



ISLINGTON

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 3333
222 Upper Street
London
N1 1YA

PLANNING Sub- A COMMITTEE
Date: 13/12/2012

AGENDA ITEM NO:

Application number	P120513
Application type	Full Planning Application
Ward	Bunhill
Listed building	Unlisted
Conservation area	St Luke's
Development Plan Context	Bunhill & Clerkenwell Key Area, Local Shopping Centre, CAZ, Archaeological Priority Area
Licensing Implications	None
Site Address:	141-147, Whitecross Street, Islington, London, EC1Y 8JL

Proposal	<p>Works to No. 141 comprising: demolition of existing rear extension, erection of two storey rear extension with second floor roof terrace, erection of third floor mansard roof extension, replacement of windows and shopfront. Works to Nos. 143 & 145 comprising: demolition of existing rear extension, excavation to create rear basement extension, erection of two storey rear extension with first and second floor roof terraces, erection of third floor mansard roof extension, replacement of windows and shopfront. Works to No.147 comprising: demolition of existing single storey building, excavation to create rear basement extension; erection of four storey end of terrace building with two storey rear projection including first and second floor roof terraces. Erection of single storey bin stores building and cycle stores enclosure on Warwick Yard with installation of gate to Warwick Yard access. In association with creation of two commercial units (one x A1 unit and one x A1/A2/A3 unit) at ground floor and basement level; together with lateral conversion of the upper floors to create seven residential units (comprising one x three-bedroom, two x two-bedroom, and four x one-bedroom flats).</p>
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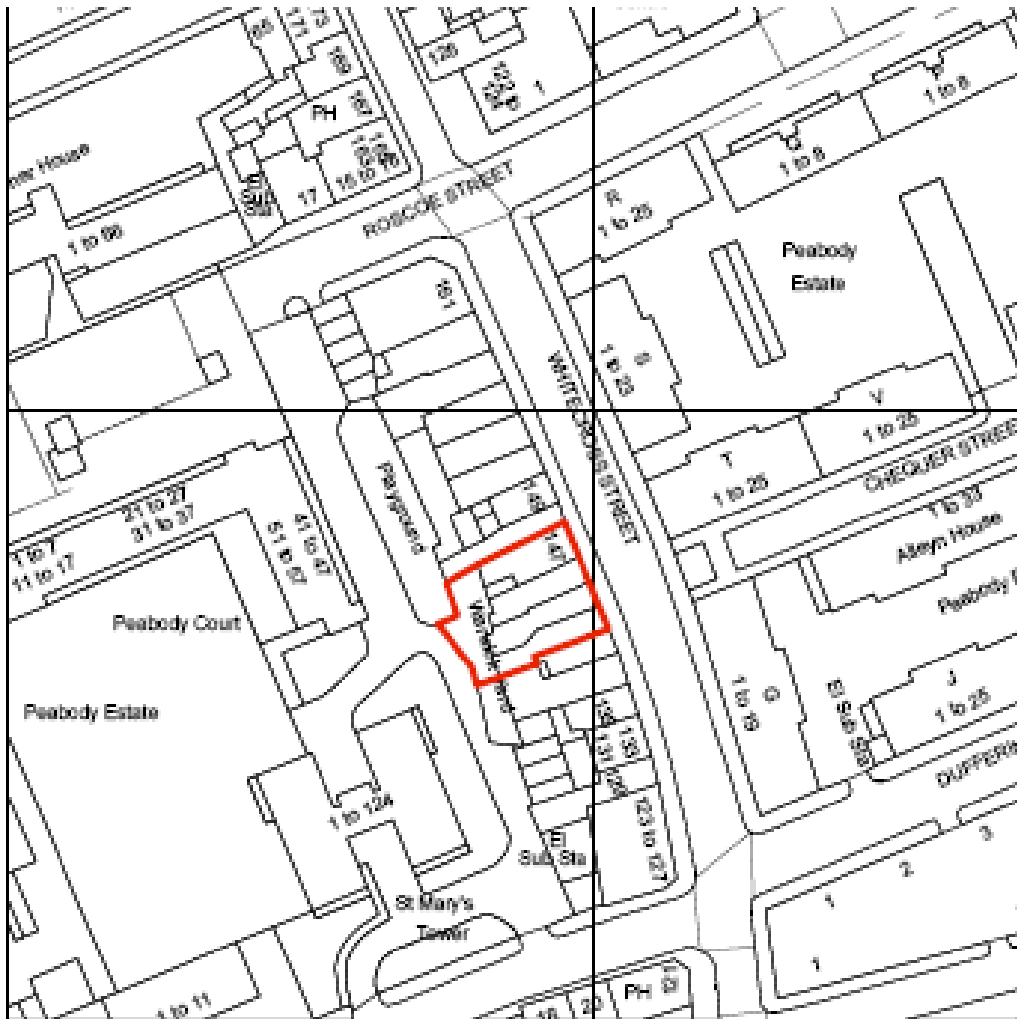
Case Officer	Ben Dixon
Applicant	Mr Meir Posen (Ferngrove Construction Ltd)
Agent	Norton Mayfield Architects

1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET





4. SUMMARY

- 4.1 The key issues involved in determining this application are the principle of the proposed mixed use development, the quality of the design and residential accommodation proposed and the impact of the development on the amenity of the amenity of neighbouring occupiers.
- 4.2 It is considered that the principle of the proposed mixed use development is acceptable given the planning history and site context.
- 4.3 It is considered that the proposed scheme represents a development which would make good use of the site to provide ground floor commercial space and good quality new residential units. It is considered that the development's scale and design are appropriate to the location and, moreover, that the development would successfully preserve and enhance the quality, character and appearance of the host building, the streetscene and the surrounding conservation area.
- 4.4 It is considered that the proposal would not impact unacceptably on the amenity of any neighbouring occupiers.

5. SITE AND SURROUNDINGS

- 5.1 The application site is located on the west side of Whitecross Street. The site is occupied by three derelict, Victorian, three storey over basement, terraced buildings (141, 143 and 145 Whitecross Street), which previously provided commercial floorspace across ground and basement level with residential accommodation above. There was previously a single storey, end of terrace, commercial building at 147 Whitecross Street, which has recently been demolished by the applicant. The northern most part of the site comprises Warwick Yard, which is a narrow passage leading from Whitecross Street to the rear of the site.
- 5.2 Adjoining the site to the south is a terrace of three and four storey buildings which comprise commercial uses at ground floor level with residential accommodation above. Adjacent to the north of the application site, at 149-157 Whitecross Street, is a similar terrace of properties that is also owned by the applicant, and which is currently being developed to provide a mixed use commercial and residential development. To the rear (west) of the site is part of the Peabody Estate, which includes St Mary's Tower, a 12 storey residential block, and Peabody Court, a large six storey block. To the east of the site on the opposite side of Whitecross Street is another part of the Peabody Estate which comprises five storey residential blocks.
- 5.3 The site is located within a protected Local Shopping Area and Whitecross Street is the location for a popular food market. The site is located within the Central Activities Zone (CAZ). The site is located within the St Luke's Conservation Area and is within an Archaeological Priority Area.

6. PROPOSAL (IN DETAIL)

6.1 This application is seeking planning permission for:

- i) Works to No. 141 Whitecross Street comprising: demolition of the existing rear extension, erection of a new two storey rear extension with second floor roof terrace, erection of a third floor mansard roof extension, replacement of the existing windows and shopfront.
- ii) Works to Nos. 143 & 145 Whitecross Street comprising: demolition of the existing rear extension, excavation to create a rear basement extension, erection of a two storey rear extension with first and second floor roof terraces, erection of a third floor mansard roof extension, replacement of the existing windows and shopfront.
- iii) Works to No.147 Whitecross Street comprising: demolition of the existing single storey building, excavation to create a rear basement extension; erection of a four storey end of terrace building with a two storey rear projection, including first and second floor roof terraces.
- iv) Together with erection of a single storey bin stores building and cycle stores enclosure on Warwick Yard with installation of a gate to the Warwick Yard access off Whitecross Street.

6.2 The proposed works are associated with the creation of two commercial units (one x A1 unit and one x A1/A2/A3 flexible unit) at ground floor and basement level; together with the lateral conversion of the upper floors to create seven residential units (comprising one x three-bedroom, two x two-bedroom, and four x one-bedroom flats).

6.3 The proposed development has been amended since the original submission. The amendments to the scheme relate to the scale and design of the proposed rear extensions, which have been reduced in height from three to two storeys, and amended with the increased use of glazing, at first floor level, so as to closer replicate a traditional solid void ratio.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

7.1 Planning permission (ref. 900044) was granted in July 1990 at 141-143 Whitecross Street for erection of a first and second floor rear extension and erection of a third floor roof extension, together with conversion of the upper floors to provide two x one-bedroom flats and two x two- bedroom maisonettes. This permission expired unimplemented.

7.2 Planning permission (ref. P082361) and conservation area consent (ref. P082362) was granted in April 2009 at 145-147 Whitecross Street for the demolition of the existing rear extensions, erection of rear extensions at ground and first floor level to No. 145, the rebuilding of No. 147 to three-storeys incorporating a two-storey extension and mansard roof extension, together with internal alterations and lateral conversion of properties to provide a total of four residential units, comprising two x one-bedroom and two x two-bedroom. This permission was not implemented, and has since expired.

7.3 Planning permission (ref. P111218) was granted in March 2012 on the adjoining site at 149-157 Whitecross Street (which is also owned by the applicant) for redevelopment of

the site to create a four storey over basement mixed use building with nine flats on the upper floors and four flexible A1/A2/A3 commercial units at ground floor and basement level. This development is currently under construction.

8. CONSULTATION

Public Consultation

- 8.1 A total of 170 letters were sent to occupants of adjoining and nearby properties at Whitecross Street, Roscoe Street, Fortune Street, Chequer Street, and Dufferin Street on 24-May-2012. A site and press notice were also displayed. Although, the public consultation period expired on 14-June, 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, one response had been received from the public with regard to the application. The response received is a letter of objection and the issues raised can be summarised as follows:
- Loss of privacy to flats in St Mary's Tower due to overlooking

External Consultees

- 8.3 English Heritage – No objection

Internal Consultees

- 8.4 Access Officer - No objection
- 8.5 Conservation and Design Officer - No objection to revised scheme, subject to conditions to secure fine details and material samples
- 8.6 Public Protection Division (Noise Team) - No objection, subject to conditions to secure appropriate sound insulation
- 8.7 Sustainability Officer - No objection subject to condition to ensure minimisation of onsite CO2 emissions and minimised water consumption
- 8.8 Street Environment Division - No objection

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.

Development Plan

9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002.

Emerging Policy Documents

9.3 Islington's Development Management Policies (Submission Version June 2012)

Designations

9.4 The site has the following designations under the London Plan 2011 and Islington Proposals Map (2011):

- Central Activities Zone (CAZ)
- Bunhill & Clerkenwell Key Area
- Protected Local Shopping Centre
- St Luke's Article 4 Conservation Area
- Archaeological Priority Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle of Land Use
- Conservation & Design
- Neighbouring Amenity
- Dwelling Mix
- Standard of Residential Accommodation
- Sustainability
- Transport
- Archaeology

Land-use

10.2 The proposal would provide two commercial units across ground floor and basement level, comprising one x A1 retail unit and one flexible A1/A2/A3 unit, with seven residential units provided across the upper floors. The proposed mix of uses would be consistent with those found at neighbouring properties along Whitecross Street, a designated local shopping centre, and within the surrounding area more generally.

10.3 It is considered that the proposed development accords with the aims of policies CS7 (Bunhill and Clerkenwell), CS12 (Meeting the housing challenge) and CS14 (Retail and

services) of the Islington Core Strategy 2011, policy S16 (Protected Shopping Centres) of the Islington Unitary Development Plan 2002, policies 3.3 (Increasing housing supply) and 4.8 (Supporting a successful and diverse retail sector) of the London Plan 2011, and emerging policies DM18 (Maintaining and promoting small and independent shops) and DM23 (Local shopping areas) of the Islington Development Management Policies (Submission June 2012). Consequently, the proposed development is considered to be acceptable in principle.

Conservation & Design

- 10.4 The prevailing building height in the area surrounding the application site, which forms the context for the development, is of three to four storeys. The overall bulk, scale, and massing of the proposed development is considered to be appropriately in-keeping with the local townscape context. The design of the proposed extensions and alterations to the existing buildings have been revised and refined in line with advice provided by the Council's Conservation and Design Team.
- 10.5 The proposed rear extensions are significantly larger than would normally be supported at properties within the Borough's conservation areas. However, in this instance, there are special circumstances, chiefly relating to the exceptionally poor structural condition of the buildings, the existing large, poor quality rear extensions at the site, and the planning history for the site and adjoining site at 149-157 Whitecross Street. It is necessary to take into account the previous unimplemented planning permissions (ref. 900044 and P082361) for similar large rear extensions at the site and also the recently granted (in March 2012) planning permission (ref. P111218) for a development of similar scale at the adjoining site, as these are material considerations in the assessment of the current proposal.
- 10.6 The proposal would allow the site to be redeveloped and brought back into appropriate active use, while avoiding the total demolition of the existing Victorian buildings, as was necessary at the adjacent site. Further, the proposal would secure the high quality refurbishment of the front elevation of the existing buildings, with installation of new traditional style timber sash windows and shopfronts, and would secure the rebuilding to full height of No. 147 Whitecross Street, which was truncated to single storey height as a result of WWII bomb damage. These works would significantly enhance the character of the historic streetscene on Whitecross Street and the surrounding St Luke's Conservation Area.
- 10.7 The proposal would also secure the replacement of the existing poor quality, unattractive, ad hoc rear extensions. The proposed new ground and first floor level rear extensions are well considered and carefully detailed, having been revised in line with the guidance of the Council's Conservation and Design Team. As such, the replacement of the existing rear extensions with the proposed new rear extensions would enhance the character and appearance of the rear of the site and the surrounding conservation area. The proposed, traditional style, third floor mansard roof extension, would be in-keeping with the recently approved adjacent development at 149-157 Whitecross Street, which is now under construction.
- 10.8 All extensions and alterations would be completed using appropriate high quality traditional materials (London stock brick, natural slate, timber and glass), which would preserve and enhance the character and appearance of the host buildings. Details and samples of all facing materials shall be secured by condition for subsequent approval.

10.9 Overall, the proposed development is considered to be acceptable in terms of its bulk, scale, massing and external appearance, subject to material samples being secured by condition. The proposal is considered to be in accordance with policies D4 (Designing in Context), D11 (Alterations and Extensions), D13 (Shopfronts), D22 (New Development), D24 (Materials), D25 (Roof Extensions), and D28 (Rear Extensions) of the Islington Unitary Development Plan 2002, policies CS7 (Bunhill and Clerkenwell), and CS9 (Protecting and enhancing Islington's built and historic environment) of the Islington Core Strategy 2011, policies 3.5 (Quality and design of housing developments), 7.4 (Local character), 7.6 (Architecture), and 7.8 (Heritage Assets and Archaeology) of the London Plan 2011 and emerging policies DM1 (Design), DM3 (Heritage) and DM25 (Shopfronts) of the Islington Development Management Policies (Submission June 2012).

Neighbouring Amenity

10.10 An assessment of the potential impact of the proposed extensions and alterations (including the introduction of new first and second floor rear windows and balconies) on the amenity of all neighbouring residential properties has been made. Concerns have been raised by the occupier of a flat within St Mary's Tower with respect to the potential for a loss of privacy due to increased overlooking from the new development. However, the nearest new first floor window in the proposed first floor rear extension would be approximately 15.5m from the closest first floor window in St Mary's Tower and would be at an oblique angle. The closest first floor terraces to St Mary's Tower would be 17.5m away and the closest second floor terraces would be 19m away. Whilst it is acknowledged that the proposed development would introduce significantly more residential windows at the rear of the application site, all views from the rear windows and terraces at the site would be across a driveway, which runs from Fortune Street to Roscoe Street between the rear of the application site and the buildings on the Peabody Estate, and would be a minimum of 15.5m away.

10.11 Taking into consideration the relationship between the application site, and surrounding buildings, it is considered that the degree of separation between the proposed rear windows and roof terraces at the application site, and neighbouring properties, is such that, the proposal would not result in undue harm to the amenity of any neighbouring residential occupiers, as a result of loss of privacy due to overlooking. Due to the orientation and proximity of the application site with respect to neighbouring buildings, the proposal would not result in undue harm to any neighbouring occupiers as a result of loss of light, loss of outlook or increased sense of enclosure. Therefore, the proposal is considered to be in accordance with policies Env17 (Protecting Amenity), H3 (New Housing and Changes of Use to Residential) and D3 (Site Planning) of the Islington Unitary Development Plan 2002, policies 7.6 (Architecture) and 7.15 (Reducing noise and enhancing soundscapes) of the London Plan 2011, emerging policy DM1 (Design) of the Islington Development Management Policies (Submission June 2012).

Dwelling Mix

10.12 The proposal would provide a total of seven flats comprising one x three-bedroom flat, two x two-bedroom flats, and four x one-bedroom flats. These units would help to meet the borough's housing need in line with the aims of policy H3 (New Housing and Changes of Use to Residential) of the Islington Unitary Development Plan 2002, policy CS12 (Meeting the housing challenge) of the Islington Core Strategy 2011, emerging policy DM9 (Mix of housing sizes) of the Islington's Development Management Policies (Submission June 2012) and policy 3.8 (Housing choice) of the London Plan 2011.

Standard of Residential Accommodation

- 10.13 In terms of the standard of the residential accommodation proposed, all units would exceed the minimum gross internal area (GIA) size standard sought by policy 3.5 (Quality and design of housing developments) of the London Plan 2011 and emerging policy DM12 (Housing standards) of the Islington's Development Management Policies (Submission June 2012). All rooms within each dwelling would exceed the required minimum size as set out in the London Housing Design Guide SPD and the internal arrangement allows for a functional use.
- 10.14 All habitable rooms would have a decent outlook, appropriate privacy, and would benefit from adequate natural light and ventilation. Six of the seven units would benefit from dual aspect and the only single aspect unit would be southwest facing and as such would benefit from adequate levels of natural light.
- 10.15 All units have a practical internal layout, which has been designed to provide inclusive access in accordance with the requirements of the Accessible Housing in Islington SPD and Lifetime Homes and each unit is serviced by a lift. The unit layouts have been designed to be adaptable to meet changing occupier circumstances over the lifetime of the building. Only four of the seven units would benefit from private external amenity space in the form of rear terraces. However, given the constraints of the site, this is considered to be acceptable. There is adequate provision for refuse and recycling storage and adequate secure cycle parking in line with TfL guidance.
- 10.16 Due to the site being located on a road which hosts a busy market, it is necessary to secure a high level of sound insulation for all units as well as securing adequate sound insulation between the ground floor commercial unit and the residential units above. These shall be secured by condition. The hours of operation and times of servicing for the ground floor commercial unit shall also be restricted by condition in order to ensure an adequate level of amenity for future occupiers of the residential units.
- 10.17 Overall, the proposed development is considered to provide good quality residential accommodation which accords with policies H3 (New Housing and Changes of Use to Residential), H7 (Standards and Guidelines) and H10 (New Development) of the Islington Unitary Development Plan 2002, policy CS12 (Meeting the housing challenge) of the Islington Core Strategy 2011, policy 3.5 (Quality and design of housing developments) of the London Plan 2011, and emerging policy DM12 (Housing standards) of the Islington's Development Management Policies (Submission June 2012).

Sustainability

- 10.18 As the proposed development is centred around the refurbishment of existing buildings, the Code for Sustainable Homes does not apply. However, it is still necessary for the scheme to demonstrate how it has minimised onsite carbon emissions in line with policy CS10 (Sustainable Design) of the Islington Core Strategy 2011. The submitted Design & Access Statement states that the scheme would rely on thermal mass and high levels of insulation and air tightness combined with whole house ventilation and heat recovery to keep energy usage to a minimum. Further details are required to clarify how air tightness and insulation will be maximised (e.g. by upgrading existing roof and wall insulation and replacing windows at the same time as the new extensions – with high levels of insulation), including design u-values (for walls, roof and windows) and design air permeability. Details of the proposed heating system should also be provided. These details shall be secured by condition.
- 10.19 The proposed specification of low energy lighting and appliances is supported. It is accepted that opportunities for renewable energy generation at the site are limited given the orientation of the building, relationship to adjoining properties and the roof form. Policy CS10 requires all residential developments to be designed with water efficient fixtures and fittings to achieve a water consumption target for 95l/p/d. This shall be secured by condition. It is accepted that in this instance there are few opportunities to enhance the biodiversity value of the site. Given that the whole site is hard surfaced the new extensions should not increase overall rainwater runoff levels from the site.

Highways and Transportation

- 10.20 The application site has a Public Transport Accessibility Level (PTAL) rating of 6a (1 being the worst and 6 the best) and is located within a controlled parking zone (CPZ). The development would be car free with future occupiers (except disabled people) prohibited from obtaining parking permits. Therefore, the proposal would not result in a material increase in parking pressure on surrounding roads. The proposal makes adequate provision for the secure storage of cycles in line with TfL guidance.
- 10.21 It is necessary that the commercial units at the site are serviced in accordance with an agreed servicing management plan, so as to ensure that servicing operations associated with the site, do not impinge on the future operation of the market. This shall be secured by condition. For the same reason it is also necessary to secure a construction management plan by condition.
- 10.22 Subject to construction and operation of the development in accordance with the agreed management plans, it is considered that the proposal would not have a material impact on highway safety or the operation of the market. The proposal is considered to be in accordance with policy T34 (Cycle Parking) of the Islington Unitary Development Plan 2002, policies 6.3 (assessing effects of development on transport capacity), 6.9 (Cycling) and 6.13 (Parking) of the London Plan 2011, and emerging policies DM46 (Managing transport impacts), and DM49 (Vehicle parking) of the Islington Development Management Policies (Submission June 2012)

Archaeology

10.23 The site is located within a designated Archaeological Priority Area, where it is anticipated that archaeological remains may be present. Although investigation was recently undertaken at the adjacent site at 149-157 Whitecross Street, the site has not previously been archaeologically investigated. As such, there is potential for hitherto unknown archaeological remains to be affected by the proposed extended basement and new rear extensions. Therefore, a condition is required to secure a scheme of archaeological investigation at the site prior to the commencement of any works.

Affordable Housing

10.24 The proposed development would provide seven new residential units. As the development would not meet the required threshold of ten or more new residential units, the requirement for the provision of affordable housing is not triggered. Furthermore, the application was received prior to the adoption of the Affordable Housing Small Sites Contributions SPD and as such this scheme is not eligible to pay a contribution in accordance with the requirements of this SPD.

Community Infrastructure Levy (CIL)

10.25 The applicant has submitted a completed CIL liability form and the development will be subject to the requirement of a CIL payment that will be payable on commencement of the development.

National Planning Policy Framework (NPPF)

10.26 The proposed development is considered to represent sustainable development, which is in accordance with Islington's Development Plan. Therefore, the proposal is in accordance with the national planning guidance set out in the NPPF

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The key issues involved in determining this application are the principle of the proposed mixed use development, the quality of the design and residential accommodation proposed and the impact of the development on the amenity of the amenity of neighbouring occupiers.
- 11.2 The principle of the proposed mixed use development is appropriate to the site given the planning history and site context.
- 11.3 It is considered that the proposed scheme represents a well considered high quality development which would make best use of the site to provide retail space and good quality new residential units. It is considered that the development's scale and design are appropriate to the location and, moreover, that the development would successfully preserve and enhance the quality, character and appearance of the host building, the streetscene and the surrounding conservation area.
- 11.4 It is considered that the proposal would not impact unacceptably on the amenity of any neighbouring occupiers.

- 11.5 The proposal thereby accords with the relevant policies contained in the Islington Development Plan and national guidance provided in the NPPF. It is supported by officers with a recommendation that planning permission be granted.

Conclusion

- 11.6 It is recommended that planning permission be granted subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That if members are minded to approve this proposal, subject to conditions, officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

This proposal has been approved following consideration of all the relevant policies in the Development Plan (London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002), the National Planning Policy Framework (2012) and other material considerations.

- This decision was made by the Members of the Planning Sub- A Committee on the 13-December- 2012.
- The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress;
- The proposed development is acceptable in principle and in accordance with policies CS7 (Bunhill and Clerkenwell), CS12 (Meeting the housing challenge) and CS14 (Retail and services) of the Islington Core Strategy 2011, policy S16 (Protected Shopping Centres) of the Islington Unitary Development Plan 2002, policies 3.3 (Increasing housing supply) and 4.8 (Supporting a successful and diverse retail sector) of the London 2011, and emerging policies DM18 (Maintaining and promoting small and independent shops) and DM23 (Local shopping areas) of the Islington Development Management Policies (Submission June 2012).
- The development is acceptable in terms of its bulk, scale, massing and external appearance, and subject to the alterations and details to be secured by condition, the proposal is considered to be in accordance with policies D4 (Designing in Context), D11 (Alterations and Extensions), D13 (Shopfronts), D22 (New Development), D24 (Materials), D25 (Roof Extensions), and D28 (Rear Extensions) of the Islington Unitary Development Plan 2002, policies CS7 (Bunhill and Clerkenwell), and CS9 (Protecting and enhancing Islington's built and historic environment) of the Islington Core Strategy 2011, policies 3.5 (Quality and design of housing developments), 7.4 (Local character), 7.6 (Architecture), and 7.8 (Heritage Assets and Archaeology) of the London Plan 2011 and emerging policies DM1 (Design), DM3 (Heritage) and DM25 (Shopfronts) of the Islington Development Management Policies (Submission June 2012).

- The development would not result in material harm to the neighbouring occupiers and is in accordance with policies Env17 (Protecting Amenity), H3 (New Housing and Changes of Use to Residential) and D3 (Site Planning) of the Islington Unitary Development Plan 2002, policies 7.6 (Architecture) and 7.15 (Reducing noise and enhancing soundscapes) of the London Plan 2011, emerging policy DM1 (Design) of the Islington Development Management Policies (Submission June 2012).
- The proposal would help to meet the borough's housing need in line with the aims of policy H3 (New Housing and Changes of Use to Residential) of the Islington Unitary Development Plan 2002, policy CS12 (Meeting the housing challenge) of the Islington Core Strategy 2011, emerging policy DM9 (Mix of housing sizes) of the Islington's Development Management Policies (Submission June 2012) and policy 3.8 (Housing choice) of the London Plan 2011.
- The development would provide good quality residential units which are in accordance with policies H3 (New Housing and Changes of Use to Residential), H7 (Standards and Guidelines) and H10 (New Development) of the Islington Unitary Development Plan 2002, policy CS12 (Meeting the housing challenge) of the Islington Core Strategy 2011, emerging policy DM12 (Housing standards) of the Islington's Development Management Policies (Submission June 2012) and policy 3.5 (Quality and design of housing developments) of the London Plan 2011.
- The development would meet sustainability requirements in line with policy CS10 (Sustainable design) of the Islington Core Strategy 2011.
- Subject to construction and operation of the development in accordance with agreed management plans, the proposal would not have a material impact on highway safety or the operation of the market, and is in accordance with policy T34 (Cycle Parking) of the Islington Unitary Development Plan 2002, emerging policies DM46 (Managing transport impacts), and DM49 (Vehicle parking) of the Islington Development Management Policies (Submission June 2012), and policies 6.3 (assessing effects of development on transport capacity), 6.9 (Cycling) and 6.13 (Parking) of the London Plan 2011.

RECOMMENDATION B

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

List of Conditions:

- 1 Commencement
CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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).
- 2 Approved plans list
CONDITION: The development hereby approved shall be carried out in strict accordance with the following approved plans:

1020-PL-201A, 1020-PL-202, 1020-PL-205, 1020-PL-206, 1020-PL-210A, 1020-PL-211A, 1020-PL-212A, 1020-PL-213A, 1020-PL-214, 1020-PL-214A, 1020-PL-215, 1020-PL-216A, 1020-PL-220D, 1020-PL-221D, 1020-PL-222F, 1020-PL-223E, 1020-PL-224E, 1020-PL-225D, 1020-PL-226D, 1020-PL-227D, 1020-PL-228, 1020-PL-231A, 1020-PL-232B, 1020-PL-233A, 1020-PL-234A, 1020-PL-235A, 1020-PL-237, 1020-PL-241, 1020-PL-245B, 1020-PL-246C, 1020-PL-250B, Design and Access Statement

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.

3 Materials

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:

- a) solid brickwork (including brick panels and mortar courses)
- b) natural slate roof tile;
- c) gate to Warwick Yard
- d) balustrading treatment

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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 in accordance with policies: 5.3; 7.4; 7.5 7.7 and 7.6; of the London Plan 2011, and policies: CS9A, B and G and CS10F of the Islington Core Strategy 2011.

4 Roller Shutters

CONDITION: No roller shutters shall be installed on the building without the prior written approval of the Local Planning Authority.

REASON: To ensure the good design of any roller shutter(s) and in the interest of preventing the creation of dead, inactive street frontages in accordance with policies: 7.3; 7.4 and 7.6 of the London Plan 2011, policies: D3; D4, D13 and Env12 of the Islington Unitary Development Plan 2002 and policy CS9A, D and G of the Islington Core Strategy 2011.

5 Non-obscured Shopfront Glazing

CONDITION: The shopfront glazing shall not be painted, tinted or otherwise made obscure, and fixtures and fixings which may obscure visibility above a height of 1.4 metres above finished floor level shall not be placed within 2 metres of the inside of the window glass unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent the creation of dead, inactive street frontages in accordance with policies: 7.3; 7.4 and 7.6 of the London Plan 2011, policies: D3; D4, D13 and Env12 of the Islington Unitary Development Plan 2002 and policy CS9A, D and G of the Islington Core Strategy 2011.

6 Minimising on-site CO2 Emissions

CONDITION: Details of how the scheme has been designed to minimise onsite carbon dioxide emissions by maximising energy efficiency (including roof, wall and window u-values for refurbished spaces and extensions and design air tightness) and supplying energy efficiently should be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and shall be operational prior to the first occupation of the development hereby approved.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In the interest of addressing climate change and to secure sustainable development in accordance with policies 5.2 and 5.3 of the London Plan 2011 and policy CS10 of Islington's Core Strategy.

7 Water Consumption

CONDITION: The development shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.

REASON: To ensure the sustainable use of water in accordance with policy 5.15 of the London Plan 2011, policy Env39 of the Islington Unitary Development Plan 2002 and policy CS10C and G of the Islington Core Strategy 2011.

8 Archaeology

CONDITION: No development shall take place on site unless and until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.

No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

REASON: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with PPS5, policy 7.8 of the London Plan 2011, policies: D43; D44; D45; D46 and D47 of the Islington Unitary Development Plan 2002 and policy CS9B of the Islington Core Strategy 2011

9 Cycle Parking
CONDITION: The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policies 6.7 and 6.9 of the London Plan 2011, policies: T34 and T52 of the Islington Unitary Development Plan 2002 and policy CS10H of the Islington Core Strategy 2011.

10 Refuse Stores
CONDITION: The refuse and recycling storage hereby approved, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.

REASON: To ensure adequate refuse and recycling storage is available and easily accessible on site in accordance with policy env37 of the Islington Unitary Development Plan 2002 and policy CS11 of the Islington Core Strategy 2011.

11 Construction Management Plan
CONDITION: A construction management plan (CMP) and construction logistics plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

The development shall be constructed strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that the construction works are satisfactory in terms of their impact on highway safety and the free-flow of traffic in accordance with policies: 6.7 and 6.13 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.

12 Servicing Management Plan
CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

The development shall be operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic in accordance with policies: 6.7 and 6.13 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.

13 Sound Insulation 1

CONDITION: A noise assessment and related scheme for sound insulation and noise control measures shall be submitted to and approved in writing by; and implemented to the satisfaction of the Local Planning Authority prior to the first occupation of the development hereby approved. The sound insulation and noise control measures shall achieve the following internal noise targets:

Bedrooms (23.00-07.00 hrs) 30 dB L_{Aeq} , and 45 dB L_{max} (fast)
Living Rooms (07.00-23.00 hrs) 35 dB L_{Aeq} ,
Kitchens, bathrooms, WC compartments and utility rooms
(07.00 –23.00 hrs) 45 dB L_{Aeq}

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To secure an appropriate internal residential environment in accordance with the NPPF, policy 7.15 of the London Plan 2011, policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.

14 Sound Insulation 2

CONDITION: Full particulars and details of a scheme for sound insulation between the proposed ground floor retail use and residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The insulation and measures shall be implemented prior to the first occupation of the development hereby approved.

REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses in accordance with policy 7.15 of the London Plan 2011, policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.

15 Restricted Hours of Servicing

CONDITION: All service vehicle deliveries / collections / visits to and from the retail unit hereby approved must not take place outside hours of:

0800 hours to 2000 hours on Monday to Saturday.

REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity in accordance with policies: 6.7 and 6.13 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.

16 Restricted Hours of Operation

CONDITION: The ground floor and basement commercial units hereby approved shall not operate outside the hours of:

Monday to Saturday: 0700 hours to 2330 hours

Sunday: 0800 hours to 2230 hours

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in accordance with policies: D3 and Env17 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011.

17 Provision of Lift

CONDITION: The lift shown on the approved drawings, serving all levels of residential accommodation, shall be installed and operational prior to the first occupation of any of the residential dwellings hereby approved. The lift shall be maintained as such thereafter.

REASON: To ensure adequate provision of access to residential units at all floors in accordance with policy 7.2 of the London Plan 2011 and CS12 of the Islington core Strategy 2011.

18 Pipework

CONDITION: No additional plumbing, down pipes, rainwater pipes or foul pipes than that shown on the drawing hereby approved shall be located/ fixed to the external elevation(s) of the buildings.

REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the Listed building. The prevention of the installation of plumbing and pipes in the specified location would ensure compliance with PPS5 Planning for the Historic Environment; policy 7.4; 7.6; 7.8 of the London Plan 2011, policy: design policies of the Islington Unitary Development Plan 2002 and policy CS9A and G of the Islington Core Strategy 2011.

19 Flexible Uses

CONDITION: The first use of the flexible A1/A2/A3 unit shall become the lawful use of the unit. The use of the unit shall then not change to any use outside the use class of the lawful use without the prior written approval of the Local Planning Authority.

REASON: In the interests of preserving the amenity of neighbouring occupiers and the balance of uses within the designated local shopping area in accordance with policies: D3, Env17 and S16 of the Islington Unitary Development Plan 2002 and policies CS7 and CS14 of the Islington Core Strategy 2011, policy 4.8 (Supporting a successful and diverse retail sector) of the London Plan 2011, and emerging policies DM18 (Maintaining and promoting small and independent shops) and DM23 (Local shopping areas) of the Islington Development Management Policies (Submission June 2012).

20 A3 Use – Extraction / Ventilation

CONDITION: In the event that any of the floorspace at ground floor and basement level is used for Class A3 (of the Schedule to the Town and Country Planning (Use Classes) Order 1987) purposes, full details of extraction and ventilation system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use. The use shall not operate without the full installation and operation of the approved extraction and ventilation equipment.

REASON: To ensure that the proposed development does not prejudice the amenity of neighbouring properties, and to accord with policies Env17 of the Islington Unitary Development Plan (2002).

List of Informatives:

1 Positive Statement

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 this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.

This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.

2 Superstructure

DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'

A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.

3 Roller Shutters

ROLLER SHUTTERS

The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.

4 Car Free

All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and

occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

5 CIL

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 <mailto:cil@islington.gov.uk>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal here:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>.

APPENDIX 2 : RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

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

Policy 2.12 Central Activities Zone – Predominantly local activities

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.15 Water use and supplies

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 4.1 Developing London's economy
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small shops
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
5.4 Retrofitting
Policy 5.7 Renewable energy

Policy 6.9 Cycling
Policy 6.13 Parking
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
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.19 Biodiversity and access to nature
Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Policy CS7 (Bunhill and Clerkenwell)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)

Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green Infrastructure)

C) Islington Unitary Development Plan (2002)

Env16 & 17 (Protection of Amenity)
Env37 (Waste and Recycling)
H3 (New Housing and Changes of Use to Residential)
H7 (Standards and Guidelines)
H10 (New Development)
T18 (Parking and Traffic Restraint)
T34 (Cycle Parking)
T45 (Land Use Planning)
T52 (Facilities for Cyclists)
T55 (New Development)
T56 (Traffic Generation and Public Transport Capacity)

S16 (Protected Shopping Centres)
S29 (Access to Shops)
S31 (A2 and A3 Uses)
D3 (Site Planning)
D4 (Designing in Context)
D11 (Alterations and Extensions)
D13 (Shopfronts)
D22 (New Development)
D24 (Materials)
D25 (Roof Extensions)
D28 (Rear Extensions)

3. Emerging Policy Documents

A) Islington's Development Management Policies – Proposed Submission, October 2011

The Proposed Submission of Islington's *Development Management Policies* went out to consultation in October 2011 and this process was completed on 12 December 2011. Following this amended drafts of these documents were produced and a further round of public consultation commenced on 8th May 2012. The final drafts of these documents have now been submitted to the Planning Inspectorate for Independent Examination later in the year. This document whilst not adopted, gives an indication of the Council's approach to sustainable development proposals for the next 15 years. The emerging policies are a material planning consideration.

DM1 Design	DM25 Shopfronts
DM2 Inclusive Design	DM40 Sustainable design and construction
DM3 Heritage	DM41 Energy efficiency and carbon reduction in minor schemes
DM9 Mix of housing sizes	DM44 Heating and cooling
DM12 Housing Standards	DM46 Managing transport impacts
DM13 Private outdoor space	DM49 Vehicle parking
DM15 Noise and vibration	
DM18 Maintaining and promoting small and independent shops	
DM23 Local shopping areas	

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

The following SPG's and/or SPD's are relevant:

Islington

- **Accessible Housing in Islington**
- **Car Free Housing**
- **Green Construction**
- **Planning Standards Guidelines**
- **Urban Design Guide**

London Plan

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