

## 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:	3 <sup>rd</sup> September 2015	<b>NON-EXEMPT</b>

Application number	P2015/2281/FUL
Application type	Full Planning
Ward	Hillrise
Listed building	No
Conservation area	Whitehall Park
Development Plan Context	None
Licensing Implications	None
Site Address	55 Whitehall Park London N19 3TW
Proposal	Erection of new-build, 3 bedroom single family dwelling house accommodated over 3 levels (with lower ground floor level) including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park, which fronts Fitzwarren Gardens. Removal of the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren gardens. Removal of existing trees on the site together with the replacement tree and shrub planting.

Case Officer	Joe Aggar
Applicant	Mr Richard South
Agent	Mr Mark Barnard

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1;

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. SITE PLAN (site outlined in black)



**3. PHOTOS OF SITE/STREET**



Image 1: Aerial photograph showing the rear of 55 Whitehall Park which fronts onto Fitzwarren Gardens.

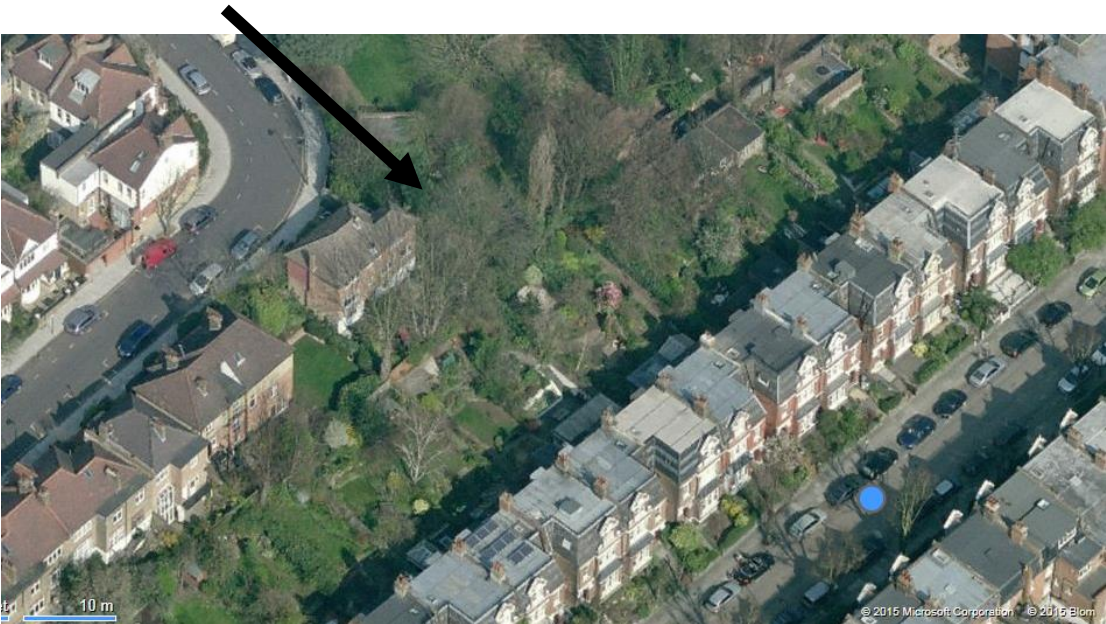


Image 2: Aerial photograph showing 55 Whitehall Park with the site facing onto Fitzwarren Gardens.





Image 3: view looking north from Fitzwarren Gardens



Image 4: view looking east to the rear of 55 Whitehall Park

#### **4. Summary**

- 4.1 The application seeks permission for the erection of new-build, 3 bedroom single family dwelling house accommodated over 3 levels including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park, which fronts Fitzwarren Gardens. Permission is also sought for the removal of the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren gardens and the removal of existing trees on the site together with a replacement tree and shrub planting.
- 4.2 The principle of the development is considered acceptable with sufficient private garden space retained for both the existing and proposed developments. The dwelling sits comfortably within its plot and is considered to have an interesting yet relatively simple yet contextual design. It is not considered to form a discordant or

harmful feature within its spacious suburban setting. The area is residential in character and the site is located within a Conservation Area.

- 4.3 The design, layout scale and massing of the proposed development is considered acceptable. The Design & Conservation Officer is satisfied with the external appearance of the property which is considered to result in a compact development that sits comfortably without detracting significantly from the character and appearance of the conservation area.
- 4.4 The quality and sustainability of the resulting scheme is acceptable, complying with the minimum internal space standards required by the London Plan (2015). The Core Strategy aims to ensure that in the future an adequate mix of dwelling sizes are delivered within new development, alongside the protection of existing family housing. Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation. Development Management Policy DM9 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. The proposed unit is 3 bedrooms.
- 4.5 Private amenity space is provided in accordance with the Council's requirements. It is proposed that the new build dwellings would be constructed to meet the standards set by the Code for Sustainable Homes. It is also proposed that the development would incorporate green roofs.
- 4.6 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013.
- 4.7 The building works can be adequately controlled by environmental controls and the submission of a detailed Construction Management Plan.
- 4.8 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 Section which identifies that all new development shall be car free. Appropriately located cycle parking facilities for residents have been allocated within the site in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'.
- 4.9 In summary, the proposal is considered to be acceptable and is broadly in accordance with the Development Plan policies. It is recommended that planning permission be granted subject to conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The site is located on the west side of Whitehall Park. The rear garden stretches to front Fitzwarren Gardens. 55 Whitehall Park is a 3 storey, mid terraced, single family dwelling terrace property. It is the rear portion of the garden which is where the proposed dwelling would be situated. This occupies a corner plot which fronts on to Fitzwarren Garden is located between 32 Fitzwarren Gardens and the rear garage of 86 Hornsey Lane.
- 5.2 The surrounding area is residential in character and appearance with the immediate vicinity being predominantly residential. 55 Whitehall Park is not statutorily listed, but is locally listed. The site is also located within the Whitehall Park conservation area.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The proposal consists of the erection of new-build, 3 bedroom single family dwelling house accommodated over 3 levels over lower ground, ground and first floor levels, including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park. Due to the falling land levels the Fitzwarren Gardens elevation would read as two storeys with living accommodation located at lower ground level which would not be readily visible from the public realm.
- 6.2 The proposal would also remove the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren garden and remove the existing trees that are located to the rear of 55 Whitehall Park. This is to be mitigated by replacement tree and shrub planting. The front garden would have the provision of refuse storage and bicycle parking as well as new landscaping and a sedum roof over the living accommodation below.
- 6.3 The proposed development would seek to remove 7 existing trees from the site and replace it with one tree to the front boundary and a landscaping scheme with new shrubbery and associated planting.
- 6.4 The application has been referred to the planning sub-committee due to the level of objections received.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 The following is the application history is considered relevant:
- 7.2 55 Whitehall Park, planning application re: P2015/0893/FUL for the *'Erection of new-build, 3 bedroom single family dwellinghouse accommodated over 3 levels including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park, which fronts Fitzwarren Gardens. Removal of the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren gardens. The removal of existing tree(s) is also proposed together with replacement tree and shrub planting.* was WITHDRAWN.

### **ENFORCEMENT:**

- 7.3 None

### **PRE-APPLICATION ADVICE:**

- 7.4 55 Whitehall Park, pre planning application re: Q2014/3358.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 74 adjoining and nearby properties at Fitzwarren Gardens, Whitehall Park and Hornsey Lane.
- 8.2 A site notice and press advert was also displayed. Consultation expired on the 16th July 2015 however it is the Council's practice to continue to consider representations

made up until the date of a decision. Any further representations received will be reported to Committee.

8.3 At the time of writing this report 13 objections have been received from the public with regard to the application. One letter of support was received. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

- Monolith appearance of the house (10.15-10.19)
- Unattractive, square, flat roofed, modern building not in keeping (10.19)
- Overdevelopment (10.5-10.9)
- Not sympathetic to the conservation area (10.15-10.19)
- Building on garden land (10.3-10.9)
- Proposal would set a precedent (10.43)
- Increased traffic (10.36-10.37)
- Loss of the tree (10.38-10.42)
- Lower ground floor should be resisted (10.20)
- Loss of light to lower ground floor corridor at 32 Fitzwarren Gardens (10.26)
- General support for the proposal
- Potential flood risk (10.43)
- Basement excavation concerns (10.44-10.47 )

#### **Internal Consultees**

8.4 **Design and Conservation:** Approve subject to conditions.

8.5 **Sustainability Officer:** Approve subject to conditions

8.6 **Planning Policy:** Raised concerns over loss of garden

8.7 **Tree Preservation Officer:** Approve subject to condition.

#### **External Consultees**

8.9 None

### **9. RELEVANT POLICIES**

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

#### **National Guidance**

9.1 The National Planning Policy Framework 2012 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.

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

### **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 9.4 The site has no designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:

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

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

## **10. ASSESSMENT**

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

- Land Use
- Design, appearance and impacts on the Conservation Area
- Impact on the amenity of neighbouring residents.
- Quality of Accommodation
- Small Site Contribution and Carbon Offsetting
- Trees
- Community Infrastructure Levy
- Other Matters

### **Land Use**

- 10.2 The application is a residential development within a predominately residential area. It would involve the erection of a family dwelling over 3 storeys to the rear of 55 Whitehall Park together with associated bin and cycle storage and garden area. It would front and therefore be accessed via Fitzwarren Gardens.
- 10.3 The NPPF states local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy DM6.3 states development of private open space is not permitted where there would be a significant individual or cumulative loss of open space/open aspect and/or where there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.
- 10.4 Concerns were raised by the Planning Policy team that the scheme would lead to a loss of garden space. The other key considerations for this policy are whether there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and flood alleviation. The proposal satisfactorily addresses these issues as discussed later in the report.
- 10.5 The site is not allocated as open space or an area a site of importance for nature conservation. Policy 6.3 states that the development should retain the open aspect of the site. The scheme is set back from the pathway to respect the existing building line with the inclusion of a landscaped area, comprising a replacement tree and a rear



garden of approximately 45sqm. The scheme would be read as two storeys from the front elevation and an appropriate amount of green space would be retained to the front and rear of the site.

- 10.6 The policy observations also make reference to the loss of garden. In total approximately 191 square metres of garden and amenity space would be retained serving the existing dwellings and proposed rear development. The proposed development would measure approximately 69 squares metres in area at lower ground floor. In terms of proportions, this would represent approximately 36% reduction in garden space.
- 10.7 Planning permission will not normally be granted to change, expand or intensify uses which would harm the character of the conservation area. The predominant use of land in the area is residential. The proposed erection of a single family dwelling would be a compatible with the prevailing pattern of development within the surrounding area and would not raise any land use planning based on the relative loss of garden space. The existing garden to 55 Whitehall Park is extremely large and it is considered that the creation of a dwelling fronting onto Fitzwarren Gardens represents a more efficient use of this large rear garden while maintaining the green open feel of the area and creating a well-designed new single family dwelling. The following paragraphs examine the remaining elements of the proposal.
- 10.8 Historically the properties along this part of Whitehall Park had large deep gardens that were proportionate to the scale of the buildings. Overtime, these large gardens have been developed upon with similar backland developments, notably 32 Fitzwarren Gardens which has established built form and residential properties to be located within these large rear gardens and the creation off dwellings fronting onto Fitzwarren Gardens itself.
- 10.9 The nearby backland developments have been typically 2 stories in height. The proposed new dwelling would offer a comfortable, domestic scale to the building that sits in proportion of its plot not harming the spatial qualities of the area. .The proposed development would not add significant bulk to the streetscene of Fitzwarren gardens given its smaller footprint to those adjacent being appropriately modest in mass and bulk. The proposal reads as a modern yet relatively simple and understated building which seeks to complement and not overly contrast with the built form in the vicinity of the site. It is considered that the design merits of the scheme are acceptable and the development would enhance the character and appearance the surrounding conservation area.
- 10.10 It is therefore considered that there would be sufficient garden open space retained following the proposed development. Furthermore, it is illustrated in the following sections of the report that the proposal would not result in significant impacts on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.

### **Design and Appearance**

- 10.11 The subject site lies within the Whitehall Park Conservation Area (CA) and front onto Fitzwarren Gardens. Fitzwarren Gardens and some Hornsey Lane houses consist of good examples of high quality 1920's semi-detached family dwellings some with strong influence of Lutyens and Voysey. The conservation area lies immediately below the Highgate-Hornsey Ridge (along which runs Hornsey Lane) and slopes considerably, falling from north to south. The oldest parts have many large mature trees and good younger trees on both public and private land which enhance the quality of the

environment. Against that contextual background, it is necessary to set out the policy approach to development and works. The location is an undeveloped restricted site between a single storey garage and a two storey hipped roof residential property. The conservation area, and in particular this part, has a strong spacious quality. There are a number of detached and semi detached buildings.

- 10.12 Policy CS9 of Islington's Core Strategy (CS), 2011 and Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (LP), 2013, accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance the significance of heritage assets, which include Conservation Areas (CA), through development which makes a positive contribution to local character and distinctiveness. Taken together, they seek to ensure that heritage assets are conserved and enhanced through development which, amongst other things, respects and responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development. In particular the Islington Urban Design Guide, 2006, states, new buildings should reinforce this character by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area.
- 10.13 Islington's Conservation Area Design Guidelines, 2002, which sets out specific guidance on new or extended buildings within the Whitehall Park CA, in particular, new buildings, should conform to the height, scale and proportions of the existing buildings in the immediate area. Also, the scale and bulk of any new building and extensions should conform to the prevailing heights in the vicinity, and to use vernacular materials, such as brick, stone, render and slate roofs.
- 10.14 In terms of conservation areas, policy DM2.3 requires new development within them to be of high-quality contextual design that conserves or enhances significance. Harm to the significance of a conservation area will not be permitted without clear and convincing justification and substantial harm to the significance of a conservation area is strongly resisted. There is policy support for innovative and contemporary designs. However, all that must be balanced against the need to pay proper respect to context.
- 10.15 The NPPF states 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'
- 10.16 Therefore contemporary designs may be encouraged and should avoid pastiche copying of existing buildings. The approach taken in this case takes the opportunities to deliver a family home without harming character and quality of the area. The scheme is acceptable in terms of the scale and mass of the proposed building above ground level and in terms of the relationship with adjoining buildings and the immediate area. The upper elevation of the building relates well to the existing established building line. The simplified design will not compete with the grander villas and is intended to be subordinate in form and appearance.
- 10.17 It would pay respect to the form, scale, or architectural language of nearby properties or the CA as a whole. Although distinct from the fine examples of the 1920's housing described in the CADG, the proposal would not harm the architectural qualities in the

area. A modest contemporary building of this nature although not a copy of the existing in design terms, picks up on important elements of the local context in terms of the delivery of an appropriate form and building to plot size ratio.

- 10.18 The dwelling is of a traditional basic form with an alternate domestic design and appearance to those present of Fitzwarren Gardens. In terms of its architectural quality, the brick finish is contextual, the windows are set with brick reveals and overall the scale, form, massing and height when read from Fitzwarren Gardens is not considered to cause harm to the character and appearance of the conservation area.
- 10.19 The main contrasting element of the building is the flat roofed design. Whilst this obviously departs from the pitched roofs of the surrounding streetscene, it reduces its bulk and makes it subservient to the historic buildings in the immediate area and the overall form of the building is therefore considered suitable.
- 10.20 The living space located below ground level would not be visible. Therefore this element is not considered to harm the perceived visual qualities of the conservation area.
- 10.21 For the reasons above, it is considered that the proposed design would not have a harmful impact upon the character and appearance of the CA (designated heritage asset). This would comply with policy 7.8 of the London Plan, policies CS8 and CS9 of the Core Strategy, policies DM2.1 and DM2.3 of the Council's Development Management Policies 2013 and guidance in the CADG and IUDG.

### **Neighbouring Amenity**

- 10.22 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise. The use of the site as an energy centre raises noise, air quality and loss of daylight/sunlight as matters to be considered.
- 10.23 The site is bounded by a garage to east and no. 32 Fitzwarren Gardens to the west. An objection has been received that the flank wall of the proposed building would block light to a side window to 32 Fitzwarren Gardens. This has been identified by the objector as a corridor. Whilst this may be the case, planning policy seeks to protect the amenity of habitable rooms in terms of light, outlook and sense of enclosure. As such this would not weigh in the consideration of the application.
- 10.24 The proposed new dwelling would not project beyond the rear building line to Fitzwarren Gardens, as such there would be no loss of outlook, light or sense of enclosure. Moreover the introduction of a residential use, serving one family is not considered to generate in significant noise as to warrant refusal.
- 10.25 To protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 meters between windows of habitable rooms to the rear elevations of Whitehall Park. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy. As such the proposal would not result in undue overlooking to the rear of the properties on Whitehall Park or any properties on Fitzwarren Gardens.
- 10.26 It is considered there are no habitable windows to the east elevation of 32 Fitzwarren Gardens that would be impacted by the proposal. There are no other adjacent habitable dwellings that would result in a loss of daylight or sunlight. The proposed

new dwelling would come in line with the rear of no.32 and therefore present no undue loss of outlook or light.

- 10.27 To protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms to the rear elevations of Whitehall Park. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.

### **Quality of Accommodation**

- 10.28 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2015) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.29 Policies CS9 and CS12 of the Core Strategy, and policy DM3.4 of Islington's Development Management Policies Document state that new development should provide accommodation of an acceptable standard with satisfactory aspect, daylight and sunlight.
- 10.30 Policy DM2.1 of the DMP concerns quality of design, including the requirement for development to provide good levels of direct sunlight and daylight.
- 10.31 The proposed development would consist of 3b5p single family dwelling. The unit would be 144sqm which is considered to exceed the minimum requirement as set out in Table 3.2 of the DMP and provide a good level of accommodation. This would then result in the unit being dual aspect. The internal layouts of the proposed residential unit are considered to be generally acceptable and a satisfactory provision of unit's size has been provided considering the constrained nature of the site.
- 10.32 DM Policy DM3.5 requires all new residential development to provide good quality private outdoor space, in this instance 30sqm for family housing. The rear garden exceeds this requirement providing sufficient amenity space.

### **Accessibility**

- 10.33 There is the provision of the 'low gradient ramp' to the front door with level access allowing the property to be visitable and accessible. The development has secured a number of key components of Islington's Flexible home standards. Further details regarding accessibility credential can be secured by condition.

### **Small Sites Contributions and Energy efficiency & Carbon Offsetting**

- 10.34 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, we

would require a contribution of £50,000 per new residential unit in off-site contributions in lieu of on-site provision. This payment has been secured.

- 10.35 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Houses (£1500 per house).
- 10.36 The applicant has submitted a draft agreement to pay sum in respect of affordable housing and carbon offsetting. If members are minded to approve this application no decision would be issued until the UU is fully completed to secure both these necessary contributions.
- 10.37 Further conditions are suggested within Appendix 1 under conditions 8 & 9 to secure adequate SUDS features for the development and to secure that the new dwelling be constructed to achieve a 25% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2010.
- 10.38 The development will seek to achieve several key sustainability features including:
- Air source heat pump with future connections for PV panels.
  - Reuse of any demolished materials
  - Use of external vertical louvres to avoid excessive summer heat gain.
  - Water conservation on site and reuse.
  - Green roof with suitable planting/seeding.
  - Triple Glazed windows

### **Highways**

- 10.39 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. No parking is proposed and this will be ensured by suggested condition no 10.
- 10.40 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. Subject to there being sufficient capacity, the secure and integrated location of the proposed cycle storage on the ground floor is acceptable. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. There is provision for bike parking within the front garden which is considered suitable.

### **Landscaping**

- 10.41 It is apparent that there are a number of trees on site which contribute materially to the amenities of the locality, playing an important part in providing a sense of scale, maturity, screening and textural diversity to the area.
- 10.42 The Tree Preservation Officer has reviewed the arboricultural detail submitted and has no objection to the proposed tree removals and mitigating re-planting.
- 10.43 The trees proposed for removal are of moderate to low value, T1-T3 having screening value and being viable from the highway but the proposed replacement planting is a viable alternative which will provide greater amenity to the conservation area in the future.
- 10.44 The applicant have committed to replace the attractive existing front tree with a Liquidambar styraciflua would be supplied as a semi mature container grown specimen: 20 -25cm girth, 5-6 metres in height with a root ball of 700 – 800mm at the time of planting. The available rooting volume for the tree would be 22.572m<sup>3</sup>. This is just the planting pit, the roots would also be able to spread & extend out beyond this at the lower level under the slab and also under the pavement. Given the available rooting volume it is expected that the tree could reach 10 -15 metres at maturity.
- 10.45 The developments front treatment has been designed to accommodate this tree and the council tree officer is satisfied with these details. The tree on the adjoining properties are considered to be far enough away from the proposed building to remain relatively unharmed and they will not require further protection. In order to ensure the tree planting and landscaping is to the required level, a condition is recommended. (Conditions 4 & 14)

### **Other Matters**

- 10.46 An objection has been raised in relation to the part subterranean development due to the varying land levels of the site. The 3 storey design is considered an appropriate response to the falling land levels whilst maintain appropriate scale and form to the streetscene. As discussed the building footprint would cover approximately 36% of the whole garden. This is not considered to be a significant loss of open space and therefore would not significantly impact on bio diversity, or green infrastructure.

### **Basement excavations, flood risk and structural concerns.**

- 10.47 The site is not located within a local flood risk zone. The Sustainability Officer has not objected to the proposal. The proposal for a semi basement is therefore not seen to cause issues of flooding in the immediate area.
- 10.48 Each application is considered on its own merits. Therefore in the eventuality of granting permission for a residential dwelling at this site is not considered to set a precedent for similar developments in the area. It is noted that the development will involve inevitable construction disruption as it is carried out. Suggested conditions 7 seeks to ensure that a detailed Construction Management Plan is submitted prior to the commencement of works on site which should ensure that construction noises traffic and activities can be controlled to a satisfactory level to safeguard adjoining resident's amenity levels. Condition 12 also seeks to ensure that the development is carried out to adhere to the Council's Code of Construction Practice.



- 10.49 The Draft Basement SPD requires all basement applications to be supported by supporting structural information. The SPD is in draft form and currently out to public consultation and is therefore given very little weight at the time of writing this report. The proposed basement is also in compliance with the majority of the relevant design indicators set out within the Basement Development SPD. The basement is of a single storey, and does not project significantly underneath into the front or rear gardens. Consequently the proposed basement is considered to be a modest scale of development that would not give rise to any unacceptable impacts on neighbouring properties.
- 10.50 It is considered that there is adequate protection included in all the suggested conditions within appendix 1 of this report to safeguard adjoining resident's amenity levels. Furthermore, the Party Wall Act also exists to protect adjoining properties in terms of structural concerns.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

- 11.2 It is recommended that planning permission be granted subject to conditions and S106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

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

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

The Heads of Terms are:

- £50,000 contribution towards affordable housing
- £1,500 towards carbon off-set.

### RECOMMENDATION B

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

#### List of Conditions

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>A(00)A1-800 REV A; Design and Access Statement dated March 2015 amended May 2015; A(00)A1-025 REV E; A(00)A1-600 REV C; A(00)A1-501 REV NEW; A(00)A1-511 REV NEW; A(00)A1-521 REV NEW; A(00)A1-531 REV NEW; -01; Arbtech TCP 01; PP1; A(00)A1-001 REV E; A(00)A1-002 REV E; A(00)A1-003 REV E; A(00)A1-004 REV E; A(00)A1-500 REV D; A(00)A1-510 REV D; A(00)A1-530 REV D; A(00)A1-520 REV D; A(00)A1-811 REV D; A(00)A1-810 REV D; Tree Survey dated 21 July 2014; Unnumbered Aerial Front Garden View; Unnumbered Indicative Front Entrance and Indicative New Rear Garden.</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 in the interest of proper planning.</p>

<p><b>3</b></p>	<p><b>Materials</b></p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window treatment (including sections and reveals);</li> <li>d) roofing materials;</li> <li>and</li> <li>e) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
<p><b>4</b></p>	<p><b>Tree and landscaping plan</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>b) proposed trees: their location, species, size and available rooting volume;</li> <li>c) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</li> <li>g) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>

<b>5</b>	<p><b>Bin and cycle details</b></p> <p>CONDITION: Notwithstanding the details shown on the approved plans, no occupation of the dwellings hereby permitted shall take place until detailed drawings of the bin and bicycle store to serve the residential property have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved.</p> <p>REASON: to ensure proper provision of cycle parking and refuse storage.</p>
<b>6</b>	<p><b>Removal of permitted development rights</b></p> <p>CONDITION: Notwithstanding the approved scheme no permitted development rights are allowed under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>REASON: To ensure any future development is considered appropriate in terms of character and appearance and impact on neighbouring amenity.</p>
<b>7</b>	<p><b>Construction Method Statement</b></p> <p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved 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 Statement shall provide details of:</p> <ul style="list-style-type: none"> <li>a. the parking of vehicles of site operatives and visitors;</li> <li>b. loading and unloading of plant and materials;</li> <li>c. storage of plant and materials used in constructing the development;</li> <li>d. the erection and maintenance of security hoarding;</li> <li>e. wheel washing facilities;</li> <li>f. measures to control the emission of dust and dirt during construction; and</li> <li>g. 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 Statement as approved throughout the construction period.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>8</b>	<p><b>Sustainability credentials</b></p> <p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 25% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2010, and a water efficiency target of 95 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained</p>

<b>9</b>	<b>SUDS Details</b>
	<p>CONDITION: No works shall take place to the superstructure of the residential development hereby permitted until details of surface water drainage of the site have been submitted to and approved in writing by the local planning authority. These details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system and include details of future maintenance arrangements for the scheme. The drainage details as approved shall be installed and made operational before the first occupation of the development and retained as such thereafter, in accordance with the approved maintenance scheme.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>10</b>	<b>Car free housing</b>
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except :</p> <ul style="list-style-type: none"> <li>(1) In the case of disabled persons;</li> <li>(2) In the case of units designated in this planning permission as "non car free"; or</li> <li>(3) 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: In the interests of sustainability and in accordance with the Council's policy of car free housing.</p>
<b>11</b>	<b>Accessibility needs</b>
	<p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Inclusive Design in Islington' SPD 2014) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
<b>12</b>	<b>Construction Controls</b>
	<p>CONDITION: During the clearance and construction on site, the developer shall comply with Islington Council's Code of Construction Practice and the GLA's Best Practice Guidance for the control of dust and emissions from construction and demolition. The developer shall ensure that:</p> <ul style="list-style-type: none"> <li>1 The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.</li> <li>2 The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08.00-18.00 Monday-Fridays, 08.00- 13.00 Saturdays and at no time during Sundays or public holidays.</li> <li>3 All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.</li> </ul>

	<p>REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process.</p>
<b>13</b>	<p><b>Green/bio-diverse roof details</b></p> <p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan A(00) A1-002 hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>14</b>	<p><b>Front tree replacement</b></p> <p>CONDITION : Notwithstanding the hereby approved plans a replacement semi mature tree shall be planted and maintained to the front garden of the hereby approved property to the following specifications:</p> <ul style="list-style-type: none"> <li>1) the planting of a semi mature Liquidambar styraciflua container grown specimen: 20 -25cm girth, 5-6 metres in height with a root ball of 700 – 800mm at the time of planting.</li> </ul> <p>The hereby replacement tree shall be fully planted and maintained to the satisfaction of the Local Planning Authority prior to the first occupation of the hereby approved single family dwelling.</p> <p>REASON: In order to safeguard the visual amenity of the surrounding conservation area.</p>

**List of Informatives:**

<b>1</b>	<p><b>S106</b></p> <p>Section 106 Agreement:</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy</p>



	<p>advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
<b>3</b>	<b>Surface Water Drainage</b>
	<p>It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
<b>4</b>	<b>CIL</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p><b>Pre-Commencement Conditions:</b>  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>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

#### **A) The London Plan 2015 - Spatial Development Strategy for Greater London**

**7 London's living places and spaces**  
**Policy 7.1 Building London's neighbourhoods and communities**  
**Policy 7.2 An inclusive environment**  
**Policy 7.3 Designing out crime**  
**Policy 7.4 Local character**  
**Policy 7.6 Architecture**  
**Policy 7.8 Heritage assets and archaeology**

#### **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)**

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

##### **Design and Heritage**

**DM2.1 Design**

**DM2.2 Inclusive Design**

**DM2.3 Heritage**

##### **Energy and Environmental Standards**

**DM7.4 Sustainable design standards**

## 5. Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- **Whitehall Park Conservation Area**
- **Locally Listed Building**

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

The following SPGs and/or SPDs are relevant:

- | <b>Islington Local Development Plan</b>             | <b>London Plan</b>                             |
|---|--|
| - <b>Conservation Area Design Guidelines (2002)</b> | - <b>Sustainable Design &amp; Construction</b> |
| - <b>Urban Design Guide (2006)</b>                  |  |