

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: 12th February 2013

AGENDA ITEM NO:

NON-EXEMPT

Application number	P122372
Application type	Full Planning Application
Ward	Mildmay
Listed building	None
Development Plan Context	None
Site Address:	23, 27 & 29B, Newington Green Road, Islington, London, N1 4QT
Proposal	Redevelopment of the site including demolition of existing buildings on the site and erection of 5 three-storey family houses to the rear of the site (4 x 4 bed & 1 x 3 bed dwellings) and erection of 2 four-storey buildings fronting onto Newington Green Road to create 4 self-contained flats (3 x 2 bed & 1 x 1 bed units) and associated landscaping and refuse and bike facilities. (Alterations to recently allowed Appeal scheme).

Case Officer	Paul Conboy
Applicant	Staske Ltd
Agent	Brooks/Murray Architects

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission:
- 1.2 for the reasons for approval; and subject to the conditions set out in Appendix 1 of this report.

2. SUMMARY

- 2.1 This application was previously discussed at Planning Sub-A Committee on the 13th December 2012. It was resolved that the item be deferred after members raised concerns regarding the proposed second floor rear terraces contained within the scheme and their impact upon the amenity of neighbouring properties. The item was deferred to allow further discussions and amendments to be made to the scheme to address these concerns.
- 2.2 The council has received amended plans which have removed the previously proposed second floor rear terraces within the proposed development. Revised drawings to this affect have been accepted by the council and it is now recommended that the approved drawing conditions being updated to the following:

CONDITION 02: The development hereby approved shall be carried out in accordance with the following approved plans:

Covering letter from Brooks/Murray Architects dated 18th October 2012, Design and access statement ref 929-P3 dated October 2012, site location plan numbered 929-P3-010, Aboricultural Implications assessment (AIA) by TMC Aboricultural Consultants dated January 2012 numbered 929-P3-TR1, Residential and density and mix analysis report by Bell Cornwell, Sunlight study-St Paul Place October 2012, Sunlight Study-Bingham Street October 2012, Code for sustainable homes Code 4 Pre-Assessment Report (Metropolis Green) dated June 2011, letter from David Maycox & Co dated 17th January 2012, External Noise Assessment Rev 1 dated January 2012 (Sound Advice Acoustics Ltd), Sunlight study-25 Newington Green Road October 2012, Energy Strategy (Metropolis Green) dated July 2011, Sunlight and daylight report produced by David Maycox & Co dated 1 August 2012, Drawing numbers: 929-P3-PH01, 929-P3-PH02, TMC-11005-S/REV A, 929-P3- 400, 929-P3-401, 929-P3-402, 929-P3-403, 929-P3-404, 929-P3-110, 929-P3-111, 929-P3-112/REV A, 929-P3-113, 929-P3-311/REV A, 929-P3-312, 929-P3-212/REV A, 929-P3-210, 929-P3-211/REV A & 929-P3-310/REV A, 929-P3-050, 929-P3-051, 929-P3-052, 929-P3-053 & 929-P3-100.

REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

- 2.3 Condition 9 is also proposed to be amended to reflect this omission of the second floor rear terraces to state the following:

CONDITION 09: Detailed drawings and samples of a scheme of screening for the first rear roof terraces of the hereby approved family dwellings shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first occupation of the residential units of the hereby approved scheme and maintained to the satisfaction of the Local Planning Authority thereafter

REASON: In order to safeguard the amenity levels of prospective occupiers of the units and adjacent occupiers in accordance with policy D3 of Islington's Unitary Development Plan 2002.

- 2.4 A further condition 13 is also suggested to ensure that the rear second floor green roof areas are not used as an outside amenity space into the future.

CONDITION 13: Notwithstanding the hereby approved plans, the rear second floor green roof area of the hereby approved 5 family dwellings shall not be used other than

for essential repair or maintenance, or escape in case of emergency and shall not be used as an amenity or sitting out area of any kind whatsoever.

REASON: In order to safeguard the amenity levels of adjoining residents in accordance with policy D3 of Islington's Unitary Development Plan 2002

- 2.5 It is also important to highlight the previous allowed appeal at this site in relation to affordable housing provision on the site. The council's main reason for defending the appeal case ref P111627 (redevelopment of the site including and to the rear of Nos. 23 and 27 Newington Green Road. Demolition of existing buildings on the site and erection of 5 family dwellings to the rear of the site (4 x 4 bed & 1 x 3 bed dwellings) and erection of 2 x four storey buildings fronting onto Newington Green Road to create 4 self contained units (3 x 2 beds & 1 x 1 bed) and associated landscaping and refuse and bike facilities) was based on the potential the site may have to create 10 units or more.
- 2.6 However as detailed in the attached appeal decision, the council's case was not supported by the Inspectorate. This decision is considered to have significant material weight in the determination of this proposed development. The current application was also submitted prior to the formal adoption of the council's small sites affordable housing contributions SPD and is therefore not liable for this policy in this case.

3. CONCLUSION

- 3.1 It is recommended that planning permission be granted for the reasons and details as set out in Appendix 1.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under 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 Minor Applications team Leader or Deputy Head of Service:

1. A contribution of £21,178 towards transport and public realm improvement works within the vicinity of the site.
2. A contribution of £20,696 towards public open space improvement works within the vicinity of the site.
3. A contribution of £14,538 towards playspace facilities in the vicinity of the site.
4. A contribution of £11,893 towards community improvement works within the vicinity of the site.
5. A contribution of £9,358 towards sport and recreation improvement works within the vicinity of the site.
6. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
7. A contribution of £5,000 for the provision of accessible transport bays or alternative accessible transport measures.
8. Compliance with the Code of Employment and Training. Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee (£5,000 per placement) to be paid to LBI. Applicant to pay for trainee's wages at least to minimum wage. LBI Construction Works Team to recruit and monitor placements.
9. Compliance with the Code of Local Procurement.
10. Compliance with the Code of Construction Practice, including a monitoring fee (£900).

Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

This amount is index-linked from the date of committee and is due upon implementation of the planning permission.

RECOMMENDATION B

That if members are minded to approve this proposal (subject to conditions and ~Deed of Planning Obligation) 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 12th of February 2013.
- 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 development proposal offers a well designed and efficient use of the existing site. The proposed development will create useable and valuable residential accommodation and is therefore considered to be acceptable in land use terms. The loss of the vacant public house has been justified in line with Emerging Development Management policy DM27. The development complies with policies 3.3 3.4 & 7.5 of the London Plan 2011 and policies 9, 10 & 12 of Islington's Core Strategy 2011 which to ensure that all new developments harmonise and respect the context of the surrounding area.
- The bulk, height and scale of the scheme has been developed to ensure that it is contextual and that it will not have any adverse impact on neighbouring residential amenity (i.e. loss of daylight or sunlight, loss of privacy and unreasonable sense of enclosure for neighbours, overshadowing and outlook). The proposal is considered to be compliant with policy D3 of the UDP 2002 and policy DM1 of the emerging Development Management policies 2012 which seek to protect the amenity of neighbouring residential properties.
- The proposal provides inclusive and convenient access for all within the development. The development therefore complies with policies 7.2 of the London Plan 2011 and policies Env12 and D3 of the Unitary Development Plan 2002 which seek to secure appropriate and inclusive designs for developments.
- The resulting residential accommodation is considered to be of good quality and standard of design. The design and appearance of the new residential units subject to compliance with conditions, is considered positive and would enhance the character and appearance of the surrounding Highbury Fields

Conservation Area. The scheme is in line with policies 3.5, 3.8 & 7.1 of the London Plan 2011 and policies D3, D4, D20, D24 of the Islington Unitary Development Plan 2002 and policies 9, 10 & 12 of Islington's Core Strategy 2011 which seeks to secure the appropriate overall design of buildings.

The use of the application site for residential uses is inherently sustainable in land-use terms. The proposal is considered to be compliant with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011, and emerging Development Management policies (2012) DM41, DM43 and DM38.

RECOMMENDATION C

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 accordance with the following approved plans:

Covering letter from Brooks/Murray Architects dated 18th October 2012, Design and access statement ref 929-P3 dated October 2012, site location plan numbered 929-P3-010, Aborigicultural Implications assessment (AIA) by TMC Aborigicultural Consultants dated January 2012 numbered 929-P3-TR1, Residential and density and mix analysis report by Bell Cornwell, Sunlight study-St Paul Place October 2012, Sunlight Study-Bingham Street October 2012, Code for sustainable homes Code 4 Pre-Assessment Report (Metropolis Green) dated June 2011, letter from David Maycox & Co dated 17th January 2012, External Noise Assessment Rev 1 dated January 2012 (Sound Advice Acoustics Ltd), Sunlight study-25 Newington Green Road October 2012, Energy Strategy (Metropolis Green) dated July 2011, Sunlight and daylight report produced by David Maycox & Co dated 1 August 2012, Drawing numbers: 929-P3-PH01, 929-P3-PH02, TMC-11005-S/REV A, 929-P3-400, 929-P3-401, 929-P3-402, 929-P3-403, 929-P3-404, 929-P3-110, 929-P3-111, 929-P3-112/REV A, 929-P3-113, 929-P3-311/REV A, 929-P3-312, 929-P3-212/REV A, 929-P3-210, 929-P3-211/REV A & 929-P3-310/REV A, 929-P3-050, 929-P3-051, 929-P3-052, 929-P3-053 & 929-P3-100.

REASON: To comply with Section 70(1) (a) of the Town and Country Planning 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) Samples of all facing brickwork types, including mortar and pointing.
- b) Window and door treatment (including sections and reveals);
- c) Roofing materials;
- d) Any other materials to be used.
- e) Green roof specifications

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 and 7.6; of the London Plan 2011, policies: D4 and D24 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS10F of the Islington Core Strategy 2011.

4 Bike storage measures

CONDITION: The bicycle storage areas hereby approved, which shall be secure and provide for no less than 12 bicycle spaces, 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.

5 No tree pruning without further consent

CONDITION: Notwithstanding any other plans or documents hereby approved no pruning of trees adjacent or over hanging the site (including branches or roots) are permitted without obtaining written approval of the local planning authority.

Tree pruning shall be carried out strictly in accordance with the details yet to be approved and no change shall take place without prior written approval of the Local Planning Authority.

REASON: In the interest of the protection of trees and to safeguard visual amenities in accordance with policy Env 6 of the Islington Unitary Development Plan 2002.

6 Landscaping scheme details

No demolition, site clearance or development shall take place until a tree protection plan and an arboricultural method statement detailing the protection of trees and tree root systems bordering and adjacent to the site in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction, have been submitted to and approved in writing by the local planning authority. The tree protection plan and arboricultural method statement must specify any pruning works proposed and details of proposed arboricultural supervision, a site plan identifying all trees to be retained or removed, the location of the root protection areas, the construction exclusion zones, canopies overhanging

the site, and the erection of hoarding / installation of tree boxes as appropriate, and details of the tree protection fencing.

REASON: To ensure prior establishment and maturity of landscaping to enhance the visual amenity of the site in accordance with policy ENV 6 of Islington's Unitary Development Plan 2006.

7 Code of Sustainable Homes Level 4

CONDITION: The development shall achieve a Code for Sustainable Homes rating of no less than 'Level 4'.

REASON: In the interest of addressing climate change and to secure sustainable development in accordance with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011.

8 No permitted development rights

CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwelling houses hereby approved shall be carried out or constructed without express planning permission.

REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling house(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme. The removal of Permitted Development rights would ensure compliance with policy D3 of the Islington Unitary Development Plan 2002.

9 Screening to the rear roof terraces

CONDITION: Detailed drawings and samples of a scheme of screening for the first rear roof terraces of the hereby approved family dwellings shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first occupation of the residential units of the hereby approved scheme and maintained to the satisfaction of the Local Planning Authority thereafter

REASON: In order to safeguard the amenity levels of prospective occupiers of the units and adjacent occupiers in accordance with policy D3 of Islington's Unitary Development Plan 2002.

10 Construction Controls

CONDITION: During the demolition 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:

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.

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.

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.

REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process in accordance with policy D3 of Islington's Unitary Development Plan 2002.

11 Accessible Housing

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 ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.

REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs, in accordance with policy 7.2 of the London Plan 2011, policies: H3; H7 and H10 of the Islington Unitary Development Plan 2002, policy CS12H of the Islington Core Strategy 2011 and the Accessible Housing in Islington Supplementary Planning Document 2008.

12 Boundary Treatment (Details)

CONDITION: Details of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.

The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.

REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure in accordance with policies: 7.4; 7.3 and 7.6 of the London Plan 2011 and policies: D8 & D24 of the Islington Unitary Development Plan 2002.

13 No second floor rear roof terraces

CONDITION 13: Notwithstanding the hereby approved plans, the rear second floor green roof area of the hereby approved 5 family dwellings shall not be used other than for essential repair or maintenance, or escape in case of emergency and shall not be used as an amenity or sitting out area of any kind whatsoever.

REASON: In order to safeguard the amenity levels of adjoining residents in accordance with policy D3 of Islington's Unitary Development Plan 2002

List of Informatives:

1 LPA 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.

The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF

2 S106

SECTION 106 AGREEMENT

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.

3 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.

4 Car-Free Development

INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

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 conditions must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council. This should be received by the Council within the next 21 days. 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. Persistent failure to pay CIL liabilities due may result in the Council imposing surcharges and serving a CIL stop notice prohibiting further development on the site and/or taking action to recover the debt due. The above forms can be found on the [Planning Portal](#).

APPENDIX 2: Original December Committee Report

PLANNING SUB-A COMMITTEE

AGENDA ITEM NO:

Date: 13th December 2012

Application number	P122372
Application type	Full Planning Application
Ward	Mildmay
Listed building	None
Development Plan Context	None
Site Address:	23, 27 & 29B, Newington Green Road, Islington, London, N1 4QT
Proposal	Redevelopment of the site including demolition of existing buildings on the site and erection of 5 three-storey family houses to the rear of the site (4 x 4 bed & 1 x 3 bed dwellings) and erection of 2 four-storey buildings fronting onto Newington Green Road to create 4 self-contained flats (3 x 2 bed & 1 x 1 bed units) and associated landscaping and refuse and bike facilities. (Alterations to recently allowed Appeal scheme).

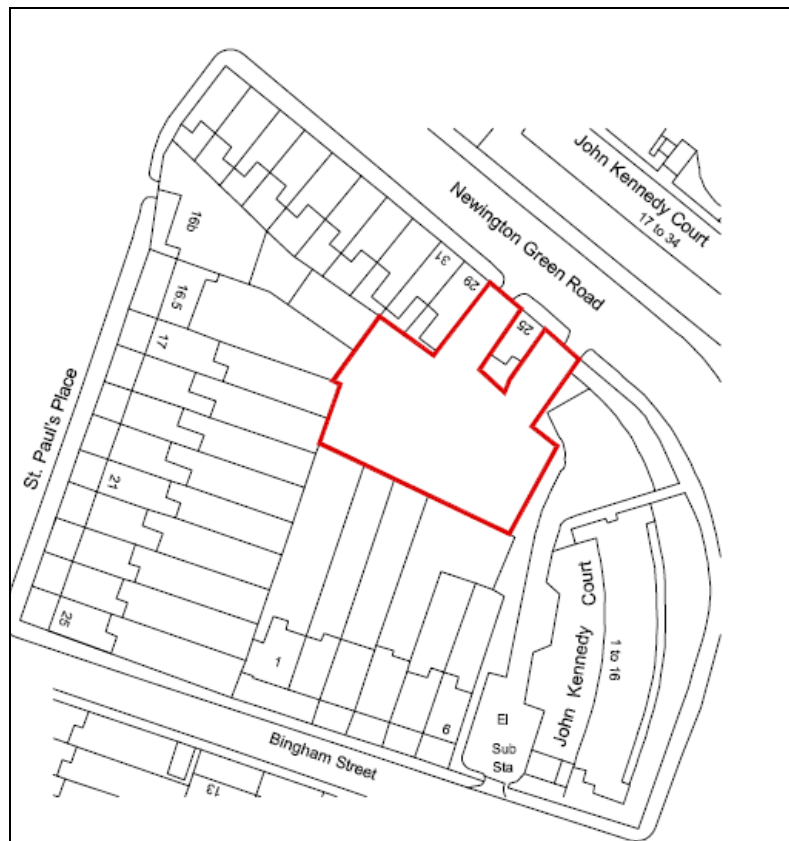
Case Officer	Paul Conboy
Applicant	Staske Ltd
Agent	Brooks/Murray Architects

1. RECOMMENDATION

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

1. for the reasons set out in Appendix 1.

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET





4. SUMMARY

- 4.1 The proposal seeks to demolish the existing buildings on site and carry out a comprehensive redevelopment of the site to create 9 self contained residential units (4 x 4 bed units, 1 x 3 bed units, 3 x 2 bed units & 1 x 1 bed unit).

4.2 It is considered that the main planning considerations in this case are:

- Land use implications
- Character and appearance of the proposed development and the wider conservation area setting and potential impacts of the development on adjoining resident's amenity levels.
- Quality of the proposed accommodation.
- Safeguarding the adjacent Trees
- Sustainability and Accessibility.

5. SITE AND SURROUNDING

5.1 The application site is occupied by vacant warehouses which were formerly a cheese factory and open sites fronting onto the highway at 23 and 27 Newington Green Road. The area is mixed use in character with ground floor commercial units and residential properties. To the south and south east of the site there is a large flatted development known as John Kennedy Court whilst to the rear along Bingham Street are a number of Victorian Listed buildings. The north- west section of the application site backs onto the rear gardens of properties along St Paul's Place. There are several trees located in the rear gardens of Bingham Street abutting the rear of the site which have the benefits of Tree Preservation Orders. The properties along St Paul's Place and Bingham Street are located within the Canonbury Conservation Area, but the application site itself is not located within a designated conservation area.

6. PROPOSAL (IN DETAIL)

6.1 The proposal seeks to demolish the existing dwellings and redevelop the site to create an entirely residential scheme with 9 proposed residential units. The main frontage to Newington Green Road would be restored with two four storey buildings built to a similar style as the existing terrace. These buildings would provide 4 self contained units (3 x 2 bed & 1 x 1 bed units) including an access way and a communal paved courtyard to the rear of the site including refuse and bike storage facilities.

6.2 The five three storey dwellings proposed would be sited behind the courtyard. These dwellings would have their own rear family size gardens. The ground floor front elevation would be finished in white render with stock brickwork finish to the upper levels. The main frontage would have recessed glazing sections serving the dwellings main staircase. Towards the rear of the dwellings there would be small rear terraces at first and second floor level accessed off the main bedrooms of each of the dwellings. The five dwelling houses would have extensive green roofs with a small green roof at first floor level for each of the two four storey buildings fronting Newington Green Road.

7. RELEVANT HISTORY:

7.1 P111627: Appeal Allowed in June 2012 against the non determination of the planning ref P111627 for the:

- Redevelopment of the site including and to the rear of Nos. 23 and 27 Newington Green Road. Demolition of existing buildings on the site and erection of 5 family

dwelling to the rear of the site (4 x 4 bed & 1 x 3 bed dwellings) and erection of 2 x four storey buildings fronting onto Newington Green Road to create 4 self contained units (3 x 2 beds & 1 x 1 bed) and associated landscaping and refuse and bike facilities.

- **P080845** 23 and 27, Newington Green Road, Islington, London, N1 4QT Withdrawn application for the Redevelopment of numbers 23 and 27 Newington Green Road to provide nine residential units with balconies to the rear.
- **P06123723**; 27 & 29, Newington Green Road, Islington Refused application for the Redevelopment to provide office accommodation (100 sq.m) and 14 residential units (four x 3-bed and ten x 2-bed).
- **P051758**: 23; 27 & 29, Newington Green Road, Islington. Refusal of permission for the Demolition of existing warehouse and erection of new 3 storey building to rear of site and new upper floors on Newington Green Road frontage to provide 18 flats.
- **P041779**: 23; 27 & 29, Newington Green Road, Islington, Withdrawn application for the Demolition of existing buildings and erection of 24 residential flats.
- **P031609**: 23; 27 & 29, Newington Green Road, Islington, Withdrawn application for the Demolition of existing buildings (warehouses & retail/ residential) and erection of 2 x 4 storey buildings. Building one at No.29 includes 2 ground level shops, 3 x 1 bed flats and 2 x 2 bed flats. Building two at front and rear of 23 & 27 include 6 x 2 bed and 14 x 1 bed flats.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties along Bingham Road, St Paul's Place and Newington Green Road itself. A site notice and press advert were displayed. At the time of writing this report, no letters of objection have been received from the public with regard to the application.

Internal Consultees

- 8.2 Access Officer: supportive, as overall in accordance with relevant policies.
- 8.3 Conservation and Design Officer: supportive, as overall the scheme will enhance the character and appearance of the area and respect the setting of the adjoining listed buildings and conservation area.
- 8.4 Tree Preservation / Landscape Officer: no tree or landscape objections subject to conditions to ensure the long term health of the tree within the site.

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. The following policies of the Development Plan are considered relevant to this application:

Emerging Policy Documents

- A. Islington's Draft Development Management Policies – June 2012 Submission Version

Designations

- 9.3 The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- None -

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.4 The following SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

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

- Appeal allowed June 2012 for the redevelopment of the site for the creation of 9 residential units.
- Land use principle
- Design merits of the proposed dwellings.
- Impact on neighbour amenity
- Quality of the accommodation itself
- Safety and security
- Trees and landscaping
- Highways and parking
- Accessibility

- Sustainability

Recent allowed appeal decision June 2012:

- 10.2 Planning permission was granted on Appeal dated June 2012 for the residential redevelopment of the site for 9 units. This appeal decision is a material consideration that due to its similarities with the scheme subject to this planning application and the fact that there has not been any significant changes to policy is afforded significant weight in the determination of this application. The appeal decision is attached at the end of this committee report.
- 10.3 The scheme granted on appeal is a very similar scheme to that subject to this application. The main changes include:
1. The omission of a retail unit at ground floor level at 23 Newington Green Road. This area is proposed to be used for residential purposes.
 2. The creation of a mansard roof extension on the proposed new four storey building at 27 Newington Green Road.
 3. The creation of different designed 5 x three storey single family dwelling houses to the rear of the site with private rear ground floor gardens finished with stock brickwork and render finishes.
 4. Proposed rear extensions to front buildings along Newington Green Road have been lowered to 2 storeys in height.
 5. Frontward part of House located along boundary with St Paul's Place has been lowered to single storey.
 6. Creation of good sized rear private gardens by realigning the allowed appeals rear building line.
- 10.4 Given the planning merits of the proposed changes to the scheme subject to this application and the extant planning permission granted on appeal it would be extremely difficult to substantiate withholding planning permission. Notwithstanding, the neighbours objections raised to this scheme, the merits of those changes are considered in further detail below and compared against the appeal scheme.

Land-use & loss of employment floorspace

- 10.5 The existing buildings have been vacant for many years and offer extremely limited opportunities for access for a wide range of commercial activities. Previous applications and appeal decisions have established that a residential led redevelopment of the site is acceptable and the council would agree with this position once more. The most recent appeal Inspector's appeal decision earlier this year allowed a similar residential led development to the current proposal which is an important material consideration. Therefore it is considered that the loss of employment floorspace has been established and the principle of the site being redeveloped for fully residential purposes is appropriate in land use terms. The proposal is in accordance with policies 3.3, 3.4 and 3.8 of the London plan 2011, CS12 of the Core Strategy 2011.

Design

- 10.6 The site has an extant planning permission for 9 units which could be implemented up until June 2012. This is an important planning consideration in this case. It is considered that in design terms that the current scheme before members is of a better overall design, scale and visual appearance when compared to the appeal scheme. The main advantages in the current scheme over the allowed appeal scheme are outlined below:
- The creation of private rear gardens for the family units in place of less private front gardens as previously approved.
 - Movement of the proposed single family dwellings away from the rear boundary of the site to ease pressure on the tree root protection areas of adjacent TPO trees.
 - Removal of upper floor rear additions to the proposed buildings fronting onto Newington Green Road.
 - Insertion of a mansard roof extension at 27 Newington Green Road to balance the end of terrace.
 - Better use of stock brickwork and smaller sections of white render at ground floor level in place of large expanses of white render and brown orange cladding.
 - Larger windows and the creation of rear upper floor level terraces to provide useful and functional rear amenity space.
- 10.7 It is considered that the new proposal is of architectural merit, with an interesting design and would form a different yet contextually integrated building when seen from the surrounding area. The use of stock brickwork and render finish are considered to tie in sympathetically with the local vernacular. The overall massing of the rear dwellings are considered to be appropriate in scale and would blend in with the prevailing height and scale of development within the area. The final choice of finishing materials will be secured through condition. It is noted that the proposed dwellings will be visible from the public realm, from Newington Green Road and the adjacent Kennedy Court. The buildings along Bingham Street to the rear of the site are Grade 2 Listed buildings with several TPO trees within the rear gardens which adjoin the application site boundary. It is considered that the proposed dwellings have addressed the constraints of the site well to create attractive and well designed family dwellings.
- 10.8 The proposed reinstatement of the main frontage buildings to Newington Green Road is particularly welcome in townscape terms. The existing situation offers a poor visual feature in this section of the road. The proposed plans here will significantly improve the visual amenity of this section of Newington Green Road while creating comfortable and well laid out residential accommodation.
- 10.9 The site has an extant planning permission for 9 units and can be implemented at any time. This is an important planning consideration in this case. It is considered that in design terms that the current scheme before members is of a better overall design, scale and visual appearance when compared to the appeal scheme. It is considered that in design terms it would be preferential for the current scheme to be implemented vis a vis the approved appeal scheme.

10.10 The overall design, scale and massing of the proposed development is not considered to be excessive and relates well to its immediate context within this relatively constrained site. The proposed dwellings and are not considered to form overdominant features with the reinstatement of the proposed buildings along Newington Green Road considerably improving the visual amenity of this section of the road. The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, D4, D5, D22 of the UDP 2002 and emerging Development Management policies (2012) DM1 and DM3.

Accessibility

10.11 In general, the design is in accordance with the requirements of the Lifetime Homes Standards and is acceptable. The proposal is considered to be in accordance with policy 7.2 of the London Plan 2011, policies: H3; H7 and H10 of the Islington Unitary Development Plan 2002, policy CS12H of the Islington Core Strategy 2011 and the Accessible Housing in Islington Supplementary Planning Document 2008.

Neighbouring Amenity

10.12 The Planning Inspector raised no concerns regarding amenity for the previous allowed scheme which was very similar in terms of scale, massing and overall height to the current proposal. The proposed development is therefore considered to accord with UDP policy D3. The main differences concern the removal of first floor part of house 1 closes to the Boundary with St Paul's Place and the squaring off of house 1 with additional built form at first floor level.

10.13 The proposal has been developed to ensure that light, overlooking, enclosure and privacy implications for adjacent residents, have been kept to a reasonable minimum. The proposed main building's rear building line relates well to adjoining properties and its overall massing, scale and height is not considered to have any material adverse impact on the amenities of adjoining occupiers.

10.14 The front elevations of the proposed rear dwellings are separated from the rear elevations of properties along Newington Green Road by the communal courtyard. There are no habitable room windows within the front elevations. Towards the rear of the proposed family dwellings there are a series of windows and rear terraces serving the dwellings bedrooms. It is important to note that the distances between these windows and terraces and the rear elevations of properties along Bingham Street is over 20 metres through in many cases substantial tree coverage. Therefore this distance subject to final rear roof terrace screening details is considered to safeguard these residents' amenity levels in terms of incidences of overlooking and loss of privacy.

10.15 The development is not considered excessively high in relation to adjoining properties. There are reasonable distances between the boundaries of the site and adjoining properties along Bingham Street and St Paul's Place. A sunlight/daylight analysis has been submitted as part of the application. In all cases the development has illustrated that overall height and massing of the proposed building is within acceptable limits. It is therefore considered that the proposed development will not result in any material loss of daylight, light, outlook or any undue sense of enclosure to adjoining occupiers.

Quality of Resulting Residential Accommodation

- 10.16 The proposed development would comprise 9 self-contained residential units over 3 floors within the main family houses and 4 other self contained units throughout four floors in the new buildings fronting Newington Green Road. The mix of units and layouts are considered appropriate. The overall dwelling mix is considered to ensure the efficient use of the site and the proposal offers a good overall mix for a development of this scale and type. The 5 dwelling houses would have good sized rear and functional amenity space.
- 10.17 All dwellings would be self-contained, with entrance halls and rooms accessed from general circulation areas. Individual units would be dual aspect and benefit from adequate sunlight, daylight and ventilation. All the family units would have direct access to a rear private amenity space with an upper floor rear terraces. The proposed units are all exceed the minimum floor sizes for units of this scale as outlined within the London Plan 2011, and would have good access to natural light, good outlook and natural ventilation. The proposal is considered to be compliant with policies CS9, CS12 of the Core Strategy 2011, D3, H3 and H7 of the UDP 2002 and emerging Development Management policies (2012) DM1.

Safeguarding the health and vitality of surrounding TPO trees surrounding the site

- 10.18 The previous appeal decision considered the allowed scheme would not have a detrimental impact on the health of adjoining trees with a scheme which was built right up to the sites boundaries in close proximity to these trees.
- 10.19 There are several mature trees with preservation orders attached located close to the rear boundaries of the site. A previous appeal for a larger four storey building in this location was dismissed at appeal following concerns regarding the long term health of the trees roots adjacent to the development and pruning pressures. The Council's tree officer has been to the area on several occasions including carrying out a trial pit to decipher the root coverage adjacent to the site. These enquiries revealed that there is not a substantial amount of trees roots which transect the site and subject to appropriate conditions that the development could be carried out without harming these trees.
- 10.20 The councils tree officer is satisfied that with the appropriate conditions imposed, the development will not adversely affect these trees during the construction of the development and longer into the future. The allowed appeal scheme proposed the new single family buildings to be built much closer to the adjoining trees than is the case with the current proposal under consideration. Therefore the current proposal is considered to be an improvement on what has already been approved in terms of protecting the short and long term health of the adjoining trees including avoiding any undue pressure for significant pruning in both the short and long term.

Sustainability, Energy Efficiency and Renewable Energy

- 10.21 The redevelopment of the site for a residential use is inherently sustainable. The commitment to achieve Code for Sustainable Homes Level 4 is welcome and will be secured by condition. The proposal is considered to be compliant with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011, and emerging Development Management policies (2012) DM41, DM43 and DM38.

Highways and Transportation

10.22 In accordance with policy and all new housing developments this is a car free scheme. It is well located in regard to public transport links. The proposal is 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.

Planning Obligations, Community Infrastructure Levy and local finance considerations

10.23 The applicants have agreed to enter into a s106 agreement to mitigate the impacts of the development on the wider community and provide some monies for the increased service provisions in the area that would arise from the development. The agreed heads of terms are outlined in Appendix 1 Recommendation A. The proposed development would also be liable for the Major's CIL charges.

10.24 The application was submitted to the council prior to the official adoption of the council's Small Sites Affordable Contribution SPG and as such the proposed development is not liable for this contribution.

Conclusion

10.25 The form, design and standard of accommodation is considered to be of sufficient quality to warrant approval and the redevelopment would not have an adverse impact on the amenities of surrounding residents nor the character and appearance of the surrounding area. Subject to this it is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a 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 Area Team Leader:

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made valid, the Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation the proposed development is not acceptable in planning terms. . ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the following heads of terms as:

11. A contribution of £21,178 towards transport and public realm improvement works within the vicinity of the site.
12. A contribution of £20,696 towards public open space improvement works within the vicinity of the site.
13. A contribution of £14,538 towards playspace facilities in the vicinity of the site.
14. A contribution of £11,893 towards community improvement works within the vicinity of the site.
15. A contribution of £9,358 towards sport and recreation improvement works within the vicinity of the site.
16. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
17. A contribution of £5,000 for the provision of accessible transport bays or alternative accessible transport measures.
18. Compliance with the Code of Employment and Training. Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee (£5,000 per placement) to be paid to LBI. Applicant to pay for trainee's wages at least to minimum wage. LBI Construction Works Team to recruit and monitor placements.

19. Compliance with the Code of Local Procurement.

20. Compliance with the Code of Construction Practice, including a monitoring fee (£900).

Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

This amount is index-linked from the date of committee and is due upon implementation of the planning permission.

RECOMMENDATION B

That if members are minded to approve this proposal (subject to conditions and ~Deed of Planning Obligation) 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 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 development proposal offers a well designed and efficient use of the existing site. The proposed development will create useable and valuable residential accommodation and is therefore considered to be acceptable in land use terms. The loss of the vacant public house has been justified in line with Emerging Development Management policy DM27. The development complies with policies 3.3 3.4 & 7.5 of the London Plan 2011 and policies 9, 10 & 12 of Islington's Core Strategy 2011.
- The bulk, height and scale of the scheme has been developed to ensure that it is contextual and that it will not have any adverse impact on neighbouring residential amenity (i.e. loss of daylight or sunlight, loss of privacy and unreasonable sense of enclosure for neighbours, overshadowing and outlook). The proposal is considered to be compliant with policy D3 of the UDP 2002 and policy DM1 of the emerging Development Management policies 2012.
- The proposal provides inclusive and convenient access for all within the development. The development therefore complies with policies 7.2 of the London Plan 2011 and policies Env12 and D3 of the Unitary Development Plan 2002 which seek to secure appropriate and inclusive designs for developments.

- The resulting residential accommodation is considered to be of good quality and standard of design. The design and appearance of the new residential units subject to compliance with conditions, is considered positive and would enhance the character and appearance of the surrounding Highbury Fields Conservation Area. The scheme is in line with policies 3.5, 3.8 & 7.1 of the London Plan 2011 and policies D3, D4, D20, D24 of the Islington Unitary Development Plan 2002 and policies 9, 10 & 12 of Islington's Core Strategy 2011 which seeks to secure the appropriate overall design of buildings.

The use of the application site for residential uses is inherently sustainable in land-use terms. The proposal is considered to be compliant with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011, and emerging Development Management policies (2012) DM41, DM43 and DM38.

RECOMMENDATION C

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 accordance with the following approved plans:

Covering letter from Brooks/Murray Architects dated 18th October 2012, Design and access statement ref 929-P3 dated October 2012, site location plan numbered 929-P3-010, Arboricultural Implications assessment (AIA) by TMC Arboricultural Consultants dated January 2012 numbered 929-P3-TR1, Residential and density and mix analysis report by Bell Cornwell, Sunlight study-St Paul Place October 2012, Sunlight Study-Bingham Street October 2012, Code for sustainable homes Code 4 Pre-Assessment Report (Metropolis Green) dated June 2011, letter from David Maycox & Co dated 17th January 2012, External Noise Assessment Rev 1 dated January 2012 (Sound Advice Acoustics Ltd), Sunlight study-25 Newington Green Road October 2012, Energy Strategy (Metropolis Green) dated July 2011, Sunlight and daylight report produced by David Maycox & Co dated 1 August 2012, Drawing numbers: 929-P3-PH01, 929-P3-PH02, TMC-11005-S/REV A, 929-P3-400, 929-P3-401, 929-P3-402, 929-P3-403, 929-P3-404, 929-P3-110, 929-P3-111, 929-P3-112, 929-P3-113, 929-P3-311, 929-P3-312, 929-P3-212, 929-P3-210, 929-P3-211 & 929-P3-310, 929-P3-050, 929-P3-051, 929-P3-052, 929-P3-053 & 929-P3-100.

REASON: To comply with Section 70(1) (a) of the Town and Country Planning 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:

- f) Samples of all facing brickwork types, including mortar and pointing.
- g) Window and door treatment (including sections and reveals);
- h) Roofing materials;
- i) Any other materials to be used.
- j) Green roof specifications

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 and 7.6; of the London Plan 2011, policies: D4 and D24 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS10F of the Islington Core Strategy 2011.

4 Bike storage measures

CONDITION: The bicycle storage areas hereby approved, which shall be secure and provide for no less than 12 bicycle spaces, 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.

5 No tree pruning without further consent

CONDITION: Notwithstanding any other plans or documents hereby approved, no pruning of trees adjacent or over hanging the site (including branches or roots) are permitted without obtaining written approval of the local planning authority.

Tree pruning shall be carried out strictly in accordance with the details yet to be approved and no change shall take place without prior written approval of the Local Planning Authority.

REASON: In the interest of the protection of trees and to safeguard visual amenities in accordance with policy Env 6 of the Islington Unitary Development Plan 2002.

6 Landscaping scheme details

No demolition, site clearance or development shall take place until a tree protection plan and an arboricultural method statement detailing the protection of trees and tree root systems bordering and adjacent to the site in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction, have been submitted to and approved in writing by the local planning authority. The tree protection plan and arboricultural method statement must specify any pruning works

proposed and details of proposed arboricultural supervision, a site plan identifying all trees to be retained or removed, the location of the root protection areas, the construction exclusion zones, canopies overhanging the site, and the erection of hoarding / installation of tree boxes as appropriate, and details of the tree protection fencing.

REASON: To ensure prior establishment and maturity of landscaping to enhance the visual amenity of the site in accordance with policy ENV 6 of Islington's Unitary Development Plan 2006.

7 Code of Sustainable Homes Level 4

CONDITION: The development shall achieve a Code for Sustainable Homes rating of no less than 'Level 4'.

REASON: In the interest of addressing climate change and to secure sustainable development in accordance with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011.

8 No permitted development rights

CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwelling houses hereby approved shall be carried out or constructed without express planning permission.

REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling house(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme. The removal of Permitted Development rights would ensure compliance with policy D3 of the Islington Unitary Development Plan 2002.

9 Screening to the rear roof terraces

CONDITION: Detailed drawings and samples of a scheme of screening for the first & second floor rear roof terraces of the hereby approved family dwellings shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first occupation of the residential units of the hereby approved scheme and maintained to the satisfaction of the Local Planning Authority thereafter

REASON: In order to safeguard the amenity levels of prospective occupiers of the units and adjacent occupiers in accordance with policy D3 of Islington's Unitary Development Plan 2002.

10 Construction Controls

CONDITION: During the demolition 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:

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.

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.

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.

REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process in accordance with policy D3 of Islington's Unitary Development Plan 2002.

11 Accessible Housing

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 ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.

REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs, in accordance with policy 7.2 of the London Plan 2011, policies: H3; H7 and H10 of the Islington Unitary Development Plan 2002, policy CS12H of the Islington Core Strategy 2011 and the Accessible Housing in Islington Supplementary Planning Document 2008.

12 Boundary Treatment (Details)

CONDITION: Details of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.

The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.

REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure in accordance with policies: 7.4; 7.3 and 7.6 of the London Plan 2011 and policies: D8 & D24 of the Islington Unitary Development Plan 2002.

List of Informatives:

1 LPA 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.

The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an

acceptable development in accordance with the requirements of the NPPF

2 S106

SECTION 106 AGREEMENT

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

3 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.

4 Car-Free Development

INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.

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 partners must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council. This should be received by the Council within the next 21 days. 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. Persistent failure to pay CIL liabilities due may result in the Council imposing surcharges, serving a CIL stop notice prohibiting further development on the site and/or taking action to recover the debt due. The above forms can be found on the [Planning Portal](#).

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 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

3 London's people Policy 3.3 Increasing housing supply Policy 3.4 Optimising housing potential Policy 3.5 Quality and design of housing developments Policy 3.8 Housing choice	6 London's transport Policy 6.9 Cycling
5 London's response to climate change Policy 5.1 Climate change mitigation Policy 5.2 Minimising carbon dioxide emissions Policy 5.3 Sustainable design and construction	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
	8 Implementation, monitoring and review Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Islington Unitary Development Plan (2002)

Environment Policies:

Env5 & 6 (Protecting Trees)
Env16 & 17 (Protection of Amenity))

Conservation and Design Policies:

D3 (Site Planning)
D4 (Designing in Context)
D5 (Townscape)
D8 (Boundary Walls, Paving and Street Furniture)
D20 (Land Use)

Housing Policies:

H3 (New Housing and Changes of Use to Residential)
H7 (Standards and Guidelines)
H10 (New Development)

Sustainable Transport Policies:

T18 (Parking and Traffic Restraint)
T34 (Cycle Parking)

D22 (New Development)

3. **Emerging Policy Documents**

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

Design and Heritage

DM1 Design

DM2 Inclusive Design

DM3 Heritage

DM12 Housing Standards

DM13 Private outdoor space

Energy and Environmental Standards

DM40 Sustainable design and construction statements

DM43 Sustainable design standards

Transport

DM48 Walking and cycling

DM49 Vehicle parking

5 **Designations**

The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

None

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

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

Islington UDP

- Accessible Housing in Islington
- Planning Standards Guidelines
- Planning Obligations and S106
- Urban Design Guide



Appeal Decision

Site visit made on 26 June 2012

by **Sue Glover BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **22 August 2012**

Appeal Ref: APP/V5570/A/12/2173278

23, 27 and 29b Newington Green Road, London N1 4QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Staske (London) Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P111627 is dated 30 June 2011.
 - The development proposed is the redevelopment of nos. 23, 27 & 29b Newington Green Road to provide 9 residential units and a small retail unit at ground level at no. 27.
-

Decision

1. The appeal is allowed and planning permission granted for the redevelopment of nos. 23, 27 & 29b Newington Green Road to provide 9 residential units and a small retail unit at ground level at no. 27, at nos. 23, 27 and 29b Newington Green Road, London N1 4QT in accordance with the terms of the application, Ref P111627 dated 30 June 2011, subject to the schedule of conditions set out in the annex to this decision.

Procedural Matters

2. The appeal site also incorporates no. 29b so I have included this address in the description. Whilst some revisions were made to drawings after the application to the Council, the status of these amended drawings is unclear. I have therefore judged the proposal on the basis of the drawings submitted with the application.

Main Issue

3. The main issue is whether the proposal makes efficient use of the site in respect of the height, mix and size of units, and the layout, and whether a contribution towards affordable housing is necessary.

Reasons

4. The Council indicates that the site is capable of accommodating more than 9 dwellings in this accessible location despite constraints such as trees protected by a Tree Preservation Order, although the root protection areas are less extensive than previously thought. The dwellings at the side and rear of the appeal site are within a conservation area and some of these dwellings are listed buildings.

5. An appeal was dismissed in 2007 for a 4-storey building with a higher number of dwellings towards the rear of the site, solely on the grounds of the effect on the protected trees. Since 2007 however there have been material changes to national and local policies. These include changes to the requirements to raise internal floor to ceiling heights that would affect the height of any 4-storey building. I have therefore judged this appeal proposal on its own merits in the light of the prevailing planning policies.
6. The Council indicates that all the units are above the current minimum floor space guidelines, with 4 of the units being some 20 square metres above the guidelines. However, the space standards are minimum standards and do not preclude the provision of more generous accommodation.
7. The Council suggests other scenarios that might provide more than 9 units, but I have no details of any other alternative schemes or evidence of their viability. Planning permission for housing has been sought on this site with various different development options over a significant period of time, and none of those options was approved.
8. The appellant has sought the views of the local community including those of nearby residents in St Paul's Place and Bingham Street. Although there remain objections from some local people on various grounds including "overdevelopment", the Council does not oppose the appeal proposal because of an unacceptable appearance or effect on the conservation area, on listed buildings or protected trees, or on the living conditions of nearby residents.
9. The proposed scale of the 3-storey buildings towards the rear of the site reflects the scale of nearby buildings in the conservation area and respects the setting of the listed buildings. The appeal scheme optimises the footprint of buildings and takes the opportunity to rise to 4 floors where appropriate on the frontage. There are a mix of size of dwellings, including larger family sized dwellings and smaller units. On balance the proposal appears to be a well thought out design and layout on a site that is currently under-used, and which addresses the significant site constraints.
10. Moreover the density as proposed falls within the middle of the density range as indicated within Table 3.2 of Policy 3.4 of The London Plan. An objective of Policy 3.4 is to optimise housing potential, having regard to the local context and character. The proposal complies with Policy 3.4.
11. Notwithstanding my findings regarding the optimisation of the site, there is a strong evidential base supporting the need for affordable housing in the Borough, as well as for general housing. Details of affordable housing are not addressed in the Planning Obligations (Section 106) Supplementary Planning Document (SPD), but within the Core Strategy and in emerging local plan documents. Core Strategy Policy CS 12 sets out ways in which the borough will provide more high quality, inclusive and affordable homes. It indicates that schemes below the threshold of 10 units will be required to provide a financial contribution towards affordable housing.
12. A further Supplementary Planning Document, still in draft form, is intended to set out the formula for calculating the financial contribution to be made for affordable housing. This document has been out to consultation, but it is not in its final form and is yet to be adopted. I therefore place only limited weight on it. There is therefore no mechanism in place for compliance with

Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 under prevailing policies for a contribution to be made towards affordable housing in respect of the appeal proposal, and therefore a contribution towards affordable housing is not necessary.

13. Although there would be no provision or contribution towards affordable housing, much needed housing would be brought forward within an acceptable density range, with a good mix of unit sizes, and an acceptable layout and height of buildings taking account the significant site constraints.
14. To conclude, I find no substantive evidence to indicate that the proposal would not make efficient use of the site in respect of the height, mix and size of units, and the layout. In this respect the development does not conflict with the objectives of London Plan Policies 3.3, 3.4, 3.8, 3.9, 3.11, and 3.12, Policy CS 12 of the Core Strategy and with Saved Policies H3 ii) and Imp 6 of the Unitary Development Plan 2002.

Other matters

15. As indicated above there remain objections from some local residents and from the occupier of the business premises at no. 25. These objections primarily focus on living conditions in respect of daylight, sunlight, outlook, privacy, noise and disturbance.
16. I am satisfied that the dwellings at the rear and side would be separated from the appeal buildings by good sized rear gardens and screened to some extent by trees. There would be reasonable separation distances between buildings and between windows in buildings in accordance with space standards commonly used to assess the effect on living conditions. I therefore find no material harm to the living conditions of nearby residents in respect of daylight, sunlight, outlook, privacy, and noise and disturbance on account of the reasonable separation distances.
17. There are roof lights to a habitable room in a detached outbuilding in the garden of a nearby dwelling. However, from the evidence before me and my site visit I am satisfied that the separation is sufficient that any loss of daylight or sunlight would not be materially harmful to the living conditions of those residents.
18. The existing business premises at no. 25 would remain in place with the replacement of the commercial buildings at the rear, and new development on either side. The owner of the business premises indicates that he wants to apply for a change of use to residential accommodation, but I have no information that a residential use would be acceptable or indeed has been approved. Matters of daylight and outlook from a dwelling are therefore not pertinent to my decision. Taking into account the position and scale of the proposed buildings, I find no substantive evidence in the submissions that there would be harm to daylight or outlook from the business premises.
19. There would be an access at the side of no. 25, although any right of way is not material to this decision. I find no justification for withholding permission on account of the effect on the occupier of no. 25.
20. I find no substantive evidence to indicate any material harm from the loss of employment floor space or any significant additional parking pressures or traffic arising from the appeal proposal bearing in mind the accessibility of the

site to public transport, and local shops and services. A condition could be imposed to protect trees during construction. I am also satisfied that the design of the proposal is such, including the position of windows, that the Council would be able to resist any demands for unacceptable pruning or felling of protected trees.

21. A signed planning obligation has been submitted, which undertakes to make contributions for accessible transport, community facilities, open space facilities, play space facilities, sport and recreation, transport and public realm improvements, a highway reinstatement payment, and monitoring fee. I have considered the obligation in the light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.
22. UDP Policy Imp 13 indicates that the Council will seek to ensure benefits for the community through legal agreements in direct relation to the nature and scale of the proposed development, to its effect on the character of the area and to its likely impact on local infrastructure, facilities and services.
23. The Council provides justification in appendix 6 of its statement why these contributions are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The Planning Obligations SPD sets out the basis of the calculations employed and how the monies identified are related in scale and kind to the development. The SPD sets out those areas where planning obligations and charges will be sought for developments where deemed to be necessary. The areas include those specified in the signed agreement.
24. In respect of accessible transport, there would be no parking within the site, so a contribution is necessary for the installation of on-street accessible parking bays in the vicinity of the site in accordance with London Plan Policies 6.13 and 7.1 and Core Strategy Policy CS 18. The amount is fairly and reasonably related to the development based on a sum for each parking bay. This obligation therefore would pass the statutory tests and I am able to take it into account as a material consideration.
25. The transport and public realm contribution is necessary for pedestrians and cyclists to facilitate modal shift away from congested public transport services in accordance with London Plan Policies 6.1, 6.7, 6.10 and 8.2 and Core Strategy Policies CS 10 and CS 18. Works have been identified in the immediate vicinity of the appeal site to improve accessibility and reduce accidents. The amount is fairly and reasonably related to the development based on a sum for each prospective resident. I therefore consider that this obligation would pass the statutory tests and I am able to take it into account as a material consideration.
26. A highway reinstatement fee is required for the actual costs of reinstatement of any damage from construction in accordance with policy 7.1 (D) of the London Plan. Given that alterations would be necessary within the highway, I consider that this obligation would pass the statutory tests and I am able to take it into account as a material consideration.
27. In respect of community facilities the contribution would be towards a well used library in close proximity to the site to enable it to cope with increased demand in accordance with London Plan Policy 3.6A and Core Strategy Policies CS 7.E and CS 18. The amount is fairly and reasonably related to the

development based on a sum for each prospective resident. Given the likely increase in the number of households at the appeal site and increase in demand for library services, I consider that this obligation would pass the statutory tests and I am able to take it into account as a material consideration.

28. With regard to play space facilities the contribution would be towards improved accessible play facilities at the nearby Newington Green Park in accordance with London Plan Policy 7.1 and Core Strategy Policy CS 18. The amount is fairly and reasonably related to the development based on a sum for the estimated number of children living at the appeal development. Given the likely increase in demand for play space facilities, I consider that this obligation would pass the statutory tests and I am able to take it into account as a material consideration.
29. The contribution towards open space facilities would seek to improve capacity at Newington Green, which is in need of works to make best use of limited space and to cope with intensification of its use in accordance with London Plan Policy 5.10(C) and Core Strategy Policies CS 15 and CS 18. The amount is fairly and reasonably related to the development based on a sum for each prospective resident. Given the likely increase in demand for open space facilities, this obligation would pass the statutory tests and I am able to take it into account as a material consideration.
30. In respect of sport and recreation the contribution is required to provide capacity improvement works at the nearby Highbury Pool to comply with London Plan Policy 7.1 (C), Core Strategy Policy CS 17.B and UDP Policy Imp 13. The amount is fairly and reasonably related to the development based on a sum for each prospective resident. Taking into account the likely increase in demand for sport facilities in the area from new residents at the appeal site, I consider that this obligation would pass the statutory tests and I am able to take it into account as a material consideration.
31. There is an obligation relating to the code of construction practice together with a monitoring fee. There are also obligations in respect of compliance with the code of local procurement and the code of employment and training. Whilst these aspects may be desirable, I cannot conclude from the information before me that they are necessary to make the development acceptable. These obligations do not meet all the tests set out in CIL Regulation 122 and I am unable to take them into account in determining this appeal.
32. I have considered all the policies in the National Planning Policy Framework in the light of the submissions for this appeal, but the National Framework does not alter my conclusions. I have taken into account all other matters, but I find none that are of sufficient merit to warrant the dismissal of this appeal.

Conditions

33. I have imposed a condition requiring details of external materials and finishes to ensure a high quality finished appearance. There are conditions to ensure that the dwellings achieve good standards of accessibility and sustainability in respect of Lifetime Homes Standards and the Code for Sustainable Homes. To protect trees near the boundary, including those protected by a Tree Preservation Order, there is a condition requiring the submission and implementation of measures of protection.

34. As there are dedicated refuse and recycling enclosures indicated on the drawings, I find a condition requiring further details of these to be unnecessary. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Sue Glover

INSPECTOR

ANNEX

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. P-891-001, P-891-010, P-891-050, P-891-051, P-891-052, P-891-053, P-891-100, P-891-110, P-891-111, P-891-112, P-891-113, P-891-210, P-891-211, P-891-212, P-891-310, P-891-311, P-891-312.
- 3) No development shall take place until details of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The dwellings shall achieve a minimum of Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued.
- 5) No demolition, site clearance or development shall take place until a tree protection plan and an arboricultural method statement detailing the protection of trees and tree root systems bordering and adjacent to the site in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction, have been submitted to and approved in writing by the local planning authority. The tree protection plan and arboricultural method statement must specify any pruning works proposed and details of proposed arboricultural supervision, a site plan identifying all trees to be retained or removed, the location of the root protection areas, the construction exclusion zones, canopies overhanging the site, and the erection of hoarding / installation of tree boxes as appropriate, and details of the tree protection fencing.
- 6) The dwellings shall be constructed to the standards for flexible homes in Islington, as indicated in the Accessible Housing in Islington Supplementary Planning Document, incorporating Lifetime Homes Standards.

