:

- 7.10 October 2016: Enforcement Case (Ref. E/2016/0199) relating to the state of the front garden causing injury to visual amenity. An enforcement notice was issued to the applicant to remedy this breach. The Enforcement Officer confirms that the requirements of this notice have been fully complied with. The enforcement case was subsequently closed.
- 7.11 August 2016: Enforcement Case (Ref. E/2016/0111) relating to unauthorised change of use of the lower ground floor and first floor to an unauthorised HMO (House in Multiple Occupation) (Sui Generis). An enforcement notice was issued to the applicant to remedy this breach. The Enforcement Officer confirms that the requirements of this notice have been fully complied with. The enforcement case was subsequently closed.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 47 adjoining and nearby properties at Grosvenor Avenue and Spring Gardens, on 02 September 2015. A site notice and a press advert were displayed on 10 September 2015. The amended drawings relating to the removal of the windows resulted in further consultation to adjoining neighbours by letter on 20 July 2017. The public consultation of the application therefore expired on 17 August 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 writing this report 6 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Extensions are harmful to the character and integrity of the building (Paragraphs 10.12 to 10.20)
 - First floor side extension would be visible from the street (Paragraphs 10.15)
 - Unacceptable size and design (Paragraphs 10.12 to 10.20)
 - A more acceptable waste storage should be reinstated (Paragraphs 10.62 to 10.64)
 - Works carried out with no planning permission (Paragraphs 7.10, 7.11, 10.2 and 10.3)
 - Developer's attitude to date has been consistently negligent (Paragraph 10.65)
 - Building left in a state of total neglect and threatening the fabric of the adjoining property at no. 145 (Paragraph 10.65)
 - Developer has does not have knowledge or concern of the area or its community, interested in creating the maximum amount of units for the highest possible profit and proposal would reinstate empty units and additional housing (Paragraphs 10.65 to 10.66)
 - Loss of daylight/sunlight and privacy to adjoining properties along Grosvenor Ave (Paragraphs 10.21 to 10.25)
 - Inaccuracy of the drawings (Paragraph 10.67)
 - The flat roof should not be used as a roof terrace (Paragraph 10.26)
 - The impact on parking in area and lack of parking associated with the proposal (Paragraph 10.56 to 10.58)

External Consultees

- 8.3 **LAMAS:** The committee were of the opinion that a higher design standard was needed and felt that the windows were fundamental to the application and cannot be conditioned.

- 8.4 **The London Underground Limited:** Advised that London Underground Infrastructure Protection has no comment to make on this planning application. However, there are Network Rail assets close to this site.
- 8.5 **Network Rail:** Confirmed that the applicant must ensure that their proposal, both during construction and after completion of works on site, does not
- Encroach onto Network Rail land
 - Affect the safety, operation or integrity of the company's railway and its infrastructure
 - Undermine its support zone
 - Damage the company's infrastructure
 - Place additional load on cuttings
 - Adversely affect any railway land or structure
 - Over-sail or encroach upon the air-space of any Network Rail land
 - Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
- 8.6 **Adams Integra:** Concluded that the applicant should be required to provide a financial contribution of £43,500 towards affordable housing provision. (Please see paragraphs 10.34 to 10.49)

Internal Consultees

- 8.7 **Design and Conservation Officer** stated that they have concerns in relation to the design of the proposed extensions, in terms of the bulk and massing. It was advised that the extensions would not strictly accord with the requirements of the Urban Design Guide 2017 or Conservation Area Design Guidelines.
- 8.8 **Development Viability Officer** highlighted that the premises had been left vacant since its purchase in 2014 and that the property had been in a state of neglect. It was therefore requested that this should be reflected in the current use value of the property.
- 8.9 It was further stated that even leaving the above considerations aside, the value of 1,600,000 for 2 x 2 bed units (so an average of £800,000 each), when neither of them were new build and one of them in a basement, were pretty high, especially when compared with the prices estimated for the new, proposed 2 bed units.
- 8.10 In relation to sales values and current values of the property it was stated that all of the proposed units are of significantly higher quality than the existing and will be newly refurbished and in some parts newly built in the extension parts of the proposal. This was reflected in the sales values vs the existing values.
- 8.11 Concerns were also raised regarding two of the proposed and one of the existing units (lower ground floor) being adequately reflected in the sales/current values used.

- 8.12 In relation to building cost it was clarified that the lower ground front elevation is raised and back elevation is level with garden and therefore the works involve no excavation, so there should be no extra costs required for basement construction.
- 8.13 With all of the above in mind, the Independent Surveyor (Adams Integra) was requested to review the updated (dated August 2017) appraisal.
- 8.14 The Internal Viability Officer agreed with the Independent Surveyor's final report which concluded that the scheme could support affordable housing contributions of £43,500 (as compared to £100,000 required by the SPD). This updated assessment dated August 2018 has been reviewed by the Council's Viability Officer, in February 2018, who confirmed that they are in agreement with the conclusions. This has been reviewed in September 2018 and remains agreed.
- 8.15 **The Environmental Health Team:** previously advised that the owner of the property have been prosecuted in relation to the housing conditions at the host property and Improvement Notices have also been served. The Environmental Health Team confirmed that a court case took place on 27th July 2018 in relation to this matter. The court case has subsequently been concluded. The conclusions of this prosecution were that the applicant was guilty on charges relating to no. 190 Seven Sisters Road and not guilty for charges relating to no. 147 Grosvenor Avenue. The applicant's co-defendant was found guilty on charges relating to no. 147 Grosvenor Avenue and not guilty relating to no. 190 Seven Sisters Road. The defendants are now awaiting sentencing, and this matter is discussed in paragraphs (10.2 and 10.65) below.
- 8.16 **Legal Team:** stated that the reviewed evidence suggests that there were at least 3 separate flats at the property during 2014 and there are some periods prior to this between 1993 and 2014 when there are no records of one or more of the flats paying council tax. The Legal Officer stated that based on this evidence, we cannot demonstrate that the use of the property was anything other than 4 (possibly 3) separate flats within the previous 20 years. Prior to this, there is no information, but this would not be a reason to assume that a change of use has taken place and even if there were evidence that a change of use had happened previously, it would surely be argued that there had been a more recent change of use back to the previous lawful use. It should also be noted that the historic planning permission (ref. TP7157 - London County Council) relating to the conversion of the host building, was for 4 no. self-contained flats which would accord with the assessment.
- 8.17 It was also highlighted that, the land registry office copies obtained in relation to 147 Grosvenor Road are for one freehold property, there is no split between the basement, ground floor, first floor or second floor.
- 8.18 **Enforcement Officer:** Confirmed that the host property was served enforcement notice as a result of investigations (refs. E/2016/0199 and

E/2016/0111) in relation to the use of unauthorised use of the property as a HMO, in relation to the lower ground floor and first floor flats, and the state of the front garden. They have also confirmed that these enforcement notices have been complied with.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework (NPPF) (2018): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...

9.3 At paragraph 8 the NPPF (2018) states: "that sustainable development has an economic, social and environmental role".

9.4 The updated National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.10 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

10 ASSESSMENT

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

- Land Use
- Design
- Neighbouring Amenity
- Quality of accommodation
- Affordable housing small sites
- Trees
- Highways and Transportation
- Sustainability
- Accessibility
- Refuse

Land Use

- 10.2 The application site was subject to an Enforcement Case (Ref. E/2016/0111) relating to unauthorised change of use to sui generis HMO. The site has reverted back to the lawful use as 4 self-contained flats (C3 Use Class) as historically approved by London County Council in 1936 (ref. TP7157 granted 23/11/1936). The Council's legal team also accepts this as the lawful use. The Enforcement Case has now been closed in August 2016, due to the remedy in accordance with the requirements of the enforcement notice. The owner of the property has been prosecuted by the Environmental Health Team in relation to the housing conditions at the property and Improvement Notices were also served. The court case for this prosecution has taken place, and the outcome concluded.
- 10.3 The Enforcement Officer and the Planning Case Officer visited the property on separate occasions in 2016 and 2017 and are satisfied, that despite being vacant at the time, the premises have been reverted back to the lawful use as 4 self-contained flat (C3 Use Class).
- 10.4 It is proposed to extend and convert the existing property comprising of 4 vacant no. 2 bed units (C3 Use Class) into 6 no. residential units (C3 Use Class) consisting of 1 no. 1 bed flat, 3 no. two-bed flats and 2 no. three bed-flats. The intensification of residential use (C3 use class) is considered acceptable in principle at this location which is in residential use (C3 use class).
- 10.5 The existing second floor flat would remain as a 2-bed unit and the existing 2 bed unit at first floor level would be converted into a 3 bed unit facilitated in the main via the proposed extension. The existing ground floor flat is a generous 2-bed unit, and this would be converted into 1 bed and 2 bed flats. The existing lower ground floor currently accommodates a 2 bed unit which would also be converted to 1 no. 2 bed self-contained flat and a 1 no. 3-bed flat.
- 10.6 It is considered that the increased number of residential units (C3 Use) and overall housing mix would be appropriate and compatible with the existing surrounding residential properties. The provision of additional housing at this location would be supported by policy CS12 of the Core Strategy which seeks

to meet and exceed the borough housing targets through provision of additional housing in suitable locations as in this instance.

Design, Conservation and Heritage Considerations

- 10.7 Within the National Planning Policy Framework, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 197 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.8 Paragraphs 193 to 197 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."
- 10.9 Paragraph 195 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.10 Policy DM2.1 seeks to ensure all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 10.11 Policy DM2.3 seeks to ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance, and that alterations to existing buildings in conservation areas conserve or enhance their significance.

Assessment of the proposal

- 10.12 The current application is a resubmission of a previously withdrawn application ref. P2015/0095/FUL) for conversion of ground and lower ground floor flats into 4 units by the addition of a rear extension to 1st floor creating a roof terrace, (creating 2 extra units since 4 are existing). During the assessment of the previous application concerns were raised regarding the proposed extension being too wide, as it extended over the three storey projection, across the full width of the main part of the host property. It was also considered that the design of the previous scheme, proposed a pattern of fenestration that was out of keeping with the existing character and appearance of the host building.
- 10.13 The current scheme proposes to erect a full width lower ground floor rear extension and a rear infill extension at ground floor level constructed of brick to match the existing building. It is further proposed to erect a rear infill extension at first floor level.

- 10.14 The lower ground floor extension would extend from the original rear building line 3.25m past the existing rear extension and infilling the recessed area). The proposed infill rear extension at upper ground floor level would be 2.65m deep in line with the existing part width ground floor extension. The proposed windows, to the ground floor infill extension would match the existing windows to the existing part-width ground floor extension. The new window and door at lower ground floor level would be aligned and would match the windows on the upper floors to the main building.

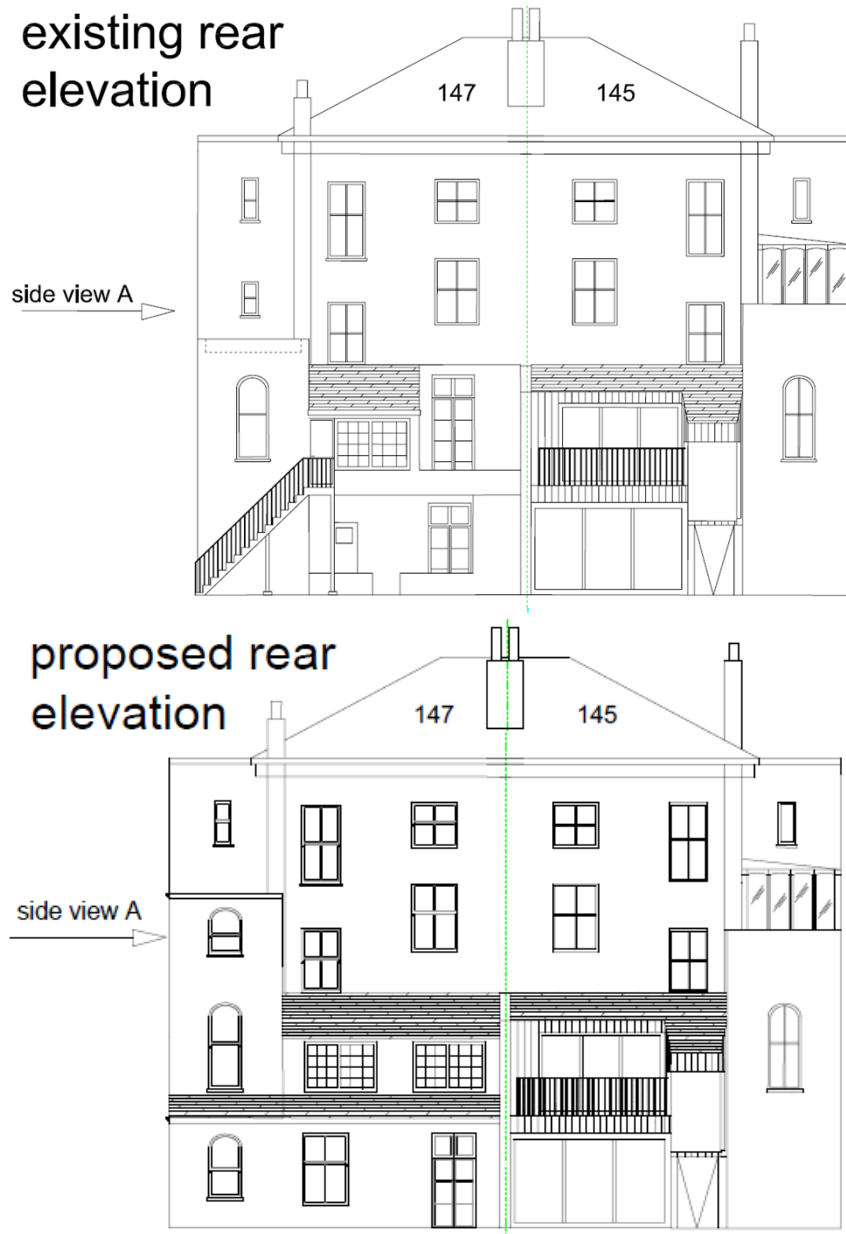
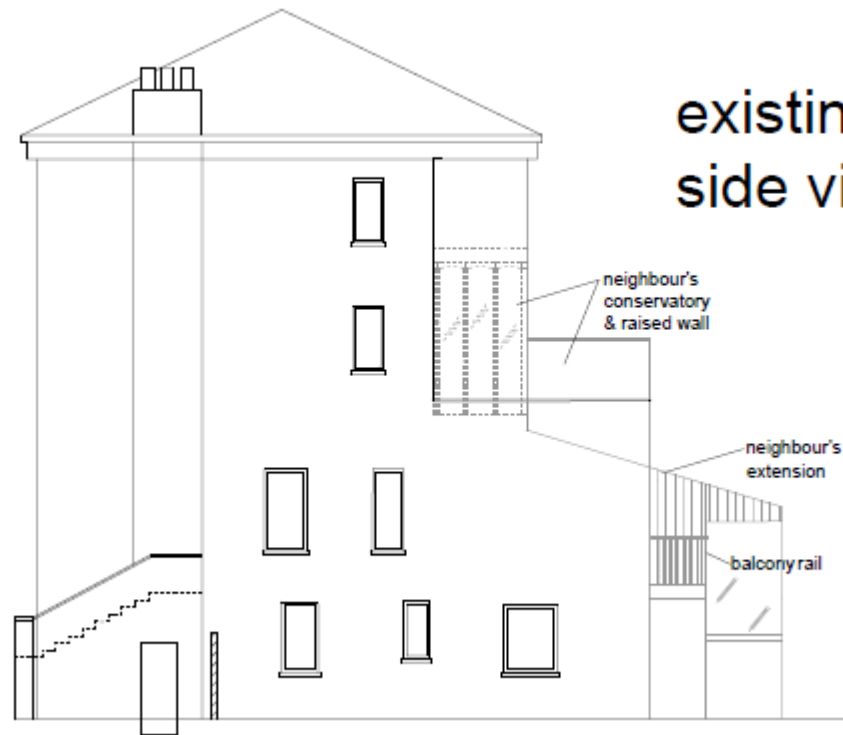
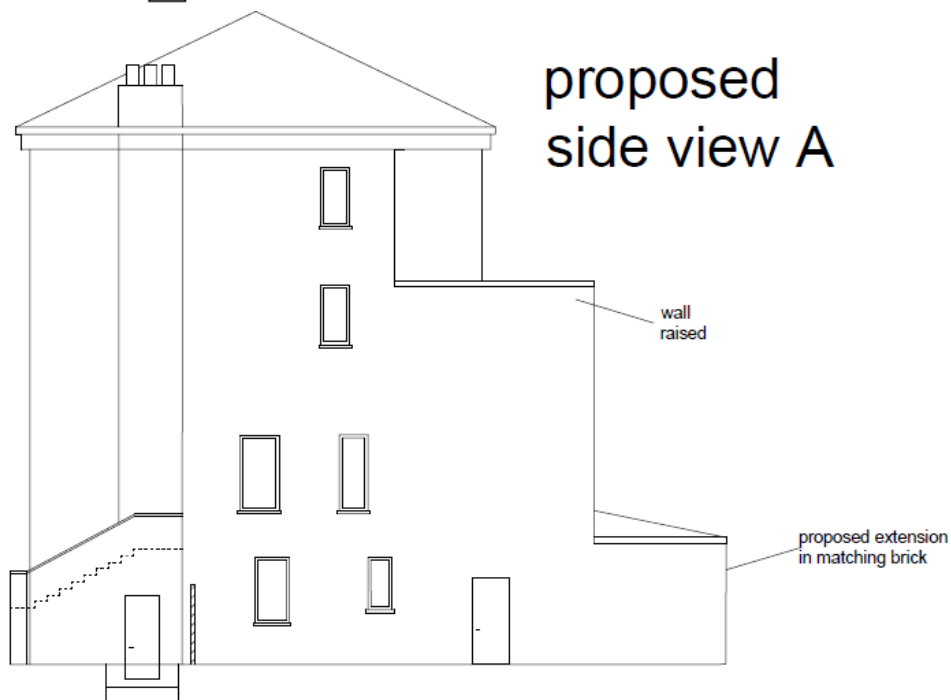


Image 5: Existing and Proposed Rear Elevation



existing
side view A



proposed
side view A

Image 6: Existing and Proposed Side Elevations

- 10.15 The first floor level rear extension would be 5m deep on top of the existing extension at lower ground floor level. The proposed windows on the rear elevation at first floor and lower ground level are modelled on the style of the existing windows at ground floor level.
- 10.16 It is acknowledged that the proposed extensions would not strictly accord with either the Urban Design Guide 2017 or the Highbury New Park Conservation

Area Design Guidelines. The guidance advises that two-storey full-width rear extensions are generally not supported in conservation areas. However, the assessment of the design of the proposal should take into consideration the context to which the application site sits, and also whether the proposal would be subordinate to the host building.

- 10.17 In this instance, the adjacent property no. 145 Grosvenor Road benefits from planning permission for a number of historical applications for extensions to the property, including at upper ground floor, lower ground floor and roof level. Whilst not all of these permissions appear to have been implemented, the existing situation at this adjacent property, includes a full width two storey extension, and a two storey addition, to the side of the main part of the property, including a roof terraces above.
- 10.18 The host property together with no. 145 Grosvenor Road, forms a pair of semi-detached properties. In this context, when having regard to the existing alterations to this adjacent property, and half of the semi-detached pair, it is considered that whilst not matching, the proposal would however restore some balance to the pair when viewed from the rear. It is also considered that the proposed extension would be subordinate to the host building. Therefore, whilst the extension is not technically complying with the design guidance, the overall extensions are proportionate and subservient to the large semi-detached properties.
- 10.19 The submitted Design and Access Statement confirms that proposed materials would include matching bricks and artificial slate tiles. It is considered that subject to the recommended condition requiring the use of matching materials, including the use of natural slate tiles, this would ensure that the proposal would be in keeping with the visual appearance of the host building and surrounding area.
- 10.20 Overall, whilst there are concerns in terms of the proposals compliance with the design guidance, due to their scale, design, materials used and visual appearance and the context of the additions found at no. 145 Grosvenor Road, the proposed extensions are considered sympathetic to the architectural character and integrity of the host building and would not significantly harm the character and appearance of the surrounding Highbury New Park Conservation Area. The proposal would also accord with policies DM2.1 and DM2.3 of the of the Development Management policies (2013) which requires new development to respect and respond positively to existing buildings and wider context.

Neighbouring Amenity

- 10.21 Policy DM2.1 x) states that development proposals should 'provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook'. In addition, part xi) of this policy states that should 'not unduly prejudice the satisfactory

development or operation of adjoining land and/or the development of the surrounding area as a whole'

- 10.22 In this instance, the consultation process has raised a number of concerns in relation to the loss of privacy and overlooking to neighbouring properties. The proposal would result in the installation of new windows to the rear elevation of the host property. However, these additional openings would face the rear garden and not directly face any habitable windows found at the neighbouring properties. It should also be noted that the proposal has been amended to remove the side elevation windows at lower ground floor and first floor level. The existing situation at the host property sees a degree of overlooking to the rear gardens of the adjoining properties at nos. 145 and 149. The proposal is therefore not considered to exacerbate unacceptably the degree of overlooking to these gardens nor result in or a harmful loss of privacy and overlooking to neighbouring properties.
- 10.23 In addition, concerns have also been raised regarding noise disturbance. The proposal is for the intensification of the existing residential use, however given that only 2 no. additional units will be created it is not considered to result in an unreasonable increase in noise disturbance to neighbouring properties. However, should there be excessive noise generated from such a use, the Council's Public Protection team has powers to deal with noise nuisance.
- 10.24 There is currently planting to the boundary with no. 145 which is approximately 7m high. The infill extension at ground floor level would not be deeper than the existing part width rear extension and would not be higher than the existing boundary wall with no. 145. The proposed lower ground floor extension given its location and the position of the boundary wall is not considered to impact on the amenity of the occupiers of no. 145. The proposal is therefore considered not to result in harmful loss of light or loss of outlook to the neighbouring property at no. 145 Grosvenor Avenue.
- 10.25 All the extensions would be positioned away from the boundary with no. 149. Due to location the proposal is considered not to result in harmful loss of light to the adjoining property at no. 149. It should also be noted that drawings have been provided to show the separation distance between this adjacent property and the host property, including showing the 45 degree angle in terms of assessing its impact on the potential loss of daylight/sunlight.

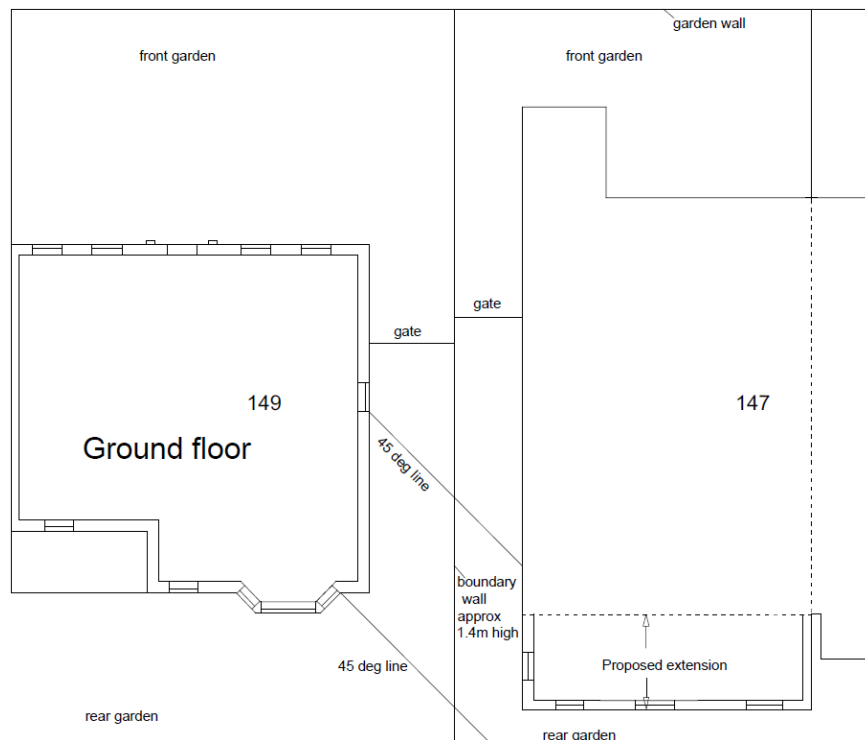


Image 7: Ground Floor Plan showing relationship with adjacent property

- 10.26 Concerns were raised in relation to the use of the flat roof at first floor level above the rear outrigger as a roof terrace by Flat 3. This application would not allow access to this roof. Planning permission would be required for the use of this flat roof as a roof terrace and any alterations to this window, which is not proposed within this application.
- 10.27 Overall, the proposal is considered not to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Development Management Policies which requires development to safeguard the amenity to neighbouring properties.

Quality of Resulting Residential Accommodation

- 10.28 Policy DM3.4 provides advice in relation to standards for all new housing developments. This policy requires accommodation of adequate size, with acceptable shape and layout of rooms (with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light).
- 10.29 The application seeks to extend and convert the existing property, comprising of 4 no. 2 bed units, into 6 no. residential units. consisting of 1 no. 1 bed flat, 3 no. two-bed flats and 2 no. three bed-flats. The two existing units which would be retained are located at first and second floors, being Flats 3 and 4. The second floor unit (Flat 4) would not be altered and the first floor unit (Flat 3) would be retained in a modified form. Flat 3 would be reconfigured and enlarged, benefitting from the proposed first floor extension. The two proposed units located at lower ground (basement) and ground floor are as a result of the subdivision of these two existing flats (Flats 1 and 2), and the

proposed rear extensions at these levels. The proposal would result in the creation of 4 no. flats at lower ground (Flats 1A and 1B) and ground floor levels (Flats 2A and 2B).

- 10.30 As shown in table 2 below the resulting residential units would meet the minimum gross internal area stipulated within the Development Management Policies (2013) and the London Plan (2016).

Table 1 - Gross Internal Area required

	Dwelling type (bedroom (b)/persons- bedspaces (p))	Required GIA (sqm)	Proposed GIA (sqm)
Unit 1A	2b3p	61	70
Unit 1B	3b4p	74	82
Unit 2A	1b2p	50	50
Unit 2B	2b3p	61	61
Unit 3	3b5p	86	87
Unit 4	2b4p	70	72

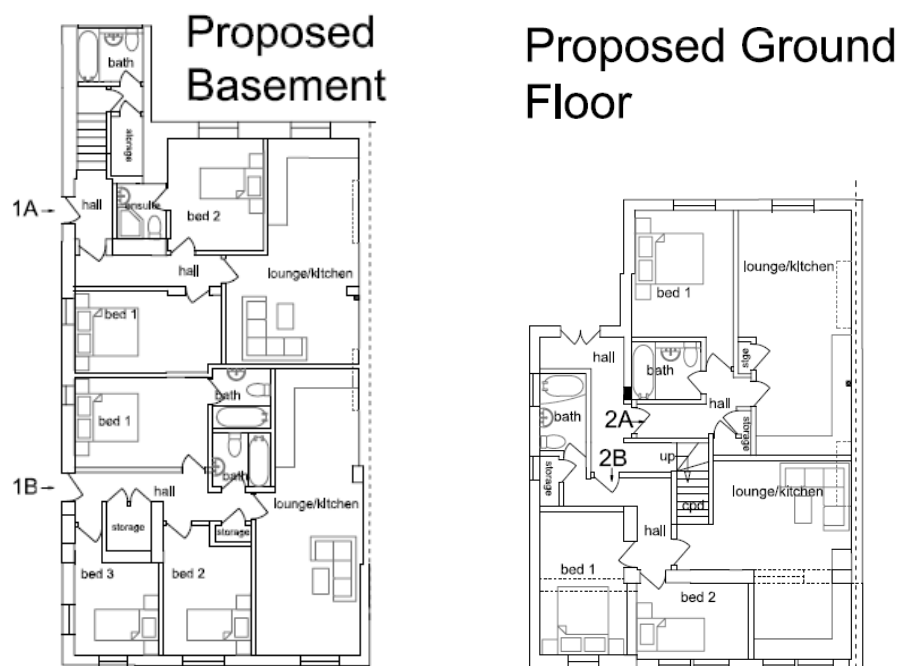


Image 8: Proposed Basement and Ground Floor Plan showing layout of proposed flats 1A and 2A

As shown in table 1 above, all of the 6 no. self-contained flats would meet the minimum gross internal area stipulated within the Development Management Policies (2013).

- 10.31 The proposed and retained units are considered to have bedrooms and living areas which would meet the minimum room size requirements of these stipulated within the Development Management Policies. However, it should be noted that whilst the two retained units (Flats 3 and 4) and the flats at lower ground floor (Flats 1A and 1B), would have some degree of dual aspect, the two flats at upper ground floor (Flats 2A and 2B) would provide single aspect. The only windows at this level relates to Flat 2B serve a bathroom and storage which are likely to be obscure glazed.
- 10.32 In relation to outdoor amenity space, part C of policy DM3.5 seeks to ensure that 'the minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above). In this instance, the occupiers of the flats would have access to the rear garden, which is approximately 280sqm and would be used as a communal area for all flats, except for Unit 1B which would have access to its own garden space of 30sqm. It is considered that this would be acceptable outdoor amenity provision for these residential units.
- 10.33 It is acknowledged that there are concerns in relation to the lack of dual aspect to the proposed residential units at upper ground floor level (Flats 1A and 1B). However, the other 4 no. residential units would have dual aspect, including the proposed units at lower ground level, and the proposal would provide generally good standard of accommodation, including meeting the internal space standards for both the flats and room sizes, having access to daylight to all habitable rooms, and acceptable levels of outlook and floor to ceiling heights. The residential units would also have access to the rear garden as amenity space. Overall, given the above it is considered that whilst there are concerns in relation to the lack of dual aspect, on balance, the proposal would provide a good standard of residential accommodation to future occupiers which would be in line with Policy 12 of the NPPF; Policy 3.5 of the London Plan 2016; policy CS12 of the Core Strategy 2011 and policies DM2.1 and DM3.4 of the Development Management Policies 2013.

Affordable Housing and Financial Viability

- 10.34 Islington's Affordable Housing Small Sites Contribution SPD (2012) states that 'all minor residential developments resulting in the creation of one or more additional residential unit(s) are required to provide a commuted sum of £50,000 per unit, towards the costs of providing affordable housing units on other sites within the borough'. Therefore, the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units, which is applicable in this instance.
- 10.35 Government planning policy on affordable housing contributions is set out in the National Planning Policy Framework (NPPF as revised 2018), having originally been introduced in a Written Ministerial Statement (WMS) made in Parliament on 28 November 2014 by the Secretary of State for Communities and Local Government. Neither the NPPF nor the WMS has statutory weight;

both are material considerations which must be given weight according to the circumstances of a particular application. They do not override the operation of planning statute, namely s38(6) of the Planning and Compulsory Purchase Act 2004 and s70(2) of the Town and Country Planning Act 1990.

- 10.36 The NPPF (para 63) states that provision of affordable housing should not be sought for residential developments that are not major developments. The Islington Core Strategy requires sites delivering less than 10 residential units to provide a financial contribution towards affordable housing elsewhere in the borough. Further detail, including the level of contribution, is set out in the Affordable Housing Small Sites Contributions SPD.
- 10.37 The need for affordable housing in Islington is substantial, and processes are in place to ensure that the borough's small sites policy does not have a disproportionate impact on the financial viability of developments. Whilst the NPPF is a material consideration and weight must be given to it, the council must also consider whether local circumstances with regards to affordable housing and the nature of development sites should be given equal or greater weight. The recent appeal decisions supporting the borough's approach to small sites affordable housing contributions are also a material consideration, and suggest that local circumstances are such that more weight can be attached to the borough's adopted development plan policy than the NPPF. Therefore, Islington will continue to consider Core Strategy policy CS12 part G as part of the decision making process for relevant applications, and assess the weight to be given to it against local and national policies.
- 10.38 Applicants can either agree to the payment of the commuted sum of £50,000 for each additional unit created (£60,000 per unit in the south of the borough), or provide a viability assessment to demonstrate that the full contribution, being £100,000 in this instance (2 x £50,000), is not viable.
- 10.39 A viability assessment was submitted to support the application. In the assessment of the current application there has been a total of 3 viability reports by Adams Integra. The first report dated October 2015 stated that the scheme could not afford to make any contributions. The Internal Viability Officer reviewed this first report in detail in October 2015. It was highlighted that the premises had been left vacant since its purchase in 2014 and the property has been in a state of neglect. The Internal Viability Officer therefore suspected that the Foxton's valuation of the existing property was probably not based on a personal site visit but merely on the location of the property. It was therefore requested that this should be reflected in the current use value of the property.
- 10.40 It was further stated that even leaving the above considerations aside, the value of 1,600,000 for 2 x 2 bed units (so an average of £800,000 each), when neither of them were new build and one of them in a basement, were pretty high, especially when compared with the prices estimated for the new, proposed 2 bed units (£100,000).

- 10.41 In relation to sales values and current values it was stated that all of the proposed units would be of significantly higher quality than the existing and would be newly refurbished and in some parts newly built in the extension parts of the proposal. This was reflected in the sales values vs the existing values. It was further queried if the fact that two of the proposed and one of the existing units are basement units was adequately reflected in the sales/current values used.
- 10.42 In relation to building cost it was highlighted that the basement front elevation is raised and back elevation is level with the garden and therefore the works involve no excavation, so there should be no extra costs required for basement construction.
- 10.43 With all of the above in mind, the Independent Surveyor (Adams Integra) was requested to have another look at the appraisal. A subsequent report dated April 2016 by Adam's Integra stated that the scheme could make the full required contributions of £100, 000.
- 10.44 In October 2016 the applicant submitted a revised assessment, valuations from three estate agents for existing and proposed, offer letter for purchase of completed property (illustrating existing valuation) and build quotes from two building companies. Following a further review, Adams Integra concluded in their final report dated October 2016 that the scheme could support affordable housing contributions of £43 500. Adams Integra clarified that the main difference is that in the April 2016 appraisal they looked at the existing use as being an 8-bed house and made the comment that *"We have been made aware that the property has been deliberately left vacant by the applicant since its purchase in 2014, left neglected to the point that it was apparently a threat to the fabric of an attached neighbouring property, including being left windowless for the past year with pigeons living in it."*
- 10.45 They had also looked at the sales values of all 6 of the proposed flats including the existing 2nd floor flat.
- 10.46 However, in the October 2016 appraisal they only looked at the existing use value of the existing 2-bed basement flat; the existing 2-bed ground floor flat and the existing 2-bed first floor flat with the assumption that they were in a reasonable state of repair. They did not include the existing 2nd floor flat. On the sales they only looked at the 5 proposed flats and did not include the existing 2nd floor flat.
- 10.47 Following the final report dated October 2016, the applicant stated that it would appear that Adams Integra reduced the value of the flats at lower ground and ground floors from £1,600,000 to £1,450,000. However, this reduced value of £1.45m does not accurately reflect the condition of the property as at 20th October 2016 since work was carried out from August 2016 to 20th October 2016; the property being brought to a better standard than when originally purchased. Also, contrary to the information provided the property was occupied until August 2016

- 10.48 In response to the applicant's statement, Adams Integra's stated that the final report dated October 2016 states that the following

It is our opinion that these values are high.

*The basement flat particularly is overvalued. In our opinion there is a **ceiling level on 2-bed flat values** and they are in need of refurbishment. We have applied the following values:*

Existing 2-bed basement flat @ 1,398 ft² - £750,000

Existing 2-bed ground floor flat @ 1,086 ft² - £700,000

- 10.49 It remains Adam's Integra's opinion, within the updated report dated August 2017, which includes the above and correspondence with the applicant, that there should be a contribution of £43,500. It should be noted that this is a reduction from the required affordable housing contribution of £100,000.
- 10.50 The Council's internal viability team concurred with Adams Integra's Existing Use Value (EUV) based Benchmark Land Value (BLV) of £2,050,000 for the property. It was noted that the April 2016 Report calculated the EUV based BLV on the basis that the property was a single residence and not flats leading to a higher £2.3m BLV. It was also stated that the previous £1.6 million BLV used in the February 2015 (withdrawn application ref. P2015/0095/FUL) and October 2015 reports appear not to reflect the physical state of the building and the necessary refurbishment costs.
- 10.51 The current building may have been improved in recent years but would require further refurbishment to achieve the values of nearby comparatives – therefore when calculating the BLV, the required refurbishment costs would effectively reduce the sales values derived from comparative flats and lead to a lower BLV. The sum being requested (£43,500) reduced from previous FVA iterations and the Viability Officer was therefore of the opinion that the sum of £43,500 can be provided without rendering the development unviable.
- 10.52 The Viability Appraisal was subsequently updated in August 2017 to reflect the additional correspondence and discussions with the applicant, which concluded that the financial contribution (£43,500) was required. The applicant agreed to make the required contribution of £43,500 and signed a unilateral agreement which confirms that the proposed scheme is fully capable of being delivered. The Council's Viability Team have subsequently reviewed the information in September 2017 and subsequently in September 2018, and have confirmed their agreement to Adams Integra's assessment.

Trees

- 10.53 There are no trees in close vicinity to the proposed extension at lower ground floor level. It is also confirmed that no pruning or tree works would be needed to assist in the erection of the proposed extensions. It is therefore considered

that the proposal would not result in any impact to existing trees. This would be in line with the requirements of policy DM6.5 of the Development Management Plan.

Highways and Transportation

- 10.54 The site is located within an area with excellent (PTAL – 6a) public transport accessibility links, including being within walking distance of Canonbury train station. The neighbour consultation process raised concerns in relation to the proposal providing inadequate parking to occupiers and the potential impact on other road users. Policy DM8.5 provides advice in relation to vehicle parking in relation to residential development (for use class C3). This policy seeks to ensure no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair-accessible parking, and that applications for vehicle parking within the curtilage of existing residential properties will be refused.
- 10.55 This policy approach is also supported by part H of Core Strategy policy CS10 which seeks to encourage sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car-free.
- 10.56 Whilst it is acknowledged that the proposal does not provide off-street parking any off-street parking would be contrary to the above policies. In this instance, the proposed additional residential units (Flats 1A and 2A) would be car free, which would be secured by the Unilateral Undertaking. Given these restrictions it is considered that the proposal would comply with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies which expects all new developments to be ‘car free’.
- 10.57 The Council’s policy DM8.4 requires adequate cycle storage provision being storage for 1 cycle per bedroom. In this instance the proposal would result in a total of 13 no. bedrooms within the host building. Whilst no cycle storage has been provided, it is considered that there is adequate space for this storage to be provided within the rear garden, and a condition has been recommended for details to be submitted for a minimum of 13 no. cycles.

Sustainability

- 10.58 Policy DM7.1 provides advice in relation to sustainable design and construction, stating ‘Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development’.
- 10.59 In this instance given the proposal relates to the conversion of the existing building rather than a new build, the requirement for financial contribution of carbon off-setting is not applicable nor is a condition required in relation to water efficiency standard for residential developments (95 litres/person/day). Therefore, on balance the proposal would be acceptable in terms of complying with the policies in regard to sustainability.

Accessibility

- 10.60 Policy DM2.2 seeks to ensure that all developments demonstrate that they provide for ease of and versatility in use and deliver safe, legible and logical environments. In this instance, access to the lower ground floor flats (Flat 1A and 1B) is from the side/west elevation of the host building, whereas the remaining flats on the upper floors (Flats 2A, 2B, 3 and 4) share the main entrance to the front elevation of the property. It is acknowledged that the upper floor flats would not be wheelchair accessible, with the only access via the existing internal staircase. Also the lower ground floor units, whilst providing level access, would unlikely be wheelchair accessible given the restricted size of the corridors and the internal steps in Flat 1A to the bathroom.
- 10.61 Notwithstanding these concerns, given the proposal relates to a conversion of an existing building, that the internal staircase already provides access to the existing flats on the upper floors, with none of the existing units being wheelchair accessible, it is considered not to warrant refusal in this instance.

Refuse

- 10.62 It is stated in the submitted Design and Access Statement and shown within drawing 2341/15B the refuse storage area would remain in the north west corner of the front garden. Whilst no specific details have been provided in relation to capacity, 6 no. bins have been provided, being 1 no. bin per residential unit. However, a standard wheelie bin is 240 litres in capacity, meaning that a total of 1440 litres (6 x 240 litres) would be provided.
- 10.63 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units, and is shown in the table below:

Size of Unit	Total storage capacity required for Refuse and Recycling
One bedroom	200 litres
Two bedroom or more	A further 140 litres for each additional bedroom
Recycling - At least 50% of total storage capacity (calculated using the table above) must be allocated for recycling.	

Table 2: Recommended refuse and recycling storage provision for new residential units.

- 10.64 In this instance the guidance recommends the provision for the residential units should be a total of 1700 litres (1 (1 bedroom) x 200 litres, 3 (2 bedroom) x 340 litres and 1 (3 bedroom) x 480 litres) for refuse and recycling. Whilst it is acknowledged that the provision would be below the guidance stated above, this shortfall is not considered to warrant refusal in this instance. Therefore, the proposed refuse and recycling facilities are considered acceptable. However, it should also be noted that there is adequate space for additional storage in this location should it be required.

Other Matters

- 10.65 The neighbour consultation process has raised concerns that the developer's attitude to date has been consistently negligent, the building being left in a state of neglect, windowless for a year and therefore not protected from the elements and threatening to the fabric of the adjoining property at no. 147. The works proposed would address this concern with a scheme that would improve the fabric of the building and provide additional housing.
- 10.66 Objections also state that aside from his aggressive method of operation the developer does not have knowledge or concern of the area or its community and is interested in creating the maximum amount of units for the highest possible profit. The potential interest to maximise highest possible profit is not a material consideration. The application therefore cannot be refused for this reason.
- 10.67 The submitted drawings are considered to be an accurate reflection of the host building and the proposed alterations.
- 10.68 As noted in the consultation section above, the owner of the application building has been subject to a prosecution by the Council's Environmental Health Team in relation this building, and no. 190 Seven Sisters Road and its housing conditions. Whilst the applicant and co-defendant were found guilty of the charges this matter is not relevant to the assessment of the application as it is not a material planning consideration.

11 SUMMARY AND CONCLUSION

- 11.1 Whilst there are concerns in relation to the proposed units failing to achieve dual aspect and accessibility, the resulting residential accommodation is considered satisfactory and would accord with relevant policies. A viability assessment was provided to demonstrate that the full affordable housing small sites contribution would not be viable. The Independent Surveyor concluded in their final report that the scheme could support affordable housing contributions of £43,500. The applicant agreed to make this contribution and signed a unilateral agreement which confirms that the proposed scheme is fully capable of being delivered.
- 11.2 Subject to the use of natural slate roof tiles, the materials, design and appearance the proposed extensions are considered sympathetic to the architectural character of the host building and would not significantly harm the character and appearance the surrounding Highbury New Park Conservation Area.
- 11.3 The proposed development is not considered to result in overshadowing, overlooking, loss of privacy, loss of light, over-dominance, increase sense of enclosure nor loss outlook to neighbouring residential properties.
- 11.4 Overall, the proposal is considered to accord with relevant policies.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to a Unilateral Undertaking and conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

The Heads of Terms are:

- £43,500 contribution towards the provision of off-site affordable housing within the Borough
- Car-free development for the 2no. new residential units

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.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
2	Approved plans list
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>2341/0C, 2341/1C, 2341/2D, 2341/3C, 2341/4D, 2341/5C, 2341/9D, 2341/10D, 2341/11A, 2341/15B, 2341/12A, 2341/13A, 2341/14A, Design and Access Statement- Ref. 2341C/DAS, Photo-Sheets.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and</p>

	in the interest of proper planning.
4	Materials to Match (Compliance)
	<p>CONDITION: The facing materials of the extension hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing, including the use of natural slate roof tiles and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable and would be in keeping with the visual appearance of the host building and wider area.</p>
5	Refuse (Details)
	<p>CONDITION: Prior to the commencement of the hereby approved development, the details of refuse / recycling shown in drawing no. 2341/15B shall be implemented in full, prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</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>
6	Cycle (Details)
	<p>CONDITION: Prior to the commencement of the hereby approved development details of storage of a minimum of 13 no. cycles shall be submitted and approved in writing to the local planning authority. The approved details shall be implemented in full, prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To provide adequate cycle storage.</p>

List of Informatives:

1	Car free development
	You are advised that this permission has been granted subject to a condition securing that all new residents of the development shall not be eligible for parking permits in the area.
2	Community Infrastructure Levy (CIL) (Granting Consent)
	<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 cil@islington.gov.uk. 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</p>

	<p>Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
3	<p>Construction and after completion of works on site</p> <p>INFORMATIVE: The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:</p> <ul style="list-style-type: none"> - encroach onto Network Rail land - affect the safety, operation or integrity of the company's railway and its infrastructure - undermine its support zone - damage the company's infrastructure - place additional load on cuttings - adversely affect any railway land or structure - over-sail or encroach upon the air-space of any Network Rail land - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
4	<p>Future maintenance</p> <p>INFORMATIVE: The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any</p>

	structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.
5	Drainage
	INFORMATIVE: No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
6	Plant & Materials
	INFORMATIVE: All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
7	Scaffolding
	INFORMATIVE: Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
8	Piling
	INFORMATIVE: Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
9	Fencing
	INFORMATIVE: In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land.

	Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
10	Lighting
	INFORMATIVE: Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
11	Noise and Vibration
	INFORMATIVE: The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
12	Landscaping
	<p>INFORMATIVE: Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:</p> <p>Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"</p> <p>Not Permitted: Alder (Alnus Glutinosa), Aspen - Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum),</p>

	Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).
13	Vehicle Incursion
	<p>INFORMATIVE: Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.</p> <p>As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.</p>
14	Network Rail
	<p>INFORMATIVE: Network Rail further strongly recommended that the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site and also agree an Asset Protection Agreement to enable Network Rail approval of detailed works. It was further advised that more information can also be obtained from the www.networkrail.co.uk/asp/1538.aspx</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016

3 London's people

Policy 3.5 Quality and design of housing developments

6 London's transport

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

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 June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.4 Housing standards

DM3.5 Private outdoor space

Transport

DM8.4 Cycle parking

DM8.5 Vehicle parking

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide 2017

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction